In this morning’s Washington Post, Attorney General Gonzales says we have a choice: either accept this flawed conference report or it will expire. I respectfully disagree. We must not allow the PATRIOT Act to expire. There are provisions we desperately need to keep America safe. However, we should not pass a reauthorization that fails to protect basic constitutional rights. Once we give these rights away in this act, can we ever reclaim them?

The 9/11 Commission said it best: The choice between security and liberty is a false choice. Our bipartisan coalition believes this legislation can be changed and improved to protect civil liberties and give the Government the tools it needs to fight terrorism.

We believe it is possible for Republicans and Democrats to come together, dedicated to protecting our basic constitutional rights. We believe we can be safe and free.

The American people have already lived with the PATRIOT Act for 4 years. They shouldn’t have to wait any longer for Congress to take action to protect their constitutional rights.

This morning, the Senate majority leader came to the floor to speak about a provision in the PATRIOT Act which I certainly support. It is the Combat Meth Act. My State of Illinois, many States with rural populations, knows that this insidious drug crime has been increasing with these meth labs and an addiction which has destroyed lives and created chaos, starting, of all places, with rural areas and small towns. The Combat Meth Act includes $15 million in COPS funding to combat the growing methamphetamine problem, and I support it. However, what the Senate majority leader did not mention was that the Republicans in this Chamber have consistently voted against COPS funding.

As recently as last March, when the Senate considered the budget resolution—I see my friend, the chairman of the Budget Committee, and he may respond—Senator Boren proposed an amendment to increase COPS funding by $1 billion. That amendment did not receive a single vote on the other side of the aisle. Time and again, the President has proposed eliminating funding for hiring additional police officers through the COPS Program to help combat this methamphetamine problem. Simply authorizing another $15 million in COPS funding in the PATRIOT Act is not enough. It is time for Congress to take a stand and provide real money to fund the COPS Program, to help State and local law enforcement fight this insidious meth epidemic across America.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER: Morning business is now closed.

DEFICIT REDUCTION ACT OF 2005

Resolved, That the bill from the Senate (S. 2032) entitled “An Act to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)”, do pass with the following amendment.

The bill is printed in the House proceedings of the RECORD of November 17, 2005.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of motions to instruct conferees with respect to S. 2032, and the Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now proceeding to try to appoint conferees for the purposes of passing, hopefully, at some point, the deficit reduction bill on this side of the aisle but not his side. In the annual budget of the United States by $45 to $48, maybe $49 billion and, thus, reduce the debt of the United States and be the first piece of legislation passed in the last 8 years which attempts to address one of the most serious issues we have to manage, the deficit policy, which is the issue of how we bring under control our entitlement accounts. It is important, as we move down this road, that we once again set the table as to what the issues are. It is not, as a country or an issue which is, in a lot of people who are not focusing on it probably do not really appreciate the subtleties because it is something that takes a certain amount of expertise or at least a fair amount of time relative to understanding it.

The way the Federal spending process works is that there are essentially two different sets of accounts. One is discretionary. Those accounts are that we spend every year. They are for things such as national defense, education, environmental cleanup, health care, items which every year need to be appropriated. That is called the appropriations bills. They represent a third of the Federal spending.

Another set of accounts is entitlement accounts. Entitlement accounts are programs from which you, as American citizens or an organization, have a right to receive a payment. It is not a question of being appropriated. In other words, there doesn’t have to be a law passed yes to get that expenditure like you have to do with national defense.

Rather, this money, you have a right to because the law says you meet certain criteria. You may be a veteran. You may be a student going to college and you have a right to a student loan. You may be a senior citizen who is retired and you have a right to Social Security payments and you have a right to health care payments. You may be a low-income independent individual and you have a right to Medicaid payments.

The problem we confront in the Federal Government is that although the discretionary accounts have been held at a very low rate of increase—in fact, nondefense discretionary funding has essentially been frozen under the budget resolution we passed. That freeze has been enforced through what is known as spending caps, where in order to go past this essential freeze, you have to have a supermajority to do it. On the entitlement side, there is no way in the regular order of the Senate to control the rate of growth in entitlement spending because of a certain number of people or programmatic activity, the payment must be made. We confront a fiscal tsunami, driven by the fact that we are facing the largest retired generation in the history of this country, the baby boomers.

As Chairman Greenspan pointed out in what was essentially his wrap-up statement as to what he thought were the concerns we as a Nation should be looking at in the area of fiscal policy—that the Federal system of demands are going to be put on the Federal Treasury and, therefore, on the taxpayers of the country—the younger generation who are trying to earn and have a good lifestyle—are going to be overrun, overburdened, and we are going to confront the situation where we will have so many people retired compared to the number of people working that those people who are working are going to have to pay a disproportionate amount of their income in order to support the retired generation, and it will be to a level that will essentially eliminate or dramatically reduce our children’s and grandchildren’s ability to have a quality lifestyle. These pages are going to be full of people who are having a tax burden that is so high that basically their ability to buy a house, to send their children to college, to have a quality of life that is equal to or better than ours—which is, of course, what we hope to pass on to our children—will be dramatically reduced.

To put this in context of dollars—and the dollars are so big it is hard to understand it—there is presently $47 trillion of unfunded liability out there to support the generation not to hit the retirement system. That is an unfunded liability. That means there is no way anybody knows how to pay for those programs. The vast majority of that is in the health care area, where there is about $24 trillion of unfunded liability between the Medicare and the Medicaid systems. Those numbers were not numbers I thought up or even that CBO thought up or OMB thought up, the in-house accounting groups we turn to for advice. Those numbers came from the nonpartisan, independent source of the Comptroller’s office.

So we confront this huge cost, and the issue for us as policymakers and as
In the last 8 years, we have done nothing about the entitlements. This section of the Federal spending—Medicaid, the entitlement accounts—has basically been ignored, except that new programs have been added. In the last 4 years, we have seen the largest increase in the history of the country added to entitlements in the prescription drug program, and a $1 trillion unfunded liability in that program. So this year in the budget process, the Republican majority, with the exception of a few Members, decided that we would try, for the first time in 8 years, to actually do something about the entitlement accounts, and we passed something called reconciliation instructions, which essentially is a program by which we say as a Congress to the committees of jurisdiction, look at your spending programs, look at the health care programs, the farm programs, the various education programs and see if there is not some way, without significantly impacting the quality of those programs or the economic integrity of those programs or the people who are being served, people—isn’t there some way we can rein in their rate of growth so they will be more affordable for our children’s generation to pay for it.

It is the first time we have tried this in 8 years. We didn’t pick a big number to hit. It is a big number, but in the context of the Federal spending it is not that big a number. For example, in the Medicaid area, we suggested that the rate of growth be slowed by $10 billion. That is a big number, but in the context of the total Medicaid spending, it is not. Total Medicaid spending over the 5-year period, which we asked for a $10 billion savings in, will be $1.2 trillion. So $10 billion is actually less than one-half percent of that total spending, and it will slow the rate of growth of Medicaid spending from somewhere around 40.5 percent down to 40 percent. That is the rate of growth. Forty-percent growth will still occur in the Medicaid account, even if we hit the target that the Senate has proposed. So we are trying as a Congress now to reach agreement on this package of proposals to rein in the rate of growth of Medicaid spending and other entitlement spending programs, hope to have a package within the $40 billion to $50 billion range. That is a big number, but today we need to get to conference to do that. We have to meet with the House. That is the way it works. We have to go to conference and talk about it.

Some would like to give instructions to the conference as to what the conference should do. Now, it is the legitimate right of everybody in the Senate to offer a motion of instruction before you pass a bill, and that is so. But the other side of the aisle, coupled with some Members on our side, have asked to set up a set of motions for instructions. I believe seven will be proposed, and we will hopefully get a vote on conferences. There is an irony to this—in fact, it is more than irony. Other terms may be more appropriate, but I will not use them. But in every instance the motion of instruction is by the primary offerers—the motions to instruct conferences did not vote for the budget. None of them. They did not vote for the budget. There was one cosponsor of one of these who did vote for it, and I appreciated the Senator from Maine, Ms. COLLINS. But she is not the prime sponsor of it. The prime sponsors of those proposals did not vote for the budget. They not only didn’t vote for the budget which had in place the spending restraint which froze discretionary spending and put into place the caps necessary to control discretionary spending and put in place the entitlement reconciliation instructions which would allow us to move forward with a reconciliation bill and try to do both. So the sponsors of these instructions didn’t vote for any spending restraint proposals and now they want to instruct the conference as to how to proceed. And then having not voted for the budget, they now are going to come to the floor, which bills involved, when it passed the Senate, $3 billion of savings, deficit reduction, savings in spending, deficit reduction—they didn’t vote for that—none of the sponsors of these motions to instruct the conferees to vote to control spending by voting for the deficit reduction package or to control spending by voting for a budget. And now they come to the floor in an act of what I think is exceptional irony, and they wish to advise and tell and instruct the people who are going to try to put together a bill to reduce the deficit and reduce the debt to as what should be done. And in most instances, most of these instructions don’t reduce the debt, don’t reduce the deficit, but increase the debt and increase spending.

As was noted yesterday by the Senator from Iowa, the chairman of the committee that has jurisdiction over this issue, the trade instruction in this bill, which is directed at a special interest program, will actually cost the American taxpayers about $3 billion. So having voted against the budget to reduce spending, having voted for the budgets of the budgets, they now come to the floor and in an act of extraordinary irony suggest instructing the people who are trying to put together some fiscal responsibility around here that they should spend more money or should have less available to spend. I think these motions to instruct should be taken with a large grain of salt because of that fact. It would be credible if somebody who had voted for this deficit reduction bill offered a motion to instruct conferences, if it was an instruction, hopefully, to get more deficit reduction, and it would be credible if somebody who had voted for the budget resolution offered an instruction. But most of these instruction requests are not being offered in the context of trying to save funds, reduce the deficit, and reduce the debt, but are actually being offered for the purposes of increasing spending, increasing the deficit, increasing the debt, increasing the deficit.

So we go forward with this exercise today of motions to instruct, but I think they need to be put in context, and that is what I have tried to do.

Mr. President, I yield the floor to the PRESIDING OFFICER. Under the previous order, the Senate disagrees to the House amendment, requests a conference with the House, and authorizes the Chair to appoint conferees with a ratio of 11 to 9. The Senator from Ohio is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. DEWINE. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk reads as follows:

The Senator from Ohio, Mr. DeWine, urges the Senate conferees on the reconciliation bill to oppose efforts by the House to eliminate current law, to eliminate the Continued Dumping and Subsidy Offset Act.

This act, which is current law, which Senator Byrd and I originally introduced in 1999 and which was signed into law in 2000, continues to play a very important role in defending American companies from the injuries that unfair trade causes to American workers.

Repealing this legislation would be a grievous mistake. Let there be no mistake about it, this is about jobs. This is about American jobs. This is about protecting and saving jobs all across our great country and in my home State of Ohio, as well as in 47 other States. This is about punishing illegal trade practices, and it is about giving something back to the victims.

The Continued Dumping and Subsidy Offset Act is really very simple. We have heard a lot of talk about it. We have heard some criticism about it. But when you boil it down, it is very simple.

When foreign companies illegally violate our trade laws, they get punished. They get fined. What this act does is it takes those fines and gives them to the companies that were harmed instead of giving the money back to the U.S. Treasury. That is it. That is what it does. This compensation provides these injured companies and their workers with a remedy and helps them recover
from the damage done by the illegal trade practices.

Without this financial compensation, companies would continue to get hurt, jobs would continue to be lost, and that would be the end of the story. When this bill a few years ago, we began to change that.

The truth is these foreign violators of the law—and that is what they are, they are violators of the law—that this is just a cost of doing business, and they continue to do it. That is why we labeled this bill the Continued Dumping and Subsidy Offset Act. The point is they continue to do it. They look at the penalties they pay as a cost of doing business.

The idea behind this act when we passed it was we were not going to let them continue to get away with that and look at this as a cost of doing business. So instead of taking this money and giving it to the U.S. Treasury and letting them go merrily on their way, we want to take the money and invest it to the affected companies so these U.S. companies who employ U.S. workers could then take that money and invest it back into those companies, invest it for U.S. workers. That is what they have to do. And it has worked.

After the Continued Dumping and Subsidy Offset Act was implemented a few years ago, the disbursement reports have demonstrated the full extent of the dumping and the unfair trade problems our country faces. Let me give an example.

In 2004, no less than 458 companies received funds through this act. That means 458 of them were violated, had been abused. Across the United States, more than 700 producers in 48 States have received distributions from duties collected under our trade laws under this act which tells us that nearly every State in the United States of America is affected by unfair trade. Virtually every Senator in this body represents a State that has been helped by this law.

These recipients range from large, medium, small companies to family-owned businesses, independent workers, farmers, and fishermen. In my home State of Ohio alone, over 35 companies have benefited from the Continued Dumping and Subsidy Offset Act, including businesses in Akron, Canton, Cincinnati, Columbus, Youngstown, Warren, and others.

The financial distributions have allowed businesses to reinvest in their operations, train workers, provide health care and pension programs, and keep high-wage, high-skilled jobs in our country. It matters. It is important.

Despite the many benefits that the Continued Dumping and Subsidy Offset Act has given our economy, some opponents argue that we must repeal it. Why? Senator Craig tells this Congress to do, tells this country what to do. I disagree.

There is no reason the United States should abandon this law as an effective tool in trade talks. Why should we give it up? Like my friend and colleague, Senator Craig, said on this floor yesterday, there is nothing in any WTO ruling that tells us what to do with the proceeds from the fines collected from illegal trade practices. We never agreed to that. The United States never entered into any agreement where we said we couldn’t do this.

Why are we letting the WTO tell us these fines can’t go back to the true victims, can’t go back to the companies and the employees, can’t go back to the people who have been hurt by foreign companies’ dumping practices? I find it somewhat ironic that some of the people who want to repeal this law that has worked so well are some of my same colleagues who come to the floor and talk about and criticize activist judges in the United States. We do not have activist judges in the United States. We do not like judges who dream up laws, who go beyond the letter of the law, who go beyond what Congress has written. Why do we want then to follow the WTO when the WTO goes beyond any agreement this country has entered into? Why do we want to follow them down the road when they have been creative, when they have been activists? Why do we want to follow the logic that says we can’t pay compensatory damages? It makes no sense. They are the ones who are being the activist judges, so to speak. We should not do it.

The Continued Dumping and Subsidy Offset Act enjoys broad bipartisan support in this Chamber because Members know that the act has provided a lifeline to thousands of manufacturers, farmers, and fishermen throughout our Nation, people who have faced aggressive, unfair trade practices on the part of foreign producers.

Over the past couple of years, at least 71 other Senators currently serving in this body have joined me in opposing the act’s repeal. Today—and tomorrow when we vote on it—we need to reiterate that support and to vote to build upon our past successes.

Unless our laws work to encourage all competitors to play by the rules, it is more difficult for U.S. producers to regain a declining market share and it makes it harder for the workers, jobs that have been lost. The Continued Dumping and Subsidy Offset Act is simply good public policy. It helps ensure that our domestic producers can compete fairly and fairly in international markets. I strongly urge my colleagues to oppose its repeal.

I conclude by one additional comment. I have heard people say that this act, this law, represents special interests. I am dumbfounded by that comment. When in the world we have a special interest in protecting American jobs? When is looking out for American workers a special interest? Are American workers a special interest group?
It was breathtaking to me as a prosecutor of over 15 years to hear some of the charges being raised against practices that amount to nothing more than standard police procedure which are done in every State and every county in America. It was attacked as some sort of that they were link to destroying the liberties that this country takes so seriously.

It is OK, I would say. That is good debate. It is a free country, and maybe it is good that our watchdogs are ever trying to point out that perhaps some of the changes we made were better as a result of complaints that were raised. I don't dispute that. Some changes, however, I think were probably not good. But at any rate, great efforts were made to allay the fears and concerns and make sure this bill did not go too far.

Yes, it is good to have watchdogs, but you don't want the watchdogs biting the house owner. I want to have a bill that protects the owner.

We discussed these issues and addressed them line by line. Senator LEAHY, ranking member, civil libertarian for sure, made certain that the process was open. So did Senator HATCH. Even the criminal fears were addressed. It was a good process.

We left out things in this legislation that I would likely to have seen. But those things eroded some support, and people were concerned about it, and we left them out. But we have not forgotten that this debate just occurred 4 years ago. It was full and vigorous, and the legislation we passed was certainly not something that was rushed through without consideration.

Most importantly, we took down the wall that prohibited our Central Intelligence Agency and Defense agencies to gather intelligence around the world that might be relevant to attacks on our homeland.

We left that wall—this legal barrier—prevented from sharing that information with the investigative forces in the United States, the FBI, and the local police, so that they could use it to protect the citizens of America. There was a wall created by the Church committee—an overreaction, frankly, to the Watergate problems that arose during that period of time. And they created this wall. So the data and the information couldn't be shared with the FBI, and the FBI and the local police. And the concerns and fears were addressed with them. This wall perhaps even prevented the FBI from finding more information that would validate information they already had, and therefore left us less able to defend America and to effectively utilize information about criminal elements that would be important to us. This was an unbelievable situation. But it was the law of the United States.

Some people say surely the agents are not going to do this anyway. If Defense agencies or the CIA found information that a terrorist organization may be threatening America, they would pass it to the FBI. No. They were