

## EXECUTIVE CALENDAR

## NOMINATION DISCHARGED

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the nomination of George McDade Staples, PN 1361, be discharged from the Foreign Relations Committee and placed on the calendar.

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

## ORDERS FOR THURSDAY, MAY 11, 2005

Mr. FRIST. Mr. President, when the Senate completes its business today, I ask unanimous consent that it stand in adjournment until 9:30 a.m. on Thursday, May 11. I further ask that, following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to the conference report to accompany H.R. 4297, the Tax Relief Extension Reconciliation Act, as under the previous order.

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

## PROGRAM

Mr. FRIST. Mr. President, tomorrow we will turn to the tax reconciliation conference report under the agreement reached. There will be a maximum of 8 hours of debate prior to a vote on the conference report. I filed cloture on the pending substitute amendment to S. 1955, the small business health plan bill. That vote will occur following the tax relief act vote and sometime before closing remarks.

## ORDER FOR ADJOURNMENT

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.

Mr. DURBIN. Mr. President, I ask the majority leader if he would give me the option to make a closing statement, and that the Senate adjourn after that option is given.

Mr. FRIST. I have no objection to that.

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

The Senator from Illinois is recognized.

## HEALTH CARE

Mr. DURBIN. Mr. President, what we have just seen happen is not surprising, but it is disappointing. Health Care Week has come to an end in the Senate on Wednesday evening. We have decided we don't have the time, interest, or inclination to take up other issues. It is a take-it-or-leave-it situation. If we do not accept the Enzi bill, S. 1955,

now pending, nothing will be done on health care in the Senate.

It is no wonder to me the American people are cynical about this process. There are so many things we need to do. We are 5 days away from the deadline on Medicare prescription Part D. My best estimate is 50 percent of the people we had hoped would enroll have not done it. They are going to be penalized on May 15 up to 7 percent a year on their premium costs for the rest of their life. We have asked for an extension of time so they can make a choice. We have asked for an extension of time so seniors who have chosen the wrong plan can choose another plan without penalty. Those are not unreasonable. We ask for extensions for people who file income tax without questions asked. To give an extension to an elderly person struggling with 45 different choices for the right prescription drug program is not unreasonable. It would be compassionate. It is the decision of the Senate Republican leadership that we don't have the time or inclination to take up that issue.

I just asked the majority leader: What about stem cell research? Last July, he pledged support for stem cell research. The writing is on the wall: Another year will go by, and this Senate will not go on record on stem cell research.

While millions of Americans and their families are suffering from diseases that could be directly impacted by this research, the Senate doesn't have the time or the inclination to take up this issue. Is it any wonder that people are angry with the Congress as it is presently being conducted? Is it any wonder people are calling for significant change, not only in the direction of this country but in the policies we follow on Capitol Hill? We are going to break our necks to bring up a tax bill before we leave this week to give tax benefits and tax cuts to the wealthiest people in America. We have to get that done, but we don't have time to bring up stem cell research which could give hope and promise for cures and relief to millions of American families?

Where are our priorities? The priorities of this Republican-led Congress are priorities that do not reflect where America is today. The motions we have just heard do not reflect that. To suggest that we don't have time, for example, to even consider the reimportation of drugs so that people struggling with fixed incomes can afford the drugs they need to stay independent, be strong, stay alive—we don't have time for that. No, we have to get on to a tax cut—a tax cut. Let me tell you what the tax cut is.

The tax cut which the Republicans want to force through here before we leave this week—we have to break all records to make sure we get this done—is a tax cut that will mean for people making less than \$75,000 a year about on average \$100 in tax relief. The good old \$100 check is coming back at

you, America, if you make less than \$75,000 a year; that is your tax cut; be prepared, party on. But if you happen to be making \$1 million a year, well, that is another story. This Republican tax cut, which they just have to have, means about \$42,000 less in taxes paid by someone making \$1 million a year.

No time for drugs imported from Canada for people on fixed incomes who can't afford what they need to stay alive, no time for stem cell research for the millions of families counting on us to push forward on medical research to find cures and relief, no time to deal with Medicare prescription Part D when 7 or 8 million Americans, senior citizens, are about to face penalties in 5 days, no time for that, but plenty of time for tax cuts. It tells the story. No wonder the people across this country and even 30 of the Republicans are saying it is time for a change on Capitol Hill. It is time for new leadership, new direction, and new values. If this is the best we can do, to come up with a tax cut for the wealthiest people in America and ignore the real needs of small business and the elderly, to ignore the real needs of those who are fighting for medical research to give them hope to live another day, it is a sad outcome.

I started this day by praising Senator ENZI and I will end it by doing the same. I respect him. I admire him. He brought an issue to the floor that is a tough one—health care in America. And this debate is long overdue. We have been waiting a long time to address an issue that troubles families and businesses across this Nation. I thank Senator ENZI for his leadership in bringing this to the floor. But I have to tell you, what has happened today procedurally on the floor gives no credit to that effort by Senator ENZI. Shutting down amendments, not even giving us a moment to raise these important issues, even with limited time and limited debate, is unfair. And what a contrast. What a contrast to the immigration bill where the Senator from Tennessee, the Republican majority leader, has argued that we need every possible amendment to be considered before it comes to a conclusion. Wide open; let everybody bring what they want, whether they are for the bill or against it. But when it comes to health care, when it comes to what counts, this man, who has made medicine his profession and his life before he came to the Senate, does not give us an opportunity to go into the issues that are so important to people across America. It is a sad outcome for America, it is a sad outcome for the Senate. This Senate appears to be not only risk averse but work averse, and that is a shame. It is time for a change.

Mr. President, I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:30 p.m., adjourned until Thursday, May 11, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 2006:

THE JUDICIARY

NEIL M. GORSUCH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE DAVID M. EBEL, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JACK C. STULTZ, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL E. BELCHER, 0000  
 JAMES COBELL III, 0000  
 DAVID A. PAULK, 0000  
 DAVID J. RANDLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SHAWN M. CALLAHAN, 0000  
 ROSEMARIE J. CONN, 0000  
 ROBIN L. CSUTI, 0000  
 SANDRA K. HAIDVOGEL, 0000  
 PATRICIA B. MOORE, 0000  
 KAREN J. VIGNERON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PATRICK G. BYRNE, 0000  
 MAXIE Y. DAVIS, 0000  
 JUDIE A. HEINEMAN, 0000  
 SYNTHIA S. JONES, 0000  
 JOSEPH J. KINDER, 0000  
 MARK T. KOHLHEIM, 0000  
 JEFFREY P. LINK, 0000  
 NANCY A. NORTON, 0000  
 JOHN L. PAGONA, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS M. BORNO III, 0000  
 DANIEL J. CUFF, 0000  
 MARTIN W. DEPPE, 0000  
 SHANE G. GAHAGAN, 0000  
 ANDREW G. HARTIGAN, 0000  
 PAUL J. OVERSTREET, 0000  
 ROBERT S. ROOF, 0000  
 PAUL A. SOHL, 0000  
 ARTHUR M. STERRETT, JR., 0000  
 ERIC J. WATKISS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LEONARD M. ABBATIello, 0000  
 RAY A. CROSS, 0000  
 BRENT J. GRIFFIN, 0000  
 DOUGLAS J. GROSSMANN, 0000  
 BRETT C. HEIMBIGNER, 0000  
 JERRY L. JACOBSON, 0000  
 ERIC V. KRISTIN, 0000  
 BRUCE F. LOVELESS, 0000  
 ROBERT RUPP, 0000  
 JOHN B. STUBBS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN J. ASHWORTH, 0000  
 CARL A. BARKSDALE, 0000  
 RICHARD P. BODZIAK, 0000  
 JAMES E. BROKAW, 0000  
 CONNIE L. FRIZZELL, 0000  
 DIANE K. GRONEWOLD, 0000  
 GREGORY J. HAWS, 0000  
 KATHRYN M. K. HELMS, 0000  
 WILLIE L. METTS, 0000  
 ROY S. PETTY, 0000  
 EUGENE P. POTENTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

FRANK A. ARATA, 0000  
 CHARLES E. BAKER, JR., 0000  
 DAVID T. BISHOP, JR., 0000  
 MARK BRIDENSTINE, 0000  
 RONALD E. COOK, 0000  
 CHARLES A. DAVIS, 0000  
 ALEXANDER S. DESROCHES, 0000  
 JAMES P. DOWNEY, 0000  
 BRIAN B. GANNON, 0000  
 JON A. HILL, 0000  
 LLOYD H. JONES, 0000  
 TIMOTHY J. KELLY, 0000  
 WILLIAM C. KIESTLER, 0000  
 WARREN P. LUNDBLAD, 0000  
 PETER C. LYLE, 0000  
 TIMOTHY S. MATTINGLY, 0000  
 STEVE J. MCPHILLIPS, 0000  
 CHRIS D. MEYER, 0000  
 DAVID B. OSGOOD, 0000  
 PER E. PROVENCHER, 0000  
 JEFFERY S. RIEDEL, 0000  
 CHRISTOPHER D. SCOFIELD, 0000  
 FRANK A. SIMEL, JR., 0000  
 GEORGE M. SUTTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN W. V. AILES, 0000  
 HENRY D. ANGELINO, JR., 0000  
 JAMES N. BARATTA, 0000  
 ROBERT C. BARWIS, 0000  
 JOSEPH A. BAUKNECHT, 0000  
 JOSEPH W. BEADLES, 0000  
 JAMES R. BEAMISH, JR., 0000  
 MATTHEW S. BEAVER, 0000  
 JOSEPH J. BEEL, 0000  
 DON E. BERRY, JR., 0000  
 STEVEN H. BLAISDELL, 0000  
 GARY M. B. BOARDMAN, 0000  
 PATRICK J. BOHAN, 0000  
 GAIL M. BOVY, 0000  
 LAURENT C. BOWHERS, JR., 0000  
 LAURELL A. BRAULT, 0000  
 JOHN Y. BRAUNSCHEWIG, 0000  
 DENNIS M. BROOKS, 0000  
 RICHARD A. BROWN, 0000  
 JAMES P. BUCKLEY, 0000  
 THOM W. BURKE, 0000  
 BABBETTE B. BUSH, 0000  
 PATRICK W. BUTLER, 0000  
 ANDREW A. BUTTERFIELD, 0000  
 JAMES S. BYNUM, 0000  
 EDWARD J. CAMPBELL, 0000  
 DOUGLAS D. CARSTEN, 0000  
 MATTHEW J. CARTER, 0000  
 JAMES R. CASTLETON, 0000  
 DARYL L. CAUDLE, 0000  
 GARD J. CLARK, 0000  
 PETER J. CLARKE, 0000  
 PATRICK R. CLEARY III, 0000  
 JEFFREY W. CONNOR, 0000  
 ROBERT E. CONWAY, 0000  
 JEFFREY S. CORAN, 0000  
 MICHAEL J. CORRIGAN, 0000  
 MICHAEL J. COUCH, 0000  
 MICHAEL J. COURY, 0000  
 JAMES T. COX, 0000  
 KYLE J. COZAD, 0000  
 RANDY B. CRITES, 0000  
 ANDREW F. CULLY, 0000  
 JAMES J. CUNHA, 0000  
 GREGORY P. CURTH, 0000  
 DOUGLAS L. CUTHBERT, 0000  
 ANGELA W. CYRUS, 0000  
 TODD H. DEGHEITTO, 0000  
 CHARLES C. DENMAN II, 0000  
 MARC W. DENNO, 0000  
 STANTON W. DIETRICH, 0000  
 JEFFREY A. DODSON, 0000  
 DANIEL M. DONOVAN, 0000  
 SCOTT D. DUEKER, 0000  
 RICHARD J. EASON, 0000  
 STEWART G. ELLIOTT, 0000  
 CHARLES G. EMMERT, 0000  
 GEORGE T. FADOK, JR., 0000  
 THOMAS J. FASANELLO, JR., 0000  
 JOHN M. FIGUERES, 0000  
 HAROLD T. FINK, 0000  
 DAVID T. FISHER, 0000  
 RICHARD T. FITTE, 0000  
 WILLIAM A. FITZGERALD, 0000  
 MICHAEL J. FITZPATRICK, 0000  
 STEPHEN R. FOLYER, 0000  
 LISA M. FRANCHETTI, 0000  
 JEFFREY D. FREDERICK, 0000  
 DALE G. FULLER, 0000  
 LARRY S. GAGE, 0000  
 ERIC W. GARDNER, 0000  
 BRETT J. GENDLE, 0000  
 RONALD M. GERD, JR., 0000  
 CHARLES M. GIBSON III, 0000  
 BAXTER A. GOODLY, 0000  
 HOLLY A. GRAF, 0000  
 MICHAEL R. GRAHAM, 0000  
 PAUL A. HAAS, 0000  
 HERBERT M. HADLEY, 0000  
 DAVID J. HAHN, 0000  
 RICHARD J. HALE, 0000  
 THOMAS V. HALEY, JR., 0000  
 CATHERINE T. HANFT, 0000  
 PETER H. HANLON, 0000  
 MARKUS K. HANNAN, 0000  
 GENE F. HARR, 0000  
 EDWARD J. HARRINGTON, 0000  
 WAYNE J. HARRISON, 0000  
 TROY L. HART, 0000  
 EDWARD L. HASELL, 0000  
 JAMES D. HAUGEN, 0000  
 MIKE A. HAUMER, 0000  
 JOHN A. HEFTI, 0000  
 WILLIAM K. HENDERSON, 0000  
 ROGER H. HENZE, 0000  
 DAVID J. HERMAN, 0000  
 DIXON K. HICKS, 0000  
 MICHAEL S. HILL, 0000  
 MARCUS A. HITCHCOCK, 0000  
 DONALD D. HODGE, 0000  
 BRENDA M. HOLDENER, 0000  
 CHARLES T. HOLLINGSWORTH, 0000  
 STEVEN W. HOLMES, 0000  
 DALE E. HORAN, 0000  
 JEFFERY W. HOYLE, 0000  
 MARK A. HUBBARD, 0000  
 AARON C. JACOBS, 0000  
 PETER H. JEFFERSON, 0000  
 WILLIAM J. JENSEN, 0000  
 KEVIN R. JOHNSON, 0000  
 WILLIAM C. JOHNSON, 0000  
 DORIAN F. JONES, 0000  
 CHRISTOPHER J. KAISER, 0000  
 ROY J. KELLEY, 0000  
 STEVEN M. KELLY, 0000  
 KEVIN M. KENNEY, 0000  
 COLIN J. KILRAIN, 0000  
 ROY I. KITCHENER, 0000  
 JAMES R. KNAPP, 0000  
 ALEXANDER L. KRONGARD, 0000  
 STEPHEN C. KROTOW, 0000  
 ANTHONY L. KRUEGER, 0000  
 DAVID J. LANDESS, 0000  
 EDWARD D. LANGFORD, 0000  
 JOHN T. LAUBER III, 0000  
 WILLIAM L. LAWLER, JR., 0000  
 ROBERT G. LEBERREY, JR., 0000  
 JAMES T. LOEBLEIN, 0000  
 MATTHEW E. LOUGHLIN, 0000  
 JOHN P. LUSSIER, 0000  
 ANTHONY E. MARTIN, 0000  
 FRANCIS X. MARTIN, 0000  
 RICK A. MAY, 0000  
 THOMAS J. MCDONOUGH, JR., 0000  
 DAVID M. MCDUFFIE, 0000  
 DOUGLAS A. MCCOWEN, 0000  
 PAUL F. MCHALE, 0000  
 STEPHEN P. MCINERNEY, 0000  
 DANIEL T. MCNAMARA, 0000  
 THERESA O. MELCHER, 0000  
 DENNIS C. MIKESKA, 0000  
 JOHN MILEY, 0000  
 JOHN W. MOORE, 0000  
 WILL M. MOORE, JR., 0000  
 DAVID J. MORGAN, 0000  
 WILLIAM F. MORGAN, 0000  
 THOMAS M. NELSON, 0000  
 STEVEN G. NELSON, 0000  
 DONALD E. NEUBERT, JR., 0000  
 JACK S. NOEL II, 0000  
 JOHN P. NOLAN, 0000  
 WILLIAM J. NOLAN, 0000  
 THOMAS E. NOSENZO, 0000  
 JOHN S. ONEILL, 0000  
 HAMLIN R. ORTIZMARTY, 0000  
 GREGORY M. OTT, 0000  
 MICHAEL J. OTTINGER, 0000  
 TIM P. PANGONAS, 0000  
 ERIC A. PATTEN, 0000  
 ANDREW T. PAUL, 0000  
 TIMOTHY C. PEDERSEN, 0000  
 JOHN S. PERRY, JR., 0000  
 STEVEN L. PETTIT, 0000  
 PATRICK A. PIERCEY, 0000  
 RANDOLPH F. PIERSON, 0000  
 EVAN B. PIRITZ, 0000  
 PAUL S. POSEY, 0000  
 CLARK T. PRICE, JR., 0000  
 DAVID R. PRICE, 0000  
 ROBERT S. PROSPERI, 0000  
 HUMBERTO L. QUINTANILLA, 0000  
 ROBERT W. RACOOSIN, 0000  
 RICHARD A. RAINER, JR., 0000  
 ROBERT D. RANDALL, JR., 0000  
 CHARLES S. RAUCH, 0000  
 THERESA M. REA, 0000  
 RONALD REIS, 0000  
 BRETT A. REISSENER, 0000  
 EDWIN J. RUFF, JR., 0000  
 BRADLEY S. RUSSELL, 0000  
 MICHAEL B. RYAN, 0000  
 DAVID A. SCHNELL, 0000  
 JOHN D. SCHOENECK, 0000  
 GARY R. SCHRAM, 0000  
 DAVID D. SCHWEIZER, 0000  
 GREGG G. SEARS, 0000  
 KENNETH E. SELIGA, 0000  
 PAUL J. SEVERUS, 0000  
 JAMES R. SHOAF, 0000  
 PAUL A. SKARPNES, 0000  
 THOMAS A. SLAIS, JR., 0000  
 ERIC S. SLEZAK, 0000  
 MICHAEL J. SLOTSKY, 0000  
 JEFFERY C. SMITH, 0000  
 DAVID A. SOLMS, 0000  
 THOMAS P. STANLEY, 0000  
 TROY A. STONER, 0000  
 CHARLES L. STUPPARD, 0000  
 ANTHONY W. SWAIN, 0000  
 DAVID R. SWAIN, 0000  
 ROBERT C. SWALLOW, 0000  
 KENNETH J. SZCZUBLEWSKI, 0000