

to be sure that we can detain everybody who comes into this country illegally and we catch who is not Mexican and be able to send those people back to where they came from because those people may be a significant threat to us as a nation.

We are making progress. The Congress and the President have made a commitment to significantly increase our capacity to protect our borders. We recognize that there is a porousness among our borders, and we have stepped up, in an attempt to try to address that, by dramatically expanding the resources we are putting on the borders and dramatically expanding the support facilities for those border agents who are there.

There are other issues that we still need to address: Specifically, our computer capability as to how we track legal people who come into the country and our capacity to have the various computer systems which are able to track people—the FBI system at IAFIS and the US-VISIT system set up by Customs and Immigration—be able to communicate in a way which makes it possible for us to identify somebody coming into this country who might have a criminal record or for purposes which we believe could harm our Nation or individuals in our Nation.

There is a long way to go in that area. We intend to continue to focus a great deal of energy and resources on that also. I intend to hold hearings specifically on that point because I am very concerned about it. This bill, which passed the Senate and passed the House and was signed by the President this week, called the Homeland Security appropriations bill, was a significant step in the right direction toward making our borders more secure. It is a step which should be acknowledged and, therefore, I wanted to come to the floor to note it again.

I thank the Chair and the Senator from Michigan for her courtesy.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the leadership time is reserved.

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reed amendment No. 2077, to provide for appropriations for the Low-Income Home Energy Assistance Program.

Dorgan amendment No. 2133, to restrict enforcement of the Cuban Assets Control Regulations with respect to travel to Cuba.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, my colleague from Michigan has an amendment that is a good amendment. Let me say that my colleague from Washington, Senator MURRAY, and I are hoping to finish business today. I know there are a number of amendments out there that people wish to bring up. We have been able to accept a significant number of them. If you have an amendment pending, please come down this morning and talk to us. I hope we will stay around however long it takes to finish up all of these matters and have a final vote. This bill has to go to conference, if we are to provide 2006 appropriations for the very important agencies covered by this legislation. This is going to be a difficult bill to conference, and we must have this bill finished, ready for the floor, I would hope before the end of this month so that they can get out from under a continuing resolution. But we must get it finished before Thanksgiving. It is vitally important. I urge Members to come to the floor. If they don't want to act on all of their amendments, that will be fine with us. We need to get this bill finished.

CONGRATULATIONS TO THE HOUSTON ASTROS

On a personal note, I conclude by saying our congratulations to the Houston Astros, who are a magnificent team. They did well. We are looking forward to a great battle between them and the White Sox, a central time zone World Series which many of us in the heartland think is going to be good. The St. Louis Cardinals were magnificent for over 100 games. But Busch Stadium, twice now, has failed us in October. We are going forward today, blowing up the stadium, and I wish I were there to participate. But I wish my colleagues the best, and we are ready to go.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2149

Ms. STABENOW. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2149.

Ms. STABENOW. Madam 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 resources to the Administration so that the Administration can enforce existing trade agreements and obligations related to trade violations involving currency manipulation, counterfeiting of manufactured products, and pirating of intellectual property)

On page 277, line 18, strike "activities;" and insert the following: "activities; pursu-

ant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed \$1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to Governments and trade violations involving currency manipulation and other trade violations;"

Ms. STABENOW. Madam President, I rise to thank both our distinguished chairman of this subcommittee, Senator BOND, and distinguished ranking member, Senator MURRAY, for their leadership on this important bill and for their words of support for my amendment.

This amendment addresses the need to make sure that we are enforcing our trade laws so that we have a level playing field for businesses and workers in America with all of our trading partners. It designates and authorizes a specific amount of money that would allow us to do that.

In my home State of Michigan, this is absolutely critical for us right now, as we see all of the challenges in the international marketplace. We need to make sure that we are giving every business, every worker, a level playing field, and we are doing everything we can to enforce our trade laws so that we have the opportunity to be exporting our products and not our jobs.

That should be the goal of all of us. I appreciate the fact that there is a willingness to support my amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleague from Michigan. We worked with her on her original amendment. I think this amendment is now a good amendment. Obviously, the objective is one that we all share, and I believe with this modification, the concept that my colleague has put forth is a good one. We are willing to accept it on this side.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment is acceptable on our side as well. We are ready to go forward at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2149.

The amendment (No. 2149) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. STABENOW. Madam President, if there is not someone else wishing to speak, I will expand on what is happening as it relates to Michigan now and why this is so important as an amendment.

I thank colleagues for working with us and helping us to modify the amendment and to accept it today.

What is important for all of us, but particularly in Michigan now, as we are the heart and soul of manufacturing, is, as we see our President, our

Secretary of Treasury, moving forward in discussions with China and Japan—the President is going next month to China and Japan—that we send with him the strongest possible support, which this amendment does, for us saying we need to enforce all of our trade laws. We need to make sure we are leveling the playing field, and we are giving every possible fair advantage to American workers and to businesses.

Unfortunately, we have our trading partners—some of our trading partners right now—who are, in fact, violating our trade laws which is costing us jobs at home, especially in the great State of Michigan. This amendment will send a very important message that we want things like illegal trade practices regarding currency manipulation to stop.

The President's upcoming trip is a very important time. Currently, Chinese and Japanese trade policies are costing us jobs, including our middle-class families, because of the fact that they peg their currency in a way that means it costs us more to sell to them than it costs them to sell to us. In my State, I have heard from so many businesses saying that the cost differential has made a huge difference in their being able to successfully compete on bids for contracts or to sell their products. We know that has been happening, and we need to stop it. We need to enforce our trade laws.

We also need to crack down on the counterfeiting of American manufactured goods. We need to stop the pirating of intellectual property. We have the great brainpower. We are developing all the new ideas and the new patents. It is not right—in fact, it is illegal—for other countries to be able to take that information and make products that compete and undercut us and cost us jobs.

Last week, Delphi, which is our Nation's largest autoparts supplier, declared bankruptcy, threatening 15,000 jobs in Michigan and more than 33,000 across the country. In terms of assets, this bankruptcy is the largest ever in the United States, surpassing the reorganizations of Kmart and WorldCom. The Delphi bankruptcy should serve as a wake-up call to all of us in the Congress, in the administration, and in the country, to the fact that we can no longer tolerate unfair trade practices and that we need to tackle the cost of health care and what is happening on pensions and make sure our workers do not lose their pensions in the process of all of this happening.

Unless we put a stop to the unfair trade practices, our economy will continue to spiral downward, and I believe we are in jeopardy of losing our way of life. I don't say that lightly. I don't say that to be melodramatic. But when we have people working at Delphi being told that now in order to compete internationally, they have to take possibly a 63-percent pay cut—that has been in the news, possibly a 63-percent pay cut—we are not talking about just

cutting back on wages. We are talking about changing one's entire way of life. In the great State of Michigan we make things and we grow things, and we do it very well. We have been at the forefront of the economic engine of our country, just as all manufacturing has been. But if we are going to say it is acceptable now for people to make \$10 an hour and that somehow we can't help it, we are going to lose manufacturing in this country, and we are not looking at what we can do to save our way of life.

We have to say that every trade agreement is one that creates a race up, not a race down, and that we are going to enforce every trade agreement. We are going to make sure other countries are not stealing our patents, are not creating counterfeit parts, are not manipulating their currency or doing other things that cause us to have a disadvantage in the marketplace and to lose jobs.

I believe so strongly about what needs to happen as it relates to manufacturers. I have concerns when I hear comments such as: We are not going to be able to manufacture anymore. We will have to do something else.

An economy has to be based on making things, creating things, not just a service economy. We have to have a foundation based on manufacturing. Has manufacturing changed? Of course, it has. I invite any colleague to come join me on any plant floor, and they will see something that is clean and quiet and computerized, with highly skilled workers. Of course, it has changed. Of course, it is high tech. But it is still there, and it needs to be there. If we are not serious about enforcing our trade laws, creating the right kind of trade laws, we are going to lose it and our way of life. That is not acceptable. That is why there is nothing more important to me than fighting for our jobs and our manufacturers and making sure that we maintain the high standard of living that has created this great country. That is what this is all about.

Let me mention one area that is so important to Delphi. That is the area of counterfeit autoparts. We know that right now, according to our auto suppliers nationally, we are losing \$12 billion every year to counterfeit autoparts. That equates to about 200,000 jobs. We need to say in the strongest possible terms that we expect that to stop. It is a jobs issue. It is a safety issue. It needs to stop. We can do that. We are not in a weak or hopeless situation. We have the ability to stand up, to say to our trading partners: It is not acceptable. We will use every tool possible to stop counterfeit autoparts. We will use every tool possible to stop currency manipulation, to stop the stealing of our patents.

That is what my amendment addresses, sending that word and—not just a word—creating an action. We are beyond just talk. We have to have action because every day we do not have ac-

tion, the great people in my State are under the threat of losing their jobs, their pension, and their way of life.

I thank my colleagues again for supporting this amendment. We are at a place in time, in the history of the country where we have to take very seriously what is happening to our great industries that have created the ability for folks to have a good standard of living, to have the home and the car, in my great State the cottage up north, the boat, to send the kids to college, and pay into a pension all their life and know it is going to be there.

That is what is threatened today in our country by policies that don't get it. We have to have trade policies that work for American jobs and American workers. We have to have enforcement of those trade policies. We have to tackle the cost of health care and change the way we do it to get it off the backs of our businesses. And we have to make sure that people who have worked all their lives and pay into a pension will be able to have that when they retire.

I thank my colleagues, again, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

GLOBAL WAR ON TERRORISM

Mr. BOND. Madam President, I will take a few minutes to talk about some events that are extremely important—not on this bill—but I think it is important to follow up some excellent remarks made by my colleagues from Colorado and South Carolina yesterday—I have a great professional and personal interest in it—and that is to recognize a milestone in a very significant event in the global war on terror, the war against Islamofascism.

This is extremely significant, and yet I do not believe the media has given it the attention it deserves. The milestone is an achievement that the world would not have thought possible 2 years ago, and it occurred this past Saturday, on October 15, as the people of a free Iraq voted in a national referendum on their national constitution.

This is a significant milestone no matter the outcome of the vote, the people of a free Iraq have voted on a framework of a nation. That is a significant milestone against tyranny in our time.

It is my hope that the constitution will pass, and years from now the people of Iraq and their children and grandchildren will know that this was a time when the nation was founded in freedom, similar to our forefathers, who were children in 1776, told their children and grandchildren after them.

The vote on the referendum occurred with surprisingly little violence. It drew an encouraging voter turnout. This proves that the Iraqi people and U.S. forces continue to make great strides toward peace and toward defeating both terrorists and insurgents in Iraq. I say terrorists and insurgents because both are active in Iraq, and

they are distinct groups. While there remains some Sunni Baathists who would like to bring back Saddam and who could generally be called insurgents, there is an ever-growing number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, legitimated by their extremist interpretation of Islam. Iraq has become their Armageddon, as will become evident from my remarks in a few moments, and they are simply terrorists.

With regard to the referendum, I commend U.S. Ambassador Khalilzad for his tenacity and efforts in the constitutional process in his final days leading up to the referendum that enabled Sunni, Shi'a, and Kurds to come together for a vote. Early reporting indicates the constitution will pass, but we have to wait until all the votes are counted to make the final call. I believe the constitution's passage will deal a heavy blow to the Sunni Baathist insurgents who are waging an "all or nothing" fight to regain control of Iraq. It now seems more clear than ever that the insurgents have to join in the political process if they are going to have any hope of a future in mainstream Iraqi civil and political society.

While I am pleased to see some moderate Sunni elements joining the political process, we must be watchful of violent groups that may try to expand their sphere of influence by establishing political platforms in order to legitimize their sinister ideologies. We have seen this happen before in other areas of the world, such as Sinn Fein in the Irish Republican Army. As the saying goes: Fool me once, shame on you; fool me twice, shame on me.

Let us not be shamed by militants who momentarily trade in black handkerchiefs that hide their faces for fine suits simply to gain a stake in the political power of their nation.

Critics of this administration, along with other naysayers, are convinced that several of the constitution's provisions are politically divisive because they grant the Kurds and Shi'a unfair advantages over the Sunnis regarding Iraq's oil and other resources. I note that our very own United States operated under the Articles of Confederation for about 7 years, until we were able to draft and ratify a constitution, and that Constitution has been modified, and significantly so, over the years.

We are often too impatient in our fast-paced, modern world, but let us not forget that democracy takes time and requires patient, deliberate action. Until Iraq's liberation in April 2003, Iraq suffered under a ruthless dictator whose kleptocratic regime offered its people little more than fear and terror. Now, for the first time in over 30 years, we can say that the Iraqi people are courageously embarking on their own journey toward political self-determination and individual freedom, and for that I applaud them and am greatly satisfied.

On Tuesday of this week, the Wall Street Journal had an op-ed piece by

Michael Rubin of the American Enterprise Institute. It is titled, "With Freedom Comes Politics."

Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. . . .

Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow and steady progress.

Madam President, I will insert that article in the RECORD because that exactly reflects the views of the young men and women I know who are serving in Iraq. They see our national television too often focuses on "if it bleeds, it leads." If there is a tragic loss of an American life, that is the only headline, nothing about the progress. But there is progress being made, and this election showed it.

My satisfaction with the progress in Iraq is not without reservation. I bring to my colleagues' attention a significant event with positive and negative implications. This is the intercept of a letter written on July 9 by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter was obtained by U.S. forces in a raid in Iraq this summer but only released by the Government on October 11 in order to avoid the compromise of ongoing operations.

The letter provides a broad look at al-Qaida's global strategy and plans for operation Iraq. The letter underscores that al-Qaida will not relent in pursuing its Sunni extremist agenda and reveals that al-Qaida views its jihad in Iraq as the focal point in its efforts to create an extremist global "caliphate."

President Bush has rightly called this Islamofascism. This is a war that will go on even after Iraq is stable.

Zawahiri writes to Zarqawi:

God has blessed you and your brothers, while many of the Muslim mujahedin have longed for that blessing . . . and that (blessing) is Jihad in the heart of the Islamic world . . . he has blessed you with the splendor of the spearhead of Jihad.

Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors, and then destroy Israel. It goes on and on from there.

The letter reads like a Sunni extremist epistle written by a father figure to a young leader among the faithful. Zawahiri applauds Zarqawi's enthusiasm and acts of terror that have advanced their jihad. Yet he cautions

Zarqawi to remember the power of world opinion and the subtleties of political influence and media persuasion. Similar to an expert teacher, Zawahiri commends Zarqawi for his enthusiasm and past deeds. Yet he gently persuades him to alter his tactics toward a better way.

Zawahiri asserts in his letter that while Zarqawi's violent tactics are justified, they do not play well in the media. And while he doesn't object to beheadings on any moral grounds, he notes "a bullet to the head" is more efficient and doesn't invite such negative press. He references Algerian brethren who are with him who worry that the war in Iraq could go the way of the Algerian jihad in the late nineties when the radicals lost their support among the general Muslim population due to their brutal acts of torture.

In addition, although Zawahiri describes the Shi'a as "cooperating with the enemies of Islam," he criticizes Zarqawi for attacking the Iraqi Shi'a in ways that will hurt al-Qaida in the media, and he recommends Zarqawi avoid opening too many fronts in the jihad.

He also stresses that political warfare is needed in order to draw in the social elites to support their push for an Islamic extremist state.

In effect, Zawahiri recommends that the wolf put on sheep's clothing in order to mask the wolf's true brutality. To me this is troubling because it illustrates that we are at war with an enemy who is astute, deceptive, and wise in the ways of the world and the American media and its ability to influence American public opinion. It underscores that this enemy cannot be negotiated with and will never reform its way or be deterred from its path of violence. The only option we have with such an enemy, according to what we have seen, who want to slaughter American women, men, and children, is to eliminate it. There is no other choice. That is why we must flush the terrorists out and hunt them down.

There are some notable positives in Zawahiri's letter. The letter demonstrates that America's efforts in the war on terrorism have been effective in hurting al-Qaida and in disrupting its ability to attack the United States and its interests. Zawahiri's statements reveal that due to the pressure he feels in areas around him, he cannot depart his remote location, a location so remote that he complains of a lack of access to contemporary news reporting on Iraq. He also reveals that he is running out of funds and asked Zarqawi for \$100,000 in order to open up new communications lines that have been shut down due to the apprehension of al-Qaida operatives this past summer.

Finally, he also expresses concern over Pakistani military operations in the tribal area and references the current Pakistani Army offensive in northern Waziristan.

Well, Allah be praised. We are at a crossroads in the war on terror because

we are at the point where our enemy believes we are about to tuck tail and run in Iraq. But we must press on. Al-Qaida is convinced that America will abandon Iraq. Zawahiri writes that al-Qaida must begin preparing now for what he likens to “the collapse of American power in Vietnam—they ran and left their agents.”

Running is no option. We must fight on. So I ask today that we continue our support for our troops who are in harm's way, for the intelligence officials and aid workers deployed throughout the globe in the frontlines on the war on terror, and I ask that we forget not that our struggle is a fight to the death, for that is how our enemy sees it. And with every suicide bomber who takes more innocent life provides, they prove to us that they are prepared to die. May we recommit ourselves to this fight to show the world that we are prepared to fight so that we, our allies, and peace-loving peoples of the world may live.

Madam President, I ask unanimous consent that the article I referenced called “With Freedom Comes Politics” be printed in the RECORD.

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

WITH FREEDOM COMES POLITICS

(By Michael Rubin)

[From the Wall Street Journal, Oct. 18, 2005.]

On Oct. 15, Iraqis demonstrated that their desire to determine the future through the ballot box was the rule rather than the exception. Arabs, Kurds and Turkmen; Sunnis, Shiites and Christians—all braved threats of violence to vote. The vast majority voted in favor of the constitution. But whatever their positions, Iraqis considered their decision carefully. The referendum campaign was active. Dueling commercials and newscasts sought to sway the Iraqi vote. Such is the nature of politics in a country no longer subject to state-controlled media.

Some read the constitution. They voted for or against federalism. Some marked their ballot on the basis of how closely they wished religion to be mixed with government. Others did not read the document but learned about it on television, in newspapers and even by text messaging, the latest medium employed by Iraqi politicians to reach constituents. Security, rather than content, was a determinant for some. They voted “yes” to avoid the chaos of failure and the prolongation of occupation.

The referendum capped a constitutional drafting process over which Western commentators and diplomats had been quick to panic. They misunderstand that with freedom comes politics. The same U.S. senators who debated the “nuclear option” for judicial nominees failed to recognize political brinkmanship among their Iraqi counterparts.

Many U.S. policy makers worry that disgruntled Sunnis may turn to violence if their demands aren't met. But there is no evidence to support the conventional wisdom that insurgent violence is tied to the political process. Insurgents have not put forward any platform. By denying the legitimacy of the state, pan-Islamic rhetoric is a greater affront to Iraqi nationalism than the presence of foreign troops on Iraqi soil. It is no accident that Iraqi Sunnis have started killing foreign jihadists.

Nevertheless, implying violence to be the result of demands not met is an old Middle

East game. And in this game, Iraqi factions have played the Western media and policy makers like a fiddle. White House pressure, for example, led U.S. officials to amend the political process in order to augment the Sunni presence in the Constitutional Drafting Commission. Acceding to such demands is not without cost. Because Iraq's Sunni leaders are more Islamist than their Shiite counterparts, the increased Sunni presence eroded the rights of Iraqi women in the constitution's final draft.

Some critics still maintain that the “yes” vote may exacerbate conflict. What is needed is consensus, they say. On Sept. 26, for example, the International Crisis Group released a statement criticizing “a rushed constitutional process [that] has deepened rifts and hardened feelings. Without a strong U.S.-led initiative to assuage Sunni Arab concerns, the constitution is likely to fuel rather than dampen the insurgency.” This NGO bemoaned the referendum as little more than an opportunity for Iraqis “to embrace a weak document that lacks consensus.”

But consensus is not always possible. Though Sunnis are perhaps 15% of Iraq's population, they believe themselves to be 50%. Any agreement acceding to their inflated sense of power would automatically disenfranchise the remainder of the population. With the collapse of apartheid in 1994, white South Africans had to confront their minority status. Iraqi Sunnis must face the same reality. The process may be painful, but justice, democracy and long-term stability demand it continue.

Even without consensus, the constitution represents the type of social and political compromise lacking through the Arab world. Members of the Constitutional Drafting Commission and Iraqi power brokers spent months debating and canvassing constituents. Any politician living outside the U.S.-controlled Green Zone—Jalal Talabani, Abdul Aziz Hakim and Ahmad Chalabi, for example—had his parlor filled with Iraqis from different cities and of various ethnic and sectarian backgrounds until the early hours of morning. These Iraqi petitioners voiced interests and demands diametrically opposed to each other. Consensus was not always possible, but compromise was. As with the constitution, the nature of compromise is a result ideal to none but fair to all.

The referendum result again demonstrates that American policy- and opinion-makers are more pessimistic than are Iraqis. Part of the problem is that Pentagon officials and journalists alike chart Iraq's success through misguided metrics. Counting car bombs does not demonstrate progress or lack thereof in Iraq. Objective indicators show that Iraqis have confidence that did not exist prior to liberation.

According to an Aug. 16, 2002, commentary in the Guardian—a British newspaper that often opposes U.S. foreign policy—one in six Iraqis had fled their country under Saddam. Millions left because of war, dictatorship and sanctions. Today, several hundred thousand have returned; only the Christians still leave. If Iraq were as chaotic as the media implies, it would export refugees, not resettle them.

Other indicators suggest Iraqis have confidence in their future. The Iraqi dinar, freely traded in international currency markets, is stable.

When people fear for their future, they invest in gold; jewelry and coins can be sewn into clothes and smuggled out of the country. When people feel confident about the future, they buy real estate. Property prices have skyrocketed across Iraq. Decrepit houses in Sadr City, a Shiite slum on the outskirts of Baghdad, can easily cost \$45,000. Houses in upper-middle-class districts of

Mansour and Karrada can cost more than 20 times that. Restaurant owners spend \$50,000 on top-of-the-line generators to keep open despite the frequent blackouts. In September 2005, there were 40 buildings nine stories or higher under construction in the Kurdish city of Sulaymani. Five years ago, there were none. Iraqis would not spend hundreds of thousands of dollars on real estate if they weren't confident that the law would protect their investment.

Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. When I visited a Baghdad computer shop last spring, my hosts handed me a can of Pepsi. An Arabic banner across the can announced, “The only soft drink manufactured in Iraq.” In August, a Coca-Cola executive in Istanbul told me their Baghdad operation is not far behind. Turkish investors in partnership with local Iraqis have built modern hotels in Basra.

Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow but steady progress.

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

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

Mr. COBURN. I would like recognition to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. First of all, let me align my words with the words from the Senator from Missouri on the war on terror. He is absolutely right. This is a war for our survival. It is focused in three or four areas in the world today, but if we don't win, it will be in many more areas throughout the rest of the world.

The sacrifices are great for our men and women who are serving our country and those in ancillary roles, but that is what our country has been made of—of sacrifice to preserve freedom.

I wish to speak first before I offer some amendments to this bill about something that has been troubling me and the people from Oklahoma and many of the people across this country for a long time. The question is, Why should we be troubled? Because all change starts with a distant rumble, a rumble at the grassroots level, and if you stop and listen today, you will hear such a rumble right now. That rumble is the sound of hard-working

Americans who are getting increasingly angry with out-of-control Government spending, waste, fraud, and abuse. It is the sound of growing disillusionment and frustration of the American people. It is the sense of increasing disgust about blatant overspending and our ability to make the tough choices people on budgets have to make each and every day, our inability to make priorities the No. 1 priority rather than spending our children and grandchildren's future. That is a rumble of frustration that is getting louder. In fact, I hear it right now. That is because I am listening for it. We should all listen for it. If we don't, the voters will decide the changes that will come. And I can't say that I blame them.

Politicians have been trying to buy reelection by sanctioning more and more spending for years. Since 2000, discretionary spending in this country outside of defense and outside of homeland security has grown by 33 percent, and that does not include any of the \$400 billion in emergency designations that have been passed by the Congress and signed by this President. We have the very great prospect that the spending over the last 5 years and the next 3 years will be the greatest growth in Federal spending ever in our history in terms of percentage increase and speed and velocity of spending increases. And we will have made it possible when we should have been fighting it every step of the way.

I am not here to remind us about the Alaska bridge to nowhere, although I will have an amendment on that later, or the countless earmarks and pork projects that sail through this Chamber every year. Everybody knows about that. Many of them are great projects, they are needed, they are necessary. They just may not be in the best priority for our Nation at this time.

That is what I am hearing. What I am here to tell you is that the rumble against spending is getting louder. People are fed up. All across the country, Americans are rising up against Government overspending. They are tired of hearing about perpetual budget crises when tax revenues keep rising faster and faster. They are tired of the dishonesty of the budget process where we say we have a \$320 billion deficit, and yet the debt to our children and grandchildren rises by \$600 billion because everything is done in an emergency and does not follow the appropriations and budget process.

They know that for every dollar of increasing tax revenues, we have, both Republicans and Democrats, found a way to spend another \$1.25. That is the crisis. It is a spending crisis. It is a lack of oversight crisis. It is a crisis of our will. Do we have the willpower to stop overspending, to make the hard choices about priorities that the American people expect of us? If we don't, the people certainly do. That is why there is a rumble building across this country. The people are tired of wait-

ing for us to do the right thing. They know it will not happen, so they are working at the grassroots level to get the job done themselves.

People are working to change the rules in States all across this country. A group called Americans for Limited Government is one of the groups leading that charge. In my home State, they are working with the local group called Oklahomans in Action to put the stop overspending initiative on the ballot. There are similar efforts in the works in Nebraska, Nevada, Maine, Michigan, and dozens of other States. And committees full of outraged citizens are forming as we speak because of our inability to control the ever-growing appetite of the Federal Government and the State governments. The stop overspending initiative is simple but powerful. It puts a cap on how fast governments can grow. It holds the elected representatives accountable to the same budgeting standards that work in the real world, the standards that families, businesses, and individuals have to live by every day. And most importantly, the stop overspending initiative is a tool for American citizens to regain control of their State governments. I personally applaud this initiative.

In the coming year, millions of people in a dozen States will be using these initiatives to change the rules of their State government and to show their State representatives and State senators and assembly men and women who is really in charge. These groups are getting an incredible response, and the reason why is simple: The American people are absolutely furious at the waste, fraud, abuse, and out-of-control spending they see every day, not just here in Washington but in their own State government.

We need to wake up. I say let us change first. Let us find our will. No more low-priority projects in the face of half-trillion-dollar deficits, no more exorbitant bridges to nowhere. Speaking of bridges, that is where this Congress will be, on a bridge to nowhere if we do not gain control of ourselves. And if the voters finally rise up and reject us as the Congress that spends too much, we will have gotten what we deserve. You don't need to take my word for it. Just take a minute and listen to the voices of the people we represent. They are ready to rumble. They are getting louder. Are we listening?

AMENDMENT NO. 2084

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Madam President, I call up amendment No. 2084.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2084.

At the appropriate place, insert the following:

SEC. _____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Madam President, this amendment has been voted on twice in the Senate. It has been accepted by two other subcommittee chairmen. It is a very simple amendment that the American people want. It says we ought to know what we are voting on. When a bill comes from the House, it has certain earmarks and special things in it. The Senate produces a bill based on that bill that goes to conference, and earmarks and additional things are placed in that bill as well as the House original earmarks.

It comes back out in a conference report for us to vote on, but there is no clarity to list in that conference report where the earmarks, the actual items that have been directed by Members of Congress, are going. They are in there. Can you dig them out? It takes about 4 days to dig them out.

This is a very simple amendment. All it says is we ought to know what we are voting on. It is not to say the earmarks are bad or good, it is to say they ought to be out there so we can discuss them. If somebody has an earmark, that Senator ought to be proud enough to stand up and defend it if there is criticism of it. It is about good government, about shining a light on government so we know in fact what we are voting on when we vote on a conference report on an appropriations bill.

I have been told by the chairman that this is probably acceptable. I await his response. At the last vote on this amendment it passed by 55 to 39 on the Agriculture appropriations bill. It was accepted by unanimous consent to the Military Construction bill, as well as the Department of Defense appropriations bill. This amendment has been endorsed by several outside groups, and it is included in ratings of Congress by the American Taxpayers Union.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to consider this amendment. I ask it be set aside until we see how the operations work with the rest of the amendments. This may be relevant to the others. I ask unanimous consent we set this amendment aside temporarily.

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

The Senator from Oklahoma.

AMENDMENT NO. 2087

(Purpose: To limit the Department of Housing and Urban Development's funding for conferences)

Mr. COBURN. I call up amendment No. 2087 and ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2087.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. LIMITATION ON FUNDING FOR CONFERENCES.

Of the funds made available for the Department of Housing and Development under the heading "Management and Administration, Salaries and Expenses" in this title, not to exceed \$3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

Mr. COBURN. Madam President, this is a very simple amendment. In the his-

tory of HUD, in 2001 they spent \$3 million on conferencing. Last year they spent \$13.9 million on conferences around the country.

I ask unanimous consent to have printed in the RECORD a table showing the dollar amounts spent on HUD conferences from 2002–2006.

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

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, September 29, 2005.

Hon. TOM A. COBURN, MD,
Chairman, Subcommittee on Federal Financial Management, Government Information, and International Security, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of Secretary Jackson, thank you for your letter re-

questing information on conferences sponsored by the Department of Housing and Urban Development and other conferences in which HUD has participated.

Enclosed is a report providing the amount of funding HUD has spent on conferences; a listing of conferences HUD has participated in; and an estimate of what the Department expects to be expended on conferences in Fiscal Year 2006.

The Department appreciates the opportunity to provide this material to you. Thank you for your interest in HUD.

Sincerely,

STEVEN B. NESMITH,
Assistant Secretary for
Congressional and
Intergovernmental
Relations.

HUD SPONSORED AND PAID CONFERENCES

(Dollars in millions)

Categories	Estimate		Actual			
	2005	2005	2004	2003	2002	2001
Salaries & Overtime (1100)	\$6,360,929	\$6,855,877	\$6,329,342	\$5,517,003	\$1,892,353	\$837,878
Travel (2100)	1,465,925	829,800	1,082,860	849,493	707,924	371,972
Rent & Communication (2300)	23,930	12,819	27,007	4,340	107	4,073
Printing (2400)	177,250	58,577	164,466	36,320	45,040	13,464
Contractual Services (2500)	2,092,211	1,786,362	2,361,454	2,223,791	1,852,935	198,213
Office Supplies (2600)	34,479	3,430	65,712	1,528	3,818	826
Equipment (3100)	5,000	3,750	3,000			4,045
S&E Totals	10,159,724	9,550,615	10,034,141	8,632,475	4,502,177	1,430,471
Program Funds	2,200,286	4,357,678	2,636,826	292,078	1,201,532	1,730,274
Total	12,360,010	13,908,293	12,670,967	8,924,967	5,703,709	3,160,745

Mr. COBURN. I also note, with the advent of modern technology and video conferencing, 90 percent of these conferences could have occurred without travel costs, without hotel costs, without face-to-face meetings. In fact, we didn't use the technology available. We spent tons of money traveling around the country holding conferences, not necessarily that were bad in their content or their intent but which were wasteful in the way they were arranged. Also, I suggest that a 400-percent increase in conferences in one area, one agency of the Federal Government, shows that either they were doing a very poor job in 2001, or it is out of control.

This is a very simple, straightforward amendment. Before Hurricanes Katrina and Rita struck, 737,000 Americans were identified as being homeless as reported by HUD. Earlier this month, the Acting Director of FEMA told the Senate committee that between 400,000 and 600,000 displaced households in Louisiana and Mississippi alone will need long-term housing.

With the problems before us today, certainly we can use the latest technology and trim back the excessive growth in conferencing that is used by the Housing and Urban Development Department.

I urge the adoption of the amendment by unanimous consent.

Mr. BOND. Madam President, we share the concerns of the Senator from Oklahoma. I think there are more efficient ways for HUD to conduct its con-

ferences. Therefore, on our side we accept the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are able to accept this amendment on our side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2087) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COBURN. I thank the ranking member, the Senator from Washington, for that.

AMENDMENT NO. 2091

(Purpose: To prohibit any funds under the Act from being used for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park)

I have an amendment numbered 2091. I know this is important to the Senator from Washington. I call it up and ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2091.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Madam President, in our country today we face the largest natural disaster we have ever seen. We have already allocated \$62 billion for that—which we did not pay for. It is totally going to be paid for by our children and our grandchildren. We will not pay a penny of that.

We have a war going on for which we are going to have to provide additional supplemental spending, of which we will pay for none in terms of the supplemental, which debt we will transfer to our children.

This is probably a very worthwhile project, but this is about priorities. I think it is probably a great project. In the State of Washington alone there are 17,590 homeless people, and we are going to take money from Housing and Urban Development and we are going to build a sculpture park. I think that is not the right priority. It may be a good idea, but the priority is certainly out of line with what the fiscal needs are, and certainly out of line with the expectations of the American people on how we are spending their money.

A little background: The Seattle Art Museum just received a \$300,000 grant from the Getty Museum in Los Angeles. It is a well-established museum, well-funded, with good assets. The question is not whether we should be building a sculpture park. The question

is, Is the time to do it today? In a time of war, in a time of deep, true budget crisis, \$600 billion—that is what our real increase in Federal debt was ending September 30. It increased \$600 billion—should we spend half a million dollars on a sculpture park? I think not. I think most Americans would say not. I think some people who are very closely aligned with this museum, the Seattle Art Museum, would agree with that, but I think the vast number of Americans would say now is not the time to do that.

I also remind our fellow Members that if you read the Constitution, there are great difficulties—regardless of what our history has been—justifying, looking at the Constitution and saying this is a role for the Federal Government. That rumble I spoke about—these are the types of things the American people see that we do not need to spend money on, when we are asking them and their children and their grandchildren to have a lower standard of living in the future because we are not responsible today.

It is probably a great project, but not now, not at this time, and not with Federal money. When we have so many people hurting in Mississippi, so many people hurting in Louisiana, so many people hurting in Alabama, we are going to take funds from them? That is where it is going to come from. It is going to come from them because we are going to spend more to pay for those problems that we are encountering in those three States from Hurricanes Katrina and Rita, and we are going to take it away and say we are going to charge it to our grandchildren.

We have a credit card going right now. We need to stand up and say certain things we cannot do right now. They are not bad ideas. It is just that now is not the time.

I ask unanimous consent this amendment be agreed to. If not, I ask for a vote on this amendment at the proper time.

One other thing I would like to say. Seattle, WA, is ranked No. 2 in the Nation for food insecurity. What is more important, feeding people and housing people, or building a sculpture park? It is hard to figure out how in the world we can say that is a more important priority and take a half million dollars out of HUD and spend it on something that is such a low priority.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I see the Senator from Oklahoma has essentially proposed five amendments which all seek to do the same thing, amendments Nos. 2089, 2090, 2091, 2092, 2093. These essentially are targeted at economic development initiatives.

I wonder if we might have a full debate on all of them and combine them into one amendment so we could spare our colleagues having to have rollcall votes on five? Through the Chair, I ask

if the Senator from Oklahoma would voluntarily agree to that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri does have the floor at this time.

Mr. BOND. Madam President, I will be happy to talk with the Senator later about that. Let me continue with some of the comments that I have in general, that are applicable to all these amendments.

Within this budget, in our committee and other committees, we have identified at the request of many Senators in the States, including the State of Oklahoma, including the States of Alaska, Washington, Missouri—priorities in the report to be eligible for funds under the Economic Development Initiatives Account, subject to Department review. My colleague, who is the author of this amendment, proposes that these are necessarily bad. I suspect, if we looked State by State, we would have 100 different definitions of how precisely to prioritize these initiatives.

The suggestion here is that Senators should not have any say in what is important in their States. My profession is serving the people of Missouri. I have been doing it for 27 years now. I do not have the skills or the expertise that the author of this amendment does. He, as I understand it, is a fine obstetrician. His commitment is to a high humanitarian calling, serving people in the obstetrics field. Certainly that is a fine profession.

I envy his ability to deliver assistance and deliver babies. We need professionals of this type. That is his profession. My profession is very different. I don't have the skills of a physician or an engineer or a physical scientist. My job, my profession, is serving the people of Missouri. And as I have said, I do it proudly, this being my 27th year, I believe. In that time, I have found that if you listen to the people of Missouri you learn a lot. You learn about the needs of veterans. We have done things nationwide to serve veterans. I have been honored to be recognized by the Veterans of Foreign Wars.

We have found out how important children's hospitals are, and we have worked to help children's hospitals. I am very grateful for the recognition from children's hospitals, and from in-home health care, which is very important, and from early childhood education, for which my initiatives have won national acclaim.

In addition to these matters that affect the entire Nation, I have committed myself to trying to build strong communities throughout Missouri.

I know the distinguished Senator from Oklahoma practices medicine, which is a wonderful practice, and does so with skill and provides a tremendous benefit. But do you know what I do when we have time off? I travel around the State. I meet with commu-

nity leaders, local elected officials, concerned citizens, people who are trying to build a stronger community. Do they need a community health center? I have helped them get community health centers. Do they need something to help create jobs? Do they have projects which are properly supported by Federal funds that we make available through the Economic Development Initiative? Yes, in many instances they are. Do they have projects which require ground transportation which are properly funded by the rail transportation funds we have in this bill? Do they need water and sewers? I have been through many small communities. I hate to tell you that you can in the summer tell by the smell that they do not have an effective wastewater treatment system. They have waited in long lines for public health treatment, and we have helped them get the water treatment systems they need. This, I believe, is a legitimate function of the Federal Government—deciding where the highest priorities are.

When I am up here working, I have a dedicated staff back home who visits every county in the State at least once, and many others several times a year. I visit every county in my State and every city in my State every term I serve in office. I hear from them—leaders in the community, the people who are concerned about the particular problems and how best to solve those.

That is where I come back and say that from the EDI funds, from a portion roughly about 5 percent of the community development block grants, we will designate some of these high-priority needs which must be met for the good of the community and where we can help meet them through the addition of Federal funds targeted to those areas.

I believe it has been successful. The people of Missouri think it is successful. I know the Senator from Washington does the same thing. The Senator from Washington listens to her people. She knows how to build a strong community in the State of Washington. I believe that is her job. I wouldn't propose to go in and tell her what is a good use of the Economic Development Initiative or community development block grants in Washington. She has to answer to the people of Washington. Far be it for me to tell her what is good for the State of Washington.

When the Senator from Oklahoma asked me for something that is a high-priority project in his State, if it fits within the guidelines, I am happy to help that Senator determine what is best in Oklahoma. But I don't need a Senator from Oklahoma telling me what is good in Missouri or telling the Senator from Washington what is good for the State of Washington. We believe our job is to serve and represent and listen to the people of our States. I believe a vast majority of the Senators in this body know their job is to

serve their States, whether it is a vote on national legislation, whether it is a vote on something that is very important to their people, whether it is national, or whether it has to do with a specific activity within their State that they want to support. I think that is our job. That is our profession. We stand for reelection based on how well we serve our people. I am grateful for the tremendous honor and privilege I have been given by the people of Missouri. They know I am not a physician; they know I am not a physical scientist, but they know I am here to serve and represent them.

The suggestion appears to be that none of us as Members, those of us who work through our State and who listen to the people of our State, should have any say in what their priorities are. That suggests that the Senators are not in touch with the priorities of their own State. I don't believe that is true generally. I know it is not true in Missouri. I believe it is not true in Washington. My colleague can speak to that.

It might be that some Senators are too busy to understand or consult with their communities. But I understand what my State's needs are. I aggressively consult with leaders in my State. It might be some Senators believe that maybe the bureaucrats at the agencies understand their States better than the Senators themselves. I do not believe that should be the case because I spend more time in the State than I do here. I travel as many miles as I can squeeze into a schedule.

The amendments from the Senator from Oklahoma don't save money. They just say that a Senator shall not be able to determine what is a priority need in his or her State. Do you know something? I happen to think a Senator who is doing his or her job probably has as good an idea and should have a better idea of what is an important priority than some bureaucrat in HUD who will otherwise be spending that money.

Mr. COBURN. Madam President, will the Senator yield?

Mr. BOND. I will finish shortly and then I will be happy to answer questions.

Again, I am not afraid to say that I know more about the needs of my State than the "U.S. Department of Anything." I will be happy to be judged on that.

I know we ought to be reducing budget spending. According to the Budget Committee, we have defeated attempts to waive the Budget Act and have achieved reductions and savings of some \$170 billion this year alone. I have provided recommendations to our Budget chairman for making significant reductions. We are waiting for the leadership and the reconciliation bill to decide how we save money.

But this amendment and the others like it makes excellent headlines and they will be welcomed by some newspaper editorials, some talk radio show

hosts, but it would be a better headline if the Senator were actually attacking a project in his State. If he thinks that appropriations for museums is so bad, what about the money in there for the Ponca City Indian Museum? Does he feel that is an appropriate priority for the State of Oklahoma? He can answer that. I think that would make an even better headline.

But I am not interested in getting headlines for something that doesn't save money in the budget. I am more interested in what people say, what the Cape Girardeau Southeast Missourian or the Joplin Globe or the St. Joe News Press say about what the needs are in their State—not what somebody in New York or in California says about the projects. I know my colleague from Washington surely will have something to say about that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask the Senator from Missouri a couple of questions.

Has he or any of his staff ever received requests from me for any earmark or any project whatsoever?

Mr. BOND. No.

Mr. COBURN. Has any other appropriations chairman ever received an appropriations request or earmark from me from any other area?

Mr. BOND. I have no knowledge.

Mr. COBURN. The answer to that is no.

The Senator said earlier to me privately that this is a battle about philosophy. I agree; it is. The oath we take has no mention of our State. The oath we take is to defend the Constitution and do what is in the best interests of the country as a whole. It is a philosophical difference.

I am somewhat hurt by the inference that I don't listen and I don't travel. I traveled 4,500 miles, I have done 67 townhall meetings, and the biggest criticism anybody ever has of me is that I work too much—not too little. I listen to the people of Oklahoma. The campaign promise I made to the people of Oklahoma who sent me here by a 12-point advantage was that I will bring nothing home to Oklahoma until the budget is balanced. That is the philosophy the American people are looking for. There is no priority if we continue to steal the future of our children.

I had no idea the Ponca City Indian Museum was in there. You will get an amendment quickly to get that out. I had no knowledge it was there. My senior Senator must have put that in there. I have no problems with the same standard being applied to Oklahoma as it is to everyone else.

This isn't a water treatment program. This is a sculpture park. All I am saying is it may be a good idea. There are hundreds of other things I would love to take the time to discuss on the Senate floor—and I will if you all insist on having a debate about every earmark in the appropriations

bill. I will be happy to afford the Senator that courtesy, and we will spend a lot more time on appropriations bills. But what we need to talk about is the priorities in this country of how we get out of the financial mess we are in.

Mr. BOND. Will the Senator yield?

Mr. COBURN. I will be happy to yield in a moment.

I understand the importance of Senators directing the bureaucracy. The problem is the bureaucracy is too big. Instead of us doing the oversight we need to be doing to control the bureaucracy so they have a priority, we supersede it because we don't want to do the hard work of oversight, of holding them accountable. We need to be doing oversight. We need to be looking at every individual.

I will match my service as Senator, both for my constituency and my service in terms of my field representatives and the work they do. I will match my service in terms of traveling and listening in Oklahoma. I have been in every area of Oklahoma the first 9 months of this year—every area. I have missed four counties.

The implication that I don't listen, the implication that I don't work in my Senate position I take offense to. I will tell that to the Senator from Missouri. Nobody will outwork me in my job; nobody. I will do what is necessary to do what I believe the people of Oklahoma sent me here to do, which is to help turn around the ship that is going to drown our grandchildren financially.

We can try to relate the sculpture park to a water treatment plant, but everybody in the country knows there is no connection between those two. There are necessities of life, there are priorities, and actually the debate is about priorities. It is not about whether a Senator should be directing things. I haven't said don't direct anything. I said there are earmarks that should not be in this bill because they are not proper at a time when we have such financial difficulties. If we were in surplus, I wouldn't be here mentioning even one of these projects, not one. But we are not in surplus.

We can deny the fact that the true add to the debt was \$.6 trillion—\$600 billion. That is \$2,000 per man, woman, and child this year that we added to their debt; \$2,000 for every little baby I might deliver, or every grandmother I might care for.

To correct the Senator, I am an obstetrician but I am also an old-time GP. I care for Medicare, I care for little kids, I care for old people, nursing home people, and I listen. I tell you that when I practice medicine on Monday mornings before I come up here, I get an earful. What I am hearing is, shape up, start doing the priorities we want you to do. Make the tough decisions.

It is easy for me to earmark something in Oklahoma, isn't it? If I come to the Senator—maybe not after this discussion this morning, but normally—this may have something to do

with the St. Louis Cardinals last night. I don't know. My condolences. They are the best team in baseball. I give my condolences to the Senator. I am sorry the Cardinals aren't there. I hope that will impact his collegiality today as we go through all these amendments.

However, the American people expect Congress to start doing a better job about priorities. I didn't say anything about cutting out all community development block grants. I haven't said anything about that.

The amendments I will have today are very specific amendments. I try to run from the press. I am not trying to get in the press. What I am trying to do is start down a road that says if we want to be here and govern, we ought to start listening to the overall trend of the American people and our oath of office. What is that oath? That oath is to follow the Constitution and follow that Constitution to represent this country in its best long-term—not short-term, not for me to get reelected, but what is in the best long-term interest of our country.

How can anyone say today, with \$600 billion added to our grandchildren in terms of debt, with a war going on, with Katrina going on, with a hurricane coming to Florida, that we ought to spend half a million building a sculpture park in Washington State? I can't see that anybody would agree to that. It is a wonderful idea, but not now. There are other ways to build this—contributions, State funds. There is a potential that this will still get built even if we do not send money, but that ought to be a priority the people of Washington State make, not that we make, to take the Federal taxpayer dollars from the rest of the country and say we are going to do that.

I yield to the Senator from Missouri.

Mr. BOND. Madam President, before I turn it over to the Senator from Washington, as I said to the Senator, we have a difference in philosophy. I commended him publicly for his tremendous service to Oklahoma—specifically the fact that he continues his practice of obstetrics. However, we have very different philosophies on how we serve our people.

If he has told the people of Oklahoma how he is going to serve Oklahoma, that is fine. I have told the people of Missouri how I am going to serve Missouri. I believe I am living up to that. Now, I don't say that he isn't living up in any stretch of the imagination to the pledge he made to the people of Oklahoma. What I am saying is, I am not going to tell the people of Oklahoma how their Senator should behave. I expect the Senator from Oklahoma would not be telling the Senator from Missouri how to behave.

If he is talking about saving money, this does not cut the budget. The CDBG pot is 8 percent lower. The Senator may or may not have been in private sessions when I proposed a major means of reducing the budget to be considered by the Committee on the

Budget. We are staying in line with what the Committee on the Budget has proposed. The Committee on the Budget may come back with a recommendation, which I will be for if it cuts everything fairly.

We are talking about how money is actually spent, economic development initiatives. Yes, they can go to things like parks if they have them in communities. And the question is, Who makes those decisions? Well, for those decisions in Missouri, I spend enough time and my people spend enough time that I want a say in how funds are spent because I talk to and listen to those people. I hear what their requests are. It is a small fraction of the Federal money that goes to the State.

But I am proud of the progress we have been able to make by supporting local initiatives through EDI funds. HUD bureaucrats make some good decisions. If we cut all these out, they will make all the decisions. They may make some good ones, they may make some bad ones, but in Missouri, I can make those better than a bureaucrat. That is what we are talking about. We are not going to save a nickel. If any of these are agreed to, we will distinguish between the philosophies of service.

The Senator from Oklahoma has eloquently stated his philosophy. He believes we ought to restrain spending. And I agree; we ought to restrain spending. The question is, How do you prioritize the spending in the budget? That is where we have a disagreement.

We will have an opportunity for our colleagues to determine which philosophy they agree with. Do you want the bureaucrats solely to make the decisions, or should Senators be able to influence a small portion of those? That is the question, quite simply. It is not about saving money it is about who makes those decisions. We have two very different philosophies.

I have great respect for my colleague from Oklahoma. He has offered a different philosophy to his people in being elected than I have offered to my people in Missouri who have elected me.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I agree with the Senator that we ought to be involved in where the money is spent. As a matter of fact, we ought to be so involved that we ought to write the bills much more specifically, all the way down to the job and the title. One of the things we do not do—we leave too much open to bureaucrats.

In contrast for a minute, I agree this will not reduce the spending. But \$500,000 that is going to go for a sculpture park means \$500,000 that will not go for a water treatment plant or will not go for housing for somebody who has a need for housing. It will not accomplish the positive benefits the HUD bill is designed to accomplish in the first place.

I thank the Senator from Missouri for his debate. I again request a vote on this amendment. I am willing to allow

the Senator from Washington to debate this with me as well, and after that, I will suggest the absence of a quorum so we can discuss the other amendments.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to join Senator BOND in strongly opposing the Coburn amendment and the numerous other amendments he has filed with the same type of philosophy, as he calls it, in the Senate.

I join with my colleague from Missouri, the chairman of this committee. I, like him, go home every single weekend to Washington State, which is 2,500 miles away from the Nation's Capital. I, like the Senator from Missouri, do not believe the bureaucrats sitting in Washington, DC, know what is happening on the ground in my home State 2,500 miles away from here. I am out there. I am out in every community, talking to people, listening to them, knowing what their concerns are, knowing what they are developing within their own communities, within their own cities, within their own capabilities, to help stimulate the economy and to do good things. It is my job to be their partner in that. I tell them that all the time. You get it going on the ground here, you develop the projects, you get the consensus within your own communities, and I will do what I can to get some small part of help from the Federal Government. That is how I, like most Senators in the Senate, am sent projects.

Last year, I was in Yakima Valley and talked to our farmers out there. This is a remote community. They are struggling with putting together a clinic. I talked to them. They developed the ideas at the local level and put together a building, a job training center, to assist our State's large farmworker community to help further their education and acquire some critical new skills. This was an important project for them. I was able to come back here and partner with \$500,000 from the Federal Government to help stimulate that project to make sure it was going to succeed.

Another time, I was traveling in King County, talking to community leaders there who were working to fund a Greenbridge community center in the heart of an exciting Hope VI project that is bringing affordable housing and economic development to one of the poorest communities in King County. I came back here. It is my job to represent a State that is thousands of miles away from here, and I flew back and said I will do my part to help with this important project. And we were able to get \$500,000.

Today, the Senator from Oklahoma has targeted another project that I sat down and discussed with local community leaders. I didn't come up with this. This came from the heart of my local community because they are working very hard in an urban core in the city of Seattle to turn a brownfield into a hub of activity. It is a project

that is stimulating jobs and investments. That is exactly what this EDI program is intended to do. We didn't need to cut investments to clean up brownfields to produce jobs. We need more projects like this.

If the Senator from Oklahoma wants to look for a culprit for the fiscal situation in this country, he should look into the billions and billions of dollars in tax cuts that have been granted to multimillionaires in this country, and he should look at additional tax cuts his party wants to implement in future years if he wants to find incredible savings.

To take apart a Senator's projects, who worked very hard, as I have and as the Senator from Missouri has, the Senator from Rhode Island, the Senator from Mississippi, and the Senator from Nebraska have done with their projects and numerous other Senators who have gone home like we have, listened to the leadership in their communities, heard their projects, filtered through them as we have had to because we do not have a lot of money in these accounts, and said these are the ones we will partner with you at the Federal level and put into this bill.

The Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, under the leadership of my capable colleague from Missouri, Senator BOND, has been respectful and responsive to requests of Senators who have come up with projects. Contrary to the representation that some Members have made in the Senate, these EDI projects we are talking about are not the centerpiece of our efforts of community development in this bill. In fact, they are far from it. The funding for these EDI projects that the Senator from Oklahoma is targeting amounts to less than 8 percent of the overall funding we provide in this bill for HUD's community development fund.

In fact, my colleagues should remember that President Bush's budget looked to take the Community Development Block Grant Program out of this bill and fund it in the Department of Commerce while cutting its funding by more than a third. Senator BOND and I fought to continue the funding for the CDBG Program in our bill because we all heard from our local communities how important these funds were for development across the country.

The Senator from Oklahoma now comes to the Senate with a series of amendments targeting a few States to pick out individually named projects and eliminate those projects' funding. We are not going to go down that road. There are criteria that pertain to the funding for the project that I have, for the project the Senator from Oklahoma has, the project from Nebraska, the project from Missouri, the project from Mississippi, the project from Rhode Island, and the other projects on which he has amendments. There are criteria for these. They are not random. These

funds have to be used for capital expenses rather than operating costs. None of the funds are dedicated to for-profit entities. The vast majority are dedicated to projects in underprivileged communities.

I don't care if it is my project, Senator BOND's project, Senator NELSON's project, Senator CHAFEE's project, or the other projects that the Senator from Oklahoma has randomly picked to target, the Senators that have EDI projects in this bill—and that, by the way, is almost every Senator in this Senate—are going to have to stand together. We are not going to watch the Senator pick out one project and make it into a whipping boy.

Now, it is true that Senator BOND and I allow Senators to allocate EDI funds to those projects in their States that they think make best use of the funds. We do not make any apology for that practice.

As the Senator from Missouri has said—which I agree with, I do not think the bureaucrats at the Department of Housing and Urban Development know better than I do—a Senator from a State thousands of miles away from here, who goes home every single weekend and is on the ground talking to community leaders in every county and every city in my State, and hearing from them what they think is important.

We do not choose these projects randomly sitting on high from back here. We go out and talk to our community leaders. They tell us this project, the one the Senator has decided to target, is a project, as I said, that is turning a brownfield into a hub of an urban center, into a center of activity, and it is critical for their economic development.

When the community leaders come together, and they have a consensus for it, and they have built the funding for it in the State, it is my job, I believe, to represent my State, which is thousands of miles away from here, and to come back and be an advocate for them.

I don't know that the bureaucrats at the Department of Housing and Urban Development ever take the opportunity to go out and sit on the ground in my State. It is my job to do that. I take it seriously. And I am happy to come back here and fight for them, such as most of the other Senators have done who have given us EDI projects in this bill this year—next year or the following year.

There is not a lot of money in these accounts. We allocate them correctly. I sat across the table from the Senator from Missouri in the Budget Committee for many years, and I can vouch for him that he is not someone who spends money randomly. He and I have disagreed, in fact, on budgets and spending over the years, but I do know that he takes his job seriously, to make sure we spend the taxpayers' dollars wisely. He votes, every time, for a budget where most of the time I say I

am willing to spend more than he does. He cuts those budgets. And we have done so this year.

It is a very tight budget year. Our committee is operating within the confines of that budget. I commend my colleague from Missouri for doing so because I know how many requests we got for funding within this bill. It was a tough year. I watched him work his way through a bill, telling Members of the Senate that he could not fund all their projects. But he has moved this bill forward under the confines of that budget.

It is our job to make sure that every Senator has the ability we have to go home to their States, listen to their community leaders, and then be their partner in the Senate for this small amount of EDI funding that is available. These projects in this bill have to fall under the criteria that the EDI funds do so, and we make sure they do.

I hope the Senate will not go down the road of cherry-picking individual projects that Senators have come to us and have championed on behalf of their constituents who do not live here in Washington, DC. I hope we do not go down the road deciding we know better than home State Senators about the merits of the projects they bring to us.

As the old saying goes: What is good for the goose is good for the gander. And I tell my colleagues, if we start cutting funding for individual projects, your project may be next.

So, Mr. President, when Members come down to the floor to vote on this amendment, they need to know if they support stripping out this project, Senator BOND and I are likely to be taking a long, serious look at their projects to determine whether they should be preserved during our upcoming conference negotiations.

We must not and we will not go down the road of picking on one Senator or another on the floor of the Senate. I urge a no vote on this amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what we heard was a cultural difference. What we heard is: If you vote for this amendment, anything that you have in this bill may not be preserved in conference. Now think about that. I want the American people to hear that. If we tend to think that a sculpture park is not as high a priority as housing people who are homeless, and we vote to take that out, the threat has now been made that if you vote that way, then you will not be able to do something that may be a higher or lower priority.

I have the greatest respect for the Senator from Washington. I know she travels hard. I know she works well into the night to represent the constituency of the State of Washington.

This is a start to forcing us to make priorities. I am happy she is here to defend this. She believes it is more important than housing. I think that is fine. She does not believe the guidelines of the CDBG are appropriate to

give the State of Washington what it needs.

But I believe it is important we start putting in front of the American people what we are doing. I believe, with a \$600 billion addition to the debt for this last year alone—being passed on to our grandchildren—which is \$2,000 per man, woman, and child, it is time we changed. There is nothing personal about it. There is nothing about anything intended toward the Senator from Washington. It is about a real assessment the American people need to know. Is this more important than housing the 17,590 people who are homeless in the State of Washington? That is the kind of priority I think we need to make.

The other thing I would say is, if we have a problem with the bureaucracy, we have all the power in the world to change that. We have the power right here to change that. So we can either change the bureaucracy so it reflects the views of the people of this country or we can go about it the wrong way and have to control it by taking a very small percentage of the budget. We get two bad results from that. We get poor priorities. And, No. 2, we are not doing our job in controlling the bureaucracy.

So I am prepared to ask that this amendment be set aside and continue with another amendment in a moment. But at this time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have spoken with the parties, and we believe we have come to an agreement to have a vote at 12:20, with the time equally divided between the Senator from Oklahoma and—how much time does the Senator from Oklahoma want?

Mr. COBURN. Ten minutes.

Mr. BOND. Ten minutes for the Senator from Oklahoma, 10 minutes for the Senator from Nebraska, and I will reserve 5 minutes for the Senator from Rhode Island. I will take that time on his behalf if he is not able to make it. So that will make a vote at 12:15 in relation to the amendment or the amendment, as modified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2093

(Purpose: To prohibit any funds under the Act from being used for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.)

Mr. COBURN. Mr. President, I call up amendment No. 2093 and ask that it be considered and read.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2093.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

Mr. COBURN. Mr. President, again, this is not an amendment about this being a bad idea. I am sure this is a parking lot that is needed. The purpose of this amendment is to talk about priorities.

The number of homeless people in Nebraska is 3,268. This is an amendment that spends, I believe, \$950,000 to build assets for a private museum that was started in 1931. Again, no doubt this is needed. In this time of \$600 billion that we added this last year to our grandchildren's debt, in this time of war, in this time of hurricanes times two in the gulf and one coming to Florida again, the fact that we would spend close to \$1 million on a parking facility instead of putting that to the area where we meet more human needs, to me, seems to be the wrong priority.

Fiscal year 2004 reports by the Joslyn Art Museum showed they had a net surplus that year alone of \$1,998,000. They have assets of \$66 million and working capital of \$6.5 million.

The question I am raising with this amendment is, Is this the right priority at this time? It is not whether this is a legitimate effort on the part of those who are associated with the Joslyn Art Museum master plan in Omaha, NE, to expand. They spent \$3.5 million purchasing an additional football field so they would have additional expansion. But at a time when we are at war, at a time when we have the greatest natural catastrophe that has ever hit this country, and at a time when we have fiscal deficits that are as far as we can see, and an oil crisis, an energy crisis affecting us, the question is whether this is the right place to spend our money.

I understand if this money is not spent on this, it will be spent on something else. And I know this does not cut the money from the overall appropriations bill. But there is a grant process for this. We control the grant process. We control the requirements for the grant process. We can, as a legislative body, direct that the grant process is open, competitive, and fair.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON of Nebraska. Mr. President, apparently the Nebraska-Oklahoma game, which is to be played later this month, is occurring today.

I have a great deal of respect for my colleague from Oklahoma and his de-

sire to watch the Treasury and to establish priorities, but I will put up my credentials for watching the priorities and for watching the spending as well.

The Community Development Fund Program has been put in place to deal with this priority. In Washington, DC, there can be many priorities. The business of the Senate, the business of government runs on numerous tracks, not a single priority. There are many priorities, and it is up to us to balance those priorities. But in balancing the priorities, we must keep in mind that the community development funds are designed so that Members of the Senate can go home and listen to the communities as to what they need and what will work best for their development, for their particular needs. It is an opportunity to get away from what happens in Washington so very often: nameless, faceless, hired bureaucrats who make a decision about what a community needs rather than the elected officials who, in consultation with the communities, are then able to help establish those priorities.

There are many priorities, and this is a priority as well, a priority for one of the crown jewels of the plains, the Jocelyn Museum, an art museum that is largely funded by private funds, as my colleague has suggested. But I think that partnerships between public and private entities are not only commonplace but necessary in order to continue to have the fabric of life that this represents.

This is not choosing against other priorities. I think my colleague knows that the Katrina victims will be taken care of. I think he knows that other priorities will be met, but that we must, in fact, balance all the priorities that we are faced with in deciding here in Washington, DC.

In assisting communities with their development, these funds were made available for projects just like this one and the other ones that are in question in Washington and Rhode Island. So to suggest there is something inappropriate about this in terms of priorities is unfortunate. It is unfortunate for a number of reasons.

No. 1, we are not here challenging decisions made for grants that might be established by the bureaucracy which, on their face, seem to have more credibility even though, in my opinion, they have less credibility.

In addition, we have to recognize that this priority has met the test of what is necessary to help this private institution in dealing with a public school to make available for that public school athletic facilities and an exchange—once again, a public-private partnership that was created.

That public-private partnership preceded this public-private partnership, and this is an opportunity to continue those kinds of relationships.

I go to Nebraska and I listen to my communities. I listen to the leaders. And based on what they tell me their needs are, I am able to come back and

try to establish these kinds of funds available, then make them available for those needs.

I object to singling out one or two or three of these projects as though there is something inappropriate about their priority. There is nothing inappropriate about their priority.

I reserve what remains of my time.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have the greatest respect for my colleague from Nebraska. As a matter of fact, I am worried about his football team hurting the Oklahoma football team this year. But I will say, we view priorities differently. What about the priority of our grandchildren? I will say it again. This last year, through our leadership, \$2,000 per man, woman, and child was added to the debt of this country. That is a loadstone around a 2-year-old child. Last year we added \$1,700.

The reason for these amendments is to get us to start thinking about choosing priorities. The Senator from Nebraska was not here when I gave my opening statement. I am not trying to pick on Nebraska. I am trying to pick on our process. The fact is we can change every aspect of how the grant-writing process goes if we want to and we can make it work.

The reason we do not trust bureaucrats is we do not hold them accountable because we do not do the work we need to do to create the change in the bureaucracy. So first I would offer no personal offense to my friend from Nebraska. He does have my respect. But when a private institution is worth \$66 million, has a cash working capital of \$6.5 million and has \$1.998 million in the bank, we are going to take a priority that says this money we are going to spend here rather than on something that has a better priority. That is all I am saying. I am not saying this is bad. I am saying there should be a better priority for our spending.

My hope is by going through this process we will all start looking. I believe this is a sincere effort on the part of the Senator from Nebraska to do what he thinks is great for Nebraska. My feeling is—and there is lots I would like to challenge in the spending that goes through our earmarks—and I have said before the Senator came on the floor, if we were in surplus I would not be talking about any of these. I think the difference is we are not. So when we direct programs for institutions that have the assets to pay for it themselves, our grandchildren do not get great value. That is my only point.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Point of inquiry: How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. NELSON of Nebraska. Mr. President, I rise again to deal with the question about priorities. There are many priorities we must face as a country. We do have priorities to deal with Katrina. We have priorities to deal with the cost of the war. We also have to deal with the priorities that deal with the fabric of life for Americans wherever we live and whatever we do.

One of the ways in which we try to establish those priorities is by talking to the people who send us here, the people who pay the taxes that are sometimes redistributed in ways that will raise questions about priorities.

I do not think there is any question but what the priority this raises is an important priority as part of the community development funds. It has been a long-established practice to set aside these funds for similar situations as the ones that are called into question today by my colleague from Oklahoma.

There is nothing wrong with calling these priorities into question, but to single them out with respect to all the other priorities he may have in mind is unfortunate because it only draws attention to one, two, or three of these projects as though these are all by themselves the priorities that are being dealt with.

These community development funds are broad based. They apply to virtually every State. I have not checked to see what Oklahoma might get or what my other colleagues might get, but I do believe it is far better for the Members of the Senate to go home and listen to their communities and listen to their leaders and come back with this type of an approach, rather than continuing to see the grant process that the bureaucracy continues to provide and is not held accountable in the same way this is being held accountable. I will be held accountable and my colleagues will be held accountable for trying to do the right things for our States, for the people and for the fabric of life in those communities and in those States.

I say today that I hope our colleagues will recognize the importance of these community development funds and the grants they represent because a good part of why we are here is to take care of responsibilities back home. That is why we go home on weekends, to find out what is necessary in those communities.

Others will always have some question about whether it is this priority or that priority. We have to make those choices. In my opinion, this has been a good choice.

I yield back the time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

AMENDMENT NO. 2093, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to modify my EDI amendment to include the three projects, Washington, Nebraska, and Rhode Island.

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

The amendment (No. 2093), as modified, is as follows:

At the appropriate place insert the following:

JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

STAND UP FOR ANIMALS.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for Stand Up for Animals in Westerly, Rhode Island for building construction.

SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Mr. President, I will spend a few moments talking about the last of these three that are going to be considered. This is another project where we are spending \$200,000 for the construction of an animal shelter when we cannot even shelter the people properly in Louisiana, Alabama, and Mississippi.

Now, \$200,000 could go a long way to provide temporary housing right now for the people in Louisiana, Mississippi, and Alabama. This is \$200,000 toward a \$2.2 million facility to house 120 cats and 45 dogs, with a dog obedience school and classroom settings for youth.

If one looks at HUD's Web site, the mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. It does not say anything about animals in it and, at best, it is a satirical exaggeration of the goal.

This funding has been proposed for this organization despite the fact that this is a 501(c)(3) organization that has already received \$900,000 in charitable contributions.

I remind the Senate there are 7,814 people in Rhode Island who do not have homes at this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Unfortunately, Senator CHAFEE is tied up. We are expecting momentarily to get a full explanation. Our debate has focused on the difference in philosophy. The Senator from Nebraska, the Senator from Washington, the Senator from Rhode Island, and I all have the ability to establish priorities in the economic development initiatives. They are important initiatives and important priorities that can be set by Senators.

In the case of the provision for the Senator from Rhode Island, this happens to be construction of a building that is very important for the quality of life in the town of Westerly, RI.

Many people have different needs and one of the beauties of that is the people from those communities can talk directly to their Senator and tell their Senator what is important.

In this instance, the Senator from Rhode Island listened to the people. He listened to his constituents. He determined this was a priority. There is going to be a lot of other money that is going to be handed out by HUD bureaucrats under the economic development initiative for construction. What is wrong with the Senator from Rhode Island saying here is one pressing need that is very important for the Senator from Rhode Island because it is important to his constituents?

I reserve the balance of the time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to all sides.

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

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

AMENDMENT NO. 2158 TO AMENDMENT NO. 2133

Mr. ENSIGN. I ask unanimous consent that we return to the consideration of Dorgan amendment No. 2133 for a moment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2158 to amendment No. 2133.

Mr. ENSIGN. 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 title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

Strike all after the first word and insert the following:

(a) SHORT TITLE.—This section may be cited as the "Child Custody Protection Act".

(b) TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec

"2431. Transportation of minors in circumvention of certain laws relating to abortion

"§2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States."

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item

relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws related to abortion 2431".

Mr. ENSIGN. I yield the floor and 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. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2093, AS MODIFIED

Mr. BOND. Mr. President, I understand the distinguished Senator from Oklahoma has modified his amendment to include the provisions dealing with the States of Washington, Nebraska, and Rhode Island. Is this correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Mr. President, on behalf of the Senator from Washington and myself, I move to table the amendment as modified and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—86

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

NAYS—13

Allen	Feingold	Sessions
Burr	Graham	Sununu
Coburn	Hagel	Talent
DeMint	Kyl	
Ensign	McCain	

NOT VOTING—1

Corzine

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we thank our colleagues.

Mr. President, as far as procedure, there are a number of issues that will be debated. There may be additional amendments offered, but for the convenience of our colleagues, there are not going to be any votes until 2:30. I propound a unanimous consent request that at 2 p.m. there be 30 minutes equally divided in relation to Reed amendment No. 2077; provided further that the Senate then proceed to a vote in relation to the amendment, with no second degrees in order to it prior to the vote.

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

Mr. BOND. I thank the Chair. The floor is now open for debate and further amendment as requested.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2077

Mr. KENNEDY. Mr. President, I take a moment of the Senate's time to reiterate my very strong support for the amendment offered by my colleague and friend, Senator REED of Rhode Island, and my colleague, Senator KERRY, and myself on increasing emergency funding for the LIHEAP program. This program is a lifeline to many poor individuals on fixed incomes in my state of Massachusetts and across the nation. It is the help and assistance that is provided to low-income, elderly and disabled households to defray the steep costs of home heating. The average LIHEAP household has an income of less than \$10 thousand. These individuals are trying to make ends meet.

According to the Energy Information Administration of the Energy Department, this year natural gas prices for heating one's home will increase by almost 50 percent over last year, home heating oil will increase 32 percent, electricity will increase 5 percent. In Massachusetts, the current average price per gallon of heating oil is \$2.51. This is an increase of 30 percent over the average price per gallon last October.

These aren't just abstract numbers. They represent huge burdens on real people. Just last week, Mayor Menino and I met with low-income seniors at the Curtis Hall Community Center in Massachusetts. These families are caught between a rock and a hard place about how they are going to pay their heating bills. Are they going to cut back on food? Are they going to cut back on prescription drugs which are so necessary? Are they going to try and continue to put the temperature level

down to such a low degree that it threatens their health and well-being? Those are the cruel choices they are faced with today.

So many senior citizens are looking into the future, they are looking at the impact of sky-rocketing heating bills over the course of the winter, and they are frightened and scared. They are wondering who is going to give them some help and assistance.

Our amendment increases emergency funding for the LIHEAP program by \$3.1 billion. This funding on top of the President's budget request for \$2 billion would bring the program to \$5.1 billion—the level authorized in the Energy Policy Act of 2005.

Funding for LIHEAP has been stagnant for more than a decade. It has seen significant loss in terms of purchasing power. We have a program that has been stagnant for over 10 years, the program has lost purchasing power, and absolutely dramatic increases in heating bills. We need to provide help and assistance to low income families. This amendment provides that much needed assistance.

I hope we have broad support. This is an essential amendment. We can talk about food; we can talk about medicines. We ought to put heat right in that same category.

I will mention some of the low income individuals struggling to survive: Wilhelmina Mathis of Dorchester. Wilhelmina is 71 years old and lives alone. She keeps her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money before she runs out of a way to pay her heating bill. She says:

I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know now much longer I can keep doing this."

Jacqueline Arroyo of Roxbury, MA, is a single mom who lives in Roxbury with her baby daughter Jessica. She is a nurse who lost her job in August 2004 and has been working temporary jobs ever since. Her salary has not been enough to cover all of her bills. Her electricity bill is now \$4,000, and she worries about how she will pay off the debt before this winter.

Emory Baily has MS, and it is hard for him to get around. Now the comfort of his home is in jeopardy. Any day the heating oil will run out. The assistance he receives from LIHEAP has run out as temperatures begin to fall.

In Boston, a 79-year-old man lives with a sick wife. He worked hard on a loading dock most of his life and retired with a pension, but he has a hard time paying all the bills. He receives LIHEAP benefits, but the fuel oil assistance has been exhausted. We are not even halfway through the winter.

In Haverhill, MA, a single mother lives with her 18-year-old son, who is handicapped, her 19-year-old daughter, and her daughter's child, who has a medical condition. Both mother and daughter are employed as school bus

monitors. They have little or no income over the summer. Their rent is \$950 a month. Their last gas bill was \$1,729. Because they could not pay their gas bill, their gas was shut off. Even if they qualify for \$600 in LIHEAP assistance, the gas company may refuse to reconnect the service unless the family comes up with another \$400 to \$800 toward the back pay.

These are typical families. This is the issue we have before the Senate. It is truly a life-and-death situation. It certainly deserves the support of our colleagues in the Senate. I hope that will be reflected in the vote at 2:30.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending amendment is Coburn amendment No. 2091.

AMENDMENT NO. 2065

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment be set aside and that I be allowed to call up amendment No. 2065.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. NELSON of Nebraska, Mr. LEVIN, Ms. STABENOW, Mr. SPECTER, Mr. BROWNBAC, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DURBIN, Mr. HAGEL, and Mr. SANTORUM, proposes an amendment numbered 2065.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To extend certain airportments to primary airports)

On page 229, between lines 12 and 13, insert the following:

(c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking "and 2005" each place it appears in the text and in the heading and inserting ", 2005, and 2006".

Mr. BINGAMAN. Mr. President, this is an amendment I offer on behalf of myself, Senator SPECTER, Senator NELSON of Nebraska, Senator LEVIN, Senator STABENOW, Senator BROWNBAC, Senator ROCKEFELLER, Senator HARKIN, Senator DURBIN, Senator HAGEL, and Senator SANTORUM. This is a bipartisan amendment which tries to assist many of our smaller airports around the country.

Under the current formula in the statute, airports that have at least 10,000 boardings each year are called primary airports. Those airports receive entitlement of \$1 million per year from the FAA's Airport Improvement Program. The nonprimary airports—those that do not have the 10,000 annual boardings—receive only \$150,000.

In the wake of September 11, many airports saw their annual boardings plummet. There were a number of these smaller primary airports, many in rural areas, that faced the temporary loss of their \$1 million annual entitlement.

Vision 100, which is Public Law 108-176, gave certain primary airports 2 years—fiscal year 2004 and 2005—to regain that minimum 10,000 boarding level. During that time, they retained the annual \$1 million entitlement they had been receiving. These airports are designated as virtual primary airports in the statute. The 2-year grace period in Vision 100 for the virtual primary airports expired on September 30, just a few weeks ago.

The amendment I am offering today to the legislation before the Senate gives the virtual primary airports 1 additional year—fiscal year 2006—to regain a level of 10,000 boarding. Many of the virtual primary airports saw substantial increases in their boardings in fiscal year 2004. There are 10 fewer airports that need this extension for fiscal year 2006 than would have needed it or that did need it in fiscal year 2005.

This is the right thing to do. This is important to many of our States. I have a list of all the airports that will be adversely affected if we do not agree to this provision. One of those airports is in my home State in Roswell, NM, that is in danger of losing this funding if we do not extend this for 1 additional year.

This is a bipartisan bill. We have 11 cosponsors of the legislation. It is good legislation. The policy is good. We have gone to the Congressional Budget Office and they have indicated there is no score attached to this bill. This is not a money issue. There is not going to be an increased burden on the taxpayer. I very much urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Jersey.

AMENDMENT NO. 2077

Mr. LAUTENBERG. Mr. President, I want to take a couple minutes to talk about the amendment to fully fund the Low Income Home Energy Assistance Program, what we call LIHEAP.

Americans have already been slammed by outrageously high gas prices. The average price for a gallon of regular unleaded gas in New Jersey is now \$2.65. That is 37 percent higher than a year ago.

For an average New Jersey motorist, a tank of gas now costs about \$46, which is \$12.50 more than a year ago. That extra \$12.50 for every tank of gas adds up to a cost of more than \$400 a year for the average motorist—a new cost for their transportation needs with their cars.

It is affecting our quality of life. Driving to work or taking your children to school is not a luxury, nor is a visit to the doctor, nor is a visit to a shop. These things are all necessities. That is a terrible mistake because we have to make sure we do not misunderstand or misquote the importance of this extra cost to the average family. It is particularly onerous for those who do not have the choice of using transit.

Families have sacrificed substantially. They have cut back on lots of

things. According to a new survey by AARP, almost 40 percent of Americans over the age of 50 have had to reduce their visits with family and friends because of high gas prices.

I have even spoken to people who run businesses that are not on a transit route or a bus route of any kind. They tell me their business has fallen off substantially. And people who work there—a lot of people with very modest jobs—have been very seriously affected.

Forty-one percent of the people the AARP was talking about have cut back on spending. That includes food and medicine.

Gas price increases have been a heavy blow, and now we are about to get hit again by higher home heating costs. According to all predictions, heating oil and natural gas prices will increase more than gasoline prices have increased.

Now, some people can lower their thermostats by a few degrees; and those who can, should. But heating a family home is not a luxury. It is a necessity, like putting food on the table. It is a level of comfort that is required to be met that cannot be ignored. That is why we have to support LIHEAP.

Last week, Energy Secretary Samuel Bodman said increasing the support for LIHEAP is “not on the agenda.” Not on the agenda? That is hard to understand. Maybe someone with a lofty position such as the Secretary can discard it as a noncritical situation. But if a child shivers at home while he or she tries to study or while they sit there with their families to have some conversation—maybe what this Government of ours ought to do is ship out blankets to everybody, or shawls they can wrap around their shoulders. You tell the senior citizen who has to choose between buying medicine or paying the heating bill that the Government is not going to help them through this crisis.

Helping families heat their homes should be near the top of our agenda. The Secretary’s statement is outrageous. It is a sad commentary on the priorities of this administration. I don’t think any Member of this body would walk into a modest-income family home and turn off their heat in the middle of winter. But voting against this amendment is going to have the same effect for thousands of low-income families.

We cannot leave American families out in the cold. We have to support the Reed-Collins LIHEAP amendment and give families a helping hand through what some suggest is going to be a fairly cold winter. With weather as erratic as it is, we cannot tell what is going to happen.

So, Mr. President, I hope we will be able to adopt this amendment.

With that, I yield the floor and 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. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I shall consume.

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

FISCAL CONDITION OF THE COUNTRY

Mr. CONRAD. Mr. President, I come to the floor today to talk about a recent report in the Washington Post about the fiscal condition of the country. This was an article that appeared Saturday in the Washington Post, reporting on the budget deficit. It had this very hopeful headline: “Federal Deficit Fell in Past Year.” While that is true, I think it is largely misleading as to the financial condition of the country.

When I went into the article, I read this paragraph:

The 2005 deficit was the third-largest ever. But it was not only markedly smaller than the record \$412.85 billion [deficit] for 2004, it was also well below the forecasts for the year issued in February. As a proportion of the economy—it equaled about 2.6 percent of gross domestic product—the deficit was within bounds that most economists consider manageable, and far from the levels of the 1980s, when the deficit reached nearly 6 percent of GDP.

I think if the average person were to read that, they would think: Gee, things are headed in the right direction. The deficit is down. The deficit is, as a share of GDP, gross domestic product, well below where it was in the 1980s.

The problem with this report is, I think it is completely misleading to the American people as to our true fiscal condition. Why? Well, first, because the deficit calculation that is used so broadly by the press—and I am not singling out the Washington Post here. I would also point the finger at almost all of the mainstream media that continually refer to the deficit and never talk about the debt.

Here is the difference. While it is true the deficit last year was \$319 billion, that is not the amount by which the debt increased. This is a critically important difference people need to understand. The debt last year did not increase by \$319 billion, the advertised deficit. The debt increased by \$551 billion.

I find repeatedly, when I go around my home State of North Dakota, there is great confusion about the deficit and the debt. Most people believe the increase in the deficit matches the increase in the debt. But that is not the case. The debt is increasing by much more than the reported deficit.

Here is the biggest reason why: Social Security funds that are being used to pay for other things. In effect, the Social Security trust funds are being raided consistently, repeatedly, in order to pay other bills. If any private sector entity tried to do what is being

done here, they would be on their way to a Federal institution, but it would not be the Congress. It would not be the White House. They would be on their way to a Federal penitentiary because it is a violation of Federal law to take the retirement funds of employees and use them to pay operating expenses. That is exactly what is going on here.

It happened last year to the tune of \$173 billion. It is not included in the deficit calculation. Why not? Because that is borrowing of one Government entity from another Government entity. So they don't include it in the deficit, but it is included in the increase in the debt. Every penny of this has to be paid back.

What is happening is, the general fund of the United States is, in effect, borrowing money from the Social Security trust fund. It is using that money to pay other bills—not using it to pay down debt, not using it to prepay the liability, it is using it to pay other bills. It is adding to the debt. So last year the debt increased not by \$319 billion, which we read in every press report. You didn't read in any press report that I can find, not one, that the debt increased by \$551 billion last year.

When you then correct for what has been left out, instead of an operating deficit of 2.6 percent of GDP, which was reported in the story by the Washington Post on Saturday, which is, they say, within acceptable bounds of most economists—most economists say about 2.5 percent of GDP is the danger point—when you make an adjustment for what the debt increased by, what you see is an operating hole in the United States of 4.5 percent of GDP, far beyond what most economists say is acceptable. In fact, in the European Union, to become a member, you have to have an operating deficit of 3 percent of GDP or less. The United States wouldn't qualify under that standard because in truth our operating deficit is now well in excess of 4 percent of GDP.

The other thing that is important to understand, the article referenced the deficit as a share of GDP was higher back in the 1980s, not much higher, and in most years not higher when you put in the calculation of the money being taken from Social Security. Here is the pattern of Social Security surpluses that are being used. You can see back in the 1980s there was almost no money being used from the Social Security trust fund. Back in those days, you can see we were running very small surpluses. In fact, until 1983, we weren't running any surpluses in Social Security. Then they were very modest, but most of this time well below \$50 billion. Look at where we are now. We are up here now, \$170 billion a year. That is a profound difference in the calculation. Nobody seems to pay any attention to it. This gives you a very different look at the true fiscal condition of the country.

In addition to that, back in the 1980s, you had time to get well because the

baby boomers were not going to retire for over 20 years. Now there is no time to get well because the baby boomers are poised to retire. That is not a projection. The baby boomers are alive today. They have been born. They are living. They are going to retire. They are going to be eligible for Social Security and Medicare. We are headed for a train wreck.

What we get from the mainstream media are these happy talk reports that the deficit is down. No attention is paid to the increase in the debt. No attention is paid to where this is all headed. This is serious business.

This chart shows, going back to 1980, the relationship between spending and revenue. The red line is the spending line as a percent of GDP in the United States. The green line is the revenue line as a percent of GDP. Let's stop there and ask, Why do we use that calculation? Why aren't we showing in dollar terms the relationship between spending and revenue over a long period of time? The reason is very simple: Economists tell us, if you use gross domestic product, you then take out the effects of inflation and real growth, so you are comparing apples to apples. That is what we are trying to do here, get a sense of what is happening to our spending, what has happened to our revenue over an extended period of time.

This chart shows that the spending level of the United States, back in the 1980s and for much of the 1990s, was significantly higher than it is today. You can see the spending line back here. This goes back to 1980. Through the 1980s, the spending line—and much of the 1990s—was well above where it is today, even though in the 1990s spending came down each and every year as a share of gross domestic product. Now we have had this uptick in spending, quite a substantial increase as a share of gross domestic product, but still we are well below where spending was in the 1980s and for much of the 1990s.

Ninety-one percent of the increase in discretionary spending was from three factors: Defense, homeland security, and rebuilding New York. So the spending line has had a substantial increase but still well below where Federal spending was as a share of our national income going back to the 1980s and 1990s.

Look at the revenue line. The revenue line back in the 1980s was approaching 20 percent of GDP. Then there were the tax cuts, and it went down to just over 17 percent of GDP. Then it kind of jiggled and jagged around here. And then in the 1990s, as the spending line came down each and every year, the revenue line went up each and every year. So that in the year 2000, revenue was at a historic high, about 20.9 percent of GDP.

Look what has happened to the revenue line since 2000. The revenue line has collapsed. Revenue last year was the lowest as a share of gross domestic product since 1959. Anybody who is se-

rious about doing something about the deficit has to address both the spending line and the revenue line. Very often our colleagues on the other side of the aisle only want to talk about the spending line. They vote for all the spending, but they don't want to address the revenue side of the equation. They don't want to cut the spending to meet the revenue line, and they don't want to raise the revenue to meet the spending line.

What we have here is a complete lack of responsibility. There are a lot of speeches about fiscal responsibility, but there is no reality of responsibility. Our Republican friends want to focus on the spending side, and indeed we need to focus on the spending side, although they voted for this increase in spending. These have not been Democratic budgets. These are not Democratic spending bills. Our Republican friends are in charge of the Senate and the House and the White House. They are responsible for every dollar of increase in spending. Every dollar they voted for. But they don't want to be responsible to match their spending with revenue. They don't want to cut the spending to match the revenue line, and they sure don't want to raise the revenue to match the spending line. They are happy passing it off to our kids, just tack it on to the debt. They say they are fiscally responsible. No. This is not fiscal responsibility.

What is most alarming is where all this heads. While it is true we have had an uptick in revenue in the last year—very welcome—we see that we are still way below the spending line. This is before the baby boomers retire.

Somebody may be listening and will say: Well, Senator CONRAD is giving a passionate speech to raise taxes. No, don't misunderstand me. I am giving a speech about making this all add up. We either have to cut the spending down to the revenue line or we have to raise the revenue line to our spending appetite or some combination. That means we either have to cut spending down to the revenue that we are willing to levy or we have to be willing to raise the revenue line or some combination.

By the way, the first thing we ought to do on revenue is not a tax increase on anybody. The first thing we ought to do is focus on the tax gap. That is the difference between what is owed and what is being paid. That tax gap now is over \$350 billion a year. The fact is, the vast majority of Americans pay what they owe. But increasingly, individuals and companies aren't paying what they owe. The Revenue Service says that has now reached \$350 billion a year, money that is owed that is not being paid. There has been precious little being done about it.

The hard reality, what is so different from the 1980s and now, is this demographic tsunami that is coming at us. This is a representation of the increase of people eligible for Social Security

and Medicare. We are under 40 million now eligible for Social Security and Medicare. We are headed for 81 million. It profoundly changes everything. The President's budget that claims it is going to reduce the deficit over the next 5 years misses the point. The only way he gets to cutting the deficit in half is he leaves out some items—war costs past September 30, the cost to fix the alternative minimum tax. A 5-year budget hides the larger truth. The larger truth is the President's long-term plan makes this whole situation much worse. Why? Because the President's tax cuts absolutely explode right beyond the 5-year budget window.

We used to do 10-year budgets. Then the President changed to a 5-year budget. I believe the key reason for that change was he knows what these numbers show, just as I do. He and his people know exactly what is going to happen beyond the 5-year budget window. The cost of his tax cuts explode. This is going to happen. The 10-year cost of the President's tax cuts are \$1.8 trillion. Here is what happens right beyond—the dotted line is the end of the 5-year budget window. Here is what happens to the President's tax cut proposal right beyond the 5 years. It explodes. It is not just that cost that explodes; it is also the cost to fix the alternative minimum tax which, by the way, there is not a penny in the President's budget to deal with. The alternative minimum tax, the old millionaire's tax, now is becoming very rapidly a middle class tax trap. Three million people were affected last year. It is going to be 30 million people affected 10 years from now, if we don't do something.

It costs \$774 billion to fix, and not a penny of it is in the President's budget. Again, the same pattern, right beyond the 5-year budget window, this dotted line, the cost of fixing the alternative minimum tax skyrocketed.

What is the answer that we get on the budget? We get what is called reconciliation, and we are told this is a deficit reduction plan. No, it is not. There is no deficit reduction in this plan.

This increases the deficit. Why? Because while it is true it has \$35 billion of spending cuts, it also has \$70 billion of tax cuts. And so the combined effect is to actually increase the deficit. What sense does this make when we have a debt crisis looming? The debt increased \$551 billion last year. The forecasters are telling us it is going to increase \$600 billion this year—or more. And the answer is a reconciliation package cloaked as deficit reduction that actually increases the deficit.

I don't know how anybody can, with a straight face, claim this is what the country needs.

This is the increase in the debt over the next 5 years of the President's budget plan. You take the President's budget plan. You adjust it for the war costs he has left out—not Kent Conrad's projection of the war costs,

the projection of the Congressional Budget Office—you put in the cost to fix the alternative minimum tax and the President's budget policy, the debt of the country is going to go up \$3.4 trillion over the next 5 years. And our colleagues are out here talking about cutting spending \$35 billion. It is farcical. It is farcical.

They talk about fiscal responsibility. They are sending off a plan to increase the debt \$3 trillion, and they run out here with a plan to cut \$35 billion of spending. And by the way, that is not deficit reduction because they are also going to cut taxes \$70 billion, so they are actually going to make the deficit worse, in the face of \$3 trillion of additional debt before the baby boomers retire. Come on. This is what is happening to the debt under this plan—this budget plan that was passed in the Senate before Katrina. This is what it is going to do to the debt. These are not Kent Conrad's numbers. This is what's going to happen to the debt. It is going to go up \$600 billion a year each and every year for the next 5 years—more than \$600 billion. It went up \$550 billion last year. You talk about building a wall of debt—and all at the worst possible time before the baby boomers retire.

Now, the Comptroller General of the United States has come to us and said, You have an utterly unsustainable situation on your hands. You are running these massive deficits, huge explosion of debt before the baby boomers retire and guess what. You have a shortfall in Medicare alone of \$29.6 trillion. You have a Social Security shortfall that is projected at \$4 trillion. In those two alone, that is \$33 trillion of unfunded liabilities.

Is anybody paying attention? Does anybody understand where this is all headed? This is a train wreck. That is where we are headed—a train wreck. And what is the answer? To come out here with a package that increases the deficit some more? They have got to be kidding. They have got to be kidding.

Mr. President, I do not believe this \$4 trillion of shortfall in Social Security. I think that is a very bad estimate. I think the shortfall in Social Security is much less. Why? Because the assumption behind this projection is that the economy is only going to grow 1.9 percent a year for the next 75 years. Over the previous 75 years, the economy grew at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear. Eighty percent would disappear. If the economy grows in the future as it has in the past, 80 percent of the Social Security projected shortfall would disappear. So I think it is a very pessimistic forecast.

On the other hand, the shortfall in Medicare that is seven times, more than seven times the projected shortfall in Social Security, I think that is, unfortunately, realistic because it is based on two basic assumptions. No. 1,

the retirement of the baby boom generation. And that is no projection. They have been born. They are alive today. They are going to retire. They are going to be eligible. And No. 2, medical inflation is running well ahead of the underlying rate of inflation, and all of us know that is true. So the Medicare shortfall is much more likely to come true than the Social Security shortfall. And the hard reality is we already can't pay our bills. The hard reality is we are already mushrooming the debt in a way that is utterly unsustainable. Senator, when you say the increase in the debt is unsustainable, what do you mean? Here is what I mean. Foreign holdings of our debt have gone up 104 percent in the last 4 years.

It took over 200 years of American history to run up an external debt of \$1 trillion. In the last 4 years, we have managed to more than double it.

Is anybody listening? Is anybody paying attention? Is there anybody who is writing these news columns who is connecting the dots? Is anybody paying attention to what is going on here with the fiscal condition of the country? Does anybody care? And what do we get from the mainstream media? Happy talk; the deficit went down. Debt went up, the deficit went down.

Yes, it went down to the third biggest ever. And the size of the deficit completely masks the true seriousness of our fiscal condition because it misses how much the debt increased. The debt increased by \$551 billion. The result is—here it is—we are borrowing more and more from abroad—more than a 100-percent increase in the foreign holdings of our debt in 4 years.

Does anybody believe that is a sustainable course? I do not. And here it is. Here is the result. We owe Japan \$684 billion. We owe China almost \$250 billion. We owe the United Kingdom over \$170 billion. And here is my favorite, the Caribbean Banking Centers—the Caribbean Banking Centers. We owe them over \$100 billion. Where do they get their money? We owe them over \$100 billion. We owe South Korea almost \$60 billion.

Mr. President, it is an utterly unsustainable course. The Comptroller General of the United States has told us it is unsustainable. The head of the Congressional Budget Office has told us it is unsustainable. Alan Greenspan, chairman of the Federal Reserve, has told us it is unsustainable. We are building up massive debt before the baby boomers retire, and the mainstream media run their stories saying the deficits have improved.

There is no attention to what has happened to debt, no attention to the train wreck that is coming. It is really a disconnection from reality that does not serve our country well. The American people deserve better. The American people deserve to be told honestly how deep this ditch is and how much it is going to take to fill it in because we cannot continue to run around the

world with a tin cup asking more and more countries to loan us more and more money. To have foreign countries increase their holdings of our debt by over 100 percent in 4 years is utterly unsustainable. It is reckless and it is wrong. It has to be stopped. To have our colleagues come out on this floor with a reconciliation package that makes it all worse is profoundly irresponsible, profoundly.

I thank the Chair and yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. HARKIN. 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. HARKIN. Mr. President, are we under a time limit right now?

The PRESIDING OFFICER. The debate will begin at 2 o'clock on the Reed amendment.

Mr. HARKIN. Mr. President, I am going to speak on the Reed amendment, and I ask to be recognized to speak at this time.

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

AMENDMENT NO. 2077

Mr. HARKIN. Mr. President, I rise to speak in support of the amendment offered by Senators COLLINS and REED to add \$3.1 billion in emergency funding for the Low-Income Home Energy Assistance Program. I emphasize this is, indeed, emergency funding, not to come out of something else but emergency funding because it really is a crisis.

During the cold winter months, LIHEAP is indispensable for low-income families, people with disabilities, and seniors on fixed incomes. Last Friday, I held a roundtable discussion in Hiawatha, IA, to hear firsthand from some of these citizens. They are not just concerned about high home heating costs this winter, they are right now almost in a state of panic. They told me they face a choice between staying warm and cutting back on necessities, such as medical care and prescription drugs.

Their testimony is backed up by hard data. According to a statewide Iowa survey, more than 20 percent of households receiving LIHEAP report going without medical care or prescription drugs. More than 10 percent reported going without food in order to pay their heating bills, and those numbers are going to skyrocket this winter.

Last winter, about 86,000 Iowa households received an average of \$317 in LIHEAP assistance. Most years, everyone who applies gets some level of assistance, but this year we are headed for big problems. As I learned in Hiawatha, the applications for home heating assistance have jumped by 50 to 70 percent this year. The director of the local Community Assistance Program that administers LIHEAP in that part of Iowa told me that LIHEAP funds are likely to be exhausted by mid-January, right in the dead of winter. Community services agencies all across America are being deluged with calls from panicked senior citizens and others who don't know how they are going to pay their bills or heating bills. Many have had their utilities cut off and cannot make past-due payments to get them turned back on. Others are being threatened with cutoffs just as we head into winter. This is something I learned in Hiawatha, but not too many people here know. The Catch-22 situation is this: If your gas or electricity has been cut off, then you do not qualify for LIHEAP. Let's say you are someone who has a past bill that you have not paid; they say, We are not going to deliver your home heating oil, you cannot qualify for LIHEAP.

So we are facing a real crisis. We know what the price of fuel oil has done and what the price of natural gas has done. In Iowa, I heard that heating oil has doubled since last year, and natural gas has gone up by almost 50 percent. It will not be unusual to have a \$400 or \$500 increase in an average heating bill this winter. For an elderly person, a low-income family, and people with disabilities, that is not a problem, it is a catastrophe. It boggles my mind that in the face of this overwhelming need, President Bush's budget proposed to cut LIHEAP funding by nearly 10 percent.

We have been given abundant warning that local LIHEAP funding will be running out, as I said, as early as the middle of January. But earlier this month, we voted down an amendment to provide a boost in emergency funding. Last week, a reporter asked the Secretary of Energy, Mr. Bodman, if the administration plans to ask Congress for more funding for LIHEAP, given the big runup in energy costs. Secretary Bodman answered:

At least at this point in time, that's not on the agenda.

LIHEAP may not be on Secretary Bodman's agenda, and it may not be on the President's agenda, but it is on the Senate's agenda. We have an obligation to do the right thing, to make sure our senior citizens and those with disabilities are not left out in the cold.

Again, we have to do the right thing. We have to do what is fair. We know what has happened to the price of heating oil and natural gas and electricity. We know from the past how many people use LIHEAP and depend on it. It does not take a genius to calculate that we have to come up with more

money this year or people are going to get cut off. What are we going to do? Are we going to wait until January when all of a sudden we get reports about people being cut off? And we will not even be here; we will be out of session. I suppose we will come back the third week of January.

We can do better than this. We have to do better. America can do better than this. We are a better people than that. We need to support this amendment to provide this emergency funding so those who need the help the most are not left out in the cold. People are concerned. They are worried. They don't know what they are going to do. The least we can do today is say: Don't worry, we are going to put the money in for LIHEAP; you are going to be able to buy your gas, pay your electricity bills, and stay warm this winter.

Mr. President, I yield the floor.

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided on the Reed amendment.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Iowa for his eloquent and, to me, very persuasive remarks about the need for supporting this amendment. This is something we know is going to happen. Everyone understands energy prices are soaring out of sight. Last year, we did not have sufficient resources for LIHEAP with prices that were much cheaper. This year we know we are not going to have sufficient resources.

So we have come together on a bipartisan basis. Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN—many of my Democratic colleagues have come together to do what should be obvious to all of us: raise the level of LIHEAP funding to accommodate these huge increases in prices. It is very simple, I think—I hope.

I hope we are in a process of beginning to understand all of the demands that are being placed on low-income Americans, and particularly seniors. They received the Social Security increase of about \$65 a month. Most of that was taken up automatically by increased payments to their Medicare Program, and whatever little is left is going to be swallowed up by these rising energy prices.

The Low-Income Home Energy Assistance Program needs \$5.1 billion just to maintain the status quo. The appropriation to date, what the President supports, is \$2 billion. Now, \$2 billion was inadequate last year; it is grossly inadequate this year.

I understand our colleague, the Senator from Missouri, has indicated in terms of concept of the program he supports it, and I appreciate those remarks. We might have a debate about whether this is the appropriate vehicle to place this amendment, but, frankly, time is running out; floor time is running out, and unless we are able to appropriate these funds immediately, we are going to have a real issue of getting

them to deserving people throughout this country.

Last winter Congress provided \$2.2 billion. Again this year they have already cut that in the budget to \$2 billion. That is the administration's request. It was insufficient last year. In Rhode Island, 12,146 households, including the elderly, received utility termination notices. The average balance of those who were disconnected was over \$1,000.

Today, my State and other States are struggling to get these people reconnected using LIHEAP funds to get them back on the utility grid. That is even before we have had the first cold days of winter.

A Rhode Islander receiving \$400 from LIHEAP last year could buy approximately 235 gallons of heating oil, almost a full tank, but at \$2.60 a gallon, which is the price that is being paid today—in fact, in many cases that is a pretty good price; in fact, it is much higher—\$400 will only buy 150 gallons of oil. That is a little over half a tank and may last in a very cold New England winter about 2½ weeks.

This year, with even higher energy prices facing Americans and more Americans living in poverty, the administration and the House have simply come forward with \$2 billion. It is absolutely inadequate. We know it. We have an opportunity today to make it so that at least it will buy as much this year as it did last winter.

The average price for heating oil is \$2.65 per gallon. That is 65 cents higher than it was last year this time. The average price of propane is \$1.95 per gallon. That is 32 cents higher than last year. The average price for natural gas is \$15.25 per million cubic feet. That is \$2.32 higher than last year.

What we have seen consistently, what we all recognize, what we see every day when we pass the gasoline station, is extraordinarily high energy prices. How can we reasonably fund this program with less dollars than we did last year with these soaring prices? We are just trying to maintain what we have.

Frankly, last year a significant number of households that would qualify because of income could not receive assistance because those funds were insufficient.

I believe we have to increase the LIHEAP funding to its fully authorized level of \$5.1 billion. This bipartisan amendment would do that by increasing the appropriation by the sum of \$3.1 billion. I hope my colleagues will join us and support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

The time will be deducted equally from each side.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the Reed amendment for the purposes of my offering an amendment, and I will speak for about 6 or 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, who would that time be charged to?

The PRESIDING OFFICER. That time will be charged to the majority side.

Mr. REED. I have no objection.

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

The Senator from Iowa is recognized.

AMENDMENT NO. 2160

Mr. GRASSLEY. Mr. President, I am going to offer an amendment to this bill regarding the report of the independent counsel on Mr. Cisneros. I know there has been much talk about the need to bring to a close the independent counsel's work, and I agree.

I tell my colleagues, as a radio announcer would say, about the rest of the story. The independent counsel completed his investigative activities February 2003. The counsel completed and filed his report under seal to the Special Division August 2004. That is very important for every one of us to understand as we consider this amendment. The investigative work is completed. The report is completed.

So what is the holdup in getting this report out to the Congress and to the public? It is not the independent counsel; rather it is the lawyers of the individuals named in the report who have been engaged in one sole pursuit: to foot-drag every inch of the way filing every motion they can to delay, delay, delay. This foot-dragging by the lawyers has been going on for months. It is because of this foot-dragging that the independent counsel has had to continue its work. It has to respond to the mountains of pleas and motions that are filed by these lawyers.

I would like to make another point, and that is that the amendment does two things: It provides that the report will be released and published in 60 days, and by extension that the independent counsel will close up and wind down his office within 90 days of publication of the report and can only be extended by a finding of the court and the publication by that court of an exact time of when it will be shut down.

In addition, under my amendment it makes it clear that the independent counsel shall not perform any investigative or prosecutorial task in the remaining time period after the report is published.

I have had some discussions with my friend, Senator DORGAN from North Dakota, on this subject on the side as I was preparing this amendment, and he has also spoken very eloquently on this subject in a previous day's debate a few weeks back. I want him to know I agree with the concerns that he has that we must see the end of the independent counsel.

My first amendment reflected the same sentiment for closing the office once the report is published. But, unfortunately, as I was looking into the matter more closely, it is not straight-

forward to just shut down the independent counsel's office. The independent counsel, after publication, needs a short period of time to evaluate claims for attorney's fees, transfer records to the archivist, respond to congressional inquiries and possible litigation.

My hope, and I believe the hope of the independent counsel, is that barring the unforeseen, this all can be accomplished within the 90 days I have within my amendment.

So I want to assure my friend from North Dakota I share his concerns about runaway and unnecessary spending, and would join him in watching this matter closely and will be with him if we are not moving forward at a reasonable pace to bring this operation to an end.

Setting aside the matter of closure, I want to focus on one last point: The contents of this report and why they are so vital. I hope I have a good reputation among my colleagues for doing the constitutional job of oversight that each one of us has been assigned, to make sure that the laws are faithfully executed. I hope I have a reputation of doing oversight work regardless of what political party might be in charge of the executive branch of Government.

While Mr. Cisneros' name is there, and it is natural to see this through a partisan lens, let me assure my colleagues that is not the case. The media reports are giving very credible commentary that the independent counsel's report discusses problems at the Office of Criminal Investigation in the Internal Revenue Service and the Department of Justice. These matters do not involve Mr. Cisneros but raise extremely important questions about the administration of the Tax Code.

As chairman of the Senate Finance Committee, I take with great seriousness accusations of inappropriate activity at the Internal Revenue Service, and also as a senior member of the Judiciary Committee, similar accusations at the Department of Justice. However, as my colleagues know, I cannot legislate or conduct oversight based on whispers or rumors. I need the final report. The American taxpayers have a lot of money in this report. We are talking about millions of dollars. They deserve a right to see this investigation and what their tax money was spent for. More importantly, they deserve for there to be sunshine exposing problems in our Government and for legislators to be informed so that we can take appropriate action, in my case, within the Senate Finance Committee that I chair, or within the Judiciary Committee on which I serve.

In conclusion, this is a vitally important amendment. It will give Congress a report that will provide tremendous insight into problems in the administration of the Tax Code and other governmental misconduct. The amendment will also bring closure to the work of the independent counsel, a

matter of concern to many and expressed eloquently, as I have said before, by the Senator from North Dakota. I think we provide a reasonable timeframe of 90 days after the report is published to wind down this office, with only the court allowed to continue the office. Further, the amendment also limits the work of the independent counsel to the clerical work of closing the office. My amendment, then, prohibits those things that tend to make things go on and on and never stop—investigations and prosecution.

This may not be a perfect solution to getting this report out that has cost millions of dollars, but it is a fair compromise and one that I think will get the job done. Ideally, the report would just be released, but there are people who maybe do not want this report released—consequently all the legal action that has been holding it up for the last several—now, let's say at least 14 months.

I send the amendment 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. GRASSLEY] proposes an amendment numbered 2160.

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:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(1) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and

publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

Mr. REED. Mr. President, I ask the time be charged to each side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I ask how much remains of my time.

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. REED. Mr. President, I will make a few additional comments in the remaining time with respect to the LIHEAP program and this legislation.

This is a very simple amendment. It adds \$3.1 billion. It would bring it up to the level that was authorized in the Energy bill which we considered on this floor several weeks ago, recognizing the authorization levels had to be raised given the increase in prices, given the need for more Americans to access the LIHEAP program.

The energy costs to the average family using heating oil this winter are estimated to hit about \$1,500, and that is a significant increase, about \$400 over last year. Natural gas could hit over \$1,000, an increase of \$350. Propane prices are projected to hit \$1,400 for the average prices for the whole year of heating, an increase of about \$325.

This is particularly burdensome for low-income families and families in poverty. In fact, families who live in poverty spend over 20 percent of their income on heat. That is in contrast to other families, middle- and upper-income families who spend about 5 percent during a heating season. So this is a huge impact, in fact, a more aggravated impact, on low-income Americans.

Frankly, the choice for many seniors is very stark: to heat or to eat. A RAND study pointed out that low-income households reduce their food expenditures by roughly the same amount as their increases in fuel expenditures. They cut back on eating to heat their homes. It doesn't take a RAND study to suggest why that is the case. It is hard for a senior or for anyone who lives in a home where the temperature is 50 or 45 degrees. You can put on sweaters and extra blankets but

at some point you have to keep the energy flowing as best you can. They will, in fact, as the studies indicate, avoid eating to heat their homes.

Our LIHEAP program in Rhode Island, as so many programs across the country, is under tremendous stress and strain. Last year they served 26,000 families, but if the President's proposal goes through with \$2 billion, they will only be able to service about 21,000 families. So 5,000 families will not get anything; 21,000 families lucky enough to qualify will receive resources, but it will be not as adequate as it was last year to buy heating oil, particularly because the price has gone up so much. So it is again a situation I find difficult to understand, why we cannot summon the will to do something which is so obviously necessary.

This is no innovative program. This is no controversial program. I dare say everyone on this floor would say it is a good program, it makes sense, it helps people who need help, particularly at a time when prices are surging as they are. Yet I hope we can come together and recognize we need something more than words. We actually need the appropriations to help keep these people whole, keep them, literally, warm this winter.

We have all been out to our communities. We have all visited with seniors. I visited with a senior from Rhode Island, a veteran of the U.S. military who is 88 years old—part of that great generation of World War II. He receives LIHEAP support. Frankly, this year even if he receives the same amount of money, it will not buy the same amount of fuel oil and it will be colder in his home. As has been said so often on this floor, and it has to be repeated, we can do much better. We could do much better for an 88-year-old veteran of the U.S. military forces who last year got a little help and this year will get less help. We can do better and we should do better.

We need to fully fund LIHEAP up to the authorized level of \$5.1 billion. I think we have to do more, going forward on other energy projects. But let's at least begin with adequately funding the LIHEAP Program.

I hope my colleagues will join my cosponsors, Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN on the Republican side, and many others on the Democratic side to ensure that this amendment is passed and we can at least guarantee minimum warmth for our seniors and low-income families across this country.

With that, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent the time be divided equally between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. 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.

Mr. REED. Mr. President, I understand that the Senator from Missouri made a motion under the Congressional Budget Act 1974. I move to waive the applicable sections of the act, for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The question is on agreeing to the motion to waive section 402(b)(5) of the House Concurrent Resolution No. 95 with respect to the Reed amendment No. 2077.

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. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—53

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

NAYS—46

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

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. 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 emergency designation is removed.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I formally raise a point of order that the amendment violates section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. BOND. Mr. President, I would inquire if the Senator from North Dakota is prepared to move forward with his amendment?

Seeing no other Senators seeking recognition, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2133

Mr. DORGAN. Mr. President, I take the floor to withdraw an amendment, but I will not withdraw it for the moment. I will say a few words and then ask that the amendment be withdrawn. I do not need consent to do that as sponsor of the amendment because the yeas and nays have not yet been ordered.

If there were a high school or college student listening, I think it would be a good lesson for them, particularly if they are interested in political science, to understand where we are at this moment from a parliamentary standpoint and why I am withdrawing the amendment I offered yesterday.

Incidentally, this will not be the last my colleagues see of this amendment. We have had it on the floor before. It has been passed by the Senate before, as a matter of fact, dropped in conference. We will not have an opportunity to vote on it now because of the parliamentary circumstances.

So let me describe what it is. First of all, the amendment is germane and relevant to this appropriations bill. I have the right and did offer an amendment yesterday that prohibits the expenditure of funds in this appropriations bill by an organization called OFAC, the Office of Foreign Assets Control, which is a relatively small Federal office deep in the bowels of the catacombs of the Treasury Department. The job of the Office of Foreign Assets Control is to try to track down and intercept the money that supports terrorism, to go find the money that supports Osama bin Laden, to go find the money that supports terrorism.

Well, the Office of Foreign Assets Control does more than that now. In fact, my understanding is they have more people in the Office of Foreign Assets Control tracking Americans who travel to Cuba to take a vacation than they do tracking the money that goes to support terrorism for Osama bin Laden's network.

So let me describe what they do because, as you know, in this country's zeal to punish Fidel Castro—we are going to slap around Fidel Castro; we don't like him; it is a communist country; he is a communist leader; we don't like him; he sticks his finger in our eye

repeatedly—we have slapped an embargo for 40 years on Cuba. We also decided if American people travel to Cuba, they shall be fined. So we have restricted the freedom of the American people to travel in order to slap around Fidel Castro.

If you get on a plane today someplace and travel to Cuba, and you do not have a license, here is what is going to happen to you. By the way, you won't be able to get a license because they are offered down at the Office of Foreign Asset Control and over at the State Department, and if you apply for a license to travel to Cuba, they will say no.

But I will give you an example. Kurt Foster went to Cuba. He was under suspicion of having taken a vacation in Cuba. And he darned if he didn't take a vacation in Cuba. He didn't know it was illegal. But he got back to this country and, boy, they tracked him down.

Those folks at the Office of Foreign Assets Control, they have that magnifying glass and the cap with brims on both sides, and they scour around to figure out if there is an American who has gone to Cuba.

They found this guy, Kurt Foster. All right. He purchased an airline ticket to Cuba and failed to declare Cuba as a country visited, and they fined him \$7,500. Then he used a credit card while in Cuba, and they fined him \$1,000. Then he paid for lodging, food, and drinks while in Cuba—he spent \$175 there—and they fined him \$10,000 for that. Then he brought back a box of cigars and 27 other Cuban goods at \$10 each, and that was a \$520 fine.

So Mr. Kurt Foster was fined \$19,020 by our U.S. Government. Why? What was the transgression? He visited Cuba. God forbid this man should visit Cuba. But Kurt Foster, that is a man without a face.

Let me just put a face on this issue, as I did yesterday. This is a picture of Joni Scott. I met Joni Scott. She came to my office. She is a wonderful young woman, a missionary, someone with great zeal in her faith.

She went to Cuba to distribute free Bibles on the streets of Havana, Cuba. This wonderful young American woman wanted to distribute free Bibles in Cuba. She did not know you had to have a license. She came back. Our Government tracked her down. They are going to slap a big fine on her for distributing free Bibles in Cuba. That is Joni Scott.

Here is Mrs. Slote. I have also met Mrs. Slote. As you can see, she is about 76, 77 years old in this picture. She is a senior Olympian. She is wearing a bicycling outfit because she likes to bicycle. Joan Slote actually answered an advertisement in a Canadian cycling magazine. So she joined a Canadian cycling group on a tour of Cuba on bicycles. She didn't know it was illegal for an American to travel to Cuba. She came back. Her son had brain cancer, was dying, and she was attending to her son.

In the meantime, our sleuths down at the Treasury Department tracked her down. They were going to slap a \$10,000 fine on her, but she didn't get it because she was not home. She was attending to her son who was dying of brain cancer.

So then, the next effort by the U.S. Government was to attach her Social Security. They were going to take her Social Security away. Why? Because she bicycled in Cuba.

These folks in this picture are disabled marathoners, folks in wheelchairs, folks with lost limbs. They are people with the kind of spirit that is in the Special Olympics, who are disabled marathoners. Their big deal was going to be done in Havana, Cuba, the international event. They raised the money. They trained. They looked forward, with great hope, to go to this international event. Guess what. This country denied the opportunity for them to travel to their international event. Why? Because it was in Cuba.

I have no brief for the Castro government. That is not my purpose.

This man, as shown in this picture, by the way, is a Cuban. He came to this country legally. He is an American citizen. He joined the Marines. He went to Iraq and is a hero. This man has a Bronze Star for serving this country. Both his sons are still in Cuba. One of them was desperately ill. He came back from fighting in Iraq, where he earned a Bronze Star because of his heroism. Then he wanted to visit his sick son in Cuba, and his Government said: You don't have the freedom to do that. You can't see your son.

That is what his Government said. You fought for freedom in Iraq, but you don't have the freedom here to travel to Cuba to see your son.

I offered a bipartisan amendment yesterday for myself, Senators CRAIG, BAUCUS, and ENZI, two Democrats, two Republicans. That amendment has passed the Senate previously. The amendment simply said: No funds may be used in this appropriations bill to enforce the travel limitations on the American people traveling to Cuba. Once again, what we have done is, we have decided to restrict the freedom of the American people in order to slap around Fidel Castro—not much of a bargain in a democracy.

Senator MURRAY is from the State of Washington. I know a man from the State of Washington who, after his father was cremated, took his father's ashes to Cuba because his father wanted his ashes dispersed on the grass in the church where he had ministered in Cuba before coming to this country. When his father died, his compliant son did what he was requested to do. He went to Cuba to distribute his father's ashes.

Our Government—God bless those folks in OFAC with those tiny little glasses and that magnifying glass tracking American citizens—tracked him down and levied a fine for taking his father's ashes to Cuba.

Now I offer the amendment. The Senate has previously agreed to the amendment. Sufficient votes exist in the Senate to agree to the amendment. Yesterday a colleague, following the rules of the Senate, came and offered a second-degree amendment. What is the second-degree? It is about abortion. So the reason I say this is an interesting lesson for people involved in political science is, we now have an amendment that deals with the issue of the freedom of the American people to travel to Cuba second-degree with an amendment dealing with abortion.

My colleague Senator ENSIGN offered this second-degree amendment, the Child Custody Protection Act, related to the transportation of minors and circumvention of certain laws relating to abortion. It is an interesting lesson in how our system works around here.

We will offer this again. One of my colleagues was intending to offer a second-degree so we wouldn't have this mischief, but that second-degree didn't get offered. So the result is, another colleague comes over and offers an abortion amendment on a very simple, germane, and relevant amendment dealing with the subject of travel to Cuba.

One of the things that makes the American people a little less than ecstatic about the way we work here is things that ought not use any brainpower at all, such as deciding to penalize Americans, taking away the freedom of the American people to travel because we don't like the Cuban government. We don't do that with China. China is a communist government. We say the best way to move people toward better human rights and democracy is through trade and travel. So we encourage people to go to China. Vietnam is a Communist country. We do the same—engagement, trade, and travel. But we say with respect to Cuba, what we have to do is restrict the freedom of the American people. That is unbelievably ignorant as a public policy.

We will change it one day, and there are sufficient votes in the Senate to change it. But because there is now a second-degree amendment dealing with abortion attached to the amendment, I will withdraw the amendment this afternoon and simply tell my colleague who offered this that he will have delayed this a bit. But inevitably, I and my colleagues will come to the floor. We will have a sufficient opportunity to prohibit this kind of legitimate but certainly strange mischief with a second-degree amendment on abortion attached to a Cuba travel amendment. It is going to happen. We are going to vote on this and we will, as we have in the past, vote to eliminate the restriction of the American people's right to travel.

I know why this is happening. This is all about politics. It is about politics in Florida and politics in New Jersey and perhaps a couple other areas, but mostly Florida and New Jersey. It is reach-

ing out to those people who block the vote because the tougher you sound on Cuba, the better for them. So the President, about 3 years ago, decided to tighten it up even further, shut it down. Family vacations, family opportunities to interact, to send money home, he has tightened it all down.

Incidentally, there is an amendment that was passed that is now law offered by myself and then-Senator John Ashcroft. Talk about odd fellows; Senator Ashcroft and I together offered an amendment that became law that finally opened up a bit the ability of our country to sell food into Cuba. We had been unable to even move food into Cuba. Senator Ashcroft and I offered the amendment. It is now law. We can do that. The administration is now trying to shut that down. I fixed that in this subcommittee at the subcommittee level. I have a provision in this bill that shuts down the administration's opportunity to play mischief with the opportunity for our farmers to sell food into Cuba. It is immoral to use food as a weapon. We know that. This isn't rocket science.

I wanted to explain as I withdraw this amendment for the moment why I am forced to withdraw it: because the majority slaps an abortion amendment on an amendment dealing with the American people's right to travel. It is unbelievable. It is within the rules, but still unbelievable.

Those who have gained a few days respite on this will not apparently have to vote today when I withdraw the amendment, but they will vote. When they vote, the Senate will approve the underlying amendment that I, Senator CRAIG, Senator ENZI, and Senator BAUCUS have offered.

AMENDMENT NO. 2133, WITHDRAWN

With that, I withdraw the amendment No. 2133.

The PRESIDING OFFICER. The amendment is withdrawn.

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

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

AMENDMENT NO. 2165 TO AMENDMENT NO. 2065

Mr. COBURN. Mr. President, I call for the regular order with respect to amendment No. 2065, and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The amendment is now pending.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2165 to amendment No. 2065.

Mr. COBURN. 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 make a perfecting amendment)

At the appropriate place, add the following:

Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking “for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska” and inserting “for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana”;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking “AK” and inserting “LA”;

and

(2) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking “AK” and inserting “LA”;

and

(B) by striking “Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(2) in item number 2465—

(A) by striking “AK” and inserting “LA”;

and

(B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(3) in item number 3323—

(A) by striking “AK” and inserting “LA”;

and

(B) by striking “Earthwork and roadway construction Gravina Access Project” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(4) in item number 3677—

(A) by striking “AK” and inserting “LA”;

and

(B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking “AK” and inserting “LA”;

and

(2) by striking “Improvements to the Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

Mr. COBURN. 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. COBURN. 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. COBURN. Mr. President, I have offered a second-degree amendment that deals with a subject that has been on everyone’s mind. It has been in every newspaper in the country. It is about almost \$500 million for bridges in the State of Alaska that, although they may be needed, are priorities, as we have discussed today, that are very low on the totem pole in terms of the needs of the country.

I would also state, as I have earlier today, that we find ourselves in a significant difficulty as a nation. We had the worst natural disaster to hit our country we have ever experienced. We are in a war. We added \$600 billion to our national debt this last year. That is not our national debt. That is our children’s and our grandchildren’s national debt. That is over \$2,000 per man, woman, and child. In this country this year we added to what they are going to have to pay back, compounded at 6 percent over the next 30 years, \$30,000 to \$40,000.

I think it is important for us to look back at history a little bit to help us get redirected in terms of our priorities. There was a President who faced tremendous difficulties in our Nation. His name was Franklin Delano Roosevelt. He made a lot of great decisions for our country—enabled us to win World War II through his leadership. But less well known is FDR’s decision to slash nondefense spending by over 40 percent between 1942 and 1944. Among the programs that were eliminated entirely were FDR’s own prized creations. By 1944, such pillars of the New Deal as the Civilian Conservation Corps, the National Youth Administration, and the Work Projects Administration had been abolished. In 1939, those three programs had represented one-eighth of the Federal budget. Roosevelt and the Congress of his day knew what to do in an emergency. Indeed, he chose to begin the reordering of budget priorities long before Pearl Harbor.

In October 1939, 1 month after Hitler invaded Poland, Roosevelt wrote Harold Smith, his budget director, ordering him to hold budgets for all Government programs at the present level and below if at all possible. The next month he told him the administration would not undertake any new projects, even laudable ones. He told reporters that the next year his policy would be to cut nonmilitary programs to the bone. He kept his word. Between 1939 and 1942 spending for nondefense programs was cut by 22 percent. Everyone realized that no matter how popular or deeply entrenched the program, the Nation’s priorities had to change.

I believe we find ourselves as a nation at that point in time again. With the catastrophe we have seen to our gulf coast, with the war in Iraq, with the energy crisis, and with the budget deficit, it is time for us to change our priorities.

The second-degree amendment does not save the amount of money I wanted it to save, but it does save \$75 million, and it takes that \$75 million and sends it to the Lake Pontchartrain Bridge. It eliminates two bridges that should be very low priority in terms of the infrastructure of this country. All the money that is not taken from those bridges can be reprogrammed, portions of it can be reprogrammed to the State of Alaska for things they and their elected representatives would deem might be more important.

I think it is important also to know what the people of Alaska think. I ask unanimous consent to submit for the RECORD quotes from letters to the editor and editorial opinions from the major newspaper in Alaska on the status of these two bridges.

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

LETTERS TO THE EDITOR FROM ALASKANS—
ALASKANS CALL TO GIVE BRIDGES MONEY TO
HURRICANE VICTIMS

“Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina Bridge.”—Dave Person, Ketchikan, Stories in the News, Sept. 3, 2005.

“We must all seriously demand that our Alaska congressional delegation take immediate steps to recall and to redistribute the millions of dollars now earmarked for nonessential and highly questionable and controversial new Alaska bridges, which include a Lynn Canal road.”—Alan Munro, Juneau, Juneau Empire Letters, Sept. 7, 2005.

There is no free federal money; what we Alaskans get is money that some other state—and its people—don’t get. Even those many of us who’ve recognized that our congressional delegation has brought in more than our fair share have found it easy to turn our heads and let it be. But now we have a vivid picture of the devastation that can come to others when we “win” the funds for nonessential and even controversial projects that others desperately needed for survival.”—Doreen Ransom, Anchorage, Anchorage Daily News Letters, Sept. 25, 2005.

“I’m embarrassed to see the town of Ketchikan become synonymous with a \$300 million bridge.” . . . Troll said he believes that, if there were an election right now on using the money for the bridge or for building up the New Orleans levees, almost everyone in town would say no to the bridge.—Ketchikan artist Ray Troll, in “Bridge to Nowhere? National spotlight has Ketchikan uncomfortable”, Sean Cockerham, Anchorage Daily News, Sept. 18, 2005.

“The decent thing—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these ill-gotten half-billion dollars south to address the real needs of millions, rather than squandering them here on corporate welfare “legacy” projects that line the pockets of a few.”—John Doyle, Anchorage, Anchorage Daily News, October 7, 2005.

"This money, a gift from the people of Alaska, will represent more than just material aid; it will be a symbol for our beleaguered democracy."—Art Weirner, Anchorage Daily News Letter, Sept. 13, 2005.

"Alaska's lone congressman can take some gut satisfaction in telling critics of his transportation bill plums for Alaska to "kiss my ear." But he'd be wise to lend an ear to what the rest of the country is grumbling about Alaska.

A touch of grace may do more for Alaska than a crude invitation. After all, the state just announced that Permanent Fund dividend checks of \$845.76 will be going to every Alaskan this fall. That's \$510 million, about \$60 million more than the federal money assigned to the Knik Arm Crossing and the Ketchikan Bridge to Gravina Island."—"Kiss what? Did he mean, kiss my earmark," Anchorage Daily News Editorial, Sept. 24, 2005. "Amen . . . send our bridge money to New Orleans."—Bobbie McCreary, Ketchikan, Stories in the News, Sept. 6, 2005.

[From the Anchorage Daily News]

ALASKANS WHO SENT DELEGATION TO D.C.
OWE HURRICANE SURVIVORS AN APOLOGY

As Alaskans view from afar the physical destruction and social devastation caused by Hurricane Katrina, we should be mindful of the distorted priorities promoted by Rep. Don Young and Sen. Ted Stevens. While they pork-barreled hundreds of millions of dollars to build boondoggle bridges in Anchorage and Ketchikan to benefit their friends and political contributors, they and their partners in the Bush administration repeatedly cut the funds requested by the Army Corps of Engineers, Federal Emergency Management Agency and state and local governments for projects that could have prevented the New Orleans disaster.

Sen. Stevens and Congressman Young should be ashamed of their greed and corruption that has harmed so many and brought disgrace on our nation. Our entire congressional delegation has also argued on behalf of their energy-industry friends against overwhelming scientific evidence of the human-caused global warming that is exacerbating the destructiveness of storms and destroying our fragile Alaska ecosystems.

Alaskans owe an apology to the people of New Orleans, to Alaska Native people and to the nation for their selfish shortsightedness in sending these scoundrels to Washington and voting to keep them there.

LET'S DONATE A BRIDGE TO VICTIMS OF
KATRINA

SEPTEMBER 3, 2005.

Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina bridge. I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

DAVE PERSON,
Ketchikan, AK—USA.

[From the Anchorage Daily News, Sept. 13, 2005]

JUST SAY NO TO PORK, ALASKA—VOTE TED
STEVENS, HIS PALS OUT OF OFFICE

If we are to control federal spending, we must get a handle on local, parochial interests. People keep telling me that Alaska is a very conservative place as far as fiscal issues go. Well, to me that means keeping governmental spending under control.

Do your part, Alaska, and vote Ted Stevens and his pigsty of friends out, and say no to pork. Quit being selfish and expecting your politicians to bring home the bacon.

JOE HARDIN.

Mr. COBURN. I will quote a few of those, if I might. The first is from Dave Person, Ketchikan, the very place where 50 people live and a \$230 million-plus bridge is going to go to service them. So you can get perspective on this, \$230 million for 50 people, where there is a ferry service already running every 15 to 20 minutes that takes 7 minutes to cross, is enough money to buy each one of them a Learjet. Think about that for a minute—a bridge longer than the Golden Gate for 50 people to a small area in Alaska. That is enough money to buy every one of the inhabitants a speedboat to cross any time they wanted. They could cross and leave the speedboat for somebody else to pick up and buy a new one the very next day and still not spend this much money.

So the fact is, it is the priorities we have in our country that are askew today. The priority of spending almost one-half billion dollars on bridges to a very small section of the population needs to be addressed.

What this amendment does is prohibit and directs no money to be spent on these bridges. That does not mean Alaska will not get the same amount of money. It will get the same amount of money less \$75 million, and it directs \$75 million to go to the twin span bridges of I-10 that were knocked out during Hurricane Katrina.

My hope was that I could move all the money, but under the technical ways we run bills and under the formula of the Transportation Department, that is not possible. I believe the American people would like to see all of that. But let me quote Dave Person from Ketchikan: Thinking about the immense disaster in the Gulf States, it occurred to me the most effective thing we can do as residents of our island would be to return the money earmarked for our Gravina Bridge.

This is the people of Alaska, with compassion. They know what is right. They know what we should be doing.

Here is another citizen from Alaska: I am embarrassed to see the town of Ketchikan become synonymous with a \$300 million bridge. If there were an election right now on using the money for the bridge or building up the New Orleans levees or repairing a bridge in New Orleans, almost everyone in town would say no to the bridge. Anchorage Daily News.

And: The decent—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these one-half billion dollars south to the real needs of millions, rather than spending them here in Alaska on legacy projects that benefit a few.

Anchorage Daily News, September 13, 2005:

This money, a gift from the people of Alaska, will represent more than just material

aid; it will be a symbol for our beleaguered democracy . . .

I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

The I-10 twin span bridge in Louisiana is a 5.4-mile stretch of Interstate 10 over Lake Pontchartrain. It connects New Orleans with the city of Slidell. The twin span serves as the major route into New Orleans for interstate commerce, resident mobility, and working commuters. Storm surge from Hurricane Katrina caused extensive damage to both spans of the bridge, knocking 435 concrete segments out of alignment. Each segment weighs 309 tons. The eastbound span was repaired with several undamaged segments from the westbound span and was just opened to two-way traffic. The westbound span is not scheduled to be open until at least January. The Louisiana Department of Transportation plans to solicit bids on replacement of the twin-span bridge in the spring of 2006. Each three-lane span will be elevated to a height to avoid the type of damage that Katrina caused. The preliminary estimate of construction cost is \$500 million and it will take 3 years to build. The recently enacted Transportation bill included the \$223 million for the Ketchikan Bridge and to Gravina Island, a total of \$229 million, or \$452 million for two bridges. The merits of both these projects have been questioned, wildly questioned, including by citizens of Alaska. The Ketchikan Bridge has been called the bridge to nowhere—\$4,460,000 per resident to build a bridge that already has an adequate, safe, effective, and efficient ferry service. This bridge will be nearly as long as the Golden Gate Bridge and taller than the Brooklyn Bridge. The Gravina Bridge would replace the 7-minute ferry, as I have mentioned.

The second Alaska bridge, the Knik Arm Bridge, is designed as a 2-mile toll bridge across the Knik Arm Waterway in Anchorage to Fort McKenzie, and the Matanuska Valley.

No more than a few dozen individuals live in the area the bridge will serve. According to the Knik Arm Bridge and Toll Authority, the project will cost \$400 to \$600 million. Using the estimates from a decade ago, the project would cost \$1.5 billion when adjusted for inflation.

Before it is said and done, this bridge will probably require another \$1 billion of taxpayer money—well within the massive transportation bills we will be passing over the next years. But the question I ask is if repairing a vital interstate bridge in Louisiana, used by thousands and thousands and thousands of drivers every year, hundreds of thousands of drivers, should be a higher priority than constructing two massive bridges of dubious value and little merit. We are now at \$8 trillion in debt as a nation, and \$600 billion of that came this last year. It is time we think about priorities.

It is my understanding this amendment is going to be vigorously opposed by the home State Senators. This has nothing to do with my respect for them but has everything to do with my respect for our country and our desire to change the way we put our priorities on spending. If you think about the unfunded liabilities that are coming, \$37 trillion on Medicaid and Medicare, another \$8 or \$9 trillion on Social Security, a debt that is soon to reach, by 2009, 2010, \$12 trillion, how much more can we give to our kids, our grandchildren?

Is it not a time when we at this point, in consideration of everything that is in front of us, the problems, the magnitude of the problems, the structural deficit we have, make the hard choices about picking winners and losers that affect the most people? But more importantly, isn't it about time we change the whole attitude about how we operate in terms of cutting spending? The American people want to help the people of Louisiana, Mississippi, and Alabama. There is no question. They also want to help the people of Alaska, but the Alaskan people have already said they are willing to help with this. We ought to do this. It is only \$75 million that will go toward the cost, but that is \$75 million that won't get transferred in emergency spending for our children and our grandchildren. It is something that is the right thing to do. It is something that is the timely thing to do. And it is something we ought to do not for right now but for our children and our grandchildren.

I also would note that this still gives tons of flexibility to the State of Alaska. There are two types of money in the highway bill, discretionary money and program money. This only takes away discretionary money and limits the program money on these two bridges, for anything that comes out of discretionary will be than more than paid for by this elimination.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe before long, when they complete a markup, that the Senator from Alaska—probably both Senators will be here. They will have an opportunity to speak, and I am confident we will hear a very different side of that story. I do not presuppose to speak for the Senators from Alaska, but let me tell you my own personal observations on the situation.

No. 1, it certainly would not have been my priority. Right now, there are about 50 people on the island to which Ketchikan would be connected. The island has an airport on it. They view this as a major economic development area for the community of Ketchikan.

The town has been devastated because of the Federal cutoff of timber sales which used to be the major industry in Ketchikan, so they are looking to develop alternative sites. Ketchikan

is right on the side of a very steep mountain. It is essentially one long narrow main street. Once you go off the main street, you are going up the hill. Not a great place for economic development.

I was there, and I spoke with the leaders in the town. They view this as their salvation. They think this is extremely important to their continued economic development. Nevertheless, I see some real problems with it because that bridge would go across an inlet which is a major floatplane landing area for floatplanes coming in and out of Ketchikan. In addition, large cruise ships 250 feet tall come through there. They would have to build a bridge over that.

I am not sure this would make sense. But the fact remains, this is not a decision which is being made by people from Missouri and Washington and other places. I did not like it, but I am an outsider.

The chairman of the House Transportation and Infrastructure Subcommittee made it a top priority. It is telling the people of Alaska that we are going to take away highway money, which was paid into the highway user trust fund, and put it into obviously a badly needed reconstruction project in Louisiana, which is going to be funded by the emergency appropriations bills that will be coming before us.

Secondly, I happen to believe that the money is not going to be spent unless the people of all of Alaska and their leaders are convinced it is the right place to spend it. Why do I know that? When I first came to Washington, I thought it would be a great idea to build a small road someplace. I put an earmark, a modest amount, in a bill for work on a little highway. The department of transportation in Missouri did not agree with it. That money never got spent. Roads get built, bridges get built in areas where the State transportation authority, whether it be the commissioner or the Governor, wants them to be built.

There is a study ongoing as to whether this bridge is needed, whether a tunnel would be more efficient, or whether a speedier ferry system would work out. The ferry is charming—not really fast going across from the airport to Ketchikan, but it will get you there. What is the best way to handle it? My own personal view is that the people of Alaska will make that decision. I question whether they would move to go ahead with that bridge. We will have an amendment, which is being prepared, that will say the bridge should not be built until the badly needed bridge between New Orleans and Slidell is built, during which time I believe the Alaska transportation authority is studying it before it would even begin to be built. I believe that is a more appropriate way to deal with this question.

I have heard lots of people complaining about this bridge, but, again, most of them do not know the situa-

tion in Ketchikan. While I question it, it is not my job to say what the transportation priorities of Minnesota are or Alaska or Washington or other States. It raises a question in my mind, and I understand why my colleague raised it.

I think before we move on this amendment, we will want to hear from the Senators from Alaska and look at an alternative amendment which I believe would satisfy most people's questions to make sure a badly needed bridge in Louisiana is completed and also that nothing goes forward on the Alaska bridge until there is a study completed and the transportation authority in Alaska makes a decision.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2160, AS MODIFIED

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Grassley amendment be taken up. We can handle it in about 2 or 3 minutes.

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

Mr. GRASSLEY. Mr. President, I send a modification to the desk and ask that my amendment be modified, which I have the right to do.

The PRESIDING OFFICER. The Senator does have a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 45 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the

independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that Senator DORGAN be added as my only cosponsor on this amendment.

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

Mr. GRASSLEY. Mr. President, in 15 seconds I wish to say that I appreciate very much the accommodations Mr. DORGAN has made and the fine dialog we had in bringing a compromise to my amendment. I compliment him on the work he did on this issue 2 or 3 months ago on a similar amendment. I appreciate very much the cooperation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased to have worked with my colleague from Iowa. He offered a similar amendment to the one I offered some months ago. We have worked out a modification of that amendment. I believe it advances the right interest here.

Let me describe what this does. It deals with an independent counsel and the funding for an independent counsel and the report that should be published by that independent counsel. This independent counsel was for investigating former Secretary Cisneros where some money allegedly had been paid to someone else, lying to the FBI, et cetera. So an independent counsel was created. That was nearly 11 years ago. That independent counsel is still working, spending at the rate of about \$2 million a year.

In 1995, the charge existed which caused the independent counsel to be created. In 1999, Mr. Cisneros pled guilty. In 2001, Mr. Cisneros was given a Presidential pardon. It is all gone, but the independent counsel is still working nearly 11 years later.

I previously offered an amendment that had passed the Senate but then died in conference that would just shut off the money. My colleague from Iowa has perhaps even a more thoughtful amendment, but it is one I fully support and am pleased to join him on today.

The reason I am is that the columnist, Mr. Novak, wrote that the purpose of the original amendment was to prevent a report from being filed. Mr. Novak is never in doubt but not always right. My interest was not in a report at all. The report, I understand, is with the three-judge panel. I think everybody ought to see the report.

This amendment says 60 days from enactment, the report must be made public with proper safeguards, as the

Senator from Iowa has outlined in his amendment, and 45 days after that, the funding stops for the independent counsel.

It is the right thing to do. My colleague from Iowa is someone who looks out after the taxpayers' dollars on a range of issues, and I have joined him on many of them. I am pleased to stop the funding for an independent counsel that has been in business 11 years and seems to be able to do everything except stop spending money.

Let's get the report. The subject of the report pled guilty 6 years ago and was the recipient of a pardon 4 years ago. It is time to stop the funding. That is what the amendment does.

I am pleased to be a cosponsor with my colleague from the State of Iowa, Mr. GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have followed this discussion for a long time. This independent counsel has been working on this investigation since I was a very junior Member of the U.S. Senate. Not only has my hair gotten gray, but I think the independent counsel has gotten a lot grayer as well. Not only does the clock keep running, but the expense keeps running.

At the same time, there were very serious allegations raised to the independent counsel, and those, I gather, have had findings attached to them, whether they were accurate or not, and it is time we brought this to a close and find out what the independent counsel found because it goes to the operation of the Department of Treasury and other agencies in the Federal Government. If he found a problem, it is time we go about fixing the problem.

I know the Judiciary Committee and the Finance Committee are very much interested in this. Our committee is interested in it.

I thank my colleague from Iowa and my colleague from North Dakota. I ask to be added as a cosponsor because all good things come to an end, and even independent counsel investigations come to an end.

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

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2160, as modified.

The amendment (No. 2160), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. 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 Pennsylvania.

Mr. SANTORUM. Mr. President, I want to thank the chairman and ranking member of the subcommittee for the work they have done on this bill and one thing in particular that is of

concern to me and my constituents, which is Amtrak funding. I would like to, in particular, thank the two leaders for their outstanding support of Amtrak. It is a vital and important part of the transportation infrastructure of the Commonwealth of Pennsylvania. Philadelphia, in particular, and southeastern Pennsylvania benefit greatly from the relief of congestion off our highways which are incredibly congested. Amtrak provides great service up and down the Northeast corridor. We happen to be right in the middle of that corridor in Philadelphia. Philadelphia is now the second busiest station, second only to New York, on that corridor, and it is vitally important that sufficient funds are available. The \$1.45 billion that is in this bill is \$250 million more than last year, which we appreciate, and almost \$300 million more than what the House has appropriated in their bill.

I wished to come and thank the chairman and ranking member of the committee. I think the fact that we have not seen any Amtrak amendments to increase the funding shows we have worked very hard together to get a good, solid number to go into conference, with the hope that we can get good, strong support for this vitally important part of southeastern Pennsylvania's transportation network.

I want to again thank the chairman and ranking member for their excellent work.

I yield the floor and 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. STEVENS. 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. STEVENS. Mr. President, the highway reauthorization bill recently passed the Congress. It was several years in the making and the result of a compromise. Now one of our colleagues feels it is his responsibility to rewrite portions of that bill to achieve his goals, not those that are expressed in the law itself.

Unfortunately, the manner in which the Senator wishes to do this has no impact on his constituency or any other constituency except Alaska. I fought for statehood as a member of the Eisenhower administration. I have been here now almost 37 years. This is the first time I have seen any attempt by any Senator to treat my State in a way differently from any other State. It will not happen. It will not happen.

I can remember many times when other Senators have stood on the floor and used parliamentary devices that kept people up for 2 to 3 days. This is not the way to treat a State. We are a sovereign State. If the Senate wishes to take part of the highway money and share it with New Orleans, we would be happy to join any other State. We

would be happy to make a fair contribution in any other program. We have already notified our State that many of the things we have been able to get funding for in the past may not be available now for a period of time until we build the area affected by Katrina or Rita.

Our State suffered the largest disaster in America preceding Katrina, the 1964 earthquake. I remember it well. I remember being a young lawyer and being forced to borrow money to keep the doors of our law firm open; to borrow money to repair my home that was destroyed by that earthquake partially; to borrow other money to help in terms of the concepts of rebuilding in that area.

Our State faced that recovery, and I think we understand what the people of New Orleans and the Katrina and Rita areas face. We now have another such storm coming upon us.

The amendment that is before us now will affect only Alaska. It will help Louisiana. We want to help Louisiana but not solely at the expense of Alaska. That is not a way to treat a sovereign State. This is something on which I think every Senator must examine his or her own conscience. What would they do if they were faced with the proposition that only their State's allocation of funds under a protective program would be taken and given to another State at the time of disaster?

This is not the way to meet a disaster need, to turn to the smallest—we have the smallest allocation per area of any State in the Union for roads. We only have a very small road system. The reason is that so much of our State has been withdrawn, and it is not possible to build roads through the Federal lands that are set aside for parks, wildlife refuges, wild and scenic rivers, wilderness areas. We are limited, and we must build bridges so that we can tie together two areas that are inaccessible otherwise.

That is because of withdrawals and set-asides of lands in our State that are owned by the Federal Government.

I ask my friend—and he is my friend—from Oklahoma, how would he explain to his people at home, if he went home after the Senate had taken money away from his State previously authorized by law and signed by the President?

That is not the way to treat a sovereign State. These funds that are necessary for bridges in Louisiana must be provided. That is a given. After the disaster in Florida, when I was the chairman of the Appropriations Committee, notwithstanding the opposition of the administration, I assisted the delegation from Florida to obtain money to rebuild their bridges and roads. That was from the General Treasury. That may have caused a deficit. We tried our best to offset it, and I think to a major extent we did offset it.

The request that has been made now to offset gulf coast spending using the highway bill money, only that allo-

cated to the State of Alaska, is unacceptable to this Senator.

I am now President pro tempore of the Senate, the second oldest Member of the Senate, the fourth in service in the Senate, and I again say to my friend from Oklahoma I have never seen it suggested to single out one State and say, You pay for a disaster that happened 5,000 miles away.

We want to shoulder our fair share of the burden. We will do so. Those who want to look at this amendment as some sort of amendment that should be adopted because of misleading stories in the press, I warn you, it could happen to you, too. These bridges are necessary. Just take the one across the Knik Arm near our largest city of Anchorage. Anchorage is surrounded by water on two sides and by a military reservation on one side and a national forest on the other. There is no way to expand. Across this Knik Arm is land owned by the State and by private people that we could expand to. We have been trying to get a bridge across there for as long as I can remember. But because we are a small State, it is hard to do.

The time came when one of the Members of our delegation was chairman and he kept pressing and pressing and finally convinced his colleagues that bridge should be funded in a way that takes a sizable portion of our State's funding under formula money, and a portion of the so-called above-the-line money, money for grants for special projects, and made it possible that the Knik Arm bridge could be built.

The other bridge is in the southeastern area. It is the largest forest in the United States and is practically all withdrawn, practically all owned by the Federal Government and set aside for wilderness areas or nonpublic uses. There is one portion available to us, but it takes a bridge to get to it. That is State land and private land, the only land, really, in that kind of area that can be developed because all the rest of it is owned by the Federal Government and set aside, with the exception of some Native lands that are a little bit farther away.

We can argue about the needs. That argument should have been made at the time the highway bill passed. The highway bill allocated money for those. It comes out, not from the Treasury, but out of funds paid by people who buy gasoline and people who buy parts for cars, people who buy various things that require them to contribute to the highway fund.

I have come quite often to the floor and described my State to the Senate. I remind the Senate, we have half the coastline of the United States. We are one-fifth the size of the whole United States. We have more withdrawals for parks, wildlife refuges, wild and scenic areas, wilderness areas than all the rest of the States put together. We need bridges because we need to get from one private area to another private area.

When I first came to the Senate, funds were allocated to a State based on the amount of land that was Federal land in a State that was withdrawn. That was dropped after Congress, in its wisdom, withdrew so much of Alaska. If we had the old formula, I can tell you, the Senator from Oklahoma wouldn't even understand the money we would get because more than half of the Federal land in Alaska is withdrawn, and the Federal Government will own, in any event, almost two-thirds of Alaska no matter what happens in the future.

To have a representative of the Federal Government say Alaska doesn't need bridges, take them away from them and repair those bridges that went down in the disaster is absolutely wrong. Absolutely wrong.

I remember as a young man in California when someone suggested there ought to be a bridge, what we call the Golden Gate, over the San Francisco Harbor. People said: You can't do that. That is a bridge to nowhere. I remember those words, "a bridge to nowhere," a bridge up in Marin County where hardly anybody lived. It was a place for cows and ranchers. Today what is it? It is a thriving part of the great State of California.

How about the bridge from New Orleans to Baton Rouge—absolutely going into wilderness. No one ever expected it to develop. That is part of the area that suffered from the disaster because it was so heavily developed.

How about the bridges that cross island to island going down the Keys in Florida? I remember as a young man going overseas, going to the edge of that area. You couldn't travel by road. You had to have a boat like you do in Alaska. You still have to do that in Alaska. There are no bridges between Alaskan islands. But go to Florida and where are they? It is a beautiful drive. Every one of those bridges was paid for by highway money.

There were those who said at the time: That is a waste of taxpayers' money. It wasn't taxpayers' money anyway. It is highway-user money, and highway-user money should be used for disasters only on the basis considering what the impact is on the highway system itself.

I have a unique role in my State because I not only served in the Eisenhower administration, trying to urge the admission of Alaska to enter the Union, but it was my honor to come here after Alaska had only been a State for 10 years. In December I will have been here 37 years, as I said.

I come to warn the Senate, if you want a wounded bull on the floor of the Senate, pass this amendment. I stood here and watched Senator ALLEN teach the Senate lesson after lesson after something was done to Alabama that he didn't like.

I don't threaten people; I promise people. I came here and swore to uphold the Constitution of the United States. I came here to represent a

State that is an equal member of this Union. Notwithstanding how many people are there, we are to be treated the same as any other State. On the floor of the Senate we are equal to any other Senators, my colleague and I. This amendment is an offense to me. It is not only an offense to me, it is a threat to every person in my State. We came here to have the same rights, the same privileges that were made available to any other State and to the people who live in those States. While we are one-fifth the size of the United States, we only have 13,485 miles of road. That is less than King County, WA. Why? Because the Congress, in its wisdom, has withdrawn so much of our land, as I said, that you can't build roads.

Oklahoma is one-eighth the size of Alaska. It has almost 10 times as many roads.

If the concepts involved in this bill were applied to States as the Nation moved westward, we would still have wilderness beyond the Mississippi. I really cannot understand this. Roads are the lifeblood of this country. That is what made us free, having the ability to move, having the ability to use individual transportation, having the ability to drive from Oklahoma to Alaska if you want to. I urge the Senator from Oklahoma to try to do that. When I first came here I drove home when I went home every year because I couldn't afford to fly. In those days we got about seven trips, I think, annually. That didn't apply to our families at all.

The problem I want to leave with you is this: 70 percent of our State is accessible only by air or by sea. Within our State we have to have different types of transportation. My colleague, Senator MURKOWSKI, has pioneered now a concept of trying to build some rural roads to connect villages so we will reduce some of the Federal costs of supporting those individual villages. Each has an airport, each has a school, each has a clinic. These are redundant facilities. We can build better ones. One could have a good school, one could have a good airport, one could have a good fire department. We could do better for them and save money if we had more road money. But we do not get it.

We do not get it because of the donor theory that came to this Senate about 15 years ago, which says for the people who pay in these taxes, it goes back to the States in which they paid the money—not where they live, but where they paid the money. So the States that are fortunate enough to be on interstate highways where people stop to buy gasoline, they get more money than the States where they don't stop for gasoline. It makes less sense than anything I have ever known.

In any event, we live under that system. We have needs. We are still a developing area. We are the last frontier of the United States. These bridges may go nowhere, as far as some people here are concerned, but they are very important to our future.

I think it was the Memorial Bridge in Milwaukee that was first called the bridge to nowhere, the Daniel Webster Hoan Bridge. That now serves as a major north-south connector between downtown Milwaukee and the neighborhoods in that city.

The Astoria Bridge on the Columbia River was referred to as a bridge to nowhere. It connects Astoria, OR, to what was once an empty shore. It now carries 6,000 cars a day, over 2 million people a year. We deserve the same right to grow.

Currently, the bridge will serve military families who live in the Anchorage area and pay very high costs. Because of the cost of land, the rent is very high. That is because of the lack of land to expand. They will go across to the Matanuska Valley and have a better place to live.

All I want to do is put the Senate on notice. I have been asked several times today if I will agree to this version or that version of the amendment of the Senator from Oklahoma. No. No, I will not, unless it treats all States the same way.

We are here to ask you, those of us from Alaska, to believe that fairness is fairness; equality is equality. Being a member of the 50 States is being a State with the right to be treated equally to any other State. That is why the two of us are here, to assure that happens. Praise God I have the energy to do what I may have to do, to prove to the Senator from Oklahoma I mean what I say. This amendment is not going to pass.

The Senate is warned. It is wrong to do this to any State. It is wrong to put colleagues in a position where we have to go home and explain why we couldn't prevent an amendment in which what is being done to our State has never been done to another State—never.

This is not the time to start this process. I urge my friend from Oklahoma to reconsider this, reconsider what he is getting us into. The amendment may pass, but if it does the bill will never be passed. If it does, I will be taken out of here on a stretcher.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I want to start by thanking my colleague, the senior Senator from Alaska. He has delivered, obviously, a very passionate statement on behalf of the issue in front of us. But even more than that, he gives us the historical perspective of what we in Alaska have been fighting for since statehood, what we in Alaska have continued to fight for almost 50 years after the fact of statehood, and that is a simple recognition that we are part of the United States and that we deserve to be treated with the same level of respect accorded to all of the other 49 States.

We are told not to take this amendment personally, but it is very difficult to stand here as an Alaskan and not

take this personally. So I rise with my colleague to speak very strongly in opposition to a measure that is going to isolate us, that is going to pinpoint one State above everybody else to say: You are responsible; it is dollars directed to your State that we will now redirect to the devastation in the gulf area.

Alaskans are not hesitant to step up to the plate and help. We do it day in, we do it day out. We want to continue to be able to do that. But when we are singled out as one State, saying, Your project is not worthy; of all the other projects out there we are going to go after yours, it is not the time to be sitting back and saying we can compromise on this, we can make a deal.

There has been a great deal of discussion about this bridge. Let us speak first to the bridge in Ketchikan. It has been referred to on this floor as a bridge to nowhere. There have been references to media accounts about the community of Ketchikan and the project they have been working on for years and years. What I am hearing repeated in the Chamber and what I have seen in letters to us as Senate colleagues is a repetition of what we hear in the media, the same tired, worn-out facts that quite honestly aren't true, don't hold water, and yet get repeated. And the inaccuracies and the misrepresentations just make our job that much more difficult. It is as if we are legislating by the media, and we are better than that. It is our obligation to know and understand the facts that are real and to know and understand the implications and the impact of our actions.

I wish to talk about a couple of the facts that Members of this body need to know. If, in fact, what we intend to do here, if, in fact, this amendment is intended to provide for reconstruction of the twin-span bridge, it is eligible for emergency repair funds. Negotiations for its repair are already underway between the State of Louisiana and the Federal agency. I am confident that this bridge will be repaired without needless damage to the project from any other State. And if, in fact, there is a funding mechanism that we need to resolve to help make this happen, I am certainly willing to participate in that. I think all of us would be willing to participate. If we need to do something to make this project move forward with the funding mechanism, we can help with that.

The second fact, if this is being proposed as an amendment that is going to save money, people need to know that it swaps an earmark for our project in Alaska—the two bridges—to an earmark for a project in Louisiana. The project is going to be completed anyway whether or not this amendment is going to be considered. What we are essentially doing is taking the money from the Alaska project, we are directing it to allow the project, but we are reducing Louisiana's ability to have any kind of spending flexibility at a time when they need it the most. Let

us make sure that what we are proposing here is actually going to meet the needs of those in Louisiana.

The third fact—this is where we need to get into the discussion about the bridges and what they are because the reference to the bridge in Ketchikan as being a bridge to nowhere is offensive. It is a bridge to the future for the people of Ketchikan, AK.

I was born in Ketchikan. I spend a fair amount of time going back and forth between Anchorage and Ketchikan and have done so for years. I was in Ketchikan this past weekend. I wasn't guided by occasional letters to the editor; I was guided by talking to the people in Ketchikan who ask: Where are we on the bridge? They are asking me: Lisa, where are we on the bridge? We put the money in the transportation bill finally, after so many years of waiting, how are we going to move forward on it? They are concerned because they are getting copies of the articles that are in the New York Times and in other publications around the country calling it a bridge to nowhere, and they are saying: Don't these people understand who we are and what we need? That is the problem. Most of you don't understand who we are up there and what we need.

We need basic infrastructure. Senator STEVENS has spoken to that. If we had a terrible disaster hit us in Alaska, we would not face a lot of the repairs to the infrastructure because we don't have the infrastructure in the first place to repair.

The arguments that have been made or the statements that have been made about a bridge that will connect to 50 people do not acknowledge any understanding about Ketchikan and what it is and what kind of a community it is and what it has to respond to.

Those of you who have been to Alaska because you have been up on a cruise ship enter through Ketchikan. We call it Alaska's First City. You enter into the Tongass Narrows. As you come in, you see a community that is smashed up literally against a rocky terrain, a long, stretched-out community with islands dotted all around you. People ask: Why do you need this bridge? We need the bridge because on the other side of Ketchikan is the potential for this community to grow and thrive, despite some of the actions of the Federal Government, and the policies that have been made over the years, whether they relate to timber or farm fishing, have practically shut down the community. But we are coming back. We have a thriving maritime industry we are helping to grow and to cultivate. But we have a community of some 13,000 to 14,000 people in Ketchikan. It is 6 blocks deep and 16 miles wide.

We can't expand to the south and the east because we are bordered in by the Misty Fjords National Monument on the north, and we are hemmed in by the Behm Canal. The only place that Ketchikan has an opportunity to ex-

pand is right across the Tongass Narrows on Gravina Island. Gravina Island has a sloping area. It is wide open. But the best thing that Gravina Island has is some 20,000 acres of private, municipal, and State lands that can make a huge difference in providing economic opportunities for this area. We can't grow in any other direction in Ketchikan. We have to go across the narrows.

Right now, across the narrows, we have the airport. This is an airport that doesn't just serve the 13,000 or 14,000 residents of Ketchikan; this airport is the cargo hub for southeastern Alaska. You have FedEx and UPS coming in there. You have all of the air-cargo coming into the southeastern part of the State.

You also have a small logging operation, one of the few that is hanging on after the policies we have implemented here in Congress. But we have a business that employs 50 to 100 people. Every day, those people are not able to get into their car and drive to work. They take a ferry to work and have to figure out how to do it on the other end.

The airport is also incredibly important to our military over there. Every nuclear sub that goes on Pacific patrol is tested for stealth at the Navy facility in Behm Canal. We have technicians coming into the airport. We have our Ketchikan Coast Guard base. It is at this base that they maintain most of the aid to navigation in the State of Alaska. The Forest Service certainly has a very large presence there. Ketchikan's hospital is a regional center. We get many of the patients visiting Ketchikan from the surrounding areas.

On top of that, we have a tourist industry where this summer the city of Ketchikan welcomed some 800,000 passengers into that community—800-some-odd thousand passengers that occasionally need to get off those cruise ships. Some of them have medical issues. Some of them need to use our airport.

We have an airport that is serviced by a ferry. But that ferry isn't the answer to everything we need. When we have some extreme tides, they can't utilize that ferry. What does that mean if you have a Medivac going out to the airport when you can't get the ambulance over there? You can't get to the other side with the vehicles we need. In fact, we have a ferry service, but is it what we need? Is it what we were promised when the airport was put back there in 1973? The promise at that time was, we will connect you across the very narrow channel of water to the community of Ketchikan. The people of Ketchikan have been waiting for 30 years.

Some people are making the assumption that just because we happen to have a chairman on the House side chairing the Transportation Committee, that all of a sudden any great idea, any project that we want as a del-

egation we were going to be able to snap our fingers and get. This is something that has been in the works for 30 years. Ask the people of Ketchikan how much money, time, and energy they have spent in the various studies, discussing dialog, debating, fighting. It is not something that just came up because we could have it; it is something that we as a community have been working together and pulling together for a long time.

Now to have a colleague come in and say that because there is something that has happened in another part of the country and because we need to find ways to pay for it, we are going to make a determination that we are going to pluck this money and we are going to take this project and anything that the community has put into it, anything the State has put into it, is now thrown out the window, that is not it.

The local government in Ketchikan has been working on a balanced plan—a use development plan—where we are talking about private homes over there, businesses, industrial facilities, harbors, green spaces to enhance the environmental value. We are trying to plan for our growth and development, but you can't have the growth and you can't have the development if you do not have access. Access is our State's biggest challenge.

As Senator STEVENS has mentioned, the biggest State in the Union has the smallest number of roads. People look at it and say, It just doesn't make sense in Alaska where you have a limited number of people, and yet we spend so much money on Alaska. It must be wrong, you must be taking too much. The sad fact is, folks, we are a long way from the rest of the country, and it costs more. That is a reality. That is a reality of doing business up there. But because our transportation costs might be more, might be higher, might be greater, does that mean our projects are worth any less, have any less value?

There was a statement made by my colleague from Oklahoma. He said it is important to know what the people of Alaska are thinking, and he read a couple of letters to the editor that were published in the Ketchikan Daily News and a couple of letters which were published in the Anchorage Daily News. I do not know about the rest of my Senate colleagues, but I do not make my policy decisions based on a couple of letters to the editor.

I will ask at the appropriate time to have printed in the RECORD a copy of a letter that the Ketchikan Chamber of Commerce has posted on their Web site speaking about Ketchikan's "bridge to the future," refuting many of the allegations that have been out there. I wish to read one quick passage because it kind of sums up the position of the people from Ketchikan.

Statements like "The Bridge to No Where", and serves only 50 people" simply are not supported by the facts. The bridge

will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employs 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50-100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

KETCHIKAN CHAMBER OF COMMERCE,
Ketchikan, Alaska.

Re Ketchikan's Bridge to the Future.

It is quite heartening to see how quickly American citizens, businesses, and communities pull together to help others when a natural disaster strikes such as the recent hurricanes in the Gulf Zone. Ketchikan, Alaska's future home of the now famous Bridge to the Future, and home to over 13,000 real people, held a Katrina hurricane relief fund raiser and netted over \$18,000. This contribution is only from the fundraiser, and does not include many more donations given by and through our local businesses and churches. This has demonstrated the community's giving and compassionate nature despite of the Ketchikan's loss of thousands of family jobs, loss of small support businesses, and a 20 percent drop in school enrollment, due to the needless reduction of a wood fiber supply from the nation's largest Federal forest and its resultant closure of our local pulp mill, historically Ketchikan's largest employer.

It is equally disheartening to see how quickly anti-development and fiscal conservative groups are jumping on the bandwagon to use the hurricane disasters to attack federal funding of transportation projects, feathering their desire to stop modern-day development in Alaska. The continual spreading of misleading and false statements to gain emotional and/or political support for their objectives seems to be normal practice for these anti development groups and the news media. Whether seeking to stop the construction of a bridge and ultimately any economic development within the community of Ketchikan or for grasping for an audience, the use of misleading and false statements is not only wrong, but just plain destructive.

Statements like "The Bridge to No Where", and "serves only 50 people" simply are not supported by the facts. The bridge will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employs 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan—serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50-100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Beyond the existing international airport, there are 20,195 acres of private, borough, and state-owned land to be served by the bridge access road. The Ketchikan Gateway Borough has an approved balanced land use development plan that provides for private homes, commercial businesses, industrial complexes, harbors, and green space. In a state where there is only 1 percent private land and 99 percent untaxable federal, state, and native corporation land, it is challenging for local governments to fund local needs. As every State developed "Bridges to No Where" were built, seen by those States as Bridges to the Future. Today, those bridges are merely seen as normal transportation infrastructure. As the final frontier, Alaska is stuck in the time warp of the mid-1900's, where infrastructure deemed normal in the continental U.S. is viewed as extravagant for Alaska. Ketchikan, Alaska, has worked for over 30 years to achieve funding of a bridge similar in many respects to the hundreds of bridges in the Gulf Coast that connect communities to surrounding small islands filled with residential homes and businesses.

Ketchikan has been promised a bridge to the airport since it went into operation in 1973. How much longer do we have to wait?

The statement "It's pretty obvious that, at least on the grass-roots, everyday-citizen level, there's a consensus that the money could be better spent on the Gulf" made by the coordinator for the Alaska Transportation Priorities Project (a group hatched and coordinated by the anti-development environmental groups in Alaska) is clearly untrue, inaccurate, and not the feeling of the citizens of Ketchikan who supported the Gravina Bridge in a referendum vote by a margin 2 to 1. There may be consensus among the anti-development groups, but we are grass-roots, everyday-citizens also. The majority of our community continues to support our "Bridge to the Future".

I applaud the Alaska Congressional Delegation and the others in the Nation's Congress for recognizing that Alaska is a developing State, and their ability to help Alaska's delayed infrastructure development through the Federal Transportation Bill.

Sincerely,

BLAINE ASHCRAFT,
*Business Manager, Greater Ketchikan
Chamber of Commerce.*

Ms. MURKOWSKI. Mr. President, in addition to the airport, we have the sawmill.

My point is, at some point in time, those back here who do not know and understand Alaska need to listen to those of us who live in Alaska, who work in Alaska, and who raise our families in Alaska, to know and understand what the priorities are of Alaskans and allow us to address those. That is what we are trying to do with the 12 projects that are the subjects of this amendment. I have been speaking about the Ketchikan project, and I want to stick with this for a few more minutes until I turn to the Knik Arm Crossing. We in Alaska are willing to do our share. I made that statement earlier. The citizens in Ketchikan, when they saw the aftermath in Katrina, didn't sit back and say, Well, we got ours. We are a long way away from the gulf, we don't need to worry about it. Private people have been dipping into their pockets, as they have all across the country, but we had a fundraiser in Ketchikan a couple weeks ago. We had fishermen, businessmen,

housewives, teachers, shipfitters, book-sellers, doctors, and clerks, raised almost \$20,000 out of this little community of about 14,000 people.

We are willing to step up. Alaskans are willing to step up. Believe me, this week we have had an opportunity to talk about that as we dealt with the issue of ANWR in the Committee on Energy and Natural Resources yesterday. We want to help out. We are prepared to do it. But let us prioritize those projects within the State of Alaska that have the support and that will allow our State to develop as every other State in the Union has been allowed to develop. Ketchikan is asking for nothing more than exactly the same type of bridge connection that other communities all across the country have. However, Ketchikan and most of the other communities in my State are stuck in this time warp, a mid-1900s time warp, where transportation systems that are old hat or accepted and part of the landscape in the rest of the country are still the future to the State of Alaska. What we are trying to do is to bridge into the future.

Now I turn, for a minute, to the Knik Arm Crossing because we have not given as much attention to that. Maybe it is because the media hasn't dubbed it or given it a catchy little name such as "Bridge to Nowhere." As Senator STEVENS has indicated, again, we are a victim of our own geography. We are hemmed in by the mountains, the ocean, Cook Inlet, military land, and national forest lands. We don't have any place to grow. This is Alaska's largest community. We need to be able to go across the water so we can have the opportunity, as a community, as a State, and as a regional hub, to further our growth and development.

The comment was made on the Point MacKenzie—one side is Anchorage and the other side is Point MacKenzie—we have about 12 residents there; again, making us look like we are just going to build bridges because we have the ability to build bridges and we do not care where we are placing them. People that make statements such as this need to look at the facts. First, look at a map. Look at what we have over there. We have a community, the fastest growing part of the State is up there in the Mat-Su Valley. We have tens of thousands of commuters coming into Anchorage from the Mat-Su Valley every day that could be aided by a bridge across the water. To suggest we have 12 families that we are somehow helping out and connecting defies the facts. It is offensive to me. There has been some suggestion this is a project that we are taking up because we can. People need to understand this is something we have been looking at and studying for a good 30 years.

I cannot tell the number of projects—actually, I can tell the number of projects, and I am going to. We have, over the past, probably 10, 20 years, so studied this bridge, so evaluated this

bridge, that the people in south central are asking, What's wrong? Why can't we get the bridge moving? We had the Point MacKenzie Area Which Merits Special Attention Plan in 1993; the Point MacKenzie Port Master Plan in 1998; the Regional Port of Anchorage Master Plan in 1999; the Anchorage 2020 Plan in 2001; the Anchorage Metropolitan Area Transportation Solutions Freight Mobility Study in 2001; the Matanuska Susitna Borough Economic Development Plan in 2002; the Anchorage Metropolitan Area Transportation Solutions Long Range Transportation Plan Amendment in 2002; the Regional Transportation Planning Organization Resolution Supporting the Knik Arm Crossing as a Regional Transportation Priority Project in 2003; the Matanuska-Susitna Borough Assembly Resolution Adopting the Knik Arm Crossing as the Number One Regional Transportation Priority, 2003; and then the Matanuska-Susitna Borough Rail Corridor Study, June 2003. And there have been more updates since then.

This is something we have been working on for a long time. To suggest this is pork, this is fluff, this is servicing 12 families or 50 homes, we need to have everyone look at the factories and understand that Alaska will never achieve its full potential as a State unless we have access.

Taking away these two projects from the State of Alaska and saying this is what we are going to do to help with the reconstruction efforts in the gulf, to single out one State, we start taking it very personally.

If the suggestion were made to our colleagues that everybody gives a little bit, everybody gives a little bit on your transportation projects, that is okay. As one of the 50 States, we can deal with that. We can certainly accept that. But to see we are looking at one State—first it was one project, now it is two projects—this Senator cannot accept, will not accept a proposal like that.

I appreciate the efforts of so many that have been working so hard as we try to find offsets, as we try to do the work necessary to rebuild the gulf region. But we need to recognize, again, we worked on a transportation authorization bill, a 6-year plan. This bill was 6 years in the making. What went into it, went into it with thought and study and the support of those people who would benefit from it. And the people that will benefit from the bridges in Ketchikan and the bridge in south-central are not only the people of Alaska but all of the tourists we serve, all of the military we serve, all of the people that rely on Alaska for your energy needs, for your commerce needs. It is not about providing service and assistance to a few. Let Alaska come into this century when it comes to transportation infrastructure. Don't take from us our ability to grow, as all of the other States in the lower 48 have been allowed to do, having been provided the Federal funding. Don't deny Alaska.

I yield the floor.

Mr. STEVENS. I find myself in a strange position, as I indicated to the Senator from Oklahoma. Earlier today, I indicated to the Senator that I would suggest a series of second-degree amendments. I had under consideration second-degree amendments. It is my understanding now the amendment of the Senator from Oklahoma is filed as a second-degree amendment to the Bingaman amendment, am I correct?

The PRESIDING OFFICER. That is correct. It is a second-degree amendment.

Mr. STEVENS. Mr. President, I have a small Bible to start reading, a few editorials from my State concerning this bridge and some of the comments that have been made in other States. I am willing to try to work out a system so that all States contribute to assisting our sister State in Louisiana and recognize their prior need for money, but I am entirely unwilling to take money from Alaska only. I think the Senate ought to have that on notice. I will suggest the absence of a quorum, and I will object to taking it off until we have some way that the Senate might consider an alternative to the Senator from Oklahoma or until a quorum is present and the Senate decides otherwise than what I have decided.

I will put the Senate on notice—and I don't kid people—if the Senate decides to discriminate against our State and take money only from our State, I will resign from this body. This is not the Senate I came to. This is not the Senate I devoted 37 years to. If one Senator can decide he will take all the money from one State to solve a problem of another, that is not a union. That is not equality and is not treating my State the way I have seen it treated for 37 years.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask the pending amendment to be set aside.

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

AMENDMENT NO. 2162

Mr. BOND. Mr. President, I have 12 amendments that have been cleared on both sides of the aisle. We thank the sponsors of these amendments for working with our staff and the relevant committees for clearing these amendments. I call up on behalf of Senator REED of Rhode Island amendment No. 2162. This amendment has been cleared on both sides. It requires the Department of the Treasury to submit a report on the application of Treasury regulations on arbitrage bonds to the reserve funds held by EPA clean water and safe drinking water State revolving funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. REED of Rhode Island, proposes an amendment numbered 2162.

The amendment is as follows:

(Purpose: To require a legal basis for the application of arbitrage bond regulations to reserve funds held by the Clean Water and Safe Drinking Water State revolving funds)

On page 293, after line 25, add the following:

SEC. ____ APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148-1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

Mr. BOND. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2162) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2174

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of myself and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes an amendment numbered 2174.

Mr. BOND. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 384, after line 13, insert the following:

SEC. ____ The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal Government's goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA's sustainable

building program, including a schedule for incorporating any additional such programs into the system through regulations.

Mr. BOND. Mr. President, this amendment relates to the GSA's rating system. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2174) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2146, AS MODIFIED

Mr. BOND. Next, I call up amendment No. 2146 with a modification on behalf of Senator ENSIGN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Missouri [Mr. BOND], for Mr. ENSIGN, proposes an amendment numbered 2146, as modified.

The amendment is as follows:

(Purpose: To provide for free individual tax electronic preparation and filing services by the Internal Revenue Service)

On page 293, after line 25, add the following:

SEC. _____. The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service's Taxpayer Assistance Centers, Tax Counseling for the Elderly, and volunteer income Tax Assistance Programs.

Mr. BOND. Under the Ensign-Allen-DeMint amendment, the language requires the IRS to continue the Free File Program, which was created in 2002 as a public/private partnership between the IRS and a group of tax software companies called the Free File Alliance. This partnership has increased electronic tax filing by improving access to filing and making tax preparation and filing easier for taxpayers.

This language is not meant to disrupt or override current negotiations or the new agreement.

It is critical that the Free File Program and other IRS taxpayer services continue to evolve to meet the needs of taxpayers across the Nation.

I ask unanimous consent that I be added as a cosponsor.

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

Mr. BOND. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2146) was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2105, 2106, 2108, AS MODIFIED, AND 2120 EN BLOC

Mr. BOND. Mr. President, I call up amendments Nos. 2105, 2106, 2108, and

2120. I send up a modification to amendment No. 2108 on behalf of Senator VOINOVICH. I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2105

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1 _____. Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended by striking "Corning Preserve improvements Phase II" and inserting "Transportation Center, Corning, NY".

AMENDMENT NO. 2106

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1 _____. Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY".

AMENDMENT NO. 2108 AS MODIFIED

(Purpose: To modify certain projects relating to highways in the State of Ohio)

On page 436, between lines 10 and 11, insert the following:

SEC. 8 _____. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—in item number 4620, by striking "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio"; and

(2) in item number 4651, by striking "Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio".

AMENDMENT NO. 2120

(Purpose: To make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users)

On page 436, between lines 10 and 11, insert the following:

SEC. 8 _____. (a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended in item number 4632 by striking "Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way" and inserting "For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way".

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient

Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended in item number 516 by striking "Dayton Wright Stop Plaza" and inserting "Downtown Dayton Transit Enhancements".

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2175 AND 2176 EN BLOC

Mr. BOND. Mr. President, I have amendments on behalf of myself and the Senator from Washington making technical corrections, having a division A and division B in this bill. I send to the desk two amendments and ask for their consideration en bloc. These are technical changes to the bill, and I believe both of them are agreeable on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes amendments numbered 2175 and 2176 en bloc.

The amendments are as follows:

AMENDMENT NO. 2175

On page 216, after line 23, insert the following:

DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

AMENDMENT NO. 2176

On page 436, line 11, strike "Act" and insert in lieu thereof "division".

Mr. BOND. They have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments (Nos. 2175 and 2176) were agreed to en bloc.

Mr. BOND. I thank the Chair. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2177 AND 2178 EN BLOC

Mr. BOND. Mr. President, I send to the desk two amendments, one on behalf of myself and one on behalf of Senator REID of Nevada. Mine is technical in nature; the other deals with a heliport. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment No. 2177.

The Senator from Missouri [Mr. BOND], for Mr. REID, proposes an amendment numbered 2178.

The amendments are as follows:

AMENDMENT NO. 2177

(Purpose: To improve the bill)

At the appropriate place in the bill, insert the following:

SEC. ____ Section 14711(c) of title 49, United States Code, is amended by—

- (1) striking “; and” at the end of paragraph (1) and inserting “;”;
- (2) striking the period at the end of paragraph (2) and inserting “; and”;
- (3) inserting the following after paragraph (2):

“(3) be substituted, upon the filing of a motion with the court, for the State as *parens patriae* in the action.”

AMENDMENT NO. 2178

(Purpose: To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport)

At the appropriate place, insert the following:

SEC. ____ (a) In this section:

(1) The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Wilderness” means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) $\frac{2}{3}$ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) $\frac{1}{3}$ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

Mr. BOND. I ask for their immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2177 and 2178) were agreed to.

Mr. BOND. I move to reconsider the votes.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2179

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of Senators DURBIN and OBAMA and ask its immediate consideration. This amendment requires the Secretary of HUD to report on a housing project in the State of Illinois.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. DURBIN, for himself and Mr. OBAMA, proposes an amendment numbered 2179.

Mr. BOND. I ask unanimous consent that further 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 Housing and Urban Development to report to Congress on certain properties in Joliet, Illinois)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPORT ON EVERGREEN TERRACE.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) INTERIM REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) FINAL REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2179) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2180

Mr. BOND. Mr. President, I send to the desk on behalf of Senator MURRAY an amendment on Midway Atoll and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Senator from Missouri [Mr. BOND], for Mrs. MURRAY, proposes an amendment numbered 2180.

The amendment is as follows:

On page 432, line 22, strike “2006.” and insert “2007.”

On page 433, line 5, strike “\$6,000,000” and insert “\$10,000,000”.

On page 433, line 9, insert after “upgrades” the following: “, including the replacement of the fuel farm facility”.

Mrs. MURRAY. Mr. President, this amendment makes small revisions to the provision in the bill mandating the continued operation of the emergency landing field at Midway Island Atoll in the Pacific.

The bill before us, for the third consecutive year, requires a cost-sharing agreement between the appropriate Federal agencies for the continued operation of this critical airfield.

This amendment would clarify that among the costs that must be covered by the Federal agencies are the necessary capital costs for the replacement of the aged fuel farm on the island.

I am not aware of any objection on either side. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2180) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. 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.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator STEVENS now be recognized to offer a first-degree amendment which is relevant to the Coburn amendment No. 2165; provided further, that the Coburn amendment No. 2165 be further modified to be drafted as a first-degree amendment; I further ask consent that there be 5 minutes equally divided in the usual form, and that following that time, the Senate proceed to a vote in relation to the Coburn amendment No. 2165, to be followed by a vote in relation to the Stevens amendment; provided, that no second-degree amendments be in order to either amendment prior to the votes. I finally ask unanimous consent that if either of the amendments does not achieve 60 votes in the affirmative, that amendment be automatically withdrawn; provided further, that following these votes, the Bingaman amendment No. 2065 be agreed to.

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

AMENDMENT NO. 2181

(Purpose: To ensure reconstruction of the Twin Spans Bridge)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself, Ms. MURKOWSKI, and Mr. FRIST, proposes an amendment numbered 2181.

At the appropriate place, insert the following:

SEC. ____ . No funds provided under Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemergency funds have been made available for the repair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

Mr. STEVENS. Mr. President, it is my understanding the first amendment offered by the Senator from Oklahoma will be considered first.

I yield the floor.

AMENDMENT NO. 2165, AS MODIFIED

Mr. COBURN. Mr. President, the purpose of my amendment does not have that much to do with Alaska as it does

with priorities in our country. We put forward \$600 billion of debt to our children last year ending September 30. We have a war going on. We have the largest natural catastrophe we have ever seen in our history. We have a hurricane coming on Florida. We are at war. It is time we reassess the priorities we utilize in this body as we think about our obligations at home.

The purpose of my amendment is to move \$125 million out of above-the-line money—not program money, not formula money—to be used for this. I understand there is going to be another amendment. My hope is the American public will see how we are spending money and encourage us to spend it in a way that is more frugal and consistent with the heritage we have in the country, and that is making sacrifices today for the future of our country and for the next generation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not have a better friend than my colleague from Oklahoma, but it does not mean we always agree with each other. I have had a policy in voting for amendments on bills that I have adhered to for a long time, and it is if a Senator has a bill or an amendment that takes authority from an elected official and places it in the hands of an unelected bureaucrat and it does not save money, then I think it is not good policy. Unfortunately, I think that is what this does.

My good friend Senator COBURN and I have talked about this. I know it is a difficult thing for a lot of people to understand. Many people are watching this. I happen to be the person with the No. 1 most conservative rating in the Senate and yet I am not about to put myself in a position where I am going to take authority away from someone who has to stand for election in a particular State and give it to someone who does not have to stand for election, period.

I do not think that is a good idea. If it were something that saved money, I would have a different position on it, but in that respect I will oppose this.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. How much time do I have remaining?

The PRESIDING OFFICER. One minute 11 seconds.

Mr. COBURN. Was Senator INHOFE's time taken from my time?

The PRESIDING OFFICER. It was not.

Mr. COBURN. I would say to my friend, whom I love dearly as a friend and a brother, this amendment is about changing the priorities in this country. We can reject that or we can accept it. I gave a speech this morning about the rumble that is out there in this country. We need to listen to that rumble. The rumble is the American people want us to start doing a better job of

prioritizing how we spend money. I respect his position on this. I have no ill feelings that he will oppose me on this amendment.

This is an amendment that is good for the country.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the Senator from Oklahoma who has just spoken, who is the author of this amendment, has indicated we need to be making sacrifices. I do not think anyone in the State of Alaska feels we should not be contributing, but we do not feel in the State of Alaska that it should be coming entirely from one State. This amendment puts the sacrifice on one State.

I urge rejection of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute remaining.

Mr. STEVENS. Mr. President, I would add to my colleague's comment to say this concept is a concept that every State should think about because if it can be done on a bridge, why not do it on any type of event where a Senator would like to have money for their State, but they say take it from another State because they do not need it. I made a statement earlier today that in my 37 years I have never seen this. I have never seen a request that money for a disaster be taken solely from a project in one State to help a disaster in other States.

We are a disaster-prone State. We have more disasters than any other State in the Union. Remember our 1964 earthquake. We have tsunamis. We have all types of disasters. But we have never tried to take moneys from other States to meet our costs.

I urge the Senate not to start this process.

I yield back the time.

Mr. BOND. 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 Coburn amendment No. 2165, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

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

The result was announced—yeas 15, nays 82, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—15

Allard	Conrad	Kyl
Allen	DeMint	Landrieu
Bayh	DeWine	Sessions
Burr	Feingold	Sununu
Coburn	Graham	Vitter

NAYS—82

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

NOT VOTING—3

Corzine	McCain	Schumer
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The amendment (No. 2165), as modified, was rejected.

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

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, my colleagues, Senator MURKOWSKI, Senator FRIST, and I offered the second amendment establishing the principle that if this type of money is to be made available to an area of disaster, it would come equally from the projects that are authorized under the highway bill and above the line area for bridges.

In view of this vote taken, I would be willing to withdraw this amendment. I understand there is objection to that. There is already a unanimous consent request that the amendment be presented.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Again, I say some Members voted the way they did on the Coburn amendment because of the presence of this amendment and wish to be recorded in favor of this amendment.

I yield my time.

Mr. SPECTER. Mr. President, if I could have the attention of my colleagues, tomorrow we are starting on the appropriations bill of Labor, Health and Human Services, and Education. It is a very complex bill. We are advised preliminarily that there will be many amendments offered. Senator HARKIN and I sent out a "Dear Colleague" letter urging all Members who have amendments to have them ready to file.

I have consulted with the majority leader. I have long advocated that if we have quorum calls and amendments not ready to go, that we go to third reading and final passage. I am not sure how effective that approach will be, but I am going to try it. I have been talking about it for a long time. The majority leader is encouraging on it.

But I want to put everybody on notice that we are going to press very hard and also on the vote on 15 and 5.

Again, I am not the majority leader. I know that. Whether it will be enforced is another matter. But this is a tough bill, and there are many people who are working on it who need to go back to the confirmation process of Harriet Miers.

We have a lot of work to do. I want to be as emphatic as I can—that if you have amendments, get them ready because I will press for third reading.

Thank you.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. DURBIN. Mr. President, has there been time set aside to speak in opposition to the pending amendment?

The PRESIDING OFFICER. No.

Mr. DURBIN. I ask unanimous consent to speak for 2 minutes in opposition to the pending amendment.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I ask unanimous consent to speak for 1 minute.

Mr. BAUCUS. Objection.

Mr. STEVENS. The time hasn't expired yet.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, parliamentary inquiry: Wasn't there time on both sides for that amendment?

The PRESIDING OFFICER. There was prior to the first vote.

Mr. DURBIN. 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. STEVENS. 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.

Mr. STEVENS. Mr. President. I ask unanimous consent that there be equal time for anyone to speak for 2 minutes, at least. I have 2 minutes on my side.

I ask unanimous consent to allow 2 minutes for the Senator from Illinois on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will be very brief.

Understand what this amendment says: No bridge in the highway bill can be built until this bridge in Louisiana is built from non-emergency funds, financed from non-emergency funds. If they take any part of the \$60 billion that we have already put in FEMA to

put into construction of this bridge, it doesn't count. It has to be non-emergency funds.

So understand that it is slowing down the construction of bridges everywhere until we appropriate more money for financing this bridge in Louisiana.

I yield the floor.

Mr. STEVENS. Mr. President, 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 amendment, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. McCAIN), and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

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

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—33

Allard	Cornyn	Martinez
Allen	DeMint	McConnell
Bayh	Dole	Murkowski
Bennett	Feingold	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burr	Hatch	Specter
Chafee	Inhofe	Stevens
Chambliss	Isakson	Sununu
Coburn	Kyl	Vitter
Coleman	Landrieu	Warner

NAYS—61

Akaka	Durbin	Mikulski
Alexander	Ensign	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Obama
Boxer	Hagel	Pryor
Burns	Harkin	Reed
Byrd	Hutchison	Reid
Cantwell	Inouye	Roberts
Carper	Jeffords	Rockefeller
Clinton	Johnson	Salazar
Cochran	Kennedy	Sarbanes
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Craig	Lautenberg	Stabenow
Crapo	Leahy	Talent
Dayton	Levin	Thune
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—6

Baucus	Enzi	Schumer
Corzine	McCain	Thomas

The amendment (No. 2181) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2065

The PRESIDING OFFICER. Under the previous order, amendment No. 2065 is agreed to.

The amendment (No. 2065) was agreed to.

Mr. BOND. Mr. President, I ask unanimous consent that the only amendments in order will be those that are accepted to be in the managers' package. There is a Leahy-Coleman amendment, two amendments from Senator LANDRIEU. We have two amendments we are going to accept from Senator COBURN. We have an amendment we are accepting from Senator BILL NELSON.

Is there objection?

Mrs. MURRAY. And Bingaman.

Mr. BOND. And Senator BINGAMAN's amendment. It is done?

Mr. REID. Bingaman is done.

Mr. LEAHY. Leahy-Coleman.

Mr. BOND. The Leahy-Coleman amendment will be one of them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, we are going to try to resolve these amendments as quickly as possible. I know everyone wants to get out of here.

I suggest that perhaps Senator LANDRIEU can address her amendments very quickly. I am going to talk with Senator LEAHY and Senator COLEMAN, and see if we can resolve those.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senator from Louisiana wants to speak in a moment. I want to make an inquiry of the majority leader, if I could. It will only take a moment.

I don't know where Senator SNOWE is. We were talking a moment ago. She is the chairperson of the Small Business Committee. I am the ranking member. We have been making a bona fide, bipartisan effort to try to get the Small Business Hurricane Relief and Reconstruction Act into law. It has been sitting up in the conference and is sort of stuck at the moment.

The problem is that—Mr. President, could we have order.

The PRESIDING OFFICER. Could we have order, please. Will Senators take their conversations off the floor.

Mr. KERRY. Mr. President, the administration has set up two major pieces of relief for Hurricanes Katrina and Rita, totaling \$62 billion, but not one penny of that \$62 billion is designated for small business, even though there are several hundred thousand small businesses that are in need of relief in the region.

Only 84 out of some 20,000-plus requests—only 84 requests—for loans or grants have been approved by the Small Business Administration. So this is becoming an incredibly backed-up, serious restraint on the ability of small businesses to get back on their feet in the injured areas.

I know Senator SNOWE is deeply concerned about it. I know a lot of col-

leagues are very deeply concerned about this. Is there a way we could try next week to break this out? It has passed 96 to 0 here in the Senate. We desperately need to get this help to those businesses in the communities.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to my distinguished colleague from Massachusetts, are you talking about the small business reauthorization or the Katrina-focused legislation?

Mr. KERRY. This is the Katrina small business hurricane relief and reconstruction bill. What is it? It is S. 1807.

Mr. FRIST. The Senator's question, that it has passed the Senate or is being considered?

Mr. KERRY. It passed the Senate 96 to 0.

Mr. FRIST. The question to me is what, again?

Mr. KERRY. The question is whether—I know the chairman wants to make this happen—if we could try to break this out and pass it separately, pass it in the House, and get this immediate assistance into the hands of the small businesses. It would make an enormous difference, obviously.

Mr. FRIST. Obviously, we need to focus on small business. We know how important that is in terms of both the flexibility and the release of regulations. The focus on small business is part of that rebuilding and renewal in a smarter way. I would be happy to talk to the Senators who are involved to see how we could address it.

I am not going to make any commitment at this point in time, but the Senate has spoken in terms of a very significant vote on the floor. I will be happy to talk to my colleagues about how we can, in some way, accelerate that next week.

Ms. LANDRIEU. Mr. President, if I could, will the majority leader yield for a question?

I ask the majority leader and the Senator from Massachusetts, did they know that today the report came out from the Small Business Administration, which the chairman knows, the Senator from Maine, Ms. SNOWE, that 53,900 businesses have applied for help, and that only 58 businesses have received checks to date?

Let me repeat, 53,900 businesses have asked for help, and, to date, 58 in the whole region—from Louisiana, Mississippi, Texas, and Alabama—have received help—58 businesses. So I think the Senator from Massachusetts raises a good point.

Did you know there is some urgency, Mr. Leader, about this situation?

Mr. KERRY. Mr. President, I thank the Senator from Louisiana. She is right about the number that received checks. I think it was a total of 84 that received approval. But that is out of tens of thousands, as we have heard.

The problem is, if you are going to bring the communities back, you are going to have to get these small busi-

nesses up on their feet because they are the heart of that kind of recovery.

So again, I think it is a bipartisan initiative. And my hope is—I look forward to talking with the leader and seeing how we can expedite this.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, again, we are absolutely committed to addressing the concerns of both of the Senators in a bipartisan way. I will make it very clear, the legislation and the amendment the distinguished Senator from Massachusetts is talking about did pass in a bipartisan way here. We need to continue to address the problem—a very real problem—to promote small business as a big part—a big part, a huge part—of the rebuilding and renewal that we all know needs to be accelerated.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, while the managers are making final decisions about the package, could I have 4 minutes to speak about an amendment I am going to offer but not ask for a vote on?

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

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

Ms. LANDRIEU. Thank you, Mr. President. I would like to ask for order, if I could. I have an amendment I am going to speak about but not ask for a vote on. I would appreciate my colleagues' focus for a moment.

The PRESIDING OFFICER. The Senate is not in order.

Ms. LANDRIEU. The amendment I was going to offer to the underlying HUD appropriations bill is part of a blueprint for action that our delegation—Republicans and Democrats—from Louisiana has asked the Congress to consider. Not only would this work for Louisiana, Mississippi, Alabama, and Texas today, but if something like this were in law, it could work for every city and every State in the event that some catastrophic event occurred, where hundreds of thousands of homes were destroyed and people were displaced.

My amendment, which I am not going to ask for a vote on but will offer at some time, would provide for a 6-month deferral from mortgages—not a waiver of mortgages, not a forgiveness of mortgages, but 6 months for Americans, for families to get their legs underneath them, until they can figure out what their insurance is going to cover and not cover, where their children might go to school, where they might find a job. These are Americans who have worked hard, played by the rules, invested in their home—which is their largest asset—and, in the blink of an eye, it is gone.

In the United States of America, in the year 2005, we do not have in place a system to give them a break—not for

a month, not for 2 months, not for 3 months.

The average savings on a mortgage would be \$4,317 in Louisiana, \$4,740 in Alabama, \$4,131 in Mississippi, and \$4,875 would be a 6-month average mortgage. The families in my State could use this extra money. No administrative costs, no contractors, no fraud, no waste, no abuse, simple, 6-month deferment on mortgages, put 6 months at the end of your mortgage, give people some cash and breathing room.

It is a sound amendment. Our delegation thinks it is good. We cannot pass it tonight, but I think we have to have a better system of help for Americans who get caught in storms, tornadoes, earthquakes, or, for heaven's sake, a terrorist attack. The system we have in place is not working: \$62 billion to FEMA, \$43 billion sits in a bank. Nobody is getting money. Nobody is getting help. People are stuck in hotels. There is no plan for housing. I could go on and on.

We need to do better. I will withdraw this amendment at this time, but we will offer it again to give people hope, 6 months of a break until they can figure out whether they can rebuild, come back, or move to another place.

I thank my colleagues for their patience.

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. BOND. 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. BOND. Mr. President, we need to see the amendments from Senator LANDRIEU. I believe with modifications we can accept them. If she would share them with us, we would be happy to do that.

I would ask my colleagues, the Senator from Vermont and the Senator from Minnesota, about the time they will need. They have an amendment I would love to be able to accept, providing more money for CDBG and other worthwhile activities. Unfortunately, there is not money to rescind. We were presented with a major rescission package by the administration, but neither the Department of Housing and Urban Development nor the Office of Management and Budget could justify any of those rescissions. We have taken the maximum rescissions we believe are feasible. This additional funding for CDBG is predicated on providing more offsets, plus it is \$200 million above the budget. I regret that I will have to raise a Budget Act point of order. I ask what time limit they would need to speak on this amendment. I regret I must tell them that I will have to raise a Budget Act point of order.

May I inquire through the Chair?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the distinguished senior Senator from Missouri, first off, that he and the distinguished senior Senator from Washington State have been doing a wonderful job in moving this bill. It is a difficult bill. I know. I have watched it being put together in the Appropriations Committee. I know the two of them have worked extraordinarily hard. I mean to commend them, whether the distinguished Senator supports me and the Senator from Minnesota or not in our bipartisan amendment, number 2157, to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds. I think all of us should commend them for the work they have done and want to work with them to look for alternatives that will make our amendment acceptable to them. I suggest the absence of a quorum. I think the chairman will probably be pleased that I do.

Mr. BOND. If the Senator will withhold, the Senator from Louisiana is prepared to offer another amendment.

Ms. LANDRIEU. I am not going to offer another amendment. I just wanted to offer the amendment to be placed in the RECORD and withdraw it because I have already spoken about it. I thank the managers.

The PRESIDING OFFICER. The amendment has been printed in the RECORD.

Mr. LEAHY. 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. LEAHY. 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. LEAHY. Mr. President, while we have the distinguished senior Senator from Missouri and the distinguished senior Senator from Washington and the distinguished Senator from Minnesota on the floor, let me propose this: We could spend the next several hours on our bipartisan amendment to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds, and there are enough of our 40 bipartisan cosponsors willing to speak that it would take several hours to do it. We would then end up on a 60-vote point of order, which may or may not go through. I know from nearly 30 years on the Appropriations Committee how it works. I have watched for decades the work of the distinguished Senator from Missouri and the distinguished Senator from Washington State. I know how hard both of them have worked to accommodate the needs of Senators from both sides of the aisle, and certainly in this case, when the key cosponsors are both Republican and Democrat. I see my friend from Minnesota on the floor.

I have truly appreciated all the work Senator COLEMAN, Senator SARBANES, Senator GRAHAM and Senator REED have put into crafting this amendment with me. I also thank our 35 other cosponsors, who strike a broad swath of the political spectrum. Might I suggest this, though: That we withhold our amendment and work to ensure that in conference we increase funds for these important community development and housing programs. I am on Appropriations. The Senator from Missouri is as well, of course, as is the Senator from Washington State. With Senator COLEMAN, we are all agreed on the need for Community Development Block Grant Programs, Section 8, HUD public housing. Between now and the time of conference, we will work closely together with the leaders of the Transportation-Treasury-HUD Appropriations subcommittee to see if we can increase these various areas. Would that make sense to the distinguished chairman?

Mr. BOND. Mr. President, the suggestion of my friend from Vermont is a very good one. I think he knows—and he serves on our committee—that trying to fund these very vital programs is a top priority of my ranking member and of mine. We are in a position where we have not been able to identify any more dollars. We will look forward to working with them and their staffs. We will work in conference with the House to try to add money because these are high-priority programs. Community development block grants, public housing, Section 8, these are vitally important. Right now we can't find them. I would be put in a very awkward spot of having to raise a Budget Act point of order. I would appreciate the opportunity to work with the Senator from Vermont, the Senator from Minnesota, and other Senators. I know I speak for my colleague from Washington. We will work with the other original cosponsors of this amendment to try to accomplish that. I thank him very much for his understanding and willingness to work with us.

Mr. LEAHY. Mr. President, I have worked with both the Senators from Missouri and Washington State for years. I know they have commitments to all these programs and have always worked in a bipartisan way. I would be willing to accept those assurances. I ask my chief cosponsor, the Senator from Minnesota, how he feels about this commitment from the chairman and ranking member of the TTHUD Appropriations subcommittee?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the champions of CDBG and Section 8 are the ranking member and chairman of the committee. We are in an awkward position. We are all trying to get to the same place. I accept those assurances. These programs are vitally important. We had over 68 votes for supporting full funding for CDBG when it first came up this year. We are all marching down

the same path. I appreciate the work that the chairman and the ranking member have done and their commitment to look for more money when we get to conference.

Mr. LEAHY. Mr. President, we will withdraw the amendment. If it is at the desk, we withdraw it.

The PRESIDING OFFICER. The amendment is not pending.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENTS NOS. 2182; 2080; 2122; 2083, AS MODIFIED; 2183; 2184; 2185; 2186; 2187; 2188; 2167, AS MODIFIED; 2168, AS MODIFIED; 2189; 2084; 2103; 2119, AS MODIFIED; 2190; 2150, AND 2173 EN BLOC

Mr. BOND. Mr. President, as part of a managers' package, I send to the desk amendment No. 2182 from Senator LEVIN on the use of funds for Federal contracts with expatriate agencies; amendment No. 2080, Senator SANTORUM, to modify provisions relating to certain Federal contracts; amendment No. 2122, to allow disabled and nondisabled tenants to keep their Section 8 contracts for properties postforeclosure by Senator SCHUMER, as modified; amendment No. 2083, as modified, by Senator DEWINE, to appropriate \$6 million for the new car assessment program; an amendment on behalf of Senators FRIST, DOLE, and BOXER to provide funding for Habitat for Humanity; an amendment on behalf of Senator MURRAY relating to the Spokane region high-speed rail corridor study; an amendment on behalf of myself to eliminate the GSA authority to retain proceeds from the sale or other conveyance of real and personal property; an amendment on behalf of Senator NELSON making appropriations for the Department of Treasury for the Financial Crimes Unit; an amendment on behalf of Senator LOTT and Senator LAUTENBERG relating to Amtrak; an amendment on behalf of Senator LAUTENBERG on the owners and operators of airports certified under section 4476; two amendments on behalf of Senator LANDRIEU, one to make funds available for conducting a study and submission of a report relating to catastrophic hurricane evacuation plans and another amendment to set aside funds to provide grants to local governments to address increased transportation demands in communities that have experienced significant population growth; an amendment on behalf of Senator COLEMAN to improve the safety of all-terrain vehicles; and on behalf of Senator COBURN, we wish to include amendment No. 2084. Senator COBURN has an amendment on improper payments, and I would ask that he or his staff provide us copies of those amendments and that they be included in the managers' package.

The PRESIDING OFFICER. The Senator from Missouri should note that both of those amendments are already pending.

AMENDMENT NO. 2091 WITHDRAWN

Mr. BOND. I ask that amendment 2091 be withdrawn.

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

Is there objection to considering the specified amendments en bloc?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are working our way quickly toward final passage. I just wanted to take a minute and thank our chairman, Senator BOND, from Missouri, who has done a remarkable job with a very complex bill that has numerous agencies with it, the first time the Senate has considered a bill with Transportation and HUD and Judiciary. I wish to compliment him and his staff and thank all of our staffs for the tremendous work they did in moving this bill forward.

I thank the Chair.

Mr. BOND. Mr. President, I thank my colleague from Washington. Her cooperation and her very active involvement have made all of this possible. We appreciate it. We will talk about our staff later.

I call up amendment 2103 on behalf of Senator BURNS requiring air carriers to honor tickets for suspended air passenger service, and I call up modified amendment No. 2119 on behalf of Senator STEVENS and Senator ENSIGN and ask that be considered and adopted.

We have the Coburn amendment, improper payments. I call up amendment 2150 on behalf of Senator SNOWE relating to certified service station employees, the Federal Aviation amendment, and ask that be included in the managers' package, and amendment 2173 on behalf of Senator COLEMAN relating to purchase card payments to Federal contractors and ask that be included.

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

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2182

(Purpose: To prohibit the use of funds for Federal contracts with expatriated entities)

On page 293, after line 25, add the following:

SEC. ____ PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

AMENDMENT NO. 2080

(Purpose: To modify provisions relating to certain Federal contracts)

On page 276, after line 24, add the following:

SEC. 18 ____ Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40.";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(5) by striking subparagraph (G).

AMENDMENT NO. 2122

(Purpose: To allow disabled and non-disabled tenant to keep their section 8 contracts on their properties post foreclosure)

On page 338, line 15, strike "and is occupied primarily by elderly or disabled families".

On page 338, line 19, insert "", and the contract for such payments shall be renewable by the owner under the provisions of section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)" after "in the property".

AMENDMENT NO. 2083, AS MODIFIED

(Purpose: To appropriate an additional \$6,000,000 for the New Car Assessment Program with a corresponding off-set in Department of Transportation salaries and expenses)

On page 248, between lines 20 and 21, insert the following:

SEC. 133. For an additional amount for the National Highway Traffic Safety Administration under the heading "Operations and Research" \$6,000,000, to carry out the provisions of section 10307(c) of Public Law 109-59.

AMENDMENT NO. 2183

(Purpose: To fund Habitat for Humanity)

On page 310, line 16, after "tribal area", insert the following: ", and of which \$5,000,000 shall be for capacity building activities administered by Habitat for Humanity International".

AMENDMENT NO. 2184

On page 253, after line 22, insert the following:

"SEC. ____ Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho."

AMENDMENT NO. 2185

(Purpose: Eliminate GSA authority to retain proceeds from sale or other conveyance of real and personal property)

On page 383, state line 21 and all that follows through line 6 on page 384.

AMENDMENT NO. 2186

(Purpose: To provide the sense of Congress that the Secretary of the Treasury should place al-Manar on the Specially Designated Global Terrorist list)

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

AMENDMENT NO. 2187

(Purpose: To modify the provisions on grants to the National Passenger Rail Corporation)

On page 250, line 9, strike "Provided, That," and all that follows through page 252, line 17,

and insert “*Provided*, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further*, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further*, That of the funds provided under this section, not less than \$5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.”.

AMENDMENT NO. 2188

(Purpose: To ensure that airports improve their runway safety areas, and for other purposes)

On page 227, line 7, strike the period and insert the following: “*Provided further*, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.”

AMENDMENT NO. 2168, AS MODIFIED

On page 276, after line 24, add the following:

SEC. 1 ____.(a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) as of the date of enactment of this Act, of the amounts made available by this Act, \$1,000,000 may be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in subsection (a)—

(A) by inserting after “evacuation plans” the following: “(including the costs of the plans)”;

(B) by inserting “and other catastrophic events” before “impacting”;

(2) in subsection (b), by striking “and local” and inserting “parish, county, and municipal”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “safe and” before “practical”;

(B) in paragraph (2), by inserting after “States” the following: “and adjoining jurisdictions”;

(C) in paragraph (3), by striking “and” after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

“(6) the time required to evacuate under the plan; and

“(7) the physical and mental strains associated with the evacuation.”.

AMENDMENT NO. 2167, AS MODIFIED

On page 219, line 14, insert after “\$15,000,000” the following: “, of which \$2,000,000 may be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities”.

AMENDMENT NO. 2189

(Purpose: To improve the safety of all-terrain vehicles in the United States)

At the appropriate place, insert the following:

SEC. ____ . ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles - Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the commission; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term “ATV” means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of a motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms “Commission”, “distribution in commerce”, “to distribute in commerce”, and “United States” have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

AMENDMENT NO. 2103

(Purpose: To extend the suspended service ticket honor requirement)

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking “November 19, 2005.” and inserting “November 30, 2006.”.

AMENDMENT NO. 2119, AS MODIFIED

(Purpose: To amend section 40128(e) of title 49, United States Code, to clarify the Lake Mead exemption to the prohibition of commercial air tour operations over national parks)

On page 230, after line 22, insert the following:

SEC. 109. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”.

Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

AMENDMENT NO. 2190

(Purpose: To ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Housing and Urban Development has reported specific actions taken to estimate improper payments in the community development block grant program as required under the Improper Payments Information Act of 2002)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the

community development block grant program shall be halted until such report is submitted.

AMENDMENT NO. 2150

(Purpose: To assist certain flight service station employees of the Federal Aviation Administration)

At the appropriate place, insert the following:

SEC. ____.(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligible for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any

other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

AMENDMENT NO. 2173

(Purpose: To require that purchase card payments to Federal contractors be subjected to the Federal Payment Levy Program and to require improved reporting of air travel by Federal Government employees)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term “agency” has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

DISABLED VETERANS AND OTHER PERSONS WITH DISABILITIES

Mr. NELSON of Nebraska. Mr. President, I rise to enter into a colloquy with Senator DEWINE to discuss an amendment that we were going to offer on behalf of our Nation’s disabled veterans and other persons with disabilities.

I know that we are all concerned about taking care of our returning service men and women, especially those who were wounded in action and are now disabled, some severely. The

amendment that was to be offered today would have immediately increased employment of the disabled while potentially saving taxpayer money.

In October 2004, Congress enacted the American Jobs Creation Act of 2004, providing for outsourcing by the IRS of collection of unpaid and past due Federal income taxes. The administrative process for issuing contracts to qualified private sector debt collection companies is about to be completed. It is estimated that these contracts will create up to 4,000, well paying private sector jobs.

If the same tax collection activities were conducted by Federal employees, provisions of current law would give preferences in employment to disabled veterans in filling those Federal jobs. In addition, if other persons with 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. By enacting legislation to improve the IRS’s tax collection efforts and placing those efforts on a sound commercial footing by outsourcing or privatizing the initiative, Congress certainly did not intend to curtail the national commitment to creating meaningful job opportunities for disabled veterans and other persons with disabilities. 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 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 disabled persons are carried forward as a part of the IRS’s contracting criteria.

The language in the proposed amendment would have established a preference under the debt collection contracting program for contractors who meet certain threshold criteria relating to employment of disabled veterans and other disabled persons. Furthermore, the amendment would have required 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 disabled persons.

Some have expressed concern over this proposed amendment because they believe this could possibly derail the selection process currently underway.

It is not my intention to stall this process, but rather to make it better. As such, I have chosen not to offer the language at this time. But it is my intention to find the appropriate legislative vehicle for language mandating the hiring of persons with disabilities prospectively.