

agree to the resolutions that the United Nations had passed.

I believe the more than 2,000 members of our military who have died in service for our Nation in Iraq—and others will surely follow them—have made our country safer.

I believe history will show in the fullness of time that America was involved in a noble effort that transformed a region and indeed the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. First of all, I want to associate myself entirely with the remarks of the Senator from Nevada. I wanted to rise for the same purpose—to talk for a minute about our men and women in Iraq, the successes that have taken place there, and how proud I am of it.

But I can't help but, at the outset of my remarks, for a second, respond to the remarks of the Senator from Illinois a few minutes ago. I had a flashback as I listened to that speech—a flashback to my generation's war in the 1960s in Vietnam, a flashback that reminded me of what happened when American politicians began to slowly but surely question America's intentions in a war while our people were deployed, which slowly resulted in the end of withdrawal of a military that never quite had the support anymore that it deserved while in harm's way.

I would like for a moment to talk about what we do know. We have had lots of questions raised about what we don't know, what we should have done, what somebody may or may not have done. Let us talk for a second about what we do know.

Senator ENSIGN has done a great job talking about what we knew leading up to going into Iraq. I would like to remind us of a few other things.

We know that war was declared on America in the 1990s by Osama bin Laden, and we were attacked seven times without responding. It was finally with the attack on the World Trade Center and the Pentagon that this President changed America's policy to one of preemption, committed himself to going after terrorism wherever it existed, and doing everything we could to liberate the world from the tyranny of terrorism.

We must remember that today we are not in a war like past wars. We are in the ultimate war between good and evil. The terrorists don't want to beat us, they want us to lose our resolve so they can rule the world through intimidation. Terrorists don't want what America has. They do not want America to have what it has: the first amendment, freedom of speech, the right to worship as we see fit, the right to bear arms—all the things that stand in the way of the tyranny they would like to employ around the world, and have employed in a couple of places very successfully, in Afghanistan that we liberated and now in the nation of Iraq.

There are those who would have you believe, by their speeches, that we are fighting the Iraqi people. We are fighting terrorism in Iraq. This war is about Iraq, the United States of America, our soldiers, the future of our generation, and our way of life as we have known it.

I commend and respect anyone who would raise a question or a doubt and seek an answer. But we must not forget that the truths that we know are compelling, that we are fighting the right war in the right place at the right time for the right reason.

For those who say we never found a weapon of mass destruction, I would submit to you that Saddam Hussein himself was a weapon of mass destruction. In 1990, when he went into Kuwait and we went in and liberated, it was Saddam Hussein who rained missiles upon Israel that wasn't even in the fight. It is Saddam Hussein who gassed his own Kurds. It is Saddam Hussein who systematically ordered the deaths of tens of thousands of Iraqi people and buried them in mass graves.

It is no coincidence that al-Qaida operates today as the head of the insurgency that fights our troops in Iraq because this is their war—their war against what America stands for, and what the future of the world can be if we are successful. We have some tough days ahead, but we must stay the course.

In one year, we have caused the Iraqi people to have an interim resolution, to draft a constitution, ratified, and to seek a permanent election to elect permanent representatives, something that would have been unthinkable just 2 or 3 years ago.

But we did it because of the resolve of these men—the American soldiers and the Iraqi soldiers fighting shoulder to shoulder with them today in the final stages in Iraq.

Yes, we have battles to fight. Yes, there will be more terrorist attacks. And, yes, there will be tragic losses that all of us grieve. But we cannot, as a nation, lose our resolve, or have politicians quibble on the edges while our men and women are standing in harm's way.

I commend our troops and our soldiers. I commend our country. I commend our citizens to look to the future and appreciate that everything we enjoy and have today is because of those who have sacrificed in the field of battle, those who have led in this Congress and in this Nation's Government in the past to defeat dictators and tyranny wherever it existed.

We are in the ultimate battle between good and evil. Compromise and quitting is unacceptable. Seeing it through to its course is essential for our men and women in harm's way and for the children of the United States of America and the children of the world because, you see, unlike history under Saddam Hussein in Iraq, the children of Iraq now understand that there is a future, that there is the potential for a

bright future, and success and good times with no fear. They do so because this brave Nation, when attacked by the tyranny and the evil of terrorism, decided it would follow it wherever it took us and we would preempt it so it could not stand and it could not exist.

On behalf of our men and women in harm's way, the children they protect, the dreams and aspirations of Americans for a bright future, as bright as our past, I commend our men and women in harm's way. I stay the course as a Member of this Senate to support them in the war on terrorism, and I ask all of us to be careful when we raise questions that must be raised to never raise them in such a way that would compromise this effort or compromise the commitment and dedication of these brave men and women.

I yield the floor. 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. INHOFE. 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. INHOFE. Mr. President, what is the pending order?

The PRESIDING OFFICER. The Senate is in a period of morning business. All time held by the majority has expired. The time remaining on the minority side is approximately 9 minutes.

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to present a second-degree amendment to the Harkin amendment number 2438 for the purpose of debate only.

The PRESIDING OFFICER (Mr. ENSIGN). Is there objection?

The Senator from Virginia.

Mr. WARNER. Mr. President, this is a little bit of a complex situation. We are anxious to get started on the bill. We want to honor the 9 minutes on the other side of the aisle. I am wondering if the Senator from Oklahoma could proceed as in morning business until such time as there is recognition sought on the other side to utilize the remaining 9 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would be happy to accommodate that. However, our time has expired so it would take unanimous consent. I ask unanimous consent to speak as in morning business.

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

The Senator from Oklahoma is recognized as in morning business.

Mr. INHOFE. Thank you, Mr. President.

#### ARMED FORCES RADIO

Mr. INHOFE. Mr. President, we have heard some discussions, some debate by the Senator from Iowa, Mr. HARKIN, on his amendment No. 2438. I oppose this

amendment, and I have prepared and have filed a second-degree amendment that I will offer after all time by Senator HARKIN has expired.

I guess I would ask the question as to why should the Senate mandate what programming our troops can listen to or deny their opportunity to choose. Currently, under this system, our troops communicate with their local radio stations by offering feedback that shapes the local programming.

Simply put, if the troops do not like what they are hearing, they call the radio station and ask that the programming be changed. It seems to be fair to me. It is called the market. If there is no market for it, why should we be doing it?

Now, as Senator HARKIN himself has stated, fair and balanced programming options are offered to all 33 radio stations worldwide. It is the individual radio stations that establish the programming based on its audience's preferences. The stations decide what programming is in the greatest demand.

Worldwide, the second-largest audience request is to play all 3 hours of Rush Limbaugh. Only 1 hour is currently made available through the AFRTS. However, some stations choose not to carry his program at all, even for the 1 hour of availability. That is their choice to make based on the troop feedback.

You might say at this point, if the troop feedback is that they want all 3 hours, and some stations do not play any, and the most that any stations play is 1 hour, then if any change should be made in terms of complying with the market, it should be that.

Now, Senator HARKIN and his charts would have you believe the only program on the radio is Rush Limbaugh. But what about the 24 hours of National Public Radio or DOD's commitment to begin airing liberal talk shows by Al Franken and Ed Schultz? Furthermore, Rush Limbaugh currently represents only 3 percent of the weekly scheduled programming. That is 3 percent. I don't know why they are so worried about 3 percent.

Now, the liberal talk radio—this is important as to having a benchmark of 1 million listeners. It is important to know there is a reason why they choose programming. One is, they do not choose any at all unless it has 1 million listeners.

Let's put that chart up. It is kind of hard to read, but I will explain it in a minute. Prior to this fall, no liberal talk shows had over 1 million listeners. Rush Limbaugh has approximately 15 million listeners weekly. AFRTS's policy is to "provide a cross-section of popular programming." To this point, there have been no significant audience demands to rationalize adding progressive programming or liberal programming.

For the record, Limbaugh was added to the programming menu after troop listener demand had been heavy and sustained for many years. At the time,

Limbaugh's audience had grown so large that failure to include his show would have violated AFRTS's policy of providing a slice of domestic talk radio.

There is no truth to the minority's assertion that liberal talk radio has been kept off of AFRTS for political purposes. That is a pure fabrication. The truth is, as this chart shows, the minimal market demand that exists for liberal talk shows did not meet the listenership requirement for programs to be played on AFRTS.

The AFRTS standard is a "national syndication and one million listeners per week." It has to be a nationally syndicated program, and it has to have a million listeners per week. That goes for all programming, as this chart clearly shows.

Now, two liberal talk shows have achieved 1 million listeners in 2005. If we look at this carefully, we will see that in 2004 there were no liberal talk shows on AFRTS because none of them had an audience of 1 million listeners. There is a change between 2004 and 2005 and that is Ed Schultz and Al Franken both were able to get a million listeners. Therefore, we changed the programming. We are responding to the demand out there. If there are a million people who want to listen to them, we will give our troops a chance to do the same thing.

As it turns out, right now, the AFRTS stations will have access to the two top conservative and the two top liberal shows. The conservative ones are Rush Limbaugh and Sean Hannity. And the liberal ones are Al Franken and Ed Schultz.

Still, Senator HARKIN is not satisfied. Senator HARKIN claims conservatives are propagandizing AFRTS's programming. Well, I only ask, which sounds more like propaganda, programming which is freely chosen by listening troops or programming mandated by the Government? Furthermore, if there are significant numbers of letters from troops decrying the current AFRTS programs, I know my office has not received one.

In my travels visiting troops, I have not heard of one. In fact, I know I have been, by count, to Iraq, into those areas where we have our troops stationed, more times than any other member of the Senate Armed Services Committee. When I am over there, I have yet to have one person come up to me or have one letter in our office saying they are dissatisfied with the programming and that they demand more liberal programs.

All I see here are Senators trying to subsidize liberal talk radio because they do not have anyone to compete with popular conservative radio talk shows.

Now, the amendment also calls for an ombudsman, as if the amendment is not bad enough in trying to dictate what our troops should listen to against their will. The Harkin amendment would establish an ombudsman of

the American Forces Network who would be appointed by the Secretary of Defense.

The amendment is based on the premise that the programming decisions of the American Forces Radio and Television Service have improperly excluded liberal political radio programming and would give the ombudsman the duty of identifying circumstances under which the AFN "has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance." I am quoting now from his legislation. The ombudsman would be required to submit an annual report.

Now, what this ombudsman provision does is it allows Members of Congress the opportunity to obstruct an already fair and functioning process by getting in between the troops and what they choose to listen to. Listed as one of the ombudsman's duties in this amendment is to initiate and conduct, upon the request of Congress, reviews of the programming of the network, AFRTS.

The creation of an ombudsman is another example of wasteful Government redundancy. But, moreover, the creation of this post would empower Members of the Senate to choose what entertainment our troops listen to. This is an attempt by the minority to impose unpopular message-driven content on AFRTS to a captive audience. The requirement for a report, et cetera, is to intimidate the 33 stations that are trying to serve our service men and women into serving special interests in Congress.

We do not need a political officer to make sure our troops get the daily dose of a certain media personality. Today, these decisions are based on the input from the servicemember and their ratings by the American people. Our troops deserve the right to choose what they listen to on the radio. What they do not deserve is their Senators taking away the right. Who are we to do this? How arrogant it is we are putting ourselves in a position where we claim to know more than the troops as to what is in their best interests. I do not believe that should be the case.

Finally, preserving the programming integrity of AFRTS must be paramount. There is another reason totally unrelated to what we talked about so far. AFRTS is a vital link between military command and troops and their families throughout the world. What we are saying is, if we have commanders in the field who are trying to communicate messages to our troops—they currently can do this. And they can do this under the Harkin amendment. However, there would be much fewer people listening in the market by adjusting the market, and these messages would not get out.

Important messages are broadcast on this network, and if the programming becomes a political football and is no longer based on what the troops want

but what Congress wants, then listenership would certainly dwindle. Maintaining popular programming ensures that AFRTS remains a reliable communications link to our troops in the field. We cannot afford to play politics with such an important asset.

Now, I have a second-degree amendment, and I will be offering this at the expiration of the time of the Senator from Iowa. The second-degree amendment to the Harkin amendment describes how programs are selected for the American Forces Network, including reliance on ratings and popularity, as demonstrated by the numbers of listeners, and notes that reliance is placed on 33 local programming managers at military communities around the globe.

It would express the sense of the Senate that:

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsibly fulfilled their mission of providing "a touch of home" to members of the Armed Services and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

Finally, the language in my second-degree amendment provides that the Secretary of Defense may—may; it does not say he has to, that he must have an ombudsman but he may appoint an ombudsman at AFRTS to serve as—this is the way we have it in the second-degree amendment—"an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network." You will find that this conforms to the description used to define the ombudsman at Stars and Stripes, our military print media. It is very similar to Stars and Stripes.

I find, when I am making my trips over there, they will tell me they have two ways of communicating with the outside world other than their communications with their family; one is through Stars and Stripes, and one is through the radio programming on these 33 stations.

Now, I would want to, at the appropriate time, go ahead and offer this amendment. It is my understanding the Senator from Iowa will be returning momentarily. But for a minute, I might say to the distinguished chairman, let me give an observation.

The other day I was in the elevator coming up to the floor to cast a vote. I was with two of our Democratic colleagues whom I respect very much, two very liberal Democratic Senators. They were complaining about the fact that all the talk shows are conservative and they don't have successful liberal talk shows. And they said—these were their words in the elevator—there ought to

be a legislative fix to this. I said: What you guys don't understand is, this is market driven, and there is no market for your liberal trite. And for that reason, it is much more of the conservative talk shows. It is called the market, and that is what makes America work.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to be supportive of this amendment of my colleague from Oklahoma. But at the same time, I do believe the amendment by Senator HARKIN is deserving of consideration. I say to my colleague, my concern, is—and I wish to have the record reflect this—is it your understanding, having carefully examined how this is done by the Armed Forces Network, that in no way are they directly or indirectly trying to impose any censorship?

Mr. INHOFE. No.

Mr. WARNER. That we simply cannot have.

Mr. INHOFE. No, we cannot have—well, actually, the Harkin amendment would impose a censorship to a degree; that is, it would change the criteria that, No. 1, it has to be a syndicated network, and, No. 2, it has to have 1 million listeners.

We have shown clearly that they have lived up to that. When the two liberal talk shows, Ed Schultz and Al Franken, reached a million, they started including them. They are including them just as they are the conservative talk shows. If you impose upon them that you are going to have somebody out there watching and making sure that Congress tells them what is best for them, yes, that does impose a restriction on what our troops in the field are able to hear.

Mr. WARNER. I say to the distinguished Senator, let me read section 2 of his proposed amendment: The American Forces Radio and Television American Forces Network provide a "touch of home" to members of the armed forces, civilian employees of the Department of Defense and their families stationed in bases, embassies, and consulates in more than 179 countries, as well as the Navy, Coast Guard, and Military Sealift Command ships at sea.

So it reaches an entire family, and it is a very important function. This Senator wants to make sure that audience, irrespective of whether they are conservatives or liberals, whatever the case may be—I am not sure that is the right criteria we should be using—does get a touch of home, which is a very wonderful expression that you have included here, by providing the same type—reading on—and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States.

To me, if you impose a certain market criteria, even though they may not hit a certain number of listeners, you are not getting the full spectrum that

this amendment calls for. In other words, I would prefer to have just this amendment that you have here be the decision by the Senate and then leave it up to the 33 stations to ensure that is done. Maybe we shouldn't condone a marketing policy that just cuts off a whole lot of programs at the bottom because they don't have enough listeners.

Mr. INHOFE. I respond to the distinguished chairman of the committee that I am prepared to have it market driven.

Mr. WARNER. You would prefer what.

Mr. INHOFE. To have it purely market driven so that these kids who are out there, our troops risking their lives, would be able to determine what they wanted to listen to rather than having something imposed upon them. Ideally that is what I would prefer in a second-degree amendment. But in trying to accommodate a system that has worked pretty well, that criteria is acceptable to me. Let's don't talk about liberal and conservative. Let's talk about just programming. Forget about what is liberal and what is conservative. If a concept is popular enough that it has 1 million listeners, then that should qualify for consideration for our troops to listen to. That is my point.

Mr. WARNER. Well, I don't see anything in the language you use here because you are very explicit. By providing the same type and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States—that is what we should follow.

Mr. INHOFE. I agree.

Mr. WARNER. I don't know that we condone a marketing tool by which a certain category—and it so happens that category perhaps has the preponderance of things which people would consider liberal. I am not sure we can escape totally the use of that word. It is better that we let the 33 stations themselves decide what it is.

If a program hasn't hit a million, well, there may be some audience within the family of people you discuss here, all of the various listeners and families and embassies and consulates, maybe they would like to hear something even though it hasn't hit the 1 million mark.

Mr. INHOFE. I would respond to the Senator from Virginia that the only reason I used these two charts, the accusation was made that there somehow is a mechanism here that would exclude that more liberal philosophy in terms of programming. This demonstrates clearly that it doesn't because once they have reached that criteria, they are able to be heard.

Mr. WARNER. It is that operative phrase of "reach that criteria." It seems that reaching that criteria has the effect of excluding a lot of programming, albeit they don't have quite the audience that others do, but nevertheless, there may be some individuals

within this family that is set forth in the amendment that would like to hear it.

Mr. INHOFE. I think that is right. I believe that is the case. The 33 stations have program directors. Their goal is to maximize their audience. If they hear that something is in demand that might not be consistent with what is in demand throughout the United States, I can assure you, under the current system, they will have that program.

Mr. WARNER. That assurance to me is important. So what you are saying is it would not be any indirect censorship of any particular philosophical category of programming under your proposal?

Mr. INHOFE. That is exactly right.

Mr. WARNER. So your proposal does not bind them to this market criteria.

Mr. INHOFE. That is correct.

Mr. WARNER. I find that helpful. I think you have dispelled any thought that this amendment would impose any censorship.

Mr. INHOFE. Yes.

Mr. WARNER. And the variety of news services—again, there are obviously certain news services that have a proclivity to go to a more conservative side and some to the liberal side, but again, are news services given an equal opportunity to be heard?

Mr. INHOFE. Yes, they are.

Mr. WARNER. For example, I happen to like NPR, and I like to hear FOX News. I like to have the juxtaposition of the different viewpoints.

Mr. INHOFE. In my statement, I commented that it is a very disproportionate amount that has been historically given to NPR in terms of listening audience because they have that on for 24 hours. So certainly that is already there, and that is more than the market would justify if we were going by the justification that the market dictates.

Mr. WARNER. Mr. President, if I might ask the Senator one last question. He makes reference to the ombudsman. How does your coverage of the subject of an ombudsman differ from the amendment offered by the Senator from Iowa?

Mr. INHOFE. It merely makes it optional. If the Secretary of Defense wants to pursue the ombudsman as a practice, then he may do it. It doesn't say he shall. It says he may. It is not mandated. It is just optional at the discretion of the Secretary of Defense.

Mr. WARNER. Fine. So that clarifies the sole technical distinction, which is an important one, between your second degree and the underlying first degree. Therefore, it is up to the Secretary, but once an ombudsman is selected, assuming the Secretary opts to do so, in no way is that individual chartered or directed to do his work or her work different than what the Senator from Iowa desires?

Mr. INHOFE. That is correct. The only difference is, it is optional.

Mr. WARNER. I think that is important. So could that ombudsman be

among the existing people in the Department of Defense, have it as an additional duty, or should that person be brought in from the outside and have the sole responsibility of ombudsman work?

Mr. INHOFE. It is my understanding that under the underlying amendment by the Senator from Iowa, it is very prescribed as to how this person is going to be chosen. In my amendment, it leaves it up to the discretion of the Secretary of Defense. It could be someone who is already existing within that Department or another department.

Mr. WARNER. Mr. President, I think that is an important flexibility. I am certain that within the Department, there is an individual or an individual with objectivity and a background that could perform this work.

Mr. INHOFE. That is correct.

Mr. WARNER. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The minority has 9 minutes remaining in morning business.

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized as in morning business.

The PRESIDING OFFICER. The Senate is in morning business, and the minority has 8½ minutes remaining.

#### OIL COMPANY WINDFALL PROFIT TAX OFFSET

Mr. REED. Mr. President, recently Senator COLLINS and I introduced an amendment to the proposed budget reconciliation bill to fund a \$2.9 billion increase in the Low-Income Home Energy Assistance Program by placing a temporary 1-year windfall profit tax on big oil companies. I filed this amendment to the budget reconciliation bill to begin the dialog, and I intend to call for a vote on my amendment when the Senate debates the tax reconciliation bill in the next few days.

Last week, oil companies reported record profits for the third quarter on surging oil prices. Chevron posted profits of \$3.6 billion. BP's profits rose to \$6.5 billion. Royal Dutch/Shell profits grew to \$9 billion. And ExxonMobil profits gushed up 75 percent to nearly \$10 billion. According to BusinessWeek, that equals \$150 million in profit for every working day in the past 3 months.

This year has been an exceptionally lucrative one for the oil industry and an exceptionally impoverishing one for American families and seniors. Profits going to big oil are money coming out of wallets of working families and seniors and wealth draining out of our communities.

Fully funding LIHEAP is a vital imperative. I believe the big oil companies should help shoulder the cost. Rising energy prices could financially wipe out working-class families and seniors this winter. Americans are experiencing extraordinarily high runups in energy prices that jeopardize the

ability of many families to keep their homes warm during this coming winter season. Energy costs to the average family using heating oil are estimated to hit \$1,500 this winter, an increase of almost \$325 over last winter's heating season. For families using natural gas, prices could hit \$1,000, an increase of \$300.

For a family using propane, prices are projected to hit \$1,300, an increase of \$230. For families living in poverty, energy bills are now over 20 percent of their income, compared to 5 percent for other households. People who are living in poverty, many of whom are working, are paying 20 percent of their income for heating bills. That is compared to 5 percent for the rest of America's families.

Let me tell you what this amendment means. If we are successful, it would add \$2.9 billion to the LIHEAP program to bring total funding to \$5.1 billion this winter. With \$5.1 billion, the National Energy Assistance Directors Association estimates that LIHEAP could serve 12 million families this year. This is double the number of families served last year but still only one-third of those eligible. Even with this increased funding, we would not reach all the families who qualify, but we would reach those families who are most in need, particularly in this very difficult winter heating season.

States could also increase the level of benefits to help these rising costs, in addition to enrolling more personnel in the program.

This amendment means that seniors will not have to choose between buying lifesaving medication and paying their natural gas bills. Working families will not have to decide between putting food on the table or putting heating oil in their tanks. And what is the cost of this amendment to big oil? It is about 10 percent of their profits from one quarter of 1 year, or in the case of ExxonMobil my amendment would represent just one-third of their profits for one quarter. This is a small price to pay to keep American families safe and warm this winter.

Two weeks ago, I wrote an open letter to the oil industry asking that they act as good corporate citizens and take this step voluntarily. I was pleased to hear that Senator GRASSLEY, the distinguished chairman of the Finance Committee, reiterated my plea recently, and I hope that we will be able to work together on this effort. I also hope that Senator GREGG, the distinguished chairman of the Budget Committee, will join Senator COLLINS and me in our efforts to increase LIHEAP funding through this temporary windfall profits tax. I also hope the administration will join our bipartisan effort to help American families. Unfortunately, to date, the administration only appears able to say no to American families and seniors and yes to the oil industry.

Last month, Secretary Bodman said no, the administration would not seek