

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

additional funding for LIHEAP this winter. The supplemental appropriations request the administration sent to Congress last week did not include funding.

Recently, Secretary Bodman, answering questions on whether the administration would support oil companies voluntarily donating profits to LIHEAP, said, "No, sir. I wouldn't support it. It is similar to a tax."

In 1980, Congress enacted the Crude Oil Windfall Profits Tax Act. This legislation established LIHEAP. Twenty-five years later, with energy prices overwhelming workers' salaries and seniors' Social Security checks, it is time for Congress again to take action and tax windfall profits to aid in energy assistance.

I also want to mention it is my intention that when we consider the tax reconciliation bill this month, I will offer an amendment to provide a tax credit to working American families to help them pay for their energy bills this winter. Our Nation's priorities must be to help these families, and I hope working together with my colleagues we can provide that help and assistance.

Mr. President, I inquire how much time is remaining in morning business on the Democratic side?

The PRESIDING OFFICER. Two minutes.

Mr. REED. I yield the remainder of the time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is that the extent of the time?

The PRESIDING OFFICER. That is correct.

Mr. REED. In morning business.

Mr. WARNER. Mr. President, if I may clarify what the situation is, 2 minutes in morning business is left, and that is being allocated to the Senator from Massachusetts, fine, no problem there. But as I understand, the Senator from Massachusetts also wishes to address the Levin amendment; am I correct?

Mr. KENNEDY. That is correct.

Mr. WARNER. At which time is the expiration of the 2 minutes. Then the time is charged to the Levin amendment; is that correct?

The PRESIDING OFFICER. At the conclusion of morning business, the Senate will proceed to consideration of S. 1042, and the Senator then may seek recognition.

Mr. WARNER. I hate to interrupt the Senator from Massachusetts, but if you have to do it, you have to do it.

Mr. KENNEDY. Mr. President, I intend to speak probably 7 minutes. I will use the 2 minutes now and request time on the Levin amendment.

AMENDMENT NO. 2430

Mr. KENNEDY. Mr. President, a year and a half ago, Americans were stunned by the revolting images of men and women wearing the uniform of our Nation torturing and abusing prisoners at Abu Ghraib.

At the time, we had hoped those photos pictured an isolated instance,

but we have learned since that our own leaders at the highest levels of our Government, in the White House, in the Pentagon, and in the Central Intelligence Agency, have allowed a wide pattern of abuse to occur. Abu Ghraib, it seems, was only the tip of the iceberg.

American officials abused prisoners in Iraq, Afghanistan, and Guantanamo, and now we learn the CIA maintains secret prisoners in Eastern Europe where Vice President CHENEY arrogantly and unapologetically hopes to permit torture as a permanent part of American policy.

These actions deeply offend American honor and ideals. They invite retribution on our own troops by those who treat them as we treat their prisoners, and they harm America's image around the world and make the war on terror that much harder to win.

These abuses should not be swept under the rug and forgotten. The American people deserve to know what their government is doing. Those who have violated our norms and values under the color of the American flag should be held accountable.

That is why I strongly support the Levin amendment to create a commission with responsibility for learning the truth. Its findings not only would bring much needed accountability of those responsible for these abuses but also would guide our handling of the detention and interrogation of detainees in the future.

From what we have learned to date, it is clear that our political leaders made deliberate decisions to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The Administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to "take the gloves off" without knowing what the limits were. Top officials in the Administration endorsed and defended practices that we've condemned in other countries. And the consequences were foreseeable.

In rewriting our human rights laws, the Administration consistently overruled the objections of experienced military personnel and those who represent American interests abroad. As Secretary of State Colin Powell warned the White House, "it will reverse over a century of US policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops." Senior Defense officials were warned that changing the rules would lead to so-called "force drift," and without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

But these wise words fell on deaf ears. Officials at the highest levels of the administration somehow viewed the rule as inconvenient and quaint. As Lawrence Wilkerson, former Chief of Staff to Secretary Powell, said:

I don't think in our history we've ever had a presidential involvement, a secretarial in-

volvement, a vice-presidential involvement, an Attorney General involvement in telling our troops essentially *carte blanche* is the way you should feel.

The PRESIDING OFFICER. The Senator has used 2 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for calendar year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Nelson (FL) amendment No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Reed (for Levin/Reed) amendment No. 2427, to make available, with an offset, an additional \$50,000,000 for Operation and Maintenance for Cooperative Threat Reduction.

Levin amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Inhofe amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance.

Chambliss amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

Snowe amendment No. 2436, to require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment.

Harkin/Dorgan amendment No. 2438, relating to the American Forces Network.

Mr. WARNER. Mr. President, I thank the Presiding Officer for advising that the bill is now up and the distinguished Senator from Massachusetts will continue his framework remarks on behalf of Senator LEVIN, whatever time the Senator desires.

Mr. KENNEDY. I thank the chairman of the Armed Services Committee for his typical courtesies and consideration.

AMENDMENT NO. 2430

Mr. President, we have created legal and literal black holes where individuals have been placed without hope of receiving due process or fair and humane treatment, and that is nothing short of a travesty.