

EXECUTIVE CALENDAR

NOMINATION DISCHARGED

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the nomination of George McDade Staples, PN 1361, be discharged from the Foreign Relations Committee and placed on the calendar.

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

ORDERS FOR THURSDAY, MAY 11, 2005

Mr. FRIST. Mr. President, when the Senate completes its business today, I ask unanimous consent that it stand in adjournment until 9:30 a.m. on Thursday, May 11. I further ask that, following the prayer and pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to the conference report to accompany H.R. 4297, the Tax Relief Extension Reconciliation Act, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will turn to the tax reconciliation conference report under the agreement reached. There will be a maximum of 8 hours of debate prior to a vote on the conference report. I filed cloture on the pending substitute amendment to S. 1955, the small business health plan bill. That vote will occur following the tax relief act vote and sometime before closing remarks.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

Mr. DURBIN. Mr. President, I ask the majority leader if he would give me the option to make a closing statement, and that the Senate adjourn after that option is given.

Mr. FRIST. I have no objection to that.

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

The Senator from Illinois is recognized.

HEALTH CARE

Mr. DURBIN. Mr. President, what we have just seen happen is not surprising, but it is disappointing. Health Care Week has come to an end in the Senate on Wednesday evening. We have decided we don't have the time, interest, or inclination to take up other issues. It is a take-it-or-leave-it situation. If we do not accept the Enzi bill, S. 1955,

now pending, nothing will be done on health care in the Senate.

It is no wonder to me the American people are cynical about this process. There are so many things we need to do. We are 5 days away from the deadline on Medicare prescription Part D. My best estimate is 50 percent of the people we had hoped would enroll have not done it. They are going to be penalized on May 15 up to 7 percent a year on their premium costs for the rest of their life. We have asked for an extension of time so they can make a choice. We have asked for an extension of time so seniors who have chosen the wrong plan can choose another plan without penalty. Those are not unreasonable. We ask for extensions for people who file income tax without questions asked. To give an extension to an elderly person struggling with 45 different choices for the right prescription drug program is not unreasonable. It would be compassionate. It is the decision of the Senate Republican leadership that we don't have the time or inclination to take up that issue.

I just asked the majority leader: What about stem cell research? Last July, he pledged support for stem cell research. The writing is on the wall: Another year will go by, and this Senate will not go on record on stem cell research.

While millions of Americans and their families are suffering from diseases that could be directly impacted by this research, the Senate doesn't have the time or the inclination to take up this issue. Is it any wonder that people are angry with the Congress as it is presently being conducted? Is it any wonder people are calling for significant change, not only in the direction of this country but in the policies we follow on Capitol Hill? We are going to break our necks to bring up a tax bill before we leave this week to give tax benefits and tax cuts to the wealthiest people in America. We have to get that done, but we don't have time to bring up stem cell research which could give hope and promise for cures and relief to millions of American families?

Where are our priorities? The priorities of this Republican-led Congress are priorities that do not reflect where America is today. The motions we have just heard do not reflect that. To suggest that we don't have time, for example, to even consider the reimportation of drugs so that people struggling with fixed incomes can afford the drugs they need to stay independent, be strong, stay alive—we don't have time for that. No, we have to get on to a tax cut—a tax cut. Let me tell you what the tax cut is.

The tax cut which the Republicans want to force through here before we leave this week—we have to break all records to make sure we get this done—is a tax cut that will mean for people making less than \$75,000 a year about on average \$100 in tax relief. The good old \$100 check is coming back at

you, America, if you make less than \$75,000 a year; that is your tax cut; be prepared, party on. But if you happen to be making \$1 million a year, well, that is another story. This Republican tax cut, which they just have to have, means about \$42,000 less in taxes paid by someone making \$1 million a year.

No time for drugs imported from Canada for people on fixed incomes who can't afford what they need to stay alive, no time for stem cell research for the millions of families counting on us to push forward on medical research to find cures and relief, no time to deal with Medicare prescription Part D when 7 or 8 million Americans, senior citizens, are about to face penalties in 5 days, no time for that, but plenty of time for tax cuts. It tells the story. No wonder the people across this country and even 30 of the Republicans are saying it is time for a change on Capitol Hill. It is time for new leadership, new direction, and new values. If this is the best we can do, to come up with a tax cut for the wealthiest people in America and ignore the real needs of small business and the elderly, to ignore the real needs of those who are fighting for medical research to give them hope to live another day, it is a sad outcome.

I started this day by praising Senator ENZI and I will end it by doing the same. I respect him. I admire him. He brought an issue to the floor that is a tough one—health care in America. And this debate is long overdue. We have been waiting a long time to address an issue that troubles families and businesses across this Nation. I thank Senator ENZI for his leadership in bringing this to the floor. But I have to tell you, what has happened today procedurally on the floor gives no credit to that effort by Senator ENZI. Shutting down amendments, not even giving us a moment to raise these important issues, even with limited time and limited debate, is unfair. And what a contrast. What a contrast to the immigration bill where the Senator from Tennessee, the Republican majority leader, has argued that we need every possible amendment to be considered before it comes to a conclusion. Wide open; let everybody bring what they want, whether they are for the bill or against it. But when it comes to health care, when it comes to what counts, this man, who has made medicine his profession and his life before he came to the Senate, does not give us an opportunity to go into the issues that are so important to people across America. It is a sad outcome for America, it is a sad outcome for the Senate. This Senate appears to be not only risk averse but work averse, and that is a shame. It is time for a change.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:30 p.m., adjourned until Thursday, May 11, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 2006:

THE JUDICIARY

NEIL M. GORSUCH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE DAVID M. EBEL, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JACK C. STULTZ, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL E. BELCHER, 0000
JAMES COBELL III, 0000
DAVID A. PAULK, 0000
DAVID J. RANDLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SHAWN M. CALLAHAN, 0000
ROSEMARIE J. CONN, 0000
ROBIN L. CSUTI, 0000
SANDRA K. HAIDVOGEL, 0000
PATRICIA B. MOORE, 0000
KAREN J. VIGNERON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PATRICK G. BYRNE, 0000
MAXIE Y. DAVIS, 0000
JUDIE A. HEINEMAN, 0000
SYNTHIA S. JONES, 0000
JOSEPH J. KINDER, 0000
MARK T. KOHLHEIM, 0000
JEFFREY P. LINK, 0000
NANCY A. NORTON, 0000
JOHN L. PAGONA, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS M. BORNO III, 0000
DANIEL J. CUFF, 0000
MARTIN W. DEPPE, 0000
SHANE G. GAHAGAN, 0000
ANDREW G. HARTIGAN, 0000
PAUL J. OVERSTREET, 0000
ROBERT S. ROOF, 0000
PAUL A. SOHL, 0000
ARTHUR M. STERRETT, JR., 0000
ERIC J. WATKISS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LEONARD M. ABBATIELLO, 0000
RAY A. CROSS, 0000
BRENT J. GRIFFIN, 0000
DOUGLAS J. GROSSMANN, 0000
BRETT C. HEIMBIGNER, 0000
JERRY L. JACOBSON, 0000
ERIC V. KRISTIN, 0000
BRUCE F. LOVELESS, 0000
ROBERT RUPP, 0000
JOHN B. STUBBS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN J. ASHWORTH, 0000
CARL A. BARKSDALE, 0000
RICHARD P. BODZIAK, 0000
JAMES E. BROKAW, 0000
CONNIE L. FRIZZELL, 0000
DIANE K. GRONEWOLD, 0000
GREGORY J. HAWS, 0000
KATHRYN M. K. HELMS, 0000
WILLIE L. METTS, 0000
ROY S. PETTY, 0000
EUGENE P. POTENTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

FRANK A. ARATA, 0000
CHARLES E. BAKER, JR., 0000
DAVID T. BISHOP, JR., 0000
MARK BRIDENSTINE, 0000
RONALD E. COOK, 0000
CHARLES A. DAVIS, 0000
ALEXANDER S. DESROCHES, 0000
JAMES P. DOWNEY, 0000
BRIAN B. GANNON, 0000
JON A. HILL, 0000
LLOYD H. JONES, 0000
TIMOTHY J. KELLY, 0000
WILLIAM C. KIESTLER, 0000
WARREN P. LUNDBLAD, 0000
PETER C. LYLE, 0000
TIMOTHY S. MATTINGLY, 0000
STEVE J. MCPHILLIPS, 0000
CHRIS D. MEYER, 0000
DAVID B. OSGOOD, 0000
PER E. PROVENCHER, 0000
JEFFERY S. RIEDEL, 0000
CHRISTOPHER D. SCOFIELD, 0000
FRANK A. SIMEL, JR., 0000
GEORGE M. SUTTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN W. V. AILES, 0000
HENRY D. ANGELINO, JR., 0000
JAMES N. BARATTA, 0000
ROBERT C. BARWIS, 0000
JOSEPH A. BAUKNECHT, 0000
JOSEPH W. BEADLES, 0000
JAMES R. BEAMISH, JR., 0000
MATTHEW S. BEAVER, 0000
JOSEPH J. BEEL, 0000
DON E. BERRY, JR., 0000
STEVEN H. BLAISDELL, 0000
GARY M. B. BOARDMAN, 0000
PATRICK J. BOHAN, 0000
GAIL M. BOVY, 0000
VINCENT C. BOWHERS, JR., 0000
LAURELL A. BRAULT, 0000
JOHN J. BRAUNSCHWEIG, 0000
DENNIS M. BROOKS, 0000
RICHARD A. BROWN, 0000
JAMES F. BUCKLEY, 0000
THOMAS W. BURKE, 0000
BABBETTE B. BUSH, 0000
PATRICK W. BUTLER, 0000
ANDREW A. BUTTERFIELD, 0000
JAMES S. BYNUM, 0000
EDWARD J. CAMPBELL, 0000
DOUGLAS D. CARSTEN, 0000
MATTHEW J. CARTER, 0000
JAMES R. CASTLETON, 0000
DARYL L. CAUDLE, 0000
GARD J. CLARK, 0000
PETER J. CLARKE, 0000
PATRICK R. CLEARY III, 0000
JEFFREY W. CONNOR, 0000
ROBERT E. CONWAY, 0000
JEFFREY S. CORAN, 0000
MICHAEL J. CORRIGAN, 0000
KEVIN J. COUCH, 0000
MICHAEL J. COURY, 0000
JAMES T. COX, 0000
KYLE J. COZAD, 0000
RANDY B. CRUTES, 0000
ANDREW F. CULLY, 0000
JAMES J. CUNHA, 0000
GREGORY P. CURTH, 0000
DOUGLAS L. CUTHBERT, 0000
ANGELA W. CYRUS, 0000
TODD H. DEGHEITTO, 0000
CHARLES C. DENMAN II, 0000
MARC W. DENNO, 0000
STANTON W. DIETRICH, 0000
JEFFREY A. DODSON, 0000
DANIEL M. DONOVAN, 0000
SCOTT D. DUEKER, 0000
RICHARD J. EASON, 0000
STEWART G. ELLIOTT, 0000
CHARLES G. EMMERT, 0000
GEORGE T. FADOK, JR., 0000
THOMAS J. FASANELLO, JR., 0000
JOHN M. FIGUERES, 0000
HAROLD T. FINK, 0000
DAVID T. FISHER, 0000
RICHARD T. FITTE, 0000
WILLIAM A. FITZGERALD, 0000
MICHAEL J. FITZPATRICK, 0000
STEPHEN R. FOLEY, 0000
LISA M. FRANCHETTI, 0000
JEFFREY D. FREDERICK, 0000
DALE G. FULLER, 0000
LARRY S. GAGE, 0000
ERIC W. GARDNER, 0000
BRETT J. GENDLE, 0000
RONALD M. GERD, JR., 0000
CHARLES M. GIBSON III, 0000
BAXTER A. GOODLY, 0000
HOLLY A. GRAF, 0000
MICHAEL R. GRAHAM, 0000
PAUL A. HAAS, 0000
HERBERT M. HADLEY, 0000
DAVID J. HAHN, 0000
RICHARD J. HALE, 0000
THOMAS V. HALLEY, JR., 0000
CATHERINE T. HANT, 0000
PETER H. HANLON, 0000
MARKUS K. HANNAN, 0000
GENE F. HARR, 0000
EDWARD J. HARRINGTON, 0000
WAYNE J. HARRISON, 0000
TROY L. HART, 0000
EDWARD L. HASELL, 0000
JAMES D. HAUGEN, 0000
MIKE A. HAUMER, 0000
JOHN A. HEFTI, 0000
WILLIAM K. HENDERSON, 0000
ROGER H. HENZE, 0000
DAVID J. HERMAN, 0000
DIXON K. HICKS, 0000
MICHAEL S. HILL, 0000
MARCUS A. HITCHCOCK, 0000
DONALD D. HODGE, 0000
BRENDA M. HOLDENER, 0000
CHARLES T. HOLLINGSWORTH, 0000
STEVEN W. HOLMES, 0000
DALE E. HORAN, 0000
JEFFERY W. HOYLE, 0000
MARK A. HUBBARD, 0000
AARON C. JACOBS, 0000
PETER H. JEFFERSON, 0000
WILLIAM J. JENSEN, 0000
KEVIN R. JOHNSON, 0000
WILLIAM C. JOHNSON, 0000
DORIAN F. JONES, 0000
CHRISTOPHER J. KAISER, 0000
ROY J. KELLEY, 0000
STEVEN M. KELLY, 0000
KEVIN M. KENNEY, 0000
COLIN J. KILRAIN, 0000
ROY I. KITCHENER, 0000
JAMES R. KNAPP, 0000
ALEXANDER L. KRONGARD, 0000
STEPHEN C. KROTOW, 0000
ANTHONY L. KRUEGER, 0000
DAVID J. LANDESS, 0000
EDWARD D. LANGFORD, 0000
JOHN T. LAUBER III, 0000
WILLIAM L. LAWLER, JR., 0000
ROBERT G. LINEBERRY, JR., 0000
JAMES T. LOEBLEIN, 0000
MATTHEW E. LOUGHLIN, 0000
JOHN P. LUSSIER, 0000
ANTHONY E. MARTIN, 0000
FRANCIS X. MARTIN, 0000
RICK A. MAY, 0000
THOMAS J. MCDONOUGH, JR., 0000
DAVID M. MCDUFFIE, 0000
DOUGLAS A. MCGOWEN, 0000
PAUL F. MCHALE, 0000
STEPHEN P. MCINERNEY, 0000
DANIEL T. MCNAMARA, 0000
THERESA O. MELCHER, 0000
DENNIS C. MIKESKA, 0000
JOHN MILEY, 0000
JOHN W. MOORE, 0000
WILL M. MOORE, JR., 0000
DAVID J. MORGAN, 0000
WILLIAM F. MOSK, 0000
THOMAS M. NEGUS, 0000
STEVEN G. NELSON, 0000
DONALD E. NEUBERT, JR., 0000
JACK S. NOLL II, 0000
JOHN P. NOLAN, 0000
WILLIAM J. NOLAN, 0000
THOMAS E. NOSENZO, 0000
JOHN S. ONEILL, 0000
HAMLIN A. ORTIZMARTY, 0000
GREGORY M. OTT, 0000
MICHAEL J. OTTINGER, 0000
TIM P. PANGONAS, 0000
ERIC A. PATTEN, 0000
ANDREW T. PAUL, 0000
TIMOTHY C. PEDERSEN, 0000
JOHN S. PERRY, JR., 0000
STEVEN L. PETTIT, 0000
PATRICK A. PIERCEY, 0000
RANDOLPH F. PIERSON, 0000
EVAN B. PIRITZ, 0000
FAUL S. POSEY, 0000
CLARK T. PRICE, JR., 0000
DAVID R. PRICE, 0000
MICHAEL V. PROSPERI, 0000
HUMBERTO L. QUINTANILLA, 0000
ROBERT W. RACOSIN, 0000
RICHARD A. RAINER, JR., 0000
ROBERT D. RANDALL, JR., 0000
CHARLES S. RAUCH, 0000
THERESA M. REA, 0000
RONALD REIS, 0000
BRETT A. REISSENER, 0000
EDWIN J. RUFF, JR., 0000
BRADLEY S. RUSSELL, 0000
MICHAEL B. RYAN, 0000
DAVID A. SCHNELL, 0000
JOHN D. SCHOENECK, 0000
GARY R. SCHRAM, 0000
DAVID D. SCHWEIZER, 0000
GREGG G. SEARS, 0000
KENNETH E. SELIGA, 0000
PAUL J. SEEVERS, 0000
JAMES R. SHOAF, 0000
PAUL A. SKARPNES, 0000
THOMAS A. SLAIS, JR., 0000
ERIC S. SLEZAK, 0000
MICHAEL J. SLOTSKY, 0000
JEFFERY C. SMITH, 0000
DAVID A. SOLMS, 0000
THOMAS P. STANLEY, 0000
TROY A. STONER, 0000
CHARLES L. STUPPARD, 0000
ANTHONY W. SWAIN, 0000
DAVID R. SWAIN, 0000
ROBERT C. SWALLOW, 0000
KENNETH J. SZCZUBLEWSKI, 0000