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No. 153

## House of Representatives

The House met at 10 a.m.

The Reverend Paul C. Granillo, Priest Secretary, Diocese of San Bernardino, California, offered the following prayer:

Good and gracious God, this morning we ask You, our Creator, to bless the United States of America and this, her House of Representatives. Help us to be a people and leaders committed to the self-evident truths proclaimed in our Declaration of Independence, the rights of humanity to life, liberty, and happiness.

Never let us take for granted the honor it is to live in this country, and never let us fail to recognize the responsibility that that honor places upon us.

Help us to use the many blessings bestowed upon our Nation to make the world a better, more peace-filled place. Help us to be generous towards our sisters and brothers who hunger for food, medicine, education, and justice.

Loving God, we give You thanks for the gifts and responsibilities You have bestowed upon each of us this day, most especially for our life, our liberty, and our happiness. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. BACA) come forward and lead the House in the Pledge of Allegiance.

Mr. BACA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 206. An act to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to the Rio Arriba County, New Mexico.

S. 251. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon.

S. 485. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 695. An act to suspend temporarily new shipper bonding privileges.

S. 761. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

S. 777. An act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 891. An act to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska.

S. 895. An act to direct the Secretary of the Interior to establish a rural water supply

program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 958. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the State of Maryland and Virginia and the District of Columbia as a National Historic Trail.

S. 1154. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

S. 1238. An act to amend the Public Lands Corps of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1338. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

S. 1627. An act to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

### WELCOMING FATHER PAUL GRANILLO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, it is my privilege to welcome our guest chaplain, Paul Christopher Granillo of the Diocese of San Bernardino, and thank him for giving the opening prayer this morning. I believe he is the first Catholic priest from the San Bernardino Diocese to offer the prayer in the U.S. Capitol.

Father Granillo, or Father Paul, as he is known, was born in Redlands, California and educated at the local schools there where I met him as a student where he was involved with the Junior Achievement program.

He is part of a very proud Mexican-American family that has lived in that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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city for three generations. He is the eldest of two sons born to Richard and Connie Granillo. His younger brother, Carlo Granillo, is a police detective in the City of Fontana. This is a wonderful family, and I am sure they are proud to serve the Inland Empire communities in their respective ways.

Father Paul attended Cal State University of San Bernardino and graduated with a BA degree in history where my wife, Barbara Baca, Joe Baca, Jr., and his wife, Jennifer Sanchez Baca, also graduated from. He received a Master of Divinity from St. John's Seminary in Camarillo, California and a License in Canon Law from Catholic University here in Washington, DC.

Following his ordination in May of 1997, he served as a parish priest in Cathedral City, Rancho Mirage and Riverside, California.

He is now assigned to Our Lady of the Rosary Cathedral, and he currently serves as Priest Secretary to Bishop Gerald Barnes and as the Communications Director for the Diocese of San Bernardino and Riverside Counties in California.

Father Paul is very active in the greater San Bernardino communities, providing services and counsel to growing Hispanic communities.

We were recently together at a Catholic charity event. In addition to his church activity, he is an avid golfer where he and Father Howard Paul and Joe Baca, Jr. and I have had the privilege of enjoying a friendly competitive round of golf against one another. And I tell him, Father Paul, the Lord cannot always guide your golf ball in a straight direction because he wants you to know the feeling of the lost sheep that was lost, but found the right path.

I thank Chaplain Coughlin for his kind invitation to Reverend Granillo to offer this morning's prayer. I thank Father Paul for traveling to our Nation's capital today to be with us. God bless him, and God bless his family.

#### A BAD CASE OF AMNESIA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today because I am concerned about some Democrats here in Washington. It seems that when it comes to the vote on the Iraq war, they have developed a serious case of amnesia. That is why I am going to give them a little reminder of what they said 3 years ago as they cast the votes they seem to have forgotten.

A leading liberal Senator from New York argued that "If left unchecked, Saddam Hussein will continue to increase his capability to wage biological and chemical warfare and will keep trying to develop nuclear weapons."

The Minority Leader in this House emphatically stated, "Saddam Hussein certainly has chemical and biological

weapons. There is no question about that."

The Minority Leader in the Senate warned that, "Saddam Hussein's near success with developing a nuclear weapon should be an eye-opener for us all."

Now, some Democrats want to act as if these statements of support for the war never happened. We all remember the line, "I voted for the war before I voted against it." It seems like many more Democrats are jumping on that bandwagon.

#### DEPARTMENT OF INJUSTICE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, as we celebrate Robert Kennedy's 80th birthday, the Robert F. Kennedy Justice Department maybe, given what has happened, should be renamed the Department of No Justice, because political operatives in charge have betrayed his legacy and the cause of justice in this country.

As The Washington Post reports this morning, despite objections of the Justice Department's career professionals, President Bush's political appointees "preapproved" a controversial Georgia voter-identification program that has been compared to a modern-day poll tax.

This is just one of a series of incidents that have subverted the purposes for which the Justice Department exists.

Last June, Justice Department political appointees announced that the government would seek \$10 billion instead of the \$130 billion recommended by career lawyers in a case they tried for 6 years against the tobacco industry, and won.

In the voting rights section, political appointees have also overruled career lawyers in approving GOP-backed redistricting maps for Georgia and Texas in recent years.

Now, that is a way to build morale.

In fact, the Civil Rights Division has lost nearly 20 percent of its career lawyers this year alone because they are fed up with political interference. At this point, they might as well drop the word "justice" from the masthead of the Department.

It is time to end the political interference and let the Justice Department professionals do their jobs. Incompetence is not a virtue.

#### ALTERNATIVE MINIMUM TAX

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to strongly urge this House to act before the end of the year to protect middle class families from the alternative minimum tax.

When a 1993 tax increase failed to adjust the AMT exemption amounts for

inflation, what was intended to be a tax on high-income taxpayers became a tax that punishes the middle class. If the middle class exemptions are not extended for 2006, the numbers of New Yorkers forced to pay the alternative minimum tax will more than quadruple to 1.6 million families next year.

Make no mistake about it, these are middle class taxpayers that would be apprehended by the AMT because we have not changed the law. Many of them live in the Hudson Valley that I represent.

This is an unfair tax on middle class Hudson Valley residents who would be forced to pay an average of \$4,000 in new taxes next year. This is money middle class families need to pay their own bills and put their own family needs in order. The last thing we should be doing is forcing middle class families in New York to send more of their money to Washington, D.C.

Let us do the right thing for the middle class. Let us extend the AMT exemptions before the end of this year.

#### RECLAIMING AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the budget bill attacks students and low-income and middle class families. It targets low and moderate income Americans with \$70 billion in new tax cuts that will be included in the budget, and those tax cuts favor the super rich.

The tax cuts for the rich are placed on the backs of students and their families. Under this bill, student borrowers, already saddled with \$17,500 in debt, could be forced to pay up to an additional \$1,500 for his or her college loans. The bill raises student loan interest rate caps, raises borrower interest rates and fees for consolidation loans, and raises student loan taxes, and puts billions of dollars in student aid at risk by cutting all the critical funds used to carry out and administer student aid programs.

So we have more and more young Americans who will not be getting a college education, but they will be getting a political education. If you do not vote, the politicians in Washington will ignore you, shove you aside, cut your education funds. It is a call to young Americans to get involved, register, vote, and reclaim this country.

#### RECOGNIZING LAURIN GROOVER'S LATEST SUCCESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President Teddy Roosevelt once said that "The best prize that life has to offer is the chance to work hard at work worth doing."

Throughout the past 11 years, Laurin Groover, a native of Florence, South Carolina, has done just that by working to improve the lives of countless citizens of the second district of South Carolina.

After graduating from the University of the South in Sewanee, Tennessee, Laurin began work in Washington as a staff assistant with my predecessor, the late Chairman Floyd Spence. Due to her extensive knowledge of military issues and strong work ethic, Laurin has quickly risen through the ranks on Capitol Hill. As Legislative Director in the office, she has been instrumental in protecting America's and South Carolina's military installations and helping American men and women in uniform win the war on Terrorism.

Although I am sad to announce that Laurin is leaving the Hill, I am happy to recognize her opportunity as a consultant with the American Business Development Group.

In conclusion, God bless our troops, and we will never forget September 11.

#### VICTIMIZING THE VICTIMS (AGAIN)

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the Bush Administration's inability to deal with natural disasters was demonstrated once again yesterday when the President's buddies at FEMA sent Thanksgiving greetings to the Katrina victims: "Hit the streets in two weeks." The same "compassionate conservatism" demonstrated during the botched rescue is now being repeated in the aftermath.

In addition to victimizing the victims again, this will leave cities across Texas with a sudden increase in the homeless population; cities like Austin that are still owed over \$2 million in what the Federal Government promised to pay for the Katrina disaster. While giving evacuees only two weeks to leave, FEMA took three weeks to issue the October 24 press announcement.

Mr. President, I understand your desperation for the distraction offered by foreign travel, but is it not time for you to get home and address one of the many failures of this Administration for Americans?

#### HOME OWNERSHIP AND GROWING ECONOMY—GOOD NEWS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, our economy is continuing its move up, with the housing market in the driver's seat. Since the 1990s, the housing market has been on the rise, and last quarter this increase was even bigger, reaching record-breaking growth. This is good news and something that we all should applaud.

Mr. Speaker, this housing boom should be creating a lot of news, and

there are a few facts that you may not have seen in your morning paper. New homeowners have been able to build hundreds of billions of dollars in equity in ownership. Consumer spending has increased, putting more and more dollars back into our economy. New jobs, that is an increase in jobs, has occurred in each of the last 25 months. And, of course, the increased rate of homeownership to record levels have helped millions of Americans realize the American dream.

With a stronger economy and an increase in jobs, the trend of continuous economic growth should only grow stronger in the months ahead. As we approach Thanksgiving, we should all give thanks for the incredible opportunities we have in our Nation, opportunities that give every American greater hope and optimism about their future.

□ 1015

#### SOCIAL SECURITY

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, this year the President of the United States, George W. Bush, raised the issue and started the great debate on Social Security. The American public learned that our Social Security system is in trouble, and they know that if we do not do something, we are going to be facing a crisis.

You can debate when that crisis is going to happen, but no one now will doubt that there is a crisis. I believe we can dream a dream for an America in which everyone can have a living amount of money that they can retire on. Right now, if Social Security is all you have got, you are in trouble. It is time for us to continue this debate.

It is time for us on both sides of the aisle to come to the table and address Social Security and come up with solutions which will increase the amount of available income to our retirees and to our elderly, so that all people in America can live the American Dream, both now and when they reach their golden years. Let us not stop the debate on Social Security. Let us continue to look at this important issue.

#### TORTURE AMENDMENT

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, it is said that actions speak louder than words, but our reputation depends on both. Fair or not, for people around the world, the actions of a few Americans at Abu Ghraib have left a stain on America's reputation and have made it harder for us to win the war against global jihadists. Erasing that stain and protecting our soldiers will take both respectable actions and credible words.

I applaud the Senate for twice voting, once by a 90-9 tally and again by voice vote, to set clear guidelines for interrogating prisoners and to prohibit techniques that do not meet Army regulations in the Geneva Conventions. Making that the law will give credibility to our words about our conduct.

If anyone knows about torture, it is the senior Senator from Arizona. What does he say? Senator McCain says the idea America could use torture is killing us. He says torture does not work. It yields answers, but not necessarily the truth. That is wrong, because as Senator McCain says, our men and women in uniform are always, always Americans and different, better, and stronger than those who would destroy us.

Mr. Speaker, our troops need clear guidelines, and the Senate amendment provides just that. The House should take a stand and pass this important amendment.

#### JEFFREY WADSWORTH

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I rise today to congratulate Dr. Jeffrey Wadsworth on his induction into the National Academy of Engineering. Election to the academy is among the highest distinctions that the engineering profession can bestow. I can think of no one more deserving of this honor.

Dr. Wadsworth is a world-renowned metallurgist. He became a United States citizen and has had a distinguished career at Lockheed, Lawrence Livermore National Lab, and Battelle Memorial Institute. He has devoted himself to finding ways of using science and technology to improve our Nation, compiling a stellar record of contributions and earning numerous awards.

Since 2003, Dr. Wadsworth has been the director of the Oak Ridge National Laboratory in Oak Ridge, Tennessee. Under his leadership, the lab has continued as one of the world's premier research institutions for material sciences and energy research. Dr. Wadsworth was elected to the academy in recognition of his research and leadership in national defense and science programs.

Congratulations to Dr. Jeffrey Wadsworth on his induction into the National Academy of Engineering and his service to Oak Ridge, Tennessee.

Jeff, thank you for your many contributions.

#### GOP BUDGET RECONCILIATION

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to tell my constituents and the American people that the raid is still in progress. The House

Republican leadership continues its attempt to further raid the Nation's coffers and rob our citizens of important services.

Last week, Republicans had to pull their budget reconciliation from the House floor, temporarily preventing a disastrous fiscal blow that will dig an even deeper deficit hole. This week they continue efforts to force through Congress over \$50 billion in cuts to important programs, including student loans, Medicaid, child support and child support enforcement. Despite shameful attempts to disguise these cuts and services as necessary tough choices, the budget reconciliation funds an additional \$70 billion in misguided tax cuts for the wealthy and neglects the billions needed for Hurricane Katrina reconstruction efforts.

Democrats are holding Republicans accountable for enormously irresponsible spending that has managed to turn the surplus that the President inherited into an \$8 trillion deficit. Fortunately, there are a few honest Republicans who know that the budget plan will make the national debt worse by adding an additional \$20 billion to the already record-high deficit. They know they have lost their way with years of increased spending and indefensible tax cuts.

I hope that they stand strong and may not do what is responsible or what is popular in their conference, but do what is right for the American people.

#### MARY DEXTER SCANLON

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, today I rise to honor Mrs. Mary Dexter Scanlon on the occasion of her 100th birthday. On November 21, 2005, she is celebrating this milestone in this life with over 50 relatives and friends of the family who will come across the country to her home in Boca Raton, Florida.

Mary Louise Dexter, daughter of Ralph and Carrie Dexter of English and Swedish descent, grew up in Galva, Illinois. She assisted her father in bringing the first telephone service to their small rural town. She continued to educate herself and left home to go to New York City to attend Columbia University and later went on to become a teacher.

In her lifetime, Mary has been part of much of this Nation's history, living through the Industrial Revolution, the Roaring Twenties, World War I, the Great Depression, World War II, and her brother was born on the Fourth of July. Mary is the proud mother of six sons, six grandchildren and five great-grandchildren. Mary's spirit is high, and her will to live every moment in life is great as she makes new friends each and every day.

Mr. Speaker, on behalf of three generations, I ask my colleagues in the House to join me in wishing Mary Dexter Scanlon a very happy 100th birthday.

#### SUPPORTING CONSERVATION EASEMENTS

(Mr. FITZPATRICK of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, today I will introduce legislation to reaffirm Congress' support for conservation easements, one of the most powerful and effective tools available for the permanent conservation of private lands in the United States of America.

I am proud to represent southeastern Pennsylvania, a region that takes pride in its heritage and the preservation of its open spaces. However, in my district, Mr. Speaker, land available for preservation exceeds local resources. That is why we need conservation easements. That is where partnerships between private landowners and conservation charities come into play. By allowing landowners to receive a tax incentive by using these easements to donate the land for preservation charities, the private sector can supplement government attempts at land preservation.

On January 27 of this year, Mr. Speaker, the Joint Committee on Taxation released recommendations to limit the use of conservation easements by eliminating the charitable contribution deduction with respect to personal residence properties. In addition, the amount of charitable deductions for qualified properties would be lowered from the current rate of 100 percent to 33 percent of the fair market value of the easement. I, as well as many of my colleagues here in the House, feel that this would be a terrible mistake.

Mr. Speaker, Congress should reaffirm its commitment to environmental protection and historic preservation by passing this resolution. I call on my colleagues to review my legislation and to support its passage.

#### DEFICIT REDUCTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is hard to walk the Halls of Capitol Hill these days without running into signs just like this one, reminding us of the size of our national debt, put outside their doors by members of the Democrat Blue Dog Coalition. Their message: "It's Time to Put Our Fiscal House in Order, Reduce Our Deficit."

I agree with them. And I am glad to see this bipartisan support for deficit reduction. By bringing the Deficit Reduction Act to the floor this week, the Republican leadership has provided the Blue Dogs with an opportunity to vote for the very policy they promote with their signs. The Deficit Reduction Act would result in some \$50 billion in budget savings over 5 years. It is a significant step in the right direction, and

it is welcome policy for those of us committed to fiscal responsibility.

If the owners of these signs are serious about debt reduction, then they should vote for the Deficit Reduction Act this week. Otherwise, their signs are little more than false advertising and ought to be taken down.

#### INTRODUCING LEGISLATION GIVING FEMA AUTHORITY TO RELEASE INFORMATION ABOUT REGISTERED SEX OFFENDERS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. When the First Lady of the Gulf, Katrina, unloaded her wrath on Louisiana and Mississippi, thousands of people fled to my home State of Texas. This evacuation brought in not only good folks but it brought in registered sex offenders to the communities and neighborhoods of southeast Texas. Now, 2½ months later, many child molesters remain unaccounted for, lurking in the shadows, some waiting to attack again innocent children.

The Houston Chronicle reported yesterday that almost 300 known sex offenders from Louisiana have moved to the Houston area alone since Hurricane Katrina. None of them have been accounted for.

Some of these sex offenders registered with FEMA and received Federal disaster assistance. So FEMA has an address and a location of these registered sex offenders, but they will not release the names to local law enforcement. They are citing privacy reasons. This defies common sense.

Sex offenders gave up their privacy rights when they decided to rape and molest children. It is for this reason today I am filing legislation giving FEMA the authority and the duty to release this information about registered sex offenders to local law enforcement officials. The public has a right to know who these people are. Our children are in danger, and there should be no red tape when it comes to their safety.

That's just the way it is.

#### PROVIDING FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution

to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 2. House Resolution 542 is laid on the table.

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my neighbor and friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, House Resolution 558 is a rule that provides for consideration of House Joint Resolution 72, making further continuing appropriations for fiscal year 2006. As we approach the end of the week and the time that we will be taking in our districts to celebrate the Thanksgiving holiday, this particular rule and the CR probably are among the least controversial things that the gentleman from Florida and I will discuss today. I look forward to an abbreviated debate on this.

The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides one motion to recommit.

I want to commend Chairman LEWIS, Ranking Member OBEY, and the entire Appropriations Committee in the House for the determined effort this year to avoid an omnibus spending bill. This is something that unfortunately has become a routine part of our end-of-the-year appropriations process and Chairman LEWIS under tremendous leadership with a great committee behind him has managed to avoid that this year, in fact, setting almost a record by completing all of the House's work on the appropriations process before July 4.

□ 1030

The committee has practiced due diligence and is working to pass each of these bills individually rather than having them attached as a train at the end of the year. This continuing resolution is necessary because our friends on the other side of the Rotunda are a little bit further behind in their appropriations process and we are working through the conference report stage.

This CR will allow the appropriators to continue that conferencing work to ensure that we have a clean appropriations process where bills are moving individually in the regular order.

Today we are considering the Labor, Health and Human Services and Edu-

cation Appropriations Bill which leaves just three outstanding appropriations conference reports. The underlying resolution permits Congress to finish its work and provide the President adequate time to review the measures before signing them into law. H.J. Res. 72 simply extends the previous continuing resolution through December 17.

In fact, Mr. Speaker, it is a one sentence change, only shifting the date to December 17 for the continuing operations for the government.

The CR is a clean continuation of H.J. Res. 68, which passed the House in September by a vote of 348-65, and which funded programs and activities at the lowest of the House-passed level, the Senate-passed level or the fiscal year 2005 current rate and included language prohibiting agencies from resuming or initiating programs for procurement not funded in FY 2005 and prohibited agencies from awarding new grants and other forms of assistance during the period of continuing resolution.

Throughout the appropriations process, the appropriators have demonstrated their commitment to fiscal responsibility by working within the framework we established in the budget resolution earlier this year. Again, I want to express my gratitude to the gentleman from California (Chairman LEWIS), the ranking member, the gentleman from Wisconsin (Mr. OBEY) and the entire committee and staff of the Appropriations Committee for their hard work this year.

I urge Members to support the rules and the underlying continuing resolution so we can finish the appropriations process in regular order and continue on our way toward responsibly funding the needs of America.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Florida (Mr. PUTNAM) for yielding me time. I also thank him for bringing the real Florida orange juice to the 7 a.m. rules meeting this morning.

I oppose this closed rule, Mr. Speaker, and the underlying legislation. Mr. Speaker, I wondered to myself earlier this morning as the Rules Committee majority members passed yet another closed rule which stifles debate and shuts off meaningful contributions from Members of this Chamber.

What is the problem? Congress has only had since January 3 of this year to complete work on the 12 annual appropriations bills, the so-called "must pass bills" that Congress works on every year.

In case anyone is unclear, so far the President has signed only five of the 12 appropriations bills that must pass and become law before September 30. Defense appropriations? Not done. Military quality of life and Veterans Affairs? Not done. Transportation, Treasury, HUD? Not done. Of course, the bill

which funds this very institution, the legislative branch appropriations legislation, well, we did that to protect our branch.

And the sad part? No one is to blame but the party in control. It is an irrefutable fact, the last time that there was sole Democratic control of Congress and the White House, all 13 appropriations bills were passed by September 30. We had a balanced budget. And oh, yes, budget surpluses as far as the eye at that time could see.

My, how times have changed. Now we have debt as far as the eye can see and disdain from much of the rest of the world. The people here are the modern day incarnations of Nero. The majority fiddles while the Nation burns.

More than 45 days have passed since Congress passed its last continuing resolution, 48 to be exact; and in that time, Republicans have managed to pass a measly three of the ten outstanding appropriations bills at the time of the last continuing resolution. In baseball, their batting average would be pretty good. But in the real world where salaries and promotion are based on accomplishments and contributions, getting done 30 percent of what you are supposed to get done is absolutely abysmal. In any other job in America, 30 percent would get you fired. It should here too, Mr. Speaker, and I hope America is paying attention.

So I ask, what in the world have the majority Members been doing over the last month and a half that they cannot get these constitutionally-mandated appropriations bills done on time?

We know that they have not dealt with FEMA. I have been trying to get them to deal with FEMA since the agency messed up Florida recovery efforts in the year 2004. And now look at where their neglect got us. Republicans have not dealt with the national security leaks in the Bush White House. They have not dealt with increasing access to health care or investing in affordable housing for low and moderate incomes. They have not dealt with unemployment in this Nation.

In fact, this morning the chairman of the Rules Committee said to us that we have "full employment" in this Nation. He identifies that as 6 percent. I guess there is no one looking for a job in San Dimas where he is from or the greater Los Angeles area.

So forgive me, Mr. Speaker, if I feel it unnecessary to grant Republicans another 30 days to fix a problem that they, one, created on their own, and two, have shown zero ability that they are capable of leading our country in a responsibly fiscal manner.

The problem is not Hurricanes Katrina or Wilma or other disasters. It is not even the failing war in Iraq. The problem Republicans have is their beloved tax cuts that 95 percent of the people in this country barely benefit from. Their problem is themselves and their failed fiscal policies.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Perhaps I misspoke earlier saying that this would be the least controversial item we would deal with this morning. I recognize that we all had to get up early to be at Rules this morning, and apparently it is affecting some of our temperaments.

I would just point out that we finished all of the House's work, and I gave equal credit to both our chairman, the gentleman from California (Mr. LEWIS) and the rest of his committee and the ranking member, the gentleman from Wisconsin (Mr. OBEY), who finished all of our work by July 4, all of our appropriations processes in regular order, in an individual manner instead of having to bundle them up into a train at the end of the legislative season.

To date, we have finished seven of those 11 appropriations bills. We will do the eighth in a couple of hours here on this floor today, which leaves three remaining waiting to be returned from their conference work with the Senate.

So it is often said at times in the House that your opposition is the other party, but your enemy is the other Chamber. And when it comes to the enemy of time and being at the end of the legislative calendar, that, unfortunately, is the case with the appropriations process that we are waiting on regular order, the conference committees with the House and the Senate to finish their work on those three remaining bills.

With respect to the gentleman's concerns about a closed rule, this is a continuing resolution that is one sentence long. It funds the operations of government from now until December 17. The stifling of debate is nonexistent. There are no speakers on either side for this. The fact that it is a closed rule indicates that there is really no other option about how to approach a continuing resolution other than should it be December 16 instead of December 17?

Would the gentleman have the CR expire on Thanksgiving Day when no one will be in this Chamber to act to fund the operations of the government so that national parks remain open and Social Security checks continue to go out?

What would the amendments be that the gentleman would offer if December 17 is an inadequate solution to funding the operations of government until we finish the three remaining conference reports on appropriations?

To say that that is stifling democracy is nothing more than hyperbole.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would inform my good friend from Florida that getting up for a 7 a.m. Rules Committee does not alter my temperament. The suggestion that my colleagues on the other side of the aisle should have completed their

work by September 30 is mandated by our responsibilities here in the House of Representatives. And I find it disingenuous to speak of the other body, which I heartily endorse what my colleague said with reference to the gentleman from California (Mr. LEWIS) in this House of Representatives but the other body is controlled by the majority. The White House is controlled by the majority. And it is y'all that have it all. And so under the circumstances, it is your responsibility to have done it by September 30.

To answer the gentleman, what we would have done perhaps if we did not go home for Thanksgiving and take Thanksgiving dinner up here. The gentleman asks for another date or debate about this continuing resolution, doubtless what we would have been able to do is stay here and that may have lit a fire under some of the people in the other body who need to get their work done.

We have all sorts of problems in this Nation and there is no reason for us not to complete our work.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. PUTNAM. Just briefly, I respect the gentleman's observation that the majority party in the Senate is the party that I share, the Republican party, but I learned a long time ago to stop trying to answer for that Chamber over there. That is a tough body to figure out. The gentleman knows as well as I do that they tend to bog down in the oratory and slow down on the action.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO.)

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlemen for yielding me time.

Despite what the Member from Florida said, there are some who would like to speak to this issue. He said what does 30 days matter? Should it be 29?

Guess what? The Congress assembled on behalf of the American people, and this administration will borrow \$1.3 billion a day every day for those 30 days. We will be \$39 billion deeper in debt a month from today.

What would we do if we had an open rule? Well, perhaps we could make some real cuts in wasteful programs in the budget, instead of attacking the vulnerable, the students, kids getting lunches at school. They are just eating too much. Kids in foster care, long term care for seniors.

Maybe we could go where the real money is. They asked Willie Sutton, Why did you rob banks? Because that is where the money is.

The Republicans do not want to go where the money is because that is where the special interests are, the people who fund their campaign machine to keep them in the majority, to

keep them borrowing \$1.3 billion a day, indebting the American people as far as the eye can see.

What cuts might we have to make? Well, let us see. The President has this bizarre idea that we should borrow a trillion dollars, one thousand billion dollars to go to Mars while we cannot meet the needs of people here on Earth, here in the United States of America. We do not have money for levees, jet-ties. We do not have money for the school lunch program. We do not have money for student loans, but we should borrow a trillion dollars to go to Mars. But before that, let us borrow \$100 billion to go back to the moon to get some more dust. Great idea.

No, personally, I would like to have an up or down vote on borrowing \$100 billion to go back to the moon.

A few other things, let us revisit Star Wars. The general in charge of Star Wars gave us some very, very encouraging news. He said the system to protect us against missiles that will never be fired against the United States because we could track them back and retaliate, they will smuggle a bomb in if they want to attack us. But he said it has a better than zero chance of working, better than zero after \$100 billion and abrogating the anti-missile treaty.

□ 1045

Whoa, that is good. Well, maybe we could visit that issue in an open rule.

How about corporate farm subsidies? The American people are going to borrow around \$25 billion this year to give subsidies for surplus crops being grown by corporate farmers and others. Well, maybe we could visit that issue on the floor. No, they would not want to touch that. There is a lot of money coming in there.

How about the \$19 billion in the energy bill in subsidies to the oil industry in the hope that they will take money, borrowed by the taxpayers, given to them to go out and explore? Of course, those same oil company execs, of course they were not under oath, I have got to admit that, said that that money, the head of Exxon said it is nothing, it is chump change, and it has no effect on our operations. So maybe we could take back that \$19 billion and spend it on lunch for hungry kids or maybe we could put the money back into the student loan program that you want to cut out in the reconciliation bill.

Then we have a few tax giveaways out there, offshore companies like Accenture, largest homeland security contractor in the history of the United States, \$10 billion, who has moved their headquarters to the Bahamas so they will not pay any taxes in the United States of America, but they are going to defend us against foreign enemies, but they just do not want to pay any taxes here. I would like to be defended against them and those giveaways.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, the gentleman clearly has come to the floor a little bit early, because all of these things are going to be eligible for debate here in another several hours when we move forward on our deficit reduction package, and the gentleman will have an opportunity to exercise through his vote that savings process, that deficit reduction process.

But I am just curious, in all the gentleman's rhetoric, what would you do differently about the continuing resolution that funds government through December 17 until we finish our regular appropriations process?

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, I would schedule some up-or-down votes on these sorts of major cuts in a much expanded reconciliation under an open rule.

Mr. PUTNAM. Mr. Speaker, if the gentleman would further yield, does the gentleman object to us funding the government through December 17?

Mr. DEFAZIO. I object to borrowing \$1.3 billion a day between now and then without any attempt at fiscal restraint.

Mr. PUTNAM. Would the gentleman shut down the government to prevent that from occurring?

Mr. DEFAZIO. Mr. Speaker, that was the ploy of your party. That is not mine, but I would take the time to keep Congress here.

What we are talking about is Congress going on vacation, Congress going away for 2 weeks, have Thanksgiving at home, while we are taking food out of the mouths of kids and depriving students of loans through the reconciliation bill, borrowing \$1.3 billion a day on behalf of the American taxpayers and getting them by another \$39 billion. That is what we are talking about.

On the reconciliation vote, if you would bring the reconciliation bill up as an open rule, you know that is a closed rule, too. You are negotiating cuts only with your side of the aisle. You do not intend to get a single Democratic vote; and the biggest cut in the bill is student loans, the party of opportunity. The second biggest cut in the bill is Medicaid; dump those problems on the States and deprive people of needed health care. Then, of course, we have the cuts in food security and other things in that bill.

But we are not going to be allowed to offer amendments to cut Star Wars, the return to the Moon for \$100 billion, corporate farm subsidies, tax giveaways. We will not be allowed to offer any amendments during the consideration of that bill. I would stay here through next week and have debate day after day and go through a series of amendments up or down on bringing some fiscal responsibility to this Congress.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman is passionate about his concern for the fiscal well-being, but he is clearly misdirected in the

sense that he will have an opportunity to vote on a number of these deficit reduction measures, a number of these savings, a number of these government reform mechanisms; and he will have the opportunity to present all of the things that he talked about in his own recommittal motion, which is a right that has been granted to the minority party.

So all of the things that he talked about, all of the things that he objects to, the sound agricultural policy that guarantees that we continue to have the safest, cheapest food supply in the world, if you want to cut those things, you can put it in your program. If you do not like the fact that we are taking Pell grants up, you could object to that through your recommittal motion.

The point is that we are here today debating the rule on the continuing resolution of the government because we have three regular order appropriations bills yet to move, because I believe, to our credit and to this Chamber's credit, to the credit of the entire House, we are not moving a last minute omnibus choo-choo train that all of us have to go home and then discover something in that that we are not real terribly proud of. I think it is a credit to the appropriators on both sides of the aisle and a credit, frankly, to both Chambers, and as the gentleman from Florida has pointed out, under Republican leadership, that are bringing us 11 individual appropriations bills that can be voted on up or down.

You have an opportunity to make your position publicly known on each of those bills, rather than having things stuffed into a last-minute train, which all of us object to and which diminishes the status of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I join the gentleman from Oregon (Mr. DEFAZIO), my colleague, in asserting that we should stay here and complete the task that is before us.

I say to my very good friend from Florida that your and my chairman of the Rules Committee speaking about closed rules in another time made the following statement, that closed rules are anathema to democracy.

When you argue that we are going to have time to do this, when we take the budget deficit matter up, what you are talking about is 1 hour on the rule, 1 hour on general debate, you say 2 hours, I will accept that, on general debate, 10 minutes in the motion to recommit, and that then is what 435 Members and five delegates have that they can deal with in terms of time.

The problems pointed out by my friend from Oregon are significant, and the things that you have heard me say in the Rules Committee, the things that disturb me and distress me most are these things having to do with education.

No one can tell me that they are not prepared to make the sacrifices for our children to have afterschool programs; and yet, what we are going to find in that program are substantial cuts. There are no afterschool programs in the counties that I represent.

In Medicaid, it is no secret what is about to happen. When we cut Medicaid, any way you cut it, you can slice it, dice it any way you want, States, get ready, because you are getting ready to have a significant problem with tax increases at that level.

What part of national sacrifice do we not understand? What part of closed rule that I heard so often in 1992 does the majority not understand that that does not give the Members of this body the opportunity to come forward with amendments that might make sense with reference to fiscal responsibility here in the House of Representatives?

Those are some of the issues.

Mr. Speaker, I have no additional speakers and I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am prepared to close, and we have kicked off quite a debate here this morning. We know that it is going to be a long day as we approach the debate over the Labor, Health and Human Services appropriations bill, the ongoing debate over the continuing resolution to fund our government, and later today the deficit reduction package, which I dare say will not take food from any child in America's mouth, despite the overheated rhetoric of the gentleman from Oregon, respectfully the gentleman from Florida and a number of others on that side of the aisle who it would appear from their media statements discuss in the salons and parlors of the Beltway whether Republicans hate children or old people more.

I dare say that as we bring up this Deficit Reduction Act, which finally for the first time since 1997 puts us back on a serious track to finding savings not just in the discretionary side of our spending but in the mandatory side which makes up over half of Federal spending today and which slows the rate of growth in government, again, one of those Washington, D.C.-style cuts, where budgets grow 7 percent instead of 7.3 percent or they grow 6 percent instead of 6.3 percent, and we find \$50 billion worth of savings in a \$2.5 trillion per year budget.

So \$50 billion in savings over 5 years in what would then be a \$14 trillion pot. I think that almost any American would say I think that my budget growing 7 percent instead of 7.3 percent is acceptable, and I dare say to my friend from Florida, who represents, among other counties, Palm Beach County, Florida, the home of Lake Worth Avenue among other places. I think there are a number of counties that would gladly trade their tax base for his, and I would also say that I believe that somewhere in Palm Beach County there is an afterschool program



of some shape or form. There must be an afterschool program somewhere in all of Palm Beach County, Florida.

I believe that as we move through this debate it is important for us to be responsible in our rhetoric and keep our eyes on the ball, which is the looming fiscal crisis that is out there if Congress does not have the courage to get its arms around mandatory spending, which is consuming Federal spending, making up over 50 percent of it today and two-thirds of Federal spending.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield just for a quick correction?

Mr. PUTNAM. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, that is Worth Avenue in Palm Beach, not West Palm Beach. Our colleague MARK FOLEY represents that area, a Republican.

I represent Pahokee and Belle Glade, which are also in Palm Beach, and you are talking about no tax base. I just want to have that correction made.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, the gentleman referred to the entire county, not his piece of the county, and I certainly am well aware of Pahokee and Belle Glade and the challenges that they have gone through.

But I believe somewhere in your county you have an afterschool program.

Mr. HASTINGS of Florida. In private schools.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PUTNAM. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies

for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1100

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 559 is a rule which waives all points of order against the conference report accompanying H.R. 3010 and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, the underlying legislation is one of the most important measures we consider each year. I would like to congratulate the members of the Appropriations Committee for putting together a comprehensive package that will improve the education of our children, care for our seniors and our underprivileged.

Mr. Speaker, I am happy to see that since Republicans took control of Congress, funding for the Department of Education has doubled. More recently, over the last 5 years, total education spending has increased by nearly 50 percent. Our children will benefit from an improved educational system that will enhance their ability to succeed and better prepare the next generation of workers.

The fundamental root of all education is reading. As a parent and a former educator, the time I spent reading with my children will be forever cherished. Unfortunately, some of our youth do not have that opportunity at home. So included in this legislation is \$1 billion for reading programs that will enable States to eliminate the reading deficit through scientific research-based reading programs.

I am also very pleased that the TRIO and GEAR UP programs are included in this all important funding package. These programs assist low-income, first generation college students in their transition from high school to college. This is a difficult transition for any student, but especially for those who are the first in their families to attend college. We must continue to support programs like TRIO and GEAR UP so that these students can continue to flourish.

Mr. Speaker, another important responsibility we have is to ensure that citizens have access to health care facilities and treatments. Included in this legislation is a \$66 million increase in the Community Health Centers that are so vitally important across the Nation, but especially in rural States like my home State of West Virginia.

The National Institutes of Health continues to serve our Nation well by developing new treatments and cures for the many diseases that plague our society. With a total funding level of \$28.6 billion, the researchers at NIH will be able to continue this mission so that we become a healthier Nation and global society.

A key aspect of a healthier society is where all citizens have access to prescription drugs, and I am proud to say that as of November 15, just 2 days ago, Medicare eligible beneficiaries have been able to sign up for a prescription drug plan under Medicare. The resources provided in the underlying legislation will allow the Centers for Medicare and Medicaid services to properly conduct an outreach effort that will hopefully enroll every senior that stands to benefit from this program.

Mr. Speaker, we are all aware of the challenges that could potentially face all Americans in the coming winter, especially the high cost of natural gas. I am pleased to say that the State formula grants for the Low Income Home Energy Assistance Program, known as LIHEAP, are funded at \$2 billion in this legislation and an additional \$1 billion will be included in the House version of the budget reconciliation bill.

As with any appropriations legislation, tough choices were made. These choices are particularly difficult when dealing with the sensitive areas of health and education. The Appropriations Committee allotted the available resources in this bill in a manner that emphasizes these programs most important to our Nation.

Mr. Speaker, this is solid legislation that I believe all Members should be able to support.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, today we consider House Resolution 559, the rule allowing consideration of the conference report accompanying the fiscal year 2006 Labor HHS Education Appropriations bill. This legislation is the clearest demonstration of the contempt for the proper functioning of this body and ultimately disrespect for democracy.

The Labor HHS Education Appropriations bill is an incredibly important piece of legislation. It determines funding levels for job training programs, community college programs, child labor protections, and community health centers.

This legislation is the primary funding vehicle for the National Institutes of Health. It determines how our government approaches timely and important issues like stem cell research,



global AIDS research, pediatric medicine, cancer research, and so many other critical issues. It is also the principal funder of some of the most innovative and practical research going on today at the universities and colleges across the Nation.

In my home State of California, two thirds of all basic research at the University of California system is from Federal dollars. As examples using these dollars, the university researchers found a way to differentiate Alzheimer's from other dementia. They are making strides on identifying genes that cause specific cancers. They are looking into factors that influence brain development.

The reason I am pointing to all of this is to underscore just how important this legislation is to the daily lives of our fellow Americans. And having established that this bill is a crucial bill for the health, welfare, education, and prosperity of the American people, I would ask my counterparts on the Republican side of the aisle why on earth is it that no one has seen this conference report? Why is it that as of this morning, this very morning, we are scheduled to consider and vote upon this legislation that no one in the House of Representatives, with exception of a very few in the Republican leadership, has even laid eyes on, much less read or analyzed? We did not even go into the Rules Committee to consider this legislation until 7 o'clock this morning under emergency rules.

The original version of this bill passed the House months ago, and I might remind my fellow Americans that it was in this bill that the Republican leadership of this body tried to quietly eliminate funding for the Public Broadcasting System and Sesame Street. Thankfully, under incredible pressure they were forced to reverse themselves.

And since then, this bill and its Senate companion have been locked away in conference. A handful of appointees of this Republican leadership have had months to meet in smokey back rooms. This select group decided for all of us here today and for every American family what should and should not be in the final version of the bill. So with that understanding, let me say that this is, at best, a short-sided piece of legislation.

No Child Left Behind funding is cut by \$784 million. The maximum Pell Grant award is frozen for the 4th straight year, and no new funding for all other student financial aid and support programs is provided. The bill provides \$4 billion less than Republicans promised for special education through IDEA. Training grants for health care professionals are cut \$206 million.

I want everyone in America to understand exactly why these programs are being cut. Because in the face of gross fiscal mismanagement on the part of this majority, they want to pass a \$56 billion tax cut for wealthy Americans this coming week. Over half of that

money, \$23 billion, will go to the very wealthiest of Americans, those earning over \$1 million per year.

Now, I am certainly not suggesting that there are not government programs that cannot be cut. But what we are talking about are educational programs, health and safety programs, and treatment programs that not only work, but they work well for middle class American families, and they are being sacrificed for tax cuts for the most wealthy and the super rich. The rest of America is being left behind.

Mr. Speaker, in closing, we are facing an increasingly costly war in Iraq, significant and necessary hurricane relief needs, and a looming crisis over avian flu. The debate I urge my colleagues to have, a debate not yet addressed by my friends on the other side of the aisle, is really about shared sacrifice and about what the true priorities of the American people are.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out that this bill probably touches every single American's life. It is extremely important because it is the broad reach of education and health care, and these are very complicated and large programs. And I want to congratulate the gentleman from Ohio (Mr. REGULA), chairman of the subcommittee, for the intense work that he has done not only on our side, but through the conference.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to compliment both speakers from the Rules Committee. I think they have described in many ways the strength of this bill.

This bill illustrates the compassion of America. And as has been pointed out by both speakers, it touches the lives of 280 million Americans in so many different ways, their education, health research to improve the quality of their lives, perhaps illustrated by the fact, as Dr. Zerhouni testified in front of our committee, that every 5 years, life expectancy goes up 1 year in the United States. That is a tremendous gain and a tremendous promise for the future.

And, likewise, we recognize the importance of education. The future of a nation is so much tied to that. Tom Friedman, the writer for *The New York Times*, in his book "The World is Flat," points out that we will be enormously challenged as a Nation in the years ahead by other countries that are spending a lot of money, a lot of energy, and a lot of human resources on education, because they too recognize that the winner of the future will be

determined by the way in which they can educate their people.

This bill I call the "good neighbor policy" bill, because it means that we are all good neighbors to each other. And I think it does illustrate very clearly that America is a compassionate Nation, a compassionate people, and they are willing to commit resources to helping others. In the general debate, we will mention some of those things.

I would hope all of my colleagues who are going to be voting on this bill in the next couple or 3 hours would take a look at what is in there and how important many of these programs are to the Americans. There are 500 programs covered in this bill, and each one of them, in some way or another, touches the quality of life of the people of this Nation so that every American, in one way or another, as pointed out by the gentlewoman from California, has a stake on this bill and what it does in their lives. So, hopefully, we will all reach the understanding and support this bill.

Obviously, it may not have enough to suit everybody in terms of commitment of resources. Tough decisions have to be made. Priorities have to be decided. And what we tried to do on a bipartisan basis in the subcommittee, and we have a great group of members that serve on this subcommittee from both sides, is to make those very difficult priority judgments on behalf of the American people. And as was pointed out by both of the previous speakers, we have, hopefully, accomplished that goal as best as possible given the resources that were allocated.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in opposition to this bill and to the rule.

Let it be known that November 17, 2005, is the day this Congress officially forgot the heroes of 9/11. When we vote on this conference report, we will be taking away \$125 million promised to sick 9/11 workers. This is money these men and women were promised by this Congress and by the President in 2001. But now, in an era of misdirected priorities, the President and this Congress are snatching the money back.

In fact, this bill is full of misdirected priorities when we consider that the Republican leadership will spend more on tax cuts this week, \$70 billion, than they will on education and labor programs for the entire coming year, \$68 billion.

□ 1115

You only start to realize how out of touch this Congress is with the priorities of the average American people. I hear daily from Members of Congress that we will never forget 9/11; but when we turn a cold shoulder to the men and women who were there for us in our

greatest hour of need, I cannot in good conscience vote for this bill.

The 9/11 responders are not asking for much. All they are asking for is to be treated with respect and dignity. They rushed to Ground Zero with no concern for their own safety. We were under attack, and America needed help. They responded; and as a result, many of them are very sick now. The government's response has been to fight these heroes every step of the way. Many have had their claims denied or wrapped up in red tape for months or years.

Then when not all of the money was spent in New York State, we are told this is justification for taking it back, even though the need is still great. This shell game would be comical if it were not so sad and so hard on the lives of these people.

I know this decision today is not the fault of the gentleman from Ohio (Chairman REGULA). I understand that his hands are tied on this issue. I would also like to thank a fellow New Yorker, Mr. WALSH. He has been an absolute champion for this issue in the committee.

Despite their hard work and the work of a united New York delegation, united Democrats and Republicans, the outcome today is not what it should be. The one thing I know and I can promise is that this fight is not over. I speak for all of my colleagues on both sides of the aisle, certainly in the New York delegation, that we are not going to stop until we meet the needs of the heroes of 9/11 and this promised money of \$125 million is restored to the budget. Anything short is just plain wrong, and it hurts the health care of our heroes.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to talk a little bit about some of the priorities, particularly in the education section of this bill. I have already mentioned the TRIO and GEAR UP programs for first-time college goers. Certainly those are important programs in my State and throughout the United States.

But let us look at something that we are lacking across the Nation, and that is in our math and sciences. There has been special emphasis in this bill on math and science partnerships so we can train our future engineers to compete globally.

The chairman spoke about how the world is flat. Well, if we do not have math and science education at the elementary and high school level, we are not going to be able to compete in the global market. So I am proud of the \$184 million that is going to help with training teachers.

Special education is something that I think touches many, many families throughout the United States. We hear a lot about that in our office, and I am certain every Member's office. In special ed, this bill is funding over last year's budget \$100 million. Will that meet every need for every special ed

student? No, unfortunately it will not, and it cannot. But it will go towards helping those families and that student become a productive person in their adult life.

Reading programs and improving teacher quality programs. Certainly the key to success in school is reading, but the key to success in school is a good teacher. We need to improve the teacher quality and help our teachers become not only as good as they can be but even better. And that goes also to the principals. There is a principal shortage here in our country. We have to work with our teachers so they want to become principals and guide our teachers to educate our children. Those are some of the education priorities I wanted to highlight in this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this country is at a critical crossroads in terms of deciding what it stands for, what its priorities are. Our priorities should be to make decisions based on shared sacrifice and a long-term view that seeks to fight for the least powerful among us.

Unfortunately, this rule would allow legislation with a shortsighted approach to come to the floor. All of us, Democrats and Republicans, hope that medical science will provide the breakthrough to provide relief from a disease which will ease a family member's suffering.

We all worry about whether rising energy costs will force seniors to make life-and-death decisions about where to spend their limited resources.

And yet this conference report ignores those very needs. It narrowly restricts the future of all Americans so that a very few might have a bit more of a tax break. That is an approach that I hope all Members will reject.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which funds critical dollars to our Nation's educational system, health care delivery system, and as the gentleman from California spoke so eloquently about, our health research areas.

With this funding, low-income Americans will be better prepared for a potentially long winter. It got a little colder here today, and we know it is going to continue to be cold as we move through the winter; and this bill provides \$2 billion in LIHEAP funding. Our seniors will greatly benefit from the money appropriated, allowing CMS to conduct outreach to all Medicare beneficiaries who are now able to sign up for the new Medicare prescription drug plan.

These are all important programs, and there are others too numerous to mention. I urge my colleagues to support the rule, support the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Res. 558, by the yeas and nays;

Adoption of H. Res. 559, by the yeas and nays;

Motion to suspend the rules on H. Res. 500, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.J. Res. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 558 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 407, nays 21, not voting 5, as follows:

[Roll No. 595]

#### YEAS—407

Abercrombie	Bishop (UT)	Buyer
Ackerman	Blackburn	Calvert
Aderholt	Blumenauer	Camp
Akin	Blunt	Cannon
Alexander	Boehlert	Cantor
Allen	Boehner	Capito
Baca	Bonilla	Capps
Bachus	Bonner	Capuano
Baird	Bono	Cardin
Baker	Boozman	Cardoza
Baldwin	Boren	Carnahan
Barrett (SC)	Boucher	Carson
Barrow	Boustany	Carter
Bartlett (MD)	Boyd	Case
Barton (TX)	Bradley (NH)	Castle
Bass	Brady (PA)	Chabot
Bean	Brady (TX)	Chandler
Beauprez	Brown (OH)	Chocola
Berkley	Brown (SC)	Clay
Berman	Brown, Corrine	Cleaver
Berry	Brown-Waite,	Clyburn
Biggart	Ginny	Coble
Bilirakis	Burgess	Cole (OK)
Bishop (GA)	Burton (IN)	Conaway
Bishop (NY)	Butterfield	Costa

Costello	Inglis (SC)	Northup	Tauscher	Van Hollen	Weldon (PA)	English (PA)	Kline	Ramstad
Cramer	Inslee	Norwood	Taylor (MS)	Velázquez	Weller	Everett	Knollenberg	Regula
Crenshaw	Israel	Nunes	Taylor (NC)	Visclosky	Westmoreland	Feeney	Kolbe	Rehberg
Cubin	Issa	Nussle	Terry	Walden (OR)	Whitfield	Ferguson	Kuhl (NY)	Reichert
Cuellar	Istook	Oberstar	Thomas	Walsh	Wicker	Fitzpatrick (PA)	LaHood	Renzi
Culberson	Jefferson	Obey	Thompson (CA)	Wamp	Wilson (NM)	Flake	Latham	Reynolds
Cummings	Jenkins	Oliver	Thompson (MS)	Wasserman	Wilson (SC)	Foley	LaTourette	Rogers (KY)
Cunningham	Jindal	Ortiz	Thornberry	Schultz	Wolf	Forbes	Leach	Rogers (MI)
Davis (AL)	Johnson (CT)	Osborne	Tiahrt	Waters	Woolsey	Fortenberry	Lewis (CA)	Rohrabacher
Davis (CA)	Johnson (IL)	Otter	Tiberi	Watson	Wynn	Fossella	Lewis (KY)	Ros-Lehtinen
Davis (FL)	Johnson, E. B.	Owens	Tierney	Watt	Young (AK)	Fox	Linder	Royce
Davis (IL)	Johnson, Sam	Oxley	Towns	Waxman	Young (FL)	Franks (AZ)	LoBiondo	Ryan (WI)
Davis (KY)	Jones (NC)	Pallone	Turner	Weiner		Frelinghuysen	Lucas	Ryun (KS)
Davis (TN)	Jones (OH)	Pascarell	Upton	Weldon (FL)		Gallegly	Lungren, Daniel	Saxton
Davis, Jo Ann	Kanjorski	Pastor				Garrett (NJ)	E.	Schmidt
Davis, Tom	Kaptur	Paul				Gerlach	Mack	Schwarz (MI)
Deal (GA)	Keller	Payne	Andrews	Grijalva	Markey	Gibbons	Manzullo	Sensenbrenner
DeGette	Kelly	Pearce	Becerra	Hastings (FL)	Miller, George	Gilchrest	Marchant	Serrano
Delahunt	Kennedy (MN)	Pelosi	Conyers	Honda	Stupak	Gillmor	McCaul (TX)	Sessions
DeLauro	Kennedy (RI)	Pence	Cooper	Jackson (IL)	Udall (CO)	Gingrey	McCotter	Shadegg
DeLay	Kildee	Peterson (MN)	Crowley	Jackson-Lee	Udall (NM)	Gohmert	McCrery	Shaw
Dent	Kilpatrick (MI)	Peterson (PA)	DeFazio	(TX)		Goode	McHenry	Shays
Diaz-Balart, L.	Kind	Petri	Ford	Kucinich		Goodlatte	McHugh	Sherwood
Diaz-Balart, M.	King (IA)	Pickering	Frank (MA)	Lee		Gordon	McKeon	Shimkus
Dicks	King (NY)	Pitts				Granger	McKinney	Shuster
Dingell	Kingston	Platts				Graves	McMorris	Simmons
Doggett	Kirk	Poe	Boswell	Pombo	Wexler	Green (WI)	Mica	Simpson
Doolittle	Kline	Pomeroy	Moran (VA)	Stark		Gutknecht	Miller (FL)	Smith (NJ)
Doyle	Knollenberg	Porter				Hall	Miller (MI)	Smith (TX)
Drake	Kolbe	Price (GA)				Harris	Miller (NC)	Smith (WA)
Dreier	Kuhl (NY)	Price (NC)				Hart	Miller, Gary	Sodrel
Duncan	LaHood	Pryce (OH)				Hastings (WA)	Mollohan	Souder
Edwards	Langevin	Putnam				Hayes	Moran (KS)	Stearns
Ehlers	Lantos	Radanovich				Hayworth	Murphy	Sullivan
Emanuel	Larsen (WA)	Rahall				Hefley	Murtha	Sweeney
Emerson	Larson (CT)	Ramstad				Hensarling	Musgrave	Tancredo
Engel	Latham	Rangel				Herger	Myrick	Taylor (NC)
English (PA)	LaTourette	Regula				Hinojosa	Neugebauer	Terry
Eshoo	Leach	Rehberg				Hobson	Ney	Thomas
Etheridge	Levin	Reichert				Hoekstra	Northup	Thornberry
Evans	Lewis (CA)	Renzi				Hostettler	Norwood	Tiahrt
Everett	Lewis (GA)	Reyes				Hulshof	Nunes	Tiberi
Farr	Lewis (KY)	Reynolds				Hunter	Nussle	Turner
Fattah	Linder	Rogers (AL)				Hyde	Oberstar	Upton
Feeney	Lipinski	Rogers (KY)				Inglis (SC)	Osborne	Walden (OR)
Ferguson	LoBiondo	Rogers (MI)				Issa	Otter	Walsh
Filner	Lofgren, Zoe	Rohrabacher				Istook	Oxley	Wamp
Fitzpatrick (PA)	Lowey	Ros-Lehtinen				Jenkins	Paul	Wasserman
Flake	Lucas	Ross				Jindal	Pearce	Schultz
Foley	Lungren, Daniel	Rothman				Johnson (CT)	Pence	Peterson (PA)
Forbes	E.	Roybal-Allard				Johnson (IL)	Petri	Weldon (FL)
Fortenberry	Lynch	Royce				Johnson, Sam	Pickering	Weldon (PA)
Fossella	Mack	Rubensberger				Jones (NC)	Pitts	Weller
Fox	Maloney	Rush				Kanjorski	Platts	Westmoreland
Franks (AZ)	Manzullo	Ryan (OH)				Keller	Poe	Whitfield
Frelinghuysen	Marchant	Ryan (WI)				Kelly	Pombo	Wicker
Gallegly	Marshall	Ryun (KS)				Kennedy (MN)	Porter	Wilson (NM)
Garrett (NJ)	Matheson	Sabo				Kind	Price (GA)	Wilson (SC)
Gerlach	Matsui	Salazar				King (IA)	Pryce (OH)	Wolf
Gibbons	McCarthy	Sánchez, Linda				King (NY)	Putnam	Wu
Gilchrest	McCaul (TX)	T.				Kingston	Radanovich	Young (FL)
Gillmor	McCollum (MN)	Sanchez, Loretta				Kirk		
Gingrey	McCotter	Sanders						
Gohmert	McCrery	Saxton						
Gonzalez	McDermott	Schakowsky						
Goode	McGovern	Schiff						
Goodlatte	McHenry	Schmidt						
Gordon	McHugh	Schwartz (PA)						
Granger	McIntyre	Schwarz (MI)						
Graves	McKeon	Scott (GA)						
Green (WI)	McKinney	Scott (VA)						
Green, Al	McMorris	Sensenbrenner						
Green, Gene	McNulty	Serrano						
Gutierrez	Meehan	Sessions						
Gutknecht	Meek (FL)	Shadegg						
Hall	Meeks (NY)	Shaw						
Harman	Melancon	Shays						
Harris	Menendez	Sherman						
Hart	Mica	Sherwood						
Hastings (WA)	Michaud	Shimkus						
Hayes	Millender	Shuster						
Hayworth	McDonald	Simmons						
Hefley	Miller (FL)	Simpson						
Hensarling	Miller (MI)	Skelton						
Herger	Miller (NC)	Slaughter						
Hersteth	Miller, Gary	Smith (NJ)						
Higgins	Mollohan	Smith (TX)						
Hinche	Moore (KS)	Smith (WA)						
Hinojosa	Moore (WI)	Snyder						
Hobson	Moran (KS)	Sodrel						
Hoekstra	Murphy	Solis						
Holden	Murtha	Souder						
Holt	Musgrave	Spratt						
Hooley	Myrick	Stearns						
Hostettler	Nadler	Strickland						
Hoyer	Napolitano	Sullivan						
Hulshof	Neal (MA)	Sweeney						
Hunter	Neugebauer	Tancredo						
Hyde	Ney	Tanner						

## NAYS—21

## NOT VOTING—5

□ 1153

Mr. FORD changed his vote from “yea” to “nay.”

Mr. REYNOLDS, Ms. SOLIS, and Mr. SKELTON changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, House Resolution 542 is laid on the table.

# WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 559 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 185, not voting 4, as follows:

[Roll No. 596]

## YEAS—244

Aderholt	Boustany	Cramer
Akin	Bradley (NH)	Crenshaw
Alexander	Brady (TX)	Cubin
Bachus	Brown (SC)	Cuellar
Baker	Brown-Waite,	Culberson
Barrett (SC)	Ginny	Cunningham
Bartlett (MD)	Burgess	Davis (KY)
Bass	Burton (IN)	Davis, Jo Ann
Beauprez	Buyer	Davis, Tom
Biggart	Calvert	Deal (GA)
Bilirakis	Camp	DeGette
Bishop (GA)	Cannon	DeLay
Bishop (UT)	Cantor	Dent
Blackburn	Capito	Diaz-Balart, L.
Blunt	Carter	Diaz-Balart, M.
Boehlert	Castle	Doolittle
Boehner	Chabot	Drake
Bonilla	Chocoma	Dreier
Bonner	Coble	Duncan
Bono	Cole (OK)	Ehlers
Boozman	Conaway	Emerson

Abercrombie	Costa	Higgins
Ackerman	Costello	Hinche
Allen	Crowley	Holden
Andrews	Cummings	Holt
Baca	Davis (AL)	Honda
Baird	Davis (CA)	Hooley
Baldwin	Davis (FL)	Hoyer
Barrow	Davis (IL)	Inslee
Bean	Davis (TN)	Israel
Becerra	DeFazio	Jackson (IL)
Berkley	Delahunt	Jackson-Lee
Berman	DeLauro	(TX)
Berry	Dicks	Jefferson
Bishop (NY)	Dingell	Johnson, E. B.
Blumenauer	Doggett	Jones (OH)
Boren	Doyle	Kaptur
Boucher	Edwards	Kennedy (RI)
Boyd	Emanuel	Kildee
Brady (PA)	Engel	Kilpatrick (MI)
Brown (OH)	Eshoo	Kucinich
Brown, Corrine	Etheridge	Langevin
Butterfield	Evans	Lantos
Capps	Farr	Larsen (WA)
Capuano	Fattah	Larson (CT)
Cardin	Filner	Lee
Cardoza	Ford	Levin
Carnahan	Frank (MA)	Lewis (GA)
Carson	Gonzalez	Lipinski
Case	Green, Al	Lofgren, Zoe
Chandler	Green, Gene	Lowey
Clay	Grijalva	Lynch
Cleaver	Gutierrez	Maloney
Clyburn	Harman	Markey
Conyers	Hastings (FL)	Marshall
Cooper	Herseth	Matheson

Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Menendez  
Michaud  
Millender-  
McDonald  
Miller, George  
Moore (KS)  
Moore (WI)  
Nadler  
Napolitano  
Neal (MA)  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor

Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rogers (AL)  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Sherman  
Skelton

Slaughter  
Snyder  
Solis  
Spratt  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wynn  
Young (AK)

## NOT VOTING—4

Barton (TX)  
Boswell

Moran (VA)  
Stark

□ 1203

Mr. HIGGINS changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CAPITOL POLICE-CONGRESS GRID-IRON CLASSIC RAISES \$40,000 FOR CHARITY

(Mr. RENZI asked and was given permission to address the House for 1 minute.)

Mr. RENZI. Could I ask our Sergeant at Arms, Mr. Livingood, to join us here in the well, please.

Mr. Speaker, last night at Gallaudet University on their gridiron, a group of Republicans and Democrats in bipartisan fashion came together and a little magic took place. A group of ragtag old football players among the cold and the rain and the blood and the guts went against the Capitol Police, some 20 years younger, some 7 inches taller, some 50 pounds heavier, and we won, 14-14.

But what also took place was that a bunch of United States Congressmen and other friends on this Hill who both played and did not play raised over \$40,000 for the families of those police officers who gave their lives to protect each and every one of us. We were coached in probably what might be his last game by the legendary Coach TOM OSBORNE of Nebraska. It really, truly shows that when Republicans and Democrats come together, no matter what, we can fight for a great cause and nobody can beat us.

On behalf of all our colleagues, Mr. Livingood, this is for you guys, you can keep it for 6 months, and then we want it in the Speaker's lobby.

Thank you so much.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Without objection, 5-minute voting will continue.

There was no objection.

## RECOGNIZING THE 60TH ANNIVERSARY OF THE DISAPPEARANCE OF THE 5 NAVAL AVENGER TORPEDO BOMBERS OF FLIGHT 19

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 500, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 500, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 11, as follows:

[Roll No. 597]

YEAS—420

Abercrombie  
Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumen  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito

Capps  
Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Carter  
Case  
Castle  
Chandler  
Chocola  
Clay  
Clever  
Clyburn  
Coble  
Cole (OK)  
Conaway  
Conyers  
Cooper  
Costa  
Costello  
Cramer  
Crenshaw  
Crowley  
Cublin  
Cuellar  
Culberson  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
Delahunt  
DeLauro  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel

English (PA)  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Herseth  
Higgins  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Holt  
Honda

Hooley  
Hostettler  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inglis (SC)  
Inslee  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Jindal  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
King (IA)  
King (NY)  
Kingston  
Kline  
Knollenberg  
Kucinich  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCaul (TX)  
McCollum (MN)  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McKinney  
McMorris  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon

Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy  
Murtha  
Musgrave  
Myrick  
Napolitano  
Neal (MA)  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Otter  
Owens  
Oxley  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sanders  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Sodrel  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

NAYS—2

Kirk  
NOT VOTING—11

Boswell  
Chabot  
DeGette  
Ford

Foxx  
Johnson (IL)  
Kolbe  
McCrery

Moran (VA)  
Nadler  
Smith (TX)

□ 1217

So (two-thirds of those voting having responded in the affirmative) the rules

were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on November 17, I missed the vote on H.R. 500, Recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue sent to search for Flight 19 (#597). I intended to vote "aye."

#### PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, I rise to correct the RECORD. On rollcall no. 597, I was listed as voting against H. Res. 500. This was an error and I intended to vote in favor of the resolution. I would ask that this clarification appear in the appropriate part of the RECORD.

#### GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 72.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from California?

There was no objection.

#### FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 558, I call up the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

#### H.J. RES. 72

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 109-77 is amended by striking the date specified in section 106(3) and inserting the following: "December 17, 2005".*

The SPEAKER pro tempore. Pursuant to House Resolution 558, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to consume much time at all. This is a continuing resolution that simply includes a change of date extending our work through December 17 in order to give the President and others enough time to review these conference reports and other pieces of legislation being sent to the administration in rapid fire.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I will not take very long on this bill either, but I do think it is important to take note of a few facts.

At the beginning of this year, it was made quite clear by the majority that they desired to finish all appropriations bills on time and that there be no omnibus appropriations bill lumping all kinds of disassociated items into the same package.

We on the minority side of the aisle have provided procedural cooperation at virtually every step of the way. We have provided time limits on debate on virtually every bill that we were asked to provide them. Those time limits were sometimes stringent and they met with objection from a number of Members. We provided unanimous consent so that the scheduling of legislation could be accelerated on numerous occasions. And despite that fact, today some 6 weeks into the fiscal year, we have four bills which are still not finished. Those bills are the Treasury, Transportation, HUD bill, the military quality of life bill, the Labor, Health, Education and Social Services bill, and the defense appropriations bill. Together, those four bills, which we have yet to complete, represent 78 percent of appropriated financing for the coming year.

Why are we still not finished? It is certainly not because of any failure on the part of the Appropriations Committee. The Appropriations Committee kept to its schedule and every bill was passed earlier than almost any year that I can recall. And yet we are here with so much unfinished business on the appropriations side of the ledger.

The reason I think is very clear. Despite the fact that the White House, the Senate and the House are all under control of the majority party, despite that fact we have reached this delay and are forced once again to seek another continuing resolution.

The reason that has occurred, in my view, is because the budget resolution was so skewed in favor of the ideological right within the majority party caucus that in the end, even a number of Republican moderates have not wanted to vote for some of these bills, most especially in the Senate. And we find that even Republican committee chairmen, like Senator SPECTER, have described one of the bills as being totally inadequate to its responsibilities.

This country is in the middle of fighting a war. That war has a huge cost, and yet the Republican majority is in pursuit of its goal of providing huge tax cuts, a huge percentage of which will be put into the pockets of the most wealthy people in this country. Their desire to do that has led them to a willingness to borrow whatever it takes in order to put the money in those pockets and then use the resulting deficit as a reason to cut back on a number of other bills.

They use it as a reason to make significant cuts in education, in health, in science, environmental protection and the rest, and then pretend that the cost of Katrina is what made them do it, when, in fact, the cost of tax cuts for persons in the top 1 percent of income in this country over the next decade will cost about 10 times as much as the cost of Katrina.

So then we are forced because of the squeeze, we are forced to endure delays, and we have to bring forward a continuing resolution such as we are doing today. And I would point out that after we have gone through all of this effort, we, in the end, are probably still going to be stuck with an omnibus appropriations bill at the end, despite the fact that the majority party indicated they were going to move heaven and Earth in order to avoid such an eventuality.

The game plan apparently is to try to pass three appropriations bills yet this week, and then that will leave us in December with the defense appropriations bill, and evidently the intention at this point is to attach everything but the kitchen sink to that bill so that we will, in effect, have a recreated omnibus.

It is my understanding that the people expect to attach the bird flu appropriations, the appropriations for Katrina supplemental, and every other special deal that somebody can conjure up and attach it to the defense bill, and then hide it behind the skirts of military spending.

The betting is that Members will want to support funding for the troops and so they will vote for whatever other garbage is attached to that bill by way of nongermane items. That, I think, would be a dysfunctional result, but that appears to be where we are headed. It could be avoided if the majority had chosen to be a little less ideological, if they had chosen to pull the rubber band just a little less tightly, and if they had chosen to cross the aisle and work in a bipartisan fashion on taxes, on spending, and on other items that affect the shape and nature of the budget. We have not seen that, and so that is why we are here today with the necessity to pass a continuing resolution.

I will vote for the continuing resolution at this point because we need to keep the government open, but I am certainly not very pleased with how we have gotten here.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to House Resolution 558, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 559, I call up the conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 559, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 17, 2005, at page H10383.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I think we are going to do a bill that will make us proud to be Americans. Why do I say proud to be Americans? Because I think this bill, more than any other, illustrates the compassion of the American people. Why do we say that? Let me give you some examples that are in this bill and are funded.

□ 1230

Special education, programs to help young people that are disabled for many different reasons. It is a matter of caring for them.

Centers for Disease Control, an agency that is in 43 countries around the world watching out for us. We hear a lot about avian flu. We worry about avian flu, but the people that are really doing this are Americans in the Cen-

ters for Disease Control team that is out there in these 43 Nations, ready to stand by and alert us if it becomes a greater problem.

Education. The number one challenge of government today is to educate people to compete in the world of tomorrow. If you read the literature, you find more and more emphasis on the importance of education if a nation is to remain strong, if a nation is to provide a standard of living that the people expect, that we are used to enjoying in this country. The competition is going to get tougher in the years ahead. You only need to read Tom Friedman's book "The World is Flat" in which it is pointed out how much is happening or talk to people that have traveled, as is the case of my State superintendent, to countries in the Far East, and realize how much emphasis is being put on education. We in the United States need to do the same, and this bill recognizes that.

Education, going back to Thomas Jefferson, was designed to give all Americans through a system of public education, an equal opportunity to their future.

Head Start. It is another program under education where we say to children from areas and schools and homes where they may not get somebody reading to them, may not have a chance to get that head start they need going into the school program. Our authorizing committee, I think, took a giant step forward on Head Start in authorizing it to become more than just a welfare program, as was originally envisioned, but actually providing that people that man the Head Start program have some experience in education, that they do more than teach. The literature makes it very clear that education does not start at the first grade or even for that matter in the period ahead of that. It starts early, early on, and Head Start is another example of the compassion of America.

National Institutes of Health. We fund that in this bill. This is an agency that is researching, finding cures. Every Member I am sure has had parents in his office with a child with juvenile diabetes or with a parent with Alzheimer's, pleading with us to do more in medical research, to find cures; and this, again, illustrates the compassion of America. We have more than doubled the amount of money going to NIH in the last several years because we recognize that this is key to the health of America, to find cures, to find new ways to address the concerns of the people that all of us have seen in our office who are pleading with us to do something.

This bill has 500 programs in it, 500 programs that help Americans, and in many different ways.

Math and science, I have here a report just put out by a group commissioned by two Senators and two House Members, and it is entitled "Rising Above the Gathering Storm." Think about that title: "Rising Above the

Gathering Storm." What is the gathering storm? The gathering storm is the inability to compete as a Nation, and the thrust of this report is to rise above that. Their number one recommendation is an increase in America's talent pool by vastly improving K-12 science and mathematics education.

We make that kind of a commitment in this bill. We do give extra funding for math and science and recognize that in the world of tomorrow for our young people to compete they need to have that background.

Meals on Wheels, another example of compassion. If you have talked with people that work in this program, mostly volunteers who take out these meals, that allows seniors to stay in their homes for a longer period of time, that allows them to see somebody if they are living alone maybe once a day or more often in the week, a wonderful program in terms of caring about people.

Afterschool programs, we fund those, and those of you who live particularly in the big cities realize how important that is. I talked this morning with a young man that is running an afterschool program in the gentleman from Pennsylvania's (Mr. SHERWOOD) district, a member of our committee, where he said how much they can help people with their afterschool programs.

There are moneys in here to roll out the prescription drug program because we have a responsibility in this committee to provide for the administration of these programs.

Global AIDS. Global AIDS is in this bill, \$100 million to address, along with the money in the foreign operations bill that again is very, very important; and I think we can be proud to be Americans.

That is what I said at the outset. I say it again, that when you look at what we have funded in this bill, we have funding in this bill for 280 million Americans and over many billions of dollars to address the needs of people, that addresses things that are very important in their lives. I urge all the Members, before you rush to judgment on this bill, realize that we are in this bill doing a lot of good things for American citizens. Maybe it is not as much as you like, not many bills ever are as much as people would like that have a high degree of interest, but there is a lot of good in here.

There is a lot in here for special education. We increase it. We increase NIH. More medical research to address those problems of juvenile diabetes is an example that you hear about in your office; more money for education, Title I.

More money for community health centers. Any of us who have those in, and I hope most Members do, realize how important the community health centers are to people who have no access, who do not have a family doctor. It helps the hospitals because it means that people can go to the community

health center instead of to the emergency room. We add money for that.

Community services block grants. Think of that title. Community services, and we give block grants to communities to administer to local problems. This is an example of a program that helps local people.

LIHEAP, again, Americans recognizing that people in areas of severe weather conditions need an additional helping hand, and that is especially true in this time that we are living in where people need to address the problems of excessive fuel costs.

So I cannot say enough. I hope all of my colleagues and the Members that are listening to this, reading the bill, will take note of the fact that whereas this may not be everything you like, this bill does a lot of good. I do not think you want to go home and tell people you are against more money for special education, for those that are least fortunate, that you are against more money for education, for medical research, for LIHEAP, for global AIDS, for people around the world that are less fortunate than we are.

So, again, I say think on what the importance is of what you are doing. Take pride in America. Take pride in the compassion of the people of this Nation as embodied in this bill.

Mr. Speaker, the complete table of all the funding levels included in the conference report has been printed in the CONGRESSIONAL RECORD as of November 16; and for those of my colleagues who are wondering what each of the programs might be of the 500, you can go to the RECORD of November 16 and pick out a program that you might have a special interest in.

Mr. Speaker, I am pleased to present before the House today the conference report on the fiscal year 2006 appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies.

Many of my colleagues are aware of the difficult choices we had to make in this bill. In February, Congress received the President's FY 2006 budget request. In light of our budget deficit, the President's request assumed a one percent cut in domestic spending, exempting both defense and homeland security from this reduction. Our budget resolution approved this recommendation. This cut, taken together with required increases for implementing the prescription drug benefit program, brings our bill to \$1.4 billion below last year's level.

Let me emphasize, we made a commitment to reduce deficits. Recognizing the will of this House, we have put together a bill that best reflects the priorities of this body and does a good job of meeting the needs of the American people.

The conference report has no budget gimmicks, no emergency spending designations, and no earmarks.

So many of the programs in this bill play an important part in the lives of American people. Peter Drucker, who passed away on Friday, was considered by many to be the most influential management thinker of the past century. He said, "Successful enterprises create the conditions to allow their employees to do their best work." A successful employee needs

adequate knowledge to thrive. I believe an investment in education is an investment in people. We support teachers and students by increasing funding for Title I by \$100 million. Title I provides additional resources to low-income schools to help principals, teachers and students close education achievement gaps.

Many of my colleagues speak with me about the financial demands of special education on their local school districts. In this bill, funding for special education is increased by \$100 million.

I believe the quality of classroom teachers and principals is one of the most important factors that affect student achievement.

This bill provides \$100 million to reward effective teachers and to offer incentives for highly qualified teachers to teach in high-need schools.

We provide \$184 million for math and science initiative. TRIO, GEAR UP, Vocational Education State Grants, and Adult Education, programs have strong support from members of this body. These programs were proposed for termination in the President's budget; however, we have allocated over \$3 billion for the continuation of these important efforts.

The sharp rise in college costs continues to be a barrier to many students. This bill provides the full amount needed to hold the maximum Pell Grant at the current level of \$4,050, over \$800 million over FY 2005.

Healthcare is a critical part of a nation's economic development. Mr. Speaker, as you know, many of the Community Health Centers have served as America's health care safety net for the Nation's underserved populations. Funding for the Community Health Centers is at \$1.8 billion, an increase of \$66 million over last year.

As a result of our commitment to the National Institutes of Health, our citizens are living longer and better lives. We have provided over \$28 billion to NIH to support medical research, \$150 million over FY 2005.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling, and provides protection to our most vulnerable populations, the elderly, households with small children, and persons with disabilities. Given the anticipated high costs of energy due to Hurricanes Katrina and Rita, we have provided over \$2.2 billion for FY 2006.

In the Department of Labor, we have provided nearly \$3 billion for workforce training programs. These programs will ensure that our dislocated workers and most disadvantaged youth will return to gainful employment.

Mr. Speaker, in order to implement more than 400 provisions of the Medicare Modernization Act and ensure senior citizens receive the prescription drug benefits we provided in MMA, we have allocated nearly \$1 billion over the FY 2005 level to the Centers for Medicare & Medicaid Services and Social Security Administration. While benefits that both of these agencies provide come through mandatory spending via the Ways and Means Committee, this bill provides the funding for the agencies' administrative costs.

Much more could be said about this bill, but given the allocation, we have produced a fair, balanced and responsible bill that best meets the needs of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, the gentleman from Ohio is my friend. I have a great deal of respect for him, and I know he tries to do the best job with the tools he is given. The problem is that he has been given a totally inadequate set of tools.

"This is the budget that you get when you elect a Republican White House, a Republican House of Representatives, and a Republican Senate." I did not say that. The former majority leader of the Republican caucus said that, the gentleman from Texas (Mr. DeLAY).

This is the day when the price of Republican tax cuts for the wealthy becomes quite clear, on this bill and on the bill that will follow, the reconciliation bill.

This is the day when this Congress chooses to walk away from its investments: obligations in education, health care, job training and the like. This is the bill which shortchanges the Social Gospel. This is the day that we pass legislation that chooses to make the lives of the most privileged among us quite a bit more pleasant because of their tax cuts while at the same time we are making the lives of the poor just a little bit more desperate.

This is a growing country. It has growing problems. It has growing opportunities. If this bill does not grow with it, then we lose ground; and we are certainly losing ground under this bill today.

This is the bill for education, health, social services, worker protection programs. This is the guts of the Federal effort to try to see to it that, regardless of one's station in life, people have the greatest possible opportunity to get ahead.

Yet, this bill is \$1.5 billion on a program-for-program basis, once you cut out the funny accounting, this is a bill which is \$1.5 billion below last year.

The Department of Labor, funding in that Department: \$37 million below the House bill, \$193 million below the Senate bill.

There are 7.5 million Americans out of work. Yet the bill cuts \$437 million out of training and employment services. That is the lowest level of adult training grants in a decade.

This bill also cuts the Community College Initiative, the President's initiative for community colleges, an effort to train workers for high-skill, high-paying jobs. It cuts that effort by \$125 million and rescinds \$125 million from funds provided last year, denying the help that the President was talking about giving to 100,000 Americans.

State unemployment insurance and employment service offices are cut by \$245 million, eliminating help for 1.9 million people.

The International Labor Affairs Bureau will certainly have a hard time protecting American workers from being undercut by child and slave labor abroad after this program has been cut by 20 percent.

In the health and human services area, this bill cuts health care to the



poor and underserved rural areas of the country. It eliminates the community access program that helps coordinate services and programs to provide health care to people who do not have it.

This bill cuts by 69 percent health professions training. This bill cuts by 73 percent funding for rural health outreach.

We have only about 10 percent of physicians in America who practice in rural areas, and yet one-fourth of the U.S. population lives in those areas. We have huge shortages of health care providers in urban, underserved areas as well, but training grants for health care professionals are cut by \$206 million.

□ 1245

We have the Maternal/Child Health Care Block Grant. That program is cut by 20 percent below fiscal 2002 levels, and we have a 24 percent cut in block grants for State health departments. And then, all of us are going to run home and brag about how much we have done to prepare the country for public health disasters.

My friend talked about the National Institutes of Health. We have the smallest increase for NIH in 36 years, and under that budget, because funding for NIH does not keep pace with inflation, we will actually see 500 fewer research grants coming out of NIH than we would have seen 2 years ago. We have effectively ended the President's initiative to expand the number and the capacity of community health centers around the country, \$238 million less than the President requested. For the low-income heating assistance program, our oil companies, one company, \$10 billion profit the last quarter. We expect to see natural gas prices rise 46 percent, home heating oil prices rise 28 percent, and yet we freeze the program that is supposed to provide help to people to pay their bills so they do not have to choose between heating and eating, and we only serve 15 percent of the persons who are eligible to be served under that program.

Education: This is the first cut in education funding in a decade. Education programs under the No Child Left Behind rubric are cut by \$784 million below last year. That is \$13 billion below the authorization, and on a cumulative basis, it is some \$40 billion short of what we promised we would have provided these past years since we passed No Child Left Behind.

Title I is up \$100 million. That is in comparison to a \$600 million increase that came from that well-known "liberal" George W. Bush. Special education, it is up \$100 million in comparison to the \$508 million request from the President of the United States.

Because we mandated that local school districts provide service to special education children, we are supposed to be providing 40 percent of the cost. This bill actually reduces the Federal share of that cost from 18.6 to

18 percent. That is going in the wrong direction.

The Comprehensive School Reform Program, totally wiped out. The Goodling Even Start Program, named after Bill Goodling, the former Republican chairman of the Education Committee, cut by 56 percent. Education technology cut by 45 percent, and that comes on top of a 28 percent cut that was made last year. We cut Safe and Drug-Free Schools by 20 percent in this bill. We freeze afterschool programs for the 4th year in a row. That means that there are 14 million kids in this country who want those services who will not get them. And I could go on and on.

On higher education, the college board tells us that the 4-year cost of attending a public university has increased by \$3,100 over the past 5 years. The President's answer was to raise the Pell Grant maximum by 100 bucks. A \$100 solution to a \$3,100 problem. The Congress said "No, that is too much." The House cut it to \$50. This conference report totally eliminates it, totally eliminates it. No increase in the maximum grant. And then in the reconciliation bill that follows today, they are going to add \$8 billion more in costs to students who borrow money to go to college. And then this bill freezes all other student aid programs, SEOG, Work-Study, Perkins, TRIO, GEAR UP. It freezes title VI foreign language program.

The backlog at Social Security, those caseload backlogs are going to increase. This bill provides \$189 million less than the President asked, \$80 million less than was in the House bill, \$130 million less than the Senate bill. And we do all of this in order to free up necessary room so the Republican Party can deliver on its \$100,000-plus tax cuts for people who make 1 million bucks.

This is going in the wrong direction. These priorities are wrong. This bill is a disgrace. The gentleman would have provided a much better bill if he had been given a decent allocation, but he was not. So he did not have the tools to do it. There is no reason to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. WALSH), a very productive and important member of our subcommittee.

Mr. WALSH. Mr. Speaker, I thank Chairman REGULA for yielding me this time. And I thank him for not only his work product today, but for his many, many years of service to this country and to this Congress. He has been a remarkable leader throughout his career, and there is no one in this House who can question his sincerity or his knowledge of the issues that he is responsible for.

I rise today in strong support of this bill. We will hear much from the other side of the aisle about what is missing from this bill, why we are not spending

enough in this bill. We are spending \$142 billion on the needs of our American citizens. That is more money than the entire budgets, the entire budgets, of Russia, China, Germany, and we could throw in 15 or 20 other countries. This is more money than they spend on their entire budget including their military. It is a pretty remarkable commitment to our Nation and to our fellow citizens. This is money that does not come easy. This does not come from God. This comes out of people's pockets.

We are going to hear an awful lot about these tax cuts. Well, we have tried to reduce the tax burden on Americans who are paying for these benefits. They pay for these benefits out of the goodness of their heart. First of all, they have to pay taxes to help support our government. We take that money, we turn it around, and most of the money we spend goes toward helping our fellow Americans, and that is what this bill is all about.

Congressman Bill Natcher, God rest his soul, used to refer to this as "the people's bill." This is the bill that helps educate our kids, that helps keep us healthy, that pays for Social Security and Medicare and Medicaid and all of our Federal health programs. And I do not know how anyone, except for nibbling around the edges, could criticize an effort where we are spending these tremendous amounts of money to help those among us who are less fortunate.

But there is also the argument that we will hear on the other side of the aisle about our deficits, that our deficits are too high, our deficits are growing, our deficits, our deficits, our deficits; but every time we bring a bill to the floor, there is not enough money in it. They cannot have both ways. They cannot rail against deficits and then tell us that we need to spend more money on every program in the Federal budget.

There is no question these are difficult choices, but I think if I were going to entrust my decisions on these things to anyone, it would be to Congressman REGULA, who has been doing this for so many years.

There are a lot of problems in our country, lots of them, and we have them in our home towns, our big cities, our rural areas, and this is an effort to deal with those problems.

For example, our party, we have, since we have become the majority, provided billions and billions more in dollars for education, remembering that the education dollar, public education, was 95 percent State and local funds. Now it is about 92 because we have so dramatically increased our contribution to that. And yet 50 percent of the kids who start high school in the United States today do not finish high school. That is a tragedy and it is atrocious, and it shows it is not just about the money. It is about parents, it is about school boards, it is about teachers, it is about kids, getting it right, taking a serious look at

our public educational system in this country and realizing, as so many have said, that we are headed in the wrong direction. We are increasing resources to try to help with that, and we are trying to improve our math and science education because we are not competing with the rest of the world. But this bill makes a valiant effort to fund those needs.

We are also providing billions and billions of dollars for health care. In this bill we are not even talking about the brand new Medicare prescription drug benefit, the \$400 billion prescription drug benefit that Congress just enacted that is just taking place today. Again, what a remarkable response by the Government of the United States to the needs of our senior citizens, because everybody knows that health care in this country has changed. People do not just go to the hospital anymore to get an operation. They go to the doctor, they get prescription drugs. The prescription drugs help them to live long, healthy, quality lives. And because of these programs like Medicare, Medicare prescription drugs, Social Security, we now have the healthiest and wealthiest group of senior citizens that the world has ever seen. This is a continuing commitment to that.

I urge my colleagues to forget about the nibbling around the edges and support a good solid bill that will help our fellow Americans.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman brags about the additional money that the Republican Congress has put into education. President Clinton and the Democrats had to drag them kicking and screaming into providing that money. We provided \$19 billion more in education since they took over the Congress than would have been provided if we had simply passed the Republican House bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I know the subcommittee chairman, the ranking member, and the majority and minority staff, did the best they could under the circumstances. But I think cutting title VII health professions by 69 percent, eliminating some title VII programs entirely, is draconian and unconscionable.

Since I started serving on this subcommittee almost 7 years ago, I have fought to end disparities, disparities in employment, disparities in education, disparities in health. And health disparities are real. If one is black in this country, their life expectancy is 66 years. If one is white in this country, it is 74 years. Infant mortality is twice as high for African American babies as it is for white babies.

Fortunately, institutions like the Institute of Medicine of the National

Academy of Sciences have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of minority health professions. This mark does exactly the opposite, cutting health professions by almost \$200 million.

Mr. Speaker, in the Centers of Excellence Program, this cut will eliminate 30 programs at Minority Serving Institutions, negatively impacting approximately 1,000 under-represented minority students and almost 180 under-represented faculty at these schools.

In the Faculty Loan Repayment Program, approximately 40 under-represented staff persons will lose their jobs. In the Health Careers Opportunity Program, 7,000 minority disadvantaged students will be negatively impacted and 3,000 K through 12 students will be negatively impacted.

Mr. Speaker, this assault on minority serving programs is unjustified and overtly irresponsible. I think that a society says a lot about the way it treats its most vulnerable of its citizens. I believe that we live in a United States and, like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate but weak and uncaring.

I keep hearing Members of this body say, Jessie, this is a tight budget year. Mr. Speaker, this is a tight year. It was not created by immaculate conception. Some of us voted to make it a tight budget year. Some of us voted to approve the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he did not plant any seeds. Mr. Speaker, when Congress approved this budget resolution, we did not plant any seeds and nothing will grow this year, not because of a natural disaster like a drought, but because of our own making in this Congress. Shame on us. The chairman and the subcommittee did the best they could, but this is a terrible mark, and I urge a "no" on this bill.

□ 1300

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), a distinguished member of our subcommittee.

Ms. GRANGER. Mr. Speaker, I rise in support of the Labor, Health, Human Services and Education bill and say I am very proud to serve on this committee. It is an important committee that serves the needs of so many Americans in their daily lives. I want to say congratulations to and state my great admiration for Chairman REGULA in these difficult times when he as the leader of this committee has had to make some very tough choices.

The previous speaker said shame on us. I am not ashamed of this bill at all. I am very proud of the work we are doing. I am proud, for instance, of the \$253 million increase to the National Institutes of Health funding medical

research that can make such a difference to the health of Americans and to the health of this Nation, making us a healthy Nation. I am proud that we have doubled the funding for the National Institutes of Health while I have been on this committee.

I am proud of the funding for the community health centers which have been raised to \$1.8 billion, serving the uninsured and the underinsured. I have a community health center in my district. It is a wonderful community partnership serving literally thousands of people that were not being served otherwise. I am very proud of that funding, and I am very proud of community health centers and what they do.

I am also proud about the funding for LIHEAP. It is \$115 million over the last year, serving the poorest citizens in our country, helping with heating their homes, and those are citizens that are going to have to get up every day and decide what bills they are going to pay. I am proud of the work we have given them towards purchasing their prescription drugs. This funding for LIHEAP really makes a difference in their lives every single day.

I was a teacher before I left teaching and went into business, and then came to Congress. I have watched our math and science scores, how we worked so hard to bring those scores up so we can be competitive in the world. Now we have \$184 million for a math and science partnership to strengthen our math and science education in K-12. This is something we have to do, and we have talked about it year after year after year to put that money where it is served best so we are not importing our scientists, we are growing and building our scientists. This is a bill I am very proud of. It is a difficult time, and the chairman has done a great job.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentlewoman claimed there is a \$115 million increase in here for low income heating assistance. There is not. The formula grant has been increased by \$115 million, but the contingency portion of the program has been reduced by \$115 million. The net result: no help in the teeth of huge energy increases.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for all of his work on the legislation, and I thank the chairman of the subcommittee for all of his work. Like so many others who have already spoken, it is clear they were not dealt a very fair hand, or the hand that they needed, to take care of needs of this country.

I am most disappointed in the funding of No Child Left Behind. At a time when school districts are entering into the most expensive part of No Child Left Behind, when they are being required to restructure entire school districts, entire schools, when they are

trying to meet the demand and the requirement of a law that we have a highly qualified teacher in every classroom, which requires substantial retraining of teachers, the attracting of new teachers, the paying of incentives for teachers to go to the most difficult schools, at that very time the Federal Government walks away from the commitment under No Child Left Behind. The Federal Government starts to decrease its participation when the States and the school districts and our schools need it more than ever.

It really shows such little confidence in the future of our young children. It shows such little confidence in the ability of our school districts to restructure themselves to meet the demands being placed upon them. We see cuts here in technology grants that are absolutely essential for the future education of our children. We see teacher quality grants cut. Those are absolutely essential to improve the quality of our teachers in our classroom so they can engage in that kind of professionalism.

What is most startling is that these cuts in education come at a time when, I am not saying put more money in education, Mr. OBEY is not telling you that, but the American business community is telling you this is the most crucial thing you can do. The American Electronics Association, made up of some of the most successful companies in the history of this country, their number one priority was to fully fund No Child Left Behind. The Semiconductor Association: fully fund No Child Left Behind, put money into graduate school education, put money into highly qualified teachers. And this budget goes in exactly the other direction.

We do not have the confidence that is necessary and demanded of this country in the future and the confidence in these young people and the necessary investments to be made in them. It is so discouraging to see the lack of confidence in our young people that this budget demonstrates.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I want to say back during the spring we went through our annual budget process. The Budget Committee has testimony from all sectors of society and the government who are affected by the budget. It is a good debate.

In the final analysis, that budget came to the floor and after weeks and months of discussion and arm twisting, it passed by a vote of 214-212. I may be wrong on this, I do not think any of the Democrats voted for it. Most of the Democrats, I would say, are very consistent saying we should be spending more money and, therefore, they voted against it. But there are other Democrats who are saying look at the deficit, look at this, look at that. Boy, these Republicans are spending too

much. There is clearly a mixed signal here, and clearly some dissension in the Democratic ranks.

But when you pass a budget in the spring and it is passed by this body and the other body, then the subcommittees of Appropriations have to follow that budget. That is what this does. Sometimes making these decisions is very, very tough.

This bill actually eliminates 29 lower-priority programs. One of the programs I am a supporter of, the National Youth Sports Program, I like that program. They operated in Savannah. But when you look at the context of some of the other programs and you realize this is run by the NCAA, the National Collegiate Athletic Association, and they are the same people who put on the Rose Bowl, the Rose Bowl alone generates \$30 million in revenue. Perhaps they can replace the \$18 million that Congress is putting into it right now. There are ways to keep these programs alive even though the Federal Government is not picking up the tab for them.

It is my hope on these 29 programs that are terminated, that the local, the State level will step in, the private sector will step in; and a lot of what they are doing are duplicated in other programs. I have to say that these are very important.

I have to say also, Mr. Speaker, that I had a lot of local programs that were eliminated. These are programs which I have worked very hard on over the years to try to get into this budget. Those were the earmarks: Memorial Hospital in Savannah, Georgia; St. Joseph's Hospital in Savannah, Georgia; a project for the city of Moultrie; the Warner Robbins Aviation Museum; the Civil Rights Museum in Savannah, Georgia; and Brunswick Hospital. These were a lot of good programs that I personally hoped to get in, things that were within the budget that were doable. And yet in the end because of the legislative process, all earmarks had to be eliminated.

I was not happy about that, but I understand. In the bigger picture of things, you have to do what the body can pass, what there are votes for.

In this case, where did the money go? It went to community health clinics. It goes to Medicare modernization and medical research.

Incidentally, we talk about the NIH. The funding for the NIH has doubled under Republican leadership under a commitment made by the former Speaker, Mr. Gingrich. I have to say, I am a little disappointed in what we have gotten for our money. I have not seen a plethora of medical solutions and new devices and vaccines and all kinds of other research that I had hoped doubling the NIH budget would give us. Nonetheless, NIH still gets an increase under this bill.

The bill also restores community service block grants. Lots of things like the Job Corps program are funded in this bill. Despite its tightness in

some areas, Mr. REGULA has worked with the committee to put on what I think is a solidly balanced bill and face the economic realities of today with today's budget.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, reluctantly I stand here and oppose this legislation, primarily because we did earmark some money last year for programs, and now we are just cutting them off period, no prewarning, no salaries, no billing rent, no heat, nothing, just kicking them out. I do not think that is the right thing to do.

If you had grandfathered those programs in, I believe it would be a lot better. I would like to ask the gentleman from Ohio, do you save any money or does the money just go back into the other programs that your committee decided ought to get funding?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. In terms of earmarks, a proposal was made that we take an additional \$2 billion as emergency spending, and half of that would have been for earmarks. But we did not do that.

Mr. YOUNG of Alaska. Does the actual number save any money? Does it save any money?

Mr. REGULA. The fact that there are no earmarks?

Mr. YOUNG of Alaska. Yes.

Mr. REGULA. Absolutely, a billion dollars.

Mr. YOUNG of Alaska. Just remember, you should have grandfathered those existing programs in place. You just killed them.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I reluctantly rise in opposition to the fiscal year 2006 Labor-HHS Conference Report. However, I wanted to express my sincere appreciation to the gentleman from Ohio (Mr. REGULA), the ranking member, the gentleman from Wisconsin (Mr. OBEY), and their staffs for their hard work on this legislation.

The bill should address many of our most important priorities, from education funding, worker training, to biomedical research and public health activities. Unfortunately, it falls short.

For the first time in 10 years, the bill actually cuts funding for the Department of Education. The bill provides the smallest increase for the National Institutes of Health in 36 years. Despite the fact that college costs have increased by 34 percent since 2001, the bill freezes the maximum Pell grant for the fourth year in a row.

At a time when States are being asked to bear an increasingly larger burden for preparing for and responding to public health emergencies, this bill cuts funds for State and local health departments by \$127 million.

And the bill includes a rescission of \$125 million from New York State Worker's Compensation Programs intended for sick and injured workers from September 11. The President made a \$20 billion commitment to the people of New York following September 11. The rescission breaks that promise.

While these and other programs are on the chopping block today, the bill provides a \$10 million increase for abstinence-until-marriage programs, despite mounting evidence of the scientific and medical inaccuracy of their curricula and ineffective results.

Mr. Speaker, I also want to express my continued concern with the Weldon refusal clause included in this bill. For over 30 years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs, insurance companies, and makes no exception for medical emergencies.

States that attempt to protect access to health services can be denied all of their Federal health, education, and labor funding. My colleagues, we had an alternative to this misguided and dangerous language. The Senate bill contained a provision that would protect doctors' consciences while ensuring that women still have access to the services and referrals they need.

Unfortunately, the House majority rejected the Senate's reasonable compromise in favor of maintaining a policy designed to limit women's access to reproductive health services.

Mr. Speaker, it is because of these flaws that I simply cannot support this final conference report.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON).

□ 1315

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I want to commend the gentleman for his outstanding work on this piece of legislation. The chairman is, I believe, well noted on both sides of the aisle for being a very compassionate and caring person, but as well a responsible adult.

When I travel around my congressional district, yes, it is true there are certain groups that would like to see areas of this bill increased. The things I hear overwhelmingly and most loudly is that these are difficult times. We have had tremendous outlays and expenditures with Hurricane Katrina, the war in Iraq and that we really need to hold the line on spending. And what this bill does, I believe, is unprecedented in my 11 years of being here in the House of Representatives. It actually reduces spending from last year. So this is not Washingtonspeak gimmicks where you take a 7 percent increase and reduce it to a 6.9 percent increase and scream and yell about that being a cut. This is a real reduction in

spending, and I think it is quite impressive. It eliminates 21 existing programs and cancels eight new programs.

What Chairman REGULA has done is adopted a philosophy which I think everybody in the Congress should adopt, look at programs very seriously and are they getting the job done. And if they are not, they should be eliminated. And contrary to Reagan's statement that the only thing that has eternal life in Washington, D.C. is a Federal program, Chairman REGULA has been able to reduce and eliminate 21 existing programs because they were not effective.

Within that context, the bill includes, I think, a number of important increases along the lines of what I believe the American people want to see. They are small in the budget realities we are dealing with now, nonetheless, they are real. The Pell Grant amount was increased so that we could keep the size of the grant the same. Additionally, there are some small increases for special education and title 1. I want to particularly commend the chairman for holding the line on the Weldon language. We have had in this bill for, as I understand it, decades, conscience protections for health care providers that do not want to perform abortions.

But in recent years, very aggressive abortion rights advocates have been putting pressure, using regulatory agencies and State governments and courts on hospitals and other institutions to begin performing abortions when the officials and the workers in those institutions did not want to do that. And what we have done is held the existing language from last year, which, I think, is the right policy for the Congress. It is the right policy for the American people. So I commend all my colleagues to vote for this bill. It is a good piece of legislation. It is the right thing for this country at this time and our history with the challenges that we face today.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the work of this subcommittee has always reflected our priorities as a Nation, helping provide services that help us meet our most basic needs, health, our children's education, our scientific research, challenges only the Federal Government has the ability, the capacity and the resources to help us meet. The problem with the funding in this conference report is that it fails to meet that threshold.

Worker training, funded at levels below last year. The National Institutes of Health, where this subcommittee made historic progress, doubling our investment in medical research. Name the disease, childhood leukemia, Alzheimer's, Parkinson's, HIV, the work of the NIH has prolonged or improved the life of every single American.

The funding level for the National Institutes of Health does not even meet inflation. Health professions are cut in half. Head Start is funding below last year's level. And with the cost of a college education skyrocketing, this conference report flat funds Pell Grants, meaning the maximum award is exactly the same as it was last year.

Funding for the Low Income Home Energy Assistance Program, at last year's level, will prove disastrous for low income families.

This bill fails to invest in any of the priorities important to the American people. And the American people are tired of the Congress spending trillions in tax cuts for the wealthiest Americans at the same time they are told we simply do not have the resources to invest in things that impact their daily lives. We can make those investments, but only, only if we make them a priority.

That is what the American people want and expect from their government. You ask any middle class family what is more important to them, tax cuts for wealthy Americans, or lowering the cost of health care, home heating costs or college. They will tell you they want something that makes a difference in their lives and their family's lives. Vote against this conference report.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise simply to express profound gratitude for the leadership that Chairman RALPH REGULA has provided in bringing this extraordinary measure to the floor. I also commend the Chairman of the Appropriations Committee, the gentleman from California, for his leadership.

The challenge of being in the spending branch of government is to fund the Nation's priorities and to live within our means. And this legislation for fiscal year 2006, with Labor, Health and Human Services and Education, does just that.

The story goes that Chairman RALPH REGULA was at the White House, saw Ronald Reagan and they talked about the fence at the Reagan ranch. And a day later, RALPH REGULA received a handwritten set of instructions about how to build a fence that is on the wall of his office today.

What is clear today to House conservatives is that RALPH REGULA learned more than just how to build a fence from Ronald Reagan. He learned how to fund the Nation's priorities with the fiscal discipline that characterizes this governing party. And for that, I am grateful.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I too want to commend those who worked to get the earmarks out of the bill. But I just wanted to point out that not all the earmarks are out of the bill. In the bill,

we have \$1.25 million for the Center For Excellence in Native Hawaiian Law at the University of Hawaii, \$1.2 million for the Hawaiian Department of Education for school construction, \$2 million to the Mississippi Band of Choctaw Indians for cultural and education funding, \$5 million for America's Promise.

Now these may well be good programs, but they should not be funded in this bill that says that all the earmarks are gone.

We also violated a House rule where we were naming two Federal facilities after sitting Members of Congress. The Center for Disease Control headquarters is being renamed the Arlen Specter Headquarters and Emergency Operations Center. We are renaming the communication center at the CFDC the Thomas R. Harkin Global Communications Center. We should not be doing this. If we are getting rid of the earmarks, we ought to get rid of all of them.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I am sorry that the gentleman from Indiana (Mr. PENCE) left the floor. The majority party neither funds the appropriate priorities in this bill nor meets its responsibilities for fiscal sound management of the Federal Government. It has taken this Nation \$3 trillion into additional debt in the last 56, 58 months. During the last 4 years of the Clinton administration, we did not have to increase the debt once, not once.

Mr. Speaker, this appropriations conference report betrays our Nation's values and its future. It is neither compassionate, conservative nor wise, and I will vote against it.

Our colleagues on the other side of the aisle, including my Republican friends on the Labor Health Committee, claim that there is little they can do to improve the funding levels in this key domestic program. They say that they have no options, no alternative, that they are only complying with the funding levels dictated by the Republican budget resolution, a resolution which results in an additional almost trillion dollars in additional debt.

But let me remind them, you voted for that budget resolution and you cannot have it both ways. You cannot vote for draconian cuts in April and disclaim responsibility when those cuts are enacted in November.

At a time when we should be striving to make American schools and American students the best and the most competitive in the world, this bill insures that our Nation falls further and further behind. Unconscionably, this conference report cuts the Federal investment in education below current levels by \$59 million, for the first time in a decade. And it cuts funding for No

Child Left Behind by \$784 million, 3.2 percent cut, below the current level. This means that we have now reached a \$40 billion cumulative shortfall below the amount we promised our children when President Bush signed this bill into law. We do nothing in this bill to make higher education more accessible.

In my State, and I am sure in the chairman's State, and the chairman I do not criticize. He is given what he is given and he does the best he can. But in my state, costs have gone up for college kids and their families. Despite the President's 2000 campaign promise to increase the maximum Pell Grant to \$5,100, despite that promise, this bill freezes the maximum Pell Grant at over 25 percent below that, at \$4,050. For the fourth year in a row, that promise has been broken, while tuition and fees have increased 46 percent since 2001.

However, the inappropriate funding levels in this conference report should not surprise anyone. They are the inevitable consequence, and I am glad my friend from Indiana has returned, because the budget deficits confronting this Nation and the underfunding of priorities in this Nation are the inevitable consequence of the fiscal policies of the Republican majority and this administration, policies that starve the government resources.

So let everyone here and everyone watching at home understand, the funding levels contained in this conference report are the direct consequence of the Republican Party's failed economic policies that have spawned record budget deficits. Why? Because the next bill that is coming down the line will cut taxes by some \$70 billion. As the gentleman from Alaska (Mr. YOUNG) asked, is it saving money? It is not. And those failed policies are the proximate cause of this woefully underfunded and unacceptable conference report.

When we started on this budget disaster, Jim Nussle, Republican leader of the Budget Committee said this: "We do not touch Social Security. It does not touch Medicare. In fact, this budget accomplishes the largest reduction of the debt held by the public in our history. The bill does not change in one way, shape or form. And by the end of 10 years, this budget will have eliminated the debt held by the public."

In fact, it has taken, contrary to Mr. NUSSLE's representations, \$3 trillion, with a T, additional debt has been accumulated under these budgets. All they do is underfund priorities and adopt fiscally irresponsible policies. What a shame for America. Together America can do better.

Mr. REGULA. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the budget and appropriation bills that we pass here in the House are reflective of

our values as leaders in this country. H.R. 3010 reflects very poorly on this Congress. Four years ago, when we passed the No Child Left Behind Act, we told schools that we wanted them to be accountable for results and that we would provide them with the resources necessary to achieve these results.

Today, we know that the President and the Republican Congress have utterly failed to keep the bipartisan promise to students, to parents, to teachers, to provide schools with the resources called for by No Child Left Behind.

If we pass this bill, we will have shortchanged our Nation's children by more than \$40 billion over the past 4 years. This is only one of the many, many, many ways that this bill fails to invest in the American people and their children. And I urge my colleagues to oppose it.

□ 1330

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank you for the opportunity to say a few words about why I think this bill is a bill that says that the best days of this country are behind us, not before us. I call attention to some statistics, statistics that say the high school dropout over the course of their life will earn \$260,000 less than a graduate. This legislation, I think, does very little to support more students graduating from high school when it cuts after-school programs by 25 percent. If you spread that across 23 million high school dropouts in this country, that adds up to \$50 billion a year less in taxes.

So if we are really concerned about generating more taxes, we ought to be investing in our people, not taking away the kinds of resources that contribute to their ability to become greater taxpayers in this country.

Mr. Speaker, \$1 invested in preschool leaves \$7 saved in welfare, health care and criminal justice. Let's invest in our people.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

A previous majority Member said today that this bill represented fiscal responsibility. The fact is the Republican Party will provide, over the next decade, \$1.2 trillion in tax cuts to people who make over \$1 million a year. Yet in this bill, they will freeze student loans, they will allow people without health care to increase in number by 2 million, they will provide the first cut in education in a decade, they will cut safe and drug-free schools by 20 percent, and they will slash the President's initiative for math and science education.

In the teeth of the fact that they have given \$14 billion in subsidies to the big energy companies, they then say to low-income people who have to pay those higher prices, "Sorry. Despite the fact you're going to have a

huge increase in home heating costs, we're not going to give you a dime in additional money in this bill."

That is what they do. What we are going to see today in the reconciliation bill and in this bill is a double whammy on the most vulnerable people in this society. That is wrong morally and it is wrong economically. We hear a lot of talk on this floor about preserving life. Yet this program is going to cut maternal and child health care by 20 percent below the 2001 level. How is that going to encourage women to carry their babies to term?

This bill falls far short of our responsibilities in meeting the growing economic and social needs of this country. It ought to be defeated. We should not put tax cuts for millionaires ahead of providing basic education, basic health care and basic job protection to America's working people.

I urge a "no" vote on the conference report.

Mr. REGULA. Mr. Speaker and my colleagues, I hope you will all weigh carefully what your opportunity here is in terms of voting for this bill. An opportunity to improve health research, an opportunity to improve education in Title I, an opportunity to provide more money for special education, an opportunity to ensure that LIHEAP is funded for those in need, an opportunity to develop community health centers where poor people can go to get help, where they can avoid having to run to the emergency room. So many positive things.

As I said at the outset, this is a bill that makes you proud to be an American. It illustrates the compassion of the American people. We have heard from the other side how we are not doing enough. Let me point out that in 1996 shortly after the Republican Party became a majority in 1994 and took responsibility, in 1996, the total of this bill was \$65 billion. Here 10 years later, this bill is \$142.5 billion, more than double the amount of money that has been committed to the compassionate programs of America, education, job training, medical research. We could go on and on.

We heard the gentleman from California talk about qualified teachers. I want to mention a special program in here. It is new. \$100 million to help get better qualified teachers in every classroom. Over and over again we hear how important the teacher is to the education system. Not only teachers but principals, good principals, good schools. We have recognized the importance of this by committing \$100 million. This bill has \$2 billion for homeland security. Again, this is important to the American people. Homeland security in the form of CDC, checking around the world in 43 locations to ensure that avian flu does not reach our shores.

I could go on and on about the compassion of this bill in terms of helping people. TRIO and GEAR-UP, programs to help people get into college, to get

that higher education that we all recognize is vital to their future and to the future of this Nation.

And let me say to those of you who think that, well, the key to this is to defeat the bill. If you defeat the bill, what is going to happen, in all likelihood, it will give these responsibilities that are embodied in this bill, the important programs for America will get rolled into some form of an omnibus bill and will be a continuing resolution. If that were to happen, priorities that are embodied in the bill would be lost, the things that are so important to all the Members of this body, but, moreover, far more important to the people of America, 280 million people.

I urge a strong, positive vote for the bill so we can continue to take pride in America and the compassion of the American people.

Mr. HASTERT. Mr. Speaker, I rise in support of this conference report funding the Departments of Labor, Health, Education, and other agencies.

While not a perfect bill, it is a good bill. It represents another step in this year's appropriation cycle for fiscal responsibility.

Earlier this year, Congress passed a budget. It was a tough budget that reflected the difficult financial times we face.

It reined in spending on non-security activities for the first time in a generation. This is not an easy task. It is tough to cut the budget.

The conference report before us today \$142.5 billion. This is precisely the House-passed level, and nearly a half a billion dollars less than last year.

To arrive at this number, the conferees had to work hard to reduce the levels proposed by the other body that were \$2.6 billion higher than the accounts in the House-passed bill.

The conference report before us today does not include emergency spending designations or funding gimmicks as proposed by the other body.

The bill before us is lean. It prioritizes spending, contains some real cuts, and provides some resources for high priority programs.

The bill proposes to terminate 29 programs, including 20 of the 50 programs proposed for termination in the bill that originally passed in our chamber. Other programs proposed for termination by the House are cut substantially from last year's level.

While reducing the overall size of the bill from last year, the House conferees were able to increase funding in critical area, such as Pell Grants, Special Education, and low income heating assistance and bioterrorism preparedness.

For Community Health Centers, the final conference agreement provides \$1.8 billion, \$66 million more than last year.

The conference report includes \$100 million for a Teacher Incentive Fund that will be a pilot program helping reward teachers with the incentives to boost the quality of our education.

Generally, the increases in the conference report aren't big enough for our Democratic friends but they reflect our effort to do the best we could with the limited resources we had available.

I urge my colleagues to support the conference report.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the Conference Report.

This bill inadequately funds virtually every area of need. It slashes \$1.5 billion from our country's critical health, human services, education and labor programs.

While the Bush administration has never fully funded the No Child Left Behind Act, this bill goes a step further by actually cutting total Federal education funding for the first time in a decade—cutting No Child Left Behind by \$14 billion below the authorized level, slashing special education, safe and drug free schools, education technology grants and freezing the maximum Pell grant award for the fourth year in a row despite rising tuition costs.

While people are trying to get re-trained because their jobs have been outsourced overseas, this bill cuts adult job training by \$31 million and youth job training by \$36 million.

At a time when we are trying to prepare our country for the aging of the baby boomers and threat of pandemic flu, this bill cuts funding for healthcare. It cuts the CDC's budget by \$249 million and provides the smallest percentage increase to NIH—less than 1 percent—since 1970. It doesn't provide any money for pandemic flu preparedness and eliminates 10 critical health care programs, including trauma care and the health community access program and cuts the health professions training grants by 69 percent making it even harder to recruit qualified health professionals.

The bill before us today would also freeze funding for the Low-Income Home Energy Assistance, LIHEAP, at \$2.18 billion, counting both basic formula grants and emergency grants—the FY 2005 level.

LIHEAP serves about 5 million households, the majority of which have at least one member who is elderly, disabled, or a child under age five.

LIHEAP appropriations have failed to keep up with rapid increases in energy costs over the past several years.

The conference report is freezing LIHEAP even though consumers are expected to pay 52 percent more for natural gas, 30 percent more for home heating oil, and 11 percent more for electricity this winter.

Back in August, the Republican majority heralded the passage of their massive energy bill, a bill that contained \$14 billion in tax breaks—most of them for wealthy oil, gas, coal and nuclear industries. At the time, they argued that their bill was "balanced" because, among other things, it provided \$5.1 billion in annual authorizations for the LIHEAP program.

But now, in this bill, we see that Republicans are not willing to fully fund LIHEAP. Under this bill, the Republicans would freeze LIHEAP funding at last year's level, despite the skyrocketing prices consumers will be paying for natural gas and home heating oil this winter.

Later today, the Republicans will be bringing up their Reconciliation bill, a bill that provides an additional \$1 billion for LIHEAP. But in the Energy and Commerce Committee, the Republicans voted against an amendment offered by the gentleman from Illinois, Mr. RUSH, the gentleman from Texas, Mr. GREEN, and myself to increase LIHEAP funding up to the full \$5.1 billion level. The Republican leadership isn't even going to allow Democrats to offer an amendment to increase LIHEAP funding up to that level.



The Republicans won't fully fund LIHEAP because they have other priorities. Their budget makes that quite clear. Tax cuts for millionaires, tax cuts for the giant oil companies, weakening environmental regulations for their business cronies. Those are the priorities for the Republican-controlled Congress. Funding for education, health care and low-income home energy assistance so that seniors on fixed incomes, and poor families can heat their homes this winter, are not their priorities.

I urge a "no" vote on this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my strong opposition to the ill-conceived Conference Report for H.R. 3010, the Labor-HHS-Education appropriations bill for fiscal year 2006.

This bill is flawed in so many ways and is a disservice to the American people. It is the latest move in the steady drumbeat of a Republican legislative agenda that makes working and middle class Americans pay for the tax cuts that benefit the ultra-wealthiest Americans. And it comes at a time when we are confronting the aftermath of Hurricane Katrina and the huge costs of waging the ongoing war in Iraq.

Overall, this conference report cuts education, health care, and human services by \$1.5 billion below what was spent on these efforts last year. Meanwhile, Republicans plan to spend \$11 billion this week on a capital gains and dividend income tax cut that will provide 53 percent of its benefit to people making more than \$1 million. Overall, Republicans will spend more on tax cuts this week alone, \$70 billion, than on both the Department of Education and the Department of Labor, \$68 billion, for an entire year.

These are just a few victims of the Republican bill.

No Child Left Behind funding is cut by \$784 million, the first time NCLB will have been cut since the law was enacted. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase in 8 years—only \$100 million—which means 3.1 million low-income children will be left behind.

The maximum Pell grant is frozen for the fourth straight year, and no new funding is provided for all other student financial aid and support programs, even though college costs have increased by \$3,095, 34 percent, since 2001.

Consumers are expected to pay 46 percent more for natural gas and 28 percent more for home heating oil this winter, yet Republicans refused to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Nearly 46 million Americans are without health insurance yet Republicans provide virtually no funding for new Community Health Centers beyond those approved last year. Republicans also eliminate the Healthy Communities Access Program, \$83 million, and state planning grants to improve health care coverage, \$11 million.

The conference agreement does not include the \$8.1 billion in emergency funding provided in the Senate bill for pandemic flu preparedness, or any part of the \$7.1 billion requested by the administration for that purpose.

The conference agreement freezes or cuts most programs below their FY 2005 levels, including the following:

International assistance grants to eradicate child labor and protect worker rights through

the Bureau of International Labor Affairs are cut by 21.4 percent.

Community college training grants are cut by 50 percent in each of FY 2005 and FY 2006.

Unemployment insurance and employment service offices to help the unemployed are cut by 6.7 percent.

Health professions training grants are cut by 69 percent.

The Healthy Communities Access Program is eliminated.

The Centers for Disease Control is cut by 3.9 percent.

Comprehensive school reform state grants are eliminated.

Even Start family literacy services are cut by 55.6 percent.

Education technology grants are cut by 44.6 percent.

The education block grant for local initiatives is cut by 49.6 percent.

Safe and drug free schools grants are cut by 20 percent.

Under the conference agreement, only a few programs receive modest increases over FY 2005 and—in most cases—even these increases are below the amounts sought by the administration. While the conference agreement restores many of the 50 programs proposed for termination in the House bill, these restorations were made at the expense of funding for priority programs, such as community health services, Title 1 grants for low-income children, and special education grants, and Pell grants.

NIH receives a mere 0.7 percent increase—this does not even keep pace with inflation and does not meet our health research needs.

Title 1 grants for low-income children receive a 0.8 percent increase—the smallest increase in 8 years.

Special education grants receive a 0.9 percent increase—the smallest increase in a decade.

The maximum Pell grant is frozen at \$4,050 for the fourth consecutive year compared to the \$4,100 provided in the House bill.

Mr. Speaker, the simple truth is that the bill cuts essential health and education programs to pay for ill-conceived tax cuts. I do not believe this bill reflects the priorities and values of the American people. I urge my colleagues to vote against it.

Mr. OLIVER. Mr. Speaker, I rise today with a heavy heart to talk about the misguided conference report that the majority party has produced.

While the number of people living in poverty in this country continues to rise, this conference report fails to adequately fund programs that work to alleviate poverty. Despite the evidence, this conference report cuts Head Start funding and freezes funding for programs such as the Community Service Block Grant and LIHEAP.

As the number of Americans without health insurance sets new records every day, this conference report is cutting funding to programs that provide healthcare assistance to the uninsured. It eliminates the Healthy Communities Access Program and imposes drastic cuts to Maternal and Child Health funding and Rural Health Outreach. These cuts are in addition to \$11 billion in cuts to Medicaid that are included in the majority party's reconciliation bill that may be voted on later today.

As the number of Americans unable to find a job continues to rise this conference report

issues devastating cuts to initiatives that help put dislocated workers back in the labor force. Currently, 7.4 million Americans are unemployed, yet this conference report cuts Unemployment Insurance and Employment Services by \$141 million.

At a time when this country should be investing in education and human capital, this conference agreement cuts \$784 million from No Child Left Behind. It cuts funding for Even Start and Safe and Drug Free Schools, and freezes funding for adult education. These cuts are in addition to a reconciliation bill that cuts \$14.3 billion from student aid for college students.

Mr. Speaker, I came to Congress to find solutions to problems not make them worse. We have a responsibility to ensure that all Americans have an opportunity to share in America's prosperity. It is irresponsible that we approve this conference report that cuts and eliminates essential programs when there is such an obvious need for the services they provide. I cannot in good conscience vote for this conference report and I urge my colleagues to vote "no."

Mr. BLUMENAUER. Mr. Speaker, the fiscal year 2006 Labor, Health and Human Services, Education and Related Agencies appropriations is not just an underfunded bill but is harmful. A bill which should be a stepping stone towards providing good education, employment opportunities and access to affordable health care, instead takes away important safeguards upon which Oregonians and Americans depend. It is another example of how out of touch the Republican leadership is with the rest of the Nation.

This bill shortchanges education programs and imposes a burden on our college students. At a time when the global economy demands a highly trained, educated workforce, we are making it more difficult for our students to succeed by cutting financial aid programs, impacting over 90,000 Oregonians who are borrowing money to attend college. Oregonians have already been saddled with at least a \$1,000 increase in college tuition over the last year. And while there are over 55 million children in public schools nationwide and State budgets are already stretched thin, No Child Left Behind funding is cut by \$784 million.

Students are not the only ones feeling the squeeze. Several health care programs are threatened or eliminated in the legislation. While over 600,000 Oregonians are without health insurance, this bill essentially eliminates many of the safety net clinics and community health centers on which uninsured people depend. We may end up seeing more people in emergency rooms with severe conditions that could have been prevented with regular access to health care.

With over 7 million Americans out of work and over 100,000 Oregonians unemployed, the bill cuts the Department of Labor by \$430 million. Without assistance the gap between the wealthy and the less fortunate will continue to widen. Americans deserve better and it is irresponsible to say that these eliminated programs and funding cuts are the only way to solve our budgetary mess.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong opposition to the conference report of H.R. 3010, the Labor-Health and Human Services-Education Appropriations bill



for Fiscal Year 2006. This bill and the Republican majority are out of touch with the needs of the American public.

This legislation is a question of priorities. It is unconscionable that the Republican majority prepares to fund \$70 billion in tax cuts with cuts to key education, job training and health care programs. With States across the country struggling to find the dollars to fully implement No Child Left Behind, this bill would cut No Child Left Behind funding by \$784 million. With college tuition costs rising, this bill would freeze Pell grant funding at last year's level. With energy costs rising, this bill would also freeze Low-Income Home Energy Assistance funding at last year's level. With 7.4 million Americans out of work, this bill would cut \$245 million for unemployment insurance and employment services programs.

Additionally, this bill would provide the National Institute of Health, NIH, which works to research and combat diseases like cancer and chronic illnesses such as Alzheimer's, Parkinson's and ALS, with the smallest funding level increase in 36 years. This bill would also slash \$31 million in funding for Preventive Health Block Grants and provides virtually no funding for new Community Health Centers. This bill fails to recognize the continued HIV/AIDS crisis by freezing funding on virtually all components of the Ryan White AIDS Care program, except AIDS Drug Assistance. In total, this bill ignores the health needs of Americans.

This bill does not reflect the priorities of the American people. As Members of Congress, we cannot abandon our obligations to our children, to our parents and future generations by cutting vital programs to finance tax cuts bigger than we can afford. I urge my colleagues to reject the underlying bill and do better for the American people.

Mr. KUCINICH. Mr. Speaker, the vast education cuts brought before us today in this conference agreement and additionally in the budget reconciliation package that we may see today, are telling signs of the priorities of this Congress. These cuts demonstrate, far better than words ever could, that education is not a priority for this House.

This conference agreement provides a mere \$11 million increase for Head Start, a pivotal program for preschool-aged children in low-income families across the Nation. At current funding levels, Head Start serves approximately half of the children eligible for its services, a wholly inadequate proportion. This program, which has repeatedly been found to dramatically improve the academic performance of students deserves much more than an \$11 million increase.

The conference agreement cuts school improvement funding by 6 percent and flat funds teacher quality grants. These grants, which are used to recruit qualified teachers and support teacher development, are critically important to efforts to improve student achievement.

Rather than strengthening the Pell Grant Program and increasing access to higher education for low-income students, the conference agreement maintains the current maximum Pell Grant of \$4,050. At this level, the maximum Pell Grant only covers 39 percent of tuition at the average four-year public college, making a mockery of its status as the foundation of student aid for the poorest students.

What are our priorities? The votes members cast today on this conference agreement and the budget reconciliation later today, will show

their priorities. Do we place more value on tax cuts for the wealthy or the education of our students? I urge my colleagues to join me in prioritizing students' well-being and vote no on this conference report and on the budget reconciliation package.

Mr. HOLT. Mr. Speaker, today I rise to oppose the Labor-HHS-Education conference report, which is the most recent evidence that working and middle class Americans are paying the price for the Republican economic agenda of tax cuts for the wealthiest Americans. Not only does this immoral budget fail to provide for what the American people need now, it also fails to address what it will take to be economically competitive in the future.

Overall, the conference report cuts education, health care, and human services by \$1.5 billion from what was spent on these efforts last year. Meanwhile, Republicans will spend \$11 billion this week on a capital gains and dividend income tax cut that will provide 53 percent of its benefit to people making more than \$1 million per year. Their plan spends more on tax cuts this week alone (\$70 billion) than on both the Department of Education and the Department of Labor (\$68 billion) for an entire year.

Funding for education is also cut by \$784 million, the first time the No Child Left Behind (NCLB) Act will have been cut since the law was enacted. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase in eight years. Because it fails to keep pace with our growing population, 3.1 million low-income children will be left behind.

A program for which I have consistently advocated is Mathematics & Science Partnerships. Under this program, grants are first made to states, which, in turn, make grants to partnerships that must include a state agency; an engineering, math or science department of a college or university; and a high-need school district. Grantees use these funds to establish rigorous math and science programs; recruit math, science and engineering majors into teaching; and improve the teaching skills of math and science teachers. Without significant investment in math and science education, we will not be competitive with countries like China who are graduating nine times the number of engineering students that we are producing in America. Unfortunately, this conference report appropriates \$6 million less than the House passed earlier this year and \$85 million (32 percent) less than the President's request.

Also important for long term economic competitiveness is the Educational Technology State Grants Program. Like math and science partnerships this program received \$25 million less than the House bill, \$150 million (35 percent) less than the Senate bill, and \$221 million (45 percent) less than the current appropriation. This is exactly the wrong direction to be taking the country. We can not stay globally competitive if we are not teaching our children the skills and knowledge they will need to be the innovators of tomorrow.

Education for the disabled is also slashed. This bill cuts the Federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Education Act in a decade. The bill provides \$4 billion less than Republicans promised for IDEA.

Similarly, the bill cuts \$17 million for vocational education. This cut will force local school boards to raise funds or cut other services to make up the shortfall. This will not prepare our children with the high tech vocational education they will need to obtain a job that pays well but for which a college degree is not necessary.

With 7.4 million Americans out of work it is unclear to me why Republicans are cutting the Community College Initiative. This initiative would train workers for high skill, high paying jobs, yet it is being reduced by \$125 million, denying this assistance to 100,000 Americans of a continued education to help them get a new job. This bill also cuts job search assistance through the Employment Service by \$89 million (11 percent) and unemployment insurance by \$245 million (7 percent), eliminating help for 1.9 million people.

This bill is no better for those attending college full-time. Despite the fact that higher education is increasingly expensive, the majority has decided not to increase the maximum Pell grant. Rather it is being frozen for the fourth straight year, and no new funding is provided for any other student financial aid and support programs, even though college costs have increased by \$3,095 (34 percent) since 2001.

College students are not the only ones left out in the cold by this bill. Families and seniors who cannot afford to pay the expected 46 percent increase for natural gas and 28 percent for home heating oil this winter will have to get by without energy assistance from the federal government. For some reason Republicans have refused to increase funding for the Low-Income Home Energy Assistance Program (LIHEAP), which helps keep the heat on for people who cannot otherwise heat their homes in winter.

As this bill hurts families' ability to pay for college and heat their homes, it also deals a blow to their ability to receive healthcare. Nearly 46 million Americans are without health insurance, yet Republicans provide virtually no funding for new Community Health Centers beyond the amount approved last year. They also eliminate the Healthy Communities Access Program altogether along with the state planning grants to improve health care coverage. Where do the Republicans find the moral justification to cut these programs while planning to pass another \$70 billion tax cut for the top 1%?

The bill does little to prepare for long-term healthcare concerns or invest in medical research. The Centers for Disease Control (CDC) is cut \$249 million (3.9 percent). The National Institutes of Health (NIH) receives a (0.7 percent) increase—its smallest increase in 36 years, and not enough to keep the number of research grants from declining for the second year in a row. How are we supposed to remain the world leader in health research with funding numbers like this?

I believe American leadership is fueled by national investments in an educated and skilled workforce, groundbreaking federal research, and a steadfast commitment to being the most competitive and innovative Nation in the world. We must make the decision now to ensure that America remains the world leader in innovation and competitiveness. This bill takes us in the opposite direction.

America's global leadership in technological advancement and innovation is being seriously challenged by other countries. The warning

signs could not be clearer. The rest of the world is increasing its capacity, its investments, and its will to catch up with us. We cannot ignore this challenge. Americans again must innovate in order to create new thriving industries that will produce millions of good jobs here at home and a better future for our children. Today this bill moves us further away from achieving this goal.

Mr. MENENDEZ. Mr. Speaker, today we have some very clear choices. It is not every day that we face such black and white options—often the issues we debate on this floor have many shades of gray.

But today, there is no confusion, there is no muddying of the issues, and there is no way to mask the harm this bill would do: cut education spending for the first time in a decade, slash funding for worker and youth training, and provide no increase for home heating assistance for low-income families.

Today, we have a choice. We can pass a bill that will be detrimental to our children's future; that will hurt students in need of financial assistance to go to college; that will not help families struggling to pay their heating bills; and that will severely hinder research and preventive health efforts. Or we can reject this bill and demand something better for American families.

We have heard that this bill is the result of priorities. Well, this is one point where I agree with my Republican colleagues. This bill is the result of priorities. The wrong priorities, Mr. Speaker.

When the Republican leadership of this Congress is content to spend more on tax cuts than on the entire Department of Education or Labor;

When we can spend \$70 billion in tax cuts but cannot provide children the access to technology or advanced science and math instruction they need to compete in today's world;

When we can give millionaires a break but cannot provide students even a meager increase in Pell Grants to help them pay for the rising cost of college;

When we can shell out billions in tax breaks to oil companies but cannot help those in need prepare for what is expected to be one of the costliest winters yet; it is clear that Republicans have the wrong priorities in mind.

Mr. Speaker, our Nation's children should not have their education shortchanged because the administration had to scrounge around for a few million here and there to pay for tax cuts that benefit a small minority in this country.

At a time when people are losing faith in their government and their leaders, when they are asking for honesty and looking for answers to their everyday needs, this bill provides no answers. This bill tells them to go it alone. Mr. Speaker, America deserves better than this.

Vote no on this conference report that shortchanges and unfairly punishes everyday Americans.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the Labor, Health & Human Services and Education Appropriations bill before us. This bill quite simply fails to address the priorities of the American people.

My concerns about specific cuts in this bill are many. It cuts funding for No Child Left Behind, an already vastly underfunded mandate; it fails to offer even the small increase in the

maximum Pell Grant that was established in the House bill; and it sets a funding level for the National Institutes of Health that would decrease the number of federal research grants for the second year in a row. The consequences of this bill are far-reaching. Major cutbacks in the areas of education and health care will have a tremendous economic impact on our Nation.

I would like to speak briefly about what my constituents have told me is important to them. Rhode Islanders, like all Americans, are concerned about health care. I have heard from many of them in recent weeks, in opposition to the devastating cuts to the Title VII health professions programs. While the Administration has made it clear that Community Health Centers are a priority to them, this bill nearly eliminates the very programs that health centers rely on to recruit nurses to work in areas that are facing acute professional shortages and train medical students to work with underserved populations. With 45 million uninsured Americans, we cannot afford to eliminate programs targeted at meeting the needs of the uninsured or remove the support systems that exist for those doctors and nurses who are serving in areas where there is a shortage of professional health services.

Rhode Islanders are also concerned about unemployment. With 7.4 million unemployed Americans, this conference agreement cuts critical services for the unemployed, including job training grants and unemployment insurance offices. Adult Training Grants, which provide training and related education and employment services to economically disadvantaged adults, are cut by \$31 million—providing the lowest level of funding for these training grants in a decade. Youth training grants, which offer states the opportunity to develop on-the-job training and provide exposure to a wide variety of promising career paths for disadvantaged youth are cut by \$36 million, offering 12,000 less at-risk youth the opportunity to earn a high school diploma and find meaningful employment.

When Congress passed H. Con. Res. 95, the Budget Conference Report, the Republican leadership set the stage for these devastating cuts. This legislation makes it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

I urge my colleagues to reject H.R. 3010.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 3010, the Fiscal Year 2006 Appropriations Act for the Departments of Labor, Health and Human Services and Education. H.R. 3010 severely cuts education, health care, and human services that are crucial to North Carolina and to the country.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, H.R. 3010 cuts No Child Left Behind funding by \$784 million below last year's level and makes it impossible for our schools to meet high standards of accountability. These cuts will destroy the morale of our teachers, parents and students.

America's working families are struggling to pay record costs for college costs for college tuition and expenses. Last November, President Bush made a campaign promise to increase funding for Pell Grants and invest in higher education. Unfortunately, this bill

freezes Pell Grants and other student financial aid programs for the fourth year in a row, even though college costs have increased by 34 percent since 2001. America needs a highly trained and educated workforce to compete in the global marketplace of the 21st Century, but H.R. 3010 slashes funding for education at all levels and strains school budgets.

The failure of H.R. 3010 to represent the values of the American people extends beyond the walls of the classroom. H.R. 3010 slashes funding for community health centers that assist the almost 46 million uninsured Americans, and underfunds the Centers for Disease Control as we face the possibility of a flu pandemic. And as winter approaches with expected record prices to heat their homes, H.R. 3010 fails to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Mr. Speaker, H.R. 3010 fails to represent the priorities of the American people. I urge my colleagues to vote against this bad bill and restore funding for essential services for our families.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 3010. The fiscal year 2006 Labor-HHS-Education Appropriations report before the House today shortchanges America's children, its families, its workers and its most vulnerable citizens.

The Labor-HHS-Education bill embodies our priorities and values as Americans. In it, Congress provides the yearly resources needed to keep our families healthy, our children educated, our workers employed, and our most vulnerable citizens a productive part of our society. This bill is arguably one of the most important pieces of legislation Congress addresses each year.

Chairman REGULA understands this responsibility. He understands that this is "the people's bill", and he has worked hard to distribute the limited resources he was given in a fair and conscientious way. So my "no" vote today should in no way be seen as a lack of respect or appreciation for the efforts of RALPH REGULA, the chairman of the Labor HHS Appropriations Subcommittee.

Chairman REGULA and the staff of the subcommittee have worked within this tight budget allocation to address the needs and priorities of our states and communities as best they could under the circumstances. For example, the conference report includes increases in two critical areas to help infants and their families. The first is the Centers for Disease Control and Prevention's folic acid national education program. This program has been instrumental in the prevention of birth defects by encouraging women of child-bearing age to take the recommended amount of folic acid daily, thereby decreasing the rate of neural tube defects. The second increase is for the Health Resources and Services Administration's newborn screening program for early identification of infants affected by certain genetic, metabolic, hormonal and or functional conditions for which there are effective treatment or intervention. In addition, for the first time, this bill also includes programmatic funding for the national media campaign to fight underage drinking, which is being conducted by the Ad Council. I thank the committee for helping our country make progress in these critical public health areas. The presence of these and a small number of other

positive programmatic funding levels, however, is simply not enough to warrant approving this conference report.

Mr. Speaker, the constraints placed on this bill by the budget priorities and decisions of the Republican leadership are not worthy of this House and the values of the American people. I voted against the House bill when it came to the floor in June precisely because it fell so short of meeting the needs of America's children, families and the most vulnerable among us. I had hoped that the bill would be improved in the conference. It is unfortunate, however, that in this conference agreement, the way they chose to improve overall programmatic funding from the original House Bill levels was to take resources away from other priorities and community needs.

This report and its funding decisions do not stand in isolation. They reflect the misguided priorities of a Republican leadership that has continually put the interests of the wealthy and the privileged before the needs and priorities of working and middle-class Americans. This Labor-HHS-Education conference report is a direct result of an economic agenda of tax cuts for the wealthiest Americans, and it weakens America's future by under-funding key education, health and human services programs. If approved, this bill will impose cuts to essential programs important to Americans in at least three major areas.

First, this conference agreement significantly shortchanges our nation's workers. The bill cuts labor programs \$430 million below the FY 2005 levels. Training and employment services for the 7.4 million Americans who are unemployed are funded well below the FY05 levels. This includes a \$31 million cut to Adult Training Grants, a \$36 million cut to Youth Training Grants; and a \$141 million cut to Unemployment Insurance Offices. The U.S. Employment Service Office, which matches job seekers with job openings, is slashed by 10.5 percent, and the report freezes funding for dislocated and older workers. In addition, the bill slices International Labor Affairs, the program that helps eradicate abusive child labor practices and protect worker rights, by 21 percent.

Secondly, this report is simply a reaffirmation of the Administration's hollow commitment to education, slashing the No Child Left Behind funds by \$784 million below the FY 2005 level. It cuts the Education Technology Block Grant program that provides access to technology in schools by a shocking 45 percent from last year's level. It reduces the Even Start program supporting services for low literate and low-income families by 56 percent. And as a final point, it shortchanges our children with disabilities by funding IDEA at \$4 billion below the Republican promise to put special education on a fast track to full funding.

Finally, the report is particularly devastating to the health of Americans. Some of its most significant cuts are directed towards the critical programs that provide a health care safety net for the uninsured. The conference agreement provides \$34 million less than the House passed bill and \$89 million less than the Senate bill for grants to Health Centers for services to the uninsured. The Maternal and Child Health Block Grant is cut by 3 percent, reducing its true per capita purchasing power by almost 20 percent below the FY 2002 level. The conference agreement terminates the Healthy Communities Access Program that makes grants to local hospitals, health centers and

providers so that they can provide better integrated systems of care for the underinsured and uninsured. Lastly, as if cutting services wasn't enough, the conference agreement virtually decimates the Title VII Health Professions Training programs, cutting overall funding from \$300 million in FY 2005 to \$94 million in FY 2006.

Mr. Speaker, these drastic reductions to critical programs are not necessary. Ranking Member DAVID OBEY has consistently laid out a common-sense approach to this problem. By simply reducing the tax break for those with incomes greater than \$1 million, we could add funding for No Child Left Behind programs, maintain college affordability by increasing the money for Pell grants, shore up our health safety net programs, and rebuild our public health system to respond to pandemics and possible terrorist attacks. But these fiscally responsible efforts by Mr. OBEY and the Democrats have been defeated by the Republican majority at every turn. The result is this grossly underfunded bill which we are considering today.

In the end, this Congress will be judged by how well we have served the needs of all our citizens and communities. As a result, this Labor-HHS-Education Bill will not reflect kindly on us. We can and must do better for the future of our families, our children, our workers and our most vulnerable citizens.

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report on H.R. 3010 will be followed by a 5-minute vote on passage of House Joint Resolution 72.

The vote was taken by electronic device, and there were—yeas 209, nays 224, not voting 1, as follows:

[Roll No. 598]

YEAS—209

Aderholt	Cantor	Fossella
Akin	Capito	Fox
Alexander	Carter	Franks (AZ)
Bachus	Chabot	Frelinghuysen
Baker	Chocola	Gallely
Barrett (SC)	Coble	Garrett (NJ)
Bartlett (MD)	Cole (OK)	Gilchrest
Barton (TX)	Conaway	Gillmor
Bass	Crenshaw	Gingrey
Beauprez	Cubin	Gohmert
Biggart	Culberson	Goode
Bilirakis	Cunningham	Goodlatte
Bishop (UT)	Davis (KY)	Granger
Blackburn	Davis, Jo Ann	Graves
Blunt	Davis, Tom	Green (WI)
Boehlert	Deal (GA)	Gutknecht
Boehner	DeLay	Hall
Bonilla	Dent	Harris
Bonner	Diaz-Balart, L.	Hart
Bono	Diaz-Balart, M.	Hastert
Boozman	Doolittle	Hastings (WA)
Boustany	Drake	Hayes
Bradley (NH)	Dreier	Hayworth
Brady (TX)	Duncan	Hefley
Brown (SC)	Ehlers	Hensarling
Brown-Waite,	English (PA)	Henger
Ginny	Everett	Hobson
Burgess	Feeney	Hoekstra
Burton (IN)	Ferguson	Hostettler
Buyer	Flake	Hulshof
Calvert	Foley	Hunter
Camp	Forbes	Hyde
Cannon	Fortenberry	Inglis (SC)

Issa	Miller (FL)	Sensenbrenner
Istook	Miller (MI)	Sessions
Jenkins	Miller, Gary	Shadegg
Jindal	Musgrave	Shaw
Johnson (IL)	Myrick	Shays
Johnson, Sam	Neugebauer	Sherwood
Jones (NC)	Ney	Shimkus
Keller	Northup	Shuster
Kelly	Norwood	Simpson
Kennedy (MN)	Nussle	Smith (NJ)
King (IA)	Osborne	Smith (TX)
King (NY)	Oxley	Sodrel
Kingston	Pearce	Souder
Kline	Pence	Sullivan
Knollenberg	Peterson (PA)	Sweeney
Kolbe	Petri	Tancredo
Kuhl (NY)	Pitts	Taylor (NC)
LaHood	Poe	Terry
Latham	Pombo	Thornberry
LaTourette	Porter	Tiahrt
Lewis (CA)	Price (GA)	Tiberi
Lewis (KY)	Pryce (OH)	Turner
Linder	Putnam	Upton
LoBiondo	Radanovich	Walden (OR)
Lucas	Regula	Walsh
Lungren, Daniel	Rehberg	Wamp
E.	Reichert	Weldon (FL)
Mack	Reynolds	Weldon (PA)
Manzullo	Rogers (KY)	Weller
Marchant	Rogers (MI)	Westmoreland
McCaul (TX)	Rohrabacher	Whitfield
McCotter	Ros-Lehtinen	Wicker
McCrery	Royce	Wilson (SC)
McHenry	Ryan (WI)	Wolf
McHugh	Ryun (KS)	Young (AK)
McKeon	Saxton	Young (FL)
McMorris	Schmidt	
Mica	Schwarz (MI)	

NAYS—224

Abercrombie	Engel	Markey
Ackerman	Eshoo	Marshall
Allen	Etheridge	Matheson
Andrews	Evans	Matsui
Baca	Farr	McCarthy
Baird	Fattah	McCollum (MN)
Baldwin	Filner	McDermott
Barrow	Fitzpatrick (PA)	McGovern
Bean	Ford	McIntyre
Becerra	Frank (MA)	McKinney
Berkley	Gerlach	McNulty
Berman	Gibbons	Meehan
Berry	Gonzalez	Meek (FL)
Bishop (GA)	Gordon	Meeks (NY)
Bishop (NY)	Green, Al	Melancon
Blumenauer	Green, Gene	Menendez
Boren	Grijalva	Michaud
Boucher	Gutierrez	Millender-
Boyd	Harman	McDonald
Brady (PA)	Hastings (FL)	Miller (NC)
Brown (OH)	Hereth	Miller, George
Brown, Corrine	Higgins	Mollohan
Butterfield	Hinchey	Moore (KS)
Capps	Hinojosa	Moore (WI)
Capuano	Holden	Moran (KS)
Cardin	Holt	Moran (VA)
Cardoza	Honda	Murphy
Carnahan	Hooley	Murtha
Carson	Hoyer	Nadler
Case	Inslee	Napolitano
Castle	Israel	Neal (MA)
Chandler	Jackson (IL)	Nunes
Clay	Jackson-Lee	Oberstar
Cleaver	(TX)	Obey
Clyburn	Jefferson	Olver
Conyers	Johnson (CT)	Ortiz
Cooper	Johnson, E. B.	Otter
Costa	Jones (OH)	Owens
Costello	Kanjorski	Pallone
Cramer	Kaptur	Pascarell
Crowley	Kennedy (RI)	Pastor
Cuellar	Kildee	Paul
Cummings	Kilpatrick (MI)	Payne
Davis (AL)	Kind	Pelosi
Davis (CA)	Kirk	Peterson (MN)
Davis (FL)	Kucinich	Pickering
Davis (IL)	Langevin	Platts
Davis (TN)	Lantos	Pomeroy
DeFazio	Larsen (WA)	Price (NC)
DeGette	Larson (CT)	Rahall
Delahunt	Leach	Ramstad
DeLauro	Lee	Rangel
Dicks	Levin	Renzi
Dingell	Lewis (GA)	Reyes
Doggett	Lipinski	Rogers (AL)
Doyle	Lofgren, Zoe	Ross
Edwards	Lowe	Rothman
Emanuel	Lynch	Roybal-Allard
Emerson	Maloney	Ruppersberger

Rush	Slaughter	Udall (CO)
Ryan (OH)	Smith (WA)	Udall (NM)
Sabo	Snyder	Van Hollen
Salazar	Solis	Velázquez
Sánchez, Linda	Spratt	Visclosky
T.	Stark	Wasserman
Sanchez, Loretta	Stearns	Schultz
Sanders	Strickland	Waters
Schakowsky	Stupak	Watson
Schiff	Tanner	Watt
Schwartz (PA)	Tauscher	Waxman
Scott (GA)	Taylor (MS)	Weiner
Scott (VA)	Thomas	Wexler
Serrano	Thompson (CA)	Wilson (NM)
Sherman	Thompson (MS)	Woolsey
Simmons	Tierney	Wu
Skelton	Towns	Wynn

## NOT VOTING—1

Boswell

## PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Speaker, I have a parliamentary inquiry. Has it now been 30 minutes for a 15-minute vote?

The SPEAKER pro tempore (Mr. TERRY). Clause 2(a) of rule XX establishes 15 minutes as a minimum time. The rule does not state a maximum amount of time.

Ms. PELOSI. Mr. Speaker, how much longer will it take for the Republican leadership to pass this terrible attack on America's children?

The SPEAKER pro tempore. The gentlewoman does not state a parliamentary inquiry.

Ms. PELOSI. Mr. Speaker, how much longer will you hold this vote open?

The SPEAKER pro tempore. The Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

Ms. PELOSI. Mr. Speaker, how many Members have not yet voted?

The SPEAKER pro tempore. The Chair has affirmed that the rules establish a minimum duration of the vote. The rules do not set a maximum duration. The Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

Ms. PELOSI. Mr. Speaker, is the vote being held open to change votes or are there Members who have not voted?

The SPEAKER pro tempore. The Chair will leave the vote open until he believes Members have finished voting.

Ms. PELOSI. I hope we will not be waiting too much longer, Mr. Speaker.

## PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Parliamentary inquiry, Mr. Speaker.

Mr. Speaker, is it not a part of the rules of the House for Members who wish to change their votes for them to come to the well to change their votes and not keep the machines open to do that?

Mr. Speaker, is it not further part of the usual procedure of the House for the Chair to announce the changes as they come in?

The SPEAKER pro tempore. The Clerk has announced changes. The voting stations cannot accept further changes at this point. Any further changes must be made in the well.

□ 1413

Messrs. RUSH, HONDA and GUTIERREZ changed their vote from "yea" to "nay."

Messrs. TOM DAVIS of Virginia, HEFLEY, GINGREY, TANCREDO, FRANKS of Arizona, FLAKE, YOUNG of Alaska, JONES of North Carolina and Ms. HART, Ms. GINNY BROWN-WAITE of Florida, and Mrs. CUBIN changed their vote from "nay" to "yea."

So the conference report was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1415

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. TERRY). The pending business is the vote on passage of House Joint Resolution 72 on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 16, not voting 4, as follows:

[Roll No. 599]

YEAS—413

Abercrombie	Camp	Ehlers
Ackerman	Cannon	Emanuel
Aderholt	Cantor	Emerson
Akin	Capito	Engel
Alexander	Capps	English (PA)
Allen	Cardin	Eshoo
Andrews	Cardoza	Etheridge
Baca	Carson	Evans
Bachus	Carter	Everett
Baird	Case	Farr
Baker	Castle	Fattah
Baldwin	Chabot	Feeney
Barrett (SC)	Chandler	Ferguson
Barrow	Chocola	Filner
Bartlett (MD)	Clay	Fitzpatrick (PA)
Barton (TX)	Cleaver	Flake
Bass	Clyburn	Foley
Bean	Coble	Forbes
Beauprez	Cole (OK)	Fortenberry
Berkley	Conaway	Fossella
Berman	Costa	Foxx
Berry	Costello	Franks (AZ)
Biggart	Cramer	Frelinghuysen
Bilirakis	Crenshaw	Gallegly
Bishop (GA)	Crowley	Garrett (NJ)
Bishop (NY)	Cubin	Gerlach
Bishop (UT)	Cuellar	Gibbons
Blackburn	Culberson	Gilchrest
Blumenauer	Cummings	Gillmor
Blunt	Cunningham	Gingrey
Boehlert	Davis (AL)	Gohmert
Boehner	Davis (CA)	Gonzalez
Bonilla	Davis (FL)	Goode
Bonner	Davis (IL)	Goodlatte
Bono	Davis (KY)	Gordon
Boozman	Davis (TN)	Granger
Boren	Davis, Jo Ann	Graves
Boucher	Davis, Tom	Green (WI)
Boustany	Deal (GA)	Green, Al
Boyd	DeGette	Green, Gene
Bradley (NH)	Delahunt	Gutierrez
Brady (PA)	DeLauro	Gutknecht
Brady (TX)	DeLay	Hall
Brown (OH)	Dent	Harman
Brown (SC)	Diaz-Balart, L.	Harris
Brown, Corrine	Diaz-Balart, M.	Hart
Brown-Waite,	Dicks	Hastings (WA)
Ginny	Doggett	Hayes
Burgess	Doolittle	Hayworth
Burton (IN)	Doyle	Hefley
Butterfield	Drake	Hensarling
Buyer	Dreier	Hерger
Calvert	Duncan	Herseeth

Higgins	McKinney	Ryan (WI)
Hinchey	McMorris	Ryun (KS)
Hinojosa	McNulty	Sabo
Hobson	Meehan	Salazar
Hoekstra	Meek (FL)	Sánchez, Linda
Holden	Meeks (NY)	T.
Holt	Melancon	Sanchez, Loretta
Honda	Menendez	Sanders
Hooley	Mica	Saxton
Hostettler	Michaud	Schakowsky
Hoyer	Millender-	Schiff
Hulshof	McDonald	Schmidt
Hunter	Miller (FL)	Schwartz (PA)
Hyde	Miller (MI)	Schwarz (MI)
Inglis (SC)	Miller (NC)	Scott (GA)
Inlee	Miller, Gary	Scott (VA)
Israel	Miller, George	Sensenbrenner
Issa	Mollohan	Serrano
Istook	Moore (KS)	Sessions
Jackson-Lee	Moore (WI)	Shadegg
(TX)	Moran (KS)	Shaw
Jefferson	Moran (VA)	Shays
Jenkins	Murphy	Sherman
Jindal	Murtha	Sherwood
Johnson (CT)	Musgrave	Shimkus
Johnson (IL)	Myrick	Shuster
Johnson, E. B.	Nadler	Simmons
Johnson, Sam	Napolitano	Simpson
Jones (NC)	Neal (MA)	Skelton
Jones (OH)	Neugebauer	Slaughter
Kanjorski	Ney	Smith (NJ)
Kaptur	Northup	Smith (TX)
Keller	Norwood	Smith (WA)
Kelly	Nunes	Snyder
Kennedy (MN)	Nussle	Sodrel
Kennedy (RI)	Oberstar	Solis
Kildee	Obey	Souder
Kilpatrick (MI)	Oliver	Spratt
Kind	Ortiz	Stark
King (IA)	Osborne	Stearns
King (NY)	Otter	Strickland
Kingston	Owens	Sullivan
Kirk	Oxley	Sweeney
Kline	Pallone	Tancredo
Knollenberg	Pascrell	Tanner
Kolbe	Pastor	Tauscher
Kuhl (NY)	Paul	Taylor (MS)
LaHood	Payne	Taylor (NC)
Langevin	Pearce	Terry
Lantos	Pelosi	Thomas
Larsen (WA)	Pence	Thompson (CA)
Larson (CT)	Peterson (MN)	Thompson (MS)
Latham	Peterson (PA)	Thornberry
LaTourette	Petri	Tiahrt
Leach	Pickering	Tiberi
Lee	Pitts	Turner
Levin	Platts	Udall (CO)
Lewis (CA)	Poe	Udall (NM)
Lewis (GA)	Pombo	Upton
Lewis (KY)	Pomeroy	Van Hollen
Linder	Porter	Velázquez
Lipinski	Price (GA)	Visclosky
LoBiondo	Price (NC)	Walden (OR)
Lowe	Pryce (OH)	Walsh
Lucas	Putnam	Wamp
Lungren, Daniel	Radanovich	Wasserman
E.	Rahall	Schultz
Lynch	Ramstad	Waters
Mack	Rangel	Watson
Maloney	Regula	Watt
Manzullo	Rehberg	Waxman
Marchant	Reichert	Weiner
Markey	Renzi	Weldon (FL)
Marshall	Reyes	Weldon (PA)
Matheson	Reynolds	Weller
Matsui	Rogers (AL)	Westmoreland
McCarthy	Rogers (KY)	Wexler
McCaul (TX)	Rogers (MI)	Whitfield
McCollum (MN)	Rohrabacher	Wicker
McCotter	Ros-Lehtinen	Wilson (NM)
McCrery	Ross	Wilson (SC)
McDermott	Rothman	Wolf
McGovern	Roybal-Allard	Woolsey
McHenry	Royce	Wynn
McHugh	Ruppersberger	Young (AK)
McIntyre	Rush	Young (FL)
McKeon	Ryan (OH)	

## NAYS—16

Becerra	Ford	Lofgren, Zoe
Capuano	Frank (MA)	Stupak
Conyers	Grijalva	Tierney
Cooper	Hastings (FL)	Wu
DeFazio	Jackson (IL)	
Dingell	Kucinich	

## NOT VOTING—4

Boswell	Edwards
Carnahan	Towns

□ 1428

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**MOTION TO INSIST ON DISAGREEMENT TO SENATE AMENDMENT TO H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006**

Mr. REGULA. Mr. Speaker, I move to take from the Speaker's table the bill, H.R. 3010, with the Senate amendment and to insist on disagreement to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 1 hour.

Mr. REGULA. Mr. Speaker, this is a simple motion to insist on the House position, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. REGULA).

The motion was agreed to.

A motion to reconsider was laid on the table.

**RECESS**

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2018

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 8 o'clock and 18 minutes p.m.

**PROVIDING FOR CONSIDERATION OF H.R. 4241, DEFICIT REDUCTION ACT OF 2005**

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 560

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accom-

panying this resolution shall be considered as adopted. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 4241 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 3. After passage of H.R. 4241, it shall be in order to take from the Speaker's table S. 1932 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4241 as passed by the House. All points of order against that motion are waived.

**UNFUNDED MANDATE POINT OF ORDER**

Mr. McDERMOTT. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against the consideration of this rule, H. Res. 560.

Section 425 of that same act states that the point of order lies against legislation which imposes an unfunded mandate in excess of specified amounts against State or local governments.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

The first section of H. Res. 560 proposes to waive all points of order against consideration of the bill and against provisions in the bill, as amended.

The legislation, H.R. 4241, brought up by the rule, includes provisions on child support enforcement, which the Congressional Budget Office informs us impose an intergovernmental mandate as defined by the Unfunded Mandates Reform Act.

Therefore, I make a point of order that this rule may not be considered pursuant to section 426.

The SPEAKER pro tempore. The gentleman from Washington makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of that Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Florida (Mr. PUTNAM) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, Americans on the front line in protecting and defending our

most vulnerable children have been sending out an SOS. They do not merely solve problems every day. They save lives.

Their message is loud and clear. The child support provisions included in reconciliation undermine the Federal commitment to child support enforcement. Republican reconciliation is reckless disregard for safeguarding children.

It is a license for people to break their promise of child support because enforcement will be lax. Eighty percent of the children receiving support live in low- and moderate-income families. The bill would reduce the share of child support enforcement costs that are paid by the Federal Government from 66 percent to 50 percent by 2010. Federal funding to the program would be cut by \$5 billion over the next 5 years, a nearly 40 percent cut in funding for the program by 2010. We make the money go away, but not the problems or the needs.

The CBO estimated that child support provisions in the reconciliation bill would reduce collections sent to families by \$21 billion over the next 10 years.

As a result, more deadbeat dads will be left off the hook, while more low-income families will look to State and Federal programs to make up the difference in lost income. But we will not be there, just like the deadbeat dads.

In 2004, more than \$4 was collected for every dollar spent in the program. Even President Bush's 2006 budget cites the program as "effective" and "one of the highest rated block formula grants of all reviewed programs government-wide."

A hard-working program will fall on hard times if we leave the reconciliation bill as it is. People will be hurt. Children will be hurt. Republicans will be responsible. And for what?

Mr. Speaker, this is the season of giving, and Republicans are going to be very generous with those very few Americans rolling in dough.

Republican leaders have scheduled their midnight express to roll through town again tonight. Republicans will climb aboard to run over the American people in the dead of the night.

Child Support Enforcement, that is not even in the baggage car. Republicans like doing things in the dark, behind closed doors, in the dead of night, hoping the American people will not notice.

Well, not today. Today's light shines on their darkness. If one candle can curse the darkness, we are going to use a search light. It is the Republican season of giving, and here is what it means: we take from the sack of the poor children in this country 330,000 child-care dollars and put it in the rich sock. It is Christmas time. Take \$700 million from Social Security and put it in the rich stocking. Take child support, \$21 billion from Child Support Enforcement and put it in the rich stocking.

Take Medicaid from the poor, \$10 billion, and put it in the rich stocking. Student loans, \$14 million. I take \$14 billion from student loans and give that to the rich stocking. And food stamps from 300,000 tables we take and put it in the rich stocking. Finally, foster children, \$600 million from foster children in this country goes into the sock, later tomorrow, of the rich because we have taken it from the poor and we have given it to the rich.

That is what this bill before us is all about. Tonight in the dead of night you are going to give to the rich who do not need it and take from the needy who cannot afford to lose it. You will disguise this as a Christmas stocking with presents, just in time for the holidays. But it is a heavy-handed club used on the American people. The heartland is not heartless. Not even the dead of the night will hide what you intend to do to the American people tonight. Even the rich will be ashamed. I wonder if the Republicans will. They should be.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the gentleman's clever props, notwithstanding the holiday stockings, I would point out to the gentleman who repeatedly referred to this being done in the dead of night that in his home district it is 5:30 in the afternoon and people are driving home from work. So for the dead of night on the west coast, the people on the east coast will know that we are not working a nine to five job and that we are pushing ahead with the agenda of reforming the inefficiencies that lay in government.

I would also point out to the gentleman that between 1999 and 2003, total child support enforcement administrative expenditures went up almost 30 percent; 29 percent between 1999 and 2003, as the case load declined 8 percent. Again, their rhetoric does not match well with the facts.

Mr. Speaker, the gentleman is utilizing the rules that are at his disposal, and I think that it is appropriate that he do that. It is a positive reflection on this House that these types of tools are available to the minority to stymie the progress, and we appreciate the gentleman's ability to use those. But it would be important to have the facts be accurate, and the facts are that these administrative costs that are being discussed in this bill are a shift in what has been a double-dipping practice that has been used by States to draw down Federal dollars and then collect administrative costs as if the original Federal dollar had been generated in that State in the first place. This is not, as the gentleman has characterized, the Grinch or any other mean-spirited person taking treats from children or from their holiday stockings that have arrived a month and a half early.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. PUTNAM, I will read you the facts from the Congressional Budget Office estimate, that this action will result in a reduction over the next 10 years of \$24 billion in child support. That is the Congressional Budget estimate, and that takes into account adjustments the States might make in providing more money for administration. This is the most callous, callous reflection of your fiscal irresponsibility. You have driven yourselves and this country into so much debt, now you are reaching into the homes of this country. This is antifamily. This is antikids. There is no defense of it.

□ 2030

This money is for administrative purposes. We have been paying two-thirds. The result of it, and it was part of welfare reform, is that child support has gone up and up. The kids have benefited. And now what you are going to do is to reduce those benefits. And we will hear from your side, oh, child support is going to go up, anyway. This is a fact and I close with this. CBO says if anyone votes for this, they are going to reduce child support payments over 10 years by \$24 billion. I say to you, you go home, you face the kids in your district, you face the parents in your district, and you tell them you voted for this. If you won't tell them, we will.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman's reference to the CBO numbers. We also have the CBO numbers. They are available on a bipartisan basis. The CBO numbers clearly show that total collections will continue to go up. \$24.8 billion in 2006, \$26 billion in 2010, \$31.7 billion by 2015. The gentleman has referred to this provision as the most callous part of the deficit reduction package. I hope that everyone else on his team remembers that because you can only have one number one. You can only have one most egregious part.

So as we get into the discussions about Medicaid and food stamps and student loans and all the things that we heard about this morning when we were talking about the continuing resolution, let us remember that this one is the most egregious, that this one is the most callous because you can only have one number one. I know that this is nothing but the first salvo in a historic debate about the direction that this country is heading.

I agree with the gentleman that it is important that we go back to our districts and we talk about these plans, because the fact of the matter is we have a plan. And the fact of the matter is that you don't. The fact of the matter is that you can criticize all you want about where we have chosen to reform government, to find efficiencies, to better deliver services to the people who need them the most while you can go home and criticize the changes that we offer without having to defend your own plan.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. This chart says it all. CBO estimates lower spending on child support program leads to lower collections to the tune of \$21 billion. It is truly stunning to me that Republicans in this House would line up together to cut the funds used to collect child support. I just never expected to see them give deadbeat dads a pass, those deadbeat dads who refuse to pay what they owe for the upbringing of their own children.

The majority Members of this body are quick to boast of their support for family values. Well, I ask you this, what kind of family value is it that cuts back on the efforts to make deadbeat dads pay what they owe, when deadbeat dads walk away from their obligations? It won't be you smug in your own comfortable life who will feel the pain. It will be young mothers who can't pay rent. It will be little children whose lives are upended by financial abandonment. For every dollar we spend collecting on child support, we collect more than \$4. In North Dakota, that means for every dollar collected, the Federal Government gets \$2.78 back in recoveries and costs forgone.

State governments also gain, which is precisely why the Congressional Budget Office has found this to be an unfunded mandate. When Republicans cut child support collections, deadbeat dads win. State governments lose. That is why tonight's proposal is an unfunded mandate and must be stopped.

CBO has estimated by cutting collections \$4.9 billion as you do, we lose more than \$24 billion in support not collected. That hits children. That hits families. And that hits States which is what makes this an unfunded mandate. Support the effort to stop this unfunded mandate. Support the effort to block this cut in child support enforcement.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise in support of the point of order from the gentleman from Washington. I am here to speak to my colleagues, but especially the 235 of you who, like me, served in legislatures throughout the country prior to coming to Congress. The fiscal sleight of hand that we are undertaking here today is simply that of a financial shell game, and the loser is already clear, it is our States. You don't have to take my word for it.

The Congressional Budget Office has spoken and they have identified that the reduction in child support without a change in the requirements is a violation of the Unfunded Mandates Reform Act of 1995 that many of you were here that supported on a bipartisan basis. It is a violation of the law.



We can play this ridiculous game of pretend and safely ensconce ourselves in these walls but do you truly believe that the actions today will go unnoticed and that State legislatures are not watching what we do? I know that the National Conference of State Legislatures is watching. I hope that ALEC is watching, too, and I suspect that the National Governors Association is taking notes. I can assure you that they are tuning in to C-SPAN and taking careful notice of today's proceedings because besides illegal, today's vote will have a direct impact on their ability to serve the people of their States, the same people who live in our districts.

In fact, President Ronald Reagan's promise of federalism today is nowhere in this Chamber. President Reagan's famous debate line with Mr. Mondale is frighteningly apropos in this exercise: "There you go again." And yes, here we go again attempting to balance our Federal budget on the backs of 50 States.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Florida for yielding.

We have heard a lot about what devastation from this small little act we are going tonight to try to reform welfare and improve the system of delivering the services and goods to those who are truly in trouble in our culture.

One of the things that is surprising to me, though, is that there is really no plan on the other side. I have seen in the hallways of the office buildings that house Members of Congress offices hold billboards that are put up about the Federal deficit and how we must do something about the Federal deficit, but I have yet to see a plan to try to deal with the deficit that the Democrats themselves are complaining about.

Blue Dog Democrats, each in front of their office, have billboards that says the Federal deficit so much for each family to pay back, we have got to do something about it, but there is no plan. There are more plans on the television show West Wing than the Democrats have here in the United States House of Representatives. There are more plans on the other political shows about how to deal with the problems of today but we get no plans or help from the other side.

So what I think we ought to see here is some Blue Dog Democrats that are the type of dogs that will actually hunt. Dogs that we have some bite instead of the bark, because right now all we hear is a lot of noise and we don't have any action or plan. We are hearing complaining about how we are trying to improve the system.

I will give you one example quickly. In Kansas, delivering Medicaid is only correct three out of four times. One out of four times the payment is inaccurate. We need to reform that system. You would not get on an airplane today

if you had a three out of four chance of getting to your destination. You would not start a trip today if you had only a three out of four chance of getting to your destination. When we make a Medicaid payment in the State of Kansas, our State government is wrong 24 percent of the time. This legislation has reforms in it to help improve our Medicaid system, so those who are truly in need get the services they require.

But we cannot do that according to the other side. We need to pass this legislation, reform the welfare system, and do the right thing about the Federal budget.

Mr. McDERMOTT. Mr. Speaker, I have the responsibility of closure, right?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida has the right to close.

Mr. McDERMOTT. Does he have any other speakers?

Mr. PUTNAM. We do not have any additional speakers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Washington has 30 seconds.

Mr. McDERMOTT. He says a whole lot, but he has no one else to speak, Mr. Speaker, because they want the people to believe that this is a fight between Democrats and Republicans. But it is not true. In reality, Republican Governors oppose these child support cuts, including Governor Schwarzenegger of California. Republicans in the Senate oppose these cuts including Senator CORNYN of Texas. Religious organizations oppose these cuts, including the Conference of Catholic Bishops. All program administrators and poverty experts oppose these cuts. Cutting child support payments to needy families is a policy supported only by the extreme right wing which currently is running the House of Representatives. I urge the Members to vote "no" on this motion.

Mr. PUTNAM. Mr. Speaker, this is an important opening to the grand debate that we are unveiling here this evening about the direction of entitlement spending and the direction of Federal spending in this Congress and for our Nation. We have heard an awful lot about the term "cuts" and we have seen the cute props and we have heard the first of what will be many metaphors of snatching food from the mouths of children and all kinds of heated rhetoric. But at the end of the day, the numbers don't lie. The numbers are that child support collections under this proposal continue to go up.

Do they go up as fast as the Democrats would like? Apparently not, judging by the rhetoric. But only in Washington and only in their rhetoric is that a cut. The bottom line is that this next fiscal year, 2006, it is \$23.8 billion. By 2010, it is \$26 billion. And by 2015, it is almost \$32 billion. Under every arithmetic, old math, new math, poor school districts, wealthy school districts, all across America, those numbers are

going up. Those numbers mean more money to those States for the important task of enforcing child support responsibilities by all noncustodial parents.

So despite the references to the smugness, despite the fact that we have been accused of being in the pockets of deadbeat dads, the numbers continue to climb for administrative costs. None of these even affect the actual program. They are defending the administration of the program instead of the outcome of that program, which is more money getting to those families, more fathers, more mothers who are noncustodial living up to their obligations. That is really what it ought to be about, is it not, the outcome? Not the administrative fees, that are going up anyway?

Mr. Speaker, I appreciate the fact that the rule has given the gentleman this opportunity for us to open the debate in this way. Unfortunately his rhetoric outpaces the facts. I would urge the Members to reject this proposal and allow us to move forward with reforming government.

With that, I would ask the Members to vote "yes."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 12, as follows:

[Roll No. 600]

YEAS—224

Aderholt	Calvert	English (PA)
Akin	Camp	Everett
Alexander	Cannon	Feeney
Bachus	Cantor	Ferguson
Baker	Capito	Fitzpatrick (PA)
Barrett (SC)	Carter	Flake
Bartlett (MD)	Castle	Foley
Barton (TX)	Chabot	Forbes
Bass	Choccola	Fossella
Beauprez	Coble	Fox
Biggert	Cole (OK)	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (UT)	Crenshaw	Gallegly
Blackburn	Cubin	Garrett (NJ)
Blunt	Culberson	Gerlach
Boehlert	Cunningham	Gibbons
Boehner	Davis (KY)	Gilchrest
Bonilla	Davis, Jo Ann	Gillmor
Bonner	Davis, Tom	Gingrey
Bono	Deal (GA)	Gohmert
Boozman	DeLay	Goode
Boustany	Dent	Goodlatte
Bradley (NH)	Diaz-Balart, L.	Granger
Brady (TX)	Diaz-Balart, M.	Graves
Brown (SC)	Doolittle	Green (WI)
Brown-Waite,	Drake	Gutknecht
Ginny	Dreier	Hall
Burgess	Duncan	Harris
Burton (IN)	Ehlers	Hart
Buyer	Emerson	Hastert



Hastings (WA)	Mack	Ramstad	Upton	Weller	Wilson (SC)	Lewis (GA)	Oberstar	Sherman
Hayes	Manzullo	Regula	Walsh	Westmoreland	Wolf	Lipinski	Obey	Skelton
Hayworth	Marchant	Rehberg	Wamp	Whitfield	Young (AK)	Lofgren, Zoe	Oliver	Slaughter
Hefley	McCaul (TX)	Renzi	Weldon (FL)	Wicker		Lowey	Ortiz	Smith (WA)
Hensarling	McCotter	Reynolds	Weldon (PA)	Wilson (NM)		Lynch	Owens	Snyder
Herger	McCrery	Rogers (AL)				Maloney	Pallone	Solis
Hobson	McHenry	Rogers (KY)				Markey	Pascarell	Spratt
Hostettler	McHugh	Rogers (MI)	Abercrombie	Cooper	Grijalva	Marshall	Pastor	Stark
Hulshof	McKeon	Rohrabacher	Ackerman	Costa	Gutierrez	Matheson	Payne	Strickland
Hunter	McMorris	Ros-Lehtinen	Allen	Costello	Harman	Matsui	Pelosi	Stupak
Inglis (SC)	Mica	Royce	Andrews	Cramer	Hastings (FL)	McCarthy	Peterson (MN)	Tanner
Issa	Miller (FL)	Ryan (WI)	Baca	Crowley	Herseeth	McCollum (MN)	Pomeroy	Tauscher
Istook	Miller (MI)	Ryun (KS)	Baird	Cuellar	Higgins	McDermott	Price (NC)	Taylor (MS)
Jenkins	Miller, Gary	Saxton	Baldwin	Cummings	Hinchey	McGovern	Rahall	Thompson (CA)
Jindal	Moran (KS)	Schmidt	Barrow	Davis (AL)	Hinojosa	McIntyre	Rangel	Thompson (MS)
Johnson (CT)	Murphy	Schwarz (MI)	Bean	Davis (CA)	Holden	McKinney	Reichert	
Johnson (IL)	Musgrave	Sensenbrenner	Becerra	Davis (FL)	Holt	McNulty	Reyes	Tierney
Johnson, Sam	Myrick	Sessions	Berkley	Davis (IL)	Honda	Meehan	Ross	Udall (CO)
Jones (NC)	Neugebauer	Shadegg	Berman	Davis (TN)	Hooley	Meek (FL)	Rothman	Udall (NM)
Keller	Ney	Shaw	Berry	DeFazio	Hoyer	Meeks (NY)	Roybal-Allard	Van Hollen
Kelly	Northup	Shays	Bishop (GA)	DeGette	Inslee	Melancon	Ruppersberger	Velázquez
Kennedy (MN)	Norwood	Sherwood	Bishop (NY)	Delahunt	Israel	Menendez	Rush	Visclosky
King (IA)	Nunes	Shimkus	Blumenauer	DeLauro	Jackson (IL)	Michaud	Sabo	Wasserman
King (NY)	Nussle	Shuster	Boren	Dicks	Jackson-Lee	Millender-	Salazar	Schultz
Kingston	Osborne	Simmons	Boucher	Dingell	(TX)	McDonald	Sánchez, Linda	Waters
Kirk	Otter	Simpson	Boyd	Doggett	Jefferson	Miller (NC)	T.	Watson
Kline	Oxley	Smith (NJ)	Brady (PA)	Doyle	Johnson, E. B.	Miller, George	Sanchez, Loretta	Watt
Knollenberg	Paul	Smith (TX)	Brown (OH)	Edwards	Jones (OH)	Moore (KS)	Sanders	Waxman
Kolbe	Pearce	Sodrel	Brown, Corrine	Emanuel	Kanjorski	Moore (WI)	Schakowsky	Weiner
Kuhl (NY)	Pence	Souder	Butterfield	Eshoo	Kaptur	Moran (VA)	Schiff	Wexler
LaHood	Peterson (PA)	Stearns	Capps	Etheridge	Kennedy (RI)	Murtha	Schwartz (PA)	Woolsey
Latham	Petri	Sullivan	Capuano	Kildee	Kildee	Nadler	Scott (GA)	Wu
LaTourette	Pickering	Sweeney	Cardoza	Farr	Kilpatrick (MI)	Napolitano	Scott (VA)	Wynn
Leach	Pitts	Tancred	Carnahan	Fattah	Kind	Neal (MA)	Serrano	
Lewis (CA)	Platts	Taylor (NC)	Carson	Filner	Kucinich			
Lewis (KY)	Poe	Terry	Case	Ford	Langevin			
Linder	Pombo	Thomas	Chandler	Frank (MA)	Lantos			
LoBlondo	Porter	Thornberry	Clay	Gonzalez	Larsen (WA)			
Lucas	Price (GA)	Tiahrt	Cleaver	Gordon	Larson (CT)			
Lungren, Daniel	Pryce (OH)	Tiberi	Clyburn	Green, Al	Lee			
E.	Putnam	Turner	Conyers	Green, Gene	Levin			

## NAYS—198

## NOT VOTING—12

## NOTICE

*Incomplete record of House proceedings.  
Today's House proceedings will be continued in Book II.*

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5266. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

5267. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Robert H. Foglesong, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5268. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5269. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas and Louisiana since September 20, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

5270. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of

Controlled Substances; Placement of Pregabalin Into Schedule V [Docket No. DEA-267F] received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Senior Vice President, Policy & Government Affairs, Verizon Wireless, transmitting a letter from Denny Strigl, CEO of Verizon Wireless, provided to Federal Communications Commission Chairman Kevin Martin regarding the company's efforts to serve customers impacted by Hurricane Katrina; to the Committee on Energy and Commerce.

5272. A letter from the Office of Independent Counsel, transmitting the annual report on Audit and Investigative Activities, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

5273. A letter from the Executive Director, Federal Reinvestment Thrift Investment Board, transmitting a list of the five audit reports issued during fiscal year 2005 regarding the Agency and the Thrift Savings Plan; to the Committee on Government Reform.

5274. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5275. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter to Chairman Cropp and Members of the Council of the District of Columbia on the Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the Washington Convention Center."; to the Committee on Government Reform.

5276. A letter from the Office of the Special Counsel, transmitting the fiscal year 2005 re-

ports required by the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5277. A letter from the Acting Deputy Secretary, Department of Defense, transmitting the Department's Seventeenth Report of the Federal Absentee Voting Act; to the Committee on House Administration.

5278. A letter from the Acting Inspector General, House of Representatives, transmitting the final report on the U.S. House of Representatives Child Care Center; to the Committee on House Administration.

5279. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal to Sabine River, Orange, TX [COTP Port Arthur-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5280. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5281. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone — Motor Vessel ZHEN HUA; San Francisco Bay, California [COTP San Francisco Bay 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5282. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones for designated vessels; Savannah COTP Zone [COTP Savannah 04-065] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5283. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5284. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 731.5 to Mile Marker 731.9, South Sioux City, ONE [COTP St. Louis-04-047] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5285. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 203.0 to Mile Marker 205.0, Alton, IL [COTP St. Louis-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5286. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-04-060] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5287. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Ship Channel, Horn Island Ship Channel, Pascagoula, MS [COTP Mobile-04-062] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5288. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile 222 to Mile 225, Destin, FL [COTP Mobile-04-063] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5289. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 122.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5290. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 126.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-012] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5291. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Below Head of Passes, Mile Marker Minus 18.0 to

Mile Marker Minus 20.0, in the vicinity of the entrance to Southwest Pass, LA [COTP New Orleans-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5292. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 177.0 to Mile Marker 180.0, Above Head of Passes, Geismar, LA [COTP New Orleans-05-014] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5293. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 148.0 to Mile Marker 158.0, Above Head of Passes, Convent, LA [COTP New Orleans-05-015] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5294. A letter from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting the FY 2004 annual report on the Federal participation in the development and use of voluntary consensus standards, pursuant to Public Law 104-113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

5295. A letter from the Acting President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2004, Performance Budget for FY 2006, Performance and Accountability Report for FY 2004, and Report on Development and U.S. Effects on OPIC's FY 2004 projects and Report on Cooperation with Private Insurers, pursuant to 31 U.S.C. 9106; jointly to the Committees on Government Reform and International Relations.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, THURSDAY, NOVEMBER 17, 2005

No. 153

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we come to You not because we are strong but because we are weak; not because we have merits of our own but because we need mercy and help. We come relying on Your strength to do in and through us what we cannot do in our own power.

Give us the grace to accept Your guidance, to obey Your word, and never to leave Your path. Keep our faith true to the end.

Strengthen our Senators for the challenges of today. Keep them from looking so longingly at doors closed that they cannot see other doors opening before them.

Help each of us to be so pure in heart that we may see You. We pray in Your righteous name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the minority leader or his designee and the second half under the control of the majority leader or his designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Today, we will start with a 30-minute period for morning business. After morning business, we will resume consideration of the tax reconciliation bill. This morning when we return to that bill, there will be 10 hours remaining under the statutory time limitation. If all time is used, the debate will not run out until 8 tonight, at the earliest. I hope that we will not need all of that time.

I encourage the chairman and ranking member to yield back time if it is not necessary so that instead of finishing at 8, within that statutory limit, it would be earlier. If there are to be a series of votes, we could start those votes at a much earlier time. If all of that time is used until 8 and we have votes, it is going to be a very long night. So, again, I encourage the chairman and ranking member—

Mr. REID. Will the distinguished majority leader yield?

Mr. FRIST. I would be glad to.

### ORDER OF PROCEDURE

Mr. REID. I have spoken to our manager of the bill, Senator BAUCUS. He would agree to have the time that is used for the votes to be counted against the time. That has not been entered yet. I do not think Senator GRASSLEY would have any objection to that. Maybe we should enter into that agreement at this time.

Mr. FRIST. I think that would be ideal. I still think we might be able to yield some time back in addition to that.

Mr. President, I ask unanimous consent that all time required for voting be part of the 10 hours that remain in terms of the statutory limit.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, in addition to that, I know everybody is concerned about travel plans and when we are going to leave. I have been very clear throughout that we have business to do. This is the last legislative effort before we leave for Christmas, but it is also important that we recognize we still have four conference reports that are open that we are waiting to bring and take to the floor. So I encourage our colleagues to try to close those reports as soon as possible. Again, there are four that are outstanding.

In addition, I made it very clear that we are going to address the PATRIOT Act legislation before we leave. There are good discussions underway. I know those discussions were continuing late into last night. I encourage all of our colleagues to understand the importance of that legislation. We want to get it right and make sure that it is in good shape to bring to the floor, but we do need to address that before we leave.

Terrorism reinsurance, TRIA, is another issue that is coming along well. It is very important legislation, and there has been a lot of work, but we need to actually bring that to the floor as soon as possible. We have a number of nominations that are being considered, and we will have to make certain decisions on those over the next 24 hours.

Lastly, I am running through the list in my own mind of things we have to do before we leave, a continuing resolution—I was talking to the Democratic leader about the continuing resolution which we have to do to keep the Government open—will be coming from the House sometime today. Because the President has to sign that by tomorrow night, we need to act expeditiously on that continuing resolution because we actually have to physically send that to the President, who is overseas at this point.

So we have a lot of work to do. We will stay here tomorrow and into Saturday and, if we have to, go into the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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early part of next week, which we should not have to do but we will in order to finish the Nation's business. The time that we come back in December, if we come back in December—and I think that the Democratic leader and I have been very open that we have to plan on coming back for a short period of time, not knowing what we are going to be able to finish today, tomorrow, Saturday, and Monday, but in all likelihood we will have to come back for a couple of days in December, but that is not a time that we will be doing new legislation. I do not want anybody to think that if we do not do it now, we are going to be doing it in December because December will be to come in for as brief a period as possible to put the final touches on bills we cannot finish. So we have to finish the work right now.

I am going to make a brief statement on another issue but will turn to the Democratic issue on the schedule.

The PRESIDENT *pro tempore*. The Democratic leader is recognized.

Mr. REID. Just a question. If it is determined that we come back, it is my understanding it would not be until the 12th of December, at the earliest; is that the Senator's feelings at this time?

Mr. FRIST. Mr. President, again, because it is so unclear to people, what we have said is it will not be before December 12. It will not necessarily be on the 12th either but during that week. I think all of our Members—because there are a lot of travel plans that have been made and people are going back to their States and overseas, we are going to have to keep that week flexible, but it would be the intention to come back as late in that week as possible, in large part because we are waiting for the House to catch up—that is the way I think of it in my own mind—to catch up with legislation. I think that we need to keep flexible. My intention is not to bring people back for an entire week.

Again, on scheduling, the Democratic leader and I talk about it every day, so we will keep people posted, again recognizing the importance of that time to be spent with constituents, family, and overseas.

#### GETTING THE JOB DONE

Mr. FRIST. Mr. President, there is a lot going on in Washington. The environment seems to be very partisan. When we look at the newspapers, we see the comments that have been made back and forth, but I have to take a couple of minutes and restate what I have mentioned and implied over the last several days; that in spite of all of that, in spite of the vitriolic comments that are being made, the Senate, this institution, is doing its work. It is governing in a way in which I think we can all be proud. If we look over the last 48 hours, one will see how our overall agenda of renewal and reform is being accomplished. We have had sev-

eral legislative advances that do make America safer and more prosperous. As I mentioned, we will be continuing our work through today, tomorrow, and possibly Saturday, delivering these meaningful solutions to the real challenges and real problems that everyday people are having across this great country. It is important for people to be reminded of that.

I think of four things that have been started in the last 48 hours: The Defense authorization bill, a very important bill that we spent a good amount of time on with a lot of amendments, but ultimately it underscored our absolute commitment to our troops overseas and to the goals that have been set out by this administration. So I am very proud that we did pass that bill. It gives our soldiers the resources, the training, the technology and the support they deserve and that they absolutely need to win the global war on terror. I refer to it occasionally—I actually put it on my Web site on the front page, the Zawahiri and Zarqawi letter which outlines what the intentions are of al-Qaida in this war on terror. The appropriate responsiveness of this body in this Department of Defense authorization bill speaks very importantly to the response that we need to give to these challenges. From cutting-edge technologies to the personnel protection systems, the bill keeps our military strong so that we absolutely will win this war against terror.

We made the clear-cut statement in this bill that America is not going to cut and run, as some would have us do; that we are going to support and continue to train the Iraqi forces until they are strong enough to fight on their own. Also, we expressed our absolute support for this President and his policies through this bill.

The second issue, along with defending our national security, we are strengthening America's retirement security. Ten days ago, people said there is no way this pensions bill is going to get through the Senate. Yet yesterday we passed it, and it spoke very loudly to the fact that the defined pensions benefit system is a ticking timebomb, that over 44 million Americans who are legally covered by the American Government's guarantee are in jeopardy of losing their hard-earned retirement benefits. This bill makes it clear that promises made by employers are promises to be kept to their employees. So we passed that bill yesterday, again a major step forward.

The third area, the vital function of Government. Yesterday, we passed the Commerce-Justice-Science appropriations bill. Along with funding these Federal agencies, the CJS bill includes significant Katrina-related responses. As we all know, more than 350,000 families have been made homeless by the Katrina disaster. A number of us have participated over the course of this past week in a Habitat for Humanity bill project at the Capitol. It reminded

me how important it is to marry the nonprofit sector, with the nongovernmental organizations, with what we on this floor have done in response to Katrina and the natural disasters that have struck both this country but indeed around the world. That CJS appropriations bill, in part, reflects the public response in that it provides Federal housing assistance for up to \$600 per family per month for up to 6 months to help get those families back on their feet.

This body continues and will continue with its commitment to assist this renewal and recovery from one of, if not the greatest, natural disasters this country has ever seen.

Looking a little more globally, another bill that was passed last night that reflects America's compassion for neighbors around the world was a bill that means a lot to me personally. It is a bipartisan bill in this body called the Water for the Poor Act. This bill addresses the issue that 1.2 billion people in this world do not have access to what we have sitting on our desk as we are here speaking—clean water. Mr. President, 1.2 billion people do not have access to water they can look at and say it does not have bacteria or viruses in it that will make me ill.

The lack of clean water kills more kids under the age of 6 than any disease in the world today, although most people don't pay a lot of attention to it, so this body passed a bill last night that addresses that, the Water for the Poor Act. We had bipartisan legislation on the floor of the Senate sponsored by myself and the Democratic leader upon which this bill is based. It establishes for the first time as a part of our foreign policy the development of water interests as we consider foreign development aid, this whole provision of safe, clean, renewable water for poor countries. It recognizes that unsafe water in developing countries kills a child every 15 seconds. Every 15 seconds a child dies because of lack of access to that clean water. It contributes to poverty, it contributes to unstable governments, and thus the importance of having clean water be a part of our foreign policy, foreign development assistance to these countries.

In combination with the \$200 million recently enacted for safe water in developing countries, this is a critical first step in beginning to solve what is a seemingly insurmountable problem but is a solvable problem. It looks at compassion, it looks at protection, it looks at accountability, all of which must be injected in our foreign policy when it comes to foreign aid.

One last issue. In terms of progress made over the last 40 hours, the Banking Committee reported Tuesday the nomination of Ben Bernanke to succeed Alan Greenspan as the next chairman of the Federal Reserve. I am pleased the committee has acted on Mr. Bernanke's nomination and that he has pledged to maintain the Federal Reserve's statutory independence while

also maintaining stable, pro-growth monetary policies.

Chairman Greenspan's 18 years of service will not officially end until the end of January. Therefore, the full Senate will confirm Mr. Bernanke as one of its first actions beginning the second session of the 109th Congress.

I have run through those five—I said four but five—legislative successes that do demonstrate this body continues to move along, responding to the needs and appropriate desires of the American people. At the beginning of the year we set big goals and every day on this floor we are working hard to meet them, and again we are being successful meeting each one of these benchmarks.

Yes, we have had Katrina, we have had Rita, we have had the natural disasters—the tsunami in Pakistan, we have consistently supported our troops overseas, and in addition we are addressing the issues that, domestically, are on the minds of the American people. I look forward to completing our work this week. It is one of the reasons I outlined a few minutes ago the things we have to do before we leave for our Thanksgiving recess. When we do return to our States, there will be a lot we can point back to, responding to the needs of the American people, and we will be absolutely comfortable in looking them in the eye and saying, yes, we are delivering meaningful solutions to your, the American people's, everyday challenges. Together we are moving America forward.

I yield the floor.

Mr. WARNER. Will the Chair advise the Senate with regard to the allocation of time at this point?

The PRESIDENT pro tempore. The Chair is advised there is 30 minutes on each side. The first half of the half hour is under the control of the minority leader or his designee.

I am corrected. It is 30 minutes, with the first 15 minutes under the control of the minority leader.

Mr. WARNER. Would it be appropriate, then, for the Senator from Virginia to seek time at this point for about 8 minutes?

The PRESIDENT pro tempore. That is under the control of the minority for the first 15 minutes.

Mr. WARNER. I yield the floor.

The PRESIDENT pro tempore. The Senator from Delaware is recognized.

#### EPA ANALYSIS OF CLEAN AIR LEGISLATION

Mr. CARPER. Mr. President, I will take some time this morning to talk about why we need new clean air legislation. It has been some 15 years since Congress passed the last revisions to the Clean Air Act. No one disputes the fact that we have made significant environmental progress since that time, but our work is not over. Powerplants continue to blow pollution that causes smog and other air problems in our cities and our communities. Unless we re-

quire powerplants everywhere to reduce the amount of pollution they emit, we will continue to be faced with poor air quality and its dangerous side effects.

The idea of reducing pollution from powerplants is not new. We have been discussing it for years. In fact, when President Bush first ran for the White House, he promised, in 2000, to make new clean air legislation one of his top environmental priorities. Since I came to the Senate in 2001, we have seen a number of proposals on how to proceed. Senator JEFFORDS offered his Clean Power Act. The President offered his Clear Skies Act. I, along with Senators CHAFEE, GREGG, and ALEXANDER, offered a proposal that we call the Clean Air Planning Act.

I have always believed that our proposal, the third proposal, is the right one. While I agree with the principles laid out in the bill by Senator JEFFORDS, I fear it will be too costly and its goals technologically unachievable. By contrast, the President's plan is too weak and would do nothing to reduce our emissions of carbon dioxide, which we believe contributes to global warming.

What we crafted in response to these two proposals was a middle-ground approach, one that achieved the objectives of the Jeffords bill without relying on the command and control philosophies of the past. It is an approach that reduces pollution further and faster than the President has visualized, while giving utilities the flexibilities they need and the incentives they need to get the job done right.

Since we first introduced that bill some 3 years ago, I have tried to get the EPA to conduct an objective scientific analysis of it and how it compares with other proposals. We were repeatedly denied. Earlier this year, the Senate Environment and Public Works Committee tried to push through the President's Clear Skies bill. I again asked for an analysis of our proposal and the other proposals, and we were denied. The administration told me I had all the information I needed and there was no reason to further debate it. I told them without that information we could not negotiate. On March 8, Clear Skies was voted on in our committee and it failed on a 9-to-9 vote.

Soon after the failure to pass out Clear Skies, President Bush nominated Stephen Johnson to be the new head of EPA. Stephen Johnson had impeccable credentials stemming from his long, distinguished career within the agency. In essence, Mr. JOHNSON represented the best person for the job. But when he came before our committee to have his nomination approved, I voted against him. I think I was the only one. Then I placed a hold on his nomination, something I have never done in my 5 years in the Senate. I don't have a problem with Stephen Johnson; I had a problem with the way the administration was politicizing EPA and keeping the agency from doing its job in

providing the information that I and others were requesting.

I believe we need this information in order to enable us to craft the best possible clean air bill. I didn't think it was too much to ask that we have a detailed, up-to-date modeling on how our bills would affect the economy, the health of our public, and our environment. My hold was eventually overridden, I think by two votes. But to my surprise, my pleasant surprise, once Stephen Johnson became administrator, he offered to model the economic, the health, and the environmental impact of the various clean air proposals.

I say right now on the floor that I very much appreciate Stephen Johnson's willingness to grant my request. It says a lot about what kind of man he is, and that he is willing to break through the logjam in trying to meet our years-long request.

Last month, on October 27, Stephen Johnson and some of his senior leadership from EPA delivered the analysis they have done. It is my hope their analysis from EPA will take the debate that has been going on for a number of years to the next level.

After reviewing the details of the analysis, it clearly shows, perhaps ironically, that we can do better than the President's Clear Skies plan. In fact, it shows we can get much better environmental and health benefits than Clear Skies at only a slightly higher cost.

On the issue of climate change, the analysis shows we can regulate carbon dioxide cheaply and without worrying that we will hurt coal production or drive up natural gas prices. Let me explain, using a few charts from the EPA analysis.

The first chart, "Projected Emissions From Electric Generating Units"—there are four of them. The first we will look at is sulfur dioxide emissions from electric generators. We have three proposals we can actually see. This yellow-golden line is a proposal called the Clean Power Act offered by Senator JEFFORDS. This line here is actually several lines that overlap, but it is Clear Skies and current law, the President's proposal. The green line here is the Clean Air Planning Act that Senators CHAFEE, ALEXANDER, GREGG, and I had offered. This is 2005. This is where we are right now.

If the legislation were adopted, you see a spike in sulfur dioxide emission from the Jeffords proposal. Then it drops down lower than the others.

What you see here with sulfur dioxide emissions—the President's proposal is the same as current law.

What you see here for the bipartisan proposal the other three Republicans and I offered is something that gets us deeper cuts in sulfur dioxide emissions, far deeper than the proposal of the administration, and far deeper than that of current law, and eventually somewhere in between where the Jeffords bill is and where the President's proposal is.

Coming over here, looking at emissions of mercury from electric generators, we find the greatest cuts, the deepest cuts, come in 2010. They come from the Jeffords proposal, not surprisingly. The administration's proposals are right here—not much different from current law. The proposal that the three Republican Senators—CHAFEE, ALEXANDER, GREGG—and myself offered is somewhere in between. Actually our cuts are a little deeper than in the Jeffords proposal between now and 2010, and his mercury cuts are a bit further than ours in the subsequent years.

Right here, the third box here, let's look at nitrogen oxide emissions. Again, the deepest cuts are from the Jeffords proposal. The President's Clear Skies proposal—they are all sort of lumped together, and our bipartisan proposal does a little bit better with nitrogen oxide emissions. I think it is kind of interesting, for the nitrogen oxide emissions we are not that far apart. There is a considerable difference between us and the administration on sulfur dioxide and mercury, but we are pretty close together on nitrogen oxide.

Here are CO<sub>2</sub> emissions. The yellow line, the Jeffords proposals: some reductions between now and 2010, pretty level in the outyears. My proposal doesn't go as far, but it holds the CO<sub>2</sub> emissions pretty level until the end of the next decade. Under the President's proposal, under Clear Skies and current law, CO<sub>2</sub> levels continue to rise and emissions continue to rise.

The next chart we are going to look at actually lets us see what the price is of reducing CO<sub>2</sub> emissions. This for me was maybe the biggest surprise of all.

In order to reduce emissions of CO<sub>2</sub> by a ton starting in 2010, under the Jeffords proposal it is \$16 a ton—pretty expensive. By 2020, to get a ton of CO<sub>2</sub> reduction out of the Jeffords Clean Power Act—\$27 a ton. But look at this. The proposal that Senators CHAFEE, ALEXANDER, GREGG, and I offered, our proposal—one ton of CO<sub>2</sub> reduction in 2010 costs \$1. It is \$1 per ton in 2015. It is \$2 per ton in 2020.

Given that low cost, my question to my colleagues and the administration is, What are we waiting for? Let's get started.

We have a third proposal, a third chart here. The third chart actually looks at what we could get for our money, for our efforts on reducing areas of nonattainment for particulates, the microscopic stuff that gets in our lungs and causes all kinds of breathing disorders. Now we are looking at nondesignated areas that exist. There are about 40 of them around the country that are nonattainment for small particulate matter. Under the Carper proposal and under the Jeffords proposal, we reduce that almost by three-fourths, down to about 10 in each of those. The administration goes down about half. We continue to show considerably fewer nonattainment areas

for particulate matter by 2020 under the Jeffords proposal, which is the lowest, and our proposal, which is next to the lowest.

The second chart shows nonattainment areas for ozone. There are a lot of nonattainment areas right now—about 126. If you come up to 2010, there is a dramatic reduction. We go down to about 20. Frankly, the achievements are across the board. Each of the proposals is about the same with respect to reducing ozone.

This chart lets us look at annual monetary health benefits of reducing fine particles and ozone. We find in 2010 that my proposal has quantifiable—according to the EPA—health benefits of about anywhere from \$110 billion per year to almost \$130 billion. That is almost twice what we get under the Clear Skies proposal and under current law; not quite as much as is achieved under the Jeffords proposal. We find in each of the outyears—2015 and 2020—we also have considerably better health benefits that we can demonstrate, in the view of the EPA, between 2010 and 2020.

Let me wrap it up by saying that we can do better for our environment, we can do better for our health, and, frankly, I think we can do at least as well for our economy by taking this middle-ground approach that Senators ALEXANDER, GREGG, CHAFEE, and I have outlined.

In terms of health consequences alone, under our proposal, 10,000 fewer people will suffer from chronic bronchitis in 2010. Think about that—10,000 fewer people throughout this country in 1 year will suffer from chronic bronchitis. In 2010, we will see some 14,000 fewer hospital admissions and emergency room visits. In 2010, there will be about 160,000 people who will no longer have asthma attacks in this country. And in 2010, companies will have over 1 million fewer lost workdays. These benefits are real. They will have a dramatic impact on the quality of people's lives, and they will have a dramatic impact on worker productivity as well.

Since 2001, both Republicans and Democrats have been arguing over multipollutant legislation. Now with an apple-to-apple comparison of various proposals from EPA, I think we can have a process with not just meaningful legislation but that which will get us off the dime and get us to work on improving the quality of our health and doing it in a way that doesn't break the bank for consumers or the utility companies.

Over the coming months, I will continue to work with my colleagues, the administration, the utility industry, and environmental groups to develop legislation that has strong bipartisan support.

Early next year, we will reintroduce a new and I think improved Clean Air Planning Act, and soon after that I hope to sit down with my friend, Senator VOINOVICH, and others to develop a bipartisan compromise we can take

through the committee and bring to the floor, hopefully, for action.

There are five principles we should stick to if we want to get a clean air bill.

Climate change must be addressed. As we have seen from EPA, it can be addressed for \$1 a ton in reduction of CO<sub>2</sub>.

We should start to improve the environment of people's health as quickly as possible. We can do that.

We should provide industry with the regulatory certainty they need and which they have been asking for—and some flexibility, too.

We should protect our economy.

We should pass stronger protections than those which we already have on the books.

I want to get legislation done. I came here to get things done, and I know my colleagues did, as well. I believe that together we can develop a proposal that will help us achieve just that. Again, we can do better. We shouldn't let politics get in the way of doing the right thing.

I yield my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia.

Mr. WARNER. Madam President, parliamentary inquiry: What is the time allocation?

The PRESIDING OFFICER. There is 15 minutes under the control of the majority in morning business.

Mr. WARNER. I thank the Presiding Officer.

I shall take 7 minutes, and my distinguished colleague from Alaska will follow.

#### IMPROVISED EXPLOSIVE DEVICES

Mr. WARNER. Madam President, the Committee on Armed Services has been working very conscientiously, as we should—and, indeed, all Senators should—on the question of the IEDs in Iraq and in Afghanistan.

Yesterday, our committee invited over from the War College 10 young officers, each of them having commanded a battalion of U.S. Army, U.S. Marines, and, in some instances, some Navy as the Navy is taking a very significant role in the ground operations in Iraq.

I have had the privilege of being associated with men and women of the U.S. military for many years, but I never saw 10 finer individuals. I sat in awe of how they, in a very confident and calm and professional manner, recounted their experiences over the last 18 months—different periods of time, ranging from 6 to 12 months—when they had command of the most magnificent troops, the most magnificent, dedicated military we have had in the contemporary history of America.

We owe those troops a high debt of gratitude. No matter what our political affiliation is, no matter what our philosophical approach is, we owe them and their families a tremendous debt of gratitude. I think that was expressed by this body when 98 to 0 we passed the

annual Armed Forces authorization bill. There was not one single dissenting voice. I went back and searched the RECORD. Indeed, during the Vietnam period when I was in the Pentagon, there was always a cadre that would vote against it. But I think it was a recognition in this Chamber—and I salute each Member of the Senate who voted for that bill and expressed on behalf of the men and women of the Armed Forces our gratitude.

But much more remains to be done. In the judgment of this Senator—I am just speaking for myself—I believe the next 4 to 6 months is absolutely the most critical period of this conflict in Iraq. How and why we got into that conflict is debated. It has been taking place, but I urge colleagues to look forward to the future to see how we can best support our forces as each one of the volunteers fulfills the orders of the Commander in Chief and carries out the mission.

During the course of the deliberation of our bill, the distinguished Senator from Connecticut, a member of the Armed Services Committee, Mr. LIEBERMAN, gave an eloquent speech regarding that classic statement at the conclusion of World War II by Arthur Vandenberg: "Politics should be checked at the water's edge."

I say to my colleagues with great respect for all, now is the time. The next 60, 90, 120, 180 days is most critical. I urge us to put aside our political differences, put aside our philosophical differences, and look forward and seize the opportunity to support the Iraqis in their forthcoming elections on the 15th of December and the formation of that government in the ensuing 30 days thereafter.

We should be very strong in our efforts to impress upon this new government the urgency of time and the need to show a greater measure of strength and determination than ever before by the various transitional governments that have preceded this government. Now is the time for the Iraqi people and their new government to show determination, quadruple their efforts in forming their new ministries, standing them up so they can assume the full burden of that measure of democracy and freedom that they elect to have among themselves, and to rapidly try to bring this insurgency to a conclusion.

The ground situation as it develops in the ensuing months dictates any thoughts of how and when our forces can be deemed to have completed their mission and begin the return home.

Just days ago, this Chamber rejected an attempt again to set a timetable. We set no timetable. We are there in this critical period of the next 6 months to support the Iraqi people, to support this new government, but in return they must give us a full measure of support and equal effort to achieve these goals.

If I may return to the subject of the IEDs which was a principal part of our

discussion yesterday, I will be consulting with Members, but I believe the Department of Defense has to redouble its efforts to deal with this difficult situation of the IEDs. Each of these officers recounted the number of casualties they experienced in their units. This great Nation shows the magnificent compassion for the families of not only those who lost their lives but lost their limbs, and we are deeply indebted to them. We owe them no less than our full measure of support here at home.

Let us check politics at the water's edge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### PRE-WAR INTELLIGENCE

Mr. STEVENS. Madam President, I am deeply disturbed by what I believe is an attempt to write a revisionist history of our involvement in Iraq and our pre-war intelligence.

Since 1981, I have served as the Chairman or Ranking Member of the Defense Appropriations Subcommittee. As one who has watched over the Defense Department's Appropriations, I was impressed with President Clinton's position on Iraq. The President and his top advisers—Vice President Gore, Secretary of State Albright, National Security Adviser Sandy Berger, and others—consistently made the case we should take seriously the threat Iraq and its weapons, program posed.

I have come to the floor twice in the past to submit President Clinton's February 1998 Pentagon speech into the CONGRESSIONAL RECORD. Before giving his speech, President Clinton was briefed by the generals who command all of our forces. Their briefing convinced President Clinton that he might have to take military action against Saddam Hussein, and he told the generals to be ready.

Those of us in Congress never doubted President Clinton's sincerity or truthfulness regarding this issue. In 1998, he said:

If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Vice President Al Gore echoed this concern. He said:

Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat . . . to the security of the world.

Secretary of State Madeline Albright told us:

Iraq is a long way from here, but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical, or biological weapons against us or our allies is the greatest security threat we face.

And National Security Adviser Sandy Berger warned:

He (Saddam Hussein) will use those weapons of mass destruction again, as he has 10 times since 1983.

Many Members of the Senate agreed the threat was real and imminent. In 2002, Senator KENNEDY said:

We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction.

Senator ROCKEFELLER warned:

Saddam's existing biological and chemical weapons capabilities pose real threats to America, today, tomorrow.

And Senator KERRY said:

These weapons pose an unacceptable threat.

In October 2002, the Senate overwhelmingly supported giving President Bush the authority to use force in Iraq. We authorized the use of force in a vote of 77 to 23. The facts before us indicated Saddam Hussein posed a grave threat.

Let me be clear: At the time, the facts were undisputed and we were all provided the same information. These were the facts as we understood them. Saddam Hussein had used weapons of mass destruction against the Iranians, his own people and possibly some of our men and women in uniform during the first gulf war.

In 1998, the weapons inspectors were forced out of Iraq. When the inspectors left, the regime was capable of resuming bacterial warfare agent production within weeks. Iraq had not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. Iraq had not accounted for at least 15,000 artillery rockets previously used for delivery of nerve agents or 500 artillery shells filled with mustard gas.

Saddam Hussein had been ordered by the U.N. to disarm 16 times, and 16 times he refused to comply. He engaged in a series of deceitful tactics designed to prevent U.N. inspectors from completing their inspections.

Our intelligence agencies gathered further evidence of his activities. This information was classified to protect our sources and methods. I received those intelligence briefings. I believe I received the same information as President Clinton. These intelligence reports were deeply disturbing, and phase I of the Intelligence Committee's investigations found this information was not coerced or influenced in any way. It was our intelligence agency's best assessment of what was going on in Iraq at the time. Had the President received those briefings and failed to act, he would have been negligent in his duty to keep Americans safe. Those in the Senate who voted for the resolution believed this, which is why we authorized the use of force.

I am now disturbed by the way some are twisting this history to suit their own political agendas. Why is anyone calling the people of this administration liars when the speaker shared their position? In many cases, those who accuse the administration of deception previously had made the case even more strongly than President Bush.

The Senate Intelligence Committee spent 2 years putting together a bipartisan report on our prewar intelligence.



Their report found there were no attempts to influence analysts or no evidence that administration officials attempted to coerce, influence, or pressure an analyst to change his or her judgment—not once.

Every member of the Intelligence Committee, Republican and Democrat, approved that report. The Silverman-Robb report and six other major studies found there is no basis for the claim that the administration lied to get us to go to war.

The search for weapons of mass destruction will not be completed on our timetable. Look at this picture: The Iraqis buried entire planes in the desert. We have two photographs of planes being unearthed, full planes buried beneath the sand. When we pulled them out, they were still operable.

Our troops found 30 of these planes buried in the sands of the Al-Taqqadam airfield west of Baghdad—30 planes. That is one-tenth of their entire combat Air Force. If Saddam Hussein's troops had buried one-tenth of their combat aircraft in the desert, who is to say there were no weapons of mass destruction similarly buried? Just because they were not found does not mean they were never there. The Nation of Iraq is the size of California. The materials needed to make weapons of mass destruction could fit in a container the size of a family bathtub. Weapons of mass destruction are no bigger than a family bathtub.

We now stand at a critical moment in history. I believe we must reflect on events leading to the war, but this process is only useful if it is honest and accurate. Those who are trying to rewrite history, revisionist history of these events are simply advancing their own political agendas. They are not advancing the important work due now in the region—and do so on a bipartisan basis.

I agree with the Senator from Virginia, Mr. WARNER, the chairman of the Committee on Armed Services. A flexible timetable for troop withdrawal could jeopardize our men and women in uniform and their mission. The only way we can lose in Iraq is if we defeat ourselves, if we refuse to stay the course. The path to progress is slow and steady. It has milestones, but it does not have timelines. We must remain behind our troops.

Over 200 years ago, our Founding Fathers began the great American experiment. They set out to create a government defined by its commitment to liberty and freedom. Iraq is one of this century's proving grounds for those ideals. Our men and women in uniform, all volunteers, are helping the people of Iraq and Afghanistan build their emerging democracies. Their sacrifices ensure, in the words of Abraham Lincoln, "that government of the people, by the people, and for the people shall not perish from this Earth."

Distorting our prewar intelligence will not help them complete their mission. We must support the important

work they are doing in Iraq, not send mixed messages. The men and women in uniform were asked to go to Iraq to help Iraq become a democracy dedicated to freedom. They are doing that. I will continue to support those and stay the course and support Iraq's efforts to stand up their own forces so they can defend that freedom.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### TAX RELIEF ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2020.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2020) to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for the fiscal year 2006.

Pending:

Dorgan amendment No. 2587, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer.

Durbin amendment No. 2596, to express the sense of the Senate concerning the provision of health care for children before providing tax cuts for the wealthy.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this morning we intend to continue two major amendments from this side of the aisle. The amendment of Senator CONRAD from North Dakota proposes a fiscally responsible substitute; the amendment of the Senator from Washington, Ms. CANTWELL, is regarding energy price gouging. These are both very important amendments and an important debate. I ask consent the pending amendments be temporarily laid aside so Senator CONRAD may offer an amendment.

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

#### AMENDMENT NO. 2602

(Purpose: To amend the Internal Revenue Code of 1986 to provide tax benefits for areas affected by Hurricanes Katrina, Rita, and Wilma and to extend certain expiring provisions, and for other purposes)

Mr. CONRAD. Madam President, first I thank the ranking member on the Senate Committee on Finance, Senator BAUCUS, for his leadership and for the extraordinary amount of work he does to make the work of the Committee on Finance as responsible as it can be.

There are many provisions in the underlying bill that has come out of the Committee on Finance that I support. I think they are broadly supported extensions of expiring tax provisions that ought to be extended.

I salute the chairman of the Committee on Finance, Senator GRASSLEY,

for the good job he has done in putting together this package. While I agree with many of the specific provisions, I have one profound area of disagreement. That profound area of disagreement is that this package is not paid for. The result, if we pass this package, will be to deepen the deficit, to add to the debt, when we already have record deficits and we already have runaway debt.

My colleagues are going to have to answer the question, Why shouldn't we pay for these tax provisions? Why shouldn't we cover the cost? Why shouldn't we prevent the deficit from being expanded? Why shouldn't we prevent the debt from being deepened?

That is the question posed by my amendment. It takes many of the provisions in the Committee on Finance bill, the expiring tax provisions, and extends them for 1 year. It pays for them fully.

It is very important to remember the history. How did we get in the position we are in today? My colleagues will remember this very famous chart that the administration and the Congressional Budget Office presented back in 2001. This part of the chart I call the fan chart showed the range of possible outcomes if we didn't change any budget policies. This range of possible outcomes from a best case scenario; to a median scenario, the midpoint between the range of possible outcomes is the prediction line adopted; to the worst case scenario. These were the projections given to us if we just did nothing.

My colleagues on the other side said: No, this is too conservative, this range of possible outcomes. They said: Don't you understand, if we have tax cuts we will get more revenue so we will be above the midpoint of the range. We might be even above the best case scenario. The problem with that theory is that it did not work out in reality.

Here is what happened in reality: This red line is far below the worst case scenario outlined by the Congressional Budget Office in 2001. I have caught the chairman's attention. He will remember the chart very well from 2001, what the Congressional Budget Office said was the range of possible outcomes. The Congressional Budget Office adopted this midrange of the estimates as their projection.

Many of my colleagues on the other side told me, when I said we shouldn't be betting on a 10-year forecast: Kent, you are way too conservative. Don't you understand if we cut taxes we will get more revenue. We will be above the midpoint of the range of possible outcomes.

Now we can go back and we can check what has actually happened. That is this red line. It is below the worst case possible outcome. Far below it.

So this notion that the tax cuts were going to generate more revenue and were going to prevent massive deficits proved to be wrong. It is very simple.

This is not theory. This is not ideology. This is reality. This is what really happened.

We can look at it in a different way. This chart looks back to 1980, the relationship between spending and revenue of the United States expressed as a share of gross domestic product. Why do we do it that way? Why do we do it as a share of gross domestic product? Because every economist says that is the appropriate way to compare spending over time and revenue over time because it takes out the effects of inflation and growth, so we are comparing apples to apples.

Here is what the line shows: Spending in the 1980s was between 21 and 23.5 percent of gross domestic production. During the 1990s, interestingly enough, during the Democrat administration, the spending came down as a share of gross domestic production each and every year, the 8 years of the Clinton administration. So at the end of that time we were below 19 percent of gross domestic production on spending. Since that time, spending has gone up to approaching 20 percent of gross domestic production now.

My colleagues on the other side of the aisle want to blame Democrats for spending. But Democrats have not been in charge during this period. During this period, Republicans have controlled the White House, the Senate, the House. They are responsible for every dime of this increase.

Let's look at the revenue side. When President Bush came in, revenue—as he correctly stated—was at a very high level historically, about 20.6 percent of gross domestic production. It was substantially above where it was in the 1980s and 1990s.

But look what has happened since. Revenue has collapsed. Last year it was the lowest it has been as a share of gross domestic production since 1959. Some of my friends on the other side want to concentrate on this uptick. And it is true, revenue has increased over the last year. But it is still way below where it has been historically and way below where it was in 2001. The result is the increased spending, the reduced revenue—by the way, about half the reduction in revenue is from tax cuts—the combination of increased spending and reduced revenue has opened up a chasm. That is why we have massive deficits and why we are going to have massive deficits going forward—and, I might add, at the worst possible time.

Why is it the worst possible time? Because the baby boomers are going to start to retire in 2008. Right here the baby boomers are going to start to retire. That is going to change everything in a dramatic way.

The President assured us when we embarked on this course that there would not be deficits. Then, the next year, he told us the deficits would be small and short term. Then, the next year, he told us they would be small by historical standards. Now he says he is

going to cut them in half over the next 5 years.

Let's compare rhetoric to reality. Here is what has happened. In 2001, the first year he was in office, inheriting surpluses from the Clinton administration, we had a \$128 billion surplus. The next year, we were back in deficit. The next year, 2003, we had the biggest deficit ever, only to be exceeded, in 2004, by an even larger deficit. And this year, again, we have the third largest deficit in our history but somewhat of an improvement.

Let me say to my colleagues, this modest improvement is largely illusory because it focuses just on the deficit. I say to my colleagues, what we ought to be thinking about, what is really far more important to the fiscal future of the country, is not the growth of deficits but the growth of the debt. Why do I say that? Because if you look at what happened to the increase in the debt last year, you see that it increased far more than the deficit figure that is quoted in the news media.

Why is that? Well, the biggest reason is because under the President's plan, \$173 billion of Social Security money was taken to pay for other things. That all gets added to the debt. It all has to be paid back. But it is not included in the deficit calculation. Very frankly, these deficit calculations are increasingly irrelevant to understanding the true fiscal condition of the country.

Now, last year, instead of the debt increasing by what was the advertised deficit of \$319 billion, the debt of the country actually increased by \$551 billion. I find that this is largely not understood. When I do presentations, most people think, in kind of a commonsense way, that the debt must increase by the amount of the deficit. But that is not the case. The fundamental reason it is not the case is because under the President's plan money is being taken from every trust fund in sight to cover the spending, and it all gets added to the debt, but it is not included in the deficit calculation. So last year, the debt of the country increased by \$551 billion.

This is so important to understand historically. I see the news media, very frequently, say: Well, as a share of GDP the deficit is not as big as the deficits were in the 1980s. That is true. But it is totally misleading. Why? Because back in the 1980s, there was virtually no Social Security surplus to be used to pay for other things. In fact, until 1984, there was no Social Security surplus—none. Then, in the 1980s, the Social Security surpluses were very modest. But look what has happened over time. The Social Security surpluses have exploded, masking the true size of what is being added to the debt of the country—masking the true size of the deficits is probably a better way to say it.

Last year, the amount of Social Security funds that were taken to pay for other things reached \$173 billion, and not a dime of it got counted in the def-

icit calculation. It all got added to the debt. It is all going to have to be paid back, but you don't read about it anywhere in the news media. They don't talk about how much the debt increased.

This is a shell game of enormous proportion that is going on here. I say to my colleagues, if any private sector entity tried to do what we are doing here, they would be headed for a Federal facility. But it would not be the Congress of the United States, it would not be the White House, they would be headed to Federal prison because any private sector entity that tried to take the retirement funds of its employees and use them to pay for current expenses, they would be guilty of Federal violations of law. They would be guilty of fraud. You cannot take the retirement funds of your employees and use it to pay current expenses. That is exactly what we are doing here, every year.

Under the President's plan, over the next 10 years, at the very time he says Social Security is short of money for the long term, his budget plan and the budget plans that passed here in the Congress of the United States, are going to take \$2.5 trillion from Social Security and use it to pay the operating expenses of the Federal Government.

Is anybody paying attention? Is anybody paying attention to what is going on here? Over the next 10 years, \$2.5 trillion of Social Security money is going to be taken to pay for other things. We are headed for a train wreck. The President says: Don't worry. We are going to cut the deficit in half over the next 5 years.

Our problem is not a 5-year problem. In fact, that is the sweet spot of the budget cycle. That is the sweet spot because that is before the baby boomers have retired. In addition, the only way the President gets to his claim of reducing the deficit, over 5 years, in half is he just leaves out things. He left out war costs past September 30 of this year. That is \$300 billion, according to the Congressional Budget Office. He left out the cost of fixing the alternative minimum tax. That costs \$700 billion to fix. There is not a dime of it in his budget.

When you add back the things he left out, here is the picture we see emerging, and this is just the deficit calculation. The debt calculation, as I have described previously, is far worse. We are going into a circumstance in which the next 5 years—these are the good times; it is before baby boomers retire—we are headed for an extraordinarily serious set of circumstances if the budget plan of the President is maintained. Why? Because many of the proposals he has explode in cost right beyond the 5-year budget window. For example, the cost of his tax cuts absolutely explode right beyond the 5-year budget window. So does the cost of dealing with the alternative minimum tax. It explodes beyond the 5-year budget window.

We have had a lot of talk on the floor of the Senate about this being a deficit reduction package. No, it is not. This is not a deficit reduction package, this reconciliation package. This reconciliation package has three parts: spending changes that save \$35 billion over 5 years, these additional tax cuts that cost \$60 billion over 5 years—so you put the two together, that adds to the deficit; it does not reduce the deficit—and the third chapter is the chapter they do not want you to read in this book because the third chapter is to increase the debt of the country by \$781 billion. It is all in one fell swoop.

As we look ahead to the 5-year budget that has been adopted by our colleagues—not with my support; I voted against it—but this is what is going to happen to the debt of the country over the next 5 years under this plan. By the way, these are not my numbers. These are their numbers. These are the numbers in their budget documents about what happens to the debt—not the deficits, the debt.

It is something the news media—it is interesting, the news galleries are absolutely empty. Oh, no, there is one lone soul there—one lone soul. The news media does not want to report on this. Why don't they want to report on it? Because it is a little bit complicated. You actually have to read. You actually have to do a little studying. It is not like covering the latest scandal. They love to cover scandal because that is easy to write about. Budget stories and what is happening to the fiscal condition of the country, that is much more difficult because you actually have to get your numbers right.

No one is paying attention. I have not seen a single national story on the growth of the debt. They are writing about the deficits because that is what they have written about for 20 years. They don't get the whole thing has changed dramatically since the 1980s because of how the policy of our Government has changed to raiding the Social Security trust funds for every dollar that is in them for the next 10 years.

But do you know what? It does not matter they do not write the story. It does not matter because the reality is coming in on us, and it is coming in on us much sooner than people understand because what really affects the strength of America, the fiscal strength of America, is the debt that is being built up, and the budget that has passed both Houses of Congress is going to increase the debt. It started at \$7.9 trillion this year. It is going to go up to \$8.6 trillion, then to \$9.2 trillion, then to \$9.9 trillion, then to \$10.6 trillion, then to \$11.3 trillion over the 5 years of this budget.

Again, these are not my numbers. These are not my numbers. These are the numbers in their own budget documents about their prediction about what will happen to the debt with the budget that has been adopted.

The debt is exploding before the baby boomers retire. What are the implications? Well, here is one of them. Foreign holdings of our debt have doubled in the last 5 years. It took 42 Presidents, pictured here, 224 years to run up \$1 trillion of external debt. This President has exceeded them all. He was able to double foreign holdings of our debt in just 5 years. It took 42 Presidents 224 years to run up \$1 trillion of external debt. This President has added more than \$1 trillion of external debt in 5 years.

To whom do we owe the debt? Well, here is the latest scorecard. We owe Japan \$687 billion. We owe China \$252 billion. We owe the United Kingdom \$182 billion. And my favorite, the Caribbean banking centers, we owe over \$100 billion. We owe South Korea over \$60 billion. I submit to my colleagues, that does not make America stronger. That makes America weaker.

So now we turn to the legislation before us. One would expect that the Congress would be about reducing the deficit, reducing the debt, in light of what has happened. In light of the fact that the debt during this Presidency has gone up \$3 trillion already, in light of the fact that under the 5-year budget before us, the debt is going to go up another \$3 trillion over the next 5 years, you would think we would be here trying to reduce the explosion of debt. Surprise, surprise. No. This reconciliation process, a fast-track process that was devised to circumvent the rules of the Senate, was put in place to reduce deficits. That is the whole purpose of reconciliation. But it has been hijacked, and now it is being used not to reduce deficits but to expand them.

I tell you, I go home some nights and I pinch myself thinking I am caught up in some surreal comedy. This has to be a comedy: The debt is exploding before the baby boomers retire, and in the Congress, the reconciliation process that was adopted to reduce deficits has been hijacked and is being used to increase deficits.

What is wrong with this picture? I submit what is wrong with this picture is, it is utterly and completely disconnected from reality. Now we have before us a bill that is going to cut taxes over the next 5 years by \$60 billion. It is going to make the deficit worse by \$60 billion.

This is what Chairman Greenspan has said about the notion of cutting taxes by borrowing. Federal Reserve Chairman Greenspan opposes deficit-financed tax cuts. He said:

[W]e should not be cutting taxes by borrowing.

He is right. That is what we are doing. We are borrowing every dime of this, borrowing it from Japan, China, Caribbean banking centers.

Here is the effect of the reconciliation package, \$35 billion of spending savings over 5 years, completely and totally wiped out by \$60 billion of tax cuts not paid for. The net result is to increase the deficit, to increase the

debt by \$25 billion, but that is right in line with the fiscal policies that have been adopted by this President and by this Republican majority, because this is their record.

This is where they took over. The debt limit had not been increased for 5 years in this country. In 2002, in one year, they increased it by \$450 billion. In 2003, they increased it by \$984 billion. In 2004, they increased it by \$800 billion. Now, with this reconciliation proposal, they want to increase the debt by \$781 billion. Add it all up, and this President will have increased the debt in these 5 years by \$3 trillion. Over the next 5 years, according to their own estimates, they are going to increase the debt another \$3 trillion. That is real money.

The Chairman of the Federal Reserve has said this:

All I'm saying is that my general view is I like to see the tax burden as low as possible.

Don't we all. I would like nothing better than to have my tax burden reduced.

And in that context, I would like to see tax cuts continued. But, as I indicated earlier, that has got to be, in my judgment, in the context of a PAYGO resolution.

What is pay-go? Pay-go says you can have more tax cuts, but you have to pay for them. You can have more spending, but you have to pay for it. Because if you don't, you add to the debt and deficit burden.

That brings me to the amendment that I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 2602.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. Madam President, what does this amendment do? It provides for the extension of the expiring tax provisions that expire this year to be effective next year. It extends all of them. It does not extend provisions that expire next year for 2007 or 2008 or 2009. It is completely paid for over the 10 years. It provides for hurricane disaster relief identical to what Chairman GRASSLEY has included in his provision. It provides for alternative minimum tax relief, but in an even better way than what is in the chairman's mark. Because while the chairman's mark says it is a hold-harmless provision, in fact, 600,000 more American taxpayers will pay the alternative minimum tax than paid it this year. We will go from 3 million people paying the alternative minimum tax to 3.6 million.

Remember, the alternative minimum tax, the old millionaire's tax, has now become a middle-class tax trap. My

amendment is a real hold harmless on alternative minimum tax. There will be no increase in the number of Americans paying the alternative minimum tax—none. Instead of a 600,000 increase of American taxpayers paying the AMT, we will only have the same number paying next year as this year.

In addition, we extend the R&D tax credit, the State sales tax deduction, the college tuition deduction, the welfare-to-work and work opportunity tax credits, the teacher classroom expenses deduction, the leasehold improvement and restaurant depreciation, and all other traditional tax extenders that expire this year to be effective next year. We pay for those provisions. Instead of putting it on the charge card, instead of running up the debt, adding to the deficit, shoving it off on our kids, we pay for it.

How do we do it? First, we use the same offsets that are in the chairman's package with the exception of the charitable revenue raisers because we don't have the charitable package here. They include the provisions that he has to close the tax gap by shutting down abusive tax shelters. I applaud the chairman for having those in his mark. He is exactly right to have them there. We adopt those same provisions.

In addition, we end the loophole for oil companies that lets them avoid taxes on their foreign operations. That is \$10 billion. We end the tax benefit for leasing foreign subway and sewer systems. That saves \$5 billion.

I want to explain this one to my colleagues. Here is what is going on. This is one of the biggest scams ever cooked up by accounting firms. Most accounting firms don't engage in this kind of activity, but there are a few who do. Here is what they are doing. They are buying foreign subway and sewer systems in U.S. shell operations, depreciating their assets for U.S. tax purposes, and leasing the subway and the sewer systems back to the foreign cities. I know this sounds unbelievable, but that is what is going on. This is a scam.

Some of my colleagues say: Senator, you are increasing taxes in order to pay for this tax cut package. I suppose you could say that. But is this a tax break anybody thinks should be in place? Do you think we should allow companies to buy foreign subway and sewer systems, depreciate them on their books, reduce their U.S. taxes, and then lease them back to those European cities? Does anybody believe that is not abuse?

We also require tax withholding on Government payments to contractors such as Halliburton. Why shouldn't they have withholding, just as working Americans have withholding on their tax obligations? That saves \$7 billion.

We renew the Superfund tax so that polluting companies pay for cleaning up toxic waste sites. That tax is 9.7 cents a barrel. Oil right now is going for close to \$60 a barrel. It seems entirely reasonable to me that we ask

those who have contributed to these sites that need to be cleaned up to pay for it, 9.7 cents a barrel.

We close other tax loopholes as well. That is how we pay for this package. Why would we not pay for this package? Why should we not prevent the deficit and debt from being increased?

Some of my colleagues argued in the Finance Committee: Senator, you are raising taxes to pay for the tax cut. Here is what the chairman said:

We've found \$180 billion over the last few years in things that are examples of loophole closings and abusive tax shelters. And that's what they are, people . . . that are avoiding taxes—

I would amend that to companies as well.

—now that ought to pay taxes without changing the rate of taxation.

The chairman had it exactly right. We now know the tax gap in this country, the difference between what is owed and what is actually being paid, is \$350 billion a year. Let's close down these scams. Let's close down these loopholes. Let's close down these abuses and use a portion of it to pay for extending these very worthy tax provisions that are in this package. That is what my amendment is about.

For those who say they care about fiscal responsibility, for those who say they are concerned about the explosion of deficits and debt, here is a chance to prove it. Here is a chance to vote for this amendment that will extend the tax provisions that are expiring, those that are expiring this year for next year's taxes, and to pay for it by closing abusive tax shelters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thought Senator KYL wanted some time. What I would like to do, if it is OK with the other side, is give Senator KYL some time off of our time and then right after him, Senator THOMAS, because Senator THOMAS has been waiting for a long time to speak. I ask unanimous consent to make that the speaking order. These folks are talking about maybe 20 minutes apiece or less.

Mr. CONRAD. Reserving the right to object—and it is not my intention to object—I would like to inquire as to the parliamentary situation. How much time is left on my amendment?

The PRESIDING OFFICER. The Senator has used 7 minutes on his amendment, which leaves him 53 minutes. The first 28 minutes was charged to the bill so that the amendment was not pending at that time.

Mr. CONRAD. So I have 53 minutes remaining on my side, and they have an hour left on their side?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I inquire of the Senator from California, why does she seek recognition and how much time does she require?

Mrs. FEINSTEIN. I have two amendments. I will not require more than 15 minutes.

Mr. CONRAD. Is the Senator seeking time off the bill or she would have her own amendment time? I would not object to the request of the chairman to have speaking time. We would then intend to lay my amendment aside.

Mr. GRASSLEY. Yes, we would be willing to do that. We are looking at some votes around noon. Yours would be one of those. We don't have unanimous consent on that.

Mr. CONRAD. I will defer to the manager of the bill.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, we are moving along on the amendment offered by the Senator from North Dakota. I got clearance from the chairman of the committee to ask unanimous consent that there be 40 minutes of debate remaining on the Conrad amendment equally divided, 20 minutes in favor of those who are speaking against the amendment and then 20 minutes to be controlled by the Senator from North Dakota.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. And also that there would be no second-degree amendments and the vote would then occur immediately following the 40 minutes in relation to the Conrad amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRASSLEY. I yield 10 minutes to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. KYL. I thank the Chair. I thank the chairman.

This is a choice between the product of the Finance Committee and the amendment offered by the Senator from North Dakota. I strongly urge my colleagues to support the product of the committee and to defeat the Conrad amendment.

Let's first focus on this issue of deficit. The deficit reduction that has occurred as a result of the President's tax policies supported by the Republican Members of Congress has been nothing short of incredible.

This is a choice between a continuation of a policy which provides economic growth for our country and more money for our families, more investment for our businesses, and therefore more jobs for Americans. Look at some of these statistics in terms of the gross domestic product growth in our country. Whether you embraced the lower rates at the time, I think everybody has to acknowledge that the rates

we put into effect in 2003 have had a dramatic effect.

Consider: The economy grew at a 3.8-percent annual rate in the third quarter. That is the 10th straight quarter the GDP grew at a rate above 3 percent. We remain the fastest growing industrialized country in the world. That is the longest such period of growth in our history since World War II.

Business investment: In the nine quarters before the 2003 tax rates were put into effect, business investment fell. We passed the tax provisions to cut taxes on capital gains, for example, and we reversed that. In fact, business investment has now increased at an annual rate of 6.9 percent. That means jobs to our economy and more wealth for American families.

In terms of deficit reduction, specifically, we are not undertaxed. Congress is spending too much. That is what is creating the deficit. Nevertheless, as a share of our GDP, the 2005 deficit was 2.6 percent, down from a 3.6-percent share in 2004. In fact, before Hurricane Katrina we were well on the way toward achieving the President's objective of cutting the deficit in half in the next 2 years. In fiscal year 2005, taxpayers sent Washington \$274 billion more in revenue than the year before, and \$100 billion more than we predicted back in January.

How could we be so far off? This economy is so strong, it is growing so rapidly that even at the lower tax rates we are producing more revenue to the Federal Treasury. This is not a path from which we should deviate. We should continue this path and not adopt the principle of the substitute amendment offered by the Senator from North Dakota. What his amendment presumes is something very strange in economics, and that is that somehow we have reached a magic Minerva, an equilibrium where the Federal Government is taking a tax in the right amount from American citizens never to be changed one iota, notwithstanding the fact we will continue to spend more and more and more, and we will have to have the taxes to pay for that spending or go deeper in debt.

The pay-go amendment that is the centerpiece of the amendment proposed as a practical matter does not affect the most significant aspects of our continued spending, namely the mandatory increases in our mandatory spending, our so-called entitlements—Medicare, Medicaid, Social Security, that which represents about two-thirds of the spending. As a result, the big-ticket items are not restrained in any way. All that is restrained is the ability to promote the continuation of our current tax rates. If we don't continue these tax rates, if we don't take action, for example, this year to extend the capital gains and dividends tax rates for another 2 years, we are going to find in a couple years the American taxpayers are going to be faced with a huge tax increase, and that is because without further action those tax rates

will go up by 25 percent in 2 years. That is not right.

Now, some of our colleagues say, well, these tax rates only help the wealthy in our country. Well, is that so? From a column that was authored by Larry Kudlow, a noted economist: The investor class in America "continues to grow by leaps and bounds . . . The number of families owning stocks has risen to 56.9 million from 54.1 million, meaning nearly 60 percent of U.S. households are invested in equities today." We "have become a society of equity investors."

Zogby polling shows that nearly all Americans—93 percent—earning \$75,000 a year or more own stocks. They can't all be rich. And how about those earning up to \$75,000 a year? In this group, more than half, or 56 percent, own shares. Of those earning below \$50,000 a year—a group that in the aggregate pays very little taxes overall—30 percent own stocks.

So the continuation of the 15-percent rate on dividends is a matter that affects a very large swath of Americans. As a matter of fact, 23 percent of all filers spread evenly across income categories reported dividend income in 2003 and of that group, 30 percent, 30.6 percent had an adjusted gross income under \$30,000. Rich people? I don't think so.

How about capital gains? Seventeen percent of all filers spread equally across income categories reported capital gains in 2003, and of that group 30.1 percent had adjusted gross income of under \$30,000. The rich? I don't think so.

How about some of the other provisions in the bill from the committee? The savers credit, only 4 percent of filers benefited from that in 2004.

The above-the-line-deduction for college tuition costs, only 2.7 percent of filers claimed that deduction in 2003.

AMT, only 6 percent of filers are affected by that.

Now, why are all of these things in the committee mark? Because they still represent important policy and we continue to support all of those things.

With AMT, the number of filers is going to double so we have to do something about that. But the bottom line is when you are comparing that to capital gains and dividends, far more Americans are affected by capital gains and dividends and they are not just the wealthy. I read the statistics for \$30,000 and under.

The other flaw in the amendment of the Senator from North Dakota is that the whole question of what "tax cuts cost" is upside down. The Senator from North Dakota raises that question with respect to revenues to the Federal Government. How much does it cost the Federal Government to have a tax cut? Think about it. That is a strange way to put it. How much does it cost the Federal Government to cut your taxes?

I will put that question the other way around. How much does it cost you when we have a tax increase? Because

that is exactly what will happen in 2 years if we don't extend the current tax rates. We should be asking what it costs American families, American taxpayers, and the American economy, American businesses. What is it going to cost them if we take more of their hard-earned money and bring it back to Washington for us in our wisdom to figure out how to spend? That is the question we should be asking.

What is the productive part of our economy? Does the Government create jobs?

Other than these very hard-working clerks here and the other jobs in the Federal Government, we don't create jobs. The private sector creates jobs. It costs money to pay employees. That is why employers try to make money, so they can hire more people, more people will have jobs, their families will be better off. We all understand how the private market works. It requires capital, it requires profits, it requires the Government to get out of the way and not take so much of its money, frankly, and that is why the real question should be with regard to this so-called pay-go, not how much it is going to cost the Federal Government, but how much a tax increase which will result from the policies that are being proposed on the other side of the aisle, how much that tax increase is going to cost hard-working Americans. That is the real question we should be asking.

We need to support the proposal that is before us on the floor today, a proposal which in large measure makes American taxpayers better off and increases the revenues to the Treasury of the Government because the tax policies we have had in place since 2003 are working, both to help stimulate investment in the private sector and create more jobs, and because they are low enough that they create economic activity that can be taxed, providing more revenue to the Federal Treasury. We should reject the amendment of the Senator from North Dakota because it doesn't pursue that same policy goal.

The only caveat to this, of course, is that the capital gains and dividends tax rates I have been talking about are not included in the proposal on the floor or in the proposal of the Senator from North Dakota. But I can assure my colleagues it will be part of the conference report. There is no way we are going to consider a conference report that doesn't continue these current tax policies. To not do so, as I said, would be to begin the biggest tax increase in the history of this country, and we are not going to do that at a time when we need to keep the economy robustly growing as it has been.

I say to my colleagues, the tax proposals of President Bush have been working. Our economy is producing a tremendous number of new jobs, revenue growth for the private sector as well as for the Government sector. Why would we want to turn from that?

With respect to paying for it, let's remember who bears the cost.

There is no free lunch at the end of the day. The taxpayers are going to bear the cost. As a result, the real question we should be asking is not how much these policies cost the Government, but how much they cost the taxpayers.

I urge the Senate to vote against the amendment of the Senator from North Dakota and support the chairman's mark.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time did the Senator from Arizona consume?

The PRESIDING OFFICER. Ten minutes.

Mr. CONRAD. Mr. President, I wish to take a few minutes to respond.

The Senator from Arizona started with a statement that is truly breathtaking. The Senator from Arizona said that deficit reduction created by the Bush administration policies was, I think he used the word "extraordinary." Yeah, it is extraordinary all right. Here is what has happened to the debt under these policies.

When the President came in, there had been no increase in the debt limit of the United States for 5 years. After 1 year of the President's policies, the debt limit was increased \$450 billion. The next year, they increased the debt \$984 billion. The next year, they increased the debt \$800 billion. In this reconciliation package, they are going to increase the debt limit \$781 billion. The Senator from Arizona is on the floor saying they have done something to reduce the deficit? Come on. These are the biggest deficits, the biggest increase in the debt in the history of America, and it doesn't end with what they have already done.

Here is what they are going to do. These are not my calculations. These are the numbers that are in their own budget document. They are going to increase the debt another \$600 billion next year, another \$600 billion the next year, another \$700 billion the next year, another \$700 million the next year, and another \$700 billion the next year. They already increased the debt \$3 trillion, and under this budget plan, over the next 5 years they are going to increase it another \$3 trillion, and he is out here talking about deficit reduction? Come on. There is no deficit reduction here.

Mr. KYL. Will the Senator yield?

Mr. CONRAD. No, I won't yield. The Senator had his chance. I am going to respond, and then I will be happy to engage in debate.

Mr. KYL. Since the Senator referred to me by name, I would like the opportunity to ask a question.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CONRAD. I did not refer to the Senator by name. I referred to "the Senator from Arizona." The Senator from Arizona came out here and said there has been extraordinary deficit re-

duction. There is no deficit reduction. There is record explosion of debt, that is what is going on.

The Senator said that deficit, as a share of GDP, is not so bad. That is only because he leaves out something. And the something he leaves out is all the money that is being taken from Social Security and used to pay for other items because back in the eighties there was no Social Security surplus, or virtually none. Last year, the Social Security funds that were being used to try to mask the true size of what is going on was \$173 billion. You add that back in, and the increase in debt of this country was 4.5 percent of GDP.

In the European Union, you can't be a member if you run deficits above 3.0 percent of GDP. But the addition to debt in this country last year was 4.6 percent of GDP when you add back all the money that is being taken from trust funds and used to pay for other items.

Here is what he doesn't want to talk about. Here is the explosion of Social Security money being taken to pay for other things. Look back in the eighties, there was virtually no Social Security surplus. In fact, in 1983, there was none. Then there was a couple hundred million dollars a year. Now it is approaching \$200 billion a year, and they want to forget about it, they don't want to count it?

I tell you what is going on here is so utterly disconnected from reality. This chart shows the spending line since the eighties and the revenue line. In the nineties, we brought spending down each and every year as a share of GDP. Now we have had a big tick upwards. The Senator from Arizona said he wonders how we reached some nirvana of balance between spending and revenue. There is no balance, that is the point. That is what is wrong. We see the spending line and the revenue line. Look at the gap.

Our friends on the other side want to complain about the spending. Guess what. They are responsible for every dime of it. This happened on their watch. They control the House, they control the Senate, they control the White House. They are responsible for every dime of the increase in spending.

Here is what has happened to the revenue. It has collapsed. The result is an enormous gap, and he says he wonders how we reached some nirvana of balance between spending and revenue. There is no balance. That is the point.

Then our colleague talked about how wonderful the economic performance has been. No, it hasn't. Here is the record on job creation, comparing the average of the last nine recessions since World War II. Here is what happened over the period of time—this is in number of months on the bottom. This is a jobless recovery. This red line is the average of what has happened after the last nine recessions. By this stage, 55 months after the trough, typically 7 million jobs have been created in the private sector, more than have been created in this recovery.

So we are running 7 million private sector jobs behind the average of the last nine recoveries since World War II. This is great economic performance? It is the worst employment performance we have had of any of the nine recessions since World War II.

It is not just job growth, it is also GDP growth. GDP growth lags behind the typical recovery by 27 percent over the same period of time.

The Senator talked about business investment. Let's look at business investment. Let's look at the last nine recessions. At this stage, we are running 53 percent less business investment than in the nine previous recoveries from recessions. And he touts this economic record? Mr. President, this is not a record of which to be proud.

The Senator also talked about the dividend tax cut, and he talked about capital gains. They are not in the underlying amendment of the chairman of the committee. They are not in the Finance Committee's mark. So he is comparing apples to something else.

My amendment says we have to go back to the disciplines we have used in the past to restore fiscal discipline. What are they? Pay-go is one of the major budget disciplines, and it simply says: If you are going to have more tax cuts, fine, you have to pay for them. If you have more spending, fine, you have to pay for it. That is one of the key things we must do to get this Nation back on track.

This notion that we keep borrowing the money, keep spending the money, keep more and more tax cuts, don't worry if anything adds up is leading us deeper and deeper into debt. When are we going to stop this?

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 11½ minutes left.

Mr. CONRAD. I ask if the Chair will notify me when I have used 1 more minute.

Mr. President, let me say to my colleagues, I am beginning to wonder what are we thinking around here? What are we thinking of, Republicans and Democrats? When are we going to turn the corner? When are we going to say enough is enough? When are we going to say adding \$3 trillion of debt in the last 5 years and headed for the next 5 years adding another \$3 trillion, in effect, doubling the debt of our country in 10 years—that is what we are doing. The result is foreign holdings of our debt have doubled in 5 years. Mr. President, I say to my colleagues, this is not sustainable.

On the Republican side, they say we should just cut the spending. OK, do it, cut it. If you don't want to tax anymore, cut the spending to match the taxes you are willing to levy.

The PRESIDING OFFICER. The Senator has used an additional minute.

Mr. CONRAD. I ask for another 30 seconds.

My Republican friends said they are fiscally responsible. When are they



going to demonstrate it? If you are only willing to tax at 17 percent of GDP, then cut the spending 17 percent of GDP. If they think, well, because of the war and because of the need for homeland security, we need to spend more than 17 percent of GDP, which is what they are doing in their budgets—they are not spending 17 percent of GDP, they are spending 19 percent of GDP, in fact they are going to 20 percent of GDP, then tax at 20 percent of GDP so you pay your bills. Do one of the two. But don't just keep putting it on the charge card.

I say to my Democratic colleagues the same thing. We cannot be for more spending than we are for levying the taxes to raise it. What is going on in this town is absolutely and totally irresponsible, and it is going to put us in a very weakened position as a country. We have increased foreign holdings of our debt 100 percent in 5 years. It took 224 years to run up a trillion dollars of external debt. This President has doubled it in 5 years. That does not strengthen America.

I thank the Chair, and I yield the floor.

Mr. GRASSLEY. Mr. President, I yield whatever time he might consume of my remaining time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I thank the chairman. I appreciate the opportunity to deal with this issue that is before us. By the way, I am not speaking on the Conrad amendment, but I am, as a matter of fact, speaking on the Dorgan amendment in general time. I have to say to my friend from North Dakota that I certainly agree with the idea that we have gone out of control in terms of our spending. I don't agree with the idea that we have to raise taxes to offset it. What we ought to be looking at is reducing the size of Government.

Quite frankly, I would like to see some activity on that side of the aisle, as well as this side, to take a look at some of the programs we have and see if they still need to continue to exist. With regard to the idea that the growth of the Federal Government is out of control, we have gotten into a feeling that every time there is a need in the country for anything the Federal Government ought to do it and establish a new program.

I happen to have a bill called the sunset bill which I think we ought to take a look at. We ought to take a look at programs that have been in existence for 10 years and see if they are as important now as they were when they were created. If not, let's change them.

In any event, I want to talk in opposition to the Dorgan amendment, which is the windfall profits tax amendment, which has to do with the bill before us. What we are talking about in this tax bill is the economy. We are talking about growth. Notwithstanding what has been said, we have

had growth, 3.5 percent growth in GDP in the last quarter. That is above average in the last 10 years. We do have growth. That is what it is all about.

We also ought to recognize when we are able to leave people with more money in their hands to spend, that is a good thing. If you can reduce taxes so people have money to invest, that is a good thing. That is what creates the economy and economic growth. That is what it is all about, the economy.

The other overriding issue before us, although I don't think it is a specific issue here, is one of the main factors of the economy, and that is energy. Without energy, we don't have an economy. So we are talking a lot recently, and should be, about energy—where we are going to get energy, where it is going to come from, how we are going to invest in new sources of energy. That has been one of the key issues for the last year. We finally got an energy policy. Unfortunately, what we are talking about now, particularly in this windfall profits amendment, is something totally adverse to the philosophy that we have developed to create new energy sources.

The windfall profits tax amendment which has been offered is not only bad policy but it sends the wrong message to American companies and to entrepreneurs.

Supporters of this tax have tried to demonize the whole concept of making a profit. Companies are in business to make a profit. They make profits and create jobs, which is what we are talking about all the time. If they did not make a profit they would not be in business, and we would not have jobs.

The Senator was talking about the number of jobs. Why does one think there are jobs? Because there are profitable companies. That is what we need to be talking about. Supporters of this windfall tax, however, want people to believe that the oil industry somehow managed to reap undeserved profits, resulting in one of the highest profit margins in America.

Well, they have profits. Who would not have profits when there has been that kind of increase in the energy business? It is not the case that they are unusually high profit margins. The profits for the oil companies measured against other factors of the economy, frankly, are quite modest. I have a chart that shows a number of the industries which are much higher. These are the earnings of major industries in the second quarter, net income on sales in 2005. It shows cents per dollar of sales in the various businesses, banks, pharmaceuticals, software, semiconductors, diversified financials, household and personal products, consumer services, insurance, telecommunications, food, beverage and tobacco, real estate, health care, material, all U.S. industries, 7.9, and then next, oil and gas, 7.6 percent.

The third quarter moves them above this to about 8 percent, but look at these businesses that are much above

that. They keep talking about how they have had these unusually high and perhaps even illegal profits.

Those who want to argue about this chart because it shows second quarter profits, and they are higher in the third quarter, it has changed somewhat, but whatever it is it will be about 8.1 percent for the oil industry.

I wonder if supporters of this windfall profits tax would suggest that it be on all of these other businesses that are higher in their earnings than the oil and gas industry. I understand one of the sponsors of the amendment comes from a State where there are lots of insurance companies, and despite a profit of over 10 percent, I do not see him rushing to the floor to put a windfall tax on insurance.

We have had this news media focus on the energy industry and so it has become this kind of thing, but I think we have to keep in mind the future. I certainly hope as we go about our business we think not only about today but about 10 years from now: What are we going to do with energy? There has been nothing of more concern to us than energy.

The facts speak for themselves. The Congress tried to take this approach in the early 1980s and it did not work. I understand they are saying this is not like the other windfall, but indeed it is. It takes profits they say are excessive, which are not comparatively, to distribute them back out to the public.

Is that what the business system is about? Is that what the private sector is about? I do not believe so.

The efforts that were made to do that in the past did not work. The non-partisan Congressional Research Service has documented this policy as a failure in the past, and I can only conclude that it would be a failure again in the future. The whole concept defies common sense.

Who is qualified to deem the profits as determined by the market are too high? The market will adjust for that if that is the case. I certainly do not believe any Member of Congress has those qualifications.

I understand the politics of wanting to distribute money to everyone. That is a great thing to be able to put on one's resume. But it does not conceptually, from a policy standpoint, make sense. We live in a market economy, and it is the model that works. Of course, we need to continue to change our system. But we have the best system in the world, and we need to make sure we continue it, unlike Members who have tried all of these manipulations and the nonmarket approach, which has not worked.

The market economy means if one engages in a risk associated with investment they should reap the benefits from that. Not unlike other industries, the oil and gas industry requires significant investment and risk. I live in the State of Wyoming which is one of the highest producers of energy, and I



can say there is a great deal of investment that has to go into the production of the energy that goes to New England and New York where they do not have any production of their own. That is the way it should be. Nevertheless, one cannot sit off some other place and say we want energy but we do not want to have any investment in it. One cannot sit out on the west coast where there is no production, no refineries, and say, well, we want energy but we do not want any investment in transportation to get it there or in the development of it.

That is what we hear a great deal on the Senate floor. I think not only has that been the case in the past, and it is the case today, quite frankly, it is going to be more the case as time goes on. We are going to have to look for new ways to develop energy. In Wyoming, we are going to have to go to oil shale, for example, which is expensive to develop. We are going to have to go to deep wells. We are going to have to go to secondary recovery. We are going to have to go to alternative fuels. We are going to have to go to converting coal to other things. Those are expensive kinds of investments, and that is what it is all about.

The PRESIDING OFFICER. The majority's time on the amendment has expired.

Mr. THOMAS. Mr. President, as we get to that amendment on windfall profits, I hope we will take this into account.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could I inquire as to the time on my amendment?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. CONRAD. And the majority?

The PRESIDING OFFICER. The majority time is expired.

Mr. CONRAD. I thank the Chair. Mr. President, I go back to the point that my colleague from Wyoming made about this relationship between spending and revenue. Here is the problem we have. Here is where we are in spending as a percentage of gross domestic product. We are at about 20 percent, a little over. Here is where we are in revenue. We are just over 17 percent. It is this gap between spending and revenue that is creating these massive deficits, and this is before the baby boomers retire. The question is, How do we close this gap?

We could do it one of three ways: We could cut the spending down to the amount of revenue that we are willing to levy. That would mean a 36-percent cut in every part of Federal spending if we were to hold harmless from the cuts Social Security, defense, and interest on the debt. We would have to cut everything else—homeland security, aid to veterans, education, parks, FBI. All the rest would have to be cut 36 percent to cut the spending down to the revenue we currently have.

A second possibility would be to raise revenue up to the spending line. That

would mean a very significant revenue increase if we were to do it just with revenues. A third possibility is some combination of spending cuts and revenue increases.

One of the assumptions being made is that to increase revenue, taxes have to be increased. The fact is, the revenue service tells us the tax gap, the difference between what is owed and what is being paid, is now \$350 billion a year.

Before we talk about a tax increase on anyone, before we have any suggestion of a tax increase, we ought to go after that tax gap and we ought to do it aggressively. That is part of the amendment that I have offered. Frankly, it is a part of the chairman's mark because the chairman closes \$30 billion of loopholes in his proposal.

I agree with those, but I say to the Senator from Iowa he does not go far enough at closing loopholes. In my proposal, we go further. For example, we end the tax benefit for leasing foreign subway and sewer systems.

Why would we not do that? Why do we allow companies to go and buy the sewer and subway systems of foreign cities and depreciate them on their U.S. taxes, cutting their taxes in our country, and then lease back the subway and sewer systems to foreign cities? What a scam. Why are we allowing that? Somebody calls that a tax increase? Is that really a tax increase to say to companies that they cannot go buy the sewer system in a foreign country's city and depreciate it on their U.S. taxes? That is what is going on.

We also would require tax withholding on Government payments to contractors like Halliburton. Just like all the rest of us who have withholding on our taxes, why do they not have withholding on theirs? It would save us a lot of money; renewing the Superfund tax, 9.7 cents a barrel on \$60-per-barrel oil to clean up these toxic sites.

One can call those tax increases; I call them closing loopholes. I call them closing scams. We ought to do it and use the money to pay for extending these tax reductions that are included in my amendment; the extending of tax reductions that are reasonable, that are in this package.

I hope my colleagues will think for a minute about what we are doing. Debt is growing out of control. Why are we taking steps to add to the deficit, to add to the debt? Why not pay for something around here?

Let us start paying our bills. That is what pay-go is all about. It says, if my colleagues want more tax cuts, they have to pay for them. If they want more spending, they have to pay for it. That is an American value, paying one's bills. We are not doing that. We are stacking debt on top of debt. We have added \$3 trillion to the debt over the 5 years of this Presidency. Under this budget plan, we are getting ready to add another \$3 trillion of debt before the baby boomers retire. We can do better than that. America deserves bet-

ter than that. It certainly does not deserve us stacking debt on top of debt.

I yield the floor and reserve my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that immediately after the coming vote on the Conrad amendment, the next speakers and amendments be in order as follows: First, Senator DOMENICI be recognized to speak for 20 minutes; Senator FEINSTEIN will be recognized to offer two amendments on which there will be a total of 30 minutes equally divided on the two amendments; following that time, that Senator CANTWELL be recognized for the purpose of offering her amendment with respect to energy price gouging, and there be 60 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I rise today in support of the substitute amendment.

Let me first explain that this substitute does not contain everything we had hoped to offer. Some of the items that we cannot consider today, though, are extremely important to American families.

They include the Lincoln-Snowe child tax credit fix. The Lincoln-Snowe provisions would ensure that the working poor can continue to receive this valuable credit. Regrettably, the threshold climbs each year. And the minimum wage remains stagnant.

So these families receive a smaller refundable child tax credit each passing year.

Another package we had hoped to include were a few incentives for military families. These include a provision to ensure that families with someone serving in combat can continue to receive the earned income tax credit. With the heavy strain that the Iraq war continues to put on military families, Congress can surely do more for these families.

The substitute today does not address a few items for the Gulf States I had hoped to include.

As I have said many times in the past few months, we must address the immediate needs of the hundreds of thousands of people affected by the hurricanes that ravaged the Gulf States. We cannot forget that the recovery in the gulf region is not over. It has hardly begun.

People have lost everything and need help to rebuild their lives. That help has not arrived. We have more work to do in this Congress to make sure displaced families have access to health care, unemployment benefits while they search for work, childcare so they can get to work, and foster care services for needy kids.

It is irresponsible to leave these people behind and move on to cutting taxes before we have completed our job of providing real relief to those that have been hurt by the storms.

But for procedural reasons, we are offering a different substitute. I believe that this substitute is a better approach than the bill before the Senate today.

I want to highlight some principles that we pursued in this substitute. And what we are not doing here is as important as what we are.

Other than the disaster recovery incentives, we do not add to the deficit. That is an important distinction between our substitute and the bill before the Senate.

I know that the majority leadership hopes that spending reconciliation cuts will occur at some point. But even if Congress does enact those highly controversial cuts, the bill before us today would still add to the deficit.

This is exactly what Alan Greenspan warned us against last week: deficit-financed tax cuts.

How can we face constituents who will see their food stamps or child support services cut? How can we tell them that we had to make those cuts to pay for tax cuts?

How could we tell them that Congress cut their benefits for tax cuts that will not even take effect until several years down the road?

Another thing that we do not do in this substitute is any extension of tax cuts that don't expire this year. The last 3 years have been the 3 highest deficits in the Nation's history. At some point, we need to do some belt-tightening.

In all fairness, I support many of these tax cuts. I have cosponsored and voted for many of them. But we simply need to prioritize this year. We need to do what is urgent first.

The bill before us today does not include the capital gains and dividends tax cuts. But we know that it may well appear at some point during this reconciliation process, especially now that the House tax-writers have chosen capital gains and dividends tax cuts to the exclusion of AMT relief.

Some cite the \$20 billion figure for the 2-year extension of capital gains and dividends cuts.

But we are really talking about a \$50 billion cost over 10 years. And that is the way that we usually score tax bills.

There are some good items in the bill before us today, but I think in order to be a great bill, we must achieve fiscal responsibility. Our substitute not only meets all the budget numbers, it does better. The 2006 loss is below \$11 billion, the 5-year loss is \$20 billion, and the 10-year figure actually cuts Federal deficit by \$6 billion.

It comes down to timing, priorities, and fiscal responsibility. I urge my colleagues to support this substitute.

Mr. GRASSLEY. Mr. President, are we now ready to dispose of the Conrad amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes remaining.

Mr. CONRAD. I will be happy to use my time at this point if that will help the managers.

Mr. President, the question before us is, What is our vision for the future? If this chart shows your vision of the fiscal future of the country, vote against my amendment. If you think the answer to our fiscal future is just to add more and more to the debt, then vote against me. If you believe it is time to get our fiscal house in order, at least to begin steps to get our fiscal house in order, vote with me. If you believe the underlying budget makes sense, here is what the underlying budget does. For the next 5 years it adds to the debt, going from just under \$8 trillion to over \$11 trillion. It is going to add over \$3 trillion to the debt over the next 5 years.

If you think that is a mistake, then support the alternative that I am offering, which says: Yes, we will provide the hurricane disaster relief; yes, we will provide extensions of the expiring provisions on alternative minimum tax—in fact, we will protect 600,000 more taxpayers than the chairman's mark. And we will provide the R&D tax credit, the State sales tax deduction, the college tuition deduction, the Welfare-to-Work and Work Opportunity Tax Credits, the teacher classroom expenses deduction, the leasehold improvement and restaurant depreciation, and all other traditional tax extenders—but we will pay for them.

How do we pay for them? We take the offsets that are in the chairman's mark that are loophole closers that shut down abusive tax shelters, and we add additional tax shelters and loophole closers—ending a loophole for oil companies that lets them avoid taxes on foreign operations, ending the tax benefit for the leasing of foreign subway and sewer systems—again, I say to my colleagues, why would we ever permit that?—require tax withholding on Government payments to contractors like Halliburton, and renewing the Superfund tax so that polluting companies pay for cleaning up toxic waste.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Mr. CONRAD. I ask my colleagues to support my amendment to pay for the tax breaks we want to extend. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order the amendment is not germane to the underlying legislation.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment.

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.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 330 Leg.]

#### YEAS—44

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

#### NAYS—55

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

#### NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this question, the yeas are 44. The nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected and the point of order is sustained. The amendment falls.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 20 minutes.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't believe I will use 20 minutes.

I am here this morning to ask a few questions and make a few observations about the pending windfall profit tax amendment. I will first explain what I think the amendment is all about.

This imposes a windfall profit tax on all oil sold for more than \$40 a barrel. The tax would be 50 percent. Every year whatever tax is collected would be divided up among all individual taxpayers as a credit. The only way for a company to avoid the tax would be for it to spend all of its receipts above \$40 a barrel on investments qualified by the Government. In other words, we know best. We know where they should invest; qualified investment for things such as pipelines, new drilling, refineries, as long as the drilling is in areas that are not already proven oil and gas property.

I don't know what the intention is with reference to oil. Is it to produce more oil or not? If it is, it seems to me an investment of oil of any type that comes out of the ground would be

something we should want, but by no means am I suggesting I want to add this list because I believe the whole idea is wrongheaded.

I ask a few questions about what I have observed and what I noted is pretty close to right. If Saudi Arabian oil is being sold at \$55 a barrel in Saudi Arabia, am I correct that any entity that sells that oil in the United States would have to pay a tax of \$12.50 per barrel, even if they sold that in the United States for the same price they bought it, to wit, \$55 a barrel? Is that what we have in mind? That is, if Saudi Arabian oil sells at \$55 a barrel, one of our American companies has to buy oil to create gasoline for us—if, in fact, they buy it at \$55—that exceeds the \$40. So what if they sell it for \$55? My arithmetic says that is zero. There is no profit. There is no markup.

Under this amendment, they would still have to pay a tax of \$12.50 a barrel, selling it at cost. How could that do anything to encourage production or investment? It would encourage the opposite. As a matter of fact, it would seem to me it would discourage selling oil bought in that manner in the United States—something we would not want. The market value in the world is \$55, and they will lose money selling it in the United States. Pretty soon we would have a shortage in the United States. Who would want to sell it here?

In fact, if we look at it, to avoid taking a loss on the sale of that Saudi oil in the United States, any importer of that oil, according to my arithmetic, would have to sell it at \$70 just to cover the cost of the tax. It seems to me, in that case, even though the cost of oil is \$55 in Saudi Arabia, Senator DORGAN's amendment would deem \$30 of that sale price to be a windfall profit. So the seller would owe \$15 to the Treasury and would be left with just the \$55 necessary to meet the cost.

That is absolutely counterproductive, the wrong thing to do and an unintended, but direct, consequence of this way to raise money and seemingly to send some kind of message to the oil companies about their profits.

Another question in the scenario that I gave, isn't it true this amendment would actually raise the cost of oil from \$55 a barrel to \$70 a barrel, on pure economics? This amendment would tell the oil companies to sell oil higher than is happening today in order to break even because of the imposition of the tax. That would be very bad. Would it help the country? Who would it help? It hurts us. It hurts our consumers instead of helping the problem attempted to be addressed; namely, get the cost of oil down. It would cause the opposite.

It seems to me, in a general way, the amendment imposes a tax on oil that would drive up the price of oil. It is not a tax on the companies. It is a tax on oil. Does the Senator have any sort of analysis? I don't have one. I wish I did. I wonder what the Congressional Bud-

et Office or the Joint Tax Committee or the Energy Information Agency would show this amendment would do in terms of the cost to our consumers? Such an analysis, which we do not have time to do, would show that American consumers would not have a decrease in the cost of gasoline. Rather, it would go up. I wish we could have that study. I believe, and I think I have a bit of credibility, the imposition of this windfall profit tax would cause the price to our consumers to go up, not down.

It also means that oil companies have an option of selling their oil in the United States and paying a sizable tax in the United States. They will probably sell it overseas to avoid paying the tax. If they have an option to sell it here and paying a tax or selling it overseas, they will take the option of selling it overseas. Why not? It is pure logic. You lose money selling it in the United States.

Is the amendment accompanied by analysis that shows how much less oil would be available in the United States if this amendment is passed? I truly believe it will make less oil available. If less oil is available, the price goes up, not down, for those items that come from crude oil.

Does the proponent of the amendment have any kind of analysis as to what would happen to the prices if companies stop selling some portion of the current imports to the United States? That is a very interesting question. I believe what would happen is the opposite of what is intended. If this is intended to penalize the companies, rather than being a tax on oil, I assure you that if it is a tax on oil, the price will go up, not down. It seems there is no argument about that. If the price goes up because of the tax, does the gasoline coming from the crude oil go down so our consumers get a break? Of course not. The price goes up. So we do not get a break; we get the opposite. We get an increase. And under the guise of a good bill to help American consumers, we get one that clearly will scalp them. They will pay more, rather than less, and we will have some money to claim to our taxpayers that we are giving them back because we are hurting big oil, which seems to be the intention of this amendment.

I also note this amendment allows the oil sellers to avoid a part of the tax if they invest it in new oil wells drilled in areas of the country that are not proven up as gas properties. That is very interesting. They cannot invest it in oilfields that are proven up that require money to drill. They cannot do that. It has to be new oilfields. I ask if the proponent of the amendment would submit a list of unproven areas in the United States where the drilling of oil is supported. Where are the fields for new production that are supported? Frankly, every field you try you cannot get it done because of some objection or another. In fact, I ask the sponsor, more particularly, would he sub-

mit to the Senate a list of unproven areas where he, the distinguished Senator, supports drilling new fields? It would be all right if he gave a list that are supported not necessarily by the Senator but by any authentic group.

In its totality, let me summarize: This is not a tax on the oil companies. This is a tax on oil. It will not produce more oil to tax oil. It will not produce lower costs to the consumer by taxing oil. It is very logical if you say: Here is a product for sale for \$150. That is the established price. But now the municipality says: Let's have a 15-percent sales tax or a 50-percent tax on the profits or whatever we determine. That makes the price of the product go up, not down. The same will happen with oil. Tax the product, the price goes up. Tax the company on profits, unless they do something, the price goes up, not down.

It would be impossible for the energy companies to invest the money in a timely manner in the manner prescribed. I cannot imagine \$3 billion or \$4 billion being invested in 1 year in the items recommended by the Congress that knows best where companies should spend it. It seems to me they would have to pay the windfall. They could not do the investing.

There is much more to say. There is no question this will cost the consumers more, not less. Gasoline will go up, not down. The supplies will be less, not more. All of which we do not want. All of which I would think the sponsor of the amendment would not want. It is an absolute certainty that is what will happen.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized to offer two amendments with 30 minutes of debate on each amendment, equally divided.

Mr. REID. If I could direct a question.

The PRESIDING OFFICER. The minority leader.

Mr. REID. It is my understanding that Senator FEINSTEIN and Senator WYDEN have 30 minutes equally divided.

Mrs. FEINSTEIN. No, it is 30 minutes in opposition.

Mr. REID. You have 15?

Mrs. FEINSTEIN. We have 15 minutes; I have two amendments.

Mr. REID. I ask unanimous consent, following the 15 minutes of the two Senators, WYDEN and FEINSTEIN, I be recognized to use some of my leadership time.

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

AMENDMENT NOS. 2609 AND 2610

Mrs. FEINSTEIN. Mr. President, I send two amendments to the desk. The first is an amendment, on behalf of myself, Senators SUNUNU, GREGG, WYDEN, CANTWELL, FEINGOLD, BURR, MCCAIN, KERRY, and COLLINS, "To repeal certain tax benefits relating to oil and gas wells intangible drilling and development costs."

The second amendment is an amendment, on behalf of Senator KERRY and myself, which would be a restatement for millionaires of 39.6 percent income tax rate, the pre-May 2003 rates of tax on capital gains and dividend rates and deduction limitations until the budget deficit is eliminated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. SUNUNU, Mr. GREGG, Mr. WYDEN, Ms. CANTWELL, Mr. FEINGOLD, Mr. BURR, Mr. MCCAIN, Mr. KERRY and Ms. COLLINS, proposes an amendment numbered 2609.

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KERRY, proposes an amendment numbered 2610.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the reading of the amendments be dispensed with.

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

The amendments are as follows:

(Purpose: To repeal certain tax benefits relating to oil and gas wells intangible drilling and development costs)

At the end of title IV, add the following:

**SEC. \_\_\_\_ . REPEAL OF CERTAIN TAX BENEFITS RELATING TO OIL AND GAS WELLS INTANGIBLE DRILLING AND DEVELOPMENT COSTS.**

(a) IN GENERAL.—Section 263(c) (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: “This subsection shall not apply with respect to wells (other than wells drilled for any geothermal deposit (as so defined)) of any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year in any taxable year beginning after December 31, 2005.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

(Purpose: To reinstate for millionaires a top individual income tax rate of 39.6 percent, the pre-May 2003 rates of tax on capital gains and dividends, and to repeal the reduction and termination of the phase out of personal exemptions and overall limitation on itemized deductions, until the Federal budget deficit is eliminated)

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . REINSTATEMENT FOR MILLIONAIRES OF 39.6 PERCENT INCOME TAX RATE, PRE-MAY 2003 CAPITAL GAIN AND DIVIDEND RATES, AND DEDUCTION LIMITATIONS UNTIL BUDGET DEFICIT ELIMINATED.**

(a) REPEAL OF TOP INCOME TAX RATE REDUCTIONS.—

(1) IN GENERAL.—Section 1(i) (relating to rate reductions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) EXCEPTION FOR TAXPAYERS WITH TAXABLE INCOME OF \$1,000,000, OR MORE.—Notwithstanding paragraph (2), in the case of taxable years beginning in a calendar year after 2005, the last item in the fourth column of the table under paragraph (2) shall be applied by substituting ‘39.6%’ for ‘35.0%’ with respect to taxable income in excess of \$1,000,000 (\$500,000 in the case of taxpayers to whom subsection (d) applies).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF EGTRRA SUNSET.—The amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(b) RESTORATION OF PRE-MAY 2003 TAX RATES ON CAPITAL GAINS AND DIVIDENDS FOR INDIVIDUALS IN TOP RATE BRACKET.—

(1) IN GENERAL.—Section 1(h) is amended by adding at the end the following new paragraph:

“(12) INCREASED RATES FOR INDIVIDUALS IN THE TOP RATE BRACKET.—

“(A) DIVIDENDS.—In no event shall the qualified dividend income of a taxpayer for any taxable year exceed the excess (if any) of—

“(i) the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year, over

“(ii) taxable income, reduced by adjusted net capital gain (determined without regard to this paragraph).

“(B) CAPITAL GAINS.—If a taxpayer has a net capital gain for any taxable year, the taxpayer’s tax shall be increased by an amount equal to 5 percent of the lesser of—

“(i) the taxpayer’s adjusted net capital gain, determined after application of subparagraph (A) and by only taking into account gain or loss properly allocable to the portion of the taxable year after December 31, 2005, or

“(ii) taxable income in excess of the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year.”

(2) APPLICATION TO MINIMUM TAX.—Section 55(b)(3) is amended by adding at the end the following new sentence: “The rules of section 1(h)(12) shall apply for purposes of this paragraph.”

(3) EFFECTIVE DATES.—

(A) CAPITAL GAINS.—Section 1(h)(12)(B) of the Internal Revenue Code of 1986 (as added by paragraph (1)) shall apply to taxable years beginning after December 31, 2005.

(B) DIVIDEND RATES.—Section 1(h)(12)(A) of such Code (as added by paragraph (1)) shall apply to dividends received after December 31, 2005.

(4) APPLICATION OF JGTRRA SUNSET.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(c) REPEAL OF THE SCHEDULED PHASE OUT AND TERMINATION OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) REPEAL.—

(A) PERSONAL EXEMPTIONS.—Section 1(d)(3) is amended by adding at the end the following:

“(6) REDUCTION OF PHASE OUT AND TERMINATION NOT TO APPLY.—Subparagraphs (E) and (F) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds \$1,000,000 (\$500,000 in the case of a married individual filing a separate return).”

(B) ITEMIZED DEDUCTIONS.—Section 68 is amended by adding at the end the following:

“(h) REDUCTION OF PHASE OUT AND TERMINATION NOT TO APPLY.—Subsections (f) and (g) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds \$1,000,000 (\$500,000 in the case of a married individual filing a separate return).”

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth

and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(d) SUNSET OF AMENDMENTS IF BUDGET DEFICIT ELIMINATED.—

(1) IN GENERAL.—The amendments made by this section shall not apply to taxable years beginning after the first calendar year for which the certification described in paragraph (2)(B) is made.

(2) ESTIMATES AND CERTIFICATION.—

(A) IN GENERAL.—Not later than October 15 of each calendar year beginning after 2005, the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, shall estimate—

(i) the Federal budget deficit for the fiscal year ending in the calendar year, and

(ii) the Federal budget deficit for the fiscal year beginning in the calendar year (determined as if the amendments made by this section were not in effect for taxable years beginning in the following calendar year).

(B) CERTIFICATION.—The Director of the Office of Management and Budget shall certify to the President of the United States and to the Congress the first calendar year for which the Director estimates under subparagraph (A) that there will be no Federal budget deficit for both of the fiscal years for which the estimate was made.

AMENDMENT NO. 2609

Mrs. FEINSTEIN. Mr. President, this amendment would strike a tax incentive from the books for the oil and gas companies that allows them to expense their exploration and development costs.

This tax credit is unnecessary, not because I say that it is, but because the oil companies have said they do not need it. The President of the United States has said the oil companies do not need it, and the Joint Committee on Taxation estimates this tax credit costs the Federal Treasury \$2.4 billion over 5 years.

I wish to make clear that this amendment only repeals the credit for the major integrated oil companies—ExxonMobil, Shell, BP, Chevron, and ConocoPhillips. This tax credit allows major oil companies, such as the ones I have just mentioned, to deduct 70 percent of their drilling costs up front, then the next 30 percent over the course of 5 years. Costs that can be deducted include workers’ wages, fuel costs, drilling equipment, materials, and supplies, et cetera.

Now, why should the oil and gas industry get special treatment? And why should they get tax breaks from the Federal Government when they are making record profits? In the third quarter of 2005 alone, the five biggest companies earned a staggering combined total of more than \$30 billion.

ExxonMobil’s profits skyrocketed another 75 percent in the third quarter to almost \$10 billion. Over the first 9 months of 2005, ExxonMobil made a profit of \$25.42 billion.

BP made 34 percent more, or \$6.46 billion, in the third quarter of 2005. So far this year, BP has made \$18.66 billion.

Shell’s profits soared 68 percent to \$9 billion in the third quarter of 2005, while making \$20.94 billion over the first 9 months of the year.

Chevron's third-quarter profits were 12 percent higher, or \$3.6 billion. So far this year, Chevron made \$10 billion.

ConocoPhillips saw an 89 percent increase or \$3.8 billion in the third quarter, while making a profit of \$9.85 billion over the first 9 months of the year.

At the same time this is happening, the Federal budget deficit is the third largest in history, totaling \$319 billion, and the national debt has surpassed the \$8 trillion mark.

In April of this year, President Bush stated:

With oil at more than \$50 a barrel, by the way, energy companies do not need taxpayers-funded incentives to explore for oil and gas.

At the joint Senate hearing last week, at which the CEOs of ExxonMobil, Chevron, ConocoPhillips, BP, and Shell testified, Senator WYDEN asked them if, given the fact that oil prices are above \$55 per barrel, they needed these Federal tax incentives. They all responded "No." In fact, Lee Raymond of ExxonMobil stated this: "No and I don't think our company has asked for any incentives for exploration."

Now, I see Senator WYDEN is in the Chamber, and since I have quoted him, I would like to ask him if I have accurately reported what happened at this Senate joint hearing with the oil executives.

Mr. WYDEN. Mr. President, the Senator from California has accurately reported it.

Mrs. FEINSTEIN. Let me ask this question. Did the Senator get the idea from all of the big oil companies that none of them wanted these tax incentives?

Mr. WYDEN. What is so staggering is, when these big oil companies are charging record prices, making record profits, they are being given record tax subsidies that they show up and tell the American people they do not want.

So I intend to speak on this after the distinguished Senator from California is done. But she has an excellent amendment. I say to the Senator, you have characterized their testimony correctly.

Mrs. FEINSTEIN. I thank the Senator from Oregon.

In essence, Mr. President, this is the biggest handout to the biggest corporations in America—as a matter of fact, in the world. We should not be giving them a tax break so they can do their job—to drill for oil—when they certainly do not need it.

Again, let me be clear: this is a tax credit for the major oil companies only. It should not surprise anyone to learn that these same oil companies' effective tax rates were well below 35 percent. In 2001, their tax rate was 17.3 percent; in 2002, 5.6 percent; in 2003, 13.3 percent. This averages out to 13.3 percent over the 3-year period.

By contrast, 14 industries have higher effective tax rates. The health care industry is 22.3 percent; the financial industry, 19.7 percent; pharmaceuticals

pay 21.6 percent; the chemical industry, 20.8 percent; the computer industry, 16 percent; tobacco and food industries, 23.8 percent—and on and on and on, and yet the oil companies pay very little.

So not only are these energy tax incentives taking money out of the Treasury, they are also allowing oil companies to lower their effective tax rate so that less money actually flows from them into the Treasury. That is unacceptable. They say they do not need it. The President says they do not need it. And this would essentially correct that situation.

When this tax bill was considered, the Finance Committee recognized this fact and repealed the amortization of geological and geophysical expenditures for the major integrated oil companies. It also changed the way oil companies with gross receipts over \$1 billion can account for their oil inventories. The amendment I offer today takes one more step in taking away unnecessary tax breaks for the oil and gas industry.

So, Mr. President, I hope my colleagues will join me in supporting this amendment. I thank the cosponsors.

AMENDMENT NO. 2610

Now, Mr. President, I would like to speak for a moment on the second amendment, which I call the millionaire's amendment, which is offered to my colleagues by Senator KERRY and me.

I have never had a millionaire come to me and say: I need a tax break. I have had them come to me and say: Frankly, the \$100,000 I get a year is de minimis to me. It doesn't make a difference to me.

So I wonder, when we are cutting Medicaid, when we are cutting virtually every domestic program we can cut, why millionaires get \$100,000 in tax breaks a year. It does not make sense. They do not ask for them. They do not need them. It does not really make a difference to them.

Our amendment directly targets the budget deficit. It says if the budget is not in balance, tax rates for income, capital gains, and dividends will return to previous levels, and deduction limits, for taxpayers earning more than \$1 million. So those taxes would be reinstated only for people earning more than \$1 million. According to the Joint Committee on Taxation and the Tax Policy Center, this amendment could increase revenues by more than \$100 billion over 5 years.

When I came to the Senate in 1992, the debt was \$4 trillion. In the 1990s, we put it down, and by 1998, we achieved the first budget surplus in 29 years. By 2001, the 10-year projected surplus was \$5.6 trillion. Now, it has been said on this floor over and over again that projected surplus has been turned into a major projected long-term deficit. The Federal budget deficit will reach \$515 billion this year when all trust funds are included. This means over half a trillion dollars will be added to our Na-

tion's debt—a national debt that has already exceeded the \$8 trillion mark. Yet millionaires get a \$100,000 tax break a year, which they have told me they don't need, it doesn't make a difference. At the same time, this debt and deficit will fuel a rise in interest rates. There have already been a dozen hikes. It will eventually slow down the economy, and it will certainly limit job creation.

In order to cover the costs of our debt, this Senate cut \$10 billion in health care spending for the poorest Americans. To make matters worse, the temporary relief for physicians in the spending bill is borne on the backs of Medicare beneficiaries in the form of higher Part B premiums. The spending cuts will directly increase, by \$2.90, the amount Medicare beneficiaries pay each month in premiums in 2007. That is a 33-percent increase in monthly premiums. While it is vital that Congress prevent future cuts in Medicare reimbursement to physicians, the spending cuts amounted to a \$1.4 billion tax on seniors. This is simply unacceptable.

I do not think it is a bad idea to say that millionaires might be willing to help people on Medicare. They might be willing to provide some support for Medicaid so that the poorest Americans could receive health care.

So here is the bottom line: Realistically, there are very few millionaires in my State. There are about 28,000—28,000 out of 37 million people. The number of people on Medicare and Medicaid affected by these cuts is in the millions. That is the difference. So if you restore this tax for millionaires, it essentially covers the cuts on Medicare and Medicaid.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven and a half minutes.

Mrs. FEINSTEIN. Mr. President, I understand that Senator WYDEN would like to use some of this time. I would be happy to allot him—how much time does the Senator require?

Mr. WYDEN. Mr. President, I think 7 minutes would be fine.

Mr. REID. Mr. President, I ask Senator FEINSTEIN, would it be OK if I use my leader time now?

Mrs. FEINSTEIN. Yes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. This doesn't take away from their time, Mr. President.

Thank you very much. I appreciate the courtesy. It is so nice of you to let me do this. I know everyone is waiting to offer their amendments. This is leader time. It comes off of the bill.

IRAQ

Mr. President, last night, on the heels of two very bloody days in Iraq where 11 American soldiers have been killed, the President and the Vice President shamelessly decided to play politics. It was another deplorable political ploy from an administration that is growing more and more and more desperate and disconnected. The

American people and our brave soldiers deserve better.

It seems the President and Vice President have decided to treat the war as if it is a political campaign. Instead of giving our troops a plan for success or answering the serious questions of the American people, they have decided to reignite the Rove-Cheney attack machine.

We are at war. We need a Commander in Chief, not a Campaigner in Chief. We need leadership from the White House, not more White House-washing of the very serious issues confronting us in Iraq.

This week, Senate Democrats and Republicans, right here in this Senate, voted overwhelmingly to send the President this message: It is time to change course in Iraq.

Instead of heeding that call, the White House continues to dodge and to duck the questions of Americans and to smear their opponents. That is not leadership, and our troops and the American people deserve better.

Here is what Senator CHUCK HAGEL said. Now, who is CHUCK HAGEL? CHUCK HAGEL is a decorated Vietnam war veteran, a man who, in Vietnam, saved the life of his own brother. Of course, he is also a senior Republican member of the Foreign Relations Committee.

Here is what he had to say about the administration's tactics. These are not my words. They are the words of the Senator from Nebraska:

Suggesting that to challenge or criticize policy is undermining or hurting our troops is not democracy, nor what this country has stood for, for over 200 years . . . To question your government is not unpatriotic—to not question your government is unpatriotic. America owes its men and women in uniform a policy worthy of their sacrifices.

He is right. The deceiving, dividing, and distorting must end. Of course, this is the same move we have seen from Karl Rove and DICK CHENEY time and time again. Whenever their poll numbers sink, they go back on the attack. This time, though, the stakes are too high to let them get away with it. There is more than poll numbers or votes at stake. The lives of our brave soldiers in Iraq depend on this President coming clean and coming forward with a plan for Iraq.

President Bush, Vice President CHENEY, and Karl Rove must stop the orchestrated attack campaign they launched on Veterans Day. It is a weak, spineless display of politics at a time of war. It is easy to attack. The hard part is leading, coming clean with the American people, and giving our troops a strategy for success.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: My understanding is that if I take about 7 minutes or so to discuss the Feinstein-Wyden, and others, amendment with respect to energy, that would still leave the Senator from California about 5 minutes to conclude for our side?

Mrs. FEINSTEIN. I am happy to yield the balance of my time to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from California has 3 minutes remaining.

Mrs. FEINSTEIN. I yield my 3 minutes to the Senator from Oregon.

Mr. THOMAS. Mr. Chairman, I asked for some time. Do I have time, then, following the Senator from Oregon?

Mr. WYDEN. I ask unanimous consent that Senator FEINSTEIN and I have 10 additional minutes, Senator THOMAS would be afforded the same amount, so that the total amount for this provision would only be expanded at a maximum amount of 20 minutes. I would take 5 minutes from our side.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask my good friend to cut that down significantly. We are oversubscribed in time. It is a zero-sum game. Extra time you take means less time for other Senators later on. I urge you to modify your request to a much lower number, please.

Mr. WYDEN. The Senator from Montana is gracious. Does the Senator from California need any additional time?

Mrs. FEINSTEIN. I am yielding my remaining 3 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, if I could have 3 additional minutes so I could speak for a total of up to 6 minutes.

Mr. BAUCUS. Let's make it 5 and 5.

Mr. WYDEN. That would be fine.

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

The Senator from Oregon is recognized for 5 minutes.

#### AMENDMENT NO. 2609

Mr. WYDEN. Mr. President, with the CEOs of the major oil companies admitting that they do not need tax breaks, Democrats and Republicans in the Senate are signaling that it is a new day as far as energy taxes. For the first time in 20 years, the Senate is on the brink of cutting back on a portion of the billions of dollars in tax breaks the major oil companies receive annually.

The long march toward reforming the energy provisions in our Tax Code began a couple of days ago, when the Senate Finance Committee accepted my amendment that would limit a brand-new tax break in the 2005 Energy bill that would allow the oil companies to get faster write-offs for their exploration costs. That amendment was, in my view, a beginning at rolling back unnecessary tax breaks. Today, a bipartisan group, under the leadership of Senator FEINSTEIN and Senator SUNUNU, are building on that.

It is preposterous for the Senate to keep voting out tax breaks for the major oil companies when these executives go on national television and say they aren't needed. At a time when the Low-Income Home Energy Assistance Program doesn't have enough funds, at

a time when Americans are hurting all across the country, I don't know how it is possible for a Member of the Senate to stand up and say: We are going to continue to dispense tax favors that the oil industry says are not needed.

What I did in the Finance Committee, what Senator FEINSTEIN is building on today, is to say we are going to do a better job in the future of targeting scarce resources. In this case we are going to limit the tax breaks to the small and independent producers. Even with that, the fact is that over the past 2 years, oil companies have already increased their drilling operations, as the price of oil has skyrocketed from \$45 per barrel to over \$70. The number of rigs in operation and the amount of drilling have both increased by a third since 2003.

Special treatment of oil and gas costs in the Tax Code is exactly the kind of special interest tax break we ought to be working, on a bipartisan basis, to eliminate. By eliminating this and other special-interest tax breaks, it will be possible to simplify the Code, help to lower tax rates, and, most specifically, let the energy markets work, let capital flow to its highest and best use.

This is a pretty big day in the Senate. Literally for 20 years, the Senate has been pouring it on in terms of one tax break after another for the major oil companies. If you look at the statutes, the statutes are not confining these tax breaks to the small independent producer. My legislation in the Senate Finance Committee did just that. I heard the pleas of a number of colleagues on the Finance Committee who said: Be careful about the small independent producers. I did that. We passed it in the Finance Committee.

Senator FEINSTEIN and Senator SUNUNU have picked up on that theme. This is not going to take anything away from the small independent producers, but it is a big first step at reforming the Tax Code and keeping taxpayers' hard-earned money, when major oil executives say they don't need those dollars for tax breaks.

I hope the Senate will support the Feinstein-Sununu amendment, and take the next step in this effort to reform the Tax Code.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, here we are again, faced with another opportunity to make it more difficult for us to meet our needs in energy. Interestingly enough, people on the west coast who need the energy more than anyone seem to be pushing for this.

There is a misunderstanding here as to what has been done. But these tax opportunities are particularly the cost of conducting oil and gas exploration and production, particularly offshore, the difficult ones, the high-cost offshore drilling, the kinds of things we are going to have to get into to continue to have it. We have about expanded all the regular drilling we can.



Here is an opportunity to do something unusual. By the way, I think there has been a little misunderstanding on the question that was asked. The question that was asked, as I understand it, was on geology, G&G, which was in the bill. They said they didn't need that. This is not G&G. This is another issue.

Mr. WYDEN. Will the Senator yield?

Mr. THOMAS. No, I am not going to yield. Thank you.

This is a little different issue than we talked about before. If you would ask these people, do they need it to do these kinds of drilling on the intangibles, that is not geology, which is the one they were talking about, the G&G issue that was in there.

Here again, we went through this in another amendment. We continue to do the same thing. We have spent all this time trying to get an energy bill out there to try to encourage new ways to look at energy, trying to look at new opportunities for energy, all of which are very important. Quite frankly, living in a State where we do a lot of this, the people who are willing and able to put the investment in these kinds of new approaches are not the independents. They are the larger companies. They are the integrated companies that are able to do this.

This continuing idea that somehow these people are too rich—I had my chart out here a little while ago, talking about the return on revenue and profits. They were down below the middle of all the other industries. If we want to talk about taking away windfall profits and giving it back to everyone, you are starting with the wrong industry. We ought to be talking about the 10 or 12 industries that have a higher return on their sales than do the people in this business of producing the fuel and the energy we need to keep our economy going.

If we want to look at having jobs, if we want to look at a growing economy, it is very clear. The more we see of it, the more we see of having to get offshore oil, the more we see of having to do, which we should, conservation and other things, the more important it is for us to have an opportunity to begin to continue to move into new sources of energy, the ones that are more difficult.

This amendment is just another one to inhibit that, based on the idea that the oil companies are getting too much of a profit. Again, take a look at the facts. They are not, compared to others. The return has been a reasonable one, and I believe we ought to not adopt this kind of an amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington is recognized to offer an amendment.

AMENDMENT NO. 2612

Ms. CANTWELL. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. BAYH, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. BOXER, and Mr. CARPER, proposes an amendment numbered 2612.

Ms. CANTWELL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes)

At the end of the bill, insert the following:

# **TITLE I—ENERGY EMERGENCY CONSUMER PROTECTION**

## **SEC. \_\_\_\_ UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN COMMERCE RELATED TO GASOLINE AND PETROLEUM DISTILLATES.**

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 3, it is unlawful for any person to sell crude oil, gasoline, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

(c) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

## **SEC. \_\_\_\_ DECLARATION OF ENERGY EMERGENCY.**

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

## **SEC. \_\_\_\_ ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.**

(a) ENFORCEMENT BY COMMISSION.—This Act shall be enforced by the Federal Trade Commission. In enforcing section 2(a) of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of \$500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

## **SEC. \_\_\_\_ ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.**

(a) IN GENERAL.—A State, as *patria*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 2(a) of this Act, or to impose the civil penalties authorized by section 6 for violations of section 2(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a person engaged in retail sales of gasoline or petroleum distillates to consumers for purposes other than resale that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the



powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) **LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.**—If the Commission has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(g) **ENFORCEMENT OF STATE LAW.**—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

#### **SEC. \_\_\_\_ . PENALTIES.**

(a) **CIVIL PENALTY.**—

(1) **IN GENERAL.**—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 2(b) or 2(c) of this Act is punishable by a civil penalty of not more than \$1,000,000; and

(B) any person who violates section 2(a) of this Act is punishable by a civil penalty of not more than \$3,000,000.

(2) **METHOD OF ASSESSMENT.**—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) **MULTIPLE OFFENSES; MITIGATING FACTORS.**—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) **CRIMINAL PENALTY.**—Violation of section 2(a) of this Act is punishable by a fine of not more than \$1,000,000, imprisonment for not more than 5 years, or both.

#### **SEC. \_\_\_\_ . EFFECT ON OTHER LAWS.**

(a) **OTHER AUTHORITY OF COMMISSION.**—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) **STATE LAW.**—Nothing in this Act preempts any State law.

Ms. CANTWELL. Mr. President, my amendment is based on S. 1735 which has been sponsored by about 29 of my colleagues. I certainly appreciate the fact that this amendment is being co-sponsored by Senators BAYH, SCHUMER,

BOXER, CARPER, and LIEBERMAN. I thank my colleagues for paying attention to what I believe is a very important issue for us to address before we adjourn; that is, the issue of price gouging and the fact that the Senate should say loud and clear that we think price gouging should be a Federal crime. That is exactly what my amendment does. It creates a new Federal statute to make sure that consumers are protected from price gouging.

How did we arrive at this point? While my colleagues, I am sure, would like to adjourn and continue to think about the complications and challenges, the American economy is being hurt by the high price of gasoline, as we saw this summer prior to Katrina. Certainly, we are anxious about the winter months and home heating oil and the costs that consumers are going to pay when they get their bills in the next couple of months.

It is important to note that Americans will spend over \$200 billion more on energy this year than they did last year. That is hundreds of billions of dollars coming directly out of family budgets and the bottom lines of businesses across the country. The airline industry is expected to spend \$30 billion more on fuel alone this year, which is twice what they spent in 2003. In fact, if you look at what the airline industry is expected to lose this year, it is about \$9.5 billion. If you look at the increase in the expense of fuel costs for the airline industry, it is \$9.2 billion.

For the airline industry, there is a high correlation between their actual loss and the amount they are paying in higher fuel costs. For the trucking industry, where diesel fuel accounts for almost a quarter of their operating expenses, each penny increase in diesel fuel costs the trucking industry \$350 million a year. And what about our farmers who are obviously on low profit margins—about 5 percent—and their challenge? Well, they have had a combination of record diesel fuel costs and price increases of fertilizer of more than 20 percent. So it makes it very challenging for the American farmer to be competitive in this kind of environment.

What about the Air Force? I know the Presiding Officer is interested in the Air Force. The Air Force energy budget is expected to increase 50 percent this year, costing taxpayers another \$400 million. Even the Postal Service is paying higher fuel prices, expecting to add another \$300 million to the Postal Service transportation costs.

And what about the taxpayers? Well, they pay every week at the pump for higher fuel costs and they want us to protect them. But I don't know if they know that the taxpayers are even paying more for the President's travel. According to reports, the per-hour fuel cost for the travel of Air Force One has increased from \$3,974 to now \$6,029.

The cost of energy integrated into our economy is costing us all more money and at a time when we are seeing oil companies reach record profits and billions are being sent to countries such as Saudi Arabia, Iran, and Venezuela. I guarantee you do not have our interests at heart.

I am offering an amendment today to say that price gouging is a Federal crime and we should pass this before we adjourn.

Why is it so important to pass new Federal legislation? First, there are 28 States in America, the District of Columbia included, Gulf States such as Louisiana, Mississippi, Alabama, Florida, and Texas, that currently have price-gouging statutes on the books. These States have taken legal action to try to make sure that gas distributors or service stations or oil companies are investigated when allegations of price gouging have occurred, and certainly when you have a state of emergency as we have had after hurricanes. So these State statutes are the very statutes we are saying ought to be in Federal law.

As to examples of how these have been prosecuted at the State level, retailers have been charged with unconscionable pricing attributed to an increase in unreasonable wholesale gasoline prices or because gasoline, oil, or fuel commodities in general are raised to what is an unconscionable price. We based this on what is a New York statute that has been upheld in court. I think it is very important to note that the Federal court system has taken this term of unconscionable pricing and has Federal case law related to it.

Why did we get to this point? We got to this point primarily because current Federal law and the focus of the FTC has been whether there has been collusive pricing activities by these oil companies, collusive meaning whether they got together and fixed the price.

That Federal statute gives very little room to investigate and examine what I believe are key issues about supply and demand. We hear a lot from the oil industry that this is about simple economics and supply and demand.

I guarantee you we ought to be demanding more information about the possible manipulation of supply and why supply was exported out of the United States at a time when it was so needed for American consumers.

We need to pass a Federal price-gouging law to make sure that the current law on the books does not leave us emptyhanded when coming to pursue this issue and to make our point in protecting the American consumers.

This last week we heard from attorneys general at a joint hearing of the Senate Commerce Committee and the Senate Energy Committee talking about this issue. One attorney general from New Jersey, Peter Harvey, who has utilized his own statute on antiprice gouging, told us:

We need a Federal price gouging statute that applies nationwide to the sale of essential goods and services.

I am also pleased that the attorney general from New York—as I said, we have based this statute on New York law—has also championed this legislation in a letter of support that I ask unanimous consent to have printed in the RECORD.

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

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL,  
New York, NY, November 8, 2005.

Hon. TED STEVENS,  
Chairman, Committee on Commerce, Science and  
Transportation, U.S. Senate, Washington,  
DC.

DEAR CHAIRMAN STEVENS: thank you for your letter seeking input on the issue of gasoline price gouging, and in particular whether Congress should pass legislation increasing the FTC's powers in this area.

In the aftermath of Hurricanes Katrina and Rita, my office received numerous complaints about the escalation of the price of motor fuel. In response, we launched an investigation and demanded information from about 75 gas stations around New York State that had been the subject of complaints. In those cases where retailers appear to have raised prices more than warranted based on their increased costs, we have undertaken further analysis to determine whether these stations have violated New York's price gouging law (New York General Business Law §396-r). Our investigation is ongoing, and we will vigorously pursue any cases where we determine that illegal price gouging has occurred.

As you undoubtedly are aware, a consumer's view of price gouging usually is focused locally on rising prices at the gas pump or the increase in heating costs over the previous winter, and their complaints are directed at state and local officials. Thus, retail manifestations of price gouging are best suited to on-the-ground scrutiny that state and local officials can provide.

However, the marketplaces for motor fuel and home heating fuel are complex, and are international in scope. If a large oil conglomerate abuses its market position during a real or perceived crisis, the effect is likely to be felt in many (or even all) states. Accordingly, there are levels in the chain of distribution where federal assistance would be both helpful and appropriate.

The FTC is particularly well suited to regulate price gouging in the motor fuel market. As indicated in the FTC's testimony to the House Subcommittee on Commerce, Trade and Consumer Protection on September 22, 2005, FTC staff already actively and routinely monitor prices at all levels of gasoline distribution and, as stated in the testimony, "[n]o industry's performance is more deeply felt or carefully scrutinized by the FTC." Currently, the FTC can act against such companies if they unlawfully agree to fix prices, but cannot act if unfair pricing practices occur simultaneously, but without collusion.

Recently, it was widely reported that oil industry profits soared during the third quarter of 2005, which includes the weeks when the hurricanes affected the Gulf Coast. The net income of Exxon Mobil rose 75% during that period, earning \$9.92 billion in profit, and the profits of Royal Dutch/Shell increased by 68% during the third quarter. The Government Accountability Office (GAO) concluded that retail prices rose faster than the price of crude oil, and the magnitude of these increases suggest that the disruption caused by Hurricanes Katrina and Rita may have been exploited by the major oil compa-

nies to levy price increases not directly related to increased expenses.

For these reasons, I believe that expanded federal powers in this area are warranted. In particular: the President should be given the power to declare a temporary energy emergency at times of threatened or actual disruption of petroleum supplies, such as occurred during the recent hurricanes; declaration of such an emergency should trigger a prohibition against price gouging; there also should be a ban on manipulative pricing practices in the petroleum markets, similar to what Congress recently adopted for the electricity and natural gas markets; and there should be significant penalties to deter such conduct, and both the FTC and state Attorneys General should be permitted to enforce these violations.

I urge the Senate Commerce Committee to expeditiously consider and pass the Energy Emergency Consumer Protection Act of 2005 (S. 1735), which includes all of these provisions as part of a comprehensive approach to the problem. The bill was introduced on September 20, 2005 by Senator Cantwell, and would provide law enforcement with vitally needed tools to prevent price gouging, as well as allow greater federal scrutiny of possible market manipulation practices.

Thank you once again for soliciting my input on this important issue. It is essential that Congress, federal regulators and state law enforcement officials work together to prevent the types of abusive pricing practices that we have recently witnessed. By doing so, we will be able to protect motorists, homeowners, farmers and businesses across the country.

Very truly yours,

ELIOT SPITZER,  
Attorney General.

Ms. CANTWELL, Attorney General Spitzer says:

Accordingly, there are levels in the chain of distribution where Federal assistance would be both helpful and appropriate . . .

Currently, the FTC can act against such companies if they unlawfully agree to fix price, but cannot act if unfair practices occur simultaneously but without collusion.

I think the Attorney General of New York has it right as to why we need this Federal statute.

We also want to make sure we are recognizing in the next several months what further damage is going to happen to the economy if we do not act, that is, if we leave here without getting a good Federal statute on the books.

For example, in my home State a farmer from Lamont, WA, wrote to tell me that his fertilizer prices have gone up 75 percent since May and 100 percent since last year, and fuel costs have gone from \$2 to \$3.15. Another eastern Washington farmer told me he is paying more for a gallon of fuel than he received for a bushel of grain. So these farmers are looking at this issue, and as Senator ROBERTS said the other day, the agricultural industry is facing something like a category 5 fuel and fertilizer hurricane. We can't leave these farmers emptyhanded this winter as we go away, without enacting a good, strong Federal statute.

Home heating oil is another issue in which consumers are going to feel an impact. For an American family, it is believed that they will pay an average of \$306 or 41 percent more this winter

than they did last winter. So we certainly want to implement the Federal statute to protect them during these winter months. I can tell you people are worried in my State. Unfortunately, our local jurisdictions are doing their best, but I think it shows what kind of anxiety Americans have about being able to keep warm this winter.

In my State, in Whatcom County, after the Whatcom County Opportunity Council advertised last week they would take up the low-income energy assistance applications but would only take 200 walk-ins or the first 400 phone-ins, they had over 200 people line up outside their doors, some people standing outside all night long, just to receive assistance from this program, and the local phone service, Verizon, called to say that the unusual volume of incoming calls trying to get energy assistance basically crashed the system for the entire area. I can tell you consumers are anxious about these high fuel costs.

We are dealing in the Senate with airline bankruptcies and pensions. I can tell you the airline industry has been hardest hit by the increase in fuel costs. As Southwest Airline CEO Steve Kelly told the Seattle Times recently:

We are now facing energy prices that no airlines can make money at, at least with today's [ticket prices].

I want to make sure we do not have other pensions that are defaulted on, other people losing their jobs or their life savings because we have not enacted tough legislation saying that price gouging is a Federal crime.

The amendment I am offering today does a couple of things. First, it creates a ban on price gouging during a national emergency declared by the President of the United States. As I said earlier, the antiprice gouging standard is based on the successfully tested New York State statute.

Second, it gives the FTC and AGs and, because it creates criminal penalties, the Department of Justice the authority to levy civil and criminal penalties for proven price gouging of up to \$3 million and 5 years in jail. Additionally it puts in place a new ban on market manipulation and falsifying information to the Federal Government about fuel prices, which is based on a provision of the Energy bill we passed here this year related to electricity and natural gas, trying to stop the market manipulation that happened in response to Enron and the market manipulation in the western energy crisis.

In addition, the bill gives additional remedies available to the FTC to levy fines up to \$1 million for violation of market manipulation and false information.

I am very satisfied that this bill has the teeth in it that we need in a strong Federal statute to over the next several months give the Federal Government, attorneys general, and others the ability to prosecute market manipulation of energy prices.

Why do I think this is so important? My colleagues have been on the floor talking about the questions that were asked to oil company executives this week, the questions about whether they cared about tax incentives or tax breaks, whether they participated in energy meetings. My questions were more about the supply of fuel here in the United States and whether we have a greater understanding about the protection and possible manipulation of that fuel supply.

Now for my colleagues in the West who have been out on the floor, we have reeled from an energy crisis on electricity, and my colleagues, Senators WYDEN from Oregon and FEINSTEIN from California, all had economies that were very hurt by the manipulation of the electricity market. In fact, there are some cases in Federal courts now talking about the manipulation of natural gas prices. So I guarantee you with five refineries in the State of Washington, we are doing our part at refining fuel, but we still have some of the highest gas prices in the Nation and had those prior to Katrina, so my constituents want to know what are we going to do to make sure the prices are not manipulated.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from attorneys general across the country who are also supporting my legislation.

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

NOVEMBER 17, 2005.

Hon. TED STEVENS,  
*Chairman, Committee on Commerce, Science,  
and Transportation, U.S. Senate, Dirksen  
Senate Office Building, Washington, DC.*

Hon. DANIEL INOUE,  
*Co-Chairman, Committee on Commerce, Science,  
and Transportation, U.S. Senate, Dirksen  
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN STEVENS AND CO-CHAIRMAN INOUE: Even before the devastation caused by Hurricanes Katrina and Rita, skyrocketing oil and gasoline prices were taxing American families and burdening our nation's economy—with the notable exception of the oil industry which continued to rack up record profits. In fact, according to the Department of Energy, Americans will spend over \$200 billion more on energy this year than they did last year, totaling over one trillion dollars. These expenses seem directly proportional to the extraordinary \$33 billion in profits reported by the five major oil companies for the third quarter of 2005. Exxon/Mobil alone made an unconscionable \$10 billion last quarter, a 75 percent increase over last year. Moreover, the profit that refiners are collecting from gasoline sales has reportedly more than tripled from \$7 per barrel in September 2004 to over \$22 per barrel on September 27, 2005.

Given the extraordinary impact these energy costs have on families, farmers, and businesses across America, we commend your joint efforts with the Senate Energy and Natural Resources Committee to hold a hearing last Wednesday to try, as Senator Majority Leader Frist put it, to "examine reasons for high energy prices." Given our society's absolute dependency on fossil fuels—whether to power our transportation system, keep our families warm this winter,

or countless other uses—both American consumers and the economy are extremely vulnerable to the whims of those with sufficient market power to artificially constrain supply or influence prices.

As the chief law enforcement officers of our respective states, we are writing to urge you to pass federal legislation that imposes a ban on energy price gouging. Any bill must also provide new market transparency and market manipulation authorities for the President and the Federal Trade Commission to better protect consumers in the future.

To this end, we respectfully urge the Senate Commerce Committee to expeditiously consider and pass Senate Bill 1735. While 28 states already have price gouging laws on the books, the Energy Emergency Consumer Protection Act of 2005 introduced by Senator Maria Cantwell on September 20, 2005 and co-sponsored by nearly a third of the U.S. Senate, in our opinion would provide law enforcement with vitally needed tools to prevent price gouging. S. 1735 would also finally shine a bright light on the practices of oil companies and refiners—a sector of the economy that historically has not received close scrutiny from federal or state regulators. In addition, we strongly support section five which empowers States with the authority to pursue civil actions on behalf of their residents for violations of price gouging prohibitions.

We look forward to working with you on this critical issue to the American public and our nation's economy. With ninety percent of Americans believing price gouging is occurring at the pumps, we have a responsibility to do everything we can to ensure it is not taking place. We believe the Energy Emergency Consumer Protection Act of 2005 can do that. Even if we determine that there is no market manipulation going on, then it would be a case of "no harm, no foul." Passage will help assure the public that government is providing the oversight they demand.

Sincerely,

Eliot Spitzer, New York Attorney General; Lisa Madigan, Illinois Attorney General; Bill Lockyer, California Attorney General; J. Joseph Curran, Jr., Maryland Attorney General; Tom Reilly, Massachusetts Attorney General; Peggy Lautenschlager, Wisconsin Attorney General; Patricia Madrid, New Mexico Attorney General; Mike Beebe, Arkansas Attorney General; Richard Blumenthal, Connecticut Attorney General.

Ms. CANTWELL. I am also submitting this letter for the RECORD because I think the attorneys general who are chief law enforcement officers across the country for their individual States said it well. If there is no market manipulation going on, then no harm, no foul. It does not mean this is an automatic incrimination; it simply means we have a good Federal statute in place. I certainly appreciate the support of those attorneys general who have signed this letter in support of this legislation.

What we found in our hearings—and the attorney general of Arizona brought this up—is over the last several years the oil industry has moved to a new inventory prop called "just-in-time inventory." Just-in-time inventory is a great idea for the oil industry because it actually saves them dollars because they don't have the same amount of inventory they used

to. It used to be that oil companies had a 20 to 30-day supply inventory. Now they only have about 3 to 5 days of supply. You can imagine if you only have 3 to 5 days of supply versus 30 days of supply, the price is going to be different.

Here is what Attorney General Terry Goddard said:

Just in time delivery almost leaves no cushion when supplies are delayed.

He testified that:

The entire oil industry has moved to this just in time delivery system vastly reducing the number of refineries available on a nationwide basis and minimizing inventories at stage site. The effect is a constant and precarious supply-demand balance which is exceedingly beneficial to the industry in lowering operating costs but harmful to consumers so that supply is set at a fragile stage where price spikes can occur.

I applaud the attorney general from Arizona for pointing out how important this inventory issue is and how it ought to be investigated. The Energy Department itself had a similar analysis. It found in a 2003 study:

The reduction of spare capacity has helped drive up the price at the pump and leaves the market vulnerable to shortages caused by plant breakdown or other unpredictable events.

So even the Department of Energy knows the supply issue is what can drive price spikes. But what we want to know is whether oil companies are purposely exporting product. I asked a question at the hearing I thought was very important; that is, have oil companies ever exported oil products to foreign countries for a cheaper profit than they would have gotten if they would have kept the supply in the United States?

The reason I asked this question is because I wanted to know if they were artificially trying to limit supply in the United States just to drive up the price. One would think that is not something they would do. They, obviously, want to sell in the United States. There is one case in the West that we have been very sensitive to, according to the Oregonian newspaper that has reviewed what had been secret reports and documents basically found that BP/Amoco systematically jacked up west coast oil prices by exporting Alaskan crude oil to Asia for less than it could have sold it to U.S. refineries. So there is a specific example where an oil company exported product for cheaper profits just to have less supply in the United States to drive up the overall market. That, I think, is exactly what my amendment is trying to get at.

According to the Department of Energy, between January and August of this year, over 48 million barrels of refined product was exported out of the United States. As my friend, the Senator from Wisconsin, Mr. KOHL, points out, that is 24 times the amount that is stored in the Northeast heating oil reserve, a critical safety net in times of shortage.

One can imagine that my colleagues want answers to why they would export

48 million barrels of refined product at a time when, if you would have kept it in a heating oil reserve for the Midwest, it might actually keep prices down in the Midwest this winter.

As I said, I have already had enough of this as it relates to Enron. In 2001 I sat in a lot of hearings in the Energy Committee and heard from a lot of different people testifying that the electricity market had nothing to do with manipulation. It was all about the fact that some environmental laws prevented us from building enough supply.

After 3½ years of investigation, we found out there was a lot of manipulation going on that terms such as Fat Boy, Get Shorty, and Ricochet were schemes perpetrated on the consumers of the western energy market just to manipulate supply. So you can bet we want to know whether supply is being manipulated in a similar fashion in oil markets today, and we want answers.

The only way to get answers is to put a new Federal statute on the books that says price gouging is a Federal crime and to give the Federal agencies the tools to prosecute that crime.

I feel very strongly that this body needs to act on this legislation before we adjourn. We need to get this to the President's desk and get it signed.

I know my colleagues are going to offer amendments about various tax proposals and tax incentives, whether the oil industry wants those or doesn't. But I care about what is happening to the consumer, to the American farmer who is really getting squeezed out of his family farm, to those flight attendants and pilots who are losing their pensions because we have seen a 293-percent increase in jet fuel costs over 5 years, and to the small businesses in my State that can't exist on low profit margins when they see a 50-percent increase in home heating and fuel costs. So I want to protect consumers, not just now, but if this crisis happens again in the future, I want consumers to be protected.

I hope we can pass this legislation in a good bipartisan effort, that my colleagues will support every effort right now to protect consumers as we head toward the winter months, and we act responsibly in giving Federal regulators the statutes they need to prosecute these crimes.

Mr. President, I also would like to add Senators CLINTON and SALAZAR as cosponsors of the amendment.

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

Ms. CANTWELL. I reserve the remainder of my time.

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

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. This is for the purpose of addressing two amendments before the Senate. I wish to make a short comment on the amendment that was just proposed by Senator CANTWELL.

In regard to this amendment, what she terms the anti-gouging amend-

ment, obviously I can't help but say the intent of the amendment might be good, but this is a tax relief bill that is before us. It is not a crime bill before the Senate right now.

We just received a copy of the amendment. There are all kinds of policy questions that need to be considered. So because of this and the fact that it is not germane to the bill, I will be raising a point of order at the appropriate time.

#### AMENDMENT NO. 2610

I also wish to make a comment on the amendment proposed about a half hour ago by Senator FEINSTEIN. Before I go into the problems behind the Feinstein amendment, let me say that it is unfortunate that our Nation has had to respond to so many unexpected crises over the past 4 years. Most recently, we have had to provide an enormous amount of hurricane relief to families in many of our Southern States. Despite this fact, our economy is growing and continues to grow and, even considering the hurricanes, growing at a rate that nobody would have anticipated considering a possible ripple effect that presumably is not rippling as much as we thought through the economy because of that natural disaster.

As far as Federal receipts are concerned, these are up \$275 billion over the prior year, and Federal revenues are returning to their average level of GDP. That average level, if you want a little leeway, is somewhere between 17 percent of GDP and 19 percent of GDP, and that is not just recently, that would be a 50-year average where all Federal taxes coming into the Federal Treasury have fallen within that band. Also, it has been our policy, at least in this administration, to do tax policy that falls within that band of 17 to 19 percent of gross domestic product.

I would like to take a look at the tax increase that Senator FEINSTEIN put on the table. It would increase the top rate by almost 5 percent for ordinary income.

The premise of Senator FEINSTEIN's position seems to be that taxpayers in the top brackets are solely Park Avenue millionaires, that somehow these people are sitting around clipping coupons and drawing all the income from them. The facts show differently, so I would like to go to the facts that are put out by the nonpartisan people in the Treasury Department.

About 80 percent of the benefits of the top ordinary income tax rate go to taxpayers with small business ownership. Those of us from the heartland know that the definition of small business is not determined by some gross revenue taxable income that is used as a basis and the arguments for this amendment. It depends upon whether the business is locally based. It depends on where the business finances its growth from its earnings.

The people who own these businesses are drawn from the community. They go to the local church. They support the local little leagues. Small business,

as I see it, and as I know it coming from a Midwestern State, is a very stabilizing yet very dynamic social and economic force in their respective communities and tends to be the bulwark of the strength of the American middle class.

Small business income is generally taxed at an individual rate. In most cases, owners of small businesses put the income of the small business on his or her tax return. As a practical matter, then, the individual tax rate is the rate that is paid by these small businesses as opposed to the corporate rate.

The corporate tax rate, with some exceptions, in the case of some older, smaller corporations, generally applies to big business. The relationship between the top individual rate and the top corporate rate then has a bearing on our policy toward small business and whether or not we are going to give small business the incentives to grow and create jobs because these people create 70 percent of the new jobs in America.

If the top individual marginal tax rate is higher than the top corporate marginal rate tends to be—it is very obvious that you can quantify it—then we are sending a bad signal to small business.

Before 2001, the top marginal rate for small business was 39.6 percent, the rate that Senator FEINSTEIN's amendment would return us to. The top corporate rate is 35 percent. When you look at the difference, that is about a 15-percent difference between the top rate for big corporations and the rate that is used for a small business that is not incorporated.

So small business was paying then, before we made these changes in 2001, about 15 percent more. It is what I call a 15-percent small business tax penalty. When you tax labor, when you tax business—the old principle, you tax more and you get less of it, that was the law at that time.

We recognized the detrimental impact that was having on the economy. So we looked at the Federal tax policy bias against small business, and then we had a bipartisan majority in this Senate, including Senator BAUCUS, the ranking Democrat, and one-fourth of the Democratic caucus at that particular time voted to gradually—because we couldn't do it all at once—gradually equalize the top marginal rate between big corporate business and small unincorporated business, small unincorporated business paying the individual rate that was 15 percent higher, a 15-percent small business tax penalty, something that common sense ought to dictate is totally unfair.

Since 2003, for the first time in many years, the top rate, 35 percent, has been the same for Fortune 500 companies incorporated, obviously, as for successful small businesses that file the individual return.

Senator FEINSTEIN's amendment would take the first step to restore and perhaps even enhance the 15-percent penalty on small business.

With all the appetite for taxing and spending around here, rest assured, small business will be facing even higher taxes.

Small business creates 70 to 80 percent of the jobs in this country. Why, then, at this time would any Member of this body want to raise taxes on people for their ingenuity and their willingness to take a gamble in creating a small business? Why would they want to do that to people who create 80 percent of the new jobs in America?

So, without a doubt, anyone voting for Senator FEINSTEIN's amendment is, in effect, saying they support raising taxes on these small business people who create 70 to 80 percent of the new jobs in America.

That does not pass the commonsense test. In 2003, it is worth noting that the business community told us reducing the top rate of taxation was their tax policy priority. The small business community told us, when we were writing this legislation, that doing away with this 15-percent penalty, the small business tax penalty, was their top priority.

Now let's think about this. There seems to be a link between tax relief, economic growth, and jobs. Taxes make a difference. They make a difference whether we are going to have economic growth. Without economic growth, there is no increase in jobs. We have seen evidence of that linkage since 2003. Economic statistics prove that when tax relief kicked in, the economy has grown and more jobs have been created. That is the dynamic of the American free market economic system.

Public policy made by Congress makes a difference, and reducing taxes on small business, or at least making sure there is not a penalty against small business vis-a-vis major corporations, have a great deal to do with whether the free market system works. So that tax policy has helped the enhancement of our economy.

We are in the process of thinking about reversing that course. Whether it is intended or not, that is the impact of Senator FEINSTEIN's amendment. Some would speculate that for the minority party—and that is the Democratic Party—it is good politics for the economy to go into the tank; raise taxes as the economy is coming back and economic growth will be stifled. If economic growth is stifled, then jobs will disappear. If jobs disappear, then voters are more apt to throw out members of the President's party, members of the Republican Party.

I am not that cynical. I do not believe some of the opposition would want to put short-term political advantages over the economic well-being of their constituents, but obviously that is the impact of this amendment. So it does make one wonder what everything is about as we deal with these issues.

To sum up, a vote for the amendment by the Senator from California is a vote that will increase taxes. It is a tax

increase that comes during economic recovery. I remind people of a quote from somebody who people listen to more than anybody else on how the economy is going and they respect what he says, Chairman Greenspan. He says that the reason we have had these 2½ to 3 years of economic recovery is because of the tax policies that have been put in place in the recent couple of tax bills.

So we do not want a tax increase when we have a recovery. It is a tax increase on the folks that create jobs in America, and that is our hard-working small business owners. For those reasons, I ask that we reject the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe that there is still time remaining so that Senator CANTWELL has an opportunity to speak on her amendment. In the meantime, I ask unanimous consent that the next amendments in order following the Cantwell amendment be the following: an amendment by the Senator from Illinois on FEMA, 30 minutes equally divided; the Senator from Massachusetts, Mr. KENNEDY, on poverty, 30 minutes equally divided; an amendment from the Senator from Rhode Island, Mr. REED, 20 minutes equally divided; and an amendment by the Senator from Oklahoma, Mr. COBURN, on the practice of medicine—there is no time limit at the moment on that one—and that thereafter there be 30 minutes equally divided on the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I do not see the Senator from Washington on the floor to finish with her amendment. I ask that her time be reserved so she can offer it at an appropriate time, and the same for the time in opposition. So we can now proceed with the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

#### AMENDMENT NO. 2605

Mr. OBAMA. I call up amendment No. 2605 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself and Mr. COBURN, and Mr. LAUTENBERG proposes an amendment numbered 2605.

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

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

The amendment is as follows:

(Purpose: Expressing the sense of the Senate that the Federal Emergency Management Agency should immediately address issues relating to no-bid contracting)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SENSE OF THE SENATE ON USE OF NO-BID CONTRACTING BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) FINDINGS.—The Senate finds that—

(1) on September 8, 2005, the Federal Emergency Management Agency announced that it had awarded 4 contracts for emergency housing relief following Hurricane Katrina to The Shaw Group of Baton Rouge, Louisiana, Fluor Corporation of Aliso Viejo, California, Bechtel National of San Francisco, California, and CH2M Hill of Denver, Colorado;

(2) these contracts were awarded with no competition from other capable firms, and up to \$100,000,000 in taxpayer funds were authorized for each of these contracts;

(3) in the midst of concerns about abusive and irresponsible spending of taxpayer funds, the Federal Emergency Management Agency pledged to re-bid these noncompetitive contracts, with Acting Under Secretary of Emergency Preparedness and Response, R. David Paulson, stating before the Committee on Homeland Security and Government Affairs of the Senate that “[a]ll of these no-bid contracts, we are going to go back and re-bid”;

(4) the Federal Emergency Management Agency has yet to reopen these 4 contracts to competitive bidding, and declared on November 11, 2005, that these contracts would not be reopened for bidding until February 2006;

(5) by February 2006, the majority of the contracts will have been completed and the majority of taxpayer funds will have been spent;

(6) large and politically-connected firms continue to benefit from no-bid and limited-competition contracts, and contracts are not being awarded to capable, local companies;

(7) according to an analysis in the Washington Post, companies outside the States most affected by Hurricane Katrina have received more than 90 percent of the Federal contracts for recovery and reconstruction;

(8) the monitoring of Federal contracting practices remains difficult, with a report by the San Jose Mercury News stating “The database of contracts is incomplete. Information released by Federal agencies is spotty and sporadic. And disclosure of many no-bid contracts isn't required by law”;

(9)(A) there is currently no Chief Financial Officer charged with monitoring the flow of all funds to the affected areas; and

(B) the task of financial management is spread across disparate Federal departments and agencies with inadequate oversight of taxpayer funds.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should—

(1) immediately rebid noncompetitive contracts entered into following Hurricane Katrina, consistent with the commitment of the Agency made on October 6, 2005, before millions of taxpayer dollars are wasted on irresponsible and inefficient spending;

(2)(A) immediately implement the planned competitive contracting strategy of the Agency for recovery work in all current and future reconstruction efforts; and

(B) in carrying out that strategy, should prioritize local and small disadvantaged businesses in the contracting and subcontracting process; and

(3) immediately after the awarding of a contract, publicly disclose the amount and competitive or noncompetitive nature of the contract.

Mr. OBAMA. Mr. President, in the immediate aftermath of Hurricane Katrina, there was an enormous urgency, not only in Congress but all

across the Nation, to respond to the needs of the people of the gulf coast region. Although the sense of urgency appears to have subsided, unfortunately, somewhat in Congress, that sense of urgency remains all too real for the hundreds of thousands of Americans who are still dealing with the loss of jobs, the loss of family, and the loss of homes that too many Hurricane Katrina survivors have suffered.

I am pleased the bill we are debating today includes tax relief for those affected by Hurricanes Katrina, Rita, and Wilma. I am fully supportive of those provisions. I also believe that before we go home for Thanksgiving to enjoy our homes and our families, we need to take some meaningful action to help those who might not have as much to be thankful for.

Nearly 2 months after Hurricane Katrina devastated the people of the gulf coast, we are seeing that our Government is still leaving too many Americans behind. Let me give some examples. This week, FEMA is telling 150,000 evacuees who are currently in hotels that they have to be out of their hotels in 15 days. Imagine, someone has lost their home, and they have 15 days to get out of the shelter they are currently in.

Yesterday, we heard a story on NPR that shelter residents in Iberville, LA, will soon be transitioned to a tent city when the shelter closes. That's right—a tent city.

Thousands in Mississippi are currently living in two-person tents, without running water or adequate heat, because FEMA has not provided the mobile homes they promised.

There are concerns that contractors participating in the gulf coast reconstruction are exploiting immigrant labor. There are stories from Mississippi and Louisiana of immigrant laborers being lured to the gulf by promises of good pay, only to be stiffed their salaries and charged for their temporary housing.

In addition to these stories—we are hearing enormous complaints—and I am getting them in Illinois, despite the fact that I do not represent the region—that local companies are being shut out of the reconstruction bidding process.

According to the Washington Post, companies outside the States most affected by Katrina have received more than 90 percent of the Federal contracts for recovery and reconstruction. Ninety percent of the contracts have gone to companies that do not maintain a place of business in the affected States. This is unacceptable.

The American taxpayers and this Congress provided \$62 billion for the reconstruction effort precisely so that the people of the gulf coast region, including some of the most vulnerable citizens of our society, would be left behind no more. Yet right now we have no idea where that money is being spent, how that money is being spent, why it is not being spent on fixing the

problems I mentioned and why FEMA is still sitting on nearly \$40 billion that has not been spent at all.

Now think about that. The managers of this bill have been struggling with the fiscal constraints we are trying to deal with and we have \$40 billion that is not spent and we do not know where the other \$20 billion has gone. There is absolutely no accountability to this process at all, no accountability to the taxpayers and no accountability to the people who need this help the most.

I am a freshman in the minority party. I am accustomed sometimes to not knowing what is going on around here, but this is, unfortunately, one of those situations in which I do not get a sense that neither the majority party nor the administration has a clear idea of how our money is being spent.

The Hurricane Katrina contracting process has been rife with problems from the very beginning. Rather than use the reconstruction process to help companies and workers in the regions most affected, we are seeing many of the prime contracts going to the largest contractors in the country. These are the same contractors that received reconstruction contracts in Iraq and with only a few exceptions they are not the folks whose businesses were harmed by the ravages of the storm.

Small businesses are not being given a fair shake to bid on these projects, and it is unclear how many contracts have been provided to small businesses. Meanwhile, minority contractors have been left almost entirely out of the contracting process. The Congressional Black Caucus has proposed good legislation to address some of these problems and I hope the Senate will consider it, if it passes the House.

But let me be clear—this is not simply partisan complaining or political point scoring. At a hearing held on November 3, 2005, the inspector general of the Homeland Security Department, a Bush appointee, said about the reconstruction process: Obligations are being made at a rate of \$275 million a day in an unstable environment and in an expedited manner. When you mix it all together, it is a potentially perfect recipe for fraud, waste, and abuse.

The GAO's preliminary observations indicate that the Army Corps of Engineers' \$39 million purchase of portable classrooms may have resulted in the Army Corps paying more than necessary. The GAO will continue to monitor the reconstruction contracts.

I am certain that we are going to keep on seeing these stories surfacing almost daily about how taxpayer money is being wasted, while the people who are supposed to be helped are not getting what they need.

One of the most egregious examples of this potential waste, fraud, and abuse is in the Government's refusal to rebid \$400 million worth of no-bid contracts that they already promised they would rebid. Immediately following Hurricane Katrina, FEMA awarded four \$100 million no-bid contracts for

reconstruction efforts. Acting FEMA Under Secretary Paulison made the following statement to the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005: I have been a public servant for a long time, and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. I can assure you, we are going to look at all of these contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

That is what Under Secretary Paulison said before the Senate Homeland Security and Governmental Affairs Committee a month ago.

These contracts have not been rebid. In fact, FEMA officials testified on November 11, just a month after the statement by Under Secretary Paulison, that they would not rebid the contracts until February. Here is the only problem: By February, the contracts will have been completed.

Today, I am offering a sense-of-the-Senate amendment calling on FEMA to immediately rebid these contracts in a competitive fashion before nearly \$400 million of taxpayer dollars are spent in an inefficient and potentially abusive manner.

I know this amendment only gets at one element of a multilayer problem, but I firmly believe this body must take a stand to ensure that these Federal agencies that have been entrusted with such a monumental job and so many taxpayer dollars stick to their promises.

I am pleased my colleague from Oklahoma, Senator COBURN, has joined me in offering this amendment.

Senator COBURN and I have also offered a bill that establishes a chief financial officer to oversee the use of Hurricane Katrina recovery funds so that we do not have further problems of this sort. That bill was voted out of the Senate Homeland Security and Governmental Affairs Committee and is awaiting a vote. Unfortunately, that bill so far has not seen the light of this floor, so I am forced to offer this amendment today to provide some accountability and transparency into this contracting process.

I hope my colleagues will support this amendment. I appreciate the time and the attention of Chairman GRASSLEY and Ranking Member BAUCUS.

Before I yield the floor, I ask unanimous consent to call up a pending amendment that has no number yet, submitted by myself and Senator KERRY, filed earlier today by Senator KERRY, which provides relief from the marriage penalty and from the military service penalty faced by many low-income taxpayers who receive the low-income tax credit.

Mr. BAUCUS. Mr. President, I wonder if we can proceed with the second amendment. It was my understanding the Senator had one amendment and



had a time agreement on it. Other Senators have come up, asking for consideration of their amendments. I do not want to inconvenience other Senators.

Mr. OBAMA. I was asked by the Senator from Massachusetts to read that, just to get it into the queue.

At this stage I am not speaking on it, and I am not asking for any additional action on it. I just wanted to get it in. If it is a problem, I am willing to defer.

Mr. BAUCUS. All things considered, Mr. President, I think it proper not to agree to the request at this point because the Senator from Massachusetts already spoke to us about an amendment of his, and that is in the queue.

In fairness to other Senators, I don't want to inconvenience other Senators.

Mr. OBAMA. Fair enough.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield such time as he might consume to the Senator from South Dakota.

The PRESIDING OFFICER. Is the Senator yielding time on the bill or on the amendment?

Mr. GRASSLEY. On the bill.

The PRESIDING OFFICER. On the bill.

Mr. GRASSLEY. I yield off the bill such time as the Senator from South Dakota might consume.

#### IRAQ AND PREWAR INTELLIGENCE

Mr. THUNE. Mr. President, I thank the distinguished chairman, the Senator from Iowa, for yielding time off the bill. The issue we are debating obviously is one of great consequence, dealing with our budget and how we deal with the issue of the deficit and what we do to continue to keep the economy growing and creating jobs. That is what this debate is about.

I do, however, want to speak in response to something that was said earlier on the floor, also off the bill at hand that we are discussing today, and that has to do with the whole situation in Iraq.

The Democrat leader was on the floor earlier, once again attacking the President and the Vice President with respect to the issue of prewar intelligence. I think the American people deserve to know the facts in this debate. They deserve to know the truth. More important, our troops need to know we stand with them, we support them in completing their mission in achieving victory in the war on terror.

What we have seen instead is the Democrat leader come down here and accuse the President, because he is standing up and telling the truth to the American people, accusing him of deceiving and misleading on prewar intelligence.

Where is the evidence? Where are the facts to support those statements? The distinguished Democrat leader, as well as many Democrats who are still serving in this Chamber, back in 2002 had the same information, the same intelligence that the President of the United States had, the Vice President of the United States had, all our allies

had, the United Nations had. Everybody came to the same essential conclusion, and that was that Iraq posed an imminent threat to the security of that region and the security of the United States, and we acted accordingly.

In this Chamber right here, 29 of the 50 Democrats at that time stood up and voted for a resolution authorizing the use of force in Iraq. In the House of Representatives, over 80 Democrats joined the Republican majority in the House of Representatives in support of the resolution for the use of force in Iraq.

What we are seeing now is an attempt to revise that history. You can try. You can disagree with the policy. You can disagree with the decisions that are being made by our commanders. But don't come to the floor of the Senate and don't go out to the public and attack this administration and this President for lying unless you have some evidence to demonstrate that.

There is no proof.

I believe the troops of this country, and our commanders who are valiantly and bravely and courageously leading the effort in Iraq and in Afghanistan to win the war on terror, are fighting to make this country more safe and secure and to make sure that country has a democracy. And all we focus on is the negative.

What about the positive things that are happening in Iraq? The fact is, today Iraq's GDP has more than quadrupled from 2003, Iraq's debt has been cut by more than a third from 2003, inflation and unemployment rates are down from last year while incomes have risen, Iraq's security personnel have doubled since last year, over 1,800 reconstruction projects have been finished, including schools and health facilities, the number of telephone subscribers has more than doubled since last year, and the number of independent television stations has doubled since last year.

We are making progress. It is hard work. The people who know that the best are the people on the ground in Iraq, the young men and women in uniform who are doing freedom's work.

I had the opportunity last week to go up to Walter Reed Army Hospital to visit with some of the casualties of that war, people who have lost limbs, amputees. I have to tell you it is inspiring, absolutely inspirational to see the courage and the determination and the spirit of these young people who have worn the uniform of the United States and have fought for something they believe in. They deserve to have elected leaders in this country, people in this Chamber, the Senate, and the House who are willing to at least acknowledge the good work they are doing and the progress we are making toward winning the war on terror, toward creating a democracy and standing up a government in Iraq, toward raising an army, a security force that can defend the Iraqi people.

What we do not need is demagoguery and people coming on the floor of the Senate and elected leaders getting up and making statements attacking the integrity and the credibility and the truthfulness of the President of the United States, our Commander in Chief, absent any evidence to support their claims. Furthermore, those are the ones who on this very floor have made statements in the past supporting our effort and concluding, based upon the intelligence that they received—just like the intelligence the President and the Vice President and all our allies and the United Nations received—that Iraq posed an imminent threat to the United States and to that region of the world. What we are seeing here is the worst of politics, and that is not the conduct we ought to have in the Senate or the discourse that we ought to be putting before the American people. The American people deserve the truth, and the American troops deserve our support.

I yield.

#### UNANIMOUS CONSENT AGREEMENT

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a unanimous consent agreement that I think has been accepted. I ask unanimous consent that at 3:30 today the Senate proceed to votes in relation to the following amendments in the order sequenced below; further, that they not be subject to second-degree amendments prior to the votes and that there be 2 minutes equally divided between the votes: Dorgan No. 2587; Feinstein No. 2609; Feinstein No. 2610; Cantwell No. 2612; provided further that at 3 today, there be 30 minutes equally divided for debate between the chairman and Senator DORGAN; provided further that following those votes, Senator COBURN be recognized in order to offer his amendment; further, that all votes after the first be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### AMENDMENT NO. 2588

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Ms. LANDRIEU, proposes an amendment numbered 2588.

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



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

(The amendment is printed in the RECORD of Wednesday, November 16, 2005, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I think we have a time limit of 15 minutes.

The PRESIDING OFFICER. Thirty minutes evenly divided.

Mr. KENNEDY. I ask the Chair to let me know when there is 2 minutes left.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, this amendment is a very simple amendment. It recognizes that we have had a dramatic increase in child poverty in recent years. I think the most dramatic recent exposure to that was Hurricanes Katrina and Rita, when the veil was taken off the United States of America and we saw so many of those families who were unable to leave New Orleans and leave the areas along the gulf because they were too poor and they suffered so many consequences that we are reminded about the growth of poverty among children in recent years.

This amendment does a very simple thing. It says for every joint tax return where the income is more than \$1 million, there will be a 1-percent surcharge on that income. It will go into a dedicated fund. There will be a board appointed by the Members of Congress, and they will make recommendations to the President about how those resources will be expended.

The best estimate now is that we could have close to \$3 billion to \$4 billion raised in the first year. It will rise over the next 5 to 7 years up to \$5 billion. This is dedicated to reduce the poverty of children in this country.

This chart shows what happened in the period of 2000 to 2004—13 million children are living in poverty. There has been a growth of 1.4 million children since 2000.

We know that in the United States at the present time one in six children lives in poverty. This isn't just general, across the country; it is reflected with different groups having a higher percentage. We find, for example, that children are much more likely to live in poverty than adults or the elderly.

If we look at who is living in poverty in the United States: seniors, 9.8 percent; adults 18 to 65, 11.3 percent; and for children, it is the highest at 17.8 percent. If you look at who is affected by this to the greatest extent, the national average being 17.8 percent, the highest is minority children. The national average is 17.8 percent. If you are looking at Latinos, it is 28 percent. If you are looking at African Americans, it is 33 percent.

Let us look at this chart where the United States has one of the highest child poverty rate in the industrialized world. This red line is the indicator of where the United States is in relationship to Italy, the United Kingdom, Germany, Scandinavia, Japan, Sweden, the

Netherlands—all the way down the line. This chart is an indication of where we have the highest poverty rates generally, and the highest child poverty rates.

It should not be an enormous surprise that individuals have the highest child poverty rate down in New Orleans and along that gulf area. Those are the areas which have the highest percentage rate. They were high before and now breathtakingly high.

If we look across the country, this chart shows children living in poverty in every State. The States in blue have the highest concentration of poverty.

This is a real reflection of our national priorities. Are we as a country going to be indignant? Are we going to be sufficiently concerned or outraged about this that we are prepared to do something?

I must say that in the most recent Appropriations Committee conference report, we find that we have basically failed to deal with these issues, both from an educational point of view and a health point of view. We see reductions in terms of the Head Start Program, title I programs, and programs that help and assist disabled children. We are finding reductions as well in other health programs.

This is a way for us to be able to say that in the situation we are talking about, those at the highest end of the economic ladder, those individuals who have more than \$1 million are going to pay a tax. Say they are going to pay a tax of \$100,000; that is a 1-percent addition. This is just 1 percent. This is \$101,000.

With that kind of increase on those who are the most privileged individuals in our country, the wealthiest individuals, they ought to be as concerned as all Americans are by this staggering situation of child poverty in this country.

We are not going in the right direction, as these charts indicate. We are going in the wrong direction. If someone gets up and says, "Senator, we are going in the right direction, why do we need this", every economic indicator shows these facts and these statistics are getting worse and worse every single year. They are not going to be altered or changed by what we are doing here in these budget considerations. Investment in these children in and of itself isn't going to be the complete answer, but, nonetheless, providing the help and assistance in a very targeted way to try to deal with child poverty, it seems to me, is an important reflection about what we ought to be about here in the Senate.

I certainly think it has a higher priority than many of the other priorities that are included in this legislation, which is going to provide some very generous tax reduction for some of the most privileged people in our country and in our society. That is basically the issue.

Finally, this is a basically moral issue. There is no great nation that can

ignore this challenge. It is a defining issue in terms of what this country is about. It is a defining issue about what the values are for us as a people in this Nation.

I think so many of the great Judeo-Christian religions and other religions talk about the importance of feeding the hungry and clothing the poor and seeing to the needs of the least of those among us. This amendment is a targeted amendment and provides just that kind of help and assistance which is so important for this country.

I hope the Senate will accept what I call the Child Poverty Elimination Fund—as I mentioned, with a board to oversee the fund and design the Child Poverty Elimination Plan. It is a downpayment, a realistic first step toward achieving the goal of lifting children out of poverty.

In the 1960s, President Johnson talked about the "War on Poverty" that we are still fighting, but we are fighting and falling further and further behind. Clearly, we have made progress over the past four decades, through Medicaid, Head Start, food stamps, and other measures we have enacted. The poverty rate for all Americans reached a low of 11 percent in 1973, compared to 19 percent in later years.

We continued that battle through the Reagan administration with the enactment of LIHEAP in 1981 and welfare reform in 1996. But, sadly, in the most recent years, we have been falling farther and farther behind.

I am not going to take the time, because I don't have it here, to talk about the growth of hunger in this country in recent years, and particularly the problem of growth of hunger among children.

A 5-year-old named Connor from Massachusetts is one example of what is happening to the vulnerable people in our society. Some days, Connor pretends to be a "Power Ranger" fighting intergalactic evils, and other days he is fighting hunger, pretending to be a superhero, taking a lot of energy. And sometimes Connor doesn't feel like playing. That is when his hunger pangs become his worst enemy.

It is shameful that in the richest and most powerful nation on Earth, nearly one in five children goes to bed hungry every night.

Now because of Hurricane Katrina, the silent slavery of poverty is not so silent anymore. The devastation caused by the storm suddenly focused the Nation's attention on the immense hardships low-income Americans face each day. We saw the desperate plight of innocent children who were born poor and forced to bear the impossible burden of poverty.

In fact, the child poverty rate, as I mentioned, in the States hit hardest by Hurricane Katrina was all above the national average. In Louisiana, 29 percent of children live in poverty, 30 percent of children in Mississippi live in poverty, and 23 percent in Alabama.

Hurricane Katrina highlighted the struggle of the poor, but every State in

this country is home to children and families who live in poverty. Children in the United States are more likely to live in poverty than any other age group. This particular amendment indicates what our priorities are.

Poverty is an education issue because poor children often lack the basic nutrition vital to healthy brain development. They have difficulty focusing their attention and concentrating in school. As a result, they often drop out. Some end up in trouble with the law, even in prison.

Poverty is a civil rights issue because minorities are disproportionately poor: 33 percent of African-American children, 28 percent of Latino children live in poverty, triple the rate of white children. How can we possibly keep turning our back on these children? We should all feel a greater, not a lesser, responsibility to them. Where is our compassionate conservatism?

Do they understand when Jesus said "suffer the little children to come unto me," he didn't mean "let the little children suffer." Don't they believe that children are included when he said:

Inasmuch as you have done it unto the least of these, my brother, you have done it unto me.

We know how to lift children out of poverty in this wealthy land of ours. All it requires is the will to do it and the leadership to make it happen.

The words of Nobel Laureate Gabriela Mistral never rang more true:

We are guilty of many errors and many faults, but our worse crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made, and his senses are being developed. To him we cannot answer "Tomorrow." His name is "Today."

It is time for Congress to bring true hope, honest opportunity, genuine fairness to children mired in poverty in communities in all parts of our country. This amendment will put us back on the right track. I urge my colleagues to support it.

Mrs. HUTCHISON. I ask unanimous consent I be yielded 5 minutes off the bill.

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

Mrs. HUTCHISON. Mr. President, I wish to speak today on an amendment that has been offered on this bill that I very much hope the Senate will not agree to.

The Dorgan amendment, which has been offered, would institute a windfall profits tax on the major oil and gas companies. There is the belief among many in this country that oil industry profits are excessive compared to profits of other companies that do business in our country. I do not believe that is the case.

In the second quarter of 2005, the oil industry earned 7.7 cents for every dollar of sales. The average profit for all U.S. industry in the second quarter was

7.9 cents for every dollar of sales. Thirteen U.S. industries earned higher profits in the second quarter than the oil and natural gas industry: banking, software and services, consumer services, and real estate.

The rate of return on oil sales for the third quarter of 2005 is slightly higher, at 8.1 cents for every dollar of sales. However, the damage to the oil industry caused by the hurricanes will eat into the bottom line in future quarters. British Petroleum has estimated it will take a \$700 million hit to the company's energy production and infrastructure from Hurricane Katrina and Hurricane Rita. The Congressional Budget Office estimates capital losses from Hurricanes Katrina and Rita in the energy producing industries will range from \$18 to \$31 billion.

Reinvestment in infrastructure, both production and refining, is a critical issue. My good colleague from North Dakota and I would agree on that point. While I am sure his proposal is well intended, the impact would be contrary to the goals we all seek to achieve. His proposal takes a short-term approach to what is a long-term investment issue. Investments in infrastructure in the oil industry are over long-term windows.

What we must do is encourage the oil companies to take their profits and reinvest them back into exploration, production, and refineries. The oil companies seek to invest in refineries, but no one is investing in new refineries in America. In fact, there has been no new refinery built in America in over 20 years.

If we are going to have a bigger supply and bring the price of gasoline at the pump down, we must have more oil refineries and more production. We also need conservation. We also need renewable sources of energy. We need new sources of energy. We all agree on that.

This amendment seeks to single out oil companies, dub them "excessively profitable," take their profit and give it to the Government to spend as it would, rather than letting the oil companies keep it and invest it in the infrastructure, production, and refinery capacity. That is what will get to the issue we are all trying to address; that is, bringing the price of oil down so the price at the pump will be lower.

Senator SCHUMER has discussed another potential amendment that hits at the big oil companies. I realize that is a political thing for him to do right now. We are not here to do the political hit and run. We are here to do the right thing for our country. We are here to try to build more reserves, more production capacity, and more refinery capacity to bring the price of gasoline down at the pump and to bring the price of energy down for the farmer who is trying to use natural gas. The price is rising such that our small farmers are in a tough position. What Senator SCHUMER has discussed doing is instituting a double tax on any income made by a company overseas.

We are severely restricting the ability for an oil and gas company to drill in America today. You basically cannot drill off the East Coast or the West Coast, nor Florida. We can drill in the Gulf of Mexico, but it is very expensive and requires deep drilling. We hope we will be able to open ANWR—but right now we are very limited. We need to have a supply in our country, with American jobs and more production coming back to America. More and more production is going overseas.

I end by saying, the double taxation of one industry is unfair. If we have an oil company and a computer chip company doing business in Italy and they pay taxes in Italy, the computer chip company would get a credit for that tax paid when it files in America, but the oil company would not, thereby paying tax twice. Is that the way to have more oil coming into our country and to drive the price down at the pump? I don't think so. It is counterproductive.

I hope the Senate will do the right thing. It may not be the political thing, but it is the right thing if we are going to reach our goal, which is to bring down the cost of natural gas and gasoline at the pump for the consumers and the small business people of our country, keeping our economy strong and keeping jobs in America. The way to do this is not to single out the oil companies. We must invest in infrastructure, more production, and additional refineries. If we will help them with a regulatory system that does not penalize them and delay construction for 10 or 15 years, we can bring the price of oil down. It will be to the benefit of everyone in our country.

I urge my colleagues to vote against the Dorgan amendment and any potential Schumer amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. So as not to interrupt the flow, the chairman would like to speak on the Senator's amendment first, if that is all right.

Mr. KENNEDY. All right.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume off of our side of the Kennedy amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. I am pleased to be able to report to Senator KENNEDY that we do not need a board to tell us how to end poverty.

I quote Washington Post columnist William Raspberry, writing in a recent op-ed piece:

Fatherless families are America's single largest source of poverty. The Annie E. Casey Foundation, "Kids Count," once reported that Americans who failed to complete high school, to get married and to reach age 20 before having their first child were nearly 10 times as likely to live in poverty as those who did these three things.

The Brookings Institution, obviously a liberal think tank, published an analysis of a variety of factors that could

reduce poverty. The authors from Brookings concluded that the combination of education, full-time work, and marriage could reduce poverty rates from 13 percent to 17 percent.

The bipartisan welfare reform bill reported out of the Senate Committee on Finance would make substantial progress in helping families make progress in areas that we know would reduce poverty. We could not get an agreement with the other side to get this legislation discussed on the floor. We got it out of the committee in a bipartisan way. It deals with the issues of education, work, and marriage.

Following upon the views of the Brookings Institute and the views of the Annie E. Casey Foundation, rather than engage in politically motivated efforts, we should work together to implement these serious policies of education, of work, and of marriage. Together, by implementing these policies, and we know these policies work, we will take one giant step toward reducing poverty.

I don't think Senator KENNEDY's amendment is necessary. I yield the floor.

Mr. KENNEDY. I ask if the minority would yield 5 minutes?

Mr. BAUCUS. No objection.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened to my friend from Iowa. This is the fact: We have one of the highest child poverty rates in the industrial world. I am not saying this afternoon how to do it. The Senator from Iowa can have good ideas. The Senator from Tennessee can have good ideas. The fact of the matter is, we are not doing it now.

There is significant and dramatic growth of child poverty in the United States. I am saying let's do something about it. Give us the opportunity to do it this afternoon. That is the point I make.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, under a unanimous consent agreement we entered into earlier, we are now waiting for Senator REED of Rhode Island to offer his amendment, and also Senator COBURN to offer his amendment. And under the agreement, thereafter, there is time remaining on the Dorgan amendment. But while we are waiting for Senator REED and/or Senator COBURN, or anyone else, to come to the floor, I will say a few words about the alternative minimum tax.

The bill before us today does extend the alternative minimum tax exemption level and provides for an increase in inflation. That is the good news. But it is not all good news because there will still be about 600,000 additional Americans paying higher taxes next year under the alternative minimum tax, sometimes called the stealth tax.

Why is that? That is because the so-called hold-harmless provision in the

legislation before us today, or the patch, as some have called it, does not hold everyone harmless. For example, for the year 2005, there are 3.6 million American taxpayers paying the alternative minimum tax. Under the bill before us today, there will be 4.2 million taxpayers paying that tax in 2006. That is an increase of 600,000 taxpayers, and it is an increase I hope we can avoid.

The alternative minimum tax, to refresh recollections, was originally enacted in 1969. Why did Congress do that? Congress discovered in that year there were about 155 very wealthy taxpayers making over \$200,000 a year but who paid no taxes. Congress felt: Well, gee, that is not right; people earning over \$200,000 a year at least should pay some taxes. So Congress passed the alternative minimum tax. What was once a class tax, unfortunately, has now been morphed into a mass tax.

To refresh your recollection, whenever individuals calculate their income taxes, they calculate their income taxes and then they have to go through a separate, parallel calculation under what is called the alternative minimum tax. Under that separate, parallel calculation, there are certain provisions that cannot be deducted, and that includes the standard deduction or the personal exemptions, and some others. Then you look at the bottom line of the two calculations, and if one is higher than the other—it does not make any difference which one it is—you pay that higher tax.

Because these provisions were not indexed to inflation, over time more and more people are finding they have to pay this stealth tax, this alternative minimum tax. Frankly, if it is not changed by the end of this decade, that tax will ensnare about 30 million Americans, a majority of who will have adjusted gross incomes below \$100,000.

The Internal Revenue Service National Taxpayer Advocate has identified this alternative minimum tax as the most serious problem facing individual taxpayers. By the end of the decade, the majority of filers with incomes between \$75,000 and \$100,000 will be paying this additional tax; that is, the majority of Americans with incomes between \$75,000 and \$100,000 will be paying this, unless it is fixed.

In addition, virtually all married couples in that income group—\$75,000 to \$100,000—with two children will be paying the AMT by the end of the decade.

Now, I have filed legislation to repeal the AMT altogether. I am joined in that effort by the chairman, Senator GRASSLEY, and 20 other Senators who have the same view as me. I think we should do it. It is clear, though, that repeal is very expensive. But it is the right thing to do, and we should do our level best to try to find a way to work toward total repeal, and try to find the revenue to pay for it.

In the meantime, though, we should do all we can to make sure this stealth tax does not hit one more family next year.

As you may know, Mr. President, the House companion bill on this same subject, tax reconciliation, which is working its way over here, does not in any way address this AMT issue. But it does contain provisions to extend the capital gains and dividends cuts for 2 more years. Under current law, which we enacted in 2003, deductions will stay in effect at least until the end of 2008. Nevertheless, the House in their bill made the decision to extend that capital gains and dividends cut for 2 more years past 2008. But they did not include the alternative minimum tax. That is wrong.

Senator GRASSLEY and I have discussed this. We want to make a change. At the appropriate time I think we will make a change to the underlying bill so not one more American pays this stealth tax compared to current law. As I mentioned, under the bill currently before us, about 600,000 more Americans will pay it. We feel that is wrong. It is a mistake. We shouldn't do that. We will find a way, as the chairman and I have found, to make sure not one more American has to pay this additional tax.

Otherwise, I might say that under the House-passed version of tax reconciliation, 17 million families will see a tax increase next year. Under the House bill, working its way over here to conference, 17 million families will see a tax increase next year thanks to the alternative minimum tax.

In fact, CRS has found that if the House proposal prevails, next year a family with three children, making \$63,000 a year, will also be hit by this additional stealth tax, the AMT. I believe, and I know the chairman believes, and many of us in the Senate believe, this family-unfriendly AMT should not be allowed to creep deeper and deeper into the middle class each year. At the appropriate time, we are going to make that change, that adjustment, because it is the right thing to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume off the bill.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. Mr. President, I appreciate the cooperation I have had with Senator BAUCUS in working out some differences on this bill, which he has enunciated very well. I look forward to, hopefully, getting done what he said before we get this bill through the Senate tomorrow.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business, and the time will be off of the bill.

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

THE FDA

Mr. GRASSLEY. Mr. President, today is the anniversary of the hearing on the worldwide withdrawal of Vioxx, the blockbuster drug that became a

blockbuster disaster. As chairman of the Committee on Finance, I called for this hearing a year ago. The Vioxx hearing turned the spotlight on a troubled agency in denial. The type of problems exposed during the hearings have proven to be not isolated but systemic.

Over the past year, my committee staff has investigated allegations coming from within and outside the Food and Drug Administration. Brave whistleblowers, such as Drs. Andrew Mosholder, David Graham, and others, have come forward to expose the too cozy relationship between the agency and the drug industry. I can tell you today that problems exist not only within the Center for Drugs but extend to the centers for devices, biologics, and even into veterinary medicine.

I am concerned—and every other Member of this Senate should also be concerned—about this agency's cozy relationship with industry. To further illustrate this problem, I am sending today a letter to another drug company that appears too cozy with the Food and Drug Administration. Last year, 2 days after the Vioxx hearing, the drug company Wyeth met with former Commissioner Crawford. Why did Wyeth's CEO want to talk with the commissioner? Because Wyeth recently had to remove one of its most profitable veterinary drugs from the market.

So what did Wyeth do? They launched an investigation of a Food and Drug Administration employee, Dr. Victoria Hampshire. It was Dr. Hampshire who concluded that Wyeth's drug was killing hundreds of dogs. I have in my hand what Wyeth presented to former Commissioner Crawford. Every page of this document has on it things that are referred to as confidential. It is a 29-page PowerPoint with 10 pages of backup material. It is dated November 19, 2004. Besides being marked confidential, it says:

ProHeart 6 Apparent Conflict of Interest.

In summary this PowerPoint alleges that Dr. Hampshire had a personal and financial conflict of interest. Dr. Hampshire approached my committee staff because she was scared and felt unfairly targeted by the Wyeth Company and also by her agency. Why? Because she was simply doing her job to check to see if drugs were as effective and safe as they were said to be.

Last week, the Food and Drug Administration briefed my committee investigators on this matter. It turns out that Wyeth succeeded in having Dr. Hampshire removed from reviewing its drugs. Dr. Hampshire's hard work and dedication to science and drug safety placed a bull's eye on her back and destroyed her reputation and career—I should say temporarily destroyed her reputation. When you hear the end of this, she got commendation. Without her knowledge, the Food and Drug Administration also launched a criminal investigation against her.

This sordid story is still unraveling. I can say that no action was taken against Dr. Hampshire, and after the

investigation closed, the Food and Drug Administration rewarded Dr. Hampshire for her work on the Wyeth drug, which remains off the market. Unfortunately for Dr. Hampshire, Wyeth's efforts to discredit her did not end when the FDA cleared her. At least one Wyeth sales representative attempted to discredit Dr. Hampshire in the veterinary community. Fortunately for Dr. Hampshire, the salesperson's comments about Wyeth's investigation of her and her alleged conflicts of interest were made to a former colleague of Dr. Hampshire. My letter to Wyeth today seeks information and documents related to Wyeth's investigation of Dr. Hampshire and the salesperson's comments.

So a year later, we are still uncovering the cozy relationship between the agency and the drug industry.

In this case, a company had the guts to go to supposedly an unbiased regulating agency and tried to get somebody fired, removed, and even a criminal investigation against them, do everything to discredit them. That sort of culture and environment should not exist in any regulatory agency with the economic sectors that they are regulating.

Dr. Hampshire's sad story is further proof that the Food and Drug Administration needs a permanent commissioner who can restore order and respect for independence. The Food and Drug Administration cannot serve the American people and the interests of the drug industry at the same time.

A year ago, Dr. Graham created a firestorm when he said at the Vioxx hearing:

I can tell you right now, there are at least five drugs on the market today that I think need to be looked at quite seriously to see whether or not they belong there. . . .

Dr. Graham identified those five drugs: Accutane, Bextra, Crestor, Meridia, and Serevent, when asked by my distinguished colleague, Senator BINGAMAN of New Mexico. Some roundly criticized Dr. Graham's testimony as inflammatory a year ago. Today it is noteworthy that the agency has taken regulatory action or action is pending on four out of the five drugs named by Dr. Graham.

Less than a week after the hearing, the Food and Drug Administration announced it was strengthening its plan to reduce the risk of birth defects associated with Accutane. Then in August the agency issued a public health advisory to help make sure females do not become pregnant while taking this medicine and to release more information about depression and suicidal thoughts associated with that drug. A month after the hearing, December of last year, the Food and Drug Administration issued a public health advisory for Bextra. The agency announced it changed Bextra's label to provide consumers with upgraded warnings about possible heart and blood clotting problems. Ultimately, the agency asked Pfizer to voluntarily remove Bextra from the market in April of this year.

Less than 4 months after Dr. Graham's testimony, Crestor was subject to a public health advisory as part of the agency's effort to notify the public of potentially significant emerging safety data. Crestor's label was changed to highlight important information on the safe use of Crestor. Eight months after the hearing, the Food and Drug Administration convened an advisory committee meeting related to the safety of Serevent and other asthma drugs. The advisory committee recommended strengthening the labels for Serevent as well, but the agency has yet to act. Only one drug, Meridia, has not been the subject of any action by FDA.

American consumers are the beneficiaries of these actions. I don't know if the agency would have acted without Dr. Graham's testimony before my committee a year ago. But I know from experience that sunlight is the best disinfectant. The scrutiny of the last 12 months is just the kind of medicine that the Food and Drug Administration needs. Things have not turned around overnight. Reforming this agency is a long-haul task.

For those of us in Congress committed to oversight, reform, and improvement, the Vioxx investigation and hearings, as well as other investigations, prompted me to cosponsor two Food and Drug Administration reform bills this year. Senator DODD of Connecticut and I introduced a bipartisan bill, the Fair Access to Clinical Trials Act, in February and the Food and Drug Administration Safety Act of 2005 in April of this year. These bills represent part of a sustained effort to restore public confidence in the Federal Government's food and drug safety agency. A number of you have cosponsored these bills with Senator DODD and me. I urge everyone else who hasn't to consider them again.

Enactment of these bills will be a meaningful step towards greater accountability and transparency for the Food and Drug Administration. And if enacted, they would provide the agency with some much needed authority to ensure the safety and efficacy of drugs.

One big opportunity that absolutely cannot be missed right now is the appointment of a new full-time commissioner who is committed to reform. This leader must recognize the problems of a culture that has become too cozy with the industry.

Then that leader must be tough enough to make necessary changes happen.

The FDA has to do a top-notch job on ensuring the safety of the products it regulates.

And where the FDA lacks the tools and resources to do so, Congress has to step in and help.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent—

Mr. GRASSLEY. You mean we have used up all the time on our bill? I took time off of my bill.

The PRESIDING OFFICER. The time between now and 3:30 is equally divided between the chairman and the Senator from Montana.

Mr. GRASSLEY. Then I will forget my last three sentences.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I ask unanimous consent that the Senator from Rhode Island be recognized to offer his amendment and speak for 10 minutes, and the time thereafter until 3:30 be equally divided on the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, my understanding is that we have 15 minutes equally divided on the Dorgan-Dodd amendment, and that was to start at 3 o'clock. My recommendation would be that if there is 10 minutes now allocated during that period we simply move the vote to 3:40 so that we will have the 15 minutes equally divided—30 minutes equally divided.

Mr. BAUCUS. Mr. President, I amend my request to accommodate the request of the Senator from North Dakota. The Senator from Rhode Island can offer his amendment, and when he is finished, there will be a half hour on the Dorgan amendment. He gets 15, and the other side gets 15, and the vote will now occur at 3:40.

The PRESIDING OFFICER (Mr. COLEMAN). Is there objection? Without objection, it is so ordered.

Mr. REED. Parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The Kennedy amendment is pending. The Senator is authorized to set it aside for his amendment.

#### AMENDMENT NO. 2626

Mr. REED. The Kennedy amendment being set aside, I would send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2626.

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

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

The amendment is as follows:

(Purpose: To impose a temporary windfall profits tax on crude oil and to use the proceeds of the tax collected to fund programs under the Low-Income Energy Assistance Act of 1981 through a trust fund)

At the end of title IV add the following:

#### SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

#### “CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.

“Sec. 5897. Windfall profit; etc.

“Sec. 5898. Special rules and definitions.

#### “SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to the applicable percentage of the windfall profit of such taxpayer for any taxable year beginning in 2005.

“(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term ‘applicable taxpayer’ means, with respect to operations in the United States—

“(1) any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

“(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined by the Secretary such that the resulting increase in revenues in the Treasury equals \$2,920,000,000.

#### “SEC. 5897. WINDFALL PROFIT; ETC.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

“(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

“(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

“(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

“(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2000-2004 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

#### “SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) CRUDE OIL.—The term ‘crude oil’ includes crude oil condensates and natural gasoline.

“(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be nec-

essary or appropriate to carry out the purposes of this chapter.”.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. Temporary Windfall Profits on Crude Oil.”.

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(d) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

#### “SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Low-Income Home Energy Assistance Trust Fund’, consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

“(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

“(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed \$2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than \$1,880,000,000 has been appropriated for such program for such fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 9511. Low-Income Home Energy Assistance Trust Fund.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning in 2005.

(2) SUBSECTION (d).—The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

Mr. REED. I offer this amendment along with Senator KENNEDY, Senator SCHUMER, Senator KOHL, Senator ROCKEFELLER, Senator KERRY, Senator CARPER, Senator LEAHY, Senator LIEBERMAN, Senator DAYTON, and Senator STABENOW.

Mr. President, this amendment is about LIHEAP, the Low Income Heating Assistance Program. Each of us, at this point, is very familiar with the struggle that is taking place today—and if you were outside early this morning, you understand temperatures are falling—that many families are having to heat their homes for this winter. According to EIA’s Short-Term Energy Outlook released last week, energy costs for the average family using

heating oil are estimated to hit \$1,500 this winter, an increase of \$325 over last year's heating season. Natural gas prices could hit \$1,000, an increase of \$300. For a family using propane, prices are projected to hit \$1,300, an increase of \$230.

Despite these sharp increases in fuel costs, we sadly continue to fund LIHEAP, the one program that can provide sufficient help, at the same level as last year, which in reality means an actual cut in the level of assistance we can provide low-income consumers this winter's heating season.

The responsible thing for Congress to do is to fully fund LIHEAP at the full \$5.1 billion authorized in the Energy Policy Act enacted earlier this year. Indeed, we have tried to do that—not once but three times—in the past few weeks. Senator COLLINS and I, along with some 30 of our colleagues, have offered amendments to the Defense bill, the Transportation-Treasury-HUD bill, and the Labor-HHS bill to fully fund LIHEAP. We have reached across the aisle and across the country to provide more assistance for the LIHEAP program, and in each instance a majority of this body has gone on record to support full funding.

Today, I come to the floor to offer another amendment to fully fund the LIHEAP program. This time I seek to offset that increase with a temporary 1-year windfall profits tax on large oil companies. This tax would be on the excess profits large integrated oil companies have earned as fuel prices reached record heights over the past year.

My amendment draws from Senator SCHUMER's legislation to define windfall profits. My amendment creates a temporary levy on the excess profits of U.S. oil companies and foreign companies that do substantial business in the United States. I would like to thank Senators DORGAN and DODD for proposing the windfall profits tax, and Senator SCHUMER for his modification to this proposal.

The temporary levy applies to major integrated oil companies which have an average daily world-wide production of crude oil of at least 500,000 barrels for the taxable year. Under our revenue mechanism companies will calculate the average of annual profits for the years 2002 to 2004, subtracting the highest year, and then adding 10 percent. The resulting number is the reasonably inflated average profit for calculating the amount of windfall profits. Any profits earned from U.S. operations in 2005 that exceed this reasonably inflated average profit are deemed a "windfall profit" and is taxed at the rate necessary to raise the required \$2.92 billion needed to fully fund LIHEAP.

This is a temporary 1-year measure. The tax rate is set simply to fund the authorized level of LIHEAP. In America no family should be forced to choose between heating their home and

putting food on the table for their children. No senior citizen should have to decide between buying fuel or buying pharmaceuticals. But, unfortunately, this sadly is the case and this winter it will be the case in too many situations. The heat-or-eat dilemma is not just rhetoric. The RAND Corporation conducted a study and found that low-income households reduced food expenditures by roughly the same amount as increases in fuel expenditures. In some respects this is a tidal wave not of rising water like Katrina but of rising energy prices.

We have all gone out and had the opportunity to visit with constituents and get a firsthand glimpse of the struggle they are faced with. I visited a few weeks ago with Mr. Aram Ohanian, an 88-year-old veteran of the U.S. Army in World War II, living on a \$779-a-month Social Security check, and money is so tight that sometimes he has to eat with his children or go to a local soup kitchen, and he also has to get assistance from a food bank. These price increases to Mr. Ohanian will be very difficult. He received assistance last year with respect to LIHEAP funding, but that assistance will be relatively less this year because of rising prices and maybe because the demand will be much more.

Last month, the Social Security Administration announced that cost-of-living adjustments for 2006 on average is about \$65. That \$65 increase to Mr. Ohanian is not going to take up the slack in terms of these tremendous fuel prices.

Now, this amendment would increase LIHEAP funding by \$2.92 billion. In fact, even if we did this, there would still be a significant number of Americans who qualify for the program but will not get help. But at least we are taking a step toward fully authorizing this very important program.

I hope we can, in fact, support this effort. Some have objected not because the LIHEAP program does need money but because there was no offset. Today there is an offset. This windfall profits tax will pay for the additional cost of LIHEAP, and I can't think of anything more appropriate than asking fuel companies, oil companies to take some of their very extraordinary profits and put them back so that poor people can buy their products. I think that is fair. I think it is just. I think it makes a lot of sense.

I asked them voluntarily, sent a letter to all the oil executives saying: Would you pledge 10 percent of your profits to the local community agencies that provide support? I have heard but from one company, CITGO, who talked about their plan to give bulk fuel. Everyone else has said nothing. They are going on as if American families are not in desperate situations because of the price of heating oil.

Mr. President, I hope my colleagues, in fact, are able to support this method which fully pays for the increase to LIHEAP which so many of us agree is absolutely necessary.

I yield back the Senator from Montana any time I have.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, if my colleague will yield a second, I ask unanimous consent that after the Coburn amendment is debated or set aside, Senator SANTORUM be recognized to speak for 15 minutes, Mr. BYRD be recognized to speak for 30 minutes, and Senator FEINGOLD be recognized to offer his amendment on pay-go with 30 minutes of debate equally divided.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, may I ask—the understanding at this moment is Senator DORGAN and myself are recognized for how much time?

The PRESIDING OFFICER. Fifteen minutes on each side—15 minutes for the Senators from Connecticut and North Dakota and 15 minutes on the other side.

Mr. DODD. Mr. President, let me thank, again, my colleague from North Dakota for offering this amendment. I am pleased to be the lead cosponsor of it.

This was brought up a number of weeks ago. This isn't something the Senator from North Dakota conjured up in the last several days. It is one he suggested back a number of weeks ago when the first skyrocketing prices occurred and the information emerged about these incredible, historic profits.

Just to put it in perspective in these few minutes, we have remaining before we vote on this amendment, in the space of 12 weeks—12 weeks—the five largest integrated oil companies secured profits approaching \$33 billion.

Now, again, let me state the obvious, or hopefully what is the obvious. The Senator from North Dakota and I have no difficulty whatsoever with the idea that businesses, including energy companies, make a legitimate and decent profit because of their investments and their work. But from time to time we have seen in our Nation's history profiteering where excessive profits are made at the expense of what needs to be done for the good of the country. In this case, to develop additional energy resources.

What we are suggesting with this amendment is that with windfall profits that exceed \$40 a barrel, we offer the integrated companies an alternative. One: take the windfall profits and invest them back in the development of existing or alternative energy sources; or two: give rebates to consumers in this country who are paying these incredibly higher prices in gasoline and home heating oil. Don't just go out and buy your own stock or engage in merger acquisitions at a time when we need to be less dependent on politically fragile parts of the world such as we are today.

We know over and over again, that the companies are bragging in their own annual reports about record profits. In 2004, one major oil company, in



its annual report, stated that it had recorded 48 percent higher profits because of the higher prices of oil and gasoline. And at the same time they announced to the world in that annual report that they actually reduced their production by 3 percent. We know that refining capacity is near 100 percent. We also know that many of these same integrated companies virtually eliminated 176 refineries in the last 25 years. It is not because of environmental problems or people objecting to existing refineries. They decided themselves to reduce their refining capacity.

Again, you don't need to have a Ph.D. in economics to understand a company is profiteering to such a degree that it hurts our country. We ought to be doing a better job than that.

With this amendment, we are asking this industry to either reinvest these excessive profits into increasing the availability of supply in our country or provide the rebates for individuals who could use the help. It is not just taking the money and putting it in the general fund and saying, We will decide what to do with it later.

I heard my colleague from Rhode Island making an impassioned plea for the LIHEAP program, and I agree with him. I have watched him offer this amendment on several occasions over the last few years. This body has seen fit to turn down those amendments over and over. So we are not going to get much help there.

The suggestion is, why not ask this industry that is recording nearly \$33 billion of profits in 12 weeks to do a little something to help the folks in Connecticut, Minnesota, or North Dakota who are going to be paying very high home heating prices. In fact, in my State, the estimated cost in that area alone would be about \$325 more this year per household, not to mention, the continued high gasoline prices. While gasoline prices are coming down somewhat, they are still about 32 cents higher than last year.

Again, I think the industry owes it. We saw during another time in our Nation's history, World War II, that another Senator in this body, Harry Truman, demanded a stop to the profiteering that was occurring in this country.

We are not denying anybody a right to make a legitimate profit, but when those profits put our Nation at risk, when they cause people who deserve better to pay exorbitant prices to stay warm and to use the automobiles they need, then we ought to be standing up as a collective body saying: You have to stop that. There is no justification for it. Remember, these prices began to climb before August 29. It wasn't Katrina. These prices began to climb during the spring and summer months. Katrina has caused some problems, no question about it, but to use Katrina as the excuse for these skyrocketing prices is not based on fact at all. We are urging our colleagues to join us in this effort. This would be a major

source of relief for people across the country. Alternatively, the industry could do the right thing and invest those windfall profits in new energy sources and refineries instead of merging and buying back their own stock. Half of the profits last year were spent on buying back stock, not in new exploration. The amendment serves as an incentive. That is what the Dorgan amendment does.

I am pleased to be a cosponsor of the amendment. We urge our colleagues to support it.

I yield to my colleague.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. DORGAN. Mr. President, first, I thank my colleague from Connecticut for his support on this amendment.

I want to spend a little time responding to some of the opponents who have completely mischaracterized the amendment, which is everyone's right on the floor of the Senate. It is important for everyone to hear the facts.

We did hear last evening a colleague say he was sick of populism, just sick of populism. When the little guy gets hurt, and the little guy is getting rich at the same time, populism means you stand up for the little guy. And I would say, get used to it. If you are sick of it, get used to it, because this Senate floor is where you stand for people who don't have the capability to stand for themselves.

In this case, what is happening in our country is unfair, just unfair. The oil giants, larger because of mergers, are recording record profits, the highest in the history. Here are what the profits look like, unbelievable profits, the highest in the history of corporate America, and the consumers experience all the pain. They wonder, as they see the headlines, "Big Oil's Burden of Too Much Cash," "High Energy Prices Lift Profits at ConocoPhillips by 89 Percent." I could go on and on. ExxonMobil, \$9.9 billion in the third quarter. I could go on.

The consumers wonder, as they fill their tanks, about these headlines. They wonder about these headlines as they try to heat their home this winter and pay 40, 50, 60 percent more to do it. They wonder out on the farm someplace about these headlines when they try to figure out, How am I going to be able to buy a tank of fuel?

This proposal is very simple. This proposal says that for oil over \$40 a barrel price, we would impose a windfall profits tax, except that no company would pay it if all their profits are being invested into the ground to search for more energy or above ground to build more refineries. If that is what they are doing with profits, this doesn't affect them. They don't have to worry.

We have had all kinds of folks coming out to the floor with talking points. If I was the oil industry, I wouldn't like what we are doing either.

I understand that. It is perfectly logic. The talking points say if this amendment is passed, we are going to see less production of oil and gas. That is total rubbish, complete nonsense. In fact, the most significant incentive for the increased production of oil and gas in this country would be the prospect of having to pay a 50-percent excise tax on profits if you don't use them for that purpose.

We say: If you do use them to expand supply of energy and therefore reduce price, you are exempt. Don't worry about this. Let me show what BusinessWeek says:

Why Isn't Big Oil Drilling More? Rather than developing new fields, oil giants have preferred to buy rivals—drilling for oil on Wall Street.

If you are buying back stock, drilling for oil on Wall Street, or if you are not using the money to expand the supply of energy, then you risk being hit with a windfall profits tax, the entire purpose of which would be to provide rebates to consumers, not to bring money into the Federal Treasury, but instead to provide a recapture and provide rebates to consumers. It is painfully simple.

Again, I say, as my colleague from Connecticut has, I think profits are fine. It is what makes our businesses work. But these are profits the likes of which we have never seen. Last year, the average price of oil was \$40 a barrel, and the industry had the highest profits in history. This is unfair in this country, and we need to do something about it.

I have quoted before Bob Wills and the Texas Playboys, but what he said in that song in the thirties certainly does apply to this:

The little bee sucks the blossom, but the big bee gets the honey.

The little guy picks the cotton and the big guy gets the money.

And so it goes. At this point, using energy is not a luxury. Using energy for every American is a necessity. The question is, should the oil giants, made larger by blockbuster mergers, be showing record profits and then using the money to drill for oil on Wall Street, hoard cash or buy back their stock at the same time average Americans are trying to figure out how on Earth do I pay this fuel bill? Our amendment tries to solve that.

How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. DORGAN. I reserve my time. If there are speakers on the other side, I prefer they use their time.

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

Mr. THOMAS. Mr. President, we are back on the amendment again. This morning we went through this, but I think it is worthwhile going through it again to talk about the difficulty of trying to do something with a windfall profits tax.

We have done this before, and I know my colleagues put some exemptions in



there. The fact is, they are still taking windfall profits, something we tried before and doesn't work. Distribution doesn't work. We have been through that. This is something that is not consistent with the marketplace functioning. I don't know how many times we have to go through this, but I suppose it is an issue that is certainly worth talking about.

I think, as I said this morning, there are several issues involved in this bill. One of them is the economy, and the economy is to develop jobs, to have organizations that make profits that create jobs and build the economy, and we need to do that.

The second issue, of course, and the most important perhaps for many of us, is energy—to have energy. We can see the energy bills are going down. We are moving beyond that crisis, down to where it was before. But the long-term issue still remains, and that is the one that is important to talk about. That is why we spent 2 or 3 years with an energy policy, a policy that recognizes that what we have been doing in the past, the kinds of sources we have had in the past are not going to always be there. We have to have an opportunity to move forward.

This idea of saying, We will not charge you if you go ahead and invest—there is going to be investment. There has always been investment. I come from a State where energy is being put out there. A lot of you don't. You don't understand what it costs to do some of these things. It is going to cost even more as we go to deeper wells, as we go to oil shale, as we go to secondary recovery. But the idea that is being used by my friend over here is that the energy companies are making too much money.

Take a look at this chart. This chart shows earnings of major industries during the second quarter of 2005. And then it is adjusted to the third quarter of 2005, where we are now. Take a little look here. What is the highest one? Banks. Maybe we ought to have a little windfall profits tax on banks, do you think, and put that money out? Why don't you try that one. Here is pharmaceuticals. My gosh, 18-percent return. That would be great. Then you can hand out a bunch of free drugs. I think that would work into your philosophy. Software services, semiconductors, diversified financials, household personal products, consumer services, insurance, communications, food and beverage, real estate, health care, materials, U.S. industry average, 7.9. Oh, my goodness, here is oil and natural gas, 7.6, below the national average. And this whole thing is predicated on these people making too much money. I don't understand that. That has been adjusted. Now they are right above that, 8. Look where they are. What is unusual about that?

These are big dollars, that is true, but the return on investment is not extraordinary. There has been more activity there, so obviously there are more dollars.

I wish my colleagues would come with me and talk about what we anticipate happening, what we are going to do about changing some of the energy that is going into other kinds of products so that we can have it for the future. Do you think that is going to cost a lot of money? Of course it is. Do you think they want to have to justify what their investment is with the Federal Government? I don't think so.

If there is anything around here we need to be doing, it is getting the Federal Government out of some of these kinds of private sector investments instead of getting into it more and more.

What the Senator is suggesting is, if I am an energy company, I have to go to an agency and find out whether what I am doing justifies me not having a withholding tax. Those are not the kinds of things we need to do.

We continue to hear more and more about let's get the Federal Government involved in making these kinds of decisions. These aren't the kind of decisions that need to be made. That is the marketplace, and that is what the marketplace is about. We can see it changing almost daily, and it should, there is no question about that.

Again, this whole discussion that has gone on today and yesterday makes me wonder why we messed around trying to get an energy policy that gives us some direction in the future, that gives us some idea of how we should be investing in the future, with new kinds of energy and doing it without getting the approval of a Federal Government agency or somebody in the Congress to decide whether that investment is a sound investment. That is what the marketplace is for. We are making real progress in doing that.

I think this idea—and I know the idea is basically how we are going to get some money out to everyone, which is not a brand-new idea. My friends on the other side are big on that one, and I understand it, but this is not the way to do that. This is not the way to take windfall profits, and if so, let's start up here at the top of the chart. Let's start up here. If we are going to play that game, why, that is probably the way we ought to go.

I will stop here and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 2 minutes. That was about as good a presentation supporting windfall profits as could be made. These charts of an 89-percent increase, the highest profits in the history of corporations, and so on, it is a pretty hard case to make on the floor of the Senate that these profits don't exist or this industry somehow isn't very profitable.

My colleague talks about the long run. The problem is you don't heat your home in the long run, you heat your home tonight. And if you are stuck with a 50-percent increase to heat your home tonight, you don't

worry about the long run; you have to figure out how you do it now.

My constituents and his, when they order a load of fuel to be delivered to their farm and ranch, they are not going to pay for that in the long run; they are going to pay for it now.

My point is this: This notion of the marketplace functioning—I would love to have a debate about the marketplace. This is so far from the free marketplace, it is unbelievable. There is no free market here. You have OPEC ministers sitting around a table deciding supply and price. There are the biggest oil companies, much bigger because of mergers, that have more raw muscle in the marketplace, and then there are the futures markets which, instead of providing liquidity, have become grand casinos of speculation. Now we call it the marketplace. Too bad for the consumers.

Somebody ought to probably stand on the side of the consumers—that is the point of all of this—to say that this is not fair. This marketplace does not work for everybody. It works to provide the biggest profits in history for the oil companies.

My colleague says: Well, they are just doing a really good job. Yes, they are. BusinessWeek itself says what they are doing is drilling for oil on Wall Street, not drilling for oil underground.

Our point is simple: No major oil companies will pay this windfall profits tax if they are doing the right thing. And if they are not, we will recapture it and send rebates to consumers. If my colleagues are against that, vote against the amendment, and I understand it.

I reserve our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, I will just pick up and then let my friend from Wyoming conclude this debate. Again, I commend him on trying to make as strong a case as he could.

There is a fundamental difference here. We are talking about not just any other commodity or service; we are talking about things that are essential for people to survive. We are about to enter the winter season. We have been feeling it in the Nation's Capitol the last 24 hours; the temperature has dropped to 40 degrees. I suspect our Indian summer is over. Across the northern tier States and western States alike, people on fixed incomes do not have any choice on whether to heat their homes and take care of their families. So unlike other sectors of the economy where there are some choices involved, when it comes to this commodity, oil, America depends upon it for people to remain safe, healthy, and sound.

Many people across the country, certainly in western States more than eastern states, have no other alternative in terms of how they get to their jobs or their schools or those

places they must be. It is the automobile. That is what they have to rely on. Mass transit systems do not exist everywhere. So this is not just some random commodity or service we are talking about. That is the first point.

No. 2, the point was made earlier by my colleague from North Dakota, that we are talking about the large, integrated oil companies. I showed the list yesterday. We now talk about ExxonMobil; it used to be Exxon and Mobil. It used to be Conoco and Phillips; now it is ConocoPhillips. At some point we may have one or two companies left. When OPEC sits down, that is hardly free enterprise or a free market system. These prices are being established by a handful of people basically deciding what we will pay as consumers.

One tries to find some economic justification for it and some people are saying it was Katrina. Again, I admit Katrina has caused disruption, but these prices moved long before Katrina occurred. There is no economic justification that I can find. In fact, the industry itself admits that they showed record profits while they reduced production.

Their own annual reports indicate what they are doing with the profits. They are out there buying back their own stock. They are engaging in mergers.

We are saying, Look, you owe some responsibility to increase production or help us develop some alternatives. We just gave you massive tax breaks in the Energy bill. Alternatively, provide some relief to the businesses, the farmers, the consumers who are going to be paying these higher prices. This provides an alternative, an incentive. We provided an incentive with the Energy bill by providing tax breaks for the industry. They get the tax break if they will do certain things.

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

Mr. DODD. We urge the adoption of this amendment. These are essential needs. There is no choice for consumers today. This is a proper role for Government, to go in and demand this kind of accountability.

We yield back the remainder of the time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Do I have some time remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 46 seconds remaining.

Mr. THOMAS. Mr. President, it is interesting, the proper role for Government—I guess that is a choice we make. Certainly we have a different point of view about the role of Government, not only on this but on many things.

We talk about how important oil and gas is. It certainly is important. What about food and beverage—is this important? No, that is just something that we play with. What about insurance—is

that important? Of course, all of these things are important. Somehow we want to pick out one commodity and do something with it. We keep talking about these profits. Again, let me say that the profits in these companies are not as equal as these. So the idea that they are overly profitable—they are not.

I am not sure that the Senator is familiar with the costs of energy production. We are talking now about doing offshore things. It costs millions of dollars to drill a well. These are not small-dollar kinds of things.

Again, I say one should not have to subject themselves to the oversight of a Government agency to decide whether they can use the money they earn to invest in their own business. That just does not make much sense.

We talk about reducing the costs. Well, everybody wants to reduce the costs. Take a look at the gas pump over the last 6 months. It has been reduced from about \$3 a gallon to now below \$2, so we are making some progress.

He talks about OPEC setting the price. Why do my colleagues think that is? Because we are so dependent on importing energy. Our job ought to be to allow ourselves to have these investments in domestic energy, alternative energy, and do some things to avoid what has been done there.

So I understand my friends over there who have a different point of view, but it is quite a different point of view. It is quite a different point of view than we have had in this bill. It is quite a different point of view than we have had in the Energy bill. It is quite a different point of view in the ideas we have had to create a stronger economy and more jobs. So I certainly urge people to vote against this amendment.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise today in opposition to Senator DORGAN's windfall profits tax amendment. This amendment seeks to punish oil companies with a punitive tax on profits when oil prices go above \$40 per barrel. This amendment is shortsighted and extremely bad fiscal policy.

First, this bill already includes a \$4.923 billion tax penalty on large integrated oil companies. The Dorgan amendment would simply add on to the penalty currently in this bill. The belief persists that the oil companies' profits are "extreme" or "excessive." However, this belief is unfounded. Yes, most oil companies did have record-setting profits during the 3rd quarter. But history has clearly shown that the oil industry is "boom or bust." One needs look no further than my home State of Kansas. During the 1970s and 1980s, the economy in Kansas was tied directly to the oil and natural gas industry. As their profits spiked or fell, our economy would do the same. I say this to prove that I have firsthand knowledge of how volatile the oil industry is. We need not tax a single industry simply because it had a good

quarter. Even a record-setting quarter is not reason to add a windfall tax. This is bad policy and sets a negative precedent. This clearly puts a disincentive in the marketplace for American companies, in all sectors of our economy, to not perform their best. This is not the signal we want to be sending in a competitive, global economy.

Building upon the fact that the oil industry has many fluctuations, a windfall tax on profits would reduce needed private investments in energy infrastructure. If the industry is not allowed to benefit during periods of high prices because of a tax on profits, there will be precious little incentive to invest in domestic production. These investments lead to more production, which in turn lead to lower prices. A windfall profit tax would disrupt the normal cyclical movement of the energy industry.

Finally, a windfall profits tax would harm the numerous individuals who have invested in the energy industry through pension plans and mutual funds because this new tax would reduce capital gains and dividends payments.

Mr. President, I believe it is clear this amendment would do much more harm than good. It is shortsighted, market distorting, and sets a bad precedent for every industry in our economy.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is out of time.

Mr. DODD. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Dorgan amendment is not germane to the underlying legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 35, nays 64, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—35

Akaka	Biden	Byrd
Bayh	Boxer	Clinton

Conrad	Johnson	Nelson (FL)
Dayton	Kennedy	Obama
Dodd	Kerry	Reed
Dorgan	Kohl	Reid
Durbin	Lautenberg	Rockefeller
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Harkin	Lieberman	Stabenow
Inouye	Mikulski	Wyden
Jeffords	Murray	

## NAYS—64

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

## NOT VOTING—1

Corzine

The PRESIDING OFFICER (Mr. CORNYN). On this vote, the yeas are 35, the nays are 64.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

## AMENDMENT NO. 2609

The PRESIDING OFFICER. There are now 2 minutes equally divided in relation to the Feinstein amendment No. 2609.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I present this amendment on behalf of Senators SUNUNU, GREGG, WYDEN, CANTWELL, FEINGOLD, BURR, MCCAIN, KERRY, COLLINS, CLINTON, SCHUMER, SNOWE, and myself.

In April of this year, the President of the United States stated this:

With oil at more than \$50 a barrel, energy companies do not need taxpayer-funded incentives to explore for oil and gas.

Before a joint Senate hearing last week, the big companies—ExxonMobil, Chevron, ConocoPhillips, BP, and Shell—said they do not need these tax incentives. Each CEO said they did not need it.

This amendment removes those tax incentives. I think the time has come to do that.

Mr. FEINGOLD. Mr. President, I offer my strong support for Senator FEINSTEIN's amendment to change section 263(C) of the Tax Code, and I thank her for her work on it. The provision that her amendment targets allows large, integrated oil companies to expense, instead of capitalize, intangible drilling and development costs, such as fuel costs, workers' wages, and drilling equipment. This is a complicated way of saying that U.S. taxpayer dollars have been subsidizing the regular costs

of integrated oil companies doing business, something that doesn't make sense.

Repealing this provision of the Tax Code could result in upwards of \$2 billion more dollars in the Treasury over the next 5 years. Two billion dollars instead of simply transferring this significant amount of money to companies we all know are currently experiencing record profits, these funds could support a variety of important programs or could be used to reduce our skyrocketing deficit so that our children don't inherit our fiscal mess. Integrated oil companies are some of the largest corporations in the world—they simply don't need this tax break.

This amendment makes common sense and I encourage my colleagues to vote in favor of it.

Mr. GRASSLEY. Mr. President, I yield 1 minute to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, the Senator is offering an amendment which purports to respond to what some executives had to say about whether they needed or wanted the tax provisions in the Tax Policy Act we passed. These provisions—the principal ones—are 50 years old. They are not part of the energy package. They have been there for 50 years, upon which the energy companies rely when they drill expensive holes and invest expensive amounts. It has to do with the amortization of costs. Some of it is intangible, meaning it is not a product because part of the cost is intangible. Part of the cost that goes into producing these is seismic information and the like. That is why it is called that. But these were not adopted in the energy package. They have been part of the production of energy in the United States for eons. We want more production, and we come along and take those away.

It seems to me this is the wrong time, and it is not germane.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Feinstein amendment is not germane to the underlying bill.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and 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.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 332 Leg.]

## YEAS—48

Akaka	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Boxer	Gregg	Obama
Burr	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Coleman	Kohl	Snowe
Collins	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeMint	Lieberman	Sununu
DeWine	Lincoln	Talent
Dodd	McCain	Wyden

## NAYS—51

Alexander	Dole	Lugar
Allard	Domenici	Martinez
Allen	Dorgan	McConnell
Baucus	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bingaman	Frist	Roberts
Bond	Graham	Salazar
Brownback	Grassley	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Stevens
Cochran	Isakson	Thomas
Conrad	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Levin	Voinovich
Crapo	Lott	Warner

## NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this question, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

## AMENDMENT NO. 2610

There are now 2 minutes equally divided prior to a vote on the Feinstein amendment No. 2610.

Mrs. FEINSTEIN. Mr. President, we have all seen the HHS bill go down in the Senate. There is a message in this. That is that the people of America are only going to accept so many cuts in health care, in Medicaid, in Medicare, in transportation, and other vital areas.

This amendment directly targets our budget deficit. If the budget is not in balance, tax rates for income, capital gains, and dividends will return to previous levels and deductions for taxpayers earning more than an adjusted gross income of \$1 million a year.

According to the Joint Committee on Taxation and the Tax Policy Center, this amendment could increase revenues by more than \$100 billion over 5 years. It is a strong step, a first step in helping the budget deficit and also saying to people in this country that millionaires are prepared to forego tax cuts to benefit the very poor of our country.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I am against the Feinstein amendment. It is a typical Democratic response to a budget: Raise taxes. They happen to think that Americans are crying, "We are

undertaxed." I don't hear that from my constituents. I bet they don't hear it in California either.

If those taxpayers she is talking about were only coupon-clipping, Park Avenue millionaires or somebody from Rodeo Drive, a resident of Beverly Hills, I would not be concerned. But we are talking about taxing small business people 80 percent by the Treasury Department. The people that fall into this category whom she wants to tax are the small business people that create 70 to 80 percent of the jobs in America. There is no reason, when we finally have the individual tax rate at 35, the same as the corporate tax rate, to treat small business the same as we treat corporations—not have a bias in the tax bill. We shouldn't go back to that bias.

The PRESIDING OFFICER. All time has expired.

Mr. GRASSLEY. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator is recognized to state his point of order.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Feinstein amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections for the purposes of the pending amendment, and 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.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announced that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 333 Leg.]

#### YEAS—40

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

#### NAYS—59

Alexander	Burns	Craig
Allard	Burr	Crapo
Allen	Cantwell	DeMint
Baucus	Chambliss	DeWine
Bennett	Coburn	Dole
Bingaman	Cochran	Domenici
Bond	Coleman	Ensign
Brownback	Collins	Enzi
Bunning	Cornyn	Frist

Graham	Lugar	Snowe
Grassley	Martinez	Specter
Gregg	McCain	Stevens
Hagel	McConnell	Sununu
Hatch	Murkowski	Talent
Hutchison	Nelson (NE)	Thomas
Inhofe	Roberts	Thune
Isakson	Santorum	Vitter
Kyl	Sessions	Voinovich
Landrieu	Shelby	Warner
Lott	Smith	

#### NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

#### AMENDMENT NO. 2612

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote in relation to the Cantwell amendment No. 2612.

Who seeks recognition?

The Senator from Washington.

Ms. CANTWELL. My amendment makes price gouging a Federal crime. It does two things. It implements what is in 28 different States the law to make sure consumers are protected from price gouging, and it gives the FTC, the Department of Justice, and State attorneys general the ability to look at market manipulation as a Federal crime when energy markets are manipulated. I urge my colleagues to support, at a time when we are going home to high heating oil prices, something that will protect consumers by giving new tools to the Federal statute.

Mr. KOHL. Mr. President, I rise today in support of the Cantwell anti-price gouging amendment to S. 2020, the tax reconciliation bill. This amendment is identical to Senator CANTWELL's Energy Emergency Consumer Protection Act of 2005, a bill that I co-sponsored with 29 colleagues. This amendment will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products.

We have all seen the suffering caused to consumers when gas prices spike in the wake of disruptions in supply caused by natural disasters. While gas prices have come down from their record levels of over \$ 3.00 per gallon in many places in the last few weeks, they are still too high. And the experience of this past September teaches us that the danger to consumers resulting from tight supplies and high demand remains acute. We cannot allow consumers to remain vulnerable to price gouging and market manipulation the next time our essential energy supplies face disruption.

Recent experience shows us beyond doubt the need for this amendment. Allegations of price gouging and drastic price spikes were unfortunately com-

monplace in the immediate days following the Hurricane Katrina disaster—including, for example, gas being sold at \$6.00 per gallon in the Atlanta area. It appeared that the human suffering caused by loss of life, housing, and employment, was compounded by some unscrupulous individuals and businesses who took advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government had virtually no ability to prosecute such price gouging. This amendment will correct this critical deficiency.

This amendment contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the amendment, for the first time, declares illegal under Federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to \$3,000,000 per day and criminal penalties, including jail terms of up to 5 years for individuals, as well. The amendment also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constitution market manipulation. Additionally, our amendment gives States attorneys general the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those would seek to profit from disasters such as Hurricane Katrina by price gouging consumers in the price of gasoline or other essential energy supplies. Our amendment will protect consumers—both those who were the victims of Hurricane Katrina and those who may be victimized in the future—who suffer every day at the gas pumps from the real and growing economic pain caused by high gas and energy prices. As ranking member on the Senate Antitrust Subcommittee, I believe that this measure is necessary to prevent unscrupulous companies from ever again using a natural or manmade disaster to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Cantwell amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the committee held a hearing on this and some of the items we are pursuing,

some of the concepts, might be involved with this amendment. But this is not germane to this bill, nor the place for the Senate to consider this action. The FTC may need some jurisdiction here, but the jurisdiction that would follow with the Cantwell amendment is much too broad. Twenty-seven States have this authority now. The question is whether we should at some time give the FTC jurisdiction over multiple State problems. This is no way to go about it. It is not germane to the bill. I raise a point of order that the amendment is not germane to the underlying bill.

Ms. CANTWELL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for consideration of the pending amendment, and 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. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 334 Leg.]

#### YEAS—57

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

#### NAYS—42

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

#### NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I propose that we reach a time agreement on this next pending amendment, which is the Coburn amendment. I ask unanimous consent that the time on the Coburn amendment be limited to 1 hour equally divided.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, Mr. President, I probably don't have a problem with that. I do not want to make a time agreement—

Mr. BAUCUS. Mr. President, the Senate is not in order. I have a hard time hearing the Senator.

Mr. COBURN. It is my hope that we could finish this in 1 hour, and I will do everything I can to do that. I do not want to limit my ability to answer questions in this case. The Senator has my word that I will limit the amount of debate so that we can try to finish in an hour. But I would object to limiting it formally, and I will do everything I can to finish it in an hour.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I hear the Senator from Oklahoma, with all due respect. I wonder if we could agree to maybe 1½ hours.

Mr. COBURN. I have no objection to that whatsoever.

Mr. BAUCUS. With the understanding that perhaps an hour and a half may not all be used.

Mr. COBURN. I have no objection.

Mr. BAUCUS. I renew my request for 1½ hours equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Mississippi.

#### AMENDMENT NO. 2633

Mr. LOTT. Mr. President, I call up amendment No. 2633 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2633.

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

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

The amendment is as follows:

(Purpose: To clarify treatment of outside income and expenses in the Senate)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ CLARIFICATION OF TREATMENT OF OUTSIDE INCOME AND EXPENSES IN THE SENATE.

(a) IN GENERAL.—For purposes of rule XXXVI and paragraph 5(b)(3) of rule XXXVII of the Standing Rules of the Senate, compensation or outside earned income for any calendar year shall be reduced by actual and necessary expenses incurred by a Member of the Senate in connection with the practice of medicine. A Member of the Senate shall include information with respect to such expenses with any report in which such com-

pensation or income is required to be included.

(b) PAYMENT OR REIMBURSEMENT.—If expenses described in subsection (a) are—

(1) paid or reimbursed by another person, the amount of any such payment shall not be counted as compensation or outside earned income; and

(2) not paid or reimbursed, the amount of compensation or outside earned income shall be determined by subtracting the actual and necessary expenses incurred by the Member from any payment received for the activity.

Mr. LOTT. Mr. President, this is the amendment dealing with the resolution of the Senator from Oklahoma, and I just want to clarify that because it will be referred to as the Coburn amendment. I want to make sure everybody understands that is what we are talking about.

Before I get into my remarks, I would like to yield, as a convenience to him, the first 2 minutes to Senator HATCH, or for additional time if he needs it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague.

Mr. President, I rise in support of the amendment offered by our colleagues from Mississippi and Oklahoma, the Coburn amendment.

First of all, let me say I am sorry this amendment is even necessary.

It is obvious to everybody that Dr. COBURN, Senator COBURN, is an intelligent and dedicated medical doctor whose respect and love for helping people is legendary.

It is equally obvious that Dr. COBURN is an accomplished legislator whose contributions to the work of this body are important. No one can raise an issue about Dr. COBURN's work ethic, his loyalty to the Senate, to Oklahoma, or his constituents, and I say this as someone who has agreed with him on many occasions and as someone who has clashed swords with him on occasions.

There is no question in my mind the Government in general and the Senate in particular benefit from informed legislators. To preclude, Dr. COBURN—a recognized medical expert—from practicing medicine without any profit motive whatsoever is nonsensical.

There are a lot of people who depend on him and need his services; at the same time, he needs to keep up his clinical skills so that he can continue to practice medicine whenever he decides to leave the Senate. And he will not be able to maintain his surgical skills or his hospital privileges if he doesn't have this privilege.

In fact, it is a simple precept of government life that policymakers should develop some expertise in the issues they are deliberating.

To compare him to attorneys—who very often have a profit motive—is the wrong comparison, I think.

We all know Dr. COBURN to be a fine man who has a great deal of affection for his patients. I believe he deserves

the opportunity to continue to help his patients, continue his medical privileges, and be able to pay for any liability insurance that he may need. He will not make a penny from his efforts, but he will be able to up his skills, which I think is a benefit on all levels.

What better way for a doctor to develop that expertise than to continue the practice of medicine, helping real, live people with real, live problems in the real-world hospital or clinic setting?

I happen to know a little about this, even though I am a lawyer by training.

As my colleagues are aware, I have taken a great interest in health issues since coming to the Congress.

It has been my practice to solicit actively medical professionals to help advise me on health legislative matters.

I have been fortunate, for many years, to have been aided in my working representing Utahns, by the assistance of very capable Robert Wood Johnson Foundation health policy fellows.

These fellows, doctors, nurses, dentists, and health professionals, work each year in congressional offices on both sides of the aisle, and I think all of my colleagues who are fortunate enough to work with RWJ Fellows feel their work as been enriched by the presence of these very capable men and women.

I think back on those who have worked in my office, and I am so proud of what we accomplished together—David Sundwall, M.D., now the head of the Utah Health Department, Phil Marion, M.D., Michael Ashburn, M.D., Larry Kerr, PhD, Marlon Priest, M.D., David Russell, DDS, Mark Carlson, M.D., Kira Bacal, M.D.—they are all superstars.

Several years ago, before my current health policy director, Pattie DeLoatche, joined my staff, I talked to a previous fellow, Dr. Priest, about joining us in the Senate.

I hoped to woo him away from the University of Alabama.

Marlon had been an outstanding addition to my office, as an astute emergency room physician who thrived on the give and take of the Senate. His work on many issues, particularly anti-tobacco efforts and radiation compensation, stands out.

Marlon would have been a fantastic Hill staffer. And we would have benefited greatly by his presence.

But, you know what? He said to me, "Senator, as attractive as this offer is, I am almost 50 years old. If I come to the Senate, I can't practice medicine. I will lose my license. And when you leave office, I will no longer have a medical career. I just can't take that chance."

That was our loss.

Similarly, it is our loss if Dr. COBURN cannot practice medicine while he is a Senator. It is the loss of this body, which can benefit so much by his expertise, and it is the loss of Oklahoma, the Nation, and indeed the world, if he cannot practice medicine.

Some have suggested, in error I believe, that medical doctors should be treated no differently than other professions, such as lawyers.

There is a big difference between those two professions.

I can serve here as a lawyer, and I do not lose my license.

That is not true for a doctor.

With all due respect to my colleagues on the Ethics Committee, and their staff, the ruling by the Ethics Committee is a bureaucratic response to a non-problem.

Dr. COBURN is not asking to make a profit here.

He has sworn to the committee and to this body that a reasonable reinterpretation of the Senate rules should allow him to practice medicine on a not-for-profit basis.

There is no conflict there.

But even more, I find it so commendable that Dr. COBURN has pledged to his constituents that he will be a citizen legislator, a central part of his Senate campaign.

If Dr. COBURN wants to honor and restore the long-standing tradition in this body of serving as citizen legislators, then so be it. More power to him.

And as I noted in the case of my former staffer, a doctor cannot become a Senate employee and retain his or her licensure.

So as a consequence, for all practical purposes, dedicated medical professionals, be they Dr. FRIST, Dr. COBURN, Dr. PRIEST, or any other doctor, dentist, nurse or other health care worker, cannot give their expertise to the Senate on any extended basis.

What we are asking for here is not a conflict of interest by any means.

There would be no profit motive, indeed no profit. So what is the conflict?

Indeed, as Dr. COBURN has noted, no pregnant woman will choose him hoping to sway his vote.

I think it is also safe to conclude with Dr. COBURN's notation that no PhRMA representatives will line up for a physical at the Oklahoma Senator's office.

Mr. President, I think that any objective analysis of the facts would yield one conclusion: the Senate and the American people benefit by having doctors serve here.

We should be turning cartwheels that we have such talented individuals as Dr. FRIST and Dr. COBURN who want to share their expertise with the Senate and our country.

The rules should encourage their working here, not discourage it.

I hope my colleagues will agree.

All I can say is this.

This is a good man.

He is in it for the right reasons.

This amendment will ensure he keeps his medical privileges active.

He is not going to make any profit from it, but he will be able to pay for his medical liability insurance.

Most of all, he will be able to help unfortunate people, patients who believe in him, patients this good doctor

helps so selflessly. I think everybody in the Senate should feel happy they have enabled our colleague to continue a vital, valuable medical practice without any hint of ethical compromise. That is what this amendment is intended to do, and I urge that it be adopted.

I hope our colleagues will give some consideration to this issue and allow this man the privilege of doing this. I will be very disappointed if we don't.

I thank my dear friend from Mississippi for granting me this time.

Mr. LOTT. Mr. President, again, I know we will need to alternate back and forth. As a courtesy to a colleague, I yield 5 minutes to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Mississippi for filing his resolution and for yielding me a few minutes to talk about the merits. I support the resolution. I believe it would enhance the Senate to have Senator COBURN continue his medical practice on a basis where he does not seek a profit, where he covers his expenses, and where he continues to perform very important medical services for many people who are his patients now and who may become his patients.

When the issue arises as to whether it interferes with Senator COBURN's duties and responsibilities in the Senate, I believe I am in a position to answer that question, categorically, based upon what he has done for a year in the Senate, where I have had very close contact with him on the Judiciary Committee.

He is prompt in attendance. We have grave difficulties maintaining a quorum but not because of Senator COBURN. He lends an expertise which is absent. We had hearings today on the asbestos reform bill, and Senator COBURN was cross-examining the medical witnesses in a way that regular Senators, plain Senators, even though they have some experience in questioning witnesses, can't do. I said to Senator COBURN, after the hearing concluded, that he might be in the wrong profession; he ought to be practicing cross-examination. He thought that was related to being a lawyer. He didn't like that suggestion very much, but it was made only in jest.

He knows things as a result of his medical profession that the rest of us do not know. We have a great many professionals in this body but not medical professionals. There is no conflict of interest, as the Senator from Utah, Mr. HATCH, commented about lawyers and a profit motive and there might be some connection between representing clients in matters to come before the Senate. That is not the situation with Senator COBURN.

There is no conflict of interest. In fact, there is a substantial confluence of interest. That may be a new phrase. If I could attract Senator COBURN's attention, I said there is a confluence of



interest with his work as a doctor and with his work as a Senator.

While I agree with the limitations generally, I think they do not apply to Senator/Dr. COBURN's situation. I believe the resolution ought to be adopted.

Again, I thank my colleague from Mississippi. I yield the floor.

Mr. LOTT. Mr. President, I yield myself such time as I may consume so I can get into some of the specifics of the resolution.

The resolution simply provides that a Senator who is a physician can continue to practice in his profession while serving in the Senate. However, there is an important caveat included in this resolution. A Senator who continues to practice medicine may not receive fees and other payments for medical services that exceed the actual and necessary expenses incurred by the Senator in connection with his medical practice. In other words, the Senator cannot make a profit from his practice.

I have discussed this issue with a lot of our colleagues. There are those who are concerned that once we open this door, we will open it more and more and there will be more and more exceptions to the rule. That is not my intent here. That is a debate for another day, and maybe we should have it, in my opinion. This is narrowly crafted legislation that would allow for Senator COBURN to continue his practice.

I think he should have that opportunity. I think it is fair to him, and I think it is needed in his community. In talking with him, it is not that he is an obstetrician/gynecologist, he is a general practitioner. He treats people who come to him for all kinds of problems. We have a need for more, not less, doctors.

Also, there is a unique difference we have to remember. As lawyers, I guess as long as you keep your bar membership up, when we leave here, oh, yes, we are still lawyers because we got a law degree 40 years ago. But as a doctor, if you don't keep up your practice, you can't go back and say, Oh great, I will take care of your gynecological needs or deliver a baby. They need to keep their skills honed.

Some people say he can practice, he just can't have any income to cover his expenses. Based on the Senate salary, he would not be able to pay for the expenses, primarily because of the exorbitant amount of money now that is involved in medical malpractice.

I note that allowing a physician to continue practicing medicine to the extent of covering actual costs is consistent with an approach that was taken by the House of Representatives. I think it is a very critical point. We are going to have more of a disallowance over here than even the House. This matter was worked through a very lengthy process in the House, and they came to the conclusion they needed to have this exception.

Moreover, the definition of compensation contained in the resolution

is identical to the definition used in the U.S. Office of Government Ethics.

The resolution applies only to physicians who practice as sole practitioners and only when the Senate is not in session. So there is not going to be a conflict with his responsibilities. Knowing this Senator from Oklahoma, as we all do already, he would never do that. He wouldn't fly home and start delivering babies when we were having votes.

It also limits it to a sole-practitioner role. The resolution retains the current Senate rule that prohibits a Senator from affiliating with a firm. In addition, the current rule that prohibits a Senator's name from being used by any affiliated firm or company is retained.

Physicians need to continue to practice in order to maintain their skills, as I noted. Because we have not been able to get medical malpractice insurance reform, it costs hundreds of thousands of dollars, in many cases, to stay in practice. We all hear from our doctors about how difficult that is getting to be. I think it is probably even more difficult if you are an OB/GYN to pay the fees that are involved for providing this medical service.

Should a Senator who is a physician have to be recertified to practice when he leaves the Senate because he has been unable to maintain his practice because of Senate rules? I don't believe he should have that additional responsibility. We are putting an additional burden on physicians who would serve in the Senate. We need more diversity here, not less, even though we have had doctors throughout history serve in the Senate. Most of them—in fact, I guess all of them until very recent history—continued to practice medicine. It was never a problem. I am sure the Senator from Oklahoma is going to give us a history of doctors and physicians in the Senate and what they did. I am sure he is going to give us the history of lawyers who continued to practice, great Members of the Congress and Senate who went on to become President.

I think we are setting up a situation that is indefensible. It is not just about this Senator. I want to make the point, too, about why we are doing it this way. I don't want to take away the responsibilities of the Ethics Committee to interpret the rules. I hoped this would be worked out. We have a time problem now. At some point soon, the Senator from Oklahoma is going to have to decide what to do: Is he going to completely shut down his practice or what is he going to do? There are certain limits on how long he has to close out his practice.

I would like the Rules Committee to have acted on this issue, but there is the issue of getting the matter through the Rules Committee and then getting it scheduled for time on the floor. We are doing it this way because it is the only way it could be done. I think the Senator at least deserves to have his case considered.

The current Senate rules do not completely bar outside profit by Senators,

I should note. Many Senators now are writing books, and they are able to keep the royalties. There is an ethics exception, I believe, for teaching classes, and that is earned income. Yet that exception is made. Of course, if you are a Senator and you marry a person with money or if you inherit money, that is fine. But if you have an ability, a talent that you can offer, a service that you can provide, even if you do it not for profit, no, you can't do that.

I am very concerned about what we are doing to ourselves. I practiced law. I looked at staying affiliated with a law firm. I think I could have practiced estate law without running afoul of the ethics rules, but you could not do that.

This is a narrow exception that I think is the fair way to allow this Senator to continue his practice without conflicting with the ethics rules or with his duties. This is a profession we need more of, I repeat.

I hope my colleagues will seriously consider this modest exception to the rules of the Senate. This is a Senator who wants to continue serving the medical needs of his constituents without earning a profit. That is pretty magnanimous, it seems to me. I think we should do this. I think what we are doing to this Senator and the people he serves is wrong. At least he will have a vote, and I hope that maybe sometime later we will consider this whole issue in a broader sense. But for now, we should make this narrow exception, as the House of Representatives did in the past.

I yield the floor, Mr. President.

Do we want to alternate. How much time does the Senator desire? I yield 5 minutes to the Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the Senator. I stand here in two capacities: speaking as a Senator trying to find a compromise that would be good for the institution and as a friend of TOM COBURN.

If I had any doubt about the effect this would have on the institution, I would not rise in support of my friend, because we all know why we are here. We are here to make the country stronger and the Senate better. Having TOM COBURN here as a physician I think makes the country stronger and better.

It is not about him making money. All of us know Senator COBURN and what he does in Oklahoma. He is not practicing medicine to make money. He is practicing medicine to stay in touch with his constituents, to provide a vital service to rural Oklahoma, and to try to pay the bills. He is doing it for all the right reasons.

You can, as Senator LOTT said, have outside income. This is not about outside income. This is about trying to maintain the skills that are very much in demand in Oklahoma and a relationship that I think will be beneficial to the people he serves and the Senate as a whole.

The bottom line is, it worked in the House. They had the same debate in

the House. They had a compromise where Senator COBURN could practice medicine not for a profit but for the privilege of serving his constituents in two ways: as a Representative and a doctor. It worked very well. It was a win-win. It can be a win-win for the Senate. Physicians who served in the Senate in the past have been allowed to practice.

Perception is important. We don't want to do anything in the Senate on our watch that would give a perception that the body is not at its highest level. And reality is important too. I think the reality of allowing Dr. COBURN to continue to practice in the Senate, such as he did in the House, is extremely beneficial to real people who need a good doctor who is competent at delivering medical care and who has a great heart for serving people. Those individuals need the Senate to understand they are affected, and whatever perception problems anybody is worried about, it did not hurt the House at all, and it is not going to hurt the Senate.

The reality is there are people counting on Dr. COBURN, and it would be a shame for them to be denied medical care from a very good man.

From the Senate's point of view, I think it would be good for us to have a commonsense view of what our role in society is, that we are not a body that should be totally disconnected from everyday life. If you can have a Member of the body serving in a very vital capacity that improves everyday life, then we ought to let that happen. It would be a win-win for the Senate, and it would be a win-win for the people of Oklahoma.

I am here to say that TOM COBURN is not only a great Senator, he is a great doctor, and he practices medicine for all the right reasons. Any perception problem should not stand between him and the ability to deliver a vital service. We are not reduced as a body by him taking care of people in Oklahoma. I think we are enhanced.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe I manage the time in opposition on this amendment.

**THE PRESIDING OFFICER.** The Senator has that right.

Mr. BAUCUS. Accordingly, I yield 20 minutes to the chairman of the Ethics Committee, Senator VOINOVICH.

**THE PRESIDING OFFICER.** The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first I would like to say I have a great deal of respect for Senator COBURN. I think he is acting from honorable motives. I would remind Senators that our colleague, Senator FRIST, is a doctor and is not asking for dispensation from the rule. He continues to practice without compensation on occasion.

I have been hopeful that working in a truly bipartisan manner with the Ethics Committee, which I chair, the Rules

Committee, our bipartisan leadership, and Senator COBURN, that we could come to an agreement which would address Senator COBURN's concerns.

While I would like to be able to detail the long history of the Ethics Committee's work to find an accommodation with Senator COBURN to effectively address his concerns, in an effort to maintain the privileged nature of the communications between the committee and the Senator, I must speak only in generalities.

Let me assure my colleagues that we have done everything that the Senate rules will allow us to do to help Senator COBURN in this matter. I can assure you that Senator JOHNSON and I have spent a great deal of time, and the staff of the Ethics Committee as well, trying to accommodate Senator COBURN. Ultimately, we found ourselves in a situation where we were asked to reinterpret what the Senate rules meant or to endorse a change of those rules for Senator COBURN. As I will soon detail, the specific language and legislative history of Senate Rules XXXVI and XXXVII and Federal law prevent us from reinterpreting the rules. With regard to changing the rules themselves, we did not believe the Ethics Committee should be involved in the sole jurisdiction of the Rules Committee.

As my colleagues know, the Rules Committee establishes the rules of the Senate. The Ethics Committee is charged with enforcing those rules. This matter should not be on the Senate floor. It should be before the Rules Committee of the Senate.

Despite these realities and all the work to accommodate Senator COBURN over the past year, here we are considering a sense-of-the-Senate resolution to clarify Senate Rule XXXVII in an effort to put pressure on the Senate Ethics Committee to reinterpret what "compensation" means. Unfortunately, this resolution has not been approved or considered by the Rules Committee. There have been no hearings on this matter in the Rules Committee. Nevertheless, here we are.

First, allow me to lay out the Senate rules which guided the Ethics Committee's determination on the Coburn matter.

Senate Rule XXXVII prohibits Senators from, No. 1, affiliating with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; 2, permitting his or her name to be used by a firm, partnership, association, or corporation which provides professional services for compensation; and 3, practicing a profession for compensation to any extent during regular office hours of the employing Senate office.

The Senate Ethics Manual, the meat the committee provides the Senate for the bones of the Senate's rules, indicates on page 71 that Rule XXXVII "prohibits the paid practice of fiduciary professions," which includes the

medical profession. On page 72, the manual indicates that the rule applies to "payment for professional services." This is important because it goes to the heart of why the committee determined that Senator COBURN's proposal to allow him to receive reimbursement for expense in lieu of compensation should not be approved.

Senator COBURN has publicly stated that the purpose behind his effort today is to allow him to receive reimbursement to cover the medical malpractice costs associated with providing medical care. He believes that in order to maintain his medical skills and licenses and in order to be a "citizen legislator," he should be allowed to receive this compensation.

Again, to be absolutely clear, as chairman of the Ethics Committee, my job is to provide Senators guidance to help them comply with our rules. Our rules clearly state that payment of any kind for any purpose for fiduciary work is prohibited. Rule XXXVII prohibits exactly what Senator COBURN is asking for today.

The Senate looked at this exact specific situation in 1977. Senator Thurmond, with whom a good number of us had the opportunity to serve—and this is 1977—served as cochair with Senator Gaylord Nelson of the Special Committee on Official Conduct. This committee was charged with developing the original Senate Code of Conduct upon which many of our current Senate ethics rules are based. Senator Thurmond said on the Senate floor in 1977:

If [doctors] value their duties and they want to keep up, they can visit hospitals and go out and participate, so long as they do not do it for compensation.

Additionally, the Nelson committee report formed the basis for what is now Rule XXXVI and addresses the possibility of outside earned income. Specifically, the report states:

During its deliberation on this Rule, the Committee was aware of clear and unmistakable practical facts of political life. For example, most Americans regard service in the Senate as a full-time job.

And I can say that was 1977. This is 2005. I can say that I think it is more of a full-time job today than it was back in 1977.

Senators work long hours devoting a substantial amount of not only their own time, but also time that they could be with their families, attending to Senate business on behalf of their constituents.

Consistent with these duties is the notion that since service in the Senate is a full-time job, considerable skepticism is often raised in the minds of the public whenever outside earned income is received by a Senator because of personal services outside regular Senate duties.

Now, this is to be differentiated from other outside income like farming because the personal services or fiduciary relationship is fundamentally different. A Senator engaged in farming is not put in the situation where he or

she would have to choose between tending to their fields or serving a constituent. A doctor, who is in a fiduciary relationship, could face a situation where he had to choose between constituents and providing medical treatment for a patient. Writing a book is not a fiduciary relationship and would not interfere with a Senator's business because he can pick it up and lay it down.

Not only do our own rules and history prevent the arrangement that Senator COBURN is asking for, but Federal law does as well. The Ethics Reform Act of 1989, enshrined as paragraph 5(b) of Rule XXXVII, explicitly prohibits Senators from entering into professional fiduciary relationships. The rule, again based on the Ethics Reform Act, prohibits:

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship.

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity.

(3) receive compensation for practicing a profession which involves a fiduciary relationship.

There may be an argument made to the Senate today that the "compensation" that Rules XXXVI and XXXVII and Ethics Reform Act refer to is profit. We may hear that the resolution we are considering encourages the Ethics Committee to define compensation as money received for costs or that compensation should only apply to for-profit enterprises or that "breaking even" is not compensation. Well, allow me to share some facts for the Senate to consider on what "compensation" means.

Section 61 of the Internal Revenue Code finds that gross income includes "compensation for services including fees, commissions, fringe benefits and similar items."

The U.S. Court of Claims held in 1968 "that the statutory definition of gross income is broad enough to include as compensation any economic or financial benefit from any source, conferred in any form on any employee, unless specifically exempted by statute."

Nowhere in the Internal Revenue Code or in our case law will one find "compensation" defined as "breaking even."

Let me raise some other facts. The Federal Acquisition Regulation defines compensation as "all remuneration paid or accrued for services rendered by the employees to the contractor during the period of the contract performance."

Again, in contracts with the Federal Government, breaking even is not an option.

Finally, allow me to offer one more piece of information for my colleagues to consider when the "actual and necessary expense" argument is made on behalf of this resolution. The Code of Federal Regulations, 5 CFR section 2636.303(b), states:

Outside earned income and compensation both mean wages, salaries, honoraria, commission, professional fees and other forms of compensation for services other than salary benefits and allowances paid by the United States Government.

Again, the idea of defining compensation as profit is not considered in our Federal Code.

Finally, allow me to offer some thoughts on what changing the committee's interpretation of rules XXXVI and XXXVII, the Ethics Reform Act, the Internal Revenue Code, findings of the U.S. Court of Claims, and our Federal Code would mean.

Enforcement of this rule change will be impossible. The Ethics Committee would need to hire a small army of auditors and accountants to effectively evaluate what expenses were actual and necessary as the resolution would allow. These accountants would need to have some specific, specialized knowledge in the medical field to evaluate if the expenses Senator COBURN had were "actual and necessary." Frankly, the committee is not equipped to handle this responsibility. Moreover, I do not believe that the committee should be asked to take this on.

The rule change would inevitably lead to violations. I can hardly envision a scenario in which every procedure Dr. COBURN is involved with is billed exactly at the actual and necessary expenses. While Dr. COBURN does have a degree in accounting, I believe that should he be permitted to practice medicine, his focus should be on his patients, not on his accounts receivable. If his rates were to exceed or fall short of his actual or necessary expenses, he would be in violation and subject to an Ethics Committee violation. No one wants that.

The rule change would lead to other calls for changes from our colleagues that are fraught with even more dangers. Why should we not provide the same arrangement to our two colleagues who are veterinarians? Do they not need to continue their practices to maintain their skills and licenses? Is this not their chosen profession and one that they may want to return to eventually? How long will it be before one of the many excellent lawyers amongst us will ask to practice but only receive actual and necessary expenses? If we decide today to allow a colleague to pursue their profession and receive compensation to cover their expenses, how will the committee say no to other requests like this? This is the slippery slope and one that I believe we must carefully avoid.

Again, I am sorry this matter has come to the floor of the Senate. I believe Senator COBURN means well in his efforts today. He wants to continue his services as a doctor to help people. I applaud that altruistic commitment to public service. Rather than debating the possibility of reinterpreting our rules, we should be talking about a real, practical solution that would

allow Senator COBURN to continue serving people and to maintain his medical skills and licenses.

The committee has long indicated to Senators that they could provide medical services to patients on a volunteer basis where no compensation is received, as the Senate majority leader does, and we are very familiar with it.

The committee has indicated to Senators, consistent with Senator Thurmond's comments in 1977, that they can pursue a volunteer relationship with a VA hospital in their home States or in Washington at Walter Reed or at the Bethesda Medical Center where no compensation is provided. I understand they have arrangements to cover the malpractice insurance of doctors who operate there, so that malpractice problem would not occur.

Unfortunately, instead of congratulating Senator COBURN for finding a solution that will allow him to continue practicing, we are debating a Senate resolution to instruct the Senate Ethics Committee to ignore Rules XXXVI and XXXVII, the Ethics Reform Act, and definitions of compensation that are in Federal statute. We cannot do that.

With that, I urge my colleagues to reject this effort, and I raise a point of order that the Coburn amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The point of order must be made at the conclusion of all debate.

Mr. VOINOVICH. Mr. President, I would ask the Chair to remind me of that.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I lend my strong support for the amendment offered by Senator LOTT. It is measured, it is common sense, and it will help to allow Members of the Senate in the medical profession to function on a not-for-profit basis—I emphasize again, not-for-profit basis.

Dr. COBURN is not fabulously wealthy. He needs to be able to break even. If one Member of the Senate is very wealthy and can afford to carry out medical duties without adequate compensation for it, that is fine.

He is not seeking permission to shirk his Senate responsibilities in any way. I also appreciate the fact that he does not want to walk away from the medical profession. We need people with hands-on health care experience. One of the greatest challenges we face in the coming years is health care costs and health care issues. Would it not be wonderful to have a person who has daily hands-on experience with these health care issues, which is \$40 trillion in unfunded liability in the case of Medicare?

He is not turning Senate rules on their head. Somebody is going to have to explain to me how we can have a

blind trust and make money from a blind trust, but we cannot make money from a break-even standpoint in the practice of medicine.

It is bizarre. It is bizarre.

He has demonstrated he is more than a full-time legislator. He has offered dozens of amendments on bills in his first year in office, not making every Member of the Senate happy when he is doing so. No one can question his tenacity, his work ethic. As chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Senator COBURN has already held 20 oversight hearings.

I believe Senator COBURN can walk and chew gum. I believe he can practice medicine when he is back with his constituents in Oklahoma and serve that State even more admirably, serving them in more capabilities than one. I wish I had the capabilities the doctor from Oklahoma has.

I hope there is an overwhelming vote in favor of the Lott motion.

I appreciate the courtesy of my colleagues.

I yield.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask to address the body for 5 minutes on this issue.

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

Mr. JOHNSON. Mr. President, I rise today as vice chair of the Ethics Committee to discuss the resolution being considered by the Senate. I say at the outset that I have great respect for my colleague, Senator COBURN. The resolution before us seeks to provide a special carve-out for the practice of medicine, and medicine only, from the current Senate rules limiting outside compensation and income.

The Senate rules that govern this issue and their interpretation do not come at the whim of the Senate Rules or Senate Ethics Committees, but from a longstanding determination and precedent of this body. In fact, this has been a part of the Senate rules since 1977, when the original Senate Code of Conduct was adopted.

The committee that was established to develop the Senate Code of Conduct was known as the Nelson Committee, after its chairman, Senator Gaylord Nelson, and specifically addressed the restrictions on Senators practicing fiduciary professions in its report by saying:

This provision reflects the committee's belief that the practice of a profession usually requires substantial amounts of personal involvement and time, and may also present conflicts of interest or in some cases the appearance of such conflicts.

During the Senate debate in 1977 on these rules, Senator Strom Thurmond delivered a strong statement on the purpose and the intent behind including the prohibition on Members of the Senate from continuing to practice and being compensated for outside professional work. He said:

The job of a U.S. Senator is a full-time job, and if one is able to find time to render professional services for compensation, I seriously question his ability to render the commensurate service necessary to be a full-time Senator.

At that time, the Nelson Committee and the Senate recognized the pitfalls of allowing Members to receive income or compensation for outside professional work. Those pitfalls still exist today.

First, the proposal before the Senate would create a net profit standard in conjunction with medical professionals accepting outside compensation. It is my understanding this would allow physicians to accept payments for services from such sources as individuals, insurance companies, or even Medicare and Medicaid, up to the point at which all of their expenses have been covered.

A major concern I have about this proposal is it does not contain any direction as to how compliance with this net profit standard would be monitored to ensure that the instant all expenses were covered, the compensation would be ended. Without a clear ability to monitor compliance, the potential for violations, abuse of the system, or even mistakes that would affect the credibility of this Senate is very high.

I question whether the Ethics Committee has, or in fact whether it should have, the resources that would be required to properly analyze the complex accounting needed to ensure compliance with this net profit standard.

Furthermore, at this time I simply do not believe the Senate should vote in favor of any proposal that would loosen our ethical boundaries and increase the opportunities for ethical violations.

The resolution also does not provide any limitations on the outside practice of medicine. It appears that under this resolution, a Senator could spend a majority, if not all, of his or her time practicing medicine, to the detriment of the Senate, and without any recourse for the Senate.

As stated before, the Senate has determined our responsibilities are full-time. If the proposal before us is adopted, it will set up a conflict between constituents and a Senator's outside medical responsibilities for which he or she is being compensated.

The question has been raised about whether this carve-out ought to apply only to the medical profession. The fact is there are other professionals in this body of great skill—lawyers, engineers, business people, people of other professions. The fact is each and every one of them could practice their professions outside their service in the Senate, and without that practice, their skills, indeed, do erode as well. There are lawyers here whose membership in the bar is retained but whose skills certainly do erode over time. That is true of every profession. There is no profession, I believe, that is immune from or more prone to profit motives, and I do not think that any profession can be singled out in that regard.

I am not completely insensitive to the motivations behind the resolution, but I remind my colleagues that there is nothing in the Senate Rules that forbids a physician in the Senate from practicing medicine, as the Senate leader, Senator FRIST, oftentimes does. The argument here is not that doctors who serve in the Senate should never be allowed to practice medicine. The rules allow doctors serving in the Senate to practice medicine for free. The argument is that no Senator should practice a profession of any kind and receive outside compensation, no matter what the expenses of that particular profession might be.

If there is going to be a change, then the proper place for that change is through the Rules Committee and the ordinary process where hearings can be held and thoughtful deliberation can be had, and the parliamentary rules of this body would apply. It would be a mistake and an unfortunate precedent for this body to permit an end run around the Rules Committee in order to avoid the supermajority vote that ordinarily would be required to change the rules during the middle of a congressional session.

I do not believe we should take a step today to weaken the Senate rules, and I encourage my colleagues to oppose this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I yield 4 minutes to the Senator from South Carolina.

Mr. DEMINT. Mr. President, a vote for this amendment is a vote to restore the original purpose of an ethics rule. It was a rule developed to keep special interests from unduly influencing Members of the Senate by forbidding us from receiving outside income while serving here, on either side of the Congress. But, as the Government often does, we seem to have forgotten the original purpose of this rule and are now focusing on a technical interpretation. We are asking for some common sense.

The patients of a doctor delivering babies, many times a poor Medicaid mother, are not going to influence the votes of Members of the Senate. Senator LOTT has mentioned a number of exceptions that already occur. The House, acting on the same rule, decided to allow Dr. COBURN to continue to deliver babies because of the benefit to this institution as well as the benefit to his patients.

Senator LOTT mentioned other exceptions we already make for each other. We can receive millions from a book. But even more important, every Member of this Senate receives compensation every time we travel to speak to a group in different parts of this country. It is compensation only to cover expenses, but it is still compensation. And many Members of this Senate are still involved with businesses and take passive income and help to make some management decisions. It is compensation, but it is not direct compensation.

Senator COBURN's situation is very similar. He is providing an important service, often to poor mothers, and he does not want to make a profit, only to cover his expenses. My appeal to my colleagues tonight is to remember the purpose of these ethics rules.

These women are not going to influence votes. The only time he spends is when we are not in session here.

Let's straighten out one other thing, if we could. This amendment is not to help Dr. COBURN. It is about allowing him to help others, which is what he is doing on the weekends. He is not making any profit from doing this. He is serving others as he has done for years. But it is also about helping us, as an institution, to keep contact with people in the real world and the problems they have—on his own time.

I encourage my fellow colleagues to remember the purpose, to use some common sense, and to allow Dr. COBURN to continue to serve his constituents in ways that many of us are often doing in different ways.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 10 minutes to the Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin by saying these are the sorts of uncomfortable moments in the Senate when we start to deal with each other on a personal level. I have been in this body for 24 years and I take no comfort in engaging in this kind of discussion. But as the ranking Democrat on the Rules Committee, serving with my friend and colleague from Mississippi, TRENT LOTT, as the chairman of the committee, I felt it was important to at least express to my colleagues here the position this Senator has as a member of that committee and as a former chairman of the Rules Committee.

Very simply stated, as a matter of process—putting aside for a second the arguments on behalf of our colleague from Oklahoma and his noble determination and desire to continue the profession in which he has been engaged for years—there is a means by which we go through changes in the rules in this body. We have established that process for orderly reasons. What is being suggested here by this amendment is a change in the rules of the Senate, and there is a committee established by this body to consider such proposals.

There is nothing in the rules of the Senate which prohibits any Member of this body from engaging in the practice of a profession, except as constrained by Rules XXXVI and XXXVII. As the Senator from Ohio has pointed out, what is being suggested here is that a member be allowed to earn some level of compensation in order to defray certain expenses. That would require a modification of Rule XXXVI and/or XXXVII.

There is a way of doing that and the way is, you come to the Rules Committee, you have a hearing, you listen to witnesses. A person can make a suggestion to modify the rules. We do that all the time. If the Rules Committee decides in its wisdom it believes the rules ought to be modified or changed, then we recommend that change to this body as a whole and we move forward and accommodate a request such as the Senator from Oklahoma is making. But to bypass all of that process, even if you believe strongly that what the Senator from Oklahoma is suggesting he ought to be allowed to do, we ought to be following the process here. You would be setting a precedent, even if you agree with my colleague from Oklahoma and what he suggests here.

There is a way by which you do things here. When you begin to sidestep and short circuit the process, then you put the entire process in jeopardy. I begin by stating that to my colleagues. Even if you feel strongly—and I say I know many of my colleagues do, and I have listened to the remarks over the last several minutes in support of Senator COBURN's request—there is a process which we should go through to achieve that end. I urge the body, if for no other reason than that, to support the motion that will be made by the Senator from Ohio.

Then if the Senator desires to go forward with this, I certainly would be willing—I say this to my colleagues here; my colleague from Mississippi is not here—but if he wants to have a hearing on this matter, I will attend the hearing. I will attend all the hearings on it and listen to witnesses come forward and then consider the proposed change in the rules. If that is what we want to do, we ought to do that process. But I am uneasy about bypassing that process.

As I said earlier, there is nothing in the Senate Rules that precludes a Member of this body from practicing a profession while in public service. But that practice is limited by Rules XXXVI and XXXVII and limitations on compensation earned in a fiduciary relationship. The history of these provisions shows that they are designed to ensure the membership in a profession does not so impose on the responsibilities of a Senator as to effectively render the Member a part-time public servant.

Again, there are circumstances which could be pointed out which I am sure would cause us to consider some changes in all this, but there is a process to go through. When the Founding Fathers envisioned citizen legislators some more than 200 years ago, they did not envision the kind of world we live in today and a Congress, today, that meets not only year round but often throughout the day, well into the night. Witness this evening. We are likely going to be here until 10 or 11 o'clock tonight debating these amendments on the reconciliation bill. We

may be here tomorrow and Saturday and Sunday.

Certainly, the Founding Fathers had times when that occurred but not with the regularity that we engage in these practices. My colleague, the chairman of the Rules Committee, whom I have referenced already, suggests that Senator COBURN will not fly home and deliver babies when there are votes.

I can personally bear witness to this—I am sure my colleague from Oklahoma will verify this—that babies don't normally set their time for delivery based on the Senate schedule. I can say as the father of two new recent arrivals that they decided to arrive not during the Senate schedule; they had their own schedule for arrival. Even though we may try to accommodate our colleagues in these areas, it doesn't normally occur on any sort of predictable pattern. It is not elective surgery, in most cases.

Moreover, while I am sympathetic to the concerns that physicians should maintain their skills. In fact, I relish the fact that we have Senator COBURN here as a physician, along with Senator FRIST and the two Members before our body who are veterinarians, who add, I think, to the discussion and debate. It adds a dimension to our deliberations. But again, we have four Members of this body who practice medicine—two who practice the human variety and two who practice the animal variety. I respect them immensely and enjoy speaking to them about their profession. But if we begin this process, what argument is there in response to my colleagues here who practice veterinary medicine? Should they not be able to seek to cover their costs? What about those who like to maintain their skill level as attorneys, engineers, or otherwise?

We decided to put some parameters around this. Again, there is a process we can go through if we decide that we want to change it. It is not in any way to try to impugn the reputation or the contribution of Members. But to suggest that in this 21st century, we ought to begin to start compromising these rules in order to accommodate Members who wish to go back and practice their profession and to receive compensation, which is a critical element here, on their own time I think would be a step in the wrong direction. We have come some distance over the years.

In the previous century, there were Members of this body who would go down on the first floor and try cases before the Supreme Court and then come back up here to vote on the very bills that might have changed the law.

There was a wonderful Senator from New York, Chauncey Depew. He was the president of the New York Central Railroad while a Member of this body and never had a second thought about voting on railroad matters affecting the compensation of the company he was running. But, of course, the world has changed. I believe we are far better

off today because we moved away from that kind of practice in the past.

I am not suggesting that my colleague from Oklahoma is suggesting anything like the behavior that we saw in previous centuries. But, nonetheless, we have established some parameters. Again, that is the reason we have a process here by which we make modifications.

The provisions in the rules are not biblical, they are not etched in marble or granite. They can be changed. But I suggest that if we are going to change them, we ought to go through the normal process of doing that. Taking up what is essentially a sense-of-the-Senate resolution on the tax reconciliation bill is not the way to go.

Again, I say to my friend, we don't know each other terribly well. We haven't engaged in much business together, and I don't want the Senator to perceive what I am saying as disrespectful of his intent—I am not comfortable with these debates. My colleagues have known me over the past quarter of a century, and they know I try to stay away from these matters. It does begin to reflect or suggest somehow our feelings about one another. I don't want anything I have said here to suggest any negative feelings about my colleague because we disagree in the way at which we have arrived at this debate. This is really not an Ethics Committee matter. It is a Rules Committee matter, and that is where it belongs. We ought to consider it there and some of the questions and implications raised in this debate and then come forward. It may be that a majority of the Rules Committee will say the rule ought to be modified or changed. If that is the wisdom, then we come to the body, and have an informed debate. But we ought to be careful about trying to short circuit that process.

I am going to support the motion by the Senator from Ohio. I urge my colleagues to do so—not in any way to impugn the motives of the Senator from Oklahoma but to protect the process of the Senate.

With all due respect, that is a much larger question, it seems to me, than the ambition or desires of any one Member of this body. We bear responsibility to be good caretakers of this institution and to see to it that we preserve and protect the way in which we conduct ourselves. If we wish to change the means by which we do that, there is a process we should follow in doing so. Again, to bypass that process by bringing it directly to the floor I believe does potential damage to this institution that none of us should want to be party to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield 4 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, will you notify me when I have used 2 minutes?

I will try to keep this within 2 minutes. I wish to make a couple of points.

I am a licensed veterinarian and am still currently licensed. When I was first elected to the Senate, when we were going through the ethics routine very similar to what they have in the House of Representatives, I still owned an animal hospital when I was in the House of Representatives. I never really gave it much thought because I heard you can own a small business. That is what it was—a small business. But as I was listening to the ethics briefings when I was elected to the Senate, I said: I don't think I can own my animal hospital. I don't think I can be partners anymore in the animal hospital.

What I liked about owning my animal hospital was that I thought it kept me in touch with the real world; that we passed the Congressional Accountability Act because Congress was so out of touch with the laws that we passed up here for the real world. We were so out of touch, we said at least we should live under the same laws in our offices as they live out in the real world. I thought my veterinary practice allowed me to stay in touch with the real world much better.

But I went to the Senate Ethics Committee and asked them about it, and they said, sure enough, you are going to have to sell the animal hospital. That wasn't something that I counted on when I was elected.

I spoke to Don Nickles when it was all done, and he said he thought it was a disservice and that I should have fought it at the time, that I should have fought for a rule change back then.

I apologize to Dr. COBURN for not fighting for a rule change back then. I don't think Dr. COBURN wants to go as far as he actually should be able to go or I should have been able to go. All he wants to do is break even because of the high cost of medical malpractice today and to be able to make enough money to be able to pay his premiums and stay in touch with his patients and practice medicine. Health care costs in this country are skyrocketing, and we need people who understand the practice of medicine and our health care system in the United States.

I wholeheartedly support the Senator from Oklahoma in his efforts to do this. This is not the same as practicing law where you have somebody come down and lay down a retainer of \$100,000 or \$200,000 with the look of corruption that we may be trying to avoid. The practice of veterinary medicine isn't like that, and the practice of human medicine is not like that. This is somebody who will be a much better Senator if we allow him to practice; somebody who is going to be a better doctor. He is not going to be here forever, and we want him to keep his skills up because when he goes back to the practice of full-time medicine, he will still stay solvent.

As we go forward in the debate, I hope people keep this in mind: Let's us

put some common sense back in here. He is one of most ethical people I have ever met in my life, and to allow him to practice will make this institution a better institution.

I yield the floor.

Mr. LOTT. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. Thank you.

Mr. President, I may want to ask for a couple more minutes.

First of all, let me state to the junior Senator from Oklahoma that I was not aware of this debate coming up. However, I don't have to practice for a debate; it comes from the heart.

Let me also say to one of my best friends in the Senate, Senator VOINOVICH, that he is doing his job. We may come to a different conclusion on this particular issue, but I know he is in a real situation. You have shared that with several of us.

Let me suggest to you, Mr. President, that there is something sadly lacking in this debate; that is, in the State of Oklahoma. There are only two of us in the Chamber from Oklahoma. We know what Oklahomans want. It is kind of interesting because Senator COBURN and I have kind of the same philosophy—we want to keep it the same place. We have different styles when we talk about trying to reduce the size of government. He talks about projects, and I talk about reducing appropriations. We both want to get to the same place. He has been an advocate and has talked about term limitation. I believe that everyone, if they don't want to go along with term limitations, ought to have to go out like I did and serve in the real world for 30 years, get beat up by the bureaucracy, and then you can come here and speak from the heart as a citizen back home.

But when you look at our State of Oklahoma—and I read this section out of the U.S. Constitution, article I, section 4, which says the time, places, and manner of holding elections for the U.S. Senate preside in each State. That is what it says. That is what the Founding Fathers said—that we should make that determination from our own States. So here we are from the State of Oklahoma. We made the decision. And I have to say this: I know what people in Oklahoma want.

One other thing Senator COBURN and I have in common is we go back every weekend. He may deliver a few babies while he is back there. But I would suggest to you, ask the question. A lot of people stay here in Washington all the time. Would you rather have your U.S. Senator staying in Washington and playing golf all weekend or going back to the State from which he came? We made a decision to go back.

I have to say also that I have a bigger dog in this fight than most people think. I had the honor of going out many years ago and recruiting this



bright young doctor to run for the U.S. House of Representatives. And he did. He came in and agreed to do that. He got an exception to allow him to work hard and still keep up his practice. He did that very successfully.

I have to say this: When the Senator from Connecticut referred to a part-time Senator, which we hear now and then, let me tell you that there is no part-time Senator in Senator COBURN. I know this because we go back every weekend. I go around the State. I know what people want. The State of Oklahoma is not a Republican State or a Democrat State, it is a swing State. For him to come along and get in the race late—he got in the race so late for the U.S. Senate that I was already supporting another Republican. But when he got in and worked hard and went out, he won by 12 points. It wasn't a squeaker it was a landslide. And he was outspent by the other side.

This is what we think in Oklahoma about TOM COBURN.

You can talk all you want to about the rules in the Senate, but I can tell you right now that the Constitution is right when they say in article I, section 4, that the times, places, and manner of holding elections for the State for the office of Senator is within the State.

I am here on behalf the State of Oklahoma, unlike anyone else who has spoken saying this is the right thing to do to carve out this exception, if you want to call it that, for Senator COBURN, he is a hard-working Senator, and he is doing what we in Oklahoma want him to do.

I yield the floor.

Mr. LOTT. Mr. President, I yield the remainder of my time to the Senator from Oklahoma, Dr. COBURN.

Mr. COBURN. Mr. President, I will consume what time I may and then ask for the remaining time when I finish.

The first thing I would like to say is I hold no ill will toward anybody who opposed me on this whatsoever. The Members here understand what their role is, and I understand what mine is. But I also understand that one of the things our country needs is citizen-based legislators. That is what I was in the House.

During my time in the House of Representatives, nobody ever accused me of being anything other than the most hard-working there. I delivered 400 babies in 6 years while I was in the House. I never missed a vote during those times. I might have missed votes associated with the airlines or committee meetings, but I never missed a vote. I campaigned on the fact that I was going to be term limited. I am a term-limited Senator. The most I will be here is 12 years, and maybe not more than 6.

But the point is: Why would I want to practice medicine? I want to practice medicine so I can be involved in what real people experience every day in this country. We don't get to see that enough. We don't get to see that at

townhall meetings when we give speeches. But I will tell you that sitting in the middle of a patient's room when there is conflict in a family or death and dying or a new complication associated with an old disease and lives get impacted, I get to measure and I get to see what none of you get to see—what we do and how it affects people.

I want to practice medicine to be the best Senator I can be. I want to maintain my skills so I can go back and deliver babies. There is nothing better in the world than delivering a baby. It is a reaffirmation of why we are all here. It is a reaffirmation of life.

I will tell you that we need to think long and hard about our ethics rules. We have shot ourselves in the foot. Every Member in the Senate is ethical and wants the same thing for our country as I do—a bright and golden future, security and opportunity for our kids. But our ethics rules lack common sense.

I will address one particular statement. This word is all about compensation. Arbitrarily, the decision was made by the Ethics Committee to define "compensation" as any compensation. I will read what 5 CFR 26236-303(b)6 of the U.S. Government Office of Ethics for the rest of the Government says.

Compensation in this aspect is net compensation.

This could have very well been solved by the Ethics Committee in a broad and consistent and commonsense interpretation of the word "compensation," but they chose not to do that. I don't know why. I am disappointed and hurt.

I was not allowed to come before the Ethics Committee. I was not allowed to present my case. I was not allowed to discuss with any Ethics member my issue, to explain the basis of why I wanted to do it, and where I thought their interpretation was wrong. I had to secure legal counsel to have any communication with the Ethics Committee. I was notified by the Ethics Committee before I was ever sworn in that they had made this decision even though they lacked or asked for no input from me on my situation.

If that is the pattern under which we operate the Ethics Committee, we have real problems. I don't blame that on the chairman of the Ethics Committee or the ranking member. It is a problem we see in lots of other areas of Government, that staff tend to drive things. People who do not have the ultimate responsibility take the ultimate responsibility.

What I want to do is very simple: I want to be a great Senator. I want to contribute. I know I can contribute in ways that I would not be able to contribute by being a doctor and continuing the practice.

The question of Senator FRIST: Senator FRIST has a wonderful arrangement. It is not available to me. He has a limited number of days that he has a malpractice firm, insurance firm, that will insure him. That is not available

in the practice of obstetrics in Oklahoma. It is not available to me, period. If I could do that, I would practice just as Senator FRIST. But I don't have that available to me, so I have expenses four to five times what Senator FRIST would pay for the same type of insurance. Could I secure that, I would be happy to do it.

The other thing we ought to talk about is the history of the Senate. We had reference to the rule change in 1977. There were no doctors in the Senate then. Senator Strom Thurmond's words, in adding physicians, was because he was trying to kill it. He was not trying to put physicians on there—and it backfired on him. That was his own rules. If you read his history of what happened in 1977, his attempt was to exclude many of us by adding doctors in the hopes that the Senate would turn that around.

Some history on the Senate: There have been 37 doctors who have been in the Senate. Senator FRIST and myself are the last two. Every doctor who was a practicing doctor who came to the Senate prior to Dr. Frist practiced, received payment and acted in an ethical fashion while they were here.

It is not about money. It is about the ability to practice. I know not all Senators share my zeal for citizen-based legislators. There is a real difference. To the people of Oklahoma, when I campaigned, I made three promises to them: One, I would guarantee I would not be here for a long time; No. 2, I would continue to practice; and No. 3 is that I would work hard to solve the problems of the country before I tried to solve the problems of Oklahoma.

I put the priorities out there. Oklahomans believe in that. Not necessarily all the editorial writers, not the talking heads, but the people who voted for me, every one of them knew I planned on continuing to practice medicine.

It is also important to look at the confluence of the rules we have, the rules that say I could own a business and not directly direct it but indirectly direct it and have no limitation on my income whatever. I can farm, own a farm, collect government subsidies, with no limit whatever. I can write books. I can write music. I can counsel. I can advise. There is no limitation on us, except if you are a professional that has a fiduciary responsibility.

The question ought to be what was behind the meaning of the rules. Do you think the intention was not to have a doctor practice medicine? That wasn't their intention. The fact that the malpractice crisis has created such a situation where you cannot practice for under \$100,000 a year in terms of your expenses and overhead associated with that was never thought about in 1977.

I understand there is going to be a motion, a point of order raised against this. I understand that. That is a high bar for any Member to change anything around here with 60 votes. I understand the feelings and the reasoning

behind the Ethics Committee on why they want to do that. And I understand their motivation and their thinking. But I make one point to my Senate colleagues: There has not been one subcommittee that has had more subcommittee hearings than I have. As a matter of fact, there is not one subcommittee that has had half as many subcommittee hearings as I have. I have missed one vote in the entire year. I practice medicine on Saturdays, on the weekends, and from 6 to 9 a.m. on Mondays. I catch my flight, and I am here for votes. My practicing of medicine does not interfere with my Senate duties. It enhances my Senate duties.

If we don't change our rules, I will live with whatever the Senate says. I will figure out a way to practice medicine in some way that accords me to try to keep my skill and try to do that within the ethical guidelines of the Senate. But I believe we are discouraging anybody else who is a physician to run for the Senate, No. 1. No. 2, we discourage other professionals to run for the Senate. And it would be my hope that you would think about the long-term consequences of what we are doing. This does no damage to the Senate. In fact, it will enhance the Senate. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, is there time on this side?

The PRESIDING OFFICER. Sixteen minutes.

Mr. BAUCUS. I yield whatever time the Senator would appreciate having.

Mr. REID. Mr. President, I haven't known Senator COBURN very long. I didn't know him when he served in the House. During his tenure in the Senate I found him to be a most gracious person. I like him.

I had the good fortune of having served for many years on the Ethics Committee. I am sure there may have been a person or two in the past who served longer than I have, I just don't know, though, who they were. One of the most important responsibilities I have, and I think Senator FRIST has, is putting people on the Ethics Committee. There are six Senators on the Ethics Committee, three Democrats and three Republicans. It is a very difficult job. The ethics code is large and voluminous. They have an outstanding staff.

Senator VOINOVICH and Senator JOHNSON are the two leaders of that committee and work with the other four members. Having been there, I want everyone here to know they spend hours and hours each week of their time. What do they do? They protect us. They handle complaints that come from the public. They handle complaints that come from other sources. Their job is very difficult.

In the past few weeks—certainly, I will not disclose any names; I could not do that, it would be unethical to do so—they have resolved some very big cases in the Ethics Committee.

These six Senators deserve our support. If we are going to overrule the Ethics Committee, we might just as well get rid of the Ethics Committee. That would be a terrible disaster for this institution.

When I first came here from the House of Representatives I had a law practice at home. I went home and had the ability to practice law. I don't think that was good for the institution.

We now make far more than our constituents make. We make \$165,000 a year, or thereabouts. That is a lot of money. It is a full-time job to be a Member of the Senate, to be a Member of the U.S. House of Representatives.

I know Senator COBURN is a nice man. I know he has a big heart. But he is going to have to, I believe, use that big heart and the medical skills he has in keeping with the rules of the Senate and not, in effect, thwart what the Ethics Committee has told us must happen.

If this passes, it would tremendously undermine the work the Ethics Committee does. And speaking from experience, it is a very difficult, and quite frankly, a thankless job. The only thing you get from that is the knowledge that you are doing the right thing for the institution. It takes a tremendous amount of time. I repeat: Senators JOHNSON and VOINOVICH, every week we are back here, spend not a few minutes but hours of their time. No one knows what they do because it is secret. It is confidential.

No matter how we feel about Senator COBURN, no matter what a gracious, nice, thoughtful, caring man he is, it would not be good for the Senate to follow what has been recommended in the form of this amendment that is now before this Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I take whatever time I might consume.

The real difference for my colleagues to know is the definition of the word "compensation." The same lawyer that is on the Senate Ethics Committee today worked for the Senate Ethics Committee in the House when the determination was made for the practice of medicine that compensation was net compensation.

There is no damage done to the House or the institution of the House. As a matter of fact, because that rule was changed, there are now, I believe, 11 doctors in the House. I reject the idea that this would do damage to the Ethics Committee. This is a simple definition. It is one that the Ethics Committee could have chosen to use but chose not to. I don't know the motivation behind that. I know they could have solved the problem, and we wouldn't be where we are today.

I reserve the remainder of my time.

AMENDMENT NO. 2647

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the pending amend-

ment be set aside, and I send an amendment to the desk that has been cleared by both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself and Mr. BAUCUS proposes an amendment numbered 2647.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a Manager's amendment)

Beginning on page 63, line 18, strike all through page 64, line 15, and insert the following:

**SEC. 212. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.**

(a) IN GENERAL.—Section 55(d)(1) is amended—

(1) by striking "\$58,000" and all that follows through "2005" in subparagraph (A) and inserting "\$62,550 in the case of taxable years beginning in 2006", and

(2) by striking "\$40,250" and all that follows through "2005" in subparagraph (B) and inserting "\$42,500 in the case of taxable years beginning in 2006".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

Beginning on page 69, line 6, strike all through page 71, line 13, and insert the following:

(d) EXPANSION OF CREDIT TO EXPENSES OF GENERAL COLLABORATIVE RESEARCH CONSORTIA.—Section 41 is amended—

(1) by striking "an energy research consortium" in subsections (a)(3) and (b)(3)(C)(i) and inserting "a research consortium",

(2) by striking "energy" each place it appears in subsection (f)(6)(A),

(3) by inserting "or 501(c)(6)" after "section 501(c)(3)" in subsection (f)(6)(A)(i)(I), and

(4) by striking "ENERGY RESEARCH" in the heading for subsection (f)(6)(A) and inserting "RESEARCH".

Beginning on page 267, line 12, strike all through page 268, line 15, and insert the following:

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

On page 310, between lines 10 and 11, insert the following:

(b) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2005, with respect to leases entered into on or before March 12, 2004."

On page 310, line 11, strike "(b)" and insert "(c)".

On page 320, in the table following line 17, strike "119.5" and insert "120".

On page 322, line 24, insert "which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and"

Mr. GRASSLEY. Mr. President, this is an amendment sponsored by Senator BAUCUS and me. It remedies two matters in the bill. The most important one makes the amendment hold harmless, a pure hold-harmless amendment. The amendment also clarifies that Government contractors will receive the research and development credit. This amendment is fully offset.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is very important. It helps tremendously to improve some provisions in the underlying bill so no one else has to pay AMT; and, second, R&D provisions, enhanced R&D and contractors are not excluded. I support this.

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

The amendment (No. 2647) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2633

Mr. BAUCUS. Mr. President, I think we are ready to wrap up debate on the pending amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I will clarify again for my colleagues the fact that the Ethics Committee genuinely tried to accommodate the concerns of the Senator from Oklahoma. We, as I say, worked hard to do it. But the fact is, the rule is clear on its face, and we are being asked to reinterpret what the Senate rules mean or to endorse a change in those rules for Senator COBURN.

I think the specific language and legislative history of the rules and the Federal law prevent us from reinterpreting the rules. I believe, as I mentioned when I started my remarks earlier, this matter should not be here being debated on the floor of the Senate but, rather, as Senator DODD suggested, Senator COBURN should go before the Rules Committee. And if Senator ENSIGN is unhappy that he cannot practice veterinary medicine, perhaps he should go before the Rules Committee and have a hearing and discuss this matter, and do it according to the procedures of the Senate.

If this were to pass today, I think it would set a very dangerous precedent that would encourage people—rather than going through the process of the rules and procedures we have here in the Senate, it would cause them to come to the floor. I do not think that is good for the institution. I ask my colleagues to not support this resolution.

Mr. President, at this time I raise a point of order that the Coburn amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. There is time remaining on the amendment.

Mr. COBURN. I yield back all time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a little bit out of order here, but under the previous order, Senator SANTORUM and Senator BYRD were to speak after the disposition of the pending amendment. At this point I have learned Senator SANTORUM and Senator BYRD wish to speak at a later point.

I ask consent that the pending amendments be laid aside so Senator FEINGOLD may offer his amendment, that is, after the disposition of this amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time on the Coburn amendment?

Mr. REID. Mr. President, if the manager of the bill will yield, procedurally, do we have any other amendments pending that votes need to—

The PRESIDING OFFICER. Time must be yielded back on the pending amendment, the Coburn amendment.

Mr. REID. If, in fact, the time were yielded back, what would be the first vote in sequence?

The PRESIDING OFFICER. A sequence has not been established.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, how much time have we locked in under the unanimous consent agreement that is now before the Senate as to time that has been allocated? Senator FEINGOLD has 30 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Senator SANTORUM has 15 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Is there any other time allocated?

The PRESIDING OFFICER. Senator BYRD for 30 minutes.

Mr. REID. It is my understanding Senator BYRD has indicated he will not be giving his remarks.

Mr. BAUCUS. That is correct.

Mr. REID. Mr. President, that leaves not a lot of time for others who want

to come and debate their amendments. So if anyone wants to come and debate their amendments, I am not sure if Senator FEINGOLD will use all of his time or if Senator SANTORUM will use all of his time.

Mr. GRASSLEY. Senator SUNUNU wants a couple minutes.

Mr. REID. Senator SUNUNU wants a couple minutes.

Mr. SUNUNU. Mr. President, if I may make a point through the Chair to the minority leader, I would seek 2 minutes to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Not now.

Mr. REID. Mr. President, I ask unanimous consent that the first vote to occur in this long stack of amendments be in relation to the Coburn amendment, and that the two managers will determine the sequence of votes following that vote, and that Senator BINGAMAN be given 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. Mr. President, I would ask unanimous consent to be added to that list for 2 minutes to offer an amendment at the end of that list.

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

Mr. BAUCUS. Mr. President, it is after Senator FEINGOLD's amendment? After that?

Mr. SUNUNU. Yes.

Mr. BAUCUS. OK, fine.

Mr. REID. I accept the modification.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I might also say that means as to the list of Senators who come to me and say they want to speak on their amendments, I have said to them they could, but there will be a short period in which to speak, and they will have to come down here and speak some time before 7:30, if they want any time to speak.

The PRESIDING OFFICER. Without objection, all time has expired on the Coburn amendment.

Is there a point of order made?

Mr. VOINOVICH. A point of order was made.

Mr. COBURN. And a motion to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, was the unanimous consent request approved?

The PRESIDING OFFICER. Did the Senator indicate a time for the first vote?

Mr. REID. Ten minutes.

Mr. BAUCUS. The first vote would be at 7:30.

Mr. REID. Mr. President, 7:30. And all votes, the managers agree, should be 10-minute votes?

Mr. BAUCUS. After the first vote.

Mr. REID. After the first vote.

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

Mr. REID. And that we use the standard rule around here with 2 minutes equally divided on each amendment.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be set aside so that the Senator from Wisconsin can offer his amendment.

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

Mr. REID. So the unanimous consent request was approved?

The PRESIDING OFFICER. It was approved.

The Senator from Wisconsin.

AMENDMENT NO. 2650

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. CONRAD, Mr. CHAFEE, Mr. OBAMA, and Mr. SALAZAR, proposes an amendment numbered 2650.

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

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

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement through 2010)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.**

**(a) POINT OF ORDER.—**

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term “applicable time period” means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of  $\frac{2}{3}$  of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of  $\frac{2}{3}$  of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

Mr. FEINGOLD. Mr. President, I am pleased to bring an old friend back to this body—the pay-go rule. I am even more pleased to say this is not some new pay-go, but rather good old-fashioned “Classic” pay-go. This is the pay-go we used to have in the Senate—a rule that said you had to pay for what you wanted. If you want to increase entitlement spending, you have to pay for it. If you want to increase tax expenditures or cut tax rates, then you have to pay for it.

In offering this amendment, I am pleased to be joined by the Senator from Rhode Island, Mr. CHAFEE, the Senator from Illinois, Mr. OBAMA, and in particular I am pleased to, of course, have the Senator from North Dakota, Mr. CONRAD, as a cosponsor.

As I said during the debate over the first part of the reconciliation scheme that was included in the budget resolution, there is no Senator more dedicated to a fiscally responsible Federal budget and to restoring sound budget rules than Senator CONRAD. He is an acknowledged expert on the budget and the rules that govern its consideration, but as I also said during that debate, you do not have to be a Kent Conrad to understand the pay-go rule.

It is a straightforward, commonsense requirement that whenever Congress wants to increase spending through en-

titlements or wants to reduce revenues from the Tax Code, then we have to pay for it or find 60 votes to make an exception to the rule.

I say to the Presiding Officer, as you well know—and I thank you for your help on this amendment—that rule was an effective restraint on the fiscal appetites of Congress and the White House, and it was critical to our ability to actually balance the Federal books. We balanced the Federal books during the 1990s using the pay-go rule.

Of course, when this body stopped following that rule, the bottom dropped out from under the budget. We went from a projected 10-year unified budget surplus of \$5 trillion to massive projected deficits and backbreaking debt.

I marvel at how rapidly this institution loses its fiscal bearings. In 1992, thanks in great part to the remarkable campaign of Ross Perot, the budget deficit became the No. 1 domestic priority of the Nation. I ran on that issue in my 1992 campaign for the Senate. Perhaps a little naively, I offered a plan to balance the budget with over 82 specific proposals to cut wasteful programs in just about every area of Government.

As optimistic as I was, I was surprised at how passionately many in the Senate actually embraced that cause. And because of a tough deficit reduction package in 1993 and a more modest package in 1997, we put the budget on track to be balanced. We actually balanced the Federal budget without using the Social Security surpluses. We actually started paying down the Federal debt, most of which had been run up during the 1980s.

Central to our ability to get on the right fiscal track was this pay-go rule. But all that work, all those tough decisions were squandered in the blink of a budgetary eye. The Federal budget is now in disastrous shape. Worse, we are on a track for even darker times. As Al Jolson famously said, “You ain’t seen nothin’ yet.”

As the Senator from North Dakota has tirelessly said: We are in the sweet spot right now. That means the retirement of my generation, the baby boom generation, is around the corner. And with it, we will witness enormous new demands on the budget. If we can’t get our act together now, there is little hope that we can face those demands responsibly.

We have to stop running deficits. Running deficits caused the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. As Senator CONRAD has noted, it isn’t just the annual budget deficits that are the problem, it is our debt as well. Every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes for fewer Government benefits.

As I have noted before during previous pay-go debates, when the Government in this generation, in our generation, chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. That is not right.

That is why this amendment is so critical. We absolutely must reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline. When the pay-go rule was in effect, that tough fiscal discipline actually governed the budget process. Under the current approach, it is the other way around. The annual budget resolution actually determines how much fiscal discipline we are willing to impose on ourselves. That simply has not worked, and it won't work. When Congress decides that it would be nice to create a new entitlement or enact new tax cuts and then adjust its budget rules to permit those policies, we are inviting a disastrous result. That is exactly what has happened.

This amendment is simple and straightforward. It would simply return us to the rule under which Congress operated for the decade of the 1990s. It was instrumental in balancing the Federal budget. Many of us lived under that rule, and we know how effective it was.

A real pay-go rule by itself would not eliminate annual budget deficits and balance the budget, but we will never get there without a real pay-go rule.

I urge my colleagues to support this commonsense, time-tested amendment.

I reserve the remainder of my time and yield the floor.

AMENDMENT NO. 2651

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2651.

Mr. SUNUNU. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal State and local taxation exemptions applicable to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPEAL OF STATE AND LOCAL TAX EXEMPTION FOR FANNIE MAE AND FREDDIE MAC.**

(a) FANNIE MAE.—Section 309(c) of the Federal National Mortgage Association Charter

Act (12 U.S.C. 1723a(c)) is amended to read as follows:

“(c) [Repealed.]”.

(b) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended to read as follows:

“(e) [Repealed.]”.

Mr. SUNUNU. Mr. President, I offer an amendment today that deals with what I consider to be a tax loophole that is in the Code that fully exempts private, for-profit corporations, owned by shareholders that have had very high levels of profit in recent years, from paying any State or local taxes. The entities I am talking about are the Government-sponsored entities Fannie Mae and Freddie Mac. These are chartered by the Federal Government. We give them a number of benefits. They help with the secondary mortgage market and have been very successful in that mission. But they are in fact private, for-profit corporations with very large profits, and they do not need to be exempt from paying State and local taxes. In fact, I think if they are really committed to the local communities and the homeowners they serve across the country, they ought to be happy to pay State and local taxes.

We have heard a lot of debate over the last several hours about Big Oil. We have even had some amendments that take away tax benefits from oil companies. Some of those amendments I have supported. There have been other amendments that actually impose special taxes on oil companies. Given the concern people seem to have with high levels of profits at oil firms in recent months, I think people should embrace the idea of getting rid of this tax loophole, imposing the same kind of legitimate State and local taxes on the GSEs as we see anywhere else.

It might be one thing if the levels of profit at these entities had been plowed back into the community. But that isn't the case. The lion's share of these profits have gone to shareholders or in some cases to exorbitant executive pay—\$5 million for some of the executives at these corporations, \$10 million a year in one case. Clearly, these profits are being used to put back into homeownership. These are companies that can afford to pay State and local taxes. They ought to pay State and local taxes.

I certainly encourage my colleagues to support the amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from New York may offer an amendment.

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

AMENDMENT NO. 2624

Mr. SCHUMER. Mr. President, before I offer my amendment, I ask unanimous consent that Senators WARNER, SANTORUM, and COLEMAN be added as cosponsors of amendment No. 2624, the Leahy amendment, of which I am a lead cosponsor.

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

AMENDMENT NO. 2635

Mr. SCHUMER. Mr. President, I call up amendment No. 2635.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2635.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds of the tax collected to provide a nonrefundable tax credit of \$100 for every personal exemption claimed for taxable years beginning in 2005)

At the end of title IV add the following:

**SEC. 410. TEMPORARY WINDFALL PROFITS TAX.**

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

**“CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL**

“Sec. 5896. Imposition of tax.

“Sec. 5897. Windfall profit; etc.

“Sec. 5898. Special rules and definitions.

**“SEC. 5896. IMPOSITION OF TAX.**

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 50 percent of the windfall profit of such taxpayer for any taxable year beginning in 2005.

“(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term ‘applicable taxpayer’ means, with respect to operations in the United States—

“(1) any integrated oil company (as defined in section 291(b)(4)), and

“(2) any other producer or refiner of crude oil with gross receipts from the sale of such crude oil or refined oil products for the taxable year exceeding \$100,000,000.

**“SEC. 5897. WINDFALL PROFIT; ETC.**

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

“(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

“(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

“(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

“(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable

year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002–2004 taxable year period plus 10 percent of such average.

**“SEC. 5898. SPECIAL RULES AND DEFINITIONS.**

“(a) **WITHHOLDING AND DEPOSIT OF TAX.**—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

“(b) **RECORDS AND INFORMATION.**—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

“(c) **RETURN OF WINDFALL PROFIT TAX.**—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) **CRUDE OIL.**—The term ‘crude oil’ includes crude oil condensates and natural gasoline.

“(e) **BUSINESSES UNDER COMMON CONTROL.**—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

“(f) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.”.

(b) **CLERICAL AMENDMENT.**—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. Temporary Windfall Profit on Crude Oil.”.

(c) **DEDUCTIBILITY OF WINDFALL PROFIT TAX.**—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(d) **NONREFUNDABLE CREDIT.**—In the case of taxable years beginning in 2005, for purposes of the Internal Revenue Code of 1986, the tax liability of each taxpayer otherwise determined under the Internal Revenue Code of 1986 shall be reduced by \$100 for each personal exemption (within the meaning of section 151 of such Code) claimed by such taxpayer for such taxable year.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning in 2005.

Mr. SCHUMER. Mr. President, I rise to offer this amendment which will help balance the oil markets and help families balance their budgets this winter by pulling some of the money out of the gas pumps and putting it back in people's pockets. It would do so by instituting a windfall profit levy on the oil companies and transferring those proceeds back to where they came from, the consumer.

I am going to not use all the rhetoric. We have talked about a windfall levy before. But this one is considerably different than the one that was offered before in a number of ways. I would like to outline those ways.

First, the revenues go directly to the individual's pockets. It does not go through the Government. It does not go through any agency. It simply adds a tax credit of \$100 for every person. That means the money goes to every-

one. Big families will get more than small families, and it will certainly help taxpayers at the lower end.

The temporary levy we are talking about is also different. The previous one just taxed oil when it was above \$40 a barrel. My worry about that is that it could raise the price at the pump. What we are doing is using a method that puts this levy on profits. It means that that happens after the companies have brought in their cash and, therefore, is quite different than an amendment that just goes on to taxes.

Let me describe the amendment. We create a temporary levy on the excess profits of U.S. oil companies and foreign companies that do substantial business in the United States, in order to provide every taxpayer with a non-refundable tax credit of \$100 for 2005 for every person in their household. The temporary levy applies to major integrated oil companies, plus any refiners or producers with more than \$100 million in sales. The revenue mechanism is an actual tax on windfall profits in 2005 that exceed a 3-year historic average. It will be very easy for the companies to calculate this based on the numbers they have previously reported on their tax returns. So no one can argue it is administratively difficult.

The proposal is intended to be a complement to the other windfall proposals. It is different. For those who argue against the other proposals on grounds that such levees will increase production costs and thereby fuel costs, this amendment addresses those concerns because it is an actual tax on profits, not production. In other words, those who say they object to windfall profit levees on these grounds will have to show their real colors. Those who don't want to force the oil companies to give up anything under any circumstances will, of course, not vote for this amendment. But for those who have come to the floor to argue against other proposals simply because they say they will increase production costs, this amendment would not. You should vote for it.

As I mentioned, the revenue goes to provide every U.S. taxpayer with a nonrefundable tax credit of \$100. The amendment is designed to be revenue neutral. The excess profit tax rate will be adjusted, as necessary, to ensure there will be no net budget impact that violates the reconciliation instructions.

Bottom line: different than the other proposal; money goes directly to the taxpayer; money is levied on profits so it doesn't raise costs or interfere with production because it is after the line.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I see Senator SANTORUM. Under previous order, he has the right to speak for 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I first want to start out by thanking the chairman for all the hard work he has put in on this package. The work we have done together has been at times a challenging process, but I certainly appreciate working together, particularly on a section of the bill which I will talk about more in detail and that has not been talked about on the floor, and that is the section of the bill dealing with charitable giving, part of an effort that I have been working on, and many have been working on, to try to help those in need in our society by helping those important mediating institutions of our society who are out there every day on the frontlines serving the needs of those who, in many cases, are left behind by society.

I am pleased overall that we are going to be able to pass this package, hopefully soon, that will stop tax increases from going into effect. I call this bill the “Tax Increase Prevention Act” because but for this bill, hundreds of thousands of taxpayers in my State alone and millions across America would have their taxes go up starting in January of next year.

In Pennsylvania, almost 350,000 families would see their taxes go up, some dramatically, because of the alternative minimum tax.

Mr. President, 268,000 taxpayers will benefit from the low-income savers credit, which would go away but for this bill; 150,000 families and students would continue to be able to deduct college tuition, another important provision in this bill, and 142,000 teachers in Pennsylvania will be able to deduct expenses that they have in the classroom helping their students.

One of the most important things about this tax bill is that it will in fact provide more certainty for Americans in providing a Tax Code and will continue the policies that have created the economic growth and the vitality that this economy has had after some of the tough blows that were dealt in the early part of this century.

But the focus I wanted to talk about on this bill tonight are some things that I have been working on along in particular on the other side of the aisle with Senator JOE LIEBERMAN. It has been a long road for us on what is called the CARE Act, Charitable Aid and Recovery Empowerment Act. It is an important piece of legislation that does a lot to incentivize people across America to give.

There are several provisions in the bill I want to highlight that are vitally important in encouraging charitable giving. If we look at that in America, what we see is not necessarily a rosy story. Yes, we have seen increases in giving around events such as Katrina and the events of 9/11, but what we have seen after the publicity and after all the attention attracted by those disasters and those horrific instances, actually charitable giving pretty much flat over the past 25 years.



About 25 or 30 years ago we gave almost 2.5 percent of GDP in charitable giving—2.5 percent we were generous enough to give to charitable organizations to help those in need in our society. Today, we are at around 1 percent. That is something that, candidly, I think we need to work on. There are a lot of reasons why that may happen. Some of it may be we have seen an increase in Government over the last 25 or 30 years and, as a result, we have seen some squeezing out of some of the charitable organizations that existed in the past. But the bottom line is that America is strong when our civic and community organizations are strong, and they can only be strong if they have the resources to be out there in the community to meet the needs that are so prevalent.

We have done a couple things in this bill that are important. One that I am very proud of is that we have taken the opportunity, for the first time in a long time in the Tax Code, to give non-itemizers the opportunity to deduct charitable contributions. Heretofore, if you were one of the two-thirds of Americans who filled out a tax form, using the short form, and you could give 10 percent of your income—and in fact many in our society do tithe, give 10 percent of their income—but if you are a low-income person and you do not have any other reason to take other than the standard deduction, you would be denied the opportunity to take those deductions and get some support for your supporting of charitable organizations.

Under this bill, you will now be able to have an opportunity, on the front of the 1040 form, to deduct your charitable contributions similar to those who itemize the deduction.

That is an important incentive because there is a floor on this. For a couple filing jointly, you would have to contribute \$420, and that might be changed. We are working on an amendment to maybe lower that floor a little bit. But it will be around \$400 before you can claim a deduction on your tax form.

So the charities we have talked to, everybody from the United Way to the Salvation Army and others, they are very excited because they do believe this will incentivize more generous giving instead of giving the deduction for giving that would otherwise have occurred without this incentive. So we think it incentivizes more generous giving both for those who do not itemize, as well as, if we also put a floor on itemizers, we will incentivize itemizers to give more and be more generous through this.

A couple other aspects we have worked on. One is an IRA rollover provision. We have literally billions of dollars stored up in IRAs with some people who candidly have done well enough that they don't need the IRAs to maintain the quality of life they have. But that money is locked up for folks who want to contribute that IRA

to charitable organizations. It has been estimated that literally \$2 to \$3 billion of charitable contributions could occur if we stop what is current law, which is the penalties and interest that would be charged to those who would donate their IRAs to philanthropic organizations. So we remove penalties and interest which I think will unlock literally billions of dollars in money for, particularly in this case, educational institutions, which I think would do more than others to receive these kinds of funds.

We have a food donation provision. According to America's Second Harvest, this provision which focuses on farmers and ranchers and restaurateurs, this provision, I am told by America's Second Harvest, will encourage up to \$2 billion over the next 10 years in donations of food and will feed 878 million people with meals. This is a very important provision as we try to attack hunger in America.

We have a provision that the Senator from Montana has been involved in with respect to book donations, which is important to again help educational institutions, libraries, and others.

So there are a variety of different provisions in this bill which are essential for us who want to see our fellow man reach into their pockets and to reach out their hands to help those in need in our society but need more wherewithal to do so.

This package of bills we have put together in this legislation will help charities do just that.

Now, on the other side of the coin, as many of the charities have been following this debate, there was a concern, candidly, about some "charitable reforms" that have been the subject of a lot of conversation in the philanthropic world that I have been working on with the chairman, to try to address some of the abuses that the Finance Committee, through several hearings that the chairman has had, that have been documented about some charitable organizations using money for, in some cases, personal gain or for transferring money to members of their family. Some of these concerns are legitimate, but one of the things that I was adamant about is that we did not want to have a series of reforms in place that were going to jeopardize the vast majority of nonprofit organizations that do incredibly good work, most of them volunteers, most of them with very little staff, certainly very little paid staff, and are the heart and soul of so many communities across America. So it has been a balancing act for the Chairman and myself as we have worked through this. We didn't quite get it right, in my opinion, in the committee mark, although the chairman went a long way in scaling back some of the more ambitious changes that he had proposed, but we have worked together, and from the mark to the amendment that will be offered by the chairman later, I think we have accomplished about 90 percent of the con-

cerns and certainly the major concerns that not only I have had but those charitable organizations, particularly the small charitable organizations that are concerned about, if you will, more of a Sarbanes-Oxley approach to dealing with some charitable organizations that would have made it almost impossible for these charities to continue to function, particularly in smalltown America.

We have now been able to come up with compromises that I think will, at least according to all of the feedback we have been getting—and I want to congratulate Melanie Looney in my office. She has done an outstanding job in making sure that the interests of the mom-and-pop charities, if you will, across America have been represented here and that we are not doing anything while, on the one hand, giving incentives for people to contribute to charitable organizations and, on the other hand, shutting these charitable organizations down because they can't survive under the burden of new regulations they would be placed under.

I think we have done a great job in balancing those interests. There are still a couple of things we would like to adjust, but there is always conference and the ability to work together with the House to get that done.

I thank the chairman. We have been discussing this and working on this and, in some respects, battling on this for quite some time, but I believe now that we have reached the point where we have some responsible and proper reforms that the vast majority of the charitable world embraces and understands they need to increase the professionalization in a lot of respects. That has been accomplished as a result of the reforms that we have put forward today. I look forward to working with the Chairman and ranking member and members of the Ways and Means Committee to get a bill that all in the charitable community can embrace that is responsible in improving governance, as well as a great incentive for these organizations to go out and meet the needs that are so pressing our communities across America.

With that, Mr. President, I thank the chairman and ranking member for his time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment temporarily be laid aside so I can offer an amendment on behalf of the Democratic leader, Senator REID.

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

AMENDMENT NO. 2653

Mr. BAUCUS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. REID, for himself, Mr. KERRY, Mr.

LAUTENBERG, Ms. SNOWE, Mr. SALAZAR, Mr. BINGAMAN, Mr. JEFFORDS, Mr. BAYH, Mrs. CLINTON, Mr. HARKIN, and Mrs. FEINSTEIN, proposes an amendment numbered 2653.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend through 2010 certain tax incentives for renewable energy production and energy efficient building construction)

At the end of title IV, add the following:

**Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction**

**SEC. 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.**

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking “2008” each place it appears and inserting “2011”.

**SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.**

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking “2008” both places it appears and inserting “2011”.

**SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.**

Section 54(m) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.**

Section 179D(h) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.**

Section 45L(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.**

Section 25D(g) is amended to read as follows:

“(a) TERMINATION.—The credit allowed under this section shall not apply to—

“(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

“(2) property described in subsection (d)(3) placed in service after December 31, 2007.”.

**SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.**

Section 25C(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 418. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.**

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

“(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that Senator NELSON of Florida may offer an amendment.

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

AMENDMENT NO. 2601

Mr. NELSON of Florida. Mr. President, I call up amendment 2601.

The PRESIDING OFFICER. The clerk will please report.

The bill clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. DORGAN, Mr. LEAHY, Mr. SCHUMER, and Mr. DAYTON, proposes an amendment numbered 2601.

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

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

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006)

At the end of title IV, insert the following:

**SEC. \_\_\_\_ . PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.**

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking “May 15, 2006” and inserting “December 31, 2006”; and

(2) by adding at the end the following new sentence:

“An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).”

(b) ONE-TIME CHALLENGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking “FOR FIRST 6 MONTHS”; and

(ii) in clause (i)—

(I) by striking “the first 6 months of 2006” and inserting “2006”; and

(II) by striking “the first 6 months during 2006” and inserting “2006”; and

(iii) in clause (ii), by inserting “(other than during 2006)” after “paragraph (3)”; and

(B) in paragraph (4), by striking “2006” and inserting “2007” each place it appears.

(2) CONFIRMING AMENDMENT.—Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking “subparagraphs (B) and (C) of paragraph (2)” and inserting “paragraph (2)(C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

Mr. NELSON of Florida. Mr. President, I am offering an amendment to try to help our senior citizens from the state of confusion that many of them are now experiencing since the prescription drug benefit started 2 days ago and being signed up. If other Senators are hearing from their senior citizens as I am—and I met with a group on Monday in West Palm

Beach—they will find that many of them are confused, bewildered, and in some cases even frightened because they are afraid of making a choice and then making a mistake, and under the current law—and we need to clean up some of this current law anyway—they could not rectify that mistake for a whole year. And now in trying to make an intelligent decision on something that is as important to a senior citizen as prescription drugs, they are being confronted with a multiplicity of plans.

I had one senior in West Palm Beach tell me they were actually looking at 103 plans. In other parts of the State, you are looking at 18 companies offering 43 stand-alone prescription plans and, in addition, another 37 companies will offer a total of 257 different Medicare Advantage prescription drug plans. And each of these has differing premiums, cost-sharing requirements, different drugs, and pharmacy access.

What about the senior citizen who has one or two pharmacies in their small community and then they have to worry about finding the plan that fits with that pharmacy? Or what about the senior citizen who has a prescription and depends on it, goes and finds the plan that covers that prescription and then what happens if the doctor in the course of the year changes that prescription and then that prescription is not contained on that particular plan's formula?

Sorting through these plans is complicated and time-consuming, and that is what has led our seniors to be confused, in some cases bewildered, and, very sadly in cases that I saw, even frightened.

We can rectify that with this amendment. All it does is give them more time instead of the deadline coming down like an ax in the night next May. It extends that deadline for 6 months, and it allows them, if they make a choice within the course of that year, 2006, the first year that the prescription drug law takes effect for Medicare, if they make a mistake, to rectify it. And if they make a choice to go with the Medicare prescription drug benefit and then realize they want to go back with their former employer's prescription drug plan, they have that option.

That is the essence of this amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALLEN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that Senator BINGAMAN from New Mexico may offer an amendment. I ask him to limit his remarks to a couple minutes. I yield him 3 minutes.

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

## AMENDMENT NO. 2642

(Purpose: To provide for a tax credit for offering employer-based health insurance coverage.)

Mr. BINGAMAN. Mr. President, I call up for consideration amendment No. 2642.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Mr. KERRY, proposes an amendment numbered 2642.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BINGAMAN. Mr. President, this amendment I am offering is to create a tax credit for small businesses so they can provide health insurance for their employees. This is a terrible need, an enormous need in my own State of New Mexico.

I am defining small businesses as businesses with 50 or fewer employees. According to the Kaiser Family Foundation, only 43 percent of small businesses defined in this way offer health insurance to their employees. This chart sets out the range that applies to each State, and you can see that many States have this very same problem.

In my home State of New Mexico, roughly 38 percent of workers who work for small businesses have access to employer-provided health insurance. In a State such as New Mexico where a majority of the businesses have fewer than 50 employees, the lack of employer-provided insurance is reflected in the overall number of uninsured New Mexicans. Yet according to the Kaiser Foundation, 80 percent of the uninsured in our country come from a family in which at least one person is working.

This amendment creates a tax credit that ranges from 30 percent to 50 percent of the cost of qualified health insurance expenses with smaller employers getting the largest credit. In order to keep the costs down, I have provided that this credit will be effective in the 2006 tax year. We will have to take additional action to extend it beyond that.

What we have learned over the years is that employer-provided benefits are the most efficient and effective means to deliver health care coverage and retirement benefits.

This amendment is totally offset by requiring Government contractors to withhold a very small amount of the taxes they will ultimately have to pay.

This is a very meritorious amendment. It is totally offset and paid for. I urge my colleagues to support it, and the small businesses in their States will be very appreciative of that support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from Illinois, Mr. DURBIN, may offer an amendment. I ask him, too, to limit his remarks to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

## AMENDMENT NO. 2623

(Purpose: To reduce the tax on patriotic employers, and for other purposes)

Mr. DURBIN. Mr. President, I call up amendment No. 2623.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2623.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, our Tax Code does two things. It raises revenue, but it also tries to encourage good behavior and discourage bad behavior. What this amendment does is reward good behavior on the part of American businesses. It is my belief that if a business does the right thing for its employees and for this country, it should have a tax benefit, and that is why we are designating patriotic employers.

Who are these employers? They are employers who maintain or increase the number of full-time workers in America relative to the number of full-time workers outside of America. They maintain their corporate headquarters in America if the company has ever been headquartered here. They pay decent wages to their employees, a livable wage of at least \$7.75 an hour. They provide a retirement plan for their employees, either a defined benefit or defined contribution that matches at least 5 percent of their worker contributions for every employer. They pay at least 60 percent of workers' health care premiums, and when their workers are members of the Guard and Reserve and activated to serve overseas, they make up the difference in salary so their families can have peace of mind financially while their soldiers are off fighting.

I believe the companies who do this deserve a benefit. They deserve a reward. If you are not providing for your employees a decent wage, if you are sending all your jobs overseas, if you don't have a retirement plan, and you don't provide health insurance, why in the world should we reward that?

Let's pick those good, patriotic American companies and give them this tax credit, which is fully offset by this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from Nebraska, Mr. NELSON, may offer an amendment.

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

Mr. BAUCUS. Mr. President, I ask the Senator if he can limit his remarks to 3 minutes, too.

The PRESIDING OFFICER. The Senator from Nebraska.

## AMENDMENT NO. 2625

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Montana for this opportunity. I call up my amendment No. 2625, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, and Mr. DEWINE, proposes an amendment numbered 2625.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to establish a disability preference program for qualified tax collection contracts)

At the end of title IV, insert the following:

**SEC. \_\_\_\_ DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.**

(a) IN GENERAL.—The Secretary of the Treasury shall not enter into any qualified tax collection contract after April 1, 2006, until the Secretary implements a disability preference program that meets the requirements of subsection (b).

(b) DISABILITY PREFERENCE PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A disability preference program meets the requirements of this subsection if such program requires that not less than 10 percent of the accounts of each dollar value category are awarded to persons described in paragraph (2).

(2) PERSON DESCRIBED.—For purposes of paragraph (1), a person is described in this paragraph if—

(A) as of the date any qualified tax collection contract is awarded—

(i) such person employs not less than 50 severely disabled individuals within the United States; or

(ii) not less than 30 percent of the employees of such person within the United States are severely disabled individuals;

(B) such person agrees as a condition of the qualified tax collection contract that not more than 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

(i) be hired after the date such contract is awarded; and

(ii) be severely disabled individuals; and

(C) such person is otherwise qualified to perform the services required.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAX COLLECTION CONTRACT.—The term “qualified tax collection contract” shall have the meaning given such term under section 6306(b) of the Internal Revenue Code of 1986.

(2) DOLLAR VALUE CATEGORY.—The term “dollar value category” means the dollar ranges of accounts for collection as determined and assigned by the Secretary under section 6306(b)(1)(B) of the Internal Revenue Code of 1986 with respect to a qualified tax collection contract.

(3) SEVERELY DISABLED INDIVIDUAL.—The term “severely disabled individual” means—

(A) a veteran of the United States armed forces with a disability of 50 percent or greater—

(i) determined by the Secretary of Veterans Affairs to be service-connected; or

(ii) deemed by law to be service-connected; or

(B) any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2))) or who would be considered to be such a disabled beneficiary but for having income or resources in excess of the income or resources eligibility limits established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), respectively.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Senator COLLINS be added as an original cosponsor.

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

Mr. NELSON of Nebraska. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

In October 2004, Congress enacted the American Jobs Creation Act of 2004, Public Law 108–357, providing for outsourcing by the Internal Revenue Service, IRS, of collection of unpaid and past due Federal income taxes. The bidding process for the initial contracts is currently underway. Eventually, after full implementation of the program, it is estimated that these contracts will create up to 4,000 well paying private-sector jobs.

The amendment that Senator DEWINE and I are offering today would establish a preference under the debt collection contracting program for contractors who meet certain threshold criteria relating to employment of disabled veterans and other severely disabled persons. The amendment further requires that at least a specified percentage of the individuals employed by the contractor to provide debt collection services under the contract with the IRS qualify as disabled veterans or severely disabled persons.

If Federal employees conducted the same tax collection activities, current law would give preferences to disabled veterans in filling those Federal jobs. In addition, if other persons with severe disabilities were employed by the Federal Government in those jobs, those disabled persons would benefit from the Federal Government's long history of nondiscrimination and policies of promoting job opportunities for the disabled.

Despite multiple Federal programs, benefits offered thorough a variety of

agencies, and various tax incentives, unemployment rates for persons with disabilities, PWDs, are extremely high. The 2000 Census estimated that there were 31 million working-age Americans with disabilities, with an unemployment rate of 70–80 percent. Today, there are 2.6 million veterans receiving service-connected benefits, including disability benefits with an additional 340,000-plus applications pending by other veterans.

By enacting legislation to allow the IRS to outsource debt collection, Congress certainly did not intend to curtail the national commitment to creating meaningful job opportunities for disabled veterans and other severely disabled persons. Indeed, the contracts which the IRS will soon execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate creation of well-paying jobs for disabled veterans and other persons with severe disabilities.

To realize this opportunity, however, Congress must act to assure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other severely disabled persons are carried forward as a part of the IRS's contracting criteria. My amendment, that I am happy to be offering with Senator DEWINE, achieves this goal.

Our amendment would establish a preference for companies that currently employ a minimum of 50 disabled veterans or persons with severe disabilities, who also must be capable of fulfilling the task. Once the IRS award is made, the debt collection contractor would be required to ensure that 35 percent of the workforce fulfilling the contract be new hires that are persons or veterans with disabilities.

Under this amendment, a minimum of 140 full-time equivalent jobs, also known as FTE jobs, would be created for PWDs at third-party debt collection agencies contracted to collect certain past dues income taxes. An FTE job is equivalent to one (1) 40-hour job or two (2) 20-hr weekly employees or four (4) 10-hour per week employees. These jobs are often part-time; 140 FTEs could translate into close to 300 part-time positions for disabled individuals.

This amendment would not only help to alleviate the current unemployment rate of PWDs, it would also generate substantial savings. These jobs pay anywhere from \$19,000 annually up to \$40,000 annually and can include health and 401(k) benefits. Even at the low end, this income level is too high to qualify for supplemental security income-disability insurance benefits. Thus, individuals in these programs who take these jobs will no longer require government benefit subsidies from SSI or DI, even if otherwise qualified. Over a 5-year period, the SSI/DI savings are estimated to be \$69–\$75 million.

To qualify under this amendment, a company must hire 50 PWDs. If 10 com-

panies do this, the net result is employment of 500 PWDs who currently do not have jobs. If 20 companies participate, 1,000 PWDs would be gainfully employed. The savings realized with 1,000 PWDs no longer needing SSI/DI benefits could be as high as \$344 million.

The IRS debt collection program is already established. The provisions in this amendment offer the added benefit of more jobs for disabled veterans and the reduction of Federal benefit program costs.

We owe it to our service men and women to improve their futures in any way we can. We have the opportunity to not only show our support for our disabled veterans, but to also show the severely disabled that we believe in them and in their abilities.

I urge my fellow Senators to support this amendment, to support our veterans, and to support the severely disabled.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2650

Mr. FEINGOLD. Mr. President, how much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes remaining.

Mr. FEINGOLD. I note how pleased I am that the Senator from Colorado, Mr. SALAZAR, is a cosponsor of this amendment.

I yield 2 minutes to the Senator from Illinois who is also a cosponsor of my amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the amendment offered by Senator FEINGOLD. I am pleased to be a cosponsor of the amendment.

In recent years, the philosophy in Washington has been that you can spend without consequence or sacrifice. That we can fight a war in Iraq and a war on terror, protect our homeland, provide our citizens with Medicare and Social Security, and maintain our domestic priorities, all while cutting taxes for the wealthy and funding every local project there is.

If you are wondering how Congress pays for all this, it doesn't. Instead, billions of dollars are borrowed from other countries and put on a credit card for our children to pay off. Yet, when it comes time to pay these bills, no one can seem to agree on any tax cuts to defer or any programs to cut.

Every family knows that it is one thing to use a credit card; it is another thing to keep spending money you don't have. You have to pay as you go, which is a rule most Americans live by.

Washington once did too, until the White House and my colleagues on the other side of the aisle abandoned it to push through the President's tax breaks.

This attempt to pass \$60 billion in tax breaks despite record breaking

deficits is just the latest example of the fiscal irresponsibility in this city.

The amendment offered by Senator FEINGOLD is about restoring responsible budgeting. Previously, PAYGO rules applied equally to increases in mandatory spending and tax cuts.

Unfortunately, the rules were changed, and now the requirements of budget discipline apply to only half of the budget—the spending part.

The problem is, that there is no such thing as half a budget. Budget discipline requires enforcing control over both sides of the ledger.

The original PAYGO rules were abandoned to provide for a series of unfunded tax breaks. In order to pay for these tax breaks, the Government had to borrow money from countries like Japan and China.

And we borrowed from the Social Security Trust Fund. In the process, our national debt shot up to \$8 trillion, and it is still rising. Last year, for example, our national commitments exceeded our national resources by more than \$550 billion.

Americans deserve better financial leadership.

Washington could learn a lot from the American people about fiscal responsibility. The people I talk to in Illinois are not fooled by what's going on. They know what is happening with higher deficits and reduced levels of Government service.

They understand that, in this life, you get what you pay for and if you don't pay for it today, it will cost you more tomorrow.

The people I have met with know that if you need to spend more money on something, you also need to make more money, and if your income falls, your spending must fall, too. This is the essence of the PAYGO rules we are trying to reinstate today. Changes in spending must be offset by changes in revenue, and vice versa.

The people I talk to understand that when you have massive costs coming down the road, you need to prepare for them. There is no excuse for ignoring the financial consequences of foreseeable expenses—whether it is the rising costs of health care, the retirement of the baby boom generation, or the growing inequality of wealth in our society.

So when you are already deep in debt—as the Federal Government is now—and you are facing a mountain of debt in the future, it is just not the right time to be giving out \$60 billion in tax cuts, even if many of these cuts have merit.

And if you are intent on giving out these tax cuts, let's find a way to pay for them.

And that is why it is so important that we reinstate PAYGO in a way that meaningfully enforces the budget discipline that both sides of the aisle need in order to honestly tackle our short-term and long-term fiscal challenges.

It is time for some adult supervision to return to the budgeting process. PAYGO provides a necessary tool at a necessary time.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Illinois. I ask unanimous consent that it be in order at this time to ask for the yeas and nays on my amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2653, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent to modify Reid amendment No. 2653 with the text I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2653), as modified, is as follows:

At the end of title IV, add the following:

**Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction**

**SECTION 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.**

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking “2008” each place it appears and inserting “2011”.

**SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.**

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking “2008” both places it appears and inserting “2011”.

**SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.**

Section 54(m) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.**

Section 179D(h) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.**

Section 45L(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.**

Section 25D(g) is amended to read as follows:

“(a) TERMINATION.—The credit allowed under this section shall not apply to—

“(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

“(2) property described in subsection (d)(3) placed in service after December 31, 2007.”.

**SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.**

Section 25C(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 418. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.**

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

“(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

“(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold from such payment a tax in an amount equal to 3 percent of such payment.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

“(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

“(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

“(C) of interest,

“(D) for real property,

“(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

“(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

“(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than \$100,000,000 of such payments annually.

“(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that the Senator from Arkansas, Mrs. LINCOLN, may offer an amendment at the very least. If the time has now run and we are going to begin voting, at least she is next in the queue after the amendments that we have already listed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote in relation to the Coburn amendment the Senate proceed to votes in relation to the following amendments in the sequence ordered; provided there be 2 minutes equally divided between the votes and that no second degrees be in order to the amendments prior to the votes: Grassley amendment No. 2654, Durbin amendment No. 2596, Obama amendment No. 2605, Kennedy amendment No. 2588, Reed amendment No. 2626, Feingold amendment No. 2650, and Sununu amendment No. 2651.

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

AMENDMENT NO. 2647, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent to modify the previously adopted amendment No. 2647. I send the modification to the desk and I ask for its adoption.

The PRESIDING OFFICER. Is there objection?



Without objection, it is so ordered.

The amendment (No. 2647), as modified, was agreed to as follows:

On page 322, line 22, insert after 1986 "which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and"

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the amendment of the Senator from Mississippi offered on behalf of the Senator from Oklahoma.

The yeas and nays have been ordered.

The clerk will please call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 335 Leg.]

#### YEAS—51

Alexander	Crapo	Landrieu
Allard	Dayton	Lott
Allen	DeMint	Lugar
Bennett	DeWine	Martinez
Bond	Dole	McCain
Brownback	Domenici	McConnell
Burns	Ensign	Obama
Burr	Enzi	Santorum
Carper	Graham	Sessions
Chafee	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Isakson	Thune
Craig	Kyl	Vitter

#### NAYS—47

Akaka	Frist	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Jeffords	Reed
Biden	Johnson	Reid
Bingaman	Kennedy	Roberts
Boxer	Kerry	Rockefeller
Bunning	Kohl	Salazar
Byrd	Lautenberg	Sarbanes
Cantwell	Leahy	Schumer
Clinton	Levin	Shelby
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Thomas
Dorgan	Mikulski	Voinovich
Durbin	Murkowski	Warner
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

#### NOT VOTING—2

Corzine	Inouye
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The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The Senator from Iowa is recognized.

AMENDMENT NO. 2654

Mr. GRASSLEY. I call up the Grassley amendment.

The PRESIDING OFFICER. The clerk will please report the Grassley amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2654.

The amendment is as follows:

(Purpose: To express the sense of the Senate)

At the end of title IV, add the following:

#### SEC. \_\_\_\_ . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) As many as 44,000,000 Americans are estimated to lack health insurance during the course of the year, many of whom are uninsured for a short period of time while a smaller number face longer periods without coverage.

(2) Rising health care costs contribute to the problem of the uninsured and make it more difficult to find a simple solution to make health care affordable.

(3) There is not a one-size fits all solution to address health care coverage issues.

(4) Businesses have competing needs for their resources, including investments to ensure their competitiveness and providing health care coverage for their employees and dependents.

(5) Lower tax rates on dividends and capital gains saved 24,000,000 families an average of nearly \$950 on their 2004 taxes, including about 7,000,000 seniors who saved, on average, \$1,230 each.

(6) These pro-growth tax cuts have spurred economic development and job creation and have been partly responsible for an increase in tax receipts.

(7) Of the more than 30,000,000 tax returns that included dividend income, those with adjusted gross income of less than \$75,000 accounted for 64 percent, or over 19,000,000 of such returns.

(8) Of the nearly 23,000,000 tax returns that included capital gains, 62 percent of these returns, or about 14,000,000, had less than \$75,000 in adjusted gross income.

(9) Allowing taxes to increase will make it harder for employers and individuals to afford health care insurance, leading to more individuals without health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) prevent an increase in taxes on millions of Americans by not allowing the tax policy enacted in 2003 to expire; and

(2) extend tax policies that have proven to enhance economic growth, create jobs, and improve business' and individuals' ability to afford health insurance coverage; and

(3) address the multiple aspects of our Nation's health care crisis, including the need to make health care more affordable, to expand coverage, and to strengthen the health care safety net by—

(A) promoting the use of health care technology, which will help reduce medical errors that contribute to higher costs and promote greater efficiency in care delivery;

(B) providing new financial assistance and tax credits to make health insurance more affordable;

(C) creating financial incentives for young adults to purchase lifetime, portable health insurance;

(D) expanding health insurance coverage options for low-income entrepreneurs and self-employed individuals;

(E) increasing access to specialty care within the health care safety net by providing a tax deduction to physician specialists who provide care for patients referred from health care safety net providers;

(F) reducing regulatory burdens on health care safety net providers that lead to higher administrative costs and a diversion of funds that could be spent on patient care; and

(G) improving outreach efforts to maximize participation of eligible beneficiaries in Federal health care safety net programs.

Mr. GRASSLEY. Mr. President, this is an alternative to the Durbin sense-of-the-Senate resolution. The Durbin amendment in essence says certain taxes should be extended and that

money ought to be used to provide health care and insurance for children.

We agree that more needs to be done to help uninsured people. But we believe that the pretax policy in place is such a good tax policy—for instance, Chairman Greenspan saying that the tax policy has been good for the recovery and the extended growth, bringing in \$274 billion this year over last year. We think we need to do all the things—expanding the economy and everything else—because it is through an expanding economy that middle-income people advance themselves; that we have an opportunity then for more people through more income to be able to buy health insurance. We have to do all those things. We can't change tax policy and count that as doing it.

I urge this as an alternative to Senator DURBIN's amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I greatly respect my colleague from Iowa. The Grassley amendment is a clear explanation of why we have never done anything to expand health care. Do you know why? Because the Grassley amendment says we can have it all. We can give \$20 billion in tax cuts to the wealthiest people in America and we can provide health care for children. It doesn't add up, just like this budget doesn't add up. What we have to understand is this. I give you a choice: Take away the tax breaks, half of which go to people who make over \$1 million a year, take the money and insure all the children in America. That is my amendment.

Senator GRASSLEY's amendment doesn't provide any resources or any funds to insure the children. What it says is if we give enough money to the wealthiest people in America, surely out of the charity of their hearts they will take care of the kids. We know better. There are more and more uninsured every single year.

I urge you to defeat the Grassley amendment and consider voting for the Durbin amendment.

I raise a point of order that the amendment violates the Byrd rule, section 313(b)(1)(a) of the Budget Act.

Mr. GRASSLEY. Mr. President, I move to waive the budget point of order and 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.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:



[Rollcall Vote No. 336 Leg.]

## YEAS—53

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

## NAYS—45

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

## NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this question, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Illinois.

## AMENDMENT NO. 2596

Mr. DURBIN. It is my understanding under the unanimous consent request that my amendment is next in line.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Do I need to call up the amendment?

The PRESIDING OFFICER. The amendment is pending.

Mr. DURBIN. Mr. President, life and the Senate are about choices. Here are your choices with this amendment. You can give a capital gains and dividends tax cut that goes primarily to the wealthiest Americans. In fact, 75 percent of the capital gains tax cuts goes to people making over \$200,000 a year; 1.5 million taxpayers will benefit from that new tax cut, people who are doing pretty well in life. Or you can take the same amount of money and provide health insurance for 9 million uninsured children in America. The cost? The same thing: \$10 billion each year.

There is the choice—give tax cuts to the wealthiest people in America or provide health insurance for 9 million kids who don't have it, children of families who go to work every single day and don't have health insurance. The choice is pretty clear. A lot of people talk about moral values and family values. Maybe the choice in this amendment gets down to those questions.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I am going to give the Senator from Illinois an opportunity to come down out of the grandstand and play on the same playing field I do, and the Senator will have an opportunity to take care of all those people.

The Senator had an opportunity 2 weeks ago on the Deficit Reduction Act. All the things we had in there for the people who do not have health care the Senator had an opportunity to vote for and didn't.

Just to name a few of these: We had the Family Opportunity Act that would have helped 500,000 severely disabled children. The Senator voted against that. We had a vote against a bill in regard to the children's health insurance shortfall. The Senator voted against that. The Senator voted against an outreach and enrollment to get eligible children health care coverage for which they are entitled. If the Senator were serious about helping low-income people, the Senator would have voted for that because we took care of a lot of the children the Senator is talking about.

Mr. BYRD. I ask that Senators address each other in the third person, not in the second person.

The PRESIDING OFFICER. The Senator from West Virginia is correct; if Senators would address each other through the Chair and in the third person.

Mr. GRASSLEY. I raise a point of order that the amendment is not germane to the underlying bill.

Mr. DURBIN. Mr. President, do I have time remaining?

The PRESIDING OFFICER. All time has expired.

Mr. DURBIN. I move to waive the applicable budget provisions for consideration of the amendment. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 2596.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 337 Leg.]

## YEAS—43

Akaka	Boxer	Conrad
Baucus	Byrd	Dayton
Bayh	Cantwell	Dodd
Biden	Carper	Dorgan
Bingaman	Clinton	Durbin

Feingold	Lautenberg	Reed
Feinstein	Leahy	Reid
Harkin	Levin	Rockefeller
Inouye	Lieberman	Salazar
Jeffords	Lincoln	Sarbanes
Johnson	Mikulski	Schumer
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Wyden
Kohl	Obama	
Landrieu	Pryor	

## NAYS—55

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

## NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

## AMENDMENT NO. 2605

Mr. OBAMA. Mr. President, amendment No. 2605 deals with Hurricane Katrina contracting. This sense-of-the-Senate amendment I offer with Senators COBURN, LAUTENBERG, ENSIGN, and JOHNSON is a simple effort to enforce some accountability and transparency into the contracting process.

FEMA needs to reopen its no-bid contracts. FEMA representatives testified before Senate committees they would do so. They have now backed away from that. That is unacceptable.

I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

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

The amendment (No. 2605) was agreed to.

## AMENDMENT NO. 2588

The PRESIDING OFFICER. The question is now on the amendment from the Senator from Massachusetts, Mr. KENNEDY, with 2 minutes evenly divided.

The Senator from Massachusetts is recognized for 1 minute.

Mr. KENNEDY. Mr. President, this is a very simple amendment but an amendment of enormous importance and consequence for the children of this Nation.

If you look at this chart that shows virtually all the industrial nations of

the world, we have the highest instance of child poverty of all industrial nations in the world.

This amendment I offer adds a 1-percent surtax on millionaires who pay their contributions in terms of the Internal Revenue Service. It is just a 1-percent add-on. It pays into a fund to fight child poverty, a designated fund that will eventually be decided by the leadership and by the President of the United States.

This is a moral issue. It is a children's issue. It is a value issue. And this is something that can make an enormous difference to the children of this country.

Here in the richest country in the world, we allow children to suffer, without money, without a home, without food.

No great nation can ignore this challenge. The images of Katrina proved that. We can lift children out of poverty, all it requires is the will to do it and the leadership to make it happen.

In the powerful word of the gospel, "To whom much is given, much is required." I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there is substantial research that shows the way to make progress in eliminating poverty is to encourage healthy marriages, responsible fatherhood, full-time work, and education.

The poverty rate for married couple families is 5.5 percent. The overall poverty rate is 12.7 percent. The poverty rate for single-family households, if there is no husband, is 28 percent.

So it is quite obvious, poverty reduction should not be a partisan issue. We know what we need to do to reduce poverty. So we need to roll up our sleeves, work together, strengthen marriage, strengthen fatherhood, promote education, and get people full-time work. That is the way to end poverty. Statistics prove it.

I make the point that the pending amendment is not germane to the measure now before the Senate, and I raise a point of order against it under section 305 of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will please call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 338 Leg.]

#### YEAS—36

Akaka	Feinstein	Lieberman
Bayh	Harkin	Mikulski
Bingaman	Inouye	Murray
Boxer	Jeffords	Nelson (FL)
Byrd	Johnson	Obama
Clinton	Kennedy	Reed
Conrad	Kerry	Reid
Dayton	Kohl	Rockefeller
Dodd	Landrieu	Sarbanes
Dorgan	Lautenberg	Schumer
Durbin	Leahy	Stabenow
Feingold	Levin	Wyden

#### NAYS—62

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Allen	DeWine	Nelson (NE)
Baucus	Dole	Pryor
Bennett	Domenici	Roberts
Biden	Ensign	Salazar
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Cantwell	Hagel	Specter
Carper	Hatch	Stevens
Chafee	Hutchison	Sununu
Chambliss	Inhofe	Talent
Coburn	Isakson	Thomas
Cochran	Kyl	Thune
Coleman	Lincoln	Vitter
Collins	Lugar	Voinovich
Cornyn	Martinez	Warner
Craig	McCain	

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment fails.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before we have the next rollcall on the Reed amendment, I have been asked by many Members if we could do what worked so successfully for Senator SPECTER on his bill by enforcing the 10-minute rule. The leader has asked me to say that is what we are going to do. So we will have regular order after the 10-minute rollcall vote, so people should stay around close to make sure they get their vote recorded.

We are going to enforce the Specter rule. If you don't like it, blame Specter.

The PRESIDING OFFICER. There is 2 minutes equally—

Mr. SPECTER. Mr. President, I object.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I don't know how many amendments we have but lots of them tonight. I am sure they are all very meritorious. I have an amendment dealing with renewables. I am going to allow a voice vote on that. I think others might want to follow that example. I think with rare exception we kind of know how they are going to turn out anyway. You either win or lose. The vote outcome is the same whether it is by a rollcall or voice vote. So I am going to have a voice vote on my re-

newable energy amendment. I hope others would follow suit on some of theirs.

AMENDMENT NO. 2626

The PRESIDING OFFICER. There is 2 minutes equally divided on the Reed of Rhode Island amendment.

The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

My amendment would fully fund the LIHEAP program, providing a 1-year temporary windfall profits tax on large oil companies. Previously, a majority of this body has voted to fully fund LIHEAP. We have not had an offset. This would be an offset. The mechanism I propose would be based upon Senator SCHUMER's proposal. It does not have the problems that were identified by Senator DOMENICI with respect to the Dorgan and Dodd proposal.

My amendment will tax these companies at an equitable rate. It will raise \$2.92 billion. It will fully fund LIHEAP, and it will provide relief to families throughout this country who literally struggle, who either choose to heat or to eat. I think we can do much better to help our families. There has been majority support of this bill. I hope we have sufficient support that we can actually provide the resources to provide help to struggling families this winter.

I urge all my colleagues to support the amendment.

I retain any time I have remaining.

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

The Senator from Iowa.

Mr. GRASSLEY. I support the LIHEAP program. Most everybody in this body supports the LIHEAP program. I have had an opportunity to vote for that even in recent days. But we have to make sure we do it in the right way. I have even tried to get oil companies to contribute to the low-income fuel fund. But here we have the Senator resurrecting the old nonworkable windfall profits tax. As Senator DOMENICI said in previous debate, this is one way of raising the price of gasoline and other fuels.

I ask you to oppose this amendment, and I would raise the point that the amendment is not germane.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable sections of the act with regard to the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—50

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Gregg	Pryor
Biden	Harkin	Reed
Boxer	Inouye	Reid
Byrd	Jeffords	Rockefeller
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Snowe
Coleman	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Sununu
Dayton	Lieberman	Thune
Dodd	Lincoln	Voinovich
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—48

Alexander	DeMint	Lugar
Allard	DeWine	Martinez
Allen	Dole	McCain
Bennett	Domenici	McConnell
Bingaman	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Frist	Roberts
Bunning	Graham	Santorum
Burns	Grassley	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Stevens
Cochran	Inhofe	Talent
Cornyn	Isakson	Thomas
Craig	Kyl	Vitter
Crapo	Landrieu	Warner

NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER (Mr. MARTINEZ). On this vote, the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a list of amendments on which I wish to propound a unanimous consent request.

I ask unanimous consent that following the disposition of the Sununu amendment, that Senator LINCOLN be recognized to offer an amendment and speak for 2 minutes, after which the amendment will be withdrawn; further, that the Senate then proceed to votes in relation to the following amendments in sequence order; provided that there be 2 minutes equally divided between the votes and that no second-degree amendments be in order to the amendment prior to the vote: Schumer amendment No. 2635, Reid amendment No. 2653, Nelson amendment No. 2601, Bingaman amendment No. 2642, Durbin amendment No. 2623, and Nelson amendment No. 2625.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. BAUCUS. Mr. President, was the last unanimous consent request agreed to?

The PRESIDING OFFICER. It was.

MODIFICATION TO AMENDMENT NO. 2635 VITIATED

Mr. BAUCUS. Mr. President, we have a matter we have to fix. I ask unani-

mous consent that the modification to the Schumer amendment No. 2635 be vitiating.

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

AMENDMENT NO. 2653, AS MODIFIED

Mr. BAUCUS. Mr. President, the modification should be to the Reid of Nevada amendment.

The amendment, as modified, is as follows:

At the end of title IV, add the following:

**Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction**

**SECTION 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.**

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking “2008” each place it appears and inserting “2011”.

**SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.**

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking “2008” both places it appears and inserting “2011”.

**SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.**

Section 54(m) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.**

Section 179D(h) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.**

Section 45L(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.**

Section 25D(g) is amended to read as follows:

“(a) TERMINATION.—The credit allowed under this section shall not apply to—

“(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

“(2) property described in subsection (d)(3) placed in service after December 31, 2007.”.

**SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.**

Section 25C(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

**SEC. 418. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.**

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

“(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

“(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold from such payment a tax in an amount equal to 3 percent of such payment.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

“(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

“(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

“(C) of interest,

“(D) for real property,

“(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

“(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

“(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than \$100,000,000 of such payments annually.

“(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

AMENDMENT NO. 2650

The PRESIDING OFFICER. There are 2 minutes equally divided on the Feingold amendment. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank my cosponsors, Senators CONRAD, CHAFEE, OBAMA, and SALAZAR. This is a good old-fashioned, classic pay-go amendment. This is the rule under which we used to operate.

It is very simple. Under this pay-go amendment, you pay for what you want. If you want to increase entitlement spending, you have to pay for it. If you want to cut taxes, you have to pay for it. With the help of this budget rule, we actually balanced the Federal books, and we did so without using the Social Security surplus.

Without this rule, we have been driven back into the deficit ditch. We have begun to pile up record amounts of debt that our children and grandchildren will have to pay.

I urge my colleagues to support this time-tested, commonsense rule.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise the point, first of all, that we voted on a like amendment a couple of weeks ago. But I want to say why the amendment is defective, as I would have said then. It would require us to raise taxes to extend expiring tax cuts, but it would allow entitlement spending to continue to grow without any offset. This then creates a double standard between current tax law and current spending law.

The amendment also is not germane, and so I raise a point of order.

Mr. FEINGOLD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 340 Leg.]

#### YEAS—50

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

#### NAYS—48

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

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

#### AMENDMENT NO. 2651

There will now be 2 minutes equally divided prior to a vote on the Sununu amendment.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, my amendment is quite straightforward. It deals with a very large tax loophole that allows Government-sponsored entities, Fannie Mae and Freddie Mac, to avoid paying any State or local taxes whatsoever. It is a huge exemption for companies that are private, for-profit corporations, with their own shareholders. These companies have far higher profits and return on equity than so-called big oil that we have heard all of this criticism about for the last several hours.

There is no reason they cannot pay State and local taxes like any other private, for-profit company, contribute

back to those States, cities, and towns in a legitimate, straightforward way through the Tax Code. I think this is appropriate. There is no reason we should have such an enormous loophole for companies that earn millions of dollars, enough to pay their top executives not \$2 million a year or \$6 million a year or \$8 million a year but in some cases \$10 million a year that their chief executives have been paid over the last 3 to 5 years.

That certainly is the kind of money that makes it legitimate for them to be paying State and local taxes like any other for-profit company.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

(Several Senators addressed the Chair).

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment only singles out two companies, Fannie Mae and Freddie Mac, which have an important mission: homeownership in our States, moving out regional imbalances in the mortgage supply, integrating regional mortgage markets. If this amendment is passed, here is what happens: The housing markets are hurt. At a time when we are worried about our housing markets, we are worried about a housing bubble that may burst, we are worried about so many parts of the housing market, to pull the rug out from under Fannie Mae and Freddie Mac, which have done an incredible job, would make no sense whatsoever.

All the other corporations are not talked about here, just Fannie and Freddie. Therefore, I think this amendment deserves to be defeated.

Mr. President, the pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Under the previous order, the Senator from Arkansas is recognized.

#### AMENDMENT NO. 2652

Mrs. LINCOLN. Mr. President, I would like to call up my amendment numbered 2652, please.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. SNOWE, Mr. OBAMA and Mr. ROCKEFELLER, proposes an amendment numbered 2652.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the income threshold used to calculate the refundable portion of the child tax credit)

At the end of title IV, add the following:

#### SEC. \_\_\_\_ . \$10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(1) by striking “as exceeds” and all that follows through “, or” in paragraph (1)(B)(i) and inserting “as exceeds \$10,000, or”, and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mrs. LINCOLN. Mr. President, in the aftermath of Hurricane Katrina, the gulf breezes blew back the curtains and America and the world very clearly saw the face of poverty in the United States. We and the rest of the world saw a situation where many of our poorest families, our American families, were left to fend for themselves—many not even able to afford a bus ticket out of town to evacuate.

We find ourselves today reconciling our priorities, something that hard-working American families do every day. They reconcile their budgets, they reconcile their priorities, to decide what is essential to that family and what is a luxury.

I do not believe we can have this discussion today without bringing up what I find, in our Nation, to be one of our greatest priorities and by far one of our greatest blessings, and that is our children. I believe we have an opportunity right now to help lift those families in Louisiana and, indeed, across this entire Nation. In 2001 and again in 2003, Senator SNOWE and I worked together to make sure that working families of many low-income children were included in the child tax credit.

Unfortunately, a recent report, highlighted in the New York Times, shows that almost one-third of children do not qualify for that child tax credit because they are in families earning too low an income. When you break that finding down by race, it is even more disheartening. About half of all African-American children and half of all Latino children are left out of the full tax credit, child tax credit, because their family's earnings are too low to qualify.

We are talking about working families. To qualify for this tax credit, you have to be working and you have to have children.

The PRESIDING OFFICER. The Senator has used her 2 minutes.

Mrs. LINCOLN. I thank my colleagues for listening. I understand, due to the refundable nature of this credit, it is not germane to the reconciliation bill, and as a result, I will not ask for a vote, but I do ask our colleagues to

remember what our priorities are tonight.

The PRESIDING OFFICER. Under previous order, the amendment is withdrawn.

There is now 2 minutes equally divided prior to a vote on the Schumer amendment.

The Senator from New York.

AMENDMENT NO. 2635

Mr. SCHUMER. Mr. President, this amendment creates a temporary levy on the excess profits of U.S. oil companies and it does it in a different way. It takes that money and provides a non-refundable tax credit of \$100 in 2005 for every person in the household. The revenue mechanism in my amendment is an actual tax on windfall profits that exceed a 3-year historic average. That makes it easy for companies to calculate. Unlike the other windfall profits tax amendments that have come forward, this one will not increase production costs and fuel costs for American consumers. That is because it is levied on profits, not production; not on profits when oil is above \$40 a barrel but only when the band of profits exceeds a set level.

This was the same mechanism that Senator REED used for LIHEAP, and it did get a good number of votes—50. The revenue of the amendment goes back to the U.S. taxpayer, not to any program, not to the Government, with a non-refundable credit of \$100 for every person in their household, and that is for 2005 only. It is revenue neutral.

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

Mr. GRASSLEY. Mr. President, I oppose this amendment. This is an increase in the price of gasoline. Also, I don't know how many times we have to vote on a windfall profits tax. This is at least the third or fourth time.

Although there is a tax credit that the tax funds, I want everybody to know there is no guarantee that the tax will not be passed on to consumers with these higher prices at the pump as well as home heating.

This amendment raises revenue. The bill before us raises revenue from oil already taxed. This new tax is not well designed and should be defeated.

I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I move to waive the relevant portions of the Budget Act and 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.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 33, nays 65, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—33

Akaka	Harkin	Mikulski
Bayh	Inouye	Murray
Boxer	Jeffords	Nelson (FL)
Byrd	Johnson	Obama
Clinton	Kennedy	Reed
Dayton	Kerry	Reid
Dodd	Kohl	Rockefeller
Dorgan	Lautenberg	Sarbanes
Durbin	Leahy	Schumer
Feingold	Levin	Stabenow
Feinstein	Lieberman	Wyden

NAYS—65

Alexander	Craig	McCain
Allard	Crapo	McConnell
Allen	DeMint	Murkowski
Baucus	DeWine	Nelson (NE)
Bennett	Dole	Pryor
Biden	Domenici	Roberts
Bingaman	Ensign	Salazar
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Cantwell	Hagel	Specter
Carper	Hatch	Stevens
Chafee	Hutchison	Sununu
Chambliss	Inhofe	Talent
Coburn	Isakson	Thomas
Cochran	Kyl	Thune
Coleman	Landrieu	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Cornyn	Martinez	

NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 65. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2653, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the motion on the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, this is a bipartisan amendment. It is very simple, direct, and to the point. We need more electricity that does not rely on increasingly expensive natural gas.

The quickest way to get more electricity without using more natural gas is through the increased use of renewables with greater efficiency.

Unfortunately, the deadlines for the renewable energy and efficiency tax incentives that we now have in law cut off much too soon to be really effective. So this amendment extends those deadlines through 2010 to match the current tax incentives for conventional and fossil energy projects.

I urge Members to support this amendment. It is fair, it is paid for, and it will make a quick and significant dent in the Nation's enormously expensive natural gas consumption.

Nevadans and all Americans rely heavily on natural gas for electricity and heating. This Congress needs to take action to address the insanely high prices of natural gas as soon as possible.

I ask unanimous consent that Senators KERRY, SNOWE, SALAZAR, LAUTENBERG, BAYH, BINGAMAN, JEFFORDS, and FEINSTEIN be added as cosponsors of the amendment.

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

Mr. GRASSLEY. Mr. President, I happen to be the original author of section 45, renewable fuels.

I have extended this provision already through 2008. The amendment will undermine the reconciliation bill by going beyond our 5-year budget window, and the amendment is no longer paid for.

So, regrettably, I oppose this specific amendment. But as the author of section 45, you can be assured that when it is necessary to extend it, we will. I ask you to vote against this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2653), as modified, was rejected.

AMENDMENT NO. 2601

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Nelson of Florida amendment.

Mr. NELSON of Florida. Mr. President, all of you have heard from your senior citizens. With the implementation of the prescription drug bill, our seniors have so many plans to choose from that they are confused—and, in some cases, they are bewildered; in some cases, they are frightened about making the wrong choice by the deadline and then not having the opportunity to correct it for 1 year.

This amendment would extend the deadline from May to December. I hope for the sake of our seniors that you will vote for this amendment.

Mr. GRASSLEY. Mr. President, this amendment is simply not necessary. The first enrollment period began—can you believe it—just 2 days ago, and somebody says, You know, it is not long enough. It is going to last for 6 months—until May 15.

There are lots of resources available. As one example, States have counselors available to assist beneficiaries under the State Health Insurance Program.

That is the whole point of that program—to help beneficiaries understand the Medicare benefits in the legislation.

The bottom line is that it is no picnic to sort through the fine print of health insurance. It even may rank among the most unpopular and complicated responsibilities of American adulthood—like deciphering your income tax.

The Centers for Medicare and Medicaid Services developed a nationwide network of other community-based organizations that can provide beneficiaries one-on-one assistance. The prescription drug plans base their proposal to serve Medicare beneficiaries on the enrollment period specified in the law. The amendment would affect those proposals and could lead to higher costs for both beneficiaries and the government.

I, for one, am tired of people on the other side seeming to have a lack of confidence in our American senior citizens who are often well informed about the choices they can make and make good decisions.

This amendment is not needed, and I raise a point of order on germaneness.

Mr. NELSON of Florida. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen seconds.

Mr. NELSON of Florida. Mr. President, so much of what the Senator from Iowa has said simply has not been the case—hundreds of plans that seniors are having to choose between.

I move to waive the relevant parts of the Budget Act, and 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.

The clerk will call roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 342 Leg.]

#### YEAS—51

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

#### NAYS—47

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

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

Mr. BAUCUS. Mr. President, there are four votes remaining. It is my understanding they will all be voiced. However, other Senators have said they have amendments they want to offer, as well. It is appropriate we begin to cut off the number of amendments we consider tonight. Four Senators contacted me: Senator BOXER, Senator DAYTON, Senator KERRY, and Senator LANDRIEU. The time has come to limit the number of amendments we have tonight. We have done a pretty good job accommodating Senators.

I ask unanimous consent after the three remaining amendments—Senators Bingaman, Durbin, and Nelson—are taken up, and I am told will all be voiced, that following those amendments only the amendments then be in order are amendments offered by Senator BOXER, Senator DAYTON, Senator KERRY, and Senator LANDRIEU, and that those be the only amendments remaining to be considered to the bill tonight and to the bill at all.

I amend that by saying it is my understanding that Senator LANDRIEU has two, but they will be voiced and not require a recorded vote, and there will be a managers' amendment that will be in order to the bill. Senator HARKIN would like to be added to the list with one amendment. So, therefore, it will be: Boxer, Dayton, Kerry, Landrieu, Landrieu—again, Landrieu's will be voiced—and Harkin. I am hopeful some of these others will also be voiced when we get to them.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, reserving the right to object, in the request, please note I have two amendments.

Mr. BAUCUS. Senator DAYTON has two amendments.

Mr. DAYTON. May I ask, do the managers intend to have final passage tonight?

Mr. BAUCUS. That is our intention.

Mr. DAYTON. All right. Thank you.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 2642

There is 2 minutes equally divided prior to a vote on the Bingaman amendment.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senate is not in order. We are making a lot of progress tonight, and we will make even greater progress if the Senate stays in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator KERRY, and Senator SNOWE. This is an amendment that will create a tax credit for small businesses, to encourage them to offer employees health insurance. By "small businesses," I have defined that in the amendment as employers with 50 or fewer employees.

In my State, one of the biggest problems I hear that small employers complain about is their inability to cover the high cost of health care. This is a nonrefundable tax credit for the purchase of health insurance by the employer. The tax credit would range from 30 percent to 50 percent of the cost of a qualified health insurance expense, with smaller employers getting the largest credit.

This is absolutely essential if we are going to expand health care coverage in the country. It is fully offset. I urge my colleagues to support this amendment and add it to this legislation before we complete final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know this amendment is well-intended because if there is anything I hear from my constituents, particularly small business people, it is the problems with health insurance. But it is not going to work with this legislation because it is going to make the reconciliation process out of order.

So I ask the Members to oppose it.

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

The amendment (No. 2642) was rejected.

#### AMENDMENT NO. 2623

The PRESIDING OFFICER. There will be 2 minutes evenly divided prior to a vote on the Durbin amendment.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment provides a fully offset tax credit to the very best companies in America. We call them patriotic employers. They are employers who invest in creating jobs in the United States, not overseas. They are employers who pay a decent wage, at least \$7.75 an hour. They are employers who provide a retirement plan, either defined benefit or defined contribution, matching at least 5 percent of workers' contributions. They are employers who pay health insurance, up to 60 percent of the workers' health care premiums. And they are employers who make up the difference when their employees, who are in the Guard and Reserve, go off to serve their country.

These are the very best employers in America. We should reward them with a 1-percent tax credit, fully offset. Stand up for the best employers in America. Support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this amendment is also well intended. It is not germane. I am not going to raise a point of germaneness. I raise the point that it does not fit in with the reconciliation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2623) was rejected.



The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Craig-Rockefeller amendment also be added to the list of amendments still in order. And that will be it.

The PRESIDING OFFICER. Will the Senator restate the request.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Craig-Rockefeller amendment be added to the list of amendments still in order tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in conjunction with the Craig amendment, I had an amendment I was going to offer as a substitute. So I want the Grassley amendment on there as well.

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

AMENDMENT NO. 2625

There will now be 2 minutes equally divided prior to a vote on the Nelson amendment.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I call up amendment No. 2625.

The PRESIDING OFFICER. The amendment is pending.

Mr. NELSON of Nebraska. Mr. President, it has already been offered and is ready.

Mr. President, the Treasury Department has the capacity by law to outsource contracts to collect unpaid tax debts. As it currently stands, as they contract with employers, many of the benefits that have existed in the past for the hiring of disabled workers, disabled veterans, would not carry forth in these contract situations as they do for employment in the Federal Government.

This amendment will enable the Treasury Department, in awarding contracts, to give a preference to those companies that hire and engage disabled workers and disabled veterans. There is no tax money involved in this. There is no tax credit. They just have a preference if they hire disabled workers. These disabled workers will come off the Social Security SSI benefits and the disability DI benefits. They will become taxpaying citizens.

I think this is a great amendment. I hope my colleagues will accept it.

I thank the Chair for the opportunity to speak.

Mr. DEWINE. Mr. President, 15 million persons with disabilities are unemployed and actively seeking employment. There simply has been no measurable change in the unemployment situation for persons with disabilities since the American's with Disabilities Act. That is unacceptable. It is wrong. It is something we have to change. We can do better, and we have to do better.

Senator NELSON from Nebraska and I have an amendment that will do just that. Our amendment would establish a preference under the debt collection

contracting program for contractors who hire people with disabilities and disabled veterans.

This amendment would require that at least a specified percentage of the individuals employed by the contractor to provide debt collection services qualify as people with disabilities or disabled veterans.

A provision of the American Jobs Creation Act of 2004 authorized the Internal Revenue Service to contract with private collection agencies to collect certain past due income taxes. If the same tax collection activities were still conducted by Federal employees, current law would give employment preferences to disabled veterans in filling those Federal jobs. In addition, if other persons with disabilities were employed by the Federal Government in those jobs, they would benefit from the Federal Government's long history of promoting job opportunities for people with disabilities.

By enacting legislation to privatize debt collection and improve the IRS' tax collection efforts, Congress certainly did not intend to curtail the Government's commitment to creating meaningful job opportunities for people with disabilities and disabled veterans. So I urge my fellow Senators to support this amendment. Again, there are 15 million persons with disabilities who are unemployed and actively seeking employment. We have an opportunity now to help put them back to work.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

The Senator from Ohio.

Mr. DEWINE. Mr. President, there are 15 million people with disabilities who are unemployed in this country. This amendment will help in a small way to deal with that problem.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2625) was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 2634

Mrs. BOXER. Mr. President, I call up amendment No. 2634 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2634.

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

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

The amendment is as follows:

(Purpose: To provide an additional \$500,000,000 for each of fiscal years 2006 through 2010, to be used for readjustment counseling, related mental health services, and treatment and rehabilitative services for veterans with mental illness, post-traumatic stress disorder, or substance use disorder)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ TREATMENT AND SUPPORT SERVICES FOR VETERANS.**

Out of any money in the Treasury of the United States not otherwise appropriated, and in addition to any amount otherwise appropriated, there are appropriated \$500,000,000 to the Secretary of Veterans Affairs for each of fiscal years 2006 through 2010, to provide veterans suffering from mental illness, post-traumatic stress disorder, or drug or alcohol dependency with—

(1) readjustment counseling and related mental health services under section 1712A of title 38, United States Code; and

(2) treatment and rehabilitative services under section 1720A of such title.

**SEC. \_\_\_\_ ELIMINATION OF THE SCHEDULED PHASE OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS FOR INDIVIDUALS EARNING IN EXCESS OF \$1,000,000.**

(a) **PERSONAL EXEMPTIONS.**—Section 151(d)(3)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iii) **EXCEPTION.**—This subparagraph shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds \$1,000,000 (\$2,000,000 in the case of a joint return).”.

(b) **ITEMIZED DEDUCTIONS.**—Section 68(f) of such Code is amended by adding at the end the following new paragraph:

“(3) **EXCEPTION.**—This subsection shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds \$1,000,000 (\$2,000,000 in the case of a joint return).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(d) **APPLICATION OF EGTRRA SUNSET.**—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mrs. BOXER. Mr. President, I will explain the amendment. I will do so quickly.

The Boxer amendment provides an additional \$500 million per year for mental health services for our Nation's veterans over the next 5 years. This amendment is backed by the American Legion, AMVETS, and Disabled American Veterans.

We pay for this in a very simple way. We say the tax cuts of 2001 that have not yet taken effect for those earning over \$1 million a year be deferred. We find that when we pay for this \$500 million, we have millions left over to reduce the deficit.

In closing, let me tell my colleagues a story.

I got an e-mail from a woman who was married to CPT Michael Jon Pelkey, who suffered from post-traumatic stress disorder for over a year. He sought help on several occasions but was discouraged by the wait time

and the stigma. He thought his command would perceive him as worthless if he started therapy.

His wife wrote:

Michael passed away in our home at Ft. Sill, Oklahoma from a self-inflicted gunshot wound to the chest on November 5, 2004.

She said:

I feel that my husband is a casualty of this war and to date the Army has not [done enough for post-traumatic stress].

I know millionaires in California, and I know they would give up a tax cut to help—to help—our veterans who are fighting in deplorable conditions every single day.

I hope my colleagues will take a stand for our veterans and say to the millionaires of this country: We know you want to help them.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRASSLEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. No time was provided under this order.

Is there a sufficient second?

Mr. GRASSLEY. Mr. President, I raise a point of order on the germaneness of the amendment.

Mrs. BOXER. Mr. President, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that these be 10-minute votes, with 2 minutes between the votes, but otherwise 10-minute votes.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 343 Leg.]

#### YEAS—43

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

#### NAYS—55

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

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts is recognized.

#### AMENDMENT NO. 2616

Mr. KERRY. Mr. President, I call up amendment No. 2616.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Mr. OBAMA, proposes an amendment numbered 2616.

Mr. KERRY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To accelerate marriage penalty relief for the earned income tax credit, to extend the election to include combat pay in earned income, and to make modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004)

On page 235, between lines 13 and 14, insert the following:

#### SEC. \_\_\_\_ ACCELERATION OF MARRIAGE PENALTY RELIEF WITH RESPECT TO THE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) (relating to joint returns) is amended—

(1) in clause (ii) by striking “, 2006, and 2007”, and

(2) in clause (iii) by striking “2007” and inserting “2005”.

(b) INFLATION AMOUNT.—Section 32(j)(1)(B)(ii) is amended by striking “calendar year 2007” and inserting “calendar year 2005”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

#### SEC. \_\_\_\_ EXTENSION OF ELECTION TO INCLUDE COMBAT PAY IN EARNED INCOME.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (relating to earned income) is amended by striking “January 1, 2006” and inserting “January 1, 2008”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

#### SEC. \_\_\_\_ MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is

amended by adding at the end the following new paragraph:

“(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

Mr. OBAMA. Mr. President, I rise to speak in favor of the amendment I am offering with Senator KERRY to make two simple yet critical improvements to the earned income credit and to reduce the Federal deficit. Our amendment provides relief from the marriage penalty and from the military service penalty faced by many low-income taxpayers.

The EITC is one of the most effective programs to lift working Americans out of poverty. It rewards work, reduces tax burdens, and supplement wages that help a family to be self-sufficient.

It is an idea that Republicans and Democrats can agree on because it works. Study after study has demonstrated that the EITC increases employment among single mothers and reduces reliance on cash welfare assistance. The EITC lifts millions of children and families out of poverty each year. Census data show that in 2003, the poverty rate among children would have been nearly 25 percent higher without the EITC.

Established by the Ford administration in 1975 and celebrated by Ronald Reagan, George H.W. Bush, and Bill Clinton, this is a program that has long enjoyed bipartisan support. President Reagan characterized the EITC as one of the best “pro-family” and “anti-poverty” programs.

Unfortunately, as currently structured, the EITC has a marriage penalty. Working parents receive less tax relief if they marry than if they stay single. If we want to reduce poverty and improve the life chances of poor children, the last thing we should do is penalize marriage. Children with married parents generally have much lower rates of poverty and better educational outcomes. Fixing the marriage penalty is a matter of common sense.

It is also something that this body agreed on in the 2001 tax bill. Unfortunately, unlike the marriage penalty relief for middle-income taxpayers, which was accelerated in 2003, full relief for the low-income marriage penalty was delayed until 2008.

Our amendment provides full marriage penalty relief in 2006 rather than requiring married taxpayers to endure further delay.

Of all the tax breaks that Congress considers important, this should be among the first deserving action. It is relatively inexpensive. It will have the strongest economic stimulus effect. It will improve the fairness of the Tax Code.

The second fix proposed by this amendment is to ensure that the families of our men and women in combat are not deprived of their tax benefits. In the midst of war, are we really going to tell our troops that their combat pay doesn't count as earned income for purposes of calculating tax credits?

That is hard to image. Our amendment extends the tax protection for combat pay through 2007. Our troops not only earn their combat pay, but they have also earned our respect. They deserve our commitment of support.

The combined cost of these important fixes is about 2 percent of the cost of the tax reconciliation package and provides relief to our most needy taxpayers. Nevertheless, it is important that even this tax cut be deficit neutral. Congress has to make choices and set priorities and cannot get away with net spending or tax cuts that are not paid for. American families expect this country to pay for its priorities.

To pay for relief from the marriage penalty and relief from the military service penalty, this amendment closes a tax loophole related to foreign entities by changing sale-in and lease-out provisions. This sensible change raises more than the cost of the important EITC fixes.

Unlike the tax package as a whole, this amendment does not worsen the deficit, and it does not shift the burden from those in our society fortunate to have the most to those who have the least.

Our amendment is fair. It is fiscally responsible. It is an example of the sort of tax policy adjustments that we ought to be focused on in reconciliation.

I urge my colleagues to support fiscally responsible relief of the marriage penalty and military service penalty for low-income families, and I ask you to support this amendment.

Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, this amendment does not raise taxes. It does not require a new offset. What it does is provide for our combat troops who currently have the ability to take combat pay and make it count against the earned income tax credit. Believe it or not, there are troops who need that and use that. It expires at the end of this year. What this amendment does is continue it into 2007 through the end of 2007. Secondly, it does something else. It provides a more rapid relief of the marriage penalty which is now charged to people who get the earned income tax credit.

Now, this was already passed under the 2001 tax legislation but will not go into effect until 2008. This is paid for by an offset we have already passed, and there is sufficient money in that

offset to accelerate the marriage penalty reduction so that we reward parents with kids who work and we take away the marriage penalty and help our troops at the same time.

I hope my colleagues will support it. The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the substance of the legislation is difficult to argue with, but this is an outlay, and you can't have outlays in this particular reconciliation bill. So I raise the point of order.

Mr. KERRY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections thereof for purposes of this amendment.

We already have the yeas and nays.

I ask for the yeas and nays with respect to the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 344 Leg.]

#### YEAS—55

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

#### NAYS—43

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

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the

affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2629

Mr. DAYTON. Mr. President, I call up amendment 2629 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2629.

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

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

The amendment is as follows:

(Purpose: To allow a refundable tax credit for the energy costs of farmers and ranchers, and to modify the foreign tax credit rules applicable to dual capacity taxpayers)

On page 235, between lines 13 and 14, insert the following:

#### SEC. \_\_\_\_ REFUNDABLE TAX CREDIT FOR ENERGY COST ASSISTANCE OF FARMERS AND RANCHERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

#### “SEC. 36. CREDIT FOR ENERGY COST ASSISTANCE FOR FARMERS AND RANCHERS.

“(a) GENERAL RULE.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

“(1) 30 percent of the amount paid or incurred for qualified energy costs, or

“(2) \$3,000.

“(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term ‘eligible taxpayer’ means any individual engaged in a farming business (as defined in section 263A(e)(4)).

“(c) RESIDENTIAL ENERGY COSTS.—For purposes of this section, the term ‘qualified energy costs’ means the cost of any fuel, energy utility, natural gas, fertilizer, and heating oil used in the farming business of the taxpayer during the taxable year.

“(d) TERMINATION.—This section shall not apply to qualified energy costs paid or incurred after December 31, 2005.”

(b) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

“(e) ENERGY ASSISTANCE FOR FARMERS AND RANCHERS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined under section 36(a).”

(c) REFUNDABILITY.—Section 1324(b)(2) of title 31, United States Code, is amended by striking “or” before “enacted” and by inserting before the period at the end “, or from section 36 of such Code”.

(d) CLERICAL AMENDMENTS.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and by adding at the end the following new items:

“Sec. 36. Credit for energy cost assistance for farmers and ranchers.

“Sec. 37. Overpayments of tax.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

**SEC. \_\_\_\_ . MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, this amendment would provide a Federal tax credit to farmers for 30 percent of their 2005 energy costs up to \$3,000 per farmer. Qualified energy costs are those for fuels, utilities, fertilizers, heating and drying used in farming businesses of taxpayers during calendar year 2005.

As my colleagues know, farmers have been especially hard hit by soaring energy prices. In addition to skyrocketing energy costs, many farmers

have been hit with higher transportation costs. In the aftermath of Hurricane Katrina, American farmers desperately need relief.

The estimated \$3 billion cost of this measure is more than offset by closing the tax loophole that gives a foreign oil and gas income tax credit for oil companies that provides \$4.1 billion over 5 years.

I ask for the yeas and nays.

Mr. GRASSLEY. Mr. President, this is one of those amendments we have dealt with four or five times. It is a tax on consumers by raising the price of gasoline. It may be used for a good purpose, but it affects the germaneness. I raise a point of order on germaneness. I ask my colleagues to vote against the amendment.

Mr. DAYTON. Mr. President, I move to waive the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 345 Leg.]

**YEAS—47**

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

**NAYS—51**

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

**NOT VOTING—2**

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 47 and the nays are 51. Three-fifths of the Senators duly

chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Iowa.

AMENDMENT NO. 2665

Mr. HARKIN. I send amendment No. 2665 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. OBAMA, proposes an amendment numbered 2665.

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

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions and to modify the income threshold used to calculate the refundable portion of the child tax credit)

At the end of title IV, add the following:

**SEC. \_\_\_\_ . RESTORATION OF THE PHASEOUT OF PERSONAL EXEMPTIONS AND THE OVERALL LIMITATION ON ITEMIZED DEDUCTION; REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.**

(a) RESTORATION OF THE PHASEOUT OF PERSONAL EXEMPTIONS AND THE OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(1) RESTORATION OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) (relating to exemption amount) is amended by striking subparagraphs (E) and (F).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(2) RESTORATION OF PHASEOUT OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(A) IN GENERAL.—Section 68 is amended by striking subsections (f) and (g).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(b) REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.—

(1) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(A) by striking “as exceeds” and all that follows through “, or” in paragraph (1)(B)(i) and inserting “as exceeds \$9,000 (or \$10,000 in the case of taxable years beginning in 2006), or”,

(B) by striking “2001, the \$10,000 amount” in paragraph (3) and inserting “2006, the \$9,000 amount”, and

(C) by striking “2000” in paragraph (3)(B) and inserting “2005”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mr. HARKIN. Mr. President, this amendment does three things. One, it stops next year’s scheduled phaseout of the so-called PEP and Pease provisions, a phaseout that would cost the

Treasury \$29 billion in the first 5 years and explodes to \$146 billion in 10 years after that. Over half of this money goes to people making over \$1 million a year.

What I would do with that is reduce the deficit by \$146 billion over that decade and, secondly, to increase the additional child care credit, making over 600,000 working families eligible and raising the amount that over 6 million families get for the additional child care credit. These are people who are making around the minimum wage.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is another way of cutting back on the mortgage deduction, the charitable deduction, and the State and local tax deduction. When these provisions of phaseout of deductions were put in years ago, it was subterfuge for raising the marginal tax rate without raising the marginal tax rate.

From Iowa, we are very transparent. If one wants to raise the marginal tax rate, raise the marginal tax rate but do not do it by subterfuge. Besides, this amendment is not germane. I raise a point of germaneness.

Mr. HARKIN. Pursuant to section 904 of the Budget Act, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Massachusetts (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 346 Leg.]

#### YEAS—42

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

#### NAYS—56

Alexander	Chafee	DeWine
Allard	Chambliss	Dole
Allen	Coburn	Domenici
Baucus	Cochran	Ensign
Bennett	Coleman	Enzi
Bond	Collins	Frist
Brownback	Cornyn	Graham
Bunning	Craig	Grassley
Burns	Crapo	Gregg
Burr	DeMint	Hagel

Hatch	Murkowski	Stevens
Hutchison	Nelson (NE)	Sununu
Inhofe	Roberts	Talent
Isakson	Santorum	Thomas
Kyl	Sessions	Thune
Lugar	Shelby	Vitter
Martinez	Smith	Voinovich
McCain	Snowe	Warner
McConnell	Specter	

#### NOT VOTING—2

Corzine Lott

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have a request for 2 Members to change the order of authorship of amendments, so I ask unanimous consent that the previously agreed amendment No. 2645 should be listed as Coleman and Pryor, instead of Pryor and Coleman.

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

#### AMENDMENT NO. 2658

Mr. DAYTON. Mr. President, I call up amendment No. 2658 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2658.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill add the following:

#### SECTION 1. VALUATION OF EMPLOYEE PERSONAL USE OF NONCOMMERCIAL AIRCRAFT.

(a) IN GENERAL.—For purposes of Federal income tax inclusion, the value of any employee personal use of noncommercial aircraft shall equal the excess (if any) of—

- (1) greater of—
  - (A) the fair market value of such use, or
  - (B) the actual cost of such use (including all fixed and variable costs), over
- (2) any amount paid by or on behalf of such employee for such use.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to use after the date of the enactment of this Act.

Mr. DAYTON. Mr. President, this amendment raises money. It does so by ending tax avoidance by high-paid corporate executives through their personal use of company airplanes. A recent Wall Street Journal article described the exorbitant uses of corporate jets for personal recreation, largely untaxed, that costs company shareholders and other taxpayers millions of dollars per year. One CEO made eight weekend roundtrips from his Pittsburgh office to his \$5 million home in Naples, FL, where he played golf at his exclusive private club. If the directors and shareholders of that company want to provide that personal luxury perk to an executive already paid \$4 million a year, I guess that is

their business. But these executives should pay taxes on what are clearly personal benefits, and they should pay taxes on the actual values of those benefits, not on some artificially low fictional cost.

Working men and women have to value their benefits properly for tax purposes or they get penalized if they do not. Certainly, the wealthiest people in America should also have to value their luxury perks properly. My amendment would raise \$95 million over 10 years, according to the Joint Committee on Taxation, and will also reduce a truly outrageous and self-indulgent practice.

I ask for the yeas and nays. I will accept a voice vote.

Mr. GRASSLEY. I ask unanimous consent we accept this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2658) was agreed to.

Mr. DAYTON. I thank the chairman from Iowa. It was my going-away present. It must be my going-away present.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Montana.

Mr. BAUCUS. Mr. President, I anticipate that Senator LANDRIEU is ready to offer her amendment. I suggest she be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

#### AMENDMENT NO. 2669

Ms. LANDRIEU. Mr. President, I ask unanimous consent to send amendment No. 2020 to the desk, on behalf of myself and my colleague, Senator VITTER.

Mr. GRASSLEY. Mr. President, will the Senator yield for a minute?

Ms. LANDRIEU. Yes, I would.

Mr. GRASSLEY. As modified?

Ms. LANDRIEU. As modified.

Mr. GRASSLEY. The modified amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. VITTER, proposes an amendment numbered 2669.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment No. 2669 as modified is as follows:

(Purpose: To provide housing relief for individuals affected by Hurricane Katrina)

On page 35, between lines 16 and 17, insert the following:

#### SEC. 104. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of a qualified employee shall not include the value of any lodging furnished to such employee, such employee's spouse, or any of such employee's dependents by or on behalf



of a qualified employer for any month during the taxable year.

(2) **LIMITATION.**—The amount which may be excluded under subsection (a) for any month for which lodging is furnished during the taxable year shall not exceed \$600.

(3) **TREATMENT OF EXCLUSION.**—For purposes of the Internal Revenue Code of 1986 (other than sections 3121(a)(19) and 3306(b)(14), an exclusion under subsection (a) shall be treated as an exclusion under section 119 of such Code.

(b) **EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.**—

(1) **IN GENERAL.**—In the case of a qualified employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any month during the taxable year an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a).

(2) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of section 280C(a) of such Code shall apply.

(3) **CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.**—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of such Code.

(c) **QUALIFIED EMPLOYEE.**—For purposes of this section, the term “qualified employee” means, with respect to any month, an individual—

(1) who had a principal residence (as defined in section 121 of the Internal Revenue Code of 1986) in the Go Zone (as defined in section 1400N(1) of such Code) on August 28, 2005, and

(2) who performs not less than 80 percent of the employment services for a qualified employer in the Hurricane Katrina disaster area (as so defined).

(d) **QUALIFIED EMPLOYER.**—For purposes of this section, the term “qualified employer” means any employer with a trade or business located in the Hurricane Katrina disaster area (as so defined).

(e) **APPLICATION OF SECTION.**—This section shall apply to lodging provided—

(1) after the date of the enactment of this Act, and

(2) before the date which is 6 months after the date of the enactment of this Act.

(3) no credit with respect to such lodging shall be claimed before October 1, 2006.

Ms. LANDRIEU. Mr. President, this amendment would provide a very special and temporary tax relief to employers in the region of the hurricane that was hit so badly, to try to help them get their employees back to work by providing temporary housing and giving them a tax credit to do so. We are having a very serious housing crisis, as you all have been reading, and you have been trying to help us with that. This would go a long way. I thank you for your consideration tonight.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that we accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2669) was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2655

Mr. CRAIG. Mr. President, I call up amendment No. 2655 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 2655.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING DOHA ROUND.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) Members of the World Trade Organization (WTO) are currently engaged in a round of trade negotiations known as the Doha Development Agenda (Doha Round).

(2) The Doha Round includes negotiations aimed at clarifying and improving disciplines under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures (Subsidies Agreement).

(3) The WTO Ministerial Declaration adopted on November 14, 2001 (WTO Paper No. WT/MIN(01)/DEC/1) specifically provides that the Doha Round negotiations are to preserve the “basic concepts, principles and effectiveness” of the Antidumping Agreement and the Subsidies Agreement.

(4) In section 2102(b)(14)(A) of the Bipartisan Trade Promotion Authority Act of 2002, the Congress mandated that the principal negotiating objective of the United States with respect to trade remedy laws was to “preserve the ability of the United States to enforce rigorously its trade laws . . . and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies”.

(5) The countries that have been the most persistent and egregious violators of international fair trade rules are engaged in an aggressive effort to significantly weaken the disciplines provided in the Antidumping Agreement and the Subsidies Agreement and undermine the ability of the United States to effectively enforce its trade remedy laws.

(6) Chronic violators of fair trade disciplines have put forward proposals that would substantially weaken United States trade remedy laws and practices, including mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur, mandating that trade remedy duties reflect less than the full margin of dumping or subsidization, mandating higher de minimis levels of unfair trade, making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations, outlawing the critical practice of “zeroing” in antidumping investigations, mandating the weighing of causes, and mandating other provisions that make it more difficult to prove injury.

(7) United States trade remedy laws have already been significantly weakened by numerous unjust and activist WTO dispute settlement decisions which have created new obligations to which the United States never agreed.

(8) Trade remedy laws remain a critical resource for American manufacturers, agricultural producers, and aquacultural producers in responding to closed foreign markets, subsidized imports, and other forms of unfair trade, particularly in the context of the challenges currently faced by these vital sectors of the United States economy.

(9) The United States had a current account trade deficit of approximately \$668,000,000,000 in 2004, including a trade deficit of almost \$162,000,000,000 with China alone, as well as a trade deficit of \$40,000,000,000 in advanced technology.

(10) United States manufacturers have lost over 3,000,000 jobs since June 2000, and United States manufacturing employment is currently at its lowest level since 1950.

(11) Many industries critical to United States national security are at severe risk from unfair foreign competition.

(12) The Congress strongly believes that the proposals put forward by countries seeking to undermine trade remedy disciplines in the Doha Round would result in serious harm to the United States economy, including significant job losses and trade disadvantages.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations, or any other bilateral or multilateral trade negotiations, that—

(A) adopts any proposal to lessen the effectiveness of domestic and international disciplines on unfair trade or safeguard provisions, including proposals—

(i) mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur;

(ii) mandating that trade remedy duties reflect less than the full margin of dumping or subsidization;

(iii) mandating higher de minimis levels of unfair trade;

(iv) making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations;

(v) outlawing the critical practice of “zeroing” in antidumping investigations; or

(vi) mandating the weighing of causes or other provisions making it more difficult to prove injury in unfair trade cases; and

(B) would lessen in any manner the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

(2) the United States trade laws and international rules appropriately serve the public interest by offsetting injurious unfair trade, and that further “balancing modifications” or other similar provisions are unnecessary and would add to the complexity and difficulty of achieving relief against injurious unfair trade practices; and

(3) the United States should ensure that any new agreement relating to international disciplines on unfair trade or safeguard provisions fully rectifies and corrects decisions by WTO dispute settlement panels or the Appellate Body that have unjustifiably and negatively impacted, or threaten to negatively impact, United States law or practice, including a law or practice with respect to foreign dumping or subsidization.

The PRESIDING OFFICER. The Senator from Idaho.



Mr. CRAIG. Mr. President, I ask my colleagues to join Senator ROCKEFELLER and myself tonight in speaking clearly to our negotiators as they head for the Doha Round in Hong Kong in December.

Congress has made it clear time and time again that U.S. negotiators cannot bring back a trade agreement from the Doha that weakens U.S. antidumping and countervailing duty and safeguard laws that this Congress has put in place. These laws are widely recognized as critical tools to U.S. manufacturers, farmers, ranchers, and workers who sometimes are forced to fight for their rights to compete in fair environments.

As we open up the world's trade, let us make sure that we have in place the tools necessary to keep it fair and balanced, and not negotiated away by our negotiations.

It is a sense-of-the-Senate resolution with that instruction in mind.

Mr. GRASSLEY. Mr. President, I yield my 1 minute.

The PRESIDING OFFICER (Mr. BURR). All time has expired.

The question is on agreeing to the amendment.

The amendment (No. 2655) was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2667

Ms. SNOWE. Mr. President, I call up amendment No. 2667 that was filed earlier, along with Senators BINGAMAN, COLLINS, and REID.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. BINGAMAN, Ms. COLLINS, and Mr. REID, proposes an amendment numbered 2667.

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

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

The amendment is as follows:

(Purpose: To impose withholding on certain payments made by government entities and to use the revenues collected to fund programs under the Low-Income Home Energy Assistance Act of 1981 through a trust fund)

At the end of title IV add the following:

**SEC. \_\_\_\_ IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES AND FUNDING OF LIHEAP TRUST FUND.**

(a) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

“(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

“(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold from such payment a tax in an amount equal to 1.75 percent of such payment.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

“(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

“(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

“(C) of interest,

“(D) for real property,

“(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

“(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

“(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than \$100,000,000 of such payments annually.

“(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to payments made after December 31, 2005.

(b) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

**“SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.**

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Low-Income Home Energy Assistance Trust Fund’, consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

“(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

“(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed \$2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than \$1,880,000,000 has been appropriated for such program for such fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 9511. Low-Income Home Energy Assistance Trust Fund.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

Ms. SNOWE. Mr. President, for months we have seen escalating petroleum and natural gas prices, magnified by the effects of three hurricanes. Now with the onset of winter, home heating oil prices are predicted to increase 44

percent in Maine, while natural gas is predicted to be 41 percent higher nationwide. My colleagues and I have called for LIHEAP funding increases for months on each spending bill. This amendment here may be our last chance this year to keep our seniors and disadvantaged from choosing between eating and heating. No American should face this choice.

My amendment would add \$2.92 billion in LIHEAP funding, bringing it up to the fully authorized level. It is fully offset. The offset addresses a long-standing problem: government contractors aren't paying taxes. It requires government agencies to withhold income tax for the employees of government contractors at a rate of 1.75 percent when they purchase goods and services from government contractors.

There should be no mistake—this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is \$2.45 per gallon, up 38 cents from a year ago, and kerosene prices average \$2.75 a gallon, 51 cents higher than this time last year and it's not even winter yet.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. The facts are that LIHEAP is projected to help 5 million households nationwide this winter.

On November 4, a representative of the Senior Companion Program called my Bangor Office to say that they already had to admit an elderly client into the hospital due to hypothermia, because she couldn't afford enough heating oil. And, it is only the beginning of November. This simply should not be allowed to happen again.

Ms. COLLINS. Mr. President, this amendment would express the sense of the Senate that any increases in revenues to the Treasury as a result of this act, above the amounts specified in the reconciliation instructions, shall be dedicated to the Low-Income Home Energy Assistance Program, also known as LIHEAP, up to the fully authorized amount.

Just a few months ago, the President signed into law the Energy Policy Act of 2005. This law, which passed the Senate overwhelmingly, authorizes \$5.1 billion for the LIHEAP program for Fiscal Year 2006. Unfortunately, even though Chairman SPECTER worked very hard to increase funding in the Labor-HHS bill, that bill only provides \$2.2 billion in LIHEAP funding but \$2.2 billion is not nearly enough. The amendment I am offering today expresses the sense of the Senate that up to an additional \$2.9 billion in excess revenues should be made available to the LIHEAP program.

Our Nation was struck by three extremely powerful hurricanes. While

these hurricanes were devastating to the people of Florida and the gulf coast, they have also had a major impact on the rest of the Nation. Just as the Nation should be building oil supplies for the winter heating season, these hurricanes have disrupted our already strained supplies and sent both heating oil and gasoline prices to painfully high levels.

While high energy prices have been challenging for almost all Americans, they impose an especially difficult burden on low-income families and on the elderly living on limited incomes. Low-income families spend a greater percentage of their incomes on energy and have fewer options available when energy prices soar. High energy prices can even cause families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine. These are choices that no American family should ever have to make.

We need more LIHEAP funding this year. Let me describe the situation that we are facing in my home state. While the official start of winter is still 2 months away, temperatures have already fallen below freezing in much of Maine. In Maine, 78 percent of households use home heating oil to heat their homes. Currently, the cost of home heating oil is roughly \$2.34 per gallon, \$0.38 above last year's already inflated prices. These high prices greatly increase the need for assistance, and at least 3,000 additional Mainers are expected to apply for LIHEAP funding this year. With more people in need of assistance, the benefit is expected to fall by roughly 10 percent to \$440 per qualifying household. Unfortunately, at today's high prices, \$440 is only enough to purchase 188 gallons of oil—far below last year's equivalent benefit of 251 gallons and not nearly enough to get through even a small portion of a Maine winter. With rising prices and falling benefits, we have a problem. Just to purchase the same amount of oil this year as last year, Maine would need an additional \$10 million in LIHEAP funds.

The bill before us is still a work in progress, and at this point it is impossible to know whether the final bill that we pass shall provide any increases in revenues to the Treasury beyond the amounts specified in the reconciliation instructions. I would note that Senator WYDEN offered an amendment in committee that eliminates an unnecessary tax subsidy for major oil and gas companies. This subsidy is worth hundreds of millions of dollars. I believe we should eliminate even more unnecessary subsidies for oil gas companies. Regardless, I believe that should this act result in any increase in revenues to the Treasury beyond the reconciliation instructions, those revenues should go to the LIHEAP program, up to the fully authorized amount.

With winter fast approaching and energy prices soaring, home heating bills

are set to pound family budgets mercilessly. For low income families, LIHEAP funds can be the factor that prevents families from having to choose between turning off the heat or putting food on the table. I call on my colleagues to support this amendment expressing the sense of the Senate that we should fully fund the LIHEAP program.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment. I am not going to raise a point of order.

I ask for a voice vote.

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

The amendment (No. 2667) was rejected.

#### AMENDMENT NO. 2670

Mr. GRASSLEY. Mr. President, I send to the desk the managers' amendment.

Traditionally, managers' amendments have been worked out with both sides of the aisle.

I urge adoption of the amendment.

Mr. KERRY. Mr. President, today I filed an amendment to the Tax Relief Act of 2005, S. 2020, to provide additional relief for taxpayers from the individual alternative minimum tax by truly holding harmless all taxpayers not currently impacted by the AMT. Senator WYDEN is a cosponsor of this amendment.

This afternoon, the managers of the S. 2020, Senators GRASSLEY and BAUCUS, crafted a managers' amendment including identical language to our amendment, and that managers' amendment was accepted by unanimous consent and is now part of the legislation that will pass the Senate.

I think we misname this tax when we call it the alternative minimum tax. We should call it the family tax, for the simple reason that most taxpayers get hit by the AMT because of where they live and because they have children.

We can call it the AMT or any other innocuous name we like here on Capitol Hill or at the IRS, but in practice it is a tax on children—it is the family tax. If you live in a certain State, and you don't want to pay this family tax, about the only thing you can do is to not start a family. We are literally punishing Americans for having children and building families.

In May, we heard testimony from the Urban Institute about how the AMT was once a "class tax" but will soon become a "mass tax" because more and more taxpayers—mostly because they want children—will be forced to pay the AMT.

Nina Olson, the National Taxpayer Advocate who works every day on the practical implications of what we do here, has repeatedly testified about the complexities and the inequities of the AMT. She said sarcastically that the AMT "penalizes taxpayers for such classic tax avoidance behavior as having children or living in a high-tax state."

If you look at the history of the AMT, you can see that it badly needs reform.

The individual AMT was created in 1969 to address the 155 individual taxpayers with incomes exceeding \$200,000 who paid no Federal income tax in 1966. It applied to a tiny minority of households. But it is rapidly growing from those 155 taxpayers in 1969 to 1 million in 1999 to almost 29 million by 2010. It now affects families with incomes well below \$200,000. By the end of the decade, repealing the AMT will cost more than repealing the regular income tax.

Unfortunately, we cannot end this family tax today, but we can do more than what is in the bill. When S. 2020 was first brought before the Senate it included a provision that would extend the current exemption level and indexes it for inflation. This provision seeks to "patch" or "hold harmless" these middle-class taxpayers, but it is a patch with a hole in it. It does not cover all the moderate income individuals who are impacted by the family tax.

The Kerry-Wyden amendment, and the enacted Grassley-Baucus amendment, would protect half a million more taxpayers from the family tax than the original bill. This amendment truly holds taxpayers harmless. The same amount of taxpayers that would be impacted by the AMT in 2005 will be impacted in 2006.

This means 600,000 million taxpayers will be better off under the amendment. We should protect as many families as possible from the unfair family tax. And this amendment is paid for with an offset that has had bipartisan support and passed the Senate.

The cost of our proposal is fully offset. First, it reforms the tax law that now applies to U.S. citizens living abroad, so the income tax exclusion would apply to both foreign income and foreign housing costs. Under current law, individuals get a tax credit for foreign taxes paid. This provision passed the Senate last year and was included in the Joint Committee on Taxation recommendation on ways to reduce the tax gap. Second, it would modify a provision in the underlying bill that makes modifications to the individual estimated tax-safe harbor to the appropriate percentage in 2006.

The Senate should stop punishing taxpayers because of where they live, because they move from one State to another for work or school, or because they decide to start a family. Today we took a step in that direction. I am grateful to Senator WYDEN for cosponsoring the amendment with me, and I am grateful that Senators GRASSLEY and BAUCUS acted as well.

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

The amendment (No. 2670) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

## COMBATING TAX SHELTERS

Mr. LEVIN. Mr. President, I am offering this amendment with my colleague, Senator COLEMAN. I understand portions of our amendment have been cleared by both sides of the aisle and will be included.

I thank Senators GRASSLEY and BAUCUS for accepting this toughening of the penalties on those who promote abusive tax shelters or aid and abet tax evasion. Senators GRASSLEY and BAUCUS have been battling abusive tax shelters for years now, and it is a privilege to have had them as allies in this fight.

Tax dodging costs the Government between \$300 and \$350 billion every year. A significant portion of this "tax gap" results from abusive tax shelters and tax havens. Mr. President, \$350 billion is more than the Government spends on Medicare annually and is close to the size of this year's deficit.

For 3 years, we have had an in-depth subcommittee investigation into abusive tax shelters developed, marketed, and carried out by accounting firms, banks, investment advisors, and lawyers. We found that tax advisors cooked up one complex scheme after another, packaged them as generic "tax products" and then peddled the products to thousands of taxpayers across the country. This investigative work provides the foundation for our amendment today.

Tax chiseling is undermining the integrity of our tax system. It hurts middle income Americans by forcing them to pay for more than their fair share and constricting resources for essential government programs.

The Levin-Coleman provision that the managers have agreed to will increase penalties to 100 percent on persons who promote abusive tax shelters or knowingly aid or abet taxpayers to understate their tax liability. Currently, promoters face only a 50 percent penalty. Think about this. Why should anyone who illegally pushes an abusive tax shelter get to keep half of the profits?

Even worse, the current penalty for those who knowingly aid and abet a taxpayer in understating its tax obligation face a maximum penalty of \$1,000, or \$10,000 for a corporation. But this penalty applies only to tax return preparers. It leaves out those who design, market and carry out the tax shelter, unless they also prepared the taxpayer's return. When law firms are getting \$50,000 for each cookie-cutter opinion letter they issue, the possibility of a \$10,000 penalty provides no deterrent whatsoever. That fine is like a jaywalking ticket for robbing a bank.

I am pleased that today we have reached this agreement to toughen the current penalties, but I hope that eventually we can enact penalties that cause wrongdoers to not only disgorge their ill-gotten gains, but also pay a monetary fine on top of that. Doing so would be fair and would provide a meaningful deterrent.

The Levin-Coleman amendment also prevented abusive tax shelters by getting banks out of the business and authorizing Federal agencies to share information to strengthen abusive tax shelter enforcement. I understand that Senator GRASSLEY is willing to consider these provisions for inclusion in a future bill, and I look forward to working with the chairman and Senator BAUCUS and having our staffs work together on these issues.

Mr. GRASSLEY. Let me say that I agree with the amendment's purpose to combat abusive tax shelters. We need to eradicate the phony tax schemes that abuse our tax laws at the expense of honest taxpayers. I have worked hard to enact legislation to combat tax shelters by shutting them down and raising the penalties on those who promote and participate in those phony deals. This bill contains many more provisions that do just that. I will add to the bill the increased penalties on tax shelter promoters and on aiders and abettors, and I will support these provisions in conference. These provisions will help deter the activities of those who sell illegal tax schemes and those who help participants in these schemes.

I share the Senator's desire to combat tax shelters, and I share his goals of deterring banks' participation in tax shelters and in exploring ways to let agencies work together to prevent tax shelter activity. However, I think that your amendment has some technical matters that I would like my staff to work through with your staff for future consideration. Combating tax shelters is a constant battle that we will continue to fight.

Mr. BAUCUS. I share Chairman GRASSLEY's views with respect to curbing abusive tax shelters, and I look forward to working with Senators LEVIN and COLEMAN to shut down these abusive transactions.

## EXCISE TAXES

Mr. HATCH. Will the distinguished Chair of the Senate Finance Committee, Senator GRASSLEY, yield for a brief question?

Mr. GRASSLEY. I will be glad to yield to the Senator from Utah.

Mr. HATCH. The provisions of S. 2020 concerning excise taxes to be levied on transfers of insurance products are of some interest to me. It is clear that there are abuses in the system, and I am appreciative of the chairman and his staff for their substantial work to address those problems.

It is my concern that the proposed excise tax language is so broadly drawn that it will stop what I believe are legitimate transactions that constitute best practice in this area. I am aware of a commercial loan structure that relies upon a valid insurable interest between donors and charities, where the lender has isolated both donors and charities from all lending risks.

Further, there is an agreeable known benefit to the charity at loan inception, which is not reliant upon the pay-

ment of an insurance death benefit, and the loan structure does not include outside investors. The loan is never recharacterized from inception to payoff as anything but a loan.

Is it the intent of the chairman in this provision to shut down a straightforward loan transaction?

Mr. GRASSLEY. No, it is my intention that the provision should not affect the ability of charities to borrow to purchase life insurance, particularly where the people insured are officers, directors, employees or in some cases established donors of the charity that benefits.

Mr. HATCH. Does the chairman believe there is room for further discussion in this area?

Mr. GRASSLEY. Yes.

Mr. HATCH. Because of the tight timeframe for action, we were not able to work out language prior to bringing the bill to the floor. Would the chairman be able to give his assurances that he is sympathetic to my constituents' concerns and that he will work to address them in a managers' amendment or in conference?

Mr. GRASSLEY. Yes.

Mr. ALLARD. Mr. President, I rise to engage my colleague, Senator SALAZAR, in a colloquy regarding the technical changes adopted in the manager's amendment to the reconciliation bill. We have worked hard to address unintended consequences relating to changes made to treatment of Type III organizations. This is very important because there are many fine organizations that support noble and much needed causes. I have some of these organizations in my State of Colorado, including one generously supported by the Reisher family.

Mr. SALAZAR. I am happy to engage with my distinguished colleague about the intent of this modification. And I, too, am glad that we were able to make these modifications and create a special rule for certain holdings of Type III organizations.

Mr. ALLARD. Specifically, I am referring to the amendments providing for the special rule for certain holdings of Type III supporting organizations if the holdings are held for the benefit of the community pursuant to the direction of a State attorney general or a State official with jurisdiction over the Type III supporting organization. As some of us with interest in this provision worked to address unintended consequences, we thought it would be a good idea to have the AG or State official direction needed to ensure that the abuses that concerned the chairman would be addressed. As State officials issue this general directive, it is our intention that there is not any burdensome red tape and that once the direction is given for the Type III organization, the charity is not unnecessarily put in limbo by the need for a reissuance when the official changes. It is safe to say that we intend that once the necessary direction is given as part

of this compromise, then there is no requirement for renewals by that attorney general or subsequent attorney general that would put uncertainty at play for the organization. Isn't that my friend's understanding?

Mr. SALAZAR. I agree with Senator ALLARD on his understanding and our intent. Once an organization is required to retain holdings in any business enterprise at the direction of an attorney general, those holdings will not constitute excess business holdings as a result of some future directive or another authority coming in and saying something different. That is precisely the kind of uncertainty we are attempting to avoid with these modifications. The special rule continues to apply. Otherwise, these organizations and their benefit to the community could be put at risk by future inconsistent actions driven by political gain rather than by the benefit to the community. And we must not lose sight of the fact that the primary goal of these organizations is to benefit their community. We all agree it is necessary for an organization to have certainty about its status and its exemption from the excess business holdings rules. I commend my colleague from Colorado for his work in having this much needed clarification included in the manager's amendment.

Mr. ALLARD. Mr. President, I thank my colleague for his kind remarks. There is no question that we intend to encourage more charitable giving in this country. Mr. President, we are a generous nation, as evident from the amazing outpouring of private support for the recent unfortunate rash of natural disasters both here in this country and abroad. The donors and the organizations need to be able to rely on the direction of the State attorney general and their legal status and this amendment does that. I thank my colleague for engaging me in this colloquy. Mr. President, I yield the floor.

#### EXXON VALDEZ OIL SPILL LITIGATION

Ms. MURKOWSKI. Mr. President, I engage Mr. GRASSLEY in a colloquy concerning income averaging to recipients of punitive damages awards in the Exxon Valdez oil spill case, Case Number A89-095-CV (HRH). Specifically, I would like to address how this will affect those who engage in commercial fishing in Alaska as their occupation.

Mr. GRASSLEY. Mr. President, I would be happy if Ms. MURKOWSKI explained this issue in further detail.

Ms. MURKOWSKI. As all of us know, the *Exxon Valdez* ran aground in March of 1989, spilling 11 million gallons of oil into Prince William Sound in Alaska. A class action jury trial was held in federal court in Anchorage, AK, in 1994. The plaintiffs included 32,000 fishermen among others whose livelihoods were gravely affected by this disaster. The jury awarded \$5 billion in punitive damages to the plaintiff class. The punitive damage award has been on repeated appeal by the Exxon Corporation since 1994. Many of the original

plaintiffs, possibly more than 1,000 people, have already died.

Once the punitive damage award of the Exxon Valdez litigation is settled, many fishermen will receive payments to reimburse them for fishing income lost due to the environmental consequences of the Exxon Valdez oil spill. It is estimated that the eventual settlement may be \$6.75 billion or more.

Fishermen already are eligible for income averaging of any fishing income. Section 1301 of the Internal Revenue Code allows fishermen to average fishing income over a 3-year period of time. Therefore, I want it to be clear that any commercial fishermen receiving punitive damages under the aforementioned Exxon Valdez oil spill case should be allowed to average their income over a 3-year period.

Mr. GRASSLEY. Mr. President, I thank Ms. MURKOWSKI for explaining this issue in more detail.

Mr. ROCKEFELLER. Mr. President, I rise today to oppose the fiscal course this Senate is pursuing. The legislation before us today will unnecessarily add \$60 billion to our Nation's debt. But even more troubling is the insistence that reasonable tax cuts be passed using the reconciliation process. I think most Senators in this body believe that today's action is just the first step toward ultimately approving more tax cuts for wealthy investors. I hope that my colleagues will reject this scheme.

I appreciate the work of the chairman of the Finance Committee, who crafted a bill that includes only broadly supported tax cuts. Tax relief for rebuilding the hurricane-devastated gulf coast; extension and enhancement of the R&D tax credit and the welfare tax credits; limitations on the reach of the alternative minimum tax; and tax incentives for charitable giving are all policies that enjoy broad bipartisan support.

Unfortunately, though, this bill is not fiscally responsible. As the Democratic alternative demonstrates, it is possible to enact the popular tax cuts proposed here without adding \$60 billion to the debt we pass down to our children and grandchildren. In an age of record deficits, Congress must choose its priorities. We could close tax loopholes. We could make it more difficult for companies to avoid taxation by moving their headquarters offshore. We could require oil companies to pay their fair share of taxes. We could close the tax gap by more aggressively enforcing our existing tax code.

These reasonable policies are included in the Democratic alternative, and I hope that all of my colleagues will support them to restore fiscal discipline in this Congress. And to anyone who believes the fallacy that "deficits don't matter," I would point out that this year we will spend more money paying interest on our debt than providing health care to our most vulnerable citizens through Medicaid.

The budget reconciliation process, which allows for expedited consider-

ation of legislation on the Senate floor, was created so that Congress could enact difficult policies in order to reduce our national deficits. Sadly, the process is now being abused to enact policies that worsen our deficit and are so narrowly supported that they cannot garner sufficient votes under normal Senate procedures.

Foremost among the current proposals that does not enjoy bipartisan support is, of course, the extension of tax breaks for capital gains and dividends. I recognize that the leadership has dropped those provisions from this bill. However, this Senator has absolutely no confidence that the intention of using the reconciliation process to pass those tax breaks has changed. Extending those tax breaks for even one additional year would cost \$10 billion. And it is important to consider who will get that \$10 billion instead of the federal treasury. Three quarters of the capital gains and dividend income is received by taxpayers making more than \$200,000 per year.

In my State of West Virginia, fewer than 17 percent of taxpayers reported any dividend income; and fewer than 11 percent of taxpayers had any capital gains. Moreover, we ought to keep in mind that even without the extra tax breaks in 2009, people will pay at most 20 percent taxes on capital gains, which is a lower tax rate than we apply to many people's labor. I do not accept the argument that it is a national priority to extend these tax breaks to 2009.

The investor tax breaks simply do not compare favorably with the provisions of this bill. With the ever escalating costs of college and the increasing need for a highly educated population that can be globally competitive, it is appropriate to maintain the tax deduction for tuition and fees that made education more affordable for 3.6 million Americans in 2003, including almost 17,000 West Virginians. And as low-income working Americans struggle to save for their retirement, I am pleased to support the saver's credit which helped 5.4 million Americans in 2003, including more than 40,000 West Virginians.

The tuition deduction, the saver's credit, and most of the other provisions in this bill enjoy broad bipartisan support. Congress can act before the end of this year, in a bipartisan fashion, to extend these important tax provisions, and offset the cost to the treasury.

I believe that many Senators on my side of the aisle would welcome an opportunity to support legislation providing relief to the gulf coast and extending the expiring tax provisions in a fiscally responsible way—but without the specter of a reconciliation process that is specifically intended to enact more tax cuts for our wealthiest citizens. I cannot support this bill, and I cannot condone a reconciliation process designed to limit the rights of the minority while increasing the deficit.

Mr. CRAIG. Mr. President, in light of Hurricanes Katrina and Rita and the

mounting \$319 billion deficit, Americans have increasingly called on Congress to account for its spending. The reconciliation process is designed to answer these calls for fiscal responsibility by forcing lawmakers to look deeply and honestly into the federal budget and make necessary spending cuts and provide deserved tax relief.

The tax reconciliation bill, currently being considered by the Senate, does many worthwhile things to this end—such as extending essential tax provisions set to expire this year like increased exemption levels for the AMT—and providing incentives to encourage charitable giving. The good effects of these provisions, however, are undercut by a fundamental inconsistency in the larger bill—namely, the bill that claims to provide tax relief actually raises taxes. Demanding more taxpayer dollars, in an effort to control federal congressional spending, is not the answer.

Section 561 of the bill, the LIFO provision, not only imposes an additional \$4.923 billion tax but does so selectively on the energy industry alone. The LIFO provision artificially raises taxable income solely for a subset of energy businesses, requiring them to report higher profits than those mandated under prevailing accounting rules for the sole purpose of imposing a discriminatory tax on these businesses. Section 561 calls this “revaluation of LIFO inventories,” but let us call this provision what it really is—a windfall profits tax.

Proponents of a windfall profits tax on the energy industry justify the tax on two grounds: that (1) energy industry companies currently pay too little in taxes compared to profits, and (2) the tax is effective.

As to the first, over the past 25 years, oil companies directly paid or remitted more than \$2.2 trillion in taxes, after adjusting for inflation, to Federal and State governments, including excise taxes, royalty payments and State and Federal corporate income taxes. That amounts to more than three times what they earned in profits during the same period, according to the latest numbers from the Bureau of Economic Analysis and U.S. Department of Energy. And these figures do not include local property taxes, State sales and severance taxes, and on-shore royalty payments.

In addition, far from being excessive, oil industry profits have historically been below the national average. The most recent statistics available show that this continues to be the case. In the second quarter of 2005, the oil industry earned 7.7 cents for every dollar of sales, where the average profit for all of U.S. industry in the second quarter was 7.9 cents for every dollar of sales. The rate of return on oil sales for the third quarter of 2005 is slightly higher at 8.1 cents for every dollar of sale, still very near the average across all industries.

Even more illustrative, 13 U.S. industries earned higher profits in the sec-

ond quarter than the oil and natural gas industry, including banking, 19.6 cents; software and services, 17 cents; consumer services, 10.9 cents; and real estate, 8.9 cents. The facts speak for themselves.

Proponents of the windfall profit tax also say that the tax is effective. In 1990, however, the Congressional Research Service, CRS, analyzed the effects of the windfall profits tax which was enacted in 1980 and repealed in 1988. CRS found that the tax reduced domestic oil production from between 3 and 6 percent and increased American dependence on foreign oil sources by 8 to 16 percent.

Energy markets are cyclical and the industry must manage its business in the face of significant price fluctuations. The industry has to ride out periods of low prices in anticipation of recovering during the periods of high prices. When oil prices are low, as they were throughout the 1990s, energy industry profits are insufficient to induce investment. Oil supplies are tight today for this reason. When prices rise, however, the industry is induced to invest in new infrastructure and production in hopes of capturing the benefits of higher prices. Eventually, this leads to lower prices again.

Reinvestment is critical. The Congressional Budget Office estimates capital losses from Hurricane Katrina and Rita in the energy-producing industries will range from \$18 billion to \$31 billion. Imposing a tax on profits, however, reduces essential investment in energy production. If taxing profits prevents the energy industry from benefiting during period of high prices, there will be little incentive to invest in domestic productions, thereby increasing the Nation's dependence on foreign oil.

The goal of Federal energy policy should not be to hurt—or help—the major oil companies. The goal should be to help American consumers. Taxing capital for investment does not grow jobs, does not grow the economy—only fails American consumers.

The tax reconciliation bill is problematic not only for its inclusion of the windfall profit tax but also for its omission of a critical provision—the extension of the 15 percent reduced tax rate for dividends and capital gains. While critics argue that the reduced tax rates of dividends and capital gains are tax cuts for the “rich” and that the costs are too high, the lower rates have been remarkably successful. Some of its successes include: significantly boosting capital investment, contributing to the economic efficiency of the corporate sector, and dramatically increasing dividend distributions—benefiting all Americans owning dividend-paying stocks, a significant number of whom are far from wealthy.

Specifically, in the year following enactment of the dividend tax cut, 113 publicly traded corporations initiated dividend payments for the first time, compared to an average of 22 compa-

nies in prior years. Further, through July 29, 2005, the 500 U.S. companies making up the Standard & Poor's index alone have increased their dividend payments 626 times, resulting in a 21 percent increase in average quarterly dividends. If these successes are to continue—and reach their full potential—reduced tax rates for dividends and capital gains must be included in any comprehensive tax relief bill.

And continued tax relief is what this country needs to both generate more economic growth and encourage individuals and corporations to save and invest. I am prepared to vote for a tax relief package—I cannot think of a time in the past when I have not—however, it must be effective, and it must actually provide relief. The tax reconciliation bill before the Senate falls short of this. I sincerely hope the conference report on this bill comes back better and stronger—eliminating industry-specific tax increases antithetical to the bill's purpose while providing for sound relief provisions like the reduction in dividend and capital gains tax rates—so that we can satisfactorily answer the American taxpayers' call for a policy of fiscal responsibility.

Mr. BINGAMAN. Mr. President, I regret that I am unable to vote for the legislation. I support the overwhelming majority of provisions that are contained in this bill and appreciate that they need to be extended before next year so they don't expire. I cannot in good conscience, though, vote for another tax bill that is unpaid for and adds to our national debt. For too many years, the majority has passed tax cuts as short term or temporary measures to mask the real costs of these provisions. We can no longer continue on this course of fiscal irresponsibility. It is for this reason that I supported an alternative offered by the minority that provided similar tax relief but did it in a budget neutral fashion by shutting down corporate loopholes. I also supported amendments during debate on this bill that would put back in place budget rules that would prevent Congress from either cutting taxes or raising spending if the net effect is that it adds to our national debt. We operated under these responsible budgetary rules during the previous administration and it gave us our first back-to-back years of surplus in generations. In 5 short years we have not only squandered the opportunities that these budgetary surpluses offered us, but we created a fiscal mess that handicaps future generations. I look forward to working with my colleagues in the coming months to head our nation back towards the days of surpluses. Unfortunately, this bill is not a step in that direction. Even though I support the majority of provisions contained in it, I must respectively oppose its passage.

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the

RECORD a list of material in S. 2020 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

I ask unanimous consent that the material be printed in the RECORD.

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

TITLE V—REVENUE OFFSET PROVISIONS

SENATE

Provision: Sec. 532(c). Violation/Comments: 313(b)(1)(A)—Report to Congress.

Mr. REED. Mr. President, I oppose the tax reconciliation bill now before us. This bill illustrates the cynicism of the whole reconciliation process this year, which, at the end of the day, is just a vehicle to short circuit a full Senate debate on the President's unfair tax cuts.

The fiscal year 2006 budget resolution instructed the Finance Committee to report up to \$70 billion of tax cuts. Only half of those tax cuts were to be offset by reconciled spending cuts, so the net effect of reconciliation would be to add to the budget deficit. In the current economic and budget environment, there is no justification for enacting tax cuts that increase the deficit and must be paid for by adding to the debt.

For various reasons, the bill before us does not contain the full \$70 billion of tax cuts. Most notably, it does not include provisions to extend the temporary capital gains and dividend tax cuts passed in 2003 and set to expire in 2008. It would be wise and prudent budget policy to abandon the effort to extend those debt-financed tax cuts, which go to taxpayers in the highest income brackets. But what you see is not what you are going to get. Those provisions will be back. In fact, the Majority Leader has said he will not bring a conference report to the floor that does not include an extension of the capital gains and dividend provisions.

Even without any capital gains and dividend provisions, this tax bill provides benefits mainly to upper-income taxpayers. An analysis by the Joint Economic Committee democratic staff finds that about \$43 billion of the tax cuts can be allocated by family income group. Of those, about 80 percent would accrue to the 20 percent of families with the highest incomes. That fraction will rise when the extension of the capital gains and dividend tax cuts is added in conference.

"What you see is not what you are going to get" is a phrase that also applies to the spending piece of reconciliation. There is much to criticize in the Senate's \$35 billion spending reconciliation bill, but any conference bill that comes before us is likely to be far worse, with much larger cuts to benefits that middle- and lower-income families rely on that will be way out of

all proportion to any tax cuts they might receive.

The Senate can take a step toward restoring fiscal discipline by voting down this tax reconciliation bill.

Mr. HATCH. Mr. President, I rise today in support of the tax reconciliation bill the Senate is now considering.

As with many of my Finance Committee colleagues, I am both relieved and disturbed to see this bill on the floor in its present form.

I am relieved because it includes many important provisions, including some that will serve to help keep the economy strong as well as particular relief provisions for the areas impacted by the hurricanes.

However, I am disturbed because we were unable to include in the bill one of the most important provisions to our continuing prosperity—an extension of the lower tax rates for capital gains and dividends.

I understand perfectly the reasons some of my colleagues wanted the extension removed. In an era of high deficits it is tempting to preserve revenue any way we can. While I also want to reduce the deficit, I believe that leaving out the extension for the special tax rate for capital gains and dividends will ultimately be counterproductive and harmful to the economy.

In an economy where there is universal agreement that Americans are not saving enough, the last thing we want to do is decrease the incentives to save. I urge my colleagues to hearken back to the debates we had over Social Security reform earlier this year.

Over the course of those debates, we found that there was substantial disagreement in the Senate over how to reform Social Security. But at the same time, nearly everyone seemed to agree that Americans need to save more for retirement and that our Government can do much better at encouraging us to save.

Allowing the lower tax rate on dividends and capital gains to expire is going in exactly the wrong direction.

The net return on savings is an important determinant for how much people save, and the higher the tax on saving the less saving we do. Work by Glenn Hubbard of Columbia University and Kevin Hassett of the American Enterprise Institute has shown that the net return on savings is an important determinant in how much people save.

The low returns in the stock market as well as the currently low interest rates throughout the world explain in part the low savings rates that we currently see in the United States.

There is no question that reducing the net returns by increasing the tax rate on dividends and capital gains would definitely harm savings. Not only does treating dividend and capital gain ordinary income depress saving, but it is also just plain unfair.

This is something I hear again and again from Utahns. Just consider how pernicious the tax on dividends is. The

person who buys stock for \$1,000 already paid taxes on this money when he or she earned it.

The company then pays a corporate tax of 35 percent on its profits. Then, from what remains of its profits, the other 65 cents, it is free to declare a dividend and provide some money back to its stockholders, who also pay a tax on those dividends.

Why on Earth should we not have a lower tax on dividends and capital gains? The Government has already made two grabs at that money.

What is more, the real cost of the lower tax rate on dividends and capital gains has been consistently overstated. As my colleague, Senator BUNNING, remarked in the Finance Committee markup, the revenue collected from these two taxes exceeded the Joint Committee on Taxation's, JCT, estimate by nearly \$20 billion in the past year, according to one study.

In fact, the unprecedented 15-percent increase in tax revenue collected in the past year demonstrates that the best way to lessen budget pressures is not to raise taxes but to focus on policies that lead to solid economic growth. That 15 percent growth translates into a \$100 billion reduction in the budget deficit this year.

Let us stop and think about that for a minute, Mr. President.

Pro growth tax policies have allowed us to grow our revenues by 15 percent in the past year, this translates into more than \$250 billion in higher revenues. If we can find a way to control ourselves on the spending side, this could mean real progress in deficit reduction.

As my colleagues well know, we have gone through a great deal of pain just to find \$35 billion in spending growth reductions in the spending reconciliation bill. Sometimes I think that many of my colleagues ignore, or are not aware of, the power of strong economic growth on our deficit reduction capabilities.

If we look back to the late 1990s, when we did for a while eliminate the deficit and create some surpluses, it is easy to see that strong economic growth played a very strong part in that success, as did some curbs on spending.

I urge my colleagues not to forget this as we consider the importance of extending these favorable rates on dividends and capital gains.

More generally, the attempt to lay blame for our budget deficit entirely at the hands of the tax cuts is mistaken.

The process of forecasting budget revenues is still a nearly impossible task despite some hard work done by a group of very talented economists at the Congressional Budget Office, CBO, the JCT, and the Office of Management and Budget, OMB.

One fact that is clear from our many years of work is that the principal factor driving the amount of revenue collected by the Government is economic growth.



Estimates done by CBO showed that the shift from budget surpluses to deficits in the 2001–2003 time period owed more to spending increases, much of which could be attributed to 9/11, and the reduction in economic growth than to the reduction in tax rates.

In short, maintaining our pre-2001 tax rates would not have preserved the budget surplus, and in fact would have exacerbated the recession, further reducing revenues.

And today, we are seeing the powerful effects that solid economic growth can have on Government revenue.

As I alluded earlier, the booming tax revenues of today are reminiscent of the 1990s, when a sustained period of solid economic growth not only filled our Government's coffers but dramatically lowered unemployment, increased incomes at all levels, and reduced poverty in a dramatic fashion.

Many opponents of the extension argue that lower tax rates on dividends and capital gains represent yet another tax break for the rich. To boil down the lower tax rate to a tired class-warfare argument is over simplistic and wrong.

Reducing the taxation on investment income benefits everyone in America because it ultimately increases productivity and, with it, wages and economic growth as well.

Nobel Prize-winning economists Robert Lucas and Ed Prescott have argued that eliminating the pernicious taxation on savings is the closest thing there is to a free lunch.

When we save more it means that there is more money available for firms to modernize and expand and compete in the world economy. Former chair of the Council of Economic Advisers Greg Mankiw has shown in his research that even those who do not own stocks benefit in the long run from the lower tax rates on investment income.

The U.S. economy benefits greatly from the presence of a stable, relatively predictable tax and regulatory regime. Investors do not like to be surprised, and they like predictability.

As my colleague Senator KYL has pointed out, leaving the extension of the special tax rates on dividends and capital gains until later has dramatically increased uncertainty in the minds of nearly every person investing in the United States.

Investors are not looking at the tax rates in place today—they are looking at the rates they expect to be in place several years down the road when they plan to take the gains of their investments and pay the taxes.

I note that the tax reconciliation bill approved this week by the House Ways and Means Committee included a 2-year extension of the lower rate for capital gains and dividends. I hope that this provision survives intact in the House bill and that bill passes the other body.

If so, the capital gains and dividends extension will be an item for discussion in the conference of these bills with the

House. Therefore, this tax bill may yet include this important provision before it goes to the President for his signature.

Another important provision that needs to be included in this legislation is an extension of the research tax credit. Companies throughout the country, and many in Utah, depend on this credit to remain competitive and to innovate.

A robust research credit is vital for our future world leadership in technology and our economic growth.

The revised mark includes the credit expansion in the form of the alternative simplified credit.

An increase in U.S. R&D spending benefits everyone, by ultimately improving the productivity of the American worker. Increasing productivity invariably results in an increase in wages throughout the economy.

It is interesting to listen to some of my colleagues on the other side of the aisle when they talk about these tax provisions in their entirety. They make it appear that this package is nothing more than a large tax cut for the wealthy in our Nation. Of course, nothing could be further from the truth.

In reality, other than those provisions that are designed to give aid to the victims of the hurricanes, and to help rebuild the gulf coast areas that were the hardest hit, this bill is about extending certain provisions that are set to expire. Most of those provisions expire in just a few weeks.

I think it is important for Utahns and all Americans to understand that enactment of this legislation is necessary to prevent a very large tax increase on middle-class Americans. Practically every single provision in this bill enjoys plenty of bipartisan support.

So while some of my colleagues are deriding this bill as a whole as an unnecessary and unwarranted tax giveaway to the rich, they are quietly promoting the individual provisions in the bill as necessary provisions for their constituents.

While I support this bill and certainly want to see it go forward to conference with the House, where we are hopeful it can be improved further, there are several provisions in it that cause me a great deal of concern.

One of these items of concern relates to a provision located in the charitable reforms section of the bill.

Specifically, it would place a floor of \$500 on a joint return on the amount of deduction a taxpayer who itemizes his or her deductions may claim for a charitable contribution.

I see absolutely no rationale for this limitation.

I do know that it would discourage and mistreat many Utahns who make small contributions to their churches and to local charities. It seems to me that this limitation would hit those who make small donations particularly hard.

The entire point of extending the charitable deduction to those who do not itemize is to give an incentive to more people to donate to charity. I believe the non-itemizers deduction would do this, so I have supported it.

But why in the world would we want to give an incentive to non-itemizers and then turn around and remove a current incentive to those who itemize? It makes no sense.

This provision is unfair to itemizers in another way. The standard deduction already assumes a certain level of charitable contributions.

In order to give non-itemizers an incentive to actually give those assumed contributions, we are effectively allowing them to double dip in this provision. I can live with that because I think it will result in increased donations.

However, to take away a current benefit from itemizers is beyond the pale. There are many thousands of Utahns who give 10 percent of their income to their church. Because of this, Utah has a higher percentage of taxpayers who itemize.

Why should they be penalized for doing the right thing?

Why would we remove an incentive to them so we could create another incentive to those who do not give as much?

This is totally unfair.

I am also very concerned about another revenue raising provision in the bill that seems completely counterproductive and foolish to me. I am referring to the provision that would remove the ability of certain integrated oil companies to use the LIFO method of accounting for their inventories.

To me, this seems like a backdoor attempt to place a windfall profits tax on oil companies, which was ineffective the first time it was tried.

I am even more concerned that this provision could very well miss its intended target and hit some of the smaller oil refineries around the nation that we have been trying to help in recent tax bills.

I am told that it would affect three companies in Utah that happen to have some production, some refining, and are retailers. These three Utah companies are not the large integrated oil firms that this revised mark may be targeting.

I do not think this change is good policy for even the large companies, but in addition to being very poor policy, it also seems misdirected.

The American Job Creation Act we passed a year ago included a tax incentive to encourage small refiners to comply with the new low-sulfur diesel regulations. The Energy bill we passed this summer included a provision to allow refiners to expense immediately the cost of additional refinery capacity.

The provision in the bill before us would totally reverse these incentives and much more. Is not this like giving someone a quarter with our right hand

and then taking a dollar away from that same person with our left hand?

If we wish to encourage more production of oil and especially if we wish to encourage the creation of more capacity to refine oil products, this is not the way to go about it. I hope these offensive provisions can be removed, or at least mitigated, in the managers' amendment.

Mr. President, I know that sometimes one must take one step back for each two steps forward. Well, I think that this bill is an example of us taking one step back to take one and a half steps forward, but in the end, we are at least moving forward.

I would rather have an extension of the research tax credit and AMT along with an extension of the low rates for dividends and capital gains, but I will save the battle for the latter for another day.

The Finance Committee has an incredible array of legislative provisions that pass before us each year. The chair has, as usual, done a masterful job of satisfying the diverse interests of the members of the committee with his legislation.

One day, I hope to see a Finance Committee that takes a small step forward in every single piece of legislation to make it easier and more rewarding to save in America. The importance of increasing saving to the growth potential of our economy cannot be underestimated.

I urge my colleagues to join me in supporting this bill.

Mr. LEVIN. Mr. President, for too many years now, the administration and the majority in Congress have been pursuing an irresponsible fiscal policy of giving tax cuts mainly to the wealthiest Americans among us.

By generating revenue less than we are spending, our Nation is falling deeper into the debt ditch. The increase in our debt threatens us with rising long-term interest rates. At a time when so many Americans have variable-rate mortgages, car loans, and other debts, rising interest rates that are predicted to accompany our swelling deficits will have a very real and immediate impact on many American families. And we will be passing this increased debt on to our children and grandchildren.

This tax reconciliation bill contains a number of good provisions. In particular, the provision to "patch" the alternative minimum tax, AMT, is critical. Congress originally created the AMT to make sure that the wealthiest Americans paid at least a minimum amount of tax; however, it is now catching many more taxpayers than Congress intended. The "fix" in the bill before us today would once again implement a temporary increase in the exemption level of the AMT by indexing it for inflation, thus saving many middle-income taxpayers from being affected by the AMT and having their Federal taxes increased.

Today's bill also includes an expansion and extension on the research and

development tax credit. R&D provides strength for our economy. It creates American jobs and improves the competitiveness of U.S. companies in the global marketplace. I am pleased that it will be extended.

I am also glad that this bill would establish an itemized deduction for the mortgage insurance on qualified personal residence and incentives for donations to charitable organizations, as well as extend tax incentives for many important programs, including a deduction for tuition payments and related expenses, a continuation of the new markets tax credit, deductions for teachers who make out-of-pocket payments for classroom expenses.

However, while these tax cuts are well targeted, it would be unconscionable to support their passage without paying for them. To start with, I wish we had adopted Senator Feinstein's amendment. Her amendment would have maintained two little known but important provisions known as "PEP" and "Pease". The personal exemption phase out, PEP, reduces a taxpayer's total personal exemption for incomes exceeding \$218,950 for married couples, \$145,950 for individuals. The "Pease" provision, which is named after the late Representative Don Pease, reduces certain itemized deductions for higher income taxpayers. There is currently a repeal scheduled to start next year on both of these, which does little for the economy beyond further increasing the deficit. Keeping PEP and Pease could reduce the deficit by an estimated \$31 billion over 5 years. That is enough to pay for the entire AMT fix.

Senator Feinstein's amendment also would have rolled back the Bush tax cuts on capital gains rates, dividend rates, and income tax rates for millionaires. I supported this amendment, which unfortunately was defeated.

In closing, I support many of the tax provisions in this bill, but I cannot support passing then without paying for them. On balance this fiscally irresponsible bill will leave our country worse off.

Mr. BYRD. Mr. President, I am increasingly alarmed about the congressional budget process as it now operates.

I helped to write the Budget Act of 1974. At the time, I served as chairman of the Subcommittee on the Standing Rules of the Senate. The subcommittee was tasked with studying the budget process reforms reported by the then-Senate Government Operations Committee as they affected the Senate rules. I met with a working group of staff that was comprised of 10 standing committees of the Senate, and which included 90 hours of meetings during 25 sessions over a 16-day period. After the staff had completed its work, I spent many hours with the Senate Parliamentarian and met in all day sessions and over holiday weekends with the staff from the Congressional Research Service and the Senate legal counsel. I helped to manage the Senate's floor de-

liberations of the Budget Act as majority whip, and, when the Senate completed its many weeks of debate and amendment, I served on the conference committee that finalized the Budget Act.

I studied the Budget Act. I championed it. I supported it.

And so I can say, without equivocation, that the process the Senate utilizes today hardly resembles the process envisioned in 1974. The budget process used today obscures more than it clarifies the tax and spending decisions of the Congress. Through a growing list of 60-vote points of order, it is weakening the ability of the Congress to exercise its power over the purse, deferring more and more authority over fiscal matters to the executive branch. The budget process increasingly serves as a means to circumvent the role of the Senate to deliberate, and, lately, it has been used in a way that has fostered an unprecedented and unbroken string of deficits and debt.

I have spoken many times about how the budget reconciliation process has been distorted and the extent to which that process has been used to worsen deficits and unnecessarily limit debate and amendment. Here today is another example of one of these reconciliation bills, where debate is limited, amendments are curtailed, and arms are twisted to get the bare minimum of a majority of Senators to advance partisan legislation, only to see a brandnew bill rewritten in a closed conference committee that excludes any voice of dissent.

This week, the already grossly abbreviated reconciliation exercise has been curtailed further, as the normal 3-day debate is crammed into a period allowing for less than 2 days of debate. Meanwhile, Senators are distracted with other legislation that must be addressed before the Senate breaks for the Thanksgiving holiday—legislation that is more pressing than the extension of some of these tax cuts which will not expire for several more years.

The budget process has been distorted, where reconciliation is abused by both sides eager to score political points. Reconciliation is no longer simply a budgetary device to round out the numbers at the end of the fiscal year, as it was intended in 1974. It has become a favorite mechanism for bypassing the rules of the Senate for circumventing the limits imposed upon the capricious passions of a determined majority. Once a Senator's right to debate has been waived, what is left can almost be described as a state of chaos in the Senate. If you think that term "chaos" seems a bit extreme, just wait a few more hours for the vote-arama to begin.

Soon, the statutory limit of 20 hours of debate on this bill will expire, and the Senate will enter into a consent agreement whereby 2 minutes of each debate are allocated to each amendment and Senators are forced to vote

blindly in rapid succession on amendment after amendment after amendment. Many of these amendments have never been seen before by the Senate, and many will not even be explained to Senators prior to the casting of their votes.

To the credit of Senators GREGG and CONRAD, the number of amendments considered in vote-aramas have been limited in recent times, but vote-aramas continue to occur nonetheless.

Just 2 weeks ago, the Senate considered the so-called Deficit Reduction Reconciliation Act of 2005. After the 20 hours of debate had expired, the Senate entered into an agreement by unanimous consent that limited debate to 2 minutes per amendment prior to each vote. In one day, the Senate considered 41 amendments, with only 2 minutes of debate per amendment, and with only 16 of those amendments offered prior to the expiration of debate. That is 25 amendments that the Senate had not debated, or even seen before, receiving votes based upon whatever knowledge Senators could extract from the din in just 2 minutes.

In 2003, the Senate considered 84 amendments in this manner, without any of those amendments being offered, debated, or generally made available to Senators before casting their vote. In 2001, the number of amendments considered in this manner was 78, again without any of those amendments being offered, debated, or generally made available to Senators before casting their vote.

All together, in the last 6 years, the Senate has considered 246 amendments to budget resolutions and reconciliation bills, within a so-called vote-arama process that does not allow the Senate to debate amendments or, in too many cases, to even see amendments before Senators are asked to cast their vote. God help the American people.

I once described vote-aramas as pandemonium, which was the Palace of Satan designated by Milton in *Paradise Lost*. But that term almost fails to describe the ignominy of the Senate when it becomes engulfed in these budget carnivals. It's embarrassing to the institution. It is no way to legislate. We cannot claim to serve the interests of our constituents if we don't have time even to read the amendments on which we are casting our votes. Read *The Federalist Paper No. 62* by Madison: "It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood." Vote-arama means Senators are flying blind.

I have pleaded with the Senate to avoid using this reconciliation process because I abhor what it does to this institution. It is not a necessary exercise. The Budget Act does not require it, nor does the Budget Act require, or even mention, the use of vote-aramas. We are doing this to ourselves. This is

self-inflicted abuse, and our Nation suffers as a result.

Since 2001, this reconciliation process has yielded an unbroken string of unprecedented deficits and debt. At \$339 billion in the fiscal year 2003, \$412 billion in the fiscal year 2004, and \$317 billion in the fiscal year 2005, budget deficits have grown to record levels 3 years in a row. Within 5 years, the national debt is projected to rise to \$11 trillion. The interest payments on that debt is growing to enormous levels and will surpass in 2010 a whopping \$314 billion per year. That is \$314 billion that could be used to build and modernize our transportation and energy infrastructure, but that will be paid to foreign and domestic bond holders instead. If there is a force that is sinking the budget into an ocean of deficits and debt, it resides, at least in part, among abuses of the budget process.

Outside of the budget reconciliation process, Senators could insist that tax cuts be offset. These are not controversial tax extensions. The alternative minimum tax relief, the deduction of college tuition and teacher classroom expenses, the section 179 expensing and research and development credit—all of these could pass overwhelmingly if offsets could be found, and it could be done without having to put the Senate through this exercise. Senators might even have the opportunity to thoughtfully consider amendments to the bill to develop compromises that improve the legislation and satisfy both parties. Senators could go home touting a piece of bipartisan legislation that all sides find agreeable.

I call upon the Republican and Democratic leadership, as well as the members of the Budget Committee, and all Senators, to help reform this process. The process as it currently operates is intolerable, and it damages this institution severely. Whatever political advantage may be claimed today, this process ultimately weakens the Senate as an institution, and does a great disservice to the American people.

Mr. REID. Mr. President, I oppose this legislation, and I would like to take just a few minutes to explain why. But before I do, I want to begin by commending and congratulating both the chairman and ranking member of the Finance Committee for their hard work on this bill. Senator MAX BAUCUS and Senator CHUCK GRASSLEY work very well together on the broad range of issues that come before their Committee. While we have an honest and good faith disagreement about this particular legislation, I want them to know how much sincere respect I have for both of them and how grateful I am for their outstanding leadership of the Finance Committee.

Mr. President, I have two major concerns about this bill. First, it needlessly increases the deficit when we should be saving for the future. And, second, it paves the way for a budget that is inconsistent with the values of the American people.

Our country faces an enormous fiscal challenge that will begin in a few years, when the baby boomers retire. America's debt now exceeds \$8 trillion. Under the Republican budget that figure will increase by more than \$3 trillion in just 5 years. We simply must restore fiscal discipline. That means we must do all we can to avoid further increases in the deficit, and to live under the pay-as-you-go rule. We did that in the 1990s, and that is a major reason why we not only eliminated our deficit, but ran record surpluses. That, in turn, is one reason we enjoyed the longest peacetime economic expansion in our Nation's history.

During debate on this bill, Democrats tried to restore fiscal discipline. Led by the distinguished ranking member of the Budget Committee, Senator KENT CONRAD, we offered an amendment that would have fully paid for the tax cuts in the bill. Unfortunately, the amendment was defeated on a largely party-line vote.

Let me be clear: I support most of the tax cuts in this bill. I think we should provide relief from the alternative minimum tax, and we should extend the R&D and work opportunity tax credits, among others. I just think we should pay for them. Here and now. We shouldn't force our children and grandchildren to do so tomorrow.

The other reason why I oppose this legislation is that it will pave the way for adoption of a budget that does not reflect America's values. To understand why, you need to step back and take a broad view of the budget legislation moving through the House and Senate.

This tax reconciliation bill is really just one part of a broader budget plan that the Republican leadership is trying to push through to enactment. That plan includes substantial cuts in a wide range of programs important to middle class and more vulnerable Americans. Not long ago, the Senate approved legislation that cut Medicare, Medicaid, housing and agriculture, while authorizing drilling in a pristine Alaskan wildlife refuge. At the same time, the House is considering legislation to cut student loans, food stamps, and child support enforcement, while making even deeper cuts in Medicaid.

These spending cuts are troubling. But what makes them truly outrageous is that they're intended to partially pay for tax breaks for special interests and multimillionaires.

I know that the bill before us does not include those tax breaks. And I commend Senator BAUCUS and other colleagues on the Finance Committee for their work to keep capital gains and dividend tax breaks out of the bill.

My concern, though, is that Senate Republican leadership has made it very clear that they intend to put those tax breaks right back into the legislation in a final agreement with the House. This isn't a secret. As Senator GRASSLEY told the publication *Tax Notes*, "If we pass a tax bill, it is going to have

extension of capital gains in it." He further went on to say "whether we have one in the Senate or not . . . we'll end up with it."

Other Republican colleagues have echoed the Chairman's comments.

We know that capital gains and dividend tax breaks will be included in a final bill, if we let it get to that point. But why should we care? Why are those tax breaks so problematic?

Well, first of all, remember how they are being paid for. Cuts in Medicare, Medicaid, student loans, food stamps, and other programs for middle class Americans and those who need help the most.

Now let's consider who these tax breaks really help.

Here's the answer: 53 percent of their benefits will go to those with incomes greater than \$1 million.

Let me repeat that: 53 percent of their benefits will go—no, not to millionaires—but to people with incomes over \$1 million. We are talking about multi-millionaires, a small handful of America's most fortunate. These lucky few will get an average tax break of about \$35,000.

But what about those with incomes between, say, \$50- and \$200,000? Well, they will get an average tax cut of \$112.

And what about those with incomes less than \$50,000? Six dollars.

\$35,000 for those with incomes more than a million dollars. Six dollars for those earning less than \$50,000.

And for this, the Republican majority wants to harm some of the Nation's most vulnerable families. That is not just wrong. It is immoral. And that is not my word—it comes from some of our Nation's top religious leaders.

Again, Mr. President, I know this bill does not itself include those tax breaks. But if we send this fast track bill to conference, make no mistake: those tax breaks are coming. It is as clear as night following day. The only way to prevent it is to stop th from going to conference in the first place.

Finally, I want to make one more point. Even if my colleagues disagree about the problems with the Republican budget, I wish they could agree that we have more important things to do.

Gas prices are skyrocketing. Families are struggling to fuel their vehicles and heat their homes. Farmers and businesses are feeling the pinch. Democrats have a plan to respond, to address price gouging and, ultimately, to make our nation energy independent. That is more important than harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

Hurricane survivors are struggling. Thousands lack health coverage; 150,000 live in hotel rooms and face the threat of homelessness in just 2 weeks. Devastated communities have been forced into massive layoffs and are unable to provide even basic services. Democrats have a plan to address these urgent needs. That is more important than

harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

The Iraq war is not going as well as the administration promised. More than 2070 Americans have died. More than 15,000 have been wounded. About 150,000 more remain in harm's way, while the Administration still has no plan to end the conflict and bring them home. Instead of being greeted as liberators, the violence continues nearly 2½ years after the start of the conflict. As the Senate said just a few days ago, our Nation badly needs a strategy for success. But we have a long way to go before that bill gets to the President's desk. And making that happen also is more important than harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

While I support tax relief for the middle class, and I endorse most of the specific provisions in this legislation, I am going to vote against it. Approval of this bill will facilitate adoption of a Republican budget that is based on the wrong values and the wrong priorities.

Together, we can do better.

Let's provide middle class tax relief, but let's do it in a fiscally responsible way that doesn't harm families struggling to make ends meet.

Mr. GRASSLEY. Mr. President, we are ready for third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. FRIST. Mr. President, we will be voting tomorrow morning at approximately 9:30. We will do the continuing resolution. We have an amendment on the resolution in the morning.

There is going to be a lot going on tomorrow. We will not be able to further clarify the schedule until tomorrow. We will have multiple votes tomorrow morning beginning at 9:30.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Alabama (Mr. SHELBY) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—64

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bennett	Feinstein	Roberts
Bond	Frist	Salazar
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Cantwell	Hagel	Smith
Carper	Hatch	Snowe
Chambliss	Hutchison	Specter
Clinton	Inhofe	Stabenow
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kyl	Talent
Collins	Landrieu	Thomas
Cornyn	Lincoln	Thune
Crapo	Lugar	Vitter
Dayton	Martinez	Warner
DeMint	McCain	
DeWine	McConnell	

NAYS—33

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Obama
Burr	Jeffords	Reed
Byrd	Kennedy	Reid
Chafee	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Craig	Lautenberg	Voinovich
Dodd	Leahy	Wyden

NOT VOTING—3

Corzine	Lott	Shelby
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The bill (S. 2020), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. ENZI. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, this legislation did not happen by itself; it took hard work and perseverance. There is a long list of individuals who must be thanked.

First, I want to thank the staff of the Joint Committee on Taxation and Senate Legislative Counsel for their service. They did a tremendous job with this bill.

I want to thank George Yin, the Chief of Staff of the Joint Committee on Taxation, in particular. This will probably be the last tax bill George will work on for the U.S. Congress. George is returning to the University of Virginia where he is a professor. His last day is tomorrow. George has served on the Joint Committee on Taxation for just over 2 years. During that time, he has provided tremendous insight and knowledge to me and my staff. He is called upon to know all the nuances of the Tax Code and provide recommendations on tax policy. He does this with unfailing competence. His work is of the highest caliber. I commend him for his work and thank him for his service to the U.S. Congress.

Next, I must thank the hardworking staff of the Finance Committee. They stayed up many a sleepless night, and I applaud them for their expert counsel. I want to thank some staff members in particular. I appreciate the cooperation we received from the Republican

staff, especially Kolan Davis, Mark Prater, Cathy Barre, Elizabeth Paris, Christy Mistr, Dean Zerbe, Chris Javens, John O'Neill, and Nick Wyatt.

I also thank my staff for their perseverance and dedication, including Russ Sullivan, Patrick Heck, Bill Dauster, Melissa Mueller, Matt Jones, Judy Miller, Jon Selib, Ryan Abraham, and Tom Klouda. I also thank our dedicated fellows, Mary Baker, Brian Townsend, Richard Litsey, Jorlie Cruz, and Stuart Sirkin.

Finally, I thank our hardworking interns: Jennifer Alwood, Ray Campbell, Mandy Cisneros, Will Larson, and James Reavis.

I want to thank the chairman of the Finance Committee and my good friend, Senator GRASSLEY. It is not easy putting together a reconciliation bill. I thank Senator GRASSLEY for once again ensuring a result that could receive broad support. It is my hope that we can maintain the spirit and substance of the Senate bill as we move through conference. We have a good bill before us.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

### NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in Book II.*

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### ORDERS FOR FRIDAY, NOVEMBER 18, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Friday, November 18. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow morning after we convene, we will immediately proceed to the continuing resolution. Senator HARKIN will have an amendment which will require a vote. Therefore, Senators should expect a couple votes early in the morning. Those votes will occur at approximately 9:30 in the morning.

Following those votes, we expect to have a better idea of what additional

business will be available on Friday. There are a couple of appropriations conference reports that will likely be available, the PATRIOT conference report, the House message on the spending reconciliation bill, as well as other legislative and executive items we are trying to clear. Therefore, additional votes may occur and will occur, and we will try to clarify Friday's schedule as early as possible.

I remind everyone that a weekend session is expected and Senators should remain available Friday and Saturday and beyond until we finish our remaining work. I will have to say, starting now about 3 weeks ago we set out a very aggressive agenda, and to date we have stayed right on target to accomplish that agenda. The House is in session right now and is voting actually right now, and I understand they will be conducting more business tonight and in the morning that we will have to act on after they act on much of the legislation they are considering. So it will be a full day tomorrow. I expect to have a number of votes over the course of tomorrow. And again, as we have said for the last 3 weeks, it will be important for our colleagues to keep their schedules flexible through tomorrow and Saturday, Sunday, and possibly beyond that.

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:58 p.m., adjourned until Friday, November 18, 2005 at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 17, 2005.

##### TENNESSEE VALLEY AUTHORITY

DENNIS BOTTORFF, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011. (NEW POSITION)

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011. (NEW POSITION)

WILLIAM B. SANSOM, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2009. (NEW POSITION)

HOWARD A. THRAILKILL, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2007. (NEW POSITION)

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE A TERM PRESCRIBED BY LAW, VICE GLENN L. MCCULLOUGH, JR., TERM EXPIRED.

## EXTENSIONS OF REMARKS

IN MEMORY OF JOHN DOMINICK BENEDETTO: HE SHARED HIS FAITH IN ETHICS AND FAIRNESS TOWARD HIS FELLOW MAN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay special tribute to my friend, John Dominick Benedetto, who died August 29, 2005, in Jupiter, Florida. His memory lives on in the loving embrace of his family and many friends.

John brought a breath of love and beauty to everything he touched, whether in music, the arts, in the preparation of foods, or in his creativity as an entrepreneur.

In World War II, he served his country in the U.S. Air Force. But his appreciation for this land was manifest most deeply in his heartfelt concern for all of its people. He truly believed that every man, woman and child was due—without distinction—the fairness and justice that are America's promise.

In his unassuming way, John personified for me the great Godly virtue taught to us in the Gospel of Matthew: As you have done it unto one of the least of these, you have done it unto me.

My love and condolences go out to Patricia, his faithful and loving wife of 28 years, their five daughters and two sons, their seven grandchildren, and of course, his brother, Tony.

For the information of my colleagues I submit the following obituary which was published in the South Florida Sun-Sentinel on August 30, 2005.

Benedetto, John Dominick, was born on March 18, 1923 in New York City, died August 29, 2005 in Jupiter, FL. He is survived by his loving wife of 28 years Patricia, his brother Tony, five daughters, two sons and seven grandchildren. As a young boy, John sang with the Metropolitan Opera Company, where his beautiful tenor voice resonated through the hills of Italy. His talent and creativity was a mainstay throughout his life, and manifested through his passion for music, life, art, and family. After returning from his tour with the U.S. Air Force during WWII, John became an entrepreneur whose passion for invention was nurtured through the development of many ideas and opportunities. As an innovative thinker, John thought about ways to make the world a better place to live and to foster positive social change. John loved to bring people together, whether it was for a small family gathering where he would create amazing meals with love, or simply sitting on his dock and fishing with a friend or relative. His travels and life's path brought him many experiences that were colorfully shared in anecdotes over a card game or an expertly mixed drink. John's charm and charisma attracted many friends, and allowed him to touch many people. John will be greatly missed. A private service will be arranged by the family for a future date. In lieu of flowers, the family thanks all who can please donate to the

TRIPPS organization: 263 Shamey Lane Ken-  
nesaw, GA 30144 <http://www.tripps.org/>.

### CHILD MEDICATION SAFETY ACT OF 2005

SPEECH OF

### HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 15, 2005

Mr. FERGUSON. Mr. Speaker, specifically pertaining to H.R. 1790, the Child Medication Safety Act, I firmly believe that parents should have the final say about the administering of medication to their child. I agree with the legislation's main intent to prohibit school personnel from requiring a child, as a condition of attending school or receiving services, to obtain a prescription for a controlled substance or a psychotropic drug.

### JIMMY BRESLIN GETS IT RIGHT: THE IRAQ WAR IS A LOCAL ISSUE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. RANGEL. Mr. Speaker, I rise to introduce into the RECORD the commentary entitled "War must be a local issue", written by Jimmy Breslin in the November 9, 2005 issue of *Newsday*.

Jimmy Breslin's writing cuts to the heart of an issue and this article does just that. He focuses on how the President's lies are perpetuated at the local level, in this case by Mayor Michael Bloomberg; and how some in the Congress and we as citizens accept those lies because we are living "in a time of National Alzheimer's."

Mr. Breslin wrote of the funeral of a 26-year-old marine, Riayan A. Teheda at which Mayor Bloomberg spoke two years ago. According to Mr. Breslin, the Mayor pronounced of the marine killed in Iraq: "He died to keep the weapons of mass destruction out of the hands of . . ." After those words, Mr. Breslin said "you heard no more." Speaking of Mayor Bloomberg, Mr. Breslin wrote: "He was up there in the presence of a gallant New Yorker and he spread a lie and for me it was the start of his campaign and it ended with me not voting for him . . ."

The funeral of Riayan A. Teheda was at St. Elizabeth's Catholic Church on Wadsworth Avenue in Washington Heights, which to Mr. Breslin was "more than somewhat local." He reports that he had been to the funerals of other kids in the Bronx, Ridgewood and in Brooklyn. Mr. Breslin concluded: "If a kid who gets killed is local, then—the war is local."

When President Bush "comforts" the families who have lost their sons, daughters, sisters, brothers, fathers and mothers by telling

them the deaths of their loved ones honors those have died before them, he cannot really provide comfort. The parents of a fallen soldier would never ask that another family suffer what they have suffered. The parents I have met don't believe their sons and daughters need the deaths of other sons and daughters to prove their children have died honorably. They believe their children died for their country. They have died for their country.

To quote Mr. Breslin again: "They die in the splendor of bravery, the prayer of valor. And fall in vain because the government causes them to die in vain."

What Mr. Breslin identifies is national leadership that is, "a fake and a fraud and a shill and a sham" who has now, unwittingly perhaps, admitted he was wrong but blames the Democrats who voted to go to war because they made the mistake of believing what he told them.

American soldiers and Iraqis are still dying. The President has still not told anyone the real reason we are in Iraq. He has not told the truth about the intelligence he and a chosen few had when he took this country to war.

Jimmy Breslin is one of New York's most talented writers. His description of New York and of the Nation as having Alzheimer's is strong but descriptive in a way hard to put in to other words and have the same effect. The people in this country do not know there are two wars being fought by a tiny fraction of this population and that their sacrifice is being inflicted and endured out of the sight of the Media and the American public.

[From *Newsday*, Nov. 9, 2005]

WAR MUST BE A LOCAL ISSUE

(By Jimmy Breslin)

The church was empty at dusk. You stood in the stillness and looked at the place, right there on the side of the altar, where Michael Bloomberg spoke over the casket of a fallen aristocrat of the city, Riayan A. Teheda, Marine, dead in Iraq at age 26.

Bloomberg pronounced, "He died to keep the weapons of mass destruction out of the hands of . . ."

You heard no more. He was up there in the presence of a gallant New Yorker and he spread a lie and for me it was the start of his campaign and it ended with me not voting for him last night.

He says of Iraq, "It is not a local issue."

This was almost 2 years ago at St. Elizabeth's Catholic Church on Wadsworth Avenue in Washington Heights, which is more than somewhat local.

By myself, I have been at the deep grief of another soldier's funeral in the Bronx, one in Ridgewood, another in Brooklyn.

If the kid who gets killed is local, then—the war is local.

This war continues without an official protest that would call out the will of the people of the City of New York and might count in a Nation that by now realizes it has been the victim of a president who is a fake and a fraud and a shill and a sham and now is going around with the blind staggers.

Only the other night, in a television appearance with the opponent, Ferrer, Bloomberg was asked about withdrawing troops from Iraq and—heavens!—you can't do

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



that. Why, that would mean that New York's fallen military would have died in vain. And why you could never say that about the three or four who would be killed on the day after that, and tomorrow and tomorrow.

They die in the splendor of bravery, the prayer of valor. And fall in vain because the government causes them to die in vain.

Around this great city yesterday, the day went into the heart of the night without excitement. There was an election for mayor and the streets should have been loud with the shrieks of people crying for your vote. Bloomberg last night finished spending at least \$70 million to get re-elected and the money suffocated the election. That is not democracy. Every one of those dollars should form the seeds of a revolt.

He is the mayor in a time of National Alzheimer's, and New York, too, is stricken. We have Bloomberg silent on a war. And once in this State we had as senators at the same time, Robert F. Kennedy and Jacob Javits. Look at the citizenry here accepting as United States senators, Clinton and Schumer, who both supported the war. The coin has cheapened and no outcry is heard.

How can Mike Bloomberg be the mayor of this city and not try to put his voice and weight into saving lives?

Bloomberg follows the smirking, deadly lies of a president who had people getting killed for what? For oil, for Dear Old Dad, for a racist disdain for a guy in an alley with a rag on his head. Bush saw the rag but never noticed the gun the guy carried.

Last night, Julio Cesar Tejada, the dead Marine's father, stood in the swarms of people going past his building at 602 W. 180th St. He is 53 and stocky, with short black hair and a pleasant face. On the sidewalk next to him was the small, permanent grotto to his son. A photo. Flowers. Candles. Prayers in Spanish and English.

"How has it been?" he said. He patted his chest. "My heart fell apart. I cannot work. I spend all the days going to the doctor."

"The wife?"

He shook his head. "It is very bad for her."

He said he had to get the Con Edison bill paid. "They turn off the lights if you don't."

At the corner, a young woman, a college student, asked him about Bloomberg clinging to the war. Now I mentioned the speech at his son's funeral.

Julio shook his head. "I was too mixed up at the funeral."

He said then he was going to vote.

"For whom?"

He shook his head. "I don't know 'til I get there."

## THE CHILD MEDICATION SAFETY ACT OF 2005

SPEECH OF

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 15, 2005*

Mrs. DAVIS of California. Mr. Speaker, I opposed the Child Medication Safety Act in the 108th Congress and I rise today to oppose it once again on the same grounds.

It is a solution without a problem. The bill is based on the assumption that a substantial number of educators require students to take medication in order to attend school.

I opposed it previously after the House Committee on Education and the Workforce held a hearing on the bill. At that time, not one witness could produce statistical evidence that this was a nationwide problem and that stu-

dents were prevented from attending school over medication.

I still believe passing this legislation is an irresponsible rush to legislative judgment without all the facts. We should not pass legislation over anecdotes and isolated incidents, and I have yet to see evidence that this legislation is necessary.

Today, we vote on H.R. 1790 without even holding a hearing to determine why this bill is needed and to look at any new evidence.

I will not argue that there may be cases when a teacher unfairly or unjustly asks that a student take medication for behavioral concerns.

But H.R. 1790 assumes teachers across the nation are requiring students to take medication. Please, let us be clear, teachers educate. They do not medicate; physicians must prescribe medication.

This legislation is based largely on false assumptions.

Let us consider the impact of this bill in the classroom. If a child is having trouble seeing the blackboard, the teacher must advise the parent to seek professional help.

The same is true if a child has behavioral problems or mental health issues. Teachers can make recommendations that may help the student learn.

Again, I have yet to see statistical evidence that teachers are preventing students from attending school because they refusing to take medication.

Mr. Speaker, until I see hard evidence that this issue is a problem for our students and schools, I cannot support this bill.

## TORTURE SHATTERS AND DEFILES GOD'S IMAGE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 16, 2005*

Mr. RANGEL. Mr. Speaker, I rise today to ask that we enter into the CONGRESSIONAL RECORD a letter written under the auspices of Rabbis for Human Rights North America in February 2005 (corresponding to the Hebrew Year Adar 5765) to President Bush and Members of Congress entitled: Rabbinic Letter Against Torture and Other Cruel, Inhuman, and Degrading Treatment of Detainees. I wish to enter into the RECORD as well the names of all the signatories to the letter.

This letter was written of behalf of Rabbis for Human Rights of North America and was written "out of a deep sense of concern about the erosion of American's longstanding commitment that torture is absolutely reprehensible."

"We understand that the most fundamental ethical principle, which results from our belief in God as Creator of the World and Parent of all humanity, is that every human being is seen as reflecting the Image of God. Torture shatters and defiles God's Image. The purpose of torture is to remove a person's pride, humiliate that person, or make his or her life so painful that the person does or says whatever the interrogator wants. Torture 'works' by attempting to deprive a human being of will, spirit and personal dignity. The humanity of the perpetrators, as well as the victims, is inevitably compromised by the use of torture."

"We are particularly appalled by the infliction of sexual humiliation on prisoners under United States custody. Jewish tradition upholds a high standard of personal modesty. Indeed the Bible's term for prohibited sexual behavior is to 'uncover the nakedness' of another. However, even non-sexual acts that overpower people and attempt to break their will and diminish their dignity are acts of humiliation that Jewish tradition abhors."

The Rabbinic Letter specifically calls on the U.S. Government to state in unequivocal terms that the use of any tactics of physical abuse, the deprivation of food, water, sleep, disorientation, religious degradation or purposive humiliations of a prisoner is prohibited. This must be the basis understanding for the treatment of any captive, whether or not he or she originates from a country or belongs to a group that is a signatory to the Geneva conventions."

Despite the statements of President Bush that "We don't torture," the American People know that we do. Not only have we seen the pictures of the handcuffed, naked prisoners at Abu Ghraib and male prisoners being sexually humiliated; not only have we been stained by the image of the Hooded Man attached to wires at Guantanamo; not only has the International Committee of the Red Cross reported that we subject detainees to torture; now we learn we have a system of secret prisons run by the F.B.I. in which we keep detainees that have been disappeared. We don't know who they are or what has been done to them.

An article by M. Gregg Bloche, a law professor at Georgetown University who is also a visiting fellow at the Brookings Institution and Jonathan H. Marks, a barrister in London, as well as a bioethics fellow at Georgetown and Johns Hopkins, revealed that mostly unredacted F.B.I. email shows that interrogation techniques used on detainees at Abu Ghraib and Guantanamo were from the SAVE program invented by the Red Army and used on Americans captured in Korea and in Vietnam. These interrogation techniques are used only to break the will and spirit of a prisoner so as to get false confessions from them. In these techniques, truth is beside the point.

I support the McCain amendment. That amendment embodies everything the Rabbinic Letter calls for and everything that people of faith everywhere call for. It calls for America to renew its character and banish the stain caused by the Bush embrace of torture.

FEBRUARY 2005.

DEAR PRESIDENT BUSH AND MEMBERS OF CONGRESS: On behalf of Rabbis for Human Rights North America, we write out of a deep sense of concern about the erosion of America's longstanding commitment that torture is absolutely reprehensible.

All of us have been shocked by the published pictures of the behavior of some American soldiers at Abu Ghraib. We applaud the fact that this administration is prosecuting some of the worst offenders there as well as several soldiers who were responsible for the deaths of Afghani prisoners under their protection in that other theater of war.

What is most disturbing, though, is that the documents that have been made public as these cases move forward demonstrate that the use of torture and other cruel, inhuman and degrading treatment had been approved at the highest levels of the Administration, that commanders in the field have permitted much of this behavior, that directives from the Department of Defense appear

to advocate the use of torture and other abuses, and that even today the position of the Administration is that the members of Al-Qaeda and other terrorist groups are not covered by the Geneva Conventions. Recent reports from the Red Cross and from FBI agents, for example, raise new concerns about American treatment of detainees at Guantanamo.

We are not addressing the technical legal arguments that characterize this discussion. Rather, we want to express our moral concerns about the human situation—concerns that stem from the heart of America's values, the essence of democracy, and the soul of Jewish tradition.

We understand that the most fundamental ethical principle, which results from our belief in God as Creator of the world and Parent of all humanity, is that every human being is seen as reflecting the Image of God. Torture shatters and defiles God's Image. The purpose of torture is to remove a person's pride, humiliate that person, or make his or her life so painful that the person does or says whatever the interrogator wants. Torture "works" by attempting to deprive a human being of will, spirit, and personal dignity. The humanity of the perpetrators, as well as the victims, is inevitably compromised by the use of torture.

Jewish tradition calls for humane treatment even of one's adversaries. In the Book of Exodus (23:4), the Bible teaches, "When you encounter an enemy's ox or donkey, you must take it back to him." Here the religious test is, strikingly, not how one would treat a friend, but how one relates to one's enemy.

Classical Rabbinic texts are rigorous in prohibiting acts of humiliation. In Jewish tort law, an additional penalty is assessed against one who has physically injured another person when it is found that the victim also suffered humiliation (*boshet*), while being wounded. Even verbal humiliation is said to be the equivalent of shedding blood. We are particularly appalled by the infliction of sexual humiliation on prisoners under United States custody. Jewish tradition upholds a high standard of personal modesty. Indeed the Bible's term for prohibited sexual behavior is to "uncover the nakedness" of another. However, even non-sexual acts that overpower people and attempt to break their will and diminish their dignity are acts of humiliation that Jewish tradition abhors. It is significant that nowhere in the 3000-year long corpus of Jewish law is there any allowance for acts of physical coercion in interrogations.

Consider the ruling of the Supreme Court of Israel, which outlawed the use of torture in interrogations, despite the fact that terrorist organizations have Israel's annihilation as their express goal, carry out attacks that murder scores of men, women, and children, and do not distinguish between civilian and military targets. Despite this constant reality of cruelty and merciless savagery, the Supreme Court of Israel found no reason why tactics other than face-to-face interrogation should be allowed against any prisoner. After the fact, if/when an interrogator is charged with a violation, he is permitted to raise a defense of necessity—i.e., his actions were necessary to prevent an imminent attack endangering human life; but no permission is given before the fact, even in a country facing life-threatening terror.

At the conclusion of their decision, the Israeli jurists acknowledge that forswearing inhumane means such as torture, even for honorable ends,

"\* \* \* is the destiny of democracy, as not all means are acceptable to it, and not all practices employed by its enemies are open before it. Although a democracy must fight

with one hand tied behind its back, it nonetheless has the upper hand. Preserving the rule of law and recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties."

First, as Jewish leaders representing all the movements of our Jewish community, in consonance with world consensus and with the teachings of Jewish tradition in every age, we call for a complete repudiation and prohibition of torture and other cruel, inhuman or degrading treatment for any purpose, in any instance. We call on the U.S. government to state in unequivocal terms that the use of any tactics of physical abuse, the deprivation of food, water, sleep, disorientation, religious degradation or purposive humiliation of a prisoner is prohibited. This must be a basic understanding for the treatment of any captive, whether or not he or she originates from a country or belongs to a group that is a signatory to the Geneva conventions. All those in the custody of U.S. military, military contractors, or intelligence officials must be provided with visits by the International Committee of the Red Cross, in accordance with U.S. obligations under international law.

Secondly, we note that in the trial of Specialist Charles A. Graner, Jr., his defense lawyers argued that he was simply following the lessons he had learned in civilian life as a prison guard. It is shocking to think that the prelude to Abu Ghraib may have been the treatment of our people in our own prisons. The demonstration of the administration's commitment to human dignity must begin at home, to insure that the same principles of human dignity we are urging the administration to adopt regarding foreign captives be equally applied to American prison inmates. Otherwise, we become what we claim to abhor.

Lastly, we call for full investigation of all allegations of torture and other cruel, inhuman or degrading treatment committed in settings under United States control or direction and for proper legal sanctions to be applied against individuals who are found to have committed acts of torture. We support the creation of a bipartisan commission to investigate and report on the detention and interrogation procedures of U.S. military and intelligence agencies and to set a course of corrective action.

We look forward to hearing your views on this question and hope that you will provide much needed moral leadership for our nation.

With blessings of Shalom,

RABBI GERRY SEROTTA,

*Chair.*

RABBI BRIAN WALT,

*Executive Director*

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Rabbi Lynne Landsberg, Washington; Rabbi Gilah Langner; Rabbi Alan LaPayover, Congregation Beth Am Israel, Narberth; Rabbi Shoshana Lash, Temple Ner Tamid, Bloomfield; Rabbi Michael Latz, Kol HaNeshamah, Seattle; Rabbi Alex Lazarus; Rabbi Barry J. Leff, Congregation Bnai Israel, Toledo; Rabbi Allan Lehmann; Rabbi Michele Lenke, Wellesley; Rabbi Michael Lerner, The Tikkun Community, Berkeley; Rabbi Joshua Lesser, Congregation Bet Haverim, Atlanta; Rabbi Sarra Lev, Philadelphia.

Rabbi Amy Levin, Temple Torat Yisrael, Hamilton; Rabbi Robert Levine, Cong. Rodeph Shalom, New York City; Rabbi Joshua Levine-Grater, Pasadena Jewish Temple and Center, Pasadena; Rabbi Yael Levy, Congregation Mishkan Shalom, Philadelphia; Rabbi Sue Levy, Webster; Rabbi Chai Levy, Congregation Kol Shofar, Tiburon; Rabbi Sheldon Lewis, Congregation Kol Emeth, Palo Alto; Rabbi Justin Jaron Lewis, Congregation Iyr HaMelech, Kingston; Rabbi Phil Lieberman, Congregation Kol HaNeshamah, Englewood; Rabbi Elias Lieberman, Falmouth Jewish Congregation, East Falmouth; Rabbi Mordechai Liebling, The Shefa Fund, Philadelphia; Rabbi David Lilienthal, Emeritus Rabbi Liberaal Joodse Gemeente Amsterdam, Amstelveen; Rabbi Rebecca Lillian, Miami; Rabbi Jonathan Lipnick, New York City; Rabbi Serge Lippe, Brooklyn Heights Synagogue, Brooklyn; Rabbi Ellen R. Lippmann, Kolot Chayeinu, Brooklyn; Rabbi Jane Litman, Congregation Beth El, Berkeley; Rabbi Richard Litvak, Temple Beth El, Aptos; Rabbi Alan Litwak, Temple Sinai of North Dade, N. Miami Beach; Rabbi Daveen Litwin, Northampton; Rabbi Mark Loeb, Beth El Congregation, Baltimore; Rabbi Neal Loevinger, Temple Israel, Swampscott; Rabbi Alan D. Londy, Temple Beth Shalom, Smithtown; Rabbi Tamar Malino, Temple Adat Shalom, Poway; Rabbi Jonathan Malino, Guilford College, Greensboro.

Rabbi Jonathan Maltzman, Kol Shalom, No. Bethesda; Rabbi Harry Manhoff, Temple Beth Shalom, San Leandro; Rabbi Nathan Margalit, Cambridge; Rabbi Shana Margolin, Beth Jacob Synagogue, Montpelier; Rabbi Marc Margolius, Kaiserman Jewish Community Center, Wynnewood; Rabbi Bonnie Margulis, Religious Coalition for Reproductive Choice, Washington; Rabbi Randall Mark, Congregation Shomrei Torah, Wayne; Rabbi Jeffrey Marker, Brooklyn; Rabbi

Susan Marks, New College of Florida, Sarasota; Rabbi Dow Marmur, Rabbi Emeritus, Holy Blossom Temple, Toronto; Rabbi Simeon Maslin, CCAR, Philadelphia; Rabbi J. Rolando Matalon, Congregation B'nai Jeshurun, New York; Rabbi Vivian Mayer, B'nai Israel, Danbury; Rabbi Paul Menitoff, Executive Vice President, Central Conference of American Rabbis; Rabbi Andrea Merow, Rabbi Margaret Meyer, Cincinnati; Rabbi Maurice Michaels, SWESRS, Ilford; Rabbi Bennett Miller, Anshe Emeth Memorial Temple, New Brunswick; Rabbi Mordecai Miller, Brith Shalom Kneseth Israel, Santa Clarita; Rabbi Joshua Minkin, Temple Emanu-El of Canarsie, Brooklyn; Rabbi Michelle Missaghieh, Temple Israel of Hollywood, Los Angeles; Rabbi David Mivasair, Vancouver; Rabbi Jack Moline, Alexandria; Rabbi Adam Morris, Temple Micah, Denver; Rabbi Jay Moses, New York.

Rabbi Tracy Nathan, Congregation Beth Shalom, San Francisco; Rabbi David Nelson, Bergen County YJCC, Township of Washington; Rabbi Daniel Nevins, Adat Shalom, Farmington Hills; Rabbi Jeffrey Newman, Rabbinitic Development Foundation, London; Rabbi Nomi Oren, Havurah of South Florida; Rabbi Sue Oren, Brooklyn; Rabbi David Osachy, Jacksonville; Rabbi Shaul Osadchey, Congregation Or Ami, Houston; Rabbi Norman Patz, Temple Shalom of West Essex, Cedar Grove; Rabbi Sheldon Pennes, Jewish Hospice Project-LA, Los Angeles; Rabbi Barbara Rosman Penzner, Temple Hillel B'nai Torah, West Roxbury; Rabbi Carl Perkins, Temple Aliyah, Needham; Rabbi Michael Pertz, South West Essex and settlement Reform Synagogue, London; Rabbi Bruce Pfeffer, The Jewish Hospital, Cincinnati; Rabbi Marsha Pik-Nathan, Philadelphia; Rabbi William Plevan, Rabbi Jack Nusan Porter, West Newton.

Rabbi Amber Powers, Reconstructionist Rabbincal College, Wyncote; Rabbi Marcia Prager, Philadelphia; Rabbi Sally J. Priesand, Monmouth Reform Temple, Tinton Falls; Rabbi Sanford Ragins, Leo Baeck Temple, Los Angeles; Rabbi Lawrence Raphael, Sherith Israel, San Francisco; Rabbi Geela Rayzel Raphael, Jewish Family & Childrens Services, Melrose Park; Rabbi Paula L. Reimers, Center for American & Jewish Studies, Waco; Rabbi Michael M. Remson, Kenosha; Rabbi Steven Reuben, Pacific Palisades.

Rabbi Yael Ridberg, West End Synagogue, New York; Rabbi Moti Rieber, Congregation Beth Shalom, Naperville; Rabbi Seth Riemer, Adath Israel, Middletown; Rabbi Debra Robbins, Temple Emanu-El, Dallas; Rabbi Norman T. Roman, Temple Kol Ami, West Bloomfield; Rabbi Brant Rosen, Jewish Reconstructionist Congregation, Evanston; Rabbi Tracee Rosen, Congregation Kol Ami, Salt Lake City; Rabbi James Bruce Rosenberg, Temple Habonim, Barrington; Rabbi David Rosenn, Avodah, New York; Rabbi Morton Rosenthal, Rabbi John L. Rosove, Temple Israel of Hollywood, Los Angeles; Rabbi Donald Rossoff, Temple B'nai Or, St. Louis; Rabbi Jeff Roth, Co-founder of Elat Chayyim, New Paltz; Rabbi Sandy Roth, Kehilat HaNahar, New Hope; Rabbi Michael Rothbaum, Reconstructionist Temple Beth Israel, Maywood; Rabbi Sylvia Rothschild, Wimbledon Synagogue in England; Rabbi Eliseo Rozenwasser, Morristown; Rabbi Steven Rubenstein, Congregation Beth Shalom, Kansas City; Rabbi Gloria Rubin, Rabbi Rachel Sabath, Hebrew Union College, Jerusalem; Rabbi Douglas Sagal, Temple Emanu-El, Westfield; Rabbi Joanna Samuels, Congregation Habonim, New York; Rabbi Neil Sandler, Ahavath Achim Synagogue, Reseda; Rabbi David Saperstein, Religious Action Center of Reform Judaism, Washington; Rabbi Marc Saperstein, George Washington University, Washington.

Rabbi Marna Sapsowitz, Congregation Dorshei Tzedek, West Newton; Rabbi Elizabeth Sarah, Rabbi, Brighton & Hove, Progressive Synagogue, Brighton & Hove; Rabbi Dennis & Sandy Sasso, Congregation Beth-El Zedeck, Indianapolis; Rabbi Scott B. Saulson, Jewish Family & Career Services, Atlanta; Rabbi Julie Saxe-Taller, Congregation Sherith Israel, San Francisco; Rabbi Rabbi Richard Schachet, Valley Outreach Synagogue, Henderson; Rabbi Zalman Schachter-Shalomi, Aleph, Boulder; Rabbi Fred Scherlinder Dobb, Adat Shalom Reconstructionist Congregation, Bethesda; Rabbi Chaim Leib Schneider, California Community Chevre, Santa Cruz; Rabbi David A. Schuck, Pelham Jewish Center, Pelham; Rabbi Jeremy Schwartz, Temple Bnai Israel, Willimantic; Rabbi Barry L. Schwartz, Congregation M'kor Shalom, Cherry Hill; Rabbi Arthur L. Schwartz, Kehillath Shalom Synagogue, Cold Spring Harbor; Rabbi Sidney Schwarz, Panim, Rockville; Rabbi David Seidenberg, Academy for Jewish Religion, Los Angeles; Rabbi Hugh Seid-Valencia, Reconstructionist Rabbinical Association, San Jose Bruce; Rabbi Bruce Bromberg Seltzer, Smith College, Northampton; Rabbi Gerald Serotta, Temple Shalom, Chevy Chase; Rabbi Isaac Daniel Serotta, Lakeside Congregation for Reform Judaism, Highland Park; Rabbi Drorah Setel, Congregation Havurah, Buffalo; Rabbi Judy B. Shanks, Temple Isaiah, Lafayette; Rabbi Mark Shapiro, Sinai Temple, Springfield; Rabbi Noach E. Shapiro, Congregation Shomrei Emenah, Montclair; Rabbi Rona Shapiro, Ma'yan, Brooklyn; Rabbi John M. Sherwood, Temple Emet of Woodland Hills, CA, Oxnard.

Rabbi Dan Shevitz, Congregation Mishkon Tephilo, Venice; Rabbi David Shneyer, Am Kolel, Rockville; Rabbi Stephen Shulman, Bronx; Rabbi Sheila Shulman, Beit Klal Yisrael, London; Rabbi Hanna Tiferet Siegel, B'nai Or, Boston, W. Roxbury; Rabbi Jodie Siff, RSNS, Plandome; Rabbi Reuven Silverman, Manchester Reform Synagogue, Manchester; Rabbi David Wolf Silverman, Princeton Jewish Center, Princeton; Rabbi Suzanne Singer, Temple Sinai, Oakland; Rabbi Steven Sirbu, Temple Emeth, Teaneck; Rabbi Scott Slarskey, Jewish Community Center of San Francisco, San Francisco; Rabbi Jonathan Slater, Institute for Jewish Spirituality, Hastings On Hudson; Rabbi Eric Slaton, Beth Israel Synagogue, Toms River; Rabbi Amy Small, Congregation Beth Hatikvah, Chatham; Rabbi Joel Soffin, Temple Shalom, Succasunna; Rabbi Ruth H. Sohn, Milken Community High School, Los Angeles; Rabbi Myra Soifer, Temple Sinai, Reno; Rabbi Felicia L. Sol, Congregation B'nai Jeshurun, New York; Rabbi Rav A. Soloff, Lansdale; Rabbi Eric M. Solomon, Congregation Tehillah, New York; Rabbi Mark Solomon, Liberal Jewish Synagogue, The, London; Rabbi Marc Soloway, Bonai Shalom, Scarsdale; Rabbi Hesch Sommer; Rabbi Scott Sperling; Rabbi Aaron Spiegel, Indianapolis Center for Congregations, Indianapolis.

Rabbi Adam Spilker, Mount Zion, St. Paul; Rabbi Jonathan Spira-Savett, Forest Hills; Rabbi Toba Spitzer, Congregation Dorshei Tzedek, Lexington; Rabbi Sonya Starr, Columbia Jewish Congregation, Columbia; Rabbi Howard Stecker, Temple Israel, Great Neck; Rabbi Margot Stein, Bala, Cynwyd; Rabbi Peter Stein, Temple Sinai, Cranston; Rabbi David Steinberg, Temple Beth Israel, Plattsburgh; Rabbi Naomi Steinberg, Temple Beth El, Eureka; Rabbi George M. Stern, Northwest Interfaith Movement, Philadelphia; Rabbi Benjamin Sternman, Congregation Beth Israel, Austin; Rabbi Jeffrey B. Stiffman, Congregation Shaare Emeth, St. Louis; Rabbi Ira Stone, Rabbi Ariel Stone-

Halpern, Congregation Shir Tikvah, Portland; Rabbi Michael Strassfeld, Society for the Advancement, New York; Rabbi Andrew F. Straus, Temple Emanuel of Tempe, Tempe; Rabbi David Straus, Rabbi David Straus, Main Line Reform Temple Beth Elohim, Wynnewood; Rabbi William Strongin, Kehillat Ahavat Achim, New Paltz; Rabbi Leah Kurtz Sudran, Congregation B'nai Israel, Petaluma; Rabbi Alvin M. Sugarman, The Temple, Atlanta; Rabbi Yaaffa-Shira Sultan, Reconstructionist Rabbinical College; Rabbi Jeff Sultar, Mishkan Shalom, Philadelphia; Rabbi Alana Suskin, Adas Israel Congregation, Washington; Rabbi Daniel Swartz, Greater Washington Interfaith Power and Light, Takoma Park.

Rabbi Robert Tabak, Hospital of The University of Pennsylvania, Philadelphia; Rabbi Joshua Taub, Temple Emanuel, St. Louis; Rabbi Dov Taylor, Congregation Solel, Highland Park; Rabbi Elliott Tepperman, Bnai Keshet, Montclair; Rabbi David Teutsch, Reconstructionist Rabbinical College, Wyncote; Rabbi Carla Theodore, Witnesses for a Sustainable Economy, Sperryville; Rabbi Robert Traer, Dominican University of California; Rabbi Lawrence Troster, Coalition on the Environment and Jewish Life, Teaneck; Rabbi Theodore Tsuruoka, Temple Isaiah of Great Neck, Great Neck; Rabbi Gordon Tucker, Temple Israel Center, White Plains; Rabbi Jason Van Leeuwen, B'nai Tikvah Congregation, Los Angeles; Rabbi Burton L. Visotzky, New York; Rabbi Andrew D. Vogel, Temple Sinai, Brookline; Rabbi David Vorspan, Congregation Shir Ami, Woodland Hills; Rabbi Moshe Waldoks, Temple Beth Zion, Brookline; Rabbi Brian Walt, Rabbis for Human Rights-N.A., West Tisbury; Rabbi Philip Warmflash, Jewish Outreach Partnership of Philadelphia, Melrose Park; Rabbi Andrew Warmflash; Rabbi Arthur Waskow, The Shalom Center, Philadelphia; Rabbi Michael Wasserman, The New Shul, Scottsdale; Rabbi Mira Wasserman, Congregation Beth Shalom, Bloomington; Rabbi Pamela Wax, Kehillat Chaverim, White Plains; Rabbi Deborah Waxman, Reconstructionist Rabbinical College, Wyncote; Rabbi Joshua Waxman, Or Hadash, Philadelphia; Rabbi Nancy Wechsler-Azen, Congregation Beth Shalom, Carmichael; Rabbi Elyse Wechterman, Congregation Agudas Achim, Attleboro; Rabbi Sheila Weinberg, Amherst; Rabbi Daniel A. Weiner, Temple De Hirsch Sinai, Seattle.

Rabbi Simkha Weintraub, The National Center for Jewish Healing, New York; Rabbi Samuel Weintraub, Kane Street Synagogue, Brooklyn; Rabbi Mimi Weisel, Jewish Community High School of the Bay, San Francisco; Rabbi Lew Weiss, IHC, Indianapolis; Rabbi Zari Weiss, Rodef Tzedek, Seattle; Rabbi Michael White, Temple Sinai of Roslyn, Roslyn; Rabbi Nancy Wiener, Hebrew Union College-Jewish Institute of Religion, New York City; Rabbi Dan Wigodsky, Riverdale; Rabbi Jeffrey Wildstein, Temple Israel, Minneapolis; Rabbi Avi Winokur, Society Hill Synagogue, Philadelphia; Rabbi Irvin Wise, Adath Israel Synagogue, Boulder; Rabbi Jonathan Wittenberg, The New North Masorti London Synagogue, London; Rabbi Jeffrey Wohlberg, Adas Israel Congregation, Washington; Rabbi Arnold Jacob Wolf, Rabbi Emeritus, K.A.M. Isaiah Israel Congregation, Chicago; Rabbi Joseph Wolf, Havurah Shalom, Portland; Rabbi Peretz Wolf-Prusan, Congregation Emanu-El, San Francisco; Rabbi Bridget Wynne, Kehilla Community Synagogue, Berkeley; Rabbi Moshe Yehudai; Rabbi Daniel G. Zemel, Temple Micah, Washington; Rabbi Moshe Zemer, Director, Institute of Progressive Halakhah, Tel Aviv Israel; Rabbi Irwin Zeplovitz, The Community Synagogue, Port Washington; Rabbi Shawn Zevit, Jewish Reconstructionist Federation, Elkins Park; Rabbi Laurie Zimmer-

man, Congregation Shaarei Shamayim, Madison; Rabbi Michael Zimmerman, Congregation Kehillat Israel, Lansing; Rabbi Henry Zoob, Temple Beth David, Westwood; Rabbi David J. Zucker, Shalom Park, Aurora.

#### Cantors

Cantor Shoshana Lash, Temple Ner Tamid, Bloomfield; Cantor Barbara Ostfeld, American Conference of Cantors, Williamsville; Cantor Jodi Schechtman, Temple Beth Am, Framingham; Cantor Kerith Spencer-Shapiro, Congregation Adas Emuno, Leonia; Cantor Iris Beth Weiner, Kehillat Mevakshei Derech, Jerusalem.

#### Rabbinical Students

Student Susan Averbach, Kol Hadash—Society for Humanistic Judaism, San Francisco; Student Leah Doberne-Schor, Hebrew Union College—Jewish Institute of Religion, Brooklyn; Student Joshua Feigelson, Riverdale; Student Daniel Friedman, Yeshivat Chovevai Torah, New York; Student Will Friedman, Yeshivat Chovevei Torah, Rego Park; Student Alexandria Shuval-Weiner, Hebrew Union College—Jewish Institute of Religion, Manhattan Beach.

### SALUTING MEG MCCRUMMEN AND THE STUDENT BODY OF ST. PAUL'S EPISCOPAL SCHOOL IN MOBILE, ALABAMA

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BONNER. Mr. Speaker, last Friday, Americans from all walks of life—and from all corners of this great country—celebrated Veterans Day 2005.

In our largest cities and our smallest towns alike, people paused, even if for just a moment, to say thank you to the men and women who over the years have helped to keep America free and strong.

Some communities held parades; others held rallies or prayer vigils, especially for the men and women who are currently fighting for freedom in places like Iraq and Afghanistan.

And true to what living in a free country is all about, there were also the occasional signs of protests from people in some parts of the country who oppose our current involvement in the global war on terrorism or, for that matter, oppose anything the majority of Americans support.

At St. Paul's Episcopal School in Mobile, I had the opportunity to wear the hat of a proud parent as the student body held what has become a tradition, the annual St. Paul's school-wide assembly. This year's assembly focused on the meaning of patriotism, as well as a salute to our veterans, a number of whom were in attendance.

Mr. Speaker, last Friday was a beautiful day in Mobile and everyone in attendance witnessed a wonderful tribute to our country, led entirely by the student body. The presentation by the music department set the tone early on with patriotic songs filling the air. It was truly a "Kodak moment" of pride in America.

Naturally, Janée and I were especially proud when it came time for our own 4th grader to represent her class and tell about what patriotism means to her. While admitting some degree of prejudice, we were especially proud because Lee wrote her paper on her own,

without either her mother or daddy's input. That seemed to make her teacher, Mr. Fricke, pleased as well.

All of the students who took part in Friday's tribute did a great job. Every parent, grandparent, teacher and friend had to be full of pride as the words of more than a dozen young people were somehow woven together to make a beautiful quilt of patriotism and love of country.

While everyone did a superb job, one young lady, Meg McCrummen, a St. Paul's junior who is secretary of the Student Government Association, perhaps captured the moment as well as any I have ever heard with her essay on patriotism. It is as follows:

"For the love of her country, Rosa Parks endangered her life for freedom; for the love of his country, George Washington turned down a real chance for great power because he knew America didn't need a king; for the love of his country, Jeremiah Denton endured torture in the Vietnam War, saying he was 'honored to have had the opportunity to serve [his] country,' for the love of their country, people from all over America have come to the Gulf Coast to help clean up the mess left from hurricanes; for the love of their country, individuals support candidates whom they believe will lead America well.

"Patriotism goes far beyond wearing red, white and blue on the Fourth of July; it is a very personal response of gratitude to America. Loving America doesn't at all mean blindly agreeing with leaders. Patriots often speak out against the government they believe is wrong—but it means acknowledging the tremendous gift of being American.

"Every person here is blessed by the fact that we are American. There is a contagious spirit of justice and goodwill that is evident throughout our history of dealing with people. Our country is the envy of many others, and we know freedoms that some foreigners only dream of.

"But where does that leave us, here at St. Paul's? When asked by his wife on Election Day who she should vote for, a soldier on active duty in Iraq replied, 'You vote for whom-ever you want to . . . that's why I'm over here fighting.'

"Is there something worth fighting for? He believes so. I believe so.

"If not with guns, fight with service to our community. If not in Iraq, then fight injustice in Mobile. And so, I challenge you to pray for our leaders, love America actively, and be thankful for the men and women that saw fit to sacrifice their lives for her freedom."

Well said, Meg. Well said.

### A TRIBUTE TO LOUISE WILLIAMS BISHOP

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my State Representative, Louise Williams Bishop upon her receipt of the Outstanding Community Leader award from the Friends of Labor Committee of Laborers' Local 332. This amazing woman has simultaneously distinguished herself in three separate careers: as a broadcaster, a Baptist minister, and a State Representative. It defies the

imagination even further to realize that she achieved all of this while raising four children.

Within a few years of graduating from high school, Louise Bishop was named the "Youngest Voice in Radio," earned a degree from the American Foundation of Dramatic Arts, and later was awarded both an Honorary Doctorate of Humanities from Monrovia College and an Honorary Doctorate of Law from Eastern University. From the success of her own career, Louise has nurtured the careers of world-famous recording artists, including stars such as Aretha Franklin.

Called to the ministry early in life, Louise was ordained as a Baptist minister in 1978. A similar inspiration to benefit the community at large later led her to run for public office, and she was elected to the Pennsylvania State House of Representatives in 1988. The voting public already knew her for her good works as a broadcaster and a minister, and has not been disappointed by her record in office. In addition to her other roles, she is now a highly sought after public speaker, as admiration for her strength, character, and accomplishments has spread far and wide.

Today, Mr. Speaker, I wish to extend my warmest congratulations to Louise Bishop upon her receipt of this award that she so richly deserves. I ask that you and my other distinguished colleagues rise to recognize her for her many accomplishments.

#### RECOGNITION OF MICHAEL LUSSIER

#### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. CAPUANO. Mr. Speaker, it is with great pleasure that I rise today to recognize Michael Lussier, the President and CEO of Webster First Federal Credit Union, headquartered in Webster, MA, on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). As a Member of the Financial Services Committee, I have enjoyed working with NAFCU to address the needs of our nation's federal credit unions. Mr. Lussier has been a vocal supporter of credit union issues at both the state and national levels and I know he will be an asset to the NAFCU Board.

Mr. Lussier's election to the NAFCU Board is just one more in a long list of accomplishments that has spanned his 19 years with credit unions. He has served as the Chairman, and is currently a Board Member, of the Massachusetts Share Insurance Corporation (MSIC). His illustrious experience further includes service as the Credit Union Ambassador for the United States for Australia and New Zealand and he is a former Director of the Credit Union League of Massachusetts Insurance Agency.

As the President and CEO of Webster First, Mr. Lussier has focused on ensuring his members receive helpful, personal service that caters to the needs of his members and their financial goals. Through his credit union, he is teaching kids necessary life skills by fostering a "Credit Union at School" program to teach

the importance of savings to elementary aged children.

Mr. Lussier's involvement to improve the lives of others can be further illustrated in his commitment to the American Red Cross where he presides as a local Board Member. He spearheaded an effort to build a much needed Red Cross facility in Worcester, MA, by coordinating area credit unions to donate funds to pay for the facility.

It is because of the good work of Mr. Lussier, and others like him, that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I wish him the best of luck in his new role as a member of the NAFCU Board of Directors and look forward to working with him in that role.

#### TRIBUTE TO CONGRESSMAN ED ROYBAL

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. SCHIFF. Mr. Speaker, I rise to mourn the passing and celebrate the life of former Congressman Ed Roybal, an individual who had an extraordinary and inspiring dedication to public service. Ed Roybal's fight for social justice and the rights of the underserved mark him as a true American patriot.

Congressman Roybal's lifelong commitment to public service began at the California Tuberculosis Association, where he eventually became the Director of Health Education. He served in the U.S. Army during World War II, and then returned to Southern California to found the Los Angeles Community Service Organization, an agency dedicated to mobilizing Los Angeles' Mexican-Americans against discrimination. He was the first Hispanic to serve on the Los Angeles City Council. Representative Roybal was also the first Hispanic from California to serve in the United States Congress in nearly one hundred years. During his 30 years of service, Representative Roybal sat on the Appropriations Committee and chaired the Treasury, Postal Service General Government Subcommittee.

Representative Roybal spent his career fighting for and protecting the rights of the underprivileged. Through his leadership in Los Angeles, he advocated for an end to discrimination against Mexican-Americans in housing, employment, and education. On the national level, Representative Roybal fought for funding for civil rights, health programs, and education initiatives. In 1967, he introduced and won approval for the first federal bilingual education law, which established English classes for migrant children and others. Representative Roybal was also one of the first members of Congress to press for HIV/AIDS research funding. In addition, he fought for the elderly, campaigning for funding for senior programs and successfully maintaining Meals on Wheels. In 1993, the retired congressman founded a non-profit agency dedicated to improving the quality and effectiveness of health and human services for older persons.

Representative Roybal will be remembered for his distinguished service and his remark-

able leadership in the fight for civil rights and justice. His work is a legacy that serves as an important example for all of us about the immense good that a dedicated and committed public servant can accomplish. I am proud to serve with Representative Roybal's daughter, Representative LUCILLE ROYBAL-ALLARD, who continues the legacy of her father with honor and distinction.

#### HONORING THE FRANK AND OCLLO BOYKIN HUNTING LODGE ON THE OCCASION OF ITS 100TH YEAR

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the Frank and Ocllo Boykin Hunting Lodge on the occasion of its 100th year.

Stories of Congressman Frank Boykin are certainly not unfamiliar to many in this chamber. For nearly three decades, spanning much of the Depression, World War II, the Korean War, and the space exploration and civil rights eras, Congressman Boykin tirelessly served as the representative of Alabama's First Congressional District.

During this time, "Mr. Frank" invited some of the most prominent government, military and business leaders to his hunting lodge in Washington County, Alabama. He worked tirelessly on behalf of the residents of southwest Alabama, ensuring that their needs and concerns were always heard and that their individual problems received the attention they deserved over the course of his 14 terms in the House of Representatives. To say that he loved the people of his district would be an understatement; even the sign at the Boykin Lodge underscored his very love of life... "Where everything is made for love."

Starting with his first year in Congress, Congressman Boykin would bring congressional colleagues and other officials to his hunting lodge on a chartered Pullman car. Guests of the Boykin Lodge included three different Speakers of the House and almost every Alabama governor during the congressman's career. The hunts are held a few days after Thanksgiving every year and are attended, even to this day, by local and statewide officials.

Stories of a Boykin hunt weekend almost always included hound dogs, barbecue, cold "adult beverages," a game or two of cards and shotguns. In addition to the hunting stories, the lodge also served as a place for colleagues to relax, enjoy being away from Washington, D.C., and to bond with one another. Many of the friendships fostered at the Boykin Lodge extended far beyond the boundaries of this rural part of Washington County.

It is my sincere hope that the Frank and Ocllo Boykin Hunting Lodge will continue to be such a source of relaxation, good fellowship and camaraderie for another 100 years, and I rise today to salute this proud family and the many contributions they have made toward the betterment of south Alabama.



A TRIBUTE TO JAMES HARPER

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor James Harper upon his receipt of the Outstanding Labor Leader award from the Friends of Labor Committee of Laborers' Local 332. Jim Harper has filled the position of Business Manager of Laborers' Local No. 413 since 1977, where he has earned great respect within the Local and in the community at large.

Jim first joined Local 413 in June of 1960, after graduating from Upper Darby High School. Following graduation, Jim put himself through school at West Virginia State College, by using the union dollars he earned from summer employment. A hardworking student, Jim was also very active in the community, where he taught neighborhood children reading and writing skills and developed a college open-house program for students, parents, and school administrators. He also led civil rights demonstrations and participated in the ROTC program.

After college, Jim continued to add to his already impressive record. He attended Penn State University Graduate School, where he balanced his publications on Black History with crucial practical contributions to the community, such as mentoring youth and working to reduce street gang tensions. Jim later served in Vietnam, attaining the rank of captain and receiving several Medals of Honor before returning to teach at Penn State. Throughout his career, Jim has constantly demonstrated his dedication to the union's commitments to unity, education, safety, and community.

Today, Mr. Speaker, I wish to express my gratitude for Jim Harper's years of service to the community, and I extend my warmest congratulations to him upon his receipt of this award. I ask that you and my other distinguished colleagues rise to congratulate him on all of his accomplishments.

HONORING ROBERT B. (R.B.)  
EHLEN

**HON. MARK R. KENNEDY**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to call attention to the accomplishments of a great man and a great Minnesotan, Robert B. Ehlen, on the anniversary of his 100th birthday.

R.B. Ehlen was a true pillar of his community. As a leader in business as well as local politics, R.B. was a real example of the values held dear by Minnesotans—hard work, perseverance, and dedication.

R.B. Ehlen began his work experience when he was five years old—running errands for local merchants, setting pins in a bowling alley, and other odd jobs. When he was sixteen, he was hired on at the Federal Cartridge Corporation (FCC), working as a mail boy and lawn raker. He was an enthusiastic employee—working at least ten-hour days, for 22½ cents an hour.

From this beginning, R.B. moved up quickly at FCC—working in all stages of production, and eventually becoming plant manager. At this time, R.B.'s employees began to recognize his knack for working with people, and they organized a write-in campaign to elect him to the local school board. He won the election, and his lifelong interest in public service was born, culminating in a 12-year term as mayor of Anoka.

R.B. continued to move up the ranks at FCC, drawing praise from coworkers and on-lookers for his fair treatment of his workers and his general compassion for all people. At the time of his retirement, R.B., then the Chairman of the Board of Directors, had served 57 years at FCC, which had grown from just a small company to a nationwide industry leader under his watch.

Mr. Speaker, R.B. Ehlen was a true American leader. A successful businessman and public servant who worked tirelessly for so many years, Ehlen will long be remembered in Anoka and throughout Minnesota as a leader and role model for many.

NATIVE AMERICAN TECHNICAL  
CORRECTIONS ACT OF 2005

SPEECH OF

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 16, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 3351, the Native American Technical Corrections Act of 2005. Section 108 of H.R. 3351 contains language from H.R. 600, a bill that I introduced with my colleagues from New Mexico, Representatives HEATHER WILSON and STEVE PEARCE, to clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands.

Recent court decisions in New Mexico have created uncertainty and the potential for a void in criminal jurisdiction on pueblo lands. Because of the risk to public safety and law enforcement arising out of this uncertainty, it is important to clarify the scope of criminal jurisdiction on pueblo lands. I share the concerns of tribal leaders who have urged Congress to step in and resolve this legal quandary. I will work with other members of the delegation to see that we can make this law as soon as possible.

The language in my bill and now in H.R. 3351 addresses confusion over criminal jurisdiction on pueblo lands in New Mexico arising out of the holding in *United States v. Gutierrez*, an unreported decision of a federal district court judge in the District of New Mexico that overturned prior precedent regarding the status of the lands within the exterior boundaries of pueblo grants.

The language in the technical corrections bill will amend the Pueblo Lands Act to make clear that the pueblos have jurisdiction, as an act of the pueblos' inherent power as an Indian tribe, over any offense by a member of the pueblo or of another federally recognized Indian tribe, or by any other Indian-owned entity committed anywhere within the exterior boundaries of any grant to a pueblo from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims. The legislation also makes clear that the United States

has jurisdiction over any offense within these grants described in chapter 53 of title 18, United States Code, committed by or against a member of any federally recognized Indian tribe or any Indian-owned entity, or that involves any Indian property or interest. Finally, the legislation makes clear that the State of New Mexico shall have jurisdiction over any offense within these grants committed by a person who is not a member of a federally recognized Indian tribe, which offense is not subject to the jurisdiction of the United States.

This legislation will not affect the scope of pueblo civil jurisdiction within the exterior boundaries of pueblo grants, and it does not in any way diminish the exterior boundaries of these grants.

I would like to thank Chairman POMBO and Ranking Member RAHALL for bringing forth the Native American Technical Corrections Act of 2005. I encourage my colleagues to support this important piece of legislation.

## U.N. INTERVENTION

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. STEARNS. Mr. Speaker, the Internet is a truly American invention. As such, it is imbued with the American values of openness, freedom and democracy. It enables information and commerce to flow freely across oceans and political boundaries. The freedom of expression it creates has made censorship and information control futile, forcing governments to sell their ideologies and policies in an open market of ideas.

Because of the freedom embodied by the Internet, it is no surprise that the world's dictatorial regimes would love to control and repress it. Therefore, it is no surprise that representatives from Iran, North Korea and China are conspiring to radically change the way the Internet is run. While they claim to be concerned about the level of control America has over the Internet, their real concern is their own lack of control!

That is why many of these nations had proposed to install a new international government bureaucracy to dictate Internet policy for the world. This new bureaucracy would not only have removed industry and civil society groups from decisions about Internet management, but also threatened the stability of the network and the future of Internet innovation.

But those are unimportant issues to nations that want to rein in dissidents and civil society groups that are using the Internet to spread democracy and freedom in their countries. They don't care about the stability of the Internet; they care about the stability of their morally bankrupt regimes.

Fortunately, our United States negotiators have successfully beat back this lunge for control by the United Nations. But let there be no doubt about it—the desires of these foreign nations and international organizations to control the Internet for their own purposes is still strong, and they will try again and again until they succeed. That is why we must pass H. Con. Res. 268, which reconfirms America's commitment to ensuring the stability and openness of the Internet. It is critically important that the world knows that the United

States Congress stands solidly behind its delegation debating this issue, and behind the freedom of the Internet. More than a billion people rely on the Internet, so we must not compromise on the values of democracy and freedom that have made this engine of information so successful throughout the world. I urge all of my colleagues to vote in favor of this important resolution.

#### THE GREAT AMERICAN SMOKEOUT

##### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PLATTS. Mr. Speaker, I rise to acknowledge today, November 17, 2005, as the Great American Smokeout. For nearly three decades, the American Cancer Society has designated the third Thursday of each November as a day for smokers nationwide to unite and kick the deadly habit of smoking.

Today, smoking remains the leading preventable cause of death in the United States. It is a major cause of not only lung cancer, but cancers of the mouth, larynx, pharynx, esophagus, kidney, bladder, pancreas, cervix, and has most recently been associated with acute leukemia and cancers of the stomach. Yet, over 45.4 million Americans are addicted to tobacco.

Mr. Speaker, due to the commendable efforts of organizations such as the American Cancer Society, 46 million Americans have thankfully already quit smoking. The American Cancer Society will be conducting activities today throughout the United States to celebrate the Great American Smokeout. I encourage all smokers to take part in this critically important endeavor.

#### COMMENDING PROFESSOR KYLE D. SMITH

##### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the contributions and research of Dr. Kyle D. Smith, a Professor of Psychology at the University of Guam. Today, Dr. Smith will be honored as the "Professor of the Year" from Guam at an awards ceremony here in Washington, DC, sponsored by the Council for Advancement and Support of Education and The Carnegie Foundation for the Advancement of Teaching. Dr. Smith has devoted his academic career to undergraduate teaching, and his contributions in the field of psychology and his innovative teaching techniques, have earned him the selection as Guam "Professor of the Year" for 2005.

In 1981, Professor Smith graduated *summa cum laude* in psychology at the University of Tulsa. He received both a Master of Science degree in psychology and a Ph.D. in social psychology from the University of Washington, Seattle, in 1984 and 1987, respectively. Professor Smith has served on the faculty at the University of Washington, Seattle, the University of Washington at Bothell, and Marmara University in Istanbul, Turkey. He currently is

a Professor of Psychology in the Division of Social and Behavioral Sciences at the University of Guam.

Professor Smith is a respected academician and is recognized by his colleagues for his outstanding research and teaching ability. Professor Smith has focused his recent research on cultural factors in emotions and moral concepts. He has contributed to national dialogue on important issues currently facing academia, including most especially contributions in the areas of minority education and published research with respect to the learning environment for international students. His research has focused on the incorporation of culture, ethnicity, and diversity in teaching methodology and in the curriculum. In a joint research endeavor with colleagues, Professor Smith has designed a new undergraduate degree program in Interdisciplinary Arts and Sciences. Professor Smith is widely recognized for his interactive classes in general psychology, social psychology, and cross-cultural psychology, where he emphasizes innovation, cultural relevance, and leadership. He applies theory to real world situations and promotes critical thinking development.

His commitment to teaching and his research in the field of psychology has contributed to the mission and growth of the University of Guam. Our island community recognizes his accomplishments and his selection as the "Professor of the Year" for 2005. Our Nation needs professors like Dr. Smith who are committed to teaching and who educate the leaders of tomorrow. Great educators should be commended for their contributions to society. The U.S. Professors of the Year Awards sponsored by the Council for Advancement and Support of Education and The Carnegie Foundation for the Advancement of Teaching help sustain the national commitment to undergraduate education. I join with the people of Guam in commending Professor Kyle D. Smith upon receiving this award and in honoring his accomplishments.

#### IN RECOGNITION OF PAT AND JERRY JAMBAZIAN ON THE 50TH ANNIVERSARY OF WONDER CLEANERS & DRAPERY IN TEMPLE CITY

##### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to recognize Pat and Jerry Jambazian on the 50th anniversary of Wonder Cleaners & Drapery in Temple City. The Jambazian family has been providing their excellent services to the community since 1955. Jerry Jambazian's parents, Andrew and Rose Jambazian, first started the family business in San Gabriel in 1947, and in 1955 the Jambazian family moved to Temple City, where they have been giving back to the community ever since.

The Jambazians' Wonder Cleaners & Drapery is the oldest family-owned business in Temple City. Over the many years they have spent in Temple City, the Jambazians have shown themselves to be both excellent entrepreneurs and good neighbors. Throughout the past 50 years, their passion for providing conscientious, caring service to their customers

has not waned, and they remain committed to making everyone feel well taken care of and welcome. It is this level of personal care and dedication that has allowed Wonder Cleaners & Drapery to grow steadily through the years.

Even while running a successful family-owned business, the Jambazians have also managed to remain deeply involved in the community. In addition to his duties and responsibilities as a proprietor, Jerry Jambazian has been involved in numerous different civic organizations, ranging from the Kiwanis Club to the Temple City Chamber of Commerce. Mr. Jambazian supports our local schools by organizing the Student of the Month program and working closely with students, teachers, and the community to encourage a greater appreciation of education. Jerry Jambazian also serves on the boards of many different nonprofit organizations, and his leadership efforts in constructing the Outdoor Performance Pavilion have contributed to the completion of that beautiful venue in Temple City. Jerry Jambazian has further contributed to Temple City through his excellent photography skills; his photos are beautiful mementos of special community moments. Without Jerry Jambazian's leadership skills, enthusiasm, and passion for helping others and serving the community, Temple City would not be what it is today.

I am proud to congratulate the Jambazian family on the occasion of the 50th anniversary of their family-owned business, Wonder Cleaners & Drapery. I ask all Members of Congress to join me in honoring the Jambazians for their dedication to making our community a better place to live.

#### RECOGNITION OF THE TIME TO READ LITERACY PROGRAM

##### HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. FORD. Mr. Speaker, I rise today to recognize the important work and mission of the Time to Read literacy program.

Since 1985, Time Warner, Inc.'s Time to Read program has worked to address the crisis of illiteracy among American children and adults.

Today, Time to Read is the nation's largest corporate-sponsored volunteer literacy program. I am particularly proud that the Mid-South chapter, which includes Memphis, Tennessee, is the largest Time to Read program in the nation, helping more than 6,000 children and adults every year.

Each week, Time to Read's 33,000 participants meet at more than 550 schools, adult education centers, prisons, libraries, churches, community centers, clinics and homeless shelters across the nation to learn together how to read.

Time to Read students are matched with reading mentors who use real-life learning materials, magazines and other publications as teaching tools to help inform new readers about everyday culture, life and current events. These reading mentors serve as tutors and role models, giving children the confidence to succeed in school and adults the tools necessary to compete in the workplace.

However, these tireless mentors do much more than help kids and adults learn to read.

Together, they give Time to Read participants hope and an opportunity for a better future.

Time and again, this program has demonstrated its ability to take on this important challenge of raising America's literacy rates. With quiet determination and steadfast commitment, Time to Read volunteers make a difference in the lives of thousands of kids and adults each year.

For this reason, Mr. Speaker, I ask my colleagues to join with me in honoring the purpose and spirit of the Time to Read Literacy Program, its volunteers and participants.

TRIBUTE TO E.G. "JERRY"  
GLADBACH

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. McKEON. Mr. Speaker, the end of 2005 will mark the conclusion of E.G. "Jerry" Gladbach's term as President of the Association of California Water Agencies (ACWA). His tenure has been marked by several successes on behalf of ACWA and the California water community.

A resident of Valencia together with his wife Donna, Jerry has served as president of ACWA since January of 2004, after having served as ACWA Vice-President since January of 2002. He has served as a director of Castaic Lake Water Agency in Santa Clarita since 1985, and has served as President of Castaic Lake's Board of Directors and is currently the Chair of the Water Resources Committee of that Agency.

Mr. Gladbach has been involved in water and energy issues for the past forty-two years and active with ACWA since 1973. As President of ACWA, Jerry has led the association in fighting to maintain water quality, protect communities from disastrous floods, and ensure that California has the water needed for people, agriculture and the environment.

He appointed the task force that created No Time to Waste: A Blueprint for California Water, a policy document that serves as a common vision for the many diverse interests of California's water community, and has drawn headlines statewide.

Mr. Gladbach served as a manager with the Los Angeles Department of Water and Power and retired after 35 years of service. At LADWP he provided critical leadership on developing alternative energy supplies, environmental and governmental affairs, and design of hydroelectric power plants and transmission lines.

Jerry is first vice-chair of the Los Angeles Local Agency Formation Commission (LAFCO) and is on the Executive Board of the California Association of LAFCOs. He was recently granted lifetime membership with the American Society of Professional Engineers.

He earned an undergraduate degree from the University of Missouri at Columbia in 1961, and returned in 1963, earning his Master's degree at the same institution in 1964.

Our thanks to Jerry for a lifetime of continuing service to California.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Ms. SLAUGHTER. Mr. Speaker, due to an error, my vote for rollcall No. 580, on H.R. 2419, on agreeing to the conference report was not recorded. I voted "yes" on this rollcall.

RECOGNIZING THE CITY OF  
LAPORTE, INDIANA, AS BEING  
NAMED THE INDIANA CHAMBER  
OF COMMERCE 2005 COMMUNITY  
OF THE YEAR

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. CHOCOLA. Mr. Speaker, it should come as no surprise to anyone who has recently visited LaPorte, Indiana that the Indiana Chamber of Commerce named the city its "2005 Community of the Year."

The honor was bestowed on LaPorte at the Chamber's 16th Annual Awards Dinner, held in Indianapolis, Indiana on November 10, 2005.

More than 1,400 members of the Hoosier state business community gathered for the annual awards banquet, including a delegation of over 50 LaPorte Chamber of Commerce members, which, I am told, is the largest group ever from a community receiving the award during its 16-year existence.

The state Chamber noted that LaPorte received this distinction largely because it has "enjoyed an economic revival under [LaPorte Mayor Leigh Morris] and the businesslike approach he implemented at City Hall."

Mr. Speaker, I would have to agree with the Chamber's conclusion.

In the past year, LaPorte has seen their business environment thrive. Three businesses have started new operations in the area, and 4 existing businesses continued their growth, adding over 100 new jobs between them.

Mayor Morris has had help in his efforts to bring new and grow existing businesses in LaPorte County. He formed a cooperative, bipartisan effort between himself, Michigan City Mayor Chuck Oberlie, the LaPorte County commissioners, and Purdue-North Central University. This coalition is committed to seeing continued economic growth in LaPorte County.

I would also like to acknowledge the efforts of LaPorte Chamber of Commerce President Mike Seitz and the Greater LaPorte Economic Development Corporation Executive Director Owen Rock. They have worked together with Mayor Morris to help move LaPorte forward.

Mr. Speaker, LaPorte is clearly a community on the rise, and I congratulate Mayor Morris and the entire community on being named the Indiana Chamber of Commerce's "2005 Community of the Year."

CONCERN OVER THE KASHMIR  
EARTHQUAKE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. CONYERS. Mr. Speaker, today I rise to speak on behalf of the earthquake which occurred in Kashmir. On October 8th, a magnitude 7.6 earthquake hit Pakistan, India, Afghanistan. So far, Over 80,000 have perished and three million are homeless. Over half of those who lost their lives were school aged children who were attending school. It is evident a generation of Pakistani's no longer exist. I am concerned that tens of thousands will also soon perish from weather, disease, and malnutrition.

Our President, who campaigned as a compassionate conservative, has been wholly inadequate in his response to the crisis in Pakistan. The United Nations has asked for \$550 million in emergency aid. Although, we have given only \$40 million while our generous citizens have given more than \$50 million in relief aid. To date, we have only pledged \$150 million for reconstruction when the World Bank estimates Pakistan needs \$5.2 Billion. Our government can do much better.

Last week, the President instructed 5 Fortune 500 CEOs to fundraise for the disaster. This should help. However, we need to show our allies that the U.S. will help them in their time of need. If we are serious about the welfare of the Muslim world and our ally, Pakistan; then we will pledge significantly in the upcoming donor conference this weekend in Islamabad, Pakistan. We proved our great generosity after Tsunami; we need to show it again.

IN RECOGNITION OF THE 40TH AN-  
NIVERSARY OF THE AMERICAN  
COMMUNITY HEALTH CENTER  
MOVEMENT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. LYNCH. Mr. Speaker, I rise today in honor of the 40th Anniversary of the American Community Health Center Movement which began in Dorchester, Massachusetts in my home district with the founding of the Columbia Point Community Health Center in 1965.

Development of health centers in the mid 1960s was fueled by the lack of primary care doctors practicing in urban and rural areas across the country. In 1961 more than 60 percent of Boston physicians had their offices located in hospitals. As a result, two Boston-based physician-activists, H. Jack Geiger and Count Gibson of Tufts Medical School, were determined to address both the lack and nature of primary care in Boston's neighborhoods. Working with residents in the Columbia Point neighborhood of Dorchester, these pioneering physicians helped to organize a new community-based model of primary care. Today this site is known as the Geiger-Gibson Community Health Center and still provides over 6,000 residents of Harbor Point and Dorchester with access to world-class health care.

Since the 1960s, community health centers have grown into the largest unified primary care network in the United States. Today, we have over 1,000 community health centers nationwide, with a total of 53 in Massachusetts alone. In my own district, I am honored to represent 12 community health centers that ably serve the families of the Ninth Congressional District of Massachusetts.

Mr. Speaker, community health centers are pioneers in working to reduce health disparities among racial minorities and in recognizing the primary socio-economic factors that help determine health status: the lack of educational and economic opportunity, and substandard housing. They continue this work today, serving 677,000 patients in Massachusetts and 15 million nationally.

The community health center model was revolutionary in another aspect of its mission: community governance. The belief that community members could play a direct role in improving their life circumstances, including health status, was the basis of what we call the "American Community Health Center Movement." The early health centers sprung from "kitchen table discussions" among mothers and fathers and community members about the need for primary care in their neighborhoods. In 2005, health center boards of directors continue to be driven by community members who use their local community health center.

Mr. Speaker, today in this country, we have over 45 million individuals without any sort of health insurance living in both rural and urban areas; accordingly, we need Community Health Centers and the essential services they provide now more than ever. I ask that my Colleagues in the House of Representatives join me in congratulating the entire Community Health Center Movement on 40 years of helping to reduce health disparities among our most vulnerable populations through the provision of high quality, compassionate and cost-effective primary health care.

#### CONGRATULATING ROBERT FRAGASSO

#### HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Robert Fragasso for all of the great work he has done as the President of the Amen Corner.

Over the past 150 years the Amen Corner has been a well known social club for businessmen and now women in Pittsburgh, Pennsylvania. The club is known for its service to help better the community and for the events for its members. There is an annual dinner held to honor the outgoing president. This year's dinner will take place on December 14, 2005 and will honor the outgoing president, Robert Fragasso.

Robert Fragasso, the president of The Fragasso Group, is a certified financial planner. He served in the U.S. Marine Corps, graduated from Duquesne University, and did postgraduate work at Carnegie Mellon University and The University of Pittsburgh. He has recently written a book titled, *Starting Your Own Practice*, which has reached national recognition.

I ask my colleagues in the United States House of Representatives to join me in honoring Robert Fragasso for all of the work he has done for the Amen Corner. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual such as Mr. Fragasso.

#### IN HONOR OF ELIZABETH ANN LEEPER

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Elizabeth Ann Leeper who passed from this life on November 5, 2005.

She was a fearless and tireless community activist, who taught her children and grandchildren to always question authority and not be afraid to fight for what they believe in. Known as a political radical, Liz said, "Troublemakers have more fun."

Liz was deeply involved in the local political scene, often being referred to as "The Mayor of New Monterey." She was a charter member of the American Civil Liberties Union and was active in women's issues, the peace movement, and the Democratic Party.

Liz graduated from the University of California Berkeley with a degree in social work and education. She taught elementary and middle school on the Monterey Peninsula for 20 years. After her retirement she continued to be a mentor to anyone seeking advice, especially helping women become aware of their own potentials.

Family was of prime importance to Liz, with three husbands, Norman Godbe, Bruce Harris, and Ed Leeper; two daughters, Kira Godbe and Dana Carnazzo; and four grandchildren, Arye and Blaise Lipman and Alonzo and Tessa Camazzo. Liz adored her grandchildren and was present at each birth. One of their favorite memories of her will be the smells and sounds of grandma making pancakes for them.

The community will miss her greatly, but we know her life will continue to inspire those she touched.

#### HONORING RICHARD WITTEN

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to honor Richard Witten, this year's recipient of Columbia University's Alexander Hamilton Medal. This honor is considered the highest tribute an individual in the Columbia College community may receive from the alumni association.

Richard is a proud alumnus, established businessman, published author, generous philanthropist and distinguished member of the Columbia University administration. Richard currently serves as a member of the Executive Committee of the Columbia University Board of Trustees; chairs the Trustees' Committee on Alumni Relations and Development; and is

a member of the board of the Columbia University Investment Management Company. Additionally, Richard is the former chair of the Columbia College Board of Visitors.

Professionally, Richard has achieved significant success. Currently he is the senior managing director of the investment firm The Orienta Group. Prior to its formation, Richard began a long and successful career with Goldman, Sachs & Co. in 1981 and proudly served as a partner and managing director from 1990 to 2002. During his tenure with Goldman Sachs, Richard led numerous committees including the Fixed Income, Currency and Commodities Division Sales Force for the Americas and the Investment Grade Debt Business Unit.

Beyond his professional and alumni activities, Richard is also an author. His first novel, *Divided Loyalties*, was published in 2005 and is based on the World War II experiences of his father-in-law. His second novel, *Filmore East*, is due in 2006 and follows the turbulent events of 1968–1971 through a college student's eyes.

Richard also makes contributions of his time, energy, and money to better our community. He has provided significant funds to renovate Hamilton Hall at Columbia, is a member of the board of directors at the National Museum of American Jewish History, and is a director emeritus of the Mamaroneck Schools Foundation.

Richard is a dedicated husband to his wife Lisa and a devoted father to his children Anne and Alexander. I am proud to call him both my constituent and my friend.

Mr. Speaker, I ask my colleagues to join me in honoring Richard Witten as he receives the Alexander Hamilton Medal.

#### HONORING RETIRING ERIE COUNTY LEGISLATOR DENISE MARSHALL

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor retiring Erie County Legislator Denise Marshall for her 2 years of service to the residents of the towns of Alden, Elma, Holland, Lancaster, Marilla, Sardinia and Wales.

A life-long resident of Erie County, Denise Marshall was born and raised in Cheektowaga, NY. Graduating in 1986 from Cheektowaga Central High School, Denise attended both Erie Community College and the State University of New York at Buffalo, majoring in Business Administration.

Professionally, Legislator Marshall is founder and president of Marshall Data Solutions, a computer consulting firm specializing in office automation, training and database application development for both business and governmental clients. Beginning her career as a project manager and support representative for KVS Information Systems in Amherst, NY she designed and helped support accounting applications for municipal government clients, traveling throughout the northeastern United States to implement these new technologies and provide training for office personnel.

Legislator Marshall's service, while only 2 years in length, was eventful; her service was perhaps most noteworthy for her desire to effectively serve the residents of her district.

Given that her district covered a geographic area which traverses the whole of Erie County's eastern side nearly from its northern border to its border in the south, there can be no doubt that this is a challenging task indeed.

During my initial years as a member of the New York State Legislature, I too represented a number of the same towns Legislator Marshall would later represent in the County Legislature. While Legislator Marshall, as a resident of the town of Lancaster, is not a constituent of mine, she did faithfully serve several towns that are within the confines of the 27th Congressional District, including the towns of Alden, Marilla, Holland, Sardinia and Wales. Her office's cooperation with mine was universally professional.

Mr. Speaker, I thank you for the opportunity to honor Legislator Denise Marshall upon the occasion of her retirement as a member of the Erie County Legislature, and I want to wish to her and to her family the best of luck and Godspeed.

HONORING THE VERY REVEREND  
JOSEPH MARTIN OF WILKES-  
BARRE, PENNSYLVANIA, AS HE  
CELEBRATES THE 40TH ANNI-  
VERSARY OF HIS ORDINATION

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representative to pay tribute to Very Rev. Joseph Martin of Wilkes-Barre, Pennsylvania, who is celebrating the 40th anniversary of his ordination to the priesthood.

Father Martin was born in Frackville, a son of the late Joseph P. Martin and Anna Martin. He was the eldest of five brothers.

He married the former Glora Matechak of Old Forge and the couple are the parents to four daughters. They also have eight grandchildren.

Father Martin was ordained by HIS Eminence Archbishop Kiprian on November 7, 1965 at St. Tikhon's Monastery in South Canaan, Pennsylvania.

He was assigned to Holy Trinity Orthodox Church in McAdoo where he served for 30 years. He was awarded the Hold Cross, Jeweled Cross and the St. Innocent Bronze Medal. He was also elevated to Archpriest.

While at Holy Trinity Orthodox Church, he also served as acting rector of Holy Ghost Orthodox Church, Shenandoah; St. Mary's Orthodox Church, St. Clair; Ss. Peter and Paul Orthodox Church, Minersville and St. Michael's Orthodox Church, Mt. Carmel.

He served on the Diocesan Council for the Diocese of Philadelphia and Eastern Pennsylvania and the Metropolitan Council for the Orthodox Church in America. He was a past spiritual advisor for the Central Pennsylvania District Federated Orthodox Clubs of America and national spiritual advisor for eight years for FOCA.

He served on the board of directors of the Hazleton chapter of the American Automobile Association, Hazleton Chapter American Red Cross and he is still a board member for Mid-Atlantic AAA.

Father Martin has always been very active in community projects. He was a member and

trustee of the McAdoo Fire Company where he is still remembered as "Padre." He helped coordinate the borough food pantry, was a member and past president of the McAdoo Lions Club and he served as District Governor of the Lions District 14U.

In 1995, Father Martin was assigned to Holy Resurrection Orthodox Cathedral in Wilkes-Barre. Since then, he was instrumental in helping reorganize the Wilkes-Barre Lions Club and he served as its charter president. He is a Melvin Jones Fellow, a Lions International award, and is currently chaplain of the Lions District 14W.

He serves as chief of chaplains at the Wilkes-Barre V A Medical Center, is president of the Wyoming Valley Council of Churches, serves on the pastoral advisory board of the John Heinz Rehabilitation Center, is a member of the board of trustees of St. Tikhon's Monastery, is a member of the Diocesan Council, St. Tikhon's Alumni Association, St. Tikhon's Century Association and the Fellowship of Orthodox Stewards.

And while he remains an extremely active person in the community, he still finds time to cook and bake for parish dinners because no job is too big or small for "Father Joe."

Mr. Speaker, please join me in congratulating Father Martin on this milestone in his life. Father Martin has enriched the lives of so many by demonstrating selfless and humble service to his fellow man in the manner that his Lord and Savior did 2,000 years ago.

HONORING STEVE FURLONG

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable public servant and citizen from my congressional district. Steve Furlong recently announced his retirement from the U.S. Army Corps of Engineers, bringing to a close 35 years of achievement and success managing lake projects in Central Kentucky.

Raised on a farm near the Mammoth Cave National Park, Steve's career with the U.S. Army Corps of Engineers began in 1970 at nearby Barren River Lake where he worked as a Temporary Laborer. Within a year, he was selected as a permanent Park Ranger at Green River Lake. Steve returned to Barren River Lake in 1974 to continue work as a Park Ranger. Three years later, he was assigned to oversee the construction of the project office at Rough River Lake. Due to his outstanding performance, he was selected soon thereafter to be the permanent Park Manager at Rough River Lake.

Under Steve's management, Rough River Lake was named the 1980 National Project of the Year, among 400 Corps projects across the country. Steve was recognized for his efforts that year with receipt of both the Louisville District and the Ohio River Division Achievement Awards, along with the Commander's Award for the Louisville District. Steve was installed as Operations Manager of the Green River Area, with oversight of four regional lake projects, later that same year.

Throughout the last 25 years, Steve's adept management and work ethic on behalf of the

U.S. Corps of Army Engineers has established four nationally recognized recreational sites that will be enjoyed by many for generations to come. During his tenure, lake facilities have been upgraded and improved to meet changing demands, supporting high quality outdoor recreational experiences for over six million people each year. Combined, the Green River Area now contributes an estimated annual \$1.7 million to the regional economy.

In addition to his professional responsibilities, Steve Furlong has built a legacy as a model citizen and community leader, volunteering for a variety of local organizations including Meals on Wheels, Habitat for Humanity, the Board of Hospice, Boy Scouts of America, and Youth League Baseball.

It is my great privilege to recognize Steve Furlong today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and unwavering dedication to the communities of the Green River Area make him an outstanding American worthy of our collective honor and appreciation.

HONORING THE LIFE OF ZOYA  
ROISMAN STEINBERG

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Zoya Roisman Steinberg, whose son, Moshe Steinberg is a constituent.

Zoya Roisman Steinberg, who survived the Holocaust and was a pioneer of the State of Israel with her husband Jacob Steinberg, died on October 23, 2005, at nearly 100 years of age. After VE Day, Zoya joined the exodus of Jewish survivors en route from Eastern Europe to Palestine. Her guide was a decorated Russian officer, named Jacob Steinberg, who had fought with the Allies from Stalingrad to Berlin after his family was killed by Nazis in their Odessa home. Zoya and Jacob navigated through treacherous post-war Eastern Europe and endured two years in a Cyprus detention center for Jewish immigrants to Palestine before Israel's recognition as a State in 1948. They then entered Israel and built there a home, a family with their cherished son Moshe, and a country out of the desert and the ashes of war.

HONORING RETIRING ERIE COUN-  
TY LEGISLATOR ALBERT  
DEBENEDETTI

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. HIGGINS. Mr. Speaker, today I rise to honor a friend and fellow public official whose unique and energetic service to the residents of Erie County will long be remembered. I rise to commemorate and honor the service of Erie County Legislator Albert DeBenedetti.

Serving as a legislator since his initial appointment in 1991, Al DeBenedetti brought a quick wit and a keen intellect to the deliberations of the Erie County Legislature. Often

contentious and pugnacious, few Erie County Legislators in history have cared more for the communities they represent, and about the actions of government in service to those people than has Al DeBenedetti.

Now, I tell you Mr. Speaker, Al is a unique individual indeed. Al comes from proud and deeply rooted Italian and Polish stock, and his father was a renowned professional wrestler. One thing is certain—it is a good thing for his opponents that Al's weapon of choice was his mind and not his fists, because Al always fought, and fought hard, for the people he represented in Buffalo's Black Rock, Riverside and west side neighborhoods.

Prior to his service in the Erie County Legislature's 6th District, Al was Assistant Deputy Commissioner to the Erie County Board of Elections and also served on the Administrative Staff of former Erie County Executive Dennis Gorski. Upon the election of then-Legislator David Manz to Buffalo City Court in 1991, Al took office as his successor, and has served in this capacity ever since.

Al rose quickly through the Legislature's ranks. In only his third term of office, Al was elected Majority Leader and was appointed Chairman of the Legislature's Finance and Management Committee. In that capacity, Al worked with legislators and with then-County Executive Dennis Gorski to steer a clean and effective financial ship for Erie County.

In 2002, Al was elected Chairman of the Erie County Legislature, a position he held for one year. During his Chairmanship, the Legislature began the process of moving its offices from the Erie County Hall Annex back to its original home in Old County Hall, the historical site where United States President Grover Cleveland once held court as Mayor of Buffalo.

Al DeBenedetti rarely saw an election day without a vigorous fight, but was always successful. I have always chalked that success up to his personality and his unwillingness to give up on a fight. I had a nickname for Al—I always called him "Alley Cat." I think I did this because Al was always a scrapper, and invariably, his fight was an independent one, and was conducted on the behalf of Erie County's taxpayers.

Mr. Speaker, I am grateful to you for allowing me an opportunity to commemorate the service of my friend and colleague, Erie County Legislator Al DeBenedetti, on the occasion of his retirement as a member of the Erie County Legislature. Al's service on the Legislature was honorable and unique, and his history as a member of this august body will carry on for many years to come.

**HONORING FRANCIS BONNER OF  
HAZLETON, PENNSYLVANIA, ON  
THE OCCASION OF HIS 70TH  
BIRTHDAY CELEBRATION**

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friend Mr. Francis Bonner, of Hazleton, Pennsylvania, on the occasion of his 70th birthday celebration.

Mr. Bonner has enjoyed an exceptional career in public service and in the advancement of the anthracite coal industry. He has been married to Marie (Clatch) Bonner for more than 40 years. They are the parents of Mary Pat Bonner, whose career in Democratic politics was inspired by her father's lifelong dedication to the Democratic party.

Born in Hazleton, Mr. Bonner was a son of Miles and Mary Hannigan Bonner. He graduated from St. Gabriel's High school in Hazleton and Villanova University where he also pursued graduate studies. He also attended Clarion State College Coal Institute, the University of Pittsburgh Coal Gasification Liquefaction and Conversion to Electricity Conference and the Penn State University Coal Combustion Technology Seminar.

From 1954 to 1960, he served as International Representative for District 50, United Mine Workers of America.

He later served as a field investigator for the Pennsylvania Department of Labor and Industry.

In the early to mid 1960s, he served as Eastern Regional Administrator for the Pennsylvania Human Relations Commission. In that position, he conducted investigations and educational functions to insure compliance with legislation guaranteeing equal opportunity in employment, housing, education and public accommodations.

He then worked for the U.S. Department of Housing and Urban Development as an administrator for federal equal opportunity executive orders.

From 1971 to 1979, he served as special personal assistant to Pennsylvania Governor Milton Shapp. In that capacity, he was directly responsible for the administration's energy and fuel development programs; industrial development programs; liaison for labor management relations; liaison to the state House and Senate on matters concerning energy and labor relations; disaster control and relief and industrial development.

He later worked for the Pennsylvania Public Utility Commission as a fossil fuels coordinator, developing programs to encourage the use of coal in the generation of electric power.

From 1982 to the present, he has been president of Bonner Associates of Pennsylvania, a firm that serves as a consultant on governmental affairs with special emphasis on energy, particularly coal use and development, health care, labor management relations and waste disposal and recovery.

Honored by the Greater Hazleton Chamber of Commerce and the economic development group, CAN-DO, as "Hazletonian of the Year," Mr. Bonner has served his community in numerous ways, including as assistant director of the Villanova Urban Studies Program, Deputy state chairman of the Pennsylvania Democratic State Committee, member of the Hazleton City Planning and Zoning Board of Adjustment, member of the Philadelphia Fellowship Commission, member of the Pennsylvania Industrial Development Authority, Governor's Energy Council, United States Department of Energy Anthracite Task Force, Governor's Coal Conference, White House ad hoc Anthracite Task Force, chairman and member of the board of directors of St. Joseph's Hospital, Hazleton; chairman of the Anthracite Health and Welfare Fund and member of the Pennsylvania Unemployment Compensation Board of Review.

On a personal level, Fran has been an astute political observer and a trusted advisor to me during my tenure in Congress. I have always valued his insight into the political atmosphere of Northeastern Pennsylvania and I treasure his friendship.

Mr. Chairman, please join me in congratulating Mr. Bonner on this special occasion. His achievements reflect a devotion to his community in northeastern Pennsylvania where he has contributed to enriching the quality of life.

## GRADUATE MEDICAL EDUCATION

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. LEWIS of Kentucky. Mr. Speaker, I am introducing today legislation to address longstanding inequities in Medicare's payments for graduate medical education.

More than 600 hospitals across the country, many in my home state of Kentucky, receive less than the national average from Medicare to train and educate physicians. Medicare's formula for paying hospitals that operate teaching programs is based on costs reported in the early 1980s, significantly below current costs and expanded needs. This limits the ability for many hospitals to train a workforce sufficient to care for the growing Medicare population.

In my state, teaching hospitals lose more than 2 million dollars a year as a result of Medicare's dated policy. In neighboring Ohio, Medicare's policy shortchanges hospitals more than \$10 million each year. My bill will increase Medicare's Direct Graduate Medical Education (DGME) payments to hospitals to 100 percent of the national average per resident amount for facilities whose historical costs are less than the national average.

Congress has made incremental improvements to DGME payments throughout the past 6 years. This began in 1999 with the implantation of a 70 percent minimum payment. In 2001, payments were raised to 85 percent of the national average. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare's payments to teaching hospitals by including a provision requiring that any resident positions redistributed to other hospitals be reimbursed at 100 percent of the national average. My bill continues this work by requiring Medicare to at least pay the average cost of operating a training program.

Medicare's Direct Graduate Medical Education payments should be increased to the national average so no hospitals receive less than Medicare's fair share of the costs of operating a medical education program.

**HONORING RETIRING ERIE COUNTY  
LEGISLATOR EDWARD J.  
KUWIK**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. HIGGINS. Mr. Speaker, I rise to honor a great son of the city of Lackawanna, New



York, and a longtime public servant whose retirement at the end of this year will mark the close of a career in elective office that has spanned nearly four decades. Today, I want to honor the career in public service of Erie County Legislator Edward J. Kuwik.

Ed Kuwik is a special kind of public servant and leader. Born and raised in gritty Lackawanna, Ed was educated at local schools, and earned a Bachelor's degree in mechanical engineering from the University at Buffalo, and a Master's degree in education from Niagara University.

Ed began his public service as a mathematics teacher in the Lackawanna city school system. Later, after serving a stint as Lackawanna's City Engineer, Ed was elected to the first of two four-year terms as Mayor of Lackawanna.

In 1983, a vacancy occurred in the 1st district seat in the Erie County Legislature, and Ed sets his sights on filling it. Fighting an uphill battle for the appointment with a candidate supported by the party leadership, Ed won the appointment and was in November 1983 elected to the Legislature in his own right. Aside from a primary election in 1987, Ed Kuwik was never seriously challenged for election again.

Throughout his many years of service to his constituents, public safety has been a hallmark issue for Ed Kuwik. From 1984 to 2001, and from 2004 to today, Ed Kuwik has served as Chairman of the Legislature's Public Safety Committee, overseeing the operations of the county's Correctional Facility, Department of Central Police Services, STOP DWI Division, Department of Emergency Services, and worked closely with the county District Attorney's Office and the county Sheriffs Office. Ed has always been a fighter for additional resources to fight crime, adding prosecutorial positions in the District Attorney's Office, civil and criminal deputy positions in the Sheriff's Office and probation officers in the Division of Probation.

In 1993, Ed began a stint as a member of the Legislature's formal leadership, and was unanimously selected as Majority Leader, a position he held until 1996. After finishing his service as Majority Leader, Ed returned to focus his attention on his continued leadership of the Public Safety Committee and on an unparalleled reputation for constituent service.

Ed Kuwik is a full time public official, and when he says full time, he means it. Until January of 2003, when Ed was unexpectedly hospitalized for several days, Ed Kuwik had attended every single legislative session since his initial appointment to the Legislature in 1983—543 consecutive legislative sessions. Ed has also attended every scheduled committee meeting that has been held since that time. No other member in the nearly four decade history of Erie County Legislature has a record to match.

Ed is also a forceful and effective member of his local Democratic Party. Ed is a former Chairman of the Lackawanna Democratic Committee and has been a force in Lackawanna city politics for more than 30 years.

Ed Kuwik has enjoyed many successes as a public official. However, his greatest success has been as a devoted husband and father. Ed is married to the former Karen Moore, a public school teacher in the Lackawanna City school system. Ed is the father of three sons, Kevin, Keith and Mark, all of whom have collectively made their mark academically, mili-

tarily and professionally in their respective fields of study and service.

In 2005, Ed Kuwik chose not to run for reelection, and although he will be succeeded in the Legislature by another fine public official, the Legislature and his district will each be poorer for his absence. It is my fervent hope and belief that Ed Kuwik will remain an active member of his community, and allow us to work together to make his city and our region a better place to live, work and raise a family. I am proud to call Ed Kuwik my colleague and my friend, and I am grateful, Mr. Speaker, that you have allowed me this opportunity to commemorate his service here today.

HONORING DR. M. VALI SIADAT,  
ILLINOIS PROFESSOR OF THE  
YEAR

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Dr. M. Vali Siadat, Professor at Richard J. Daley College and recipient of the Illinois Professor of the Year Award.

The U.S. Professors of the Year Award Program was created in 1981 to increase awareness of the importance of undergraduate instruction at all types of higher education institutions. This program recognizes faculty members for their achievement as undergraduate professors. The State Professors of the Year Award Program selects outstanding educators in all 50 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands and this year Dr. M. Vali Siadat of Richard J. Daley College in Chicago was chosen as the 2005 Illinois Professor of the Year.

Richard J. Daley College located on the southwest side of Chicago has been offering university-bound students a solid liberal arts education in their own neighborhoods since 1981. Richard J. Daley College has a full-time faculty of 81 members and a student body of 4,500.

Dr. M. Vali Siadat has been a valuable asset to the success of Richard J. Daley College. Dr. Siadat received his bachelor's degree in Electrical Engineering and Computer Science and after working in the engineering field, he began teaching at the Chicago Technical College and later at various schools in California. In the early 90s, Dr. Siadat started teaching at Richard J. Daley College as a Mathematics Professor in 1982. The Keystone Project which was pioneered by Dr. Siadat is a method of learning basic mathematics. The Keystone Project shows students how to concentrate through cooperative learning, precision teaching, and dynamic assessment of the student. Besides for this project, Dr. Siadat is the director of Chicago PREP (Proyecto Access Chicago), which is an intensive mathematics-based academic summer program targeting low income and minority students.

It is my honor to recognize Dr. M. Vali Siadat who serves as an outstanding example in school leadership and continues to exemplify excellence in education.

SANGRE DE CRISTO NATIONAL  
HERITAGE AREA

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. SALAZAR. Mr. Speaker, today I am introducing legislation to designate part of the San Luis Valley in Colorado as the Sangre de Cristo National Heritage Area. In the 19th Century, the San Luis Valley was at the crossroads of cultures. As America spread west, Spanish, Anglo, and Native Americans converged to create a unique cultural experience.

A National Heritage Area designation will help increase local tourism, which currently represents less than 9 percent of the basic income of the affected counties. As tourism grows in this area, it will provide economic benefits to a rural region with a rich history.

Heritage designation also brings with it tangible financial support to restore historic buildings and sites; develop interpretive programs and museums; build regional trail systems and fund other improvements and enhancements.

Private participation and oversight is the cornerstone of the heritage concept. I believe this will also create opportunities and benefits for private landowners who contribute in the planning and demonstrate best practices management of their properties.

The activities of a functional heritage area will be able to tie-in and stimulate wider interest in attractions throughout the valley. This includes outdoor recreation activities on the extensive National Forest and other federal, state, and private lands, and increase visitation at museums, historic sites, and commercial attractions located in other counties bordering the heritage area.

Congress must act quickly to ensure the heritage elements preserved continue to have relevance for the people of the San Luis Valley and for the nation for generations to come. I urge my colleagues to support me in this legislation.

HONORING THE 100TH ANNIVERSARY  
KNIGHTS OF COLUMBUS,  
EUREKA COUNCIL NO. 1067

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Centennial Anniversary of the Knights of Columbus, Eureka Council, No. 1067, chartered in Eureka, California on December 3, 1905. Over the past ten decades, this fraternal and spiritual organization has had a proud and distinguished record of public service in Humboldt County and is deserving of our recognition.

Through charity, fellowship and hard work, the Eureka Knights of Columbus have reached out to thousands of families and children to establish important community institutions of compassion and caring.

Among other endeavors, the Eureka Knights of Columbus helped establish St. Joseph Hospital in Eureka, which serves the sick and the poor from across the region. They initiated efforts to found the local St. Vincent DePaul of

Eureka, Arcata and Fortuna, communities within Humboldt County. The club also worked to bring about educational opportunities for youth through the establishment of St. Bernard's Catholic Schools, Camp St. Michaels and the Boy Scouts of America, Troop 54.

On this occasion, the Eureka Council of the Knights of Columbus will honor Anthony Gosselin, Sr. as the Knight of the Century. This distinguished honor is bestowed upon the late Mr. Gosselin, who led the Knights of Columbus as a founding board member of St. Vincent de Paul, served as a volunteer fire chief for the City of Eureka and as a member of the Humboldt County Water District board for fifteen years.

Mr. Gosselin served in World War I, married Eva Dandurand and had two children, Anthony Joseph Gosselin, Jr. and Beverly Gosselin Inskip. Mr. Gosselin was a tireless volunteer and devotee of the Knights of Columbus for over 65 years.

Mr. Speaker, it is appropriate at this time that we recognize the Knights of Columbus, Eureka Council 1067 and the Knight of the Century, Anthony Joseph Gosselin, Sr., for distinguished and extraordinary service to the community.

**A TRIBUTE TO MR. JAMES EDWARD ODOM TRULY AN OUTSTANDING CITIZEN**

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. BUTTERFIELD. Mr. Speaker, I rise and ask my Colleagues to join me in paying tribute to Mr. James Edward Odom, constituent and friend who recently passed away at the blessed age of 87 years old.

Mr. Speaker, Mr. Odom enjoyed a very full life. He was first and foremost a Christian and dedicated much time as a member of St. Mark A.M.E. Church serving in several capacities. Mr. Odom always made it known that his parents taught him to first acknowledge our Creator in all things; and that is the principle by which he lived his life.

Mr. Odom attributed the many successes in life to his Christian faith. He graduated from Nash Central High School and conducted his undergraduate studies at Shaw University in Raleigh, North Carolina. He continued his studies at Eckles College of Mortuary Science in Philadelphia, Pennsylvania, and later graduated from Cortez Peters School of Business Administration in Washington, DC. Mr. Odom went further to study Standard Accounting and Management at George Washington University in Washington, DC.

Mr. Speaker, Mr. Odom believed in using each of his many talents as evidenced by his significant involvement and active membership in countless organizations. The list is exhaustive with one affiliation just as impressive and important as the next. Mr. Speaker, Mr. Odom has indeed left an impression in the Nash County, Rocky Mount area where he served as Chairman of the Human Relations Commission; the First Black County Commissioner of the Nash County Board of Commissioners where he was elected to a four-year term in 1986 following a lawsuit under the Voting Rights Act; member of Unity Lodge #64; mem-

ber of the Trustee Board of St. Marks A.M.E. Church; member of the Little Raleigh Independent Club of Rocky Mount; member of the Helping Hand Club of Little Easonburg, Rocky Mount; past President of the Lay Organization of St. Mark A.M.E. Church and the list is perpetual. Further, Mr. Speaker, Mr. Odom served on the Board of Directors of the Rocky Mount Area Chamber of Commerce; Triangle East; Cities In Schools of Rocky Mount; The Salvation Army; First Union Bank of Rocky Mount; the Rocky Mount Branch of the NAACP; Nash Central Senior Alumni Association; the National Federation of Independent Business and he held countless other posts too numerous to mention.

Mr. Speaker, I learned that in 1980, Mr. James Edward Odom and his loving wife Erma embarked upon one of the most significant and important ventures in their lives; they became the proud owners of Hunter-Odom Funeral Services. I am sure that I speak on behalf of many of my 660,000 constituents whose lives Hunter-Odom Funeral Services touched in the sincere, compassionate and sensitive manner in which they handled bereaved families as they put loved ones to rest.

Mr. Speaker, I am so pleased and proud to pay tribute to such an outstanding pillar of the Nash County community. It is my wish that God will continue to bless and keep each member of Mr. James Edward Odom's family.

**THE IMPORTANCE OF THE CORPORATION FOR PUBLIC BROADCASTING'S OVERSIGHT OBLIGATION**

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. ROTHMAN. Mr. Speaker, during this debate on the Conference Report for the Fiscal Year 2006 Labor, Health and Human Services, Education and Related Agencies Appropriations bill, I want to call attention to the Corporation for Public Broadcasting's (CPB) obligation to ensure unbiased and objective programming.

The U.S. Congress provides the CPB with approximately \$400 million each year. CPB then allocates these funds to the Public Broadcasting Service, National Public Radio, and other recipients. It does so, as the Telecommunications Act makes clear, with the responsibility to ensure that recipients demonstrate "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature." CPB also must see to "maximum freedom of the public telecommunications entities and system from interference with, or control of, program content or other activities."

These two obligations do not contradict each other. Rather, together they circumscribe the lawful activity of tax-supported public broadcasting programmers and program providers. Public broadcasting should enjoy "maximum freedom" from outside "interference or control" so long as it simultaneously demonstrates "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature."

Mr. Speaker, there should be no confusion. These obligations reinforce each other. The

Corporation for Public Broadcasting must implement both on behalf of Congress and the taxpayers.

I commend CPB for creating a new unique office, the Office of Ombudsmen, as a step towards ensuring that these standards of fairness and independent reporting are upheld. Guaranteeing that basic journalistic requirements of objectivity and balance are maintained in public programming is hardly interference. In fact, I strongly believe that the public's trust in public broadcasting rests on just such standards and I will continue to fight to see that they are maintained.

**RECOGNIZING SOUTH KOREA'S EFFORTS ON NORTH KOREAN REFUGEES**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to recognize the tangible, but often under-appreciated efforts the part of South Korea to address an important and urgent humanitarian concern—the resettlement of North Korean refugees.

South Korea has consistently maintained a policy to accommodate all North Korean refugees who have found safe haven abroad by permitting them to resettle in South Korea. The South Korean government also provides necessary cooperation, if the refugees wish to remain in another country, to avoid the forcible repatriation to North Korea against their will.

In the past 50 years, South Korea has resettled more than 7,100 North Korean refugees, an average of 20 persons per year between 1954 and 1997 (878 total), but at an accelerating rate since then: 72 in 1998, 148 in 1999, 312 in 2000, 583 in 2001, 1,141 in 2002, 1,281 in 2003, 1,894 in 2004, and 882 to date in 2005, with an expectation of a total refugee population of 10,000 by the end of 2006.

When North Korean refugees arrive in South Korea, they spend their first 3 months at Hanawon, a facility run by the Ministry of Unification, to receive education, orientation and basic vocational training. They also participate in social adjustment and cultural assimilation programs.

Following their orientation, the refugees are then provided with a variety of resources by the South Korean government that include assistance in finding meaningful employment for 5 years and a permanent residence in cooperation with local municipalities. They also receive general health insurance coverage and seed money to help sustain independent living.

For women refugees—which accounted for 68 percent of all North Korean refugees this year—the South Korean government additionally provides specific female vocational training and assistance with child-rearing and home protection.

For younger refugees, the South Korean government fully subsidizes all education fees through high school. If accepted into public universities, the refugees will receive full tuition including room-and-board. Should a North Korean refugee seek to study at a private university, the related costs will be covered jointly

between the government and the designated institution.

It is important to note that South Korea, for some time, has been working diligently, behind the scenes, without much publicity or due recognition, in order to enhance the security of the North Korean refugees it is seeking to assist.

The aim is to make all refugees and their families self-sufficient within the context of democracy and free enterprise, so that they can be full contributors to South Korean society. In this regard, the South Korean government also works in collaboration with many civic, religious, and non-governmental (charitable) organizations in a comprehensive and coordinated effort to provide a variety of resources and a strong social safety net.

For these reasons, Mr. Speaker, I wish to express my personal appreciation to the government and people of South Korea for their important contributions to help address the urgent humanitarian crisis in North Korea through the "firm resettlement" policy. As a staunch ally of the United States with a mutually comprehensive alliance partnership, South Korea deserves our recognition and expression of support.

HONORING DR. ANA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate my constituent, Dr. Ana Margarita Cruz on having been named Florida Professor of the Year by the Council for Advancement and Support of Education. I would like to thank her for all the hard work it took to receive this prestigious honor. Dr. Cruz's commitment to education, specifically higher education is very commendable.

Dr. Cruz's area of expertise lies in area of business management, accounting and taxes. She has a diverse background and has been employed in both the private and public sector. Dr. Cruz's extensive experience and qualifications in the field of business have been recognized, as she is currently the Interim Chair for the School of Business at Miami-Dade College for the Wolfson Campus.

As a former educator I understand the importance of an education and the impact a teacher can have on a student's life. I am pleased Dr. Cruz chose such a noble profession, shaping the vision and spirit of the leaders of tomorrow. Once again I would like to offer my warmest congratulations on this tremendous accomplishment. I would encourage Dr. Cruz to continue the efforts that have brought her so far and allowed her to touch the lives of so many.

MEDICARE MODERNIZATION ACT

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. DIAZ-BALART of Florida. Mr. Speaker, as I am sure you are aware, this week kicks-

off the enrollment period for the newest benefit available to Medicare recipients, the Prescription Drug Benefit Plan. This benefit allows seniors to continue to purchase their prescriptions, but at a major cost savings. For those seniors currently without drug coverage, or looking for better coverage, this option will be a welcome help in addressing their rising pharmaceutical costs. Extra help will be available for those who need it, and a choice of plans will be available for seniors to pick the one that best meets their needs. The new plans will cover both brand name and generic drugs at participating pharmacies. I encourage all Medicare recipients to take time to learn about the new benefit, talk it over with family and friends, and consider how it can help them pay for their prescription drug needs.

Beginning January 1, 2006, Medicare eligible seniors will be able to begin benefiting from the optional drug benefit program in which they will receive prescription drugs at a 75 percent discount. Once they spend \$3,600 annually, they will save 95 percent on all drug costs. Economically needy seniors will be eligible for additional assistance. Medicaid recipients will begin to receive drugs through Medicare.

Medicare recipients should review available drug plans as soon as possible. With a broad selection of plans available, seniors are encouraged to review and pick a plan that best suits their needs. In order to assist seniors make this important decision, Medicare has created a call line and website. Seniors should feel free to contact Medicare at 1-800-MEDICARE or [www.medicare.gov](http://www.medicare.gov) in order to aid them in making the best possible choice.

Another great new feature of the Medicare Modernization Act, which included the Prescription Drug Benefit, is the new preventative services offered to all Medicare recipients. Medicare now covers a free initial physical exam for all new beneficiaries. Beneficiaries are also encouraged to partake in the free glaucoma, breast, cervical, colorectal, and prostate cancer screening, as well as cholesterol, blood lipid, diabetes, and osteoporosis screenings. The preventative screenings and new disease management programs are a way for seniors to be proactive in their healthcare, so as to maintain a high quality of life throughout retirement.

The Prescription Drug Benefit and the preventative services program are important steps in realizing the government's 40-year-old promise to make quality health care available to every eligible senior in the United States. I am proud to have voted for the Medicare Modernization Act in 2003, and am proud of the cost savings it will provide for all Seniors.

RECOGNIZING THE TITAN ROCKET

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the service of those individuals that developed and built on an exemplarily piece of American ingenuity and technological achievement, the Titan rocket.

For nearly fifty years the Titan rocket system has been serving this country, first as a multi-stage intercontinental ballistic missile

system, and second as a launch vehicle for satellites, and space probes bound for the far reaches of our solar system.

In 1955 Martin Marietta, now Lockheed Martin, was awarded a contract by the Air Force to build an intercontinental ballistic missile that became known as Titan I. Since then, the people of Lockheed Martin have produced successive generations of Titan rockets to serve national needs.

On Wednesday, October 19, 2005, the last Titan rocket was successfully launched from Vandenberg Air Force Base, California. From its early beginnings as an intercontinental ballistic missile, to its recent role as a launch vehicle for the satellites of the U.S. National Reconnaissance Office, the Titan rocket has played a vital role in the security of our Nation.

The Titan family of rockets also played a pivotal role in the Nation's space program, allowing the early Gemini astronauts to break free of the earth's gravitational hold and launching many deep space probes that have furthered understanding of our solar system.

Mr. Speaker, the longevity of the Titan's service is a testament to the quality of the employees at Lockheed Martin. Thousands of workers have had a hand in producing the rockets, including many second generation family members located in my district. To honor their dedication and superb accomplishments I rise to recognize the fifty years of service the Titan rockets and the employees that built them have given our Nation.

HURRICANE REGULATORY RELIEF  
ACT OF 2005

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 16, 2005*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3975, the Hurricane Regulatory Relief Act of 2005. As many of you know, a key component of the Gulf Coast hurricane relief and recovery effort is flexibility and adaptability. Entire communities have been uprooted by these unprecedented natural disasters, and bureaucratic red tape must not stand in the way of efforts to rebuild the region. H.R. 3975 bill emphasizes much-needed regulatory relief to help the students, schools, workers, families, and communities affected by the hurricanes. The bill seeks to achieve this goal by prioritizing educational services for displaced students over bureaucratic hurdles. To this end, for one year, the bill would ease requirements for elementary and secondary schools, including:

Maintenance of effort and supplement not supplant funding requirements. Easing these requirements would ensure states and schools can serve students effectively with the resources available. In addition, the bill would allow non-federal match requirements to be waived or modified for affected states.

Deadlines for special education evaluations and reporting requirements. By extending—but not waiving—these deadlines, states and schools would have the flexibility they need to ensure the affected students will have access to the services they need. In addition, the bill expands opportunities for quality teachers to serve displaced students. For example, for

one year, the bill would allow teachers that met the "highly qualified" standard in an affected state to be considered "highly qualified" in other states that are serving large numbers of displaced students where they may temporarily be teaching. In addition, the bill would expand the new individuals with Disabilities Education Act Paperwork Reduction Pilot Program to states affected by the hurricanes. This will further erase burdensome paperwork requirements on special education teachers.

Among other positive aspects, the bill also strengthens financial aid opportunities for affected students by expand outreach efforts to ensure disadvantaged students and families have access to information about financial aid that may be available as they pursue higher education. It requires colleges and universities to adjust financial aid award calculations through the Expected Family Contribution (EFC), taking into account changes in families' financial circumstances caused by the hurricanes. Further more, the bill would encourage institutions of higher education to ease the process for displaced students to transfer the academic credits they have earned and continue their studies as the region rebuilds.

In closing let me note that I strongly support the idea of prioritizing children who have been impacted by the recent hurricanes. To this end I have been working on a proposal that seeks to achieve the goal of taking care of our children. It goes without saying that children respond differently to disasters, depending on their understanding and maturity, but it's easy to see how an event like Hurricanes

Katrina and Rita could leave a child feeling a good deal of anxiety. Kids who lived in the track of the hurricanes felt firsthand the threat of danger to themselves and those they care about. Now that the danger has passed, it's important to comfort them and reassure them that they're safe. It's also important to be open and honest with them in discussing unseen consequences of the hurricane for the family.

My proposal would prioritize children by requiring that the children who lost 1 or both parents or a guardian as a result of Hurricane Katrina and Rita should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services and benefits to those children.

In addition, her proposal would further prioritize children by requiring that the children who lost 1 or both parents or a guardian as a result of Hurricane Katrina and Rita should be provided with such immediate assistance, services, and benefits for which they are eligible and which are necessary for their well-being, including:

- (1) foster care assistance;
- (2) adoption assistance;
- (3) medical, nutritional, mental and psychological care;
- (4) educational services; and
- (5) such additional care or services as may be necessary.

EXPRESSING SENSE OF HOUSE  
THAT NINTH CIRCUIT COURT OF  
APPEALS INFRINGED ON PAREN-  
TAL RIGHTS

SPEECH OF

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 16, 2005*

Mr. OBERSTAR. Mr. Speaker, I rise today to express my opposition to H. Res. 547, which expresses the sense of the House of Representatives "that the United States Court of Appeals for the Ninth Circuit deplorably infringed on parental rights in *Fields v. Palmdale School District*."

I oppose this resolution, because I believe the legislative branch ought not to intercede in the matter at this time. It is premature for Congress to take a position on the court's ruling, because the issue has not yet been definitively decided by the judicial branch. *Fields v. Palmdale School District* is an ongoing legal matter that is being addressed by the judicial branch. The legislative branch's action to pre-judge the decision infringes on the separation of powers in the Constitution and is an unnecessary usurpation of the judicial branch's role.

Should Republican leaders choose to continue bringing to the floor of the House of Representatives resolutions that criticize decisions of the courts, they should wait until the U.S. Supreme Court has issued a final decision.

# Daily Digest

## HIGHLIGHTS

Senate passed S. 2020, Tax Relief Act.

The House agreed to H.J. Res. 72, Making Further Continuing Appropriations for the Fiscal Year 2006;

The House failed to agree to the Conference Report on H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006; and

The House passed H.R. 4241, Deficit Reduction Act of 2005.

## Senate

### Chamber Action

*Routine Proceedings, pages S13067–S13146*

**Measures Introduced:** Twenty-four bills and four resolutions were introduced, as follows: S. 2028–2051, S. Res. 318–319, and S. Con. Res. 65–66. (See next issue.)

#### Measures Reported:

S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, with amendments. (S. Rept. No. 109–182)

S. 2029, to amend and enhance certain maritime programs of the Department of Transportation. (S. Rept. No. 109–183)

S. 1354, to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 1614, to extend the authorization of programs under the Higher Education Act of 1965, with an amendment in the nature of a substitute.

S. 1789, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, with an amendment in the nature of a substitute.

S. 1961, to extend and expand the Child Safety Pilot Program.

S. 2006, to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects, with amendments.

S. 2032, to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security. (See next issue.)

#### Measures Passed:

**Housing and Service Needs of Seniors:** Senate passed S. 705, to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, after agreeing to the committee amendment in the nature of a substitute. (See next issue.)

**Tax Relief Act:** By 64 yeas to 33 nays (Vote No. 347), Senate passed S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006, after taking action on the following amendments proposed thereto: **Pages S13072–S13145**

#### Adopted:

Grassley/Baucus Modified Amendment No. 2647, to provide an extension and increase in minimum tax relief to individuals. **Pages S13113–14**

Obama Amendment No. 2605, expressing the sense of the Senate that the Federal Emergency Management Agency should immediately address issues relating to no-bid contracting. **Pages S13090–92, S13124**

Nelson (NE)/DeWine Amendment No. 2625, to require the Secretary of the Treasury to establish a disability preference program for qualified tax collection contracts. **Pages S13120–21, S13130**

Dayton Amendment No. 2658, to provide valuation of employee personal use of noncommercial aircraft. **Page S13134**

Landrieu/Vitter Amendment No. 2669, to provide housing relief for individuals affected by Hurricane Katrina. **Pages S13134–35**

Craig/Rockefeller Amendment No. 2655, to express the sense of Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round. **Pages S13135–36**

Grassley/Baucus Amendment No. 2670, to make certain improvements to the bill. **Pages S13137**

Rejected:

Baucus (for Reid) Modified Amendment No. 2653, to amend the Internal Revenue Code of 1986 to extend through 2010 certain tax incentives for renewable energy production and energy efficient building construction. **Pages S13118–19, S13126, S13128**

Bingaman/Kerry Amendment No. 2642, to provide for a tax credit for offering employer-based health insurance coverage. **Pages S13120, S13129**

Durbin Amendment No. 2623, to reduce the tax on Patriot employers. **Pages S13120, S13129–30**

Snowe Amendment No. 2667, to impose withholding on certain payments made by government entities and to use the revenues collected to fund programs under the Low-Income Home Energy Assistance Act of 1981 through a trust fund. **Pages S13136–37**

Withdrawn:

Lincoln Amendment No. 2652, to modify the income threshold used to calculate the refundable portion of the child tax credit. **Pages S13127–28**

During consideration of this bill, Senate also took the following action:

By 44 yeas to 55 nays (Vote No. 330), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Conrad Amendment No. 2602, in the nature of a substitute. Subsequently, the Chair sustained a point of order that Conrad Amendment No. 2602, was not germane, and the amendment thus fell. **Pages S13072–80**

By 35 yeas to 64 nays (Vote No. 331), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Dorgan Amendment No. 2587, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer. Subsequently, the Chair sustained a point of order that Dorgan Amendment No. 2587, was not germane, and the amendment thus fell. **Pages S13101–02**

By 48 yeas to 51 nays (Vote No. 332), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feinstein Amendment No. 2609, to repeal certain tax benefits, relating to oil and gas wells intangible drilling and development costs. Subsequently, the Chair sustained a point of order that Feinstein Amendment No. 2609, was not germane, and the amendment thus fell. **Pages S13081–85 S13102**

By 40 yeas to 59 nays (Vote No. 333), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feinstein/Kerry Amendment No. 2610, to reinstate for millionaires a top individual income tax rate of 39.6 percent, the pre-May 2003 rates of tax on capital gains and dividends, and to repeal the reduction and termination of the phase out of personal exemptions and overall limitation on itemized deductions, until the Federal budget deficit is eliminated. Subsequently, the Chair sustained a point of order that Feinstein Amendment No. 2610, was not germane, and the amendment thus fell. **Pages S13081–85, S13089–90, S13102–03**

By 57 yeas to 42 nays (Vote No. 334), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Cantwell Amendment No. 2612, to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies. Subsequently, the Chair sustained a point of order that Cantwell Amendment No. 2612, was not germane, and the amendment thus fell. **Pages S13085–89, S13103–04**

By 51 yeas to 47 nays (Vote No. 335), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Lott Amendment No. 2633, to clarify treatment of outside income and expenses in the Senate. Subsequently, the Chair sustained a point of order that Lott Amendment No. 2633, was not germane, and the amendment thus fell. **Pages S13104–13, S13114–15, S13123**

By 53 yeas to 45 nays (Vote No. 336), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 313 (b)(1)(A) of the Congressional Budget Act of 1974, with respect to Grassley Amendment No. 2654, to express the sense of the Senate. Subsequently, the Chair sustained the point



of order that the amendment was in violation of the Byrd Rule, and the amendment thus fell.

**Pages S13123–24**

By 43 yeas to 55 nays (Vote No. 337), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Durbin Amendment No. 2596, to express the sense of the Senate concerning the provision of health care for children before providing tax cuts for the wealthy. Subsequently, the Chair sustained a point of order that Durbin Amendment No. 2596, was not germane, and the amendment thus fell.

**Page S13124**

By 36 yeas to 62 nays (Vote No. 338), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Kennedy/Landrieu Amendment No. 2588, to eliminate child poverty. Subsequently, the Chair sustained the point of order that Kennedy/Landrieu Amendment No. 2588, was not germane, and the amendment thus fell.

**Pages S13092–95, S13124–25**

By 50 yeas to 48 nays (Vote No. 339), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Reed Amendment No. 2626, to impose a temporary windfall profits tax on crude oil and to use the proceeds of the tax collected to fund programs under the Low-Income Energy Assistance Act of 1981 through a trust fund. Subsequently, the Chair sustained a point of order that Reed Amendment No. 2626, was not germane, and the amendment thus fell.

**Pages S13097–S13101, S13125–26**

By 50 yeas to 48 nays (Vote No. 340), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Feingold Amendment No. 2650, to fully reinstate the pay-as-you-go requirement through 2010. Subsequently, the Chair sustained the point of order that Feingold Amendment No. 2650 was not germane, and the amendment thus fell.

**Pages S13115–16, S13121–22, S13126–27**

Chair sustained a point of order against Sununu Amendment No. 2651, to repeal State and local taxation exemptions applicable to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, as being in violation of sections 305(b) and 310(e) of the Congressional Budget Act of 1974, and the amendment thus fell.

**Pages S13116, S13127**

By 33 yeas to 65 nays (Vote No. 341), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Schumer Amendment No. 2635, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds of the tax collected to provide a nonrefundable tax credit of \$100 for every personal exemption claimed for taxable years beginning in 2005. Subsequently, the Chair sustained the point of order that Schumer Amendment No. 2635 was not germane, and the amendment thus fell.

**Pages S13116–18, S13112, S13128**

By 51 yeas to 47 nays (Vote No. 342), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Nelson (FL) Amendment No. 2601, to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006. Subsequently, the Chair sustained the point of order that Nelson (FL) Amendment No. 2601, was not germane, and the amendment thus fell.

**Pages S13119, S13128–29**

By 43 yeas to 55 nays (Vote No. 343), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Boxer Amendment No. 2634, to provide an additional \$500,000,000 for each of fiscal years 2006 through 2010, to be used for readjustment counseling, related mental health services, and treatment and rehabilitative services for veterans with mental illness, post-traumatic stress disorder, or substance use disorder. Subsequently, the Chair sustained the point of order that Boxer Amendment No. 2634, was not germane, and the amendment thus fell.

**Pages S13130–31**

By 55 yeas to 43 nays (Vote No. 344), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive under section 305(b) of the Congressional Budget Act of 1974, with respect to Kerry/Obama Amendment No. 2616, to accelerate marriage penalty relief for the earned income tax credit, to extend the election to include combat pay in earned income, and to make modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004. Subsequently, the Chair sustained the point of order that Kerry/Obama Amendment No. 2616 was not germane, and the amendment thus fell.

**Pages S13131–32**

By 47 yeas to 51 nays (Vote No. 345), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Dayton Amendment No. 2629, to allow a refundable tax credit for the energy costs of farmers and ranchers, and to modify the foreign tax credit rules applicable to dual capacity taxpayers. Subsequently, the Chair sustained the point of order that Dayton Amendment No. 2629 was not germane, and the amendment thus fell.

Pages S13132–33

By 42 yeas to 56 nays (Vote No. 346), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive certain provisions of the Congressional Budget Act of 1974, with respect to Harkin/Obama Amendment No. 2665, to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions and to modify the income threshold used to calculate the refundable portion of the child tax credit. Subsequently, the Chair sustained the point of order that Harkin/Obama Amendment No. 2665, was not germane, and the amendment thus fell.

Pages S13133–34

**Wired For Health Care Quality Act:** Senate passed S. 1418, to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

(See next issue.)

Frist (for Enzi) Amendment No. 2671, in the nature of a substitute.

(See next issue.)

**Terrorism Risk Insurance Extension Act:** Senate passed S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

(See next issue.)

Frist (for Shelby) Amendment No. 2600, to make a modification.

(See next issue.)

**U.S.S. Carl Vinson:** Senate passed H.R. 4326, to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70), clearing the measure for the President.

(See next issue.)

**Continuing Resolution—Agreement:** A unanimous-consent agreement was reached providing that on Friday, November 18, 2005, Senate begin consideration of H.J. Res. 72, making further continuing appropriations for the fiscal year 2006; that Senator Harkin be recognized to offer an amendment rel-

evant to CSBG, and that there be 20 minutes of debate on the amendment; that following the use or yielding back of time, Senate vote on or in relation to the amendment, to be followed by a vote on final passage of the resolution.

(See next issue.)

**Treaties Approved:** The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24);

Convention Strengthening Inter-American Tuna Commission (Treaty Doc. 109–2); and

Convention Concerning Migratory Fish Stock in the Pacific Ocean (Treaty Doc. 109–1).

(See next issue.)

**Nominations Received:** Senate received the following nominations:

Dennis Bottorff, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2011.

William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2009.

Howard A. Thrailkill, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term prescribed by law.

Page S13146

**Messages From the House:** (See next issue.)

**Measures Referred:** (See next issue.)

**Enrolled Bills Presented:** (See next issue.)

**Executive Communications:** (See next issue.)

**Executive Reports of Committee:** (See next issue.)

**Additional Cosponsors:** (See next issue.)

**Statements on Introduced Bills/Resolutions:** (See next issue.)

**Additional Statements:** (See next issue.)

**Amendments Submitted:** (See next issue.)

**Notices of Hearings/Meetings:** (See next issue.)

**Authorities for Committees to Meet:** (See next issue.)

**Privileges of the Floor:** (See next issue.)

**Record Votes:** Eighteen record votes were taken today. (Total—347)

**Pages** S13080, S13101–04, S13123–29, S13131–34, S13145

**Recess:** Senate convened at 9:30 a.m., and recessed at 12:58 a.m., on Friday, November 17, 2005 and will reconvene at 8:15 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13146.)

## Committee Meetings

(Committees not listed did not meet)

### AVIAN INFLUENZA

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the role of United States agriculture in the control and eradication of avian influenza, focusing on the healthcare system, antiviral drugs, and enhancement of quarantine stations, after receiving testimony from Ron DeHaven, Administrator, Animal and Plant Health Inspection Service, Department of Agriculture; Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Donald Waldrip, Wayne Farms, LLC, Oakwood, Georgia, on behalf of the National Chicken Council; S.H. Kleven, University of Georgia College of Veterinary Medicine Poultry Diagnostic and Research Center, Athens; Gretta Irwin, Iowa Turkey Federation, Ames, on behalf of the National Turkey Federation.

### FINANCIAL PRODUCT SALES

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine a Government Accountability Office report on the sale of financial products to military personnel, focusing on actions needed to protect military members, after receiving testimony from Richard J. Hillman, Managing Director, Financial Markets and Community Investment, Government Accountability Office; John M. Molino, Deputy Under Secretary of Defense for Military Community and Family Policy; Lori Richards, Director, Office of Compliance Inspections and Examinations, U.S. Securities and Exchange Commission; John Oxendine, Georgia Commissioner of Insurance, Atlanta; and Mary Schapiro, National Association of Securities Dealers, Washington, D.C.

### AVIATION SAFETY

*Committee on Commerce, Science, and Transportation:* Subcommittee on Aviation concluded a hearing to examine the Federal Aviation Administration's efforts to maintain a high level of safety through a safety oversight system, after receiving testimony from Marion Blakey, Administrator, Federal Aviation Administra-

tion, and Kenneth Mead, Inspector General, both of the Department of Transportation; John S. Carr, National Air Traffic Controllers Association, Basil J. Barimo, Air Transport Association of America, Inc., and Robert Roach, Jr., International Association of Machinists and Aerospace Workers, all of Washington, D.C.; and Christian A. Klein, Aeronautical Repair Station Association, Alexandria, Virginia.

### BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the following business items:

S. 1110, to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable, proposed Polar Bear Treaty, with amendments;

S. 2013, to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population;

S. 1052, to improve transportation security, with an amendment in the nature of a substitute;

S. 65, to amend the age restrictions for pilots, with an amendment in the nature of a substitute;

S. 1102, to extend the aviation war risk insurance program for 3 years;

S. 517, to establish a Weather Modification Operations and Research Board, with an amendment in the nature of a substitute;

S. 687, to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, with an amendment in the nature of a substitute; and

The nominations of William E. Kovacic, of Virginia, J. Thomas Rosch, of California, each to be a Federal Trade Commissioner, and a Coast Guard Promotion List.

### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, with an amendment;

S. 1165, to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, with an amendment;

S. 2006, to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects, with an amendment;

S. 1708, to modify requirements relating to the authority of the Administrator of General Services to

enter into emergency leases during major disasters and other emergencies; and

S. 2015, to provide a site for construction of a national health museum.

### NEW ORLEANS' LEVEES

*Committee on Environment and Public Works:* Committee concluded a hearing to examine the degree to which the preliminary findings on the failure of the levees are being incorporated into the restoration of hurricane protection, after receiving testimony from Daniel H. Hitchings, Regional Business Director, Mississippi Valley Division, U.S. Army Corps of Engineers, Department of the Army; Thomas F. Zimmie, Rensselaer Polytechnic Institute Environmental Engineering Department, Troy, New York, on behalf of National Science Foundation Investigative Team; Sherwood Gagliano, Coastal Environments, Inc., and Joseph N. Suhayda, Louisiana State University, both of Baton Rouge, Louisiana; Larry Roth, American Society of Civil Engineers, Washington, D.C.; and Robert R.M. Verchick, Loyola University Law School, New Orleans, Louisiana.

### AFRICAN ORGANIZATIONS

*Committee on Foreign Relations:* Subcommittee on African Affairs concluded a hearing to examine cross-continental progress relating to African organizations and institutions, focusing on the African Union and African sub-regional organizations to advance freedom, peace, and prosperity in Africa, after receiving testimony from Jendayi E. Frazer, Assistant Secretary of State for African Affairs; Lloyd O. Pierson, Assistant Administrator for Africa, U.S. Agency for International Development; and Victoria K. Holt, The Henry L. Stimson Center, and Jennifer G. Cooke, Center for Strategic and International Studies, both of Washington, D.C.

### NATIONAL SECURITY PERSONNEL SYSTEM

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine regulations for the National Security Personnel System, focusing on the Department of Defense in partnership with the Office of Personnel Management, the establishment of a new civilian human resources management system to support the U.S. critical national security mission, after receiving testimony from Gordon R. England, Acting Deputy Secretary of Defense; Brad Bunn, Deputy Program Executive Officer, National Security Personnel System; Linda M. Springer, Director, and George Nesterchuk, Senior Advisor on Department of Defense, both of the Office of Personnel Management; David M. Walker, Comptroller General of the United States, Government Accountability Office; John Gage, American Federation of Government Employees, AFL-CIO, on

behalf of the United Department of Defense Workers Coalition, and Ronald Ault, Metal Trades Department, AFL-CIO, both of Washington, D.C.; Dan Schember, Association of Civilian Technicians, Lake Ridge, Virginia; and Michael B. Styles, Alexandria, Virginia.

### TRIBAL LOBBYING MATTERS

*Committee on Indian Affairs:* Committee continued oversight hearings to examine In Re Tribal Lobbying Matters, Et Al, focusing on lobbying fraud, receiving testimony from Italia Federici, Council of Republicans for Environmental Advocacy, Washington, D.C.

Hearing recessed subject to the call.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 1789, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, with an amendment in the nature of a substitute;

S. 1961, to extend and expand the Child Safety Pilot Program;

S. 1354, to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; and

The nominations of Joseph Frank Bianco, to be United States District Judge for the Eastern District of New York, Timothy Mark Burgess, to be United States District Judge for the District of Alaska, Gregory F. Van Tatenhove, to be United States District Judge for the Eastern District of Kentucky, Eric Nicholas Vitaliano, to be United States District Judge for the Eastern District of New York, Kristi Dubose, of Alabama, to be United States District Judge for the Southern District of Alabama, W. Keith Watkins, of Alabama, to be United States District Judge for the Middle District of Alabama, Virginia Mary Kendall, of Illinois, to be United States District Judge for the Northern District of Illinois, Emilio T. Gonzalez, of Florida, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security, and Catherine Lucille Hanaway, to be United States Attorney for the Eastern District of Missouri, Department of Justice.

### FUTURE ASBESTOS CLAIMS

*Committee on the Judiciary:* Committee concluded a hearing to examine recent developments in assessing

future asbestos claims under the FAIR Act, and S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, after receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office; Charles E. Bates, Bates White, LLC, and Laura Welch, Center to Protect Workers Rights, both of Washington, D.C.; Mark A. Peterson, Legal Analysis Systems, Thousand Oaks, California; Mark Lederer, Manville Personal Injury Settlement Trust, Katonah, New York; and Denis Neumann Martin, National Economic Research Associates Consulting, New York, New York.

## NOMINATION

*Select Committee on Intelligence:* Committee ordered favorably reported the nomination of Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence.

Prior to this action, committee concluded a closed hearing to examine the nomination of Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence, after the nominee testified and answered questions in his own behalf.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** Will be in the next issue of the Record. (See next issue.)

**Additional Cosponsors:** (See next issue.)

**Reports Filed:** Reports were filed today as follows:

H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, with an amendment (H. Rept. 109–304);

H.R. 3889, to further regulate and punish illicit conduct relating to methamphetamine, with amendments (H. Rept. 109–299, Pt. 2);

Conference report on H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–305); and

H. Res. 563, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–306). (See next issue.)

**Chaplain:** The prayer was offered today by Rev. Paul C. Granillo, Director of Communications, Diocese of San Bernardino, California. **Page H10505**

**Suspensions:** The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, November 16th:

*Recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19:* H. Res. 500, amended, to Recognize the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bomb-

ers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19, by a ye-and-nay vote of 420 yeas to 2 nays, Roll No. 597. **Pages H10516–17**

**Further Continuing Appropriations for the Fiscal Year 2006:** The House agreed to H.J. Res. 72, making further continuing appropriations for the fiscal year 2006, by a ye and nay vote of 413 yeas to 16 nays, Roll No. 599. **Pages H10508–12, H10517–18, H10530–31**

H. Res. 558, the rule providing for consideration of the bill was agreed to by a ye-and-nay vote of 407 yeas to 21 nays, Roll No. 595.

**Pages H10508–09, H10514–15**

**Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006:** The House failed to agree to the conference report on H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, by a ye-and-nay vote of 209 yeas to 224 nays, Roll No. 598. **Pages H10512–16, H10518–30**

H. Res. 559, the rule providing for consideration of the bill was agreed to by a ye-and-nay vote of 244 yeas to 185 nays, Roll No. 596, after agreeing to order the previous question by voice vote.

**Pages H10502, H10515–16**

The House agreed to the motion to insist on its disagreement to the Senate amendment on H.R. 3010, by voice vote. **Page H10531**

**Recess:** The House recessed at 2:31 p.m. and reconvened at 8:18 p.m. **Page H10531**

A point of order was raised against the consideration of the resolution (H. Res. 560) and it was

agreed to proceed with consideration by a yea-and-nay vote of 224 yeas to 198 nays, Roll No. 600.

Pages H10531–34

**Deficit Reduction Act of 2005:** The House passed H.R. 4241, to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, by a recorded vote of 217 ayes to 215 noes, Roll No. 601. Pages H10531–34, (continued next issue.)

Agreed by unanimous consent that staff be authorized to make technical and conforming corrections to the text of H.R. 4241, as passed by the House. (See next issue.)

Agreed by unanimous consent to Mr. Nussle's motion to strike all after the enacting clause of S. 1932, and insert in lieu thereof the provisions of H.R. 4241 as passed by the House. (See next issue.)

H. Res. 560, the rule providing for consideration of the bill was agreed to, after agreeing to order the previous question and the Putnam amendment by voice vote. (See next issue.)

**Suspensions:** The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, November 16th:

*Condemning in the strongest terms the terrorist attacks that occurred on November 9, 2005, in Amman, Jordan:* H. Res. 546, amended, to condemn in the strongest terms the terrorist attacks that occurred on November 9, 2005, in Amman, Jordan, by a yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 602. (See next issue.)

**To direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall:** The House agreed by unanimous consent to H.R. 4145, amended, to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall. (See next issue.)

**Senate Message:** Messages received from the Senate today appear on page H10505.

**Senate Referrals:** S. 206, S. 213, S. 251, S. 652, S. 761, S. 777, S. 819, S. 891, S. 895, S. 958, S. 1154, S. 1338, and S. 1627 were referred to the Committee on Resources; S. 485, S. 584, S. 695, S. 1238 were held at the desk and S. 705 was referred to the Committees on Financial Services and Education and the Workforce. (See next issue.)

**Quorum Calls—Votes:** Seven yea-and-nay votes and one recorded vote developed during the proceedings today and appear on pages H10514–15, H10515–16, H10516–17, H10529–30, H10530–31, H10533–34, continued in next issue. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 2:25 a.m. stands in recess subject to the call of the chair.

## Committee Meetings

### COMBATING METHAMPHETAMINES

*Committee on Education and the Workforce:* Subcommittee on Education Reform held a hearing on Combating Methamphetamines through Prevention and Education. Testimony was heard from Representatives Souder and Hooley; Robert Denniston, Director, National Youth Anti-Drug Media Campaign, Office of National Drug Control Policy; and public witnesses.

### MEDICATE PHYSICIAN PAYMENT

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled "Medicare Physician Payment: How to Build a More Efficient Payment System." Testimony was heard from Mark B. McClellan, M.D. Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Glen Hackbarth, Chairman, Medicare Payment Advisory Commission; and public witnesses.

### THOROUGHBRED HORSE RACING JOCKEYS AND WORKERS

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled "Thoroughbred Horse Racing Jockeys and Workers: Examining On-Track Injury Insurance and Other Health and Welfare Issues." Testimony was heard from public witnesses.

### LOUISIANA RECOVERY CORPORATION ACT

*Committee on Financial Services:* Held a hearing on H.R. 4100, Louisiana Recovery Corporation Act. Testimony was heard from the following officials of the State of Louisiana: John T. Schedler, member, State Senate; Juan A. LaFonta, member, State House; C. Ray Nagin, Mayor and John Batt, member, City Council, both with the City of New Orleans; and a public witness.

### SELF-REGULATORY ORGANIZATIONS

*Committee on Financial Institutions:* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Self-Regulatory Organizations: Exploring the Need for Reform." Testimony was heard from public witnesses.



**FEDERAL FINANCIAL MANAGEMENT**

*Committee on Government Reform:* Subcommittee on Government Management, Finance and Accountability held a hearing entitled “15 Years of the CFO Act—What is the Current State of Federal Financial Management?” Testimony was heard from Linda Combs, Controller, Office of Federal Financial Management, OMB; and Jeffrey C. Steinhoff, Managing Director, Financial Management and Assurance, GAO.

**BORDER SECURITY AND TERRORISM PREVENTION ACT OF 2005**

*Committee on Homeland Security:* Ordered reported, as amended, H.R. 4312, Border Security and Terrorism Prevention Act of 2005.

**TERRORISM RISK ASSESSMENT**

*Committee on Homeland Security:* Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled “Terrorism Risk Assessment at the Department of Homeland Security.” Testimony was heard from Melissa Smislova, Acting Director, Homeland Infrastructure Threat and Risk Analysis Center and Assistant Secretary, Intelligence and Analysis—Chief Intelligence Officer, Department of Homeland Security; and public witnesses.

**WESTERN SAHARA STATUS**

*Committee on International Relations:* Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Getting to Yes: Resolving the 30-Year Conflict over the Status of Western Sahara. Testimony was heard from Senator Inhofe, Representative Lincoln Diaz-Balart of Florida; Gordon Gray, Deputy Assistant Secretary, Bureau for Near Eastern Affairs, Department of State; and public witnesses.

**DEMOCRACY IN VENEZUELA**

*Committee on International Relations:* Subcommittee on the Western Hemisphere held a hearing on Democracy in Venezuela. Testimony was heard from Thomas A. Shannon, Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; and public witnesses.

**OVERSIGHT—U.S.-MEXICO BORDER**

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Immigration, Border Security, and Claims held a joint oversight hearing on Weak Bilateral Law Enforcement Presence at the U.S.-Mexico Border: Territorial Integrity and Safety Issues for American Citizens. Testimony was heard from Chris Swecker, Assistant Director, Criminal Investigative

Division, FBI, Department of Justice; the following officials of the Department of Homeland Security: William Reid, Acting Assistant Director, Office of Investigations, U.S. Immigration and Customs Enforcement; and Rey Garza, Deputy Chief Patrol Agent, U.S. Customs and Border Protection; and a public witness.

**HOW ILLEGAL IMMIGRATION IMPACTS CONSTITUENCIES**

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security, and Claims continued oversight hearings entitled “How Illegal Immigration Impacts Constituencies: Perspectives from Members of Congress, (Part II).” Testimony was heard from Representatives Kingston, Blackburn, Carter and Lewis of Georgia

**NEPA**

*Committee on Resources:* NEPA Task Force held a hearing on NEPA: Lessons Learned and Next Steps. Testimony was heard from James L. Connaughton, Chairman, Council on Environmental Quality; and public witnesses.

**OUTER CONTINENTAL SHELF NATURAL GAS RELIEF ACT**

*Committee on Resources:* Subcommittee on Energy and Mineral Resources held a hearing on the Outer Continental Shelf Natural Gas Relief Act. Testimony was heard from public witnesses.

**OVERSIGHT—COMBAT ILLEGAL DRUG FARMS IN NATIONAL PARKS**

*Committee on Resources:* Subcommittee on National Parks held an oversight hearing on the National Parks Service's Efforts to Combat the Growth of Illegal Drug Farms in National Parks. Testimony was heard from Karen Taylor-Goodrich, Associate Director, Visitor and Resource Protection, National Park Service, Department of the Interior; and public witnesses.

**SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE**

*Committee on Rules:* Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of November 18, 2005, providing for consideration or disposition of any of the following measures: (1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon. (2) A conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for

other purposes. (3) A bill or joint resolution relating to flood insurance. (4) A bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

#### NANOTECHNOLOGY

*Committee on Science:* Held a hearing on Environmental and Safety Impacts of Nanotechnology: What Research is Needed? Testimony was heard from David Rejeski, Director, Project on Emerging Nanotechnologies, Woodrow Wilson International Center for Scholars, The Smithsonian Institution; and public witnesses.

#### PASSPORTS TO AND FROM CANADA

*Committee on Small Business:* Held a hearing on Building a Wall Between Friends: Passports to and from Canada? Testimony was heard from Representative Slaughter; and public witnesses.

#### BRIEFING—GLOBAL UPDATES/HOTSPOTS

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

### *Joint Meetings*

#### APPROPRIATIONS: MILITARY CONSTRUCTION AND VETERANS AFFAIRS

*Conferees* agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2528, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006.

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#### COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 18, 2005

*(Committee meetings are open unless otherwise indicated)*

##### Senate

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the future of science, 10 a.m., SD-562.

##### House

*Committee on Ways and Means,* to mark up H.R. 4340, United States-Bahrain Free Trade Agreement Implementation Act, 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

9 a.m., Friday, November 18

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, November 18

## Senate Chamber

**Program for Friday:** Senate will begin consideration of H.J. Res. 72, Continuing Resolution, with votes to occur on a Harkin amendment to be proposed thereto and final passage of the measure. Also, Senate expects to consider any other legislative and executive business, including any appropriation conference reports, when available.

## House Chamber

**Program for Friday:** To be announced.

## Extensions of Remarks, as inserted in this issue

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*(Senate and House proceedings for today will be continued in the next issue of the Record.)*



# Congressional Record

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