

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—59

Akaka	Dole	McCain
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Graham (FL)	Pryor
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Smith
Collins	Kohl	Snowe
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Talent
Dayton	Levin	Voinovich
DeWine	Lieberman	Wyden
Dodd	Lincoln	

NAYS—40

Alexander	Domenici	Lugar
Allard	Ensign	McConnell
Allen	Enzi	Miller
Bennett	Fitzgerald	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Campbell	Gregg	Shelby
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thomas
Cornyn	Inhofe	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. I move to reconsider the vote.

Mr. President, I ask unanimous consent that the following two amendments be in order subject to the following time limit beginning at 2:15; that the time be equally divided and controlled in the usual form: Senator MCCAIN for 60 minutes, and Senator HOLLINGS for 80 minutes. This has been cleared by both managers. I also ask unanimous consent that no other amendments be in order prior to the vote.

I don't have the number of the amendments, but they have been filed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3129

Mr. MCCAIN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GREGG, Mr. SUNUNU, and Mr. GRAHAM of Florida, proposes an amendment numbered 3129.

The amendment is as follows:

(Purpose: To strike provisions relating to energy tax incentives)

Strike title VIII.

Mr. MCCAIN. Mr. President, the amendment is rather straightforward. It strikes the energy tax provisions in this bill which are estimated to cost nearly \$18 billion. I read from an April 19 article from the Washington Post:

Congress's task seemed simple enough: Repeal an illegal \$5 billion-a-year export subsidy and replace it with some modest tax breaks to ease the pain on United States exporters.

This article is entitled "Special-Interest Add-Ons Weigh Down Tax-Cut Bill."

But out of that imperative has emerged one of the most complex, special-interest-riddled corporate tax bills in years, lawmakers, Senate aides and lobbyists say. The 930-page epic is packed with \$170 billion in tax cuts aimed at cruise-ship operators, NASCAR track owners, bow-and-arrow makers, and Oldsmobile dealers, to name a few. There is even a \$94 million break for a single hotel in Sioux City, Iowa. Even one of the tax lobbyists involved in drafting it conceded the bill "has risen to a new level of sleaze."

I agree with that lobbyist. This has risen to a new level of sleaze.

The lobbyist goes on to say:

"I said a few months ago, any lobbyist worth his salt has something in this bill," said the lobbyist, who would only speak on condition of anonymity. "Now you see what I'm talking about."

The Wall Street Journal, Wednesday, May 5, in an article entitled "Export Tax Follies:"

But instead of solving the problem, congressmen are engaging in one of their epic tax-bidding wars . . . including a \$482 million sop to the insurance company, \$189 million in "transitional assistance" for Oldsmobile dealers, and an \$8 million tax break for makers of children's bow and arrows.

Not only that . . . \$15 billion in energy tax breaks were thrown in as an added sweetener. The Senate couldn't pass the energy bill as a stand alone measure, so he's looking

for any shipwrecks that will sail this year. The measure includes an overhaul of tax treatment for ethanol and subsidies for "clean" fuels. . . .

Mr. President, there is an abundance of media coverage of this legislation. It reaches, as the lobbyist said, in my view, a new level of sleaze.

We have to consider what we are doing. We had a \$170 billion tax break, which really is \$170 billion that will not go into the U.S. Treasury. So Alan Greenspan, last week, says the greatest threat to our Nation's economy is the deficit, and that a free lunch you don't have to pay for hasn't been invented yet. Yet here we are with \$170 billion worth of tax breaks, tacking on to it \$18 billion in tax breaks on an energy bill that this body could not pass.

It is remarkable, with a half trillion deficit, and we are enacting new tax credits, for—guess who—the oil and gas industry in America which, the last time I checked, is doing pretty well.

The majority of my colleagues on this side of the aisle just voted against an extension of the unemployment benefits for Americans who remain unemployed and haven't profited by this re-emerging and strengthening economy. My God, we won't give them an extension of their unemployment benefits. But if the ethanol people of Archer Daniels Midland need it, by God, we will give it to them. Mr. President, \$170 billion in tax credits but no extension of unemployment benefits for people who have been out of work, it is a remarkable commentary.

Out of all the provisions that have been added to this bill since it was first brought to the floor of the Senate on March 3, I find the energy tax title the most egregious. That is why I am offering this amendment to strike it. What do these provisions have to do with the underlying bill? Nothing. What do they have to do with ensuring that tariffs that have been placed on our Nation's manufacturers since March 1 are lifted? The answer is nothing.

I understand how sweet this is—how sweet this is—for these lobbyists who are doing so well here in Washington. But if the Senate is to consider an energy tax incentive bill or an energy authorizing bill, we should be following regular order, bringing legislation to the Senate floor, and debating it in its own right. Instead, a 319-page energy tax title was incorporated without a vote.

The proponents of this bill contend it is "revenue neutral" and that all the tax cuts in the bill are paid for with offsets. How many times have we played that game? How many times have we used the same old offsets on the same old bills, and somehow, with all these offsets, we now have a half-trillion-dollar deficit? It is hard to imagine. For example, 66 provisions of offsets are identical to provisions that were included in the highway bill. So we are using the same offsets for the highway bill, the same offsets for the energy bill. And as some more pork