The result was announced—yeas 51, nays 44, as follows:

[Roll Call Vote No. 160 Leg.]

YEAS—51

Akaka    Dorgan    Mikulski
Baucus    Durbin    Murray
Bayh    Feinstein    Nelson (FL)
Biden    Harkin    Nelson (NE)
Bingaman    Inouye    Obama
Boxer    Kennedy    Reed
Brown    Kerry    Reid
Byrd    Kl mobuchar    Reid
Cantwell    Kohl    Salazar
Cardin    Landrieu    Sanders
Carpenter    Lautenberg    Schumer
Casey    Leahy    Snowe
Clinton    Levin    Stabenow
Culmene    Lieberman    Tester
Collins    Lieberblatt    Webb
Conrad    McCaskill    Whitehouse
Dodd    Menendez    Wyden

NAYS—44

Alexander    Domenci    Martinez
Allard    Ensign    McConnell
Bennett    Enzi    Murkowski
Bond    Feingold    Roberts
Brownback    Graham    Sessions
Bunning    Grassley    Shelby
Burr    Gregg    Smith
Chambliss    Hagel    Specter
Collin    Hatch    Stevens
Cochran    Hatchison    Stevens
Corzine    Inhofe    Sununu
Craig    Ky    Thune
DeMint    Lott    Voinovich
Dole    Lugar    Warner

NOT VOTING—5

Crapo    McCain    Vitter
Johnson    Rockefellor

The motion was agreed to.

The PRESIDING OFFICER. The motion to instruct. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Roll Call Vote No. 161 Leg.]

YEAS—44

Alexander    DeMint    Lugar
Allard    Dole    Martines
Bennett    Domenici    Martines
Bond    Ensign    McConnell
Brownback    Enzi    Murkowski
Bunning    Graham    Sessions
Burr    Grassley    Shelby
Chambliss    Hagel    Smith
Collin    Hatch    Specter
Cochran    Hatchison    Stevens
Corzine    Inhofe    Sununu
Craig    Ky    Thune
DeMint    Lott    Voinovich
Dole    Lugar    Warner

NAYS—51

Akaka    Feingold    Murray
Baucus    Feinstein    Nelson (FL)
Bayh    Harkin    Nelson (NE)
Biden    Inouye    Obama
Boxer    Kennedy    Reed
Brown    Kohl    Reec
Byrd    Kl mobuchar    Reid
Cantwell    Kohl    Salazar
Cardin    Lautenberg    Schmier
Carpenter    Laynay    Schmier
Casey    Levin    Schmier
Clinton    Lieberman    Tester
Conrad    Lincoln    Voinovich
Dodd    McCarakill    Whitehouse
Dorgan    Menendez    Wyden

NOT VOTING—5

Crapo    McCain    Vitter
Johnson    Rockefellor

The motion was rejected.

The PRESIDING OFFICER. The Senate from North Dakota is recognized.

Mr. CONRAD. Mr. President, if you believe the tax rates should stay as they are in place, which include the $1,000 child tax credit, marriage penalty relief, the 10-percent income tax bracket, the lower marginal rates for working American families and small businesses, the earned income tax credit for military families, the adoption tax credit, independent care tax credit, the college tuition deduction, the deduction for student loan interest, and the $2,000 Coverdell—

The PRESIDING OFFICER. The Senate from Ohio is recognized.

Mr. GREGG. Mr. President, this motion is the opportunity to speak out on behalf of seniors, working Americans, families, and children in this country. If you believe the tax rates should stay as they are in place, which include the $1,000 child tax credit, marriage penalty relief, the 10-percent income tax bracket, the lower marginal rates for working American families and small businesses, the earned income tax credit for military families, the adoption tax credit, independent care tax credit, the college tuition deduction, the deduction for student loan interest, and the $2,000 Coverdell—

The PRESIDING OFFICER. The Senate from Ohio is recognized.

Mr. GREGG. Mr. President, the next two are important—the 15-percent capital gains dividend rate, which helps seniors and people on fixed income and gives our economy a boost, and revenue to the Federal Government a boost, and the death tax, structured along the lines of what Senator KYL’s motion put forward—if you believe in those proposals, you will want to vote for this motion to instruct the conferees.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GREGG. Mr. President, if you like debt, this is your amendment. This will add $250 billion to the debt. If you don’t want to balance the budget in 2012, vote for this amendment, because we have a balanced budget in 2012 now. If you pass this amendment now, we will not.

The Senator says it is like the Kyl amendment on the estate tax. No, it is not. He preserved part of the estate tax for those at the very highest income level. This eliminates the estate tax.

Please, we have made so many strides to balance the budget by 2012. Let’s not have another unbalanced budget, one that adds to the debt.

The PRESIDING OFFICER. The question is on agreeing to the Gregg motion to instruct. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Roll Call Vote No. 161 Leg.]

YEAS—44

Alexander    DeMint    Lugar
Allard    Dole    Martines
Bennett    Domenici    Martines
Bond    Ensign    McConnell
Brownback    Enzi    Murkowski
Bunning    Graham    Sessions
Burr    Grassley    Shelby
Chambliss    Hagel    Smith
Collin    Hatch    Specter
Cochran    Hatchison    Stevens
Corzine    Inhofe    Sununu
Craig    Ky    Thune
DeMint    Lott    Voinovich
Dole    Lugar    Warner

NAYS—51

Akaka    Feingold    Murray
Baucus    Feinstein    Nelson (FL)
Bayh    Harkin    Nelson (NE)
Biden    Inouye    Obama
Boxer    Kennedy    Reed
Brown    Kohl    Reec
Byrd    Kl mobuchar    Reid
Cantwell    Kohl    Salazar
Cardin    Lautenberg    Schmier
Carpenter    Laynay    Schmier
Casey    Levin    Schmier
Clinton    Lieberman    Tester
Conrad    Lincoln    Voinovich
Dodd    McCarakill    Whitehouse
Dorgan    Menendez    Wyden

NOT VOTING—5

Crapo    McCain    Vitter
Johnson    Rockefellor

The motion was rejected.

The PRESIDING OFFICER. The Senate from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is timely for me to make these remarks because there has been a conversation that has occurred in Kansas today between the Governor of Kansas and the President of the United States on the question of the adequacy of the National Guard and its equipment. The reason I am making these remarks is that this Senator from Florida has sounded this alarm bell several weeks ago on the basis of a GAO report on the inadequacy of the equipment of the National Guard in each of the States. In my State of Florida, the GAO report says they only have 53 percent of their equipment. In the State of New Mexico, they only have 33 percent of their equipment. From now on we will hear commentary from both the Governor of Kansas, as well as the head of the National Guard, the adjutant general of Kansas, who state they are short of equipment.

I can tell you that, in Florida, we are 500 humvees short. We are 600 trucks short—that is both 5 ton and deuce and a half. We are 4,400 night vision goggles short. Why I am saying this today as a follow-on to sounding this alarm several weeks ago is we are not far from June 1, which is the beginning of hurricane season. The Florida National Guard is the best trained as a National Guard but especially so for taking care of the aftermath of a hurricane. If we only have category 1, 2, and 3 hurricanes, the Guard tells me they have the equipment. But if the big one hits—the big one being a category 4 or 5 hitting from the water—a highly densely urbanized area of the coast, they will be short. Then the Guard would rely on their compact with other Guard units to supply equipment.

For example, Pennsylvania is one of those States in the compact. But Pennsylvania is short of equipment as well. We are trying to put additional appropriations in this war funding bill for equipment for our National Guard units, but as Lieutenant General Blum, the head of the National Guard for the country, said, they are $40 billion short of equipment. I will read you a commentary from both the Governor of Kansas, as well as the head of the National Guard, and the adjutant general of Kansas, who state they are short of equipment.

It is true that we are short of equipment. We need these pieces of equipment to speed up our response to local emergencies and to help save lives.

And he continues:

They can draw on these additional units and equipment through that compact.