

Helen has a fixed income of \$1,000 a month. This means she also qualifies for the transitional assistance and does not have to pay an enrollment fee. By applying for the card and qualifying for the \$600 credit, she also learns she is eligible for other assistance programs, such as those offered by drug manufacturers. With the \$600 on her card in both 2004 and 2005, combined with these additional discounts, she will save \$6,894.

I will repeat that because that is very significant. She will be saving almost \$6,900 off of her drug bill. That is a 95-percent savings for her.

I ask the people who were criticizing this program yesterday if they consider that chickenfeed. For someone living on a fixed income, what a relief that is going to be. About a third of her income will be freed up for other priorities.

Since enrollment began Monday, May 3, we have heard some Members come to this Chamber to criticize the drug discount card. That is a shame. The discount card program will mean real savings for beneficiaries, especially with low incomes. Seniors have been waiting a long time to get relief from high prescription drug costs. This legislation delivers that relief.

I know this is an election year, but this is not the time or the issue to play politics at their expense and to scare the seniors of America. More than 300 organizations—I wish these people on the other side of the aisle would put this in their pipe and smoke it—endorse this legislation. They will say this drug discount card is a first step toward making drugs more affordable for all Medicare beneficiaries.

The president of the National Council on Aging described the new Medicare law as the single most important opportunity to help low-income Medicare beneficiaries to have emerged in the past 35 years.

This is what the president, Robert Hayes, said:

(Low-income) people should run—not walk to sign up.

This is especially true for the estimated 4.3 million low-income beneficiaries who will see immediate relief with a combined \$1,200 this year and the next which they can use to buy their lifesaving prescription drugs.

What I find alarming is that some would try to score political points rather than help low-income beneficiaries get some much needed help with their drugs. So my colleagues voted against this bill last year. Suck it up and move on.

I was personally involved in the negotiations last year. I can tell my colleagues that during the Medicare conference, both Republicans and Democrats—that is bipartisan—strongly supported the creation of a drug discount card.

While some would like people to believe otherwise, this Medicare-approved drug discount card is a good deal. Since January of this year, I have

held 39 town meetings throughout Iowa to tell my constituents about this drug discount card program and what it does. As Members of Congress, we should use this opportunity to educate beneficiaries and to tell them about the \$600 credit. I am concerned about a political environment that confuses and misleads Medicare beneficiaries and that in the end causes more harm than good. They deserve better than that.

I want to address a couple of criticisms that people have been making. First, some have said that prices are going to change every week. Drug card sponsors can only increase the price if there is a change in the sponsor's cost. Card sponsors can lower prices at any time, which will have a positive impact.

I have been assured that CMS will aggressively monitor the prices charged by card sponsors to make sure that they treat beneficiaries fairly.

CMS will track any changes made in drug prices and complaints received by 1-800-MEDICARE and other sources. They also will "mystery shop" to make sure that sponsors are not falsely advertising.

If CMS finds that a card sponsor is taking advantage of seniors, they can freeze enrollment, impose fines or kick the sponsor out of the program entirely.

Lastly, some have been saying that prices on the Medicare Web site are inaccurate. CMS has assured me that the prices are the right ones. Prices on the Web site are the best prices that the cards can guarantee. So they cannot be higher, but they could be lower.

I said this last week and I will say it again: We should move on and not lose sight of what really matters. And that is helping beneficiaries like Helen from Waterloo and the millions like her get drugs at lower prices. The bottom line is that the discount card program is a really good deal for our Nation's Medicare beneficiaries.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time do we have remaining?

The PRESIDING OFFICER. Seven minutes 40 seconds.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have used 2 minutes and 40 seconds, after which I am going to yield the final 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has that right.

Mrs. HUTCHISON. I thank the Senator from Iowa for talking about the Medicare discount drug card. I think it is so important that seniors know they can easily compare prices; they can determine which is the best card for them. This is going to help anyone who does not have other coverage.

I hope our seniors know they can call 1-800-MEDICARE and get further information. If they call their local Medicare office, the Medicare people are

going to be very accommodating. I am appreciative that the Senator from Iowa clarified that because all the rhetoric we are hearing could scare our seniors.

PASSING THE ENERGY BILL

Mrs. HUTCHISON. I want to address the energy issue. I heard Senators on the floor earlier today talking about the high price of gasoline, as if it is the President's fault. I would remind everyone we have an energy bill we are two votes short of having cloture to pass. We passed it in the Senate. We passed it in the House. We have 58 votes to move it forward and we can't get the 60 votes it takes to break a filibuster. I ask the Senators who are concerned about high energy prices if they would consider voting to get the energy conference report agreed to so the President can sign it because it is a bill that will provide incentives for exploring, incentives for creating new energy resources, incentives for bringing Alaska gas down—which will be a huge help toward self-sufficiency in our country. It has incentives for renewable fuel, for the kind of fuel that will be burning clean, such as nuclear powerplants, and to have clean coal-burning and other new technologies.

There is so much in the Energy bill that would bring our country into self-sufficiency and we can't get the Energy bill passed. I think Congress should take the responsibility to see this bill goes through. We have tried to pass an energy bill for 10 years and we need to do it. We need to take control ourselves. It is time for us to do this for the American people. The high price of gasoline is set at our feet, and we can do something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

PRISONERS IN IRAQ

Mr. COLEMAN. Mr. President, the world has witnessed something in the last few weeks about the treatment of prisoners in Iraq that does not represent what America is all about. It doesn't represent our cause. It doesn't represent our mission. It doesn't represent our hopes and dreams for the Iraqi people and for all of us—ultimately for democracy in Iraq.

I applaud the President of the United States for his speaking out, condemning without qualification what has occurred. He, as I understand it, went forth to speak to the Arab world, face to face, the leader of the free world speaking to the Arab world to let them know this is not what America is all about. I think that is important. We all, at every level, have to reject it. Those who are responsible at every level have to be held to account. I know the Commander in Chief will do that.

As we deal with this terrible situation, I hope we do not lose focus on our

mission. Our men and women are in harm's way and our mission is freedom and security in Iraq. The critics of this war, do they want us to cut and run? Do they want to create a place of instability, a haven for terrorism? I can't believe that.

Someone once said a critic is someone who thinks he knows the way but doesn't know how to drive the car. It is not a time for critics. Let us deal with this terrible incident. Let us show America has standards and America is there for a reason. The reason is one of hope. The reason is one of freedom. What occurred is something that will never occur again. I am confident our President will make sure of that.

At the same time, we have to stand with our President, stand with our troops. Teddy Roosevelt once said it is not the critic who counts, but it is the person in the arena. It is a tough arena right now. But the cause is just. We have lost life and it is a sacrifice, but the cause is just. We have seen that with Qadhafi giving up his nuclear weapons programs, Iran understanding the serious consequences of their action.

Let us be true to the cause. Let us ferret out those who committed these reprehensible acts. Let us support the President going forth to the world, to the Arab community, to say this is wrong. Let us continue to stay true to the course, to understand that the lives that have been sacrificed have not been sacrificed in vain, that the world is safer today. It is safer with Saddam gone. It will be safer with peace and stability and democracy in the Middle East.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Dorgan amendment No. 3110, to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Graham (FL) amendment No. 3112, to strike the deduction relating to income attributable to United States production activities and the international tax provisions and allow a credit for manufacturing wages.

Cantwell/Voinovich amendment No. 3114, to extend the Temporary Extended Unemployment Compensation Act of 2002.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3117

Mr. BREAU. Mr. President, I call up an amendment that is at the desk, No. 3117, Breau-Feinstein.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAU] proposes an amendment numbered 3117.

Mr. BREAU. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the amount of deferred foreign income that can be repatriated at a lower rate)

On page 88, between lines 17 and 18, insert:“(4) DOLLAR LIMITATION.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), the excess qualified foreign distribution amount shall not exceed the lesser of—

“(i) the amount shown on the applicable financial statement as earnings permanently reinvested outside the United States, or

“(ii) the excess (if any) of—

“(I) the estimated aggregate qualified expenditures of the corporation for taxable years ending in 2005, 2006, and 2007, over

“(II) the aggregate qualified expenditures of the corporation for taxable years ending in 2001, 2002, and 2003.

“(B) EARNINGS PERMANENTLY REINVESTED OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—If an amount on an applicable financial statement is shown as Federal income taxes not required to be reserved by reason of the permanent reinvestment of earnings outside the United States, subparagraph (A)(i) shall be applied by reference to the earnings to which such taxes relate.

“(ii) NO STATEMENT OR STATED AMOUNT.—If there is no applicable financial statement or such a statement fails to show a specific amount described in subparagraph (A)(i) or clause (i), such amount shall be treated as being zero.

“(iii) APPLICABLE FINANCIAL STATEMENT.—For purposes of this paragraph, the term ‘applicable financial statement’ means the most recently audited financial statement (including notes and other documents which accompany such statement)—

“(I) which is certified on or before March 31, 2004, as being prepared in accordance with generally accepted accounting principles, and

“(II) which is used for the purposes of a statement or report to creditors, to shareholders, or for any other substantial nontax purpose.

In the case of a corporation required to file a financial statement with the Securities and Exchange Commission, such term means the most recent such statement filed on or before March 31, 2004.

“(C) QUALIFIED EXPENDITURES.—For purposes of this paragraph, the term ‘qualified expenditures’ means—

“(i) wages (as defined in section 3121(a)),

“(ii) additions to capital accounts for property located within the United States (including any amount which would be so added but for a provision of this title providing for the expensing of such amount),

“(iii) qualified research expenses (as defined in section 41(b)) and basic research payments (as defined in section 41(e)(2)), and

“(iv) irrevocable contributions to a qualified employer plan (as defined in section 72(p)(4)) but only if no deduction is allowed under this chapter with respect to such contributions.

“(D) RECAPTURE.—If the taxpayer's estimate of qualified expenditures under subparagraph (A)(ii)(I) is greater than the actual expenditures, then the tax imposed by this chapter for the taxpayer's last taxable year ending in 2007 shall be increased by the sum of—

“(i) the increase (if any) in tax which would have resulted in the taxable year for which the deduction under this section was allowed if the actual expenditures were used in lieu of the estimated expenditures, plus

“(ii) interest at the underpayment rate, determined as if the increase in tax described in clause (i) were an underpayment for the taxable year of the deduction.

“(5) LIMITATION ON CONTROLLED FOREIGN CORPORATIONS IN POSSESSIONS.—In computing the excess qualified foreign distribution amount under paragraph (1) and the base dividend amount under paragraph (2), there shall not be taken into account dividends received from any controlled foreign corporation created or organized under the laws of any possession of the United States.

Mr. BREAU. Mr. President, this is a jobs bill. That is the title of the bill. Presumably a jobs bill is intended to create jobs and hopefully is created to create jobs in America. That is the legislation that is before us. It is absolutely essential that this legislation be adopted.

But one of the provisions in the legislation gives me great concern. I offered an amendment in the Finance Committee. It was unanimously supported by every single Democrat in the Finance Committee and it lost by a partisan vote because our Republican colleagues at that time did not feel they could support the amendment I offered. It was unanimously supported by every single Democrat member of the Finance Committee.

The question deals with how we treat companies that have earnings they have stashed away in foreign countries. These amounts of money, many of them, are in fact earned overseas. Companies know if they bring those earnings back to the United States, the United States, on a worldwide tax basis, will tax those earnings with a deduction for the amount of tax they have paid in the country in which they earned those revenues. They pay the regular corporate rate minus the tax credit they get for having paid taxes on those earnings in the foreign country. However, there is no tax consequence to those companies if the money in fact stays in the foreign country. That is called deferral. We defer any U.S. tax on foreign earnings as long as the earnings stay in the foreign country in which they are earned.

The legislation before this body now says we are going to give a very special break to U.S. companies that have money overseas, in many cases in tax havens. We are going to let you bring that money back, not as other companies in the past have brought it back,