

enduring legacy as the 56th Superintendent of the United States Military Academy.

Mr. President, I yield the floor.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I rise to propound a unanimous consent request. Late last night, right before the Senate adjourned, I offered an amendment to roll back the oil royalty payments that the companies get unless prices come down or there is a supply disruption. We didn't have an opportunity to debate it at any length. This morning I ask unanimous consent that Senator KYL and Senator LIEBERMAN be added at this time as cosponsors of my amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order of the Senate business?

The PRESIDENT pro tempore. The Democrats have 8 minutes 48 seconds; the majority has 1 minute 26 seconds.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent notwithstanding the previous order that has been entered into for this morning, that I be recognized for not to exceed 40 minutes at this time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

(The remarks of Mr. BYRD pertaining to the introduction of S.J. Res. 35 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

McCain/Ensign amendment No. 3616, to strike a provision that provides \$74.5 million to States based on their production of certain types of crops, live-stock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing \$6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike \$15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Warner amendment No. 3621, to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan.

Coburn amendment No. 3641 (Divisions II through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu amendment No. 3626, to increase the limits on community disaster loans.

Vitter amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Vitter modified amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending amendment is the Wyden amendment numbered 3665.

Mr. WYDEN. Madam President, I ask unanimous consent to speak on my amendment, which is the pending business, after the Senator from Pennsylvania offers his amendment, which I am told is going to take around 5 minutes or thereabouts. I propound a unanimous consent request we go back to my pending amendment and I be recognized next to speak on it after the Senator from Pennsylvania has had a chance to offer his amendment and speak for about 5 minutes.

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

The Senator from Pennsylvania.

AMENDMENT NO. 3640, AS MODIFIED

(Purpose: To increase by \$12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by \$12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.)

Mr. SANTORUM. I thank the Senator from Oregon for his indulgence. I call up amendment numbered 3640 and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3640, as modified.

The amendment is as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN  
SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State \$100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS" is hereby increased by \$12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND" is hereby increased by \$12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS", as increased by paragraph (1)(A), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND", as increased by paragraph (1)(B), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(3) Of the amount appropriated by chapter 2 of title I under the heading Department of State and Related Agency, excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, \$42,750,000 shall be available for the Broadcasting Board of Governors for Democracy Programs and Activities in Iran.

(4) Of the amount appropriated by chapter 4, title 1, \$47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

Mr. SANTORUM. Madam President, this is an amendment to add \$25 million to the money that the President requested for prodemocracy efforts for Iran within the Iraq-Afghanistan supplemental. It is vitally important to understand how important this effort is in the face of what we are dealing with in Iran today.

We have heard lots of talk in the press about military options, given the potential nuclear threat from Iran. This is not a military option; this is a diplomatic option. It is a vitally important option. It is an option that says we in the United States are going to step forward and provide funding, a robust level of funding, for efforts through telecommunications as well as by seeding prodemocracy movements within Iran to effect change within the country of Iran so they do not move forward with this technology, do not move forward and continue to support terrorism, do not move forward and continue to be a disruptive force in Iraq, do not move forward and continue to be a disruptive force in the world, by having a more prodemocratic regime in this country.

What this amendment does is add \$12.5 million for the Broadcasting Board of Governors—again, for public diplomacy in Iran—as well as \$12.5 million for the Iran Democracy Fund. It is a total of \$25 million in addition to the 75 in the bill. We also authorize using the language from the Iran freedom and support bill. This is a bill that has strong bipartisan support, close to 60 cosponsors, I think 56 or 57 as of this date. It is very strongly bipartisan. It is supported by a lot of the groups with interests in the Middle East.

We put authorizing language in here to make sure this money is spent in conformity with how the Congress would wish it to be spent. This is Congress putting its imprimatur on this supplemental appropriation language the President has put forward.

Having spoken to Secretary Rice and the President about this language, one of the reasons they put forward this money in the supplemental is because of the strong support Congress has shown both in the House and the Senate for the Iran Freedom and Support Act. We are using this opportunity to provide more direction for the use of this fund from the Congress, which I think is vitally important.

In my opinion, today there is no more important foreign policy area than in dealing with the emerging and present threat of Iran. To be very honest, the Congress has done nothing to address this issue. We have not stepped forward and articulated what our policy is within Iran. We do this with this amendment. We say as a sense of the Senate that we express support for a transition to democracy within Iran. That is language included in this amendment. We make clear statements about what we intend and what our direction is, what this money is to be used for. We provide a broader outline than what is in the current legislation.

I hope this language would be supported. We fence this money within the money for the State Department in this legislation so we are not stealing money from anywhere else. We are just making sure that the \$100 million is spent in this area and we provide more guidance for the administration to do so.

I am hopeful this language can be accepted by both sides. As I said before, this is a bill that has strong bipartisan support and this language also has very strong bipartisan support.

I thank again the Senator from Oregon for his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Oregon.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, the pending amendment which I offered last night and discussed briefly with the distinguished chairman of the committee, Senator COCHRAN, is before the Senate at this time. It deals with the most expensive and the most needless giveaway that taxpayers ladle out to the oil industry. It is something called royalty relief. I will take a few minutes to explain to the Senate how this works.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make, certainly a logical argument for doing something such as that when we are not getting the production we need. When prices are cheap and we do not have incentives, then there is an argument for some kind of royalty relief. But now that the price of oil has soared to over \$70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

Now, to his credit, the President has essentially said, look, we do not need this huge array of incentives for the oil industry when the price is over \$50 a barrel. Now we are looking at \$70 a barrel. So a program that one could argue on behalf of when the price of oil was cheap has lost all its rationale at this critical time when we, of course, are seeing record prices, record profits, and now record royalty subsidies to the companies, as well.

What we have before the Senate is truly a bizarre situation. The Senate is working on a supplemental spending program that is designated as emergency spending because our Government does not have the money to pay for it. Yet the Senate is still willing to distribute, needlessly, billions of dollars of taxpayer money.

This program, by the General Accounting Office, is designed to lose at a minimum \$20 billion. There is litigation underway with the oil companies surrounding this program. If that litigation is successful, it is possible this program will cost our Government \$80 billion; \$80 billion then becomes twice the amount that the distinguished Senator from Mississippi has in the legislation that is considered emergency spending.

Experts in and out of Government have said recently this subsidy makes absolutely no sense. For example, from the other body of the Congress, Congressman RICHARD POMBO, the chairman of the natural resources committee, is not a person that anyone would call anti-oil in his views about Government. This is what Congressman POMBO, the chairman of the natural resources committee, had to say a little bit ago about royalty relief: There is no need for an incentive. They have a market incentive to produce at \$70 a barrel.

Michael Coney, a lawyer for Shell Oil—again, not a place one would normally look to hear anti-oil rhetoric espoused, said that under the current environment, we don't need royalty relief.

Even the original author of this program, the very respected former colleague Senator Bennett Johnston of Louisiana, essentially the person who put this whole thing together, thinks this program is out of whack.

Senator Johnston said:

The one thing I can tell you is this is not what we intended.

So I come to the Senate today with a simple proposition. My proposition is, royalty relief can only be obtained if it is needed to avert a supply disruption or prices drop and there is no incentive for people to produce in the United States.

The distinguished Senator in the chair, Senator COBURN, knows a great deal about the oil business. I want to make sure there are incentives for production. But the President of the United States, to his credit, has said you don't need incentives when oil is over \$50 a barrel. It is at \$70 today.

(Mr. MCCAIN assumed the Chair.)

Mr. WYDEN. Not long ago when the oil company executives came before the Energy and Natural Resources Committee, I went down the line and asked them if they needed the various tax breaks. To a person, they all said no. So now we are seeing a bit of discussion about whether all of these tax breaks are needed by people in the oil business.

It is one thing to talk about new initiatives—and we will be debating a va-

riety of additional approaches, windfall profits taxes and the like—and it is quite another to be spending billions and billions of dollars out the door when those subsidy payments defy common sense, defy essentially what the President of the United States said, that we ought to get out of the subsidy business when oil is over \$50 a barrel. That is what I am proposing in this particular amendment.

What it comes down to is the U.S. Government ought to stop adding sweetener to the Royalty Relief Program. At every opportunity over the last few years—and I see the distinguished Senator in the chair has zeroed in on wasteful programs, to his credit, for a long time—at every opportunity we have seen this program sweetened and sweetened and sweetened, all at the taxpayers' expense. To give the Senate an idea of how out of control this particular program is, as I understand it, the previous Secretary of the Interior, Secretary Norton, actually went out and sweetened up the old contracts to provide even more royalty relief at a time when prices, again, were way above the threshold that the President of the United States has indicated we should not be offering subsidies to.

This is an important debate in this whole question of tax breaks and windfall profits tax and the like. It is clearly going to spark a lot of debate and differences of opinion among colleagues.

This, in my view, is not even a close call. When Congressman POMBO from the other body, the chair of the natural resources committee, says we did not need this incentive, when we have people from Shell Oil saying we do not need the Royalty Relief Program, when we have the original author of the program, our former colleague Senator Bennett Johnston, saying this is not what he intended, I sure hope that is a wakeup call to the Senate. This is not a close call.

We are going to see, according to the General Accounting Office, a minimum of \$20 billion head out the door as a result of this program.

By the way, it was sweetened up also in the energy conference last year. In fact, it was done almost in the dead of night because nobody could make a case for sweetening up this program anymore in broad daylight. So essentially, with virtually no debate, even last year, in the Energy bill, after the previous Secretary of the Interior, Secretary Norton, had kept adding to the program, the Congress continued to enrich this program and needlessly offered these subsidies.

Mr. President, I think a little bit of history is in order. Certainly, back in the middle 1990s—this program is, essentially, one that is a decade old—you could make an argument for the Government being involved in an incentives effort. Certainly, when the price of energy was low and we needed opportunities to incentivize production, so

be it. That was a case where some targeted efforts on the part of Government to stimulate production could make some sense.

The Government is now out of the targeting business. For example, there are no limits on who gets royalty relief. The President of the United States did not say: Oh, we ought to draw distinctions between people who get these various subsidies. The President of the United States said: We don't need Government subsidies when the price of oil is over \$50 a barrel.

So what happened, essentially, after the program got off the ground in the early 1990s is folks who were supposed to be watchdogging the program did not do their job. They did not pay attention to it. So there was an original threshold for this program of about \$34. The price of oil today is \$70-plus a barrel. They were talking, in the middle 1990s, about \$34 being the threshold level for the subsidy.

But what happened is, during the Clinton administration, some folks in the Government agency, the minerals program, who were supposed to be watchdogging this program just missed it. Some have described it as a bureaucratic blunder. However you want to call it, the reality is, Government, in the middle 1990s, was not doing right by the taxpayers. The Government should have been watchdogging this program. They should have seen there would be an effort by some in the oil industry to enrich themselves and use the taxpayer to essentially create an incentive that was unjustifiable and inexplicable, if you looked at what we are seeing today. Yet the money just kept pouring out the doors.

So what we have is a brandnew subsidy—new because it was added during the energy legislation, at a time when the price of oil was already above \$55 per barrel. Certainly, the industry cannot make a claim they need this kind of incentive, as they have said in the past.

They have been drilling, and drilling without this particular incentive. In fact, we have seen, fortunately, some increase in drilling and production over the past 2 years without this particular incentive. There is no doubt in my mind, if you look at the record prices and if you look at the record profits, the drilling is going to continue if and when the amendment I have before the Senate is adopted.

I wish to emphasize, this legislation does give the Bush administration a significant amount of discretion in terms of operating the Royalty Relief Program. If the President, if the Secretary of the Interior, for example, determines that an absence of royalty relief would cause a disruption in oil supply, they set it aside, go back to the Royalty Relief Program. If the price of oil were to drop precipitously again, once more, you can provide oil royalty relief. But when the companies make record profits, when they charge record prices, it seems to me they do not need these record amounts of subsidies.

So the supplemental we are on the floor debating now involves \$35 billion. The amendment I hope to have adopted today would pick up a significant portion of the costs of the supplemental that have been designated as emergency spending.

If the litigation that is now taking place surrounding this program is successful—and I do not think anyone can divine the results of that litigation—it is possible the Government will be out \$80 billion for this particular program. That is twice the amount—twice the amount—of the money this legislation involves.

Now, colleagues—and I see a number of Senators on the floor—this is the granddaddy of all the oil subsidies. This is the biggest and this is the most unjustifiable of all the breaks.

By the way, we have had good ideas coming from colleagues. And probably the best single idea—and the distinguished Senator from Arizona has had an interest in these issues for some time—the Senator from Wyoming has said, to his credit, he wants to target the tax incentives for oil drilling to get more out of existing wells. There is a lot of evidence that perhaps a third of the oil that is in these existing wells is being left behind because we have never retooled the tax laws to get more from existing wells.

So there are good ideas, Mr. President and colleagues, and Senator THOMAS from Wyoming deserves credit for one of the best. But I will tell you, there are some real turkeys out there. And one of them is this existing program which provides royalty relief where there is no case to do so. This is an out-of-control program. This is a program which has lost its historical moorings. It made sense in 1995, when the price of oil was cheap, but it sure does not make any sense today.

When I asked the executives who came before the Energy Committee recently—the CEOs of ExxonMobil, Chevron, Texaco, ConocoPhillips, BP, and Shell—I asked them specifically if they needed these new incentives. All of them said they did not.

So I am offering this amendment today that prohibits the Department of Energy from providing any additional royalty relief so long as the price of oil is above \$55 per barrel. That is the price at which the President said oil companies do not need incentives to explore.

The amendment, as I have indicated, provides an exception in cases where royalty relief is needed to avoid supply disruptions because of hurricanes or other natural disasters or if the price of oil were to fall. But with oil selling for more than \$70 a barrel—way above the price for which the President said incentives were not needed—Congress ought to stop giving away more taxpayer money for unnecessary subsidies. We ought to prohibit further royalty relief, use this money to pay down the deficit, as the distinguished Senator from Arizona has suggested on this

floor on more than one occasion, and save our citizens' hard-earned tax dollars for more worthy uses.

Consumers of this country are already paying more at work. They are paying more at home and as they drive everywhere in between. It seems to me we certainly ought to give them a break in their personal energy bills before we continue the operation of a program that the General Accounting Office has said will cost taxpayers a minimum of \$20 billion and could end up costing taxpayers \$80 billion, if the litigation over this program is successful.

Mr. President, I see other colleagues on the floor. I have not had anybody come to the floor and say they are going to oppose my amendment. If no one does—and I am not going to yield quite at this point—I am anxious—and the chairman of the committee, Senator COCHRAN, has been very gracious in his discussions with me. I am anxious to go to a vote. I know the Senator from Mississippi treats all Members fairly, and I have told him I am ready to go to an up-or-down vote on my amendment and get the Senate on record as making sure we save this money which is being needlessly frittered away.

No one has come to the floor of the Senate to say they object to the amendment. The amendment is very straightforward. It says we are not going to have royalty relief unless the President says we have to have it to avoid a disruption or the price of oil falls. This is a program which does not make sense. We ought to save the money.

I, at this point, would like to propound a request to the distinguished chair of the committee. I would be prepared to allow the Senate to move on to other business if we could agree upon a time when there could be an up-or-down vote on my amendment. Would the distinguished chairman of the committee, the Senator from Mississippi, give me his thoughts? And can we enter into an agreement so you can move ahead with the important work you are doing and we can lock in a time for a vote on my amendment?

Mr. COCHRAN. Mr. President, if the Senator will yield, I will be happy to respond.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. WYDEN. Mr. President, I am willing to yield so that the chairman of the committee can respond to my question.

The PRESIDING OFFICER. It requires unanimous consent. The Senator from Oregon should request unanimous consent.

Mr. WYDEN. Mr. President, I ask unanimous consent that the distinguished chairman of the committee, Senator COCHRAN, be allowed to respond to my request, and that after he has completed his response I reclaim my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I will be happy to respond to the Senator's inquiry. Responding to the Senator's inquiry, I am not, as manager of the bill, deciding who offers an amendment or what the content of the amendment is or how long the amendment can be discussed, whether or not there will be a tabling motion offered to any amendment or reaching an agreement with each Senator as to when a vote would occur on the amendment. The Senate rules control all of those issues. As manager of the bill, I am not going to inject myself in trying to manage to the extreme minutiae of the procedures of the Senate the way this bill is considered. I think we have rules that are here for a purpose. We ought to follow the rules.

We have other Senators who have offered amendments already which are pending and were pending before the amendment of the Senator from Oregon. They have a right, and I am not going to do anything that would abridge or infringe upon that right, to call for the regular order at any time. And the Senate would go back to the consideration of those earlier amendments.

So I cannot give the Senator any assurance, except you should be treated like any other Senator; no different whatsoever. You have the right to talk about your amendment, and eventually it will be disposed of in some way. But I am not going to put it ahead, reach an agreement that it should go ahead of any other issue before the Senate.

This an emergency, urgent supplemental appropriations bill to fund the war in Iraq, the global war on terror, provide the Department of Defense and Department of State with funds that are needed now to protect the national security interests of our country, and to assist in the recovery from Hurricane Katrina and other such events.

That is the business of the Senate. I wish to see it handled in an expeditious way, under the rules of the Senate, and then we wind up the business of the Senate on this bill and any amendments thereto in a workmanlike way, with fairness to all, Republicans and Democrats.

The PRESIDING OFFICER (Mr. COBURN). Under the unanimous consent agreement, the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I think it is going to be a long day because I intend to stay here and make the case for this outrageous rip-off being eliminated. This is an extraordinary waste of taxpayer money. Colleagues know I always try to work in a bipartisan way. I always want to expedite the business of the Senate.

The last time the Senate looked at energy, after midnight, in the middle of the night, there was an effort to sweeten this program and add more cost to taxpayers that cannot be justified. As I understand it, I may have

misspoken on this point; the total amount of the supplemental bill is \$100 billion. The cost of litigation over this program, if successful, could be \$80 billion. The General Accounting Office estimates that at a minimum, the Government is going to be out \$20 billion. My amendment alone could pay a significant portion of what is needed to cover this emergency spending legislation.

The Government is here talking about an emergency spending bill because there isn't the money in order to pay for these essential programs. Yet at a time when we have an emergency spending bill and we don't have the money in order to take care of needs, the Government keeps laddling out billions of dollars. All I want to do is prevent what we saw last year in the Energy bill. We are now going to do it differently. We are going to stay here, and we are going to stay at this discussion until the Senate votes up or down as to whether we want to keep sweetening a program with billions and billions of dollars at a time when there is no commonsense reason for this particular program.

I have come to admire the Senator from Arizona. We serve together on the Commerce Committee. I particularly appreciate his tenaciousness. He has taught me an awful lot about it. Frankly, that is what is needed. Somebody has to stay here and stay at this until we drain this swamp. To continually shovel out billions and billions of dollars, when the President of the United States has said we don't need these incentives when oil is over \$50 a barrel, I don't see how anybody can argue for the continuation of this program in its current form.

I said I am not going to chuck the program in the trash can. All I am going to say is, you get royalty relief if the price of oil goes down or we need royalty relief to avoid disruptions. That is a straightforward proposition. It certainly ensures that we go back to what was originally contemplated. Even the authors of this program, people such as our former colleague Senator Bennett Johnston, are scratching their heads and saying: This program is completely out of control. It makes no sense in its current form.

I don't see how you can argue something that at its outset was designed to promote production when prices were cheap. By the way, a lot of the sponsors of this legislation always said this program was cost free. I was amazed to hear that.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. WYDEN. Through the Chair, I ask unanimous consent to have Senator MCCAIN propound his question, and when I have responded, I would be able to reclaim the floor.

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

Mr. MCCAIN. Mr. President, if the Senator yields for a question, then he maintains the right to the floor. I by no means want to deprive him of that.

Is the Senator from Oregon concerned that he is not going to get a vote on this amendment? Because it seems to me if the amendment is proposed and it is in order, at some point, after disposing of the pending amendments, unless there is something I don't understand, the amendment of the Senator from Oregon would then be subject to a vote. As the Senator from Oregon knows, there are several other pending amendments that we think are important as well, particularly having to do with earmarks.

I note this morning in a Wall Street Journal-NBC poll, the No. 1 concern of Americans is earmarks. I find it very interesting that they are sick and tired of the absolutely incredible stuff we have loaded into this bill. The Senator from Oklahoma and I have an amendment about seafood marketing. The Senator from Oregon, I am sure, probably remembers that last year they spent some half a million to paint a giant salmon on a 737. The same money would go to that same outfit in this bill that is supposed to be for the war in Iraq.

I am sorry for the long question. I apologize to my friend from Oregon. Is it his concern that he will not get a vote on this amendment or that he needs a vote now? Perhaps for the rest of us who are waiting to offer amendments, he could clarify. I thank the Senator from Oregon for his courtesy.

Mr. WYDEN. I thank my friend. Before we got into seafood marketing and the question of earmarks, it seemed to me that your point was a very logical one, sometimes too logical for the Senate. That is, how do you get a vote around here? What I was asking the distinguished chairman of the committee is if we could get agreement to have a vote at a time certain or conceivably to have my proposal included in the next group of amendments to be voted on. But, yes, I say to the distinguished Senator from Arizona, without that commitment, I am very much convinced that we won't get an up-or-down vote on this outrageous boondoggle, a huge expenditure of many billions of dollars that as recently as the energy conference, there were no votes. It was done in the middle of the night. It was snuck in after midnight.

The reason why: Because nobody was able to do what I am trying to do right here on the floor of the Senate, which is to say, we are going to do this in broad daylight. If Senators want to vote in favor of a program that subsidizes, when we are over \$70 a barrel and the President of the United States says we don't need those subsidies, then Senators can so vote.

Mr. MCCAIN. If I may, if the Senator will yield for an additional question.

The PRESIDING OFFICER. The Senator does not require unanimous consent. He retains his time.

Mr. WYDEN. Very good.

Mr. MCCAIN. My understanding from talking to the floor staff, I say to the Senator from Oregon—and the distinguished chairman can probably help

out on this—is we have a number of amendments in order which are going to be voted on, I think by an agreement between the two leaders, which is the general procedure around here.

Nothing is more outrageous, as the Senator from Oregon pointed out, than these things that are stuffed into conference reports. But this isn't a conference report. This is an initial bite at an appropriations bill. I hope that perhaps we could work out something so we can continue with the amendment process and set a time for votes on all amendments, with the amendment of the Senator from Oregon in order following the others, as is the normal procedure. Maybe the Senator from Oregon could ask for that again, we could move forward. We all know that everybody's time is limited.

I thank the Senator for responding to my question.

Mr. WYDEN. To respond to my friend from Arizona, he is very good at working out arrangements to get votes on these matters that are so important to the public interest. Perhaps it is possible, through his good offices, to persuade Senator COCHRAN and others that we can make arrangements. I am not anxious to hold up the time of the Senate. By the way, I was here late last night, and I would have been prepared to vote last night. So this Member was prepared to vote last night. I am prepared to vote now. I am prepared to give up the floor as long as there is a commitment that we get a vote. But the handling of this program is a disgrace.

You cannot make an argument for having no accountability whatsoever at a time when billions and billions of taxpayer dollars are used. That is what happened during the energy legislation where in the dead of night, not only was the program preserved, the program was sweetened at a time when the President says you cannot make the case for these kinds of subsidies.

We will continue with this discussion. My door, as always, remains open to colleagues. I would like to think I was bipartisan before it became fashionable to be bipartisan. I note that Senator KYL is a cosponsor of the legislation. Senator LIEBERMAN has joined on as a cosponsor of the legislation. I remain anxious to work with Senators to get this worked out.

We have been talking a lot about lobbyists. We have had a lobbying reform bill and the Senate has acted. It was not all I wished it were, but at least it was a beginning. Talk about special interests and about the clout of lobbyists, this program is a textbook case of how a handful of savvy lobbyists can hotwire the political process and end up costing taxpayers billions and billions of dollars. The law itself, through the handiwork of all these lobbyists, is full of confusing language, language that has lent itself to a wide variety of interpretations. We are almost running a lawyers full employment program with this particular initiative. It will

be in court endlessly, as far as I can tell. It was a program that was sweetened by the administration, even at a time when the President said you didn't need added incentives when oil was over \$50 a barrel.

I have mentioned some of the problems we saw in the previous administration. I guess nobody was home watchdogging the particular program there in the minerals department because they were supposed to have a threshold in terms of when subsidies would be dispensed. But what you have seen with this particular program is how a handful of insiders, very clever lobbyists, have been able to get the Government to give away billions and billions of dollars. I don't understand how any Member of the Senate could go home, face a town meeting in their particular community, and make the case for having this program in its current form at this crucial time. Do Senators want to go home, meet with folks in grange halls and senior centers and the like—I just got clobbered on the way to a meeting about these prices—and say, gosh, we have to continue this royalty relief program? Essentially what you have is a multiyear fiasco.

It began in 1995. At that time, with the price of energy low, you could make a case for this particular program. But over the years, and particularly in the last few years with high prices, what you have is a situation where you have a program mushrooming in cost, mushrooming in terms of the toll it takes on taxpayers. The Bush administration has even confirmed that the Government will lose billions of dollars in royalties.

So this argument some have made that this program costs nothing—we heard that in the energy debate last year. It is an argument that the Royalty Relief Program costs nothing. Now that is contradicted by the Bush administration itself, which has indicated that it is going to have to waive billions and billions of dollars in royalties.

There is a lawsuit underway, as I have noted. The lawsuit challenges what amounts to one of the few restrictions on the cash drawer the oil companies look to, and I gather that the oil companies have a pretty good chance of prevailing there. So we would see even more money shoveled out the door in the days ahead. Some have called this program one that was non-controversial. I will tell you that I don't think you can explain this to anybody in broad daylight. That is why the actions with respect to sweetening the program were taken in the middle of the night. After the CEOs of all of the major oil companies have come before a joint hearing of the Senate Energy and Commerce Committees, saying, in response to my question, that they agreed with the President's position that when the price of oil is more than \$55 per barrel, they don't need incentives to explore for oil and gas, I wish one Senator would come to the

floor today and say here is why we need the Royalty Relief Program.

I note that I have been trying to get a vote on this particular amendment since last night. Not one Senator has come to the floor and said that they oppose my amendment. I cannot get a commitment for a vote up or down. And given what has happened with these oil interests and this program, that is not acceptable to me, and I cannot imagine that it is acceptable to the American people.

We have a supplemental that is going to cost \$100 billion. If the litigation is successful, we will see the Government out of up to \$80 billion. The General Accounting Office estimates the minimum cost of this program will be \$20 billion. So at some point, it seems to me, the Senate has to step in and say we are going to have some accountability here for taxpayer money; we are not going to sit on our hands when the money pours out the door.

In terms of the timeline, there are a couple of dates that I think are particularly important. In January of 2004, the Department of the Interior apparently expanded the royalty incentives—the incentives the companies would be getting under this particular program. About a year after that, the President of the United States made his statement with respect to what kind of incentives there should be for people in the oil business. He said, as I have noted today, with oil at \$70 a barrel, the Government ought to get out of the business. That is the President of the United States. The President said we don't need these incentives. By the way, he made no distinction in terms of the kind of companies involved. He just said the Government doesn't need to be pouring out subsidies when the price of oil is \$70 a barrel.

The next key date was in the summer of 2005—

Mr. SALAZAR. Mr. President, will the Senator yield for a question?

Mr. WYDEN. I am happy to yield to my colleague for a question and then continue discussing my amendment.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding for this question. I appreciate what my friend brings to this issue in trying to make sure we are dealing with the budgetary situation that faces our Nation in a straightforward manner. I appreciate his advocacy here this morning.

My question to my friend from Oregon is whether he would be willing to yield time for me to simply offer an amendment that I could do at this point in time.

Mr. WYDEN. Mr. President, I am under the impression that I cannot yield to my friend—I certainly would like to—without in essence losing my right to stay on the floor. As I said earlier when we had questions from the Senator from Arizona and others, I would very much like to get a time commitment, because I know the Senator has important legislation he

would like to have considered, and I also see my friend from Texas, Senator CORNYN. This is not my favorite way of getting the business of the Senate done. But my understanding is I cannot give up the floor to another Senator for purposes of their having consideration of their amendments.

Reluctantly, I tell my good friend, a wonderful addition to the Senate, that I cannot do that at this time. I also see our friend from Arizona here. He may be working his magic with the leadership and the Chair so as to be able to at some point lock in a vote. I would be happy if I could get a commitment that the Senate would vote on this amendment. I would be happy to let colleagues proceed for several hours and have a chance to do their important work.

I note once again that not one Senator of either political party has come to the floor and said they want to defend this multibillion dollar program in its current form. That is an astounding thing. I was very pleased to get Senator KYL this morning as a cosponsor of the legislation, and Senator LIEBERMAN and others. But what is stunning is in this place you can hardly get everybody to agree to go out and get a soda pop. Yet in discussing this legislation, nobody has stood up and said they are going to defend the Royalty Relief Program in its current form.

Mr. SALAZAR. Mr. President, I ask my friend if he would yield for another question.

Mr. WYDEN. Once again, as part of the unanimous consent agreement, I do yield for a question.

Mr. SALAZAR. Mr. President, to my friend from Oregon, I ask if he would object to a unanimous consent request on my part to offer an amendment concerning a fire emergency disaster we are facing across our Nation in the West—something that also affects the State of Oregon—and to agree not to object to my unanimous consent request to offer this amendment and to speak to this amendment for a period of no more than 3 minutes.

Mr. WYDEN. Mr. President, let me propound this to the Chair. My understanding is if I yield to the distinguished Senator from Colorado for purposes of these unanimous consent requests, I would lose the opportunity to be considered, after he discussed this, automatically. My understanding is I cannot yield to the Senator from Colorado without losing my place. Is that correct?

The PRESIDING OFFICER. It requires unanimous consent to yield for anything but a question. So it could be propounded as a unanimous consent request that the Senator from Colorado would be recognized, followed by the recognition of the Senator from Oregon, as long as no other Senator objected.

Mr. WYDEN. Again, I tell my friend from Colorado that this is not my preferred choice of doing business in the Senate. I was ready to vote last night.

I am ready to vote now. I am ready to vote as part of a package of amendments. My understanding is I cannot yield the floor at this time without losing my place. I reluctantly have to decline.

Mr. SALAZAR. Mr. President, I ask another question of my friend. All I am attempting to do, as many colleagues here are attempting to do, is put an amendment on file so we can make them part of the pending business. We can have a unanimous consent for you to yield to me for 2 minutes so I can offer my amendment. Part of that unanimous consent would be that we then go back to the Senator's amendment. I think we can get down to at least offering one more amendment.

I ask the Chair whether I am correct in my assumption that if there is no objection to my unanimous consent request, then I can offer my amendment and then return the floor to the Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry, Mr. President: However much I would like to do what the Senator from Colorado has suggested, I cannot do that without losing my place on the floor, is that correct?

The PRESIDING OFFICER. The Senator could do what the Senator from Colorado is talking about by unanimous consent, as long as no other Senator objected to what he was asking.

Mr. WYDEN. So if the Senator from Colorado propounds a unanimous consent request asking that he be allowed to speak for a couple of minutes so as to be able to offer his amendment, at the end of those 2 minutes, what he has offered is set aside and the business of the Senate would once again be my amendment, the Chair is advising that that could be done?

The PRESIDING OFFICER. It first takes unanimous consent for the Senator from Colorado to even ask for unanimous consent while the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, let me say I am going to have staff work with the Parliamentarian for a bit—my staff and Senator SALAZAR's staff, and others—to see if we can address the concern of the Senator from Colorado. Maybe we can get a number of Senators involved in this so we can lock in some actual votes.

I would be very pleased to get a commitment from the distinguished chairman of the committee, Senator COCHRAN, to have my amendment included in the next group of votes. That is a pretty simple request—something that goes on here very often. It seems to me if we cannot do that, and I am not included, then I guess I have to stay at my post here and say that I think the taxpayers ought to get some protection and we ought to stop the ripping off, the persistent plundering of tax revenue, at a time when the President and everybody else says you cannot justify these kinds of incentives. If I can get a commitment from the distinguished chairman from Mississippi to have my

amendment included in the next group of votes, and we will get an up-or-down vote, I would certainly like to save my larynx and let the Senate get about its business.

Mr. COCHRAN. Mr. President, if the Senator will yield for a question, without his losing the floor.

Mr. WYDEN. Yes.

Mr. COCHRAN. Mr. President, the Senator asked if I would agree that he could have an up-or-down vote at a specific time or in a certain order. That in itself treats the Senator in a way that is different from the way every other Senator would be treated under the rules of the Senate.

We have opportunities for making points of order against an amendment that every Senator has under the rules. Any Senator could move to table the Senator's amendment and get the yeas and nays. But he is insisting that his amendment be treated different from that required under the rules in that he wants an up-or-down vote and he wants it in a certain order.

His amendment was not in the first order of business when the Senate started its work today. There were other amendments pending. But the Senator, by unanimous consent, proceeded with his offering of an amendment.

All I am suggesting is, I cannot be the referee for the duration of the handling of this bill and decide whose amendments get up-or-down votes, whose amendment can be tabled or a motion to table can be made, whether parliamentary objections can be made to proceeding on an amendment. Any person can be recognized to debate the amendment and talk without interruption until 60 Senators vote to cut off debate of that Senator who is talking.

So I am not going to make, I can't make, it is not appropriate for me to make rules that, in effect, limit all of the other Senators in the rights they have under the rules of the Senate.

This is just plain and simple. He is asking for special treatment of his amendment, and I don't have the power to do that and be fair at the same time to every other Senator. So that is why I am not agreeing to the unanimous consent request. I don't think it is appropriate that I do that.

His amendment ought to be treated just like anybody else's amendment. But he comes out here after amendments are being set aside at his request and offers his amendment and asks that we agree to vote up or down at a particular time. I have heard from some Senators who have concerns about the amendment.

The Energy Committee has jurisdiction of this legislation. I am chairman of the Appropriations Committee, not the Energy Committee. The Energy Committee has the right to review any suggested change in current law on matters coming within the jurisdiction of their committee, and that is being denied by offering this amendment to

an appropriations bill and then asking the chairman of the Appropriations Committee to guarantee that there be an up-or-down vote at a particular time. So I can't agree.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, by way of responding to the distinguished Chair, the Senator is not asking for special treatment. What we do in the Senate again and again—it is the common practice, something that goes on every week—is we have debates on amendments and then Senators have those amendments put into a group, and when there has been a group of amendments put together and all Senators on both sides of the aisle have been notified that there will be votes, then there are votes.

That is all that I have asked for. There is no request for a specific time. Do it at 1, 2, 3. Do it whenever we have a block of amendments so we can get on and hear from Senator CORNYN and Senator SALAZAR, and I now see the Senator from North Carolina and the Senator from Pennsylvania here as well.

I don't understand why we can't get a commitment that at some point—what goes on here regularly, that Senators get votes as a group of amendments is considered—that be done.

I come back to the point, having had now considerable amount of discussion, that not one Senator has said they want to defend the oil royalty relief in its current form. I think that is incredible. I certainly expected some opposition. I was pleased when Senator KYL and Senator LIEBERMAN said they wanted to be cosponsors. I expected people to come on over here and oppose it. And I think the reason there is no vocal opposition to this program is exactly what we saw in the energy conference committee last year. You can't defend this program in broad daylight. That is why it was sweetened in the middle of the night. A program that made no sense, was already a boondoggle, got even sweeter with additional sums now going out the door.

I have noted that if the litigation of this program is successful, it is possible that the Government will be out a sum close to the entire cost of the supplemental program.

So I repeat to the distinguished Senator from Mississippi, nothing would please me more than to enter into an agreement to allow others to go forward, and my amendment could be voted on in exactly the way the Senate customarily does business; that is, when we have a block of amendments, a group of amendments that Senators have had a chance to discuss and consider, we would then take a vote. But for some reason, we are not going to do that with respect to this multibillion-dollar subsidy program, a program that has the Government subsidizing these companies through royalties when oil is \$70 a barrel, and the President of the United States says we ought to be out

of the subsidy business when oil is over \$50 a barrel.

I have a unanimous consent request ready to go so I can satisfy colleagues. I now see the distinguished Senator from New Jersey is here, the Senator from Florida is here, and the Senator from Pennsylvania is here. There are a lot of folks who would like to have a chance to speak, and nothing would please me more than to let them get about that business.

I have not been here as long as the distinguished Senator from Mississippi, but I have not had an instance such as this ever happen to me in the Senate when I ask: Can I get a chance, as part of a group of amendments, or at some point, an up-or-down vote, and no efforts are being made to work something like that out. I think it is unfortunate. I am going to have to remain at my post, and colleagues who want to ask questions—does the Senator from Florida seek to ask a question?—I will be able to respond and reclaim my time.

Mr. NELSON of Florida. Mr. President, I ask the Senator to yield for purposes of a question and that he retain the floor.

Mr. President, to the Senator from Oregon, I certainly commend him. Something is out of whack where we have a system of payments, royalty or otherwise, or tax credits, otherwise can be characterized in the vernacular of the street as giveaways, to an industry that at this point is reporting their first quarter profits. It is expected today or tomorrow that ExxonMobile will report a profit in excess of \$9 billion for 3 months. That is profit for 3 months. That doesn't include the other major oil companies.

So I ask the Senator from Oregon, he has made a proposal—I don't know if it is the one that is on the floor right now—to eliminate the \$1.5 billion giveaway. Will the Senator flesh out that particular proposal?

Mr. WYDEN. That is not the amendment that I offer. I will tell the Senator that I am trying to roll back the subsidy program that is the granddaddy of all of them. This is the one that is going to fleece taxpayers the worst. This is the one that the General Accounting Office says at a minimum will cost taxpayers \$20 billion.

So the Senator from Florida, who has had a great interest in energy policy and serves on the committee, is talking about something else, but he has made the point again that there are a host of these subsidies. But the billion-dollar program that the Senator from Florida is talking about is peanuts compared to what we are talking about here.

What we are talking about here—I see the distinguished Senator from Alaska, Mr. STEVENS, is here. He was, I know, a close friend of Senator Johnston, who was the original author of this program. Senator Johnston has said that he didn't intend anything like what this program has turned out to be. Congressman POMBO, the chair in

the other body of the natural resources committee, said: You don't need this incentive. Nobody has ever called Congressman POMBO anti-oil. Even the people at Shell Oil say you don't need this kind of incentive in this climate.

The Senator from Florida makes a good point that there are a variety of subsidies that go out to oil companies, but the one that the Senator from Florida is talking about is really small potatoes compared to what we are talking about here. I appreciate the question.

Mr. STEVENS. Will the Senator yield for a question?

Mr. WYDEN. Once again, under our unanimous consent agreement.

Mr. STEVENS. I wonder if the Senator from Oregon would agree, I have heard the comment that the normal process is for a Senator to offer an amendment and to have an opportunity to get a guarantee of a vote. I am sure, would the Senator agree, that the Senator's amendment is subject to an amendment?

Mr. WYDEN. Of course. I will tell my good friend from Alaska, I have been surprised that somebody hasn't come to the floor to speak against my amendment or to second-degree it, or anything of the sort. I have been here since last night, I will say—reclaiming my time—I have been here since last night discussing this, and no Senator, Democrat or Republican, has come and opposed the amendment that I am offering. No one has tried to second-degree it.

I think at this time what I would like to do—

Mr. STEVENS. Will the Senator yield for another question?

Mr. WYDEN. I will be happy to.

Mr. STEVENS. Mr. President, I have been trying for 25 years to get a vote on ANWR. I fully intend to offer ANWR as an amendment in the second degree to the Senator's amendment, and then I want to help him get a vote. I want to help him get a vote right now. That is exactly what I have been waiting to do for 25 years.

So I serve notice, I will offer an amendment in the second degree, the ANWR bill. I do hope we will vote on it today.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming my time, just so we can make sure all the dots are connected, I ask unanimous consent that my amendment be voted on during the next group of amendments.

Mr. STEVENS. Reserving the right to object, will that bar my offering of my amendment on ANWR? Is the amendment still subject to an amendment in the second degree?

The PRESIDING OFFICER. There is nothing in this agreement that would bar a second-degree amendment.

Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. COCHRAN. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think the Senator from Alaska has propounded a question that has not been fully answered—at least I didn't understand the answer—to permit him to offer the amendment he would seek to offer to this amendment. So before I yield for that purpose, I want to be assured that the Senator's rights are protected on this side of the aisle and that we are not guaranteeing an up-or-down vote in so doing on the underlying amendment.

I don't want to treat that amendment any differently from any other amendment that might be offered. That is my concern. Maybe I should frame that in the form of a parliamentary inquiry. I do so inquire of the Parliamentarian.

The PRESIDING OFFICER. As the Chair said before, there is not anything in the unanimous consent request that would stop somebody from offering a second-degree amendment to the amendment of the Senator from Oregon.

Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, this does not bar an amendment in the second degree; is that correct?

Mr. WYDEN. Mr. President, I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

Mr. WYDEN. I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I repeat my parliamentary inquiry. Does the Senator's request—

The PRESIDING OFFICER. The Chair's answer is there is nothing in the unanimous consent request that would stop the Senator from Alaska from offering the second-degree amendment.

Is there objection?

Mr. WYDEN. reserving the right to object, Mr. President, I am going to withdraw—

Mr. COCHRAN. Mr. President, parliamentary inquiry: How does the Senator seek to clarify—

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has the right to withdraw his unanimous consent request.

Mr. WYDEN. Mr. President, I intend to withdraw my unanimous consent request at this time, and my staff is happy to work with Senator STEVENS, as we have done on so many issues, to see if we can work something out that is acceptable.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

Mr. WYDEN. Mr. President, having said that, I want to state once again

that I am anxious to work with all of the Senators who are on the floor, and I am sure there are others hovering about the Chamber, to get on with the business of the Senate. All I want to be able to do is what I think is pretty customary in the Senate, and that is to get a vote at some point—at the time when we have the next set of amendments. But clearly, there are those here who don't want to allow that. So I think I will just have to persist.

One additional area I want to focus on, I say to my colleagues, is that I and others, particularly a bipartisan group on the Energy Committee, have been trying to get an explanation from the Interior Department for months and months about what is going on with this program. What we would like to do is see if we could get some accountability.

A number of Senators wrote back in January to express our concerns. We never got an answer. And what I would like to do is highlight a few points of the Senators' concerns because I think, once again, they go to this point about whether there is going to be some accountability in a multibillion-dollar program that has been costly to our taxpayers.

The Senators said, in a January 24, 2006, letter:

There is a series of steps the Interior Department can take to remedy the flaws with this program. For example—

The letter notes—

you could reinstate the full audits of the royalty relief program that have been scaled back during the Bush administration.

Now, as to auditing this program, auditing a multibillion-dollar program that you can't justify at a time of \$70-a-barrel oil costs, you would think that having these audits would be pretty much a no-brainer. You would say that the Interior Department, particularly after they have been criticized by their Inspector General on this particular point, would be willing to step up the audits. They would be willing to take some steps, some concrete steps, to make sure that so many taxpayer dollars weren't being wasted. Unfortunately, that has not taken place. We haven't seen the audits that even the Inspector General has called for in the program.

Another step that has been noted by the Senators would require enforcement of existing rules for this program, such as those requiring companies to start paying royalties when market prices reach a threshold level. Again, we have seen no response—no response—to practical, concrete suggestions that Senators have made to make sure we get some accountability into this particular program.

I also note that Senators have indicated they would be supportive of legislation that would require greater accountability for this program so that, in effect, it would be possible for people to see how it actually works in broad daylight. That, too, is probably too logical, and I would only say that given

the fact that this program was sweetened—and expensively so—behind, essentially, closed doors last year, it seems to me that at a minimum we ought to have greater openness for this program, additional funding for auditors, and that, too, has not been forthcoming.

So concrete suggestions made by Senators to better watchdog this program and to protect the billions and billions of taxpayer dollars that are needed are highlighted by our challenge right here, which is: As we debate an emergency spending bill, a bill that is an emergency because the Government really doesn't have the money to pay for it, we are still seeing billions of dollars go out the door needlessly.

In addition, the letter from the Senators states:

We are troubled by the suggestion that companies involved in the program have made differing representations of the costs to the Securities and Exchange Commission and the Department of Interior.

These are both Federal agencies. In order for the Congress to carry out its own oversight responsibilities and probe the magnitude of these discrepancies, what the Senators asked is for information with respect to oil and gas prices over the last few years. Once again, it looks to me like a very reasonable kind of request, and I want to highlight again that when you have an out-of-control program, when you have Senators making practical suggestions like having better audits, like having better enforcement of existing laws, saying we ought to follow up on discrepancies in the information that is furnished to the Government, that strikes me as a no-brainer. Every Member of the Senate should say: Of course, we want to watchdog the way these monies are being spent.

I would like to read a little bit about these disparities in the costs of the program. Johnnie M. Burton, Director of the Interior Department's Minerals Management Service—I am just going to read from a report, a news report on it—said the disparities, the differences in the information that was furnished by the industry “were mostly the result of deductions that the regulations let companies take, reducing the sales price they report to the government.”

Now let's just think about that. The companies take these deductions; that reduces the sales price that is reported to the government; and still the Department of Interior won't step in and say: We are going to try to straighten out these discrepancies in the information about this program.

To read further, the Director of this program said that she, “had not known and could not explain why companies were reporting higher sales prices to their shareholders and to the Securities and Exchange Commission than to her office.”

Once again, that is an extraordinary statement, a statement that comes from the Director of the Minerals Management Program. And she wraps it up,

when she is asked by the news media to respond—and I will quote here from the news reports:

I can't answer because I don't know. We don't look at SEC filings. We don't have enough staff to do all of that. If we were to do that, then we would have to have more staff and more budget. You know, there is such a thing as budget constraint, and it has been real tough, let me tell you.

So what we have is the Government not even getting the straight story about the program. You have Senators saying that different representations of costs by the companies are being given to the SEC and the Department of Interior, and yet the person who runs the program says: I don't know, can't do it. Can't get to the bottom of how a multi-billion-dollar program operates.

Mr. President, I say to my colleagues, this is the granddaddy of all of the oil subsidy programs. My friend, Senator NELSON from Florida, came to the floor to talk about a particular subsidy he was concerned about and said that the cost of the subsidy was about \$1 billion. That is certainly a lot of money to the people of South Carolina and the people of Oregon. This program that I am saying we ought to rein in and get some accountability over involves, according to the General Accounting Office, a minimum—a minimum—of \$20 billion. And, if the litigation that surrounds the Royalty Relief Program is successful, we would see the cost to the Government be \$80 billion.

I have been at this for several hours. No Senator of either political party has come to the floor and made a case against my amendment. I have been pretty surprised about it. I was pleased to have Senator KYL and Senator LIEBERMAN sign on as cosponsors of my particular effort. But I would sure like to have a dialogue in the Senate with respect to the program. I think we have a good handle on how to reform it.

We would say: You can have royalty payments when you need them. It is not rocket science. It is very straightforward. If the price of oil goes down, if the President of the United States says we are going to have a disruption of our oil markets, then you can stay royalty relief. It is not a complicated proposition. But all I can conclude is that Senators—we have had a number of Senators come over and yet nobody has said anything against my amendment. That seems to say, well, just chew up our day letting this fellow from Oregon hold forth.

I have not had to do this in my time in the Senate. It is not a whole lot of fun when you have colleagues and friends who obviously put in a lot of work, a lot of time into amendments that they feel strongly about. I have asked on several occasions to see if I could just get an opportunity to have a vote, up or down, in some kind of fashion, at some point when we do the next block of amendments. But we haven't been able to get that agreement, so

here we are, working through lunchtime on this particular program.

I will also tell the Senate with respect to where we are right now that the amount of the subsidy that is out there today could increase—this is in an article from U.S. News and World Report—fivefold. So we are talking about billions of dollars that go out the door today, and if the litigation is successful, then we will see vast additional sums going out.

In the speech that the President made earlier in the week, the President, to his credit, said that he really didn't see the case for subsidies with the price of oil well over \$70 per barrel. I don't see anybody making that argument. I don't see anybody making it outside of the Senate. And as I have said over the course of the morning, I don't see anybody making it in the Senate today. I wish somebody would because maybe then we could begin a real discussion and we could get on with what the Senator from Mississippi desires, which is to complete his important legislation. But we have not been able to have that kind of debate, nor have we been able to get a commitment to have this amendment come up as part of a block.

About the only thing we know for certain is we have a program that is completely out of control, and even the original author of the legislation, our former colleague, Senator Johnston, has indicated that.

Under the Energy bill that was signed into law last summer, the companies were given new subsidies in the form of reduced royalty fees. The way that came about is we did not have any floor votes, we didn't have extended debate as we are having this morning; it was done after midnight in the conference committee. It was done after the claim was made that this would not cost anybody anything. That is pretty farfetched. The General Accounting Office says it will cost a minimum of \$20 billion.

The Senate has indicated that we are concerned about the practices of lobbyists. I say to Senators, this is a classic case. This is one you would write in the textbooks, of how a small group of lobbyists can figure out a way—essentially behind closed doors and in the dead of night when people are not exactly following debate about energy policy, after midnight—to work their will. So I am doing something I have not done in the Senate and that is to say I am going to stand here and try to do my very best to protect taxpayers. I think it is critical right now, when we are dealing with emergency spending legislation. This program alone uses up a decent portion of the tab for this piece of legislation.

Colleagues have talked a bit about tax breaks and the like, but we have not had any real discussion before today about royalties under the Minerals Management Program. That is what we are talking about here. The House discussed it in its legislation. I

think that is why we ought to discuss it.

I don't think this is going to harm in any way the incentives to produce oil in this country. We certainly need to do that. We are as dependent on foreign oil as we were 20 years ago. I personally think getting a new energy policy is about the most patriotic thing we can do in our country. Getting a new energy policy is about as red, white, and blue as it gets. But you sure don't get a new energy policy if you are going to keep sweetening, with billions of dollars, a program that doesn't work, a program that has lacked oversight, lacked accountability.

By the way, I have mentioned it has been bipartisan. I see the distinguished Senator from Alaska, Senator STEVENS. I have highlighted the fact that the previous administration, the Clinton administration, somewhere, someplace in the bureaucracy, was not watchdogging this program, was not watching the threshold that was needed to ensure that this money would be used wisely.

By the way, they were talking about \$34 a barrel at that time. Now the price of oil is over \$70 a barrel. The President of the United States says we don't need subsidies when it is over \$50 a barrel.

My hope is we can get this Minerals Management Program under control. It needs to be under control. The bill that came over from the House addresses the royalties issue as well. I think it is time for the Senate to step up. This is a subsidy that is not needed at this time. I wish some Member of the Senate would come to the floor and say, Let me tell you why the subsidy is needed. We have three Senators on the floor and certainly a lot of others have been coming through at various times, but Senator Johnston, who made the case years ago that this program was needed in the 1990s—I think Senator STEVENS probably knows the most about the history of the program of any of us—I think Senator Johnston's argument in the 1990s was the gulf coast was hurting. The gulf coast had gotten clobbered. Senator Johnston and others were concerned about how things were going to go in the future. The price of energy had dropped very dramatically. The concern of Senator Johnston was that you were going to see very little investment unless you had changes in the Government's policy.

I know people at that time—I have seen the press reports—were comparing the Gulf of Mexico to the Dead Sea. We are not faced with anything like that. In fact, the program worked well in those middle 1990s.

Now we have a very different situation. Now we have a very different climate. In fact, those are virtually the words that were used by one of the lawyers from the Shell Oil Company. The lawyer from the Shell Oil Company said we don't need royalty relief in this kind of environment, in this kind of climate.

I hope we will get the Senate to dig into the merits of this. I have read the comments from news reports, from Senator Johnston. Senator Johnston told the press recently:

The one thing I can tell you is this is not what we had intended.

Given all of the fuzzy and confusing language that was in this program, what we have seen is the companies, those that have tried to milk this program in every way possible, have been able to do it. I was particularly troubled by some of the changes the Secretary of Interior, Secretary Norton, made administratively. But I think the Senate, in going forward with this discussion, ought to reflect on some of the comments that have been made by people who I think have been about as supportive of the oil industry as they possibly could be. In the other body, the chair of the natural resources committee, Congressman POMBO, says:

There is no need for an incentive. They've got a market incentive to produce at \$70 a barrel.

Think about that comment of Congressman POMBO. Congressman POMBO is saying there is no need for incentives right now.

I wanted to be sensitive in my amendment to the fact that things can change. We always have to deal with that in any legislative proposal. What I said is, look, the President of the United States says we could have a supply disruption. If the President of the United States says, for example, that with prices going down we need to reinstitute the program, so be it. But that apparently is not acceptable to some here in the Senate so we cannot get an opportunity at some point to get a vote.

But this is high-stakes stuff, folks. This is not small sums of money. Senator NELSON raised a question that was important to him about a particular subsidy program he was concerned about. It involved \$1 billion. But as a number have noted, if the legal battles that are taking place right now about the Royalty Relief Program are successful, we are talking about upwards of \$30 billion in additional royalty relief over the next few years. How much more do we need to prod those who care about this to look at reforming this particular program? Certainly they don't need more incentives to go out and drill. Nobody needs to prod the oil industry in that regard. We have seen a great deal of effort on the part of the Senate to make it attractive to be in the energy business. But what I am seeking to do, with the support of Senators KYL and LIEBERMAN and I know other Senators, is to get this program under control, is to have some accountability. It seems to me what we are faced with is essentially a trifecta of subsidies.

First, you have the companies getting tax breaks. The Joint Tax Committee has estimated that the costs of those would be in the vicinity of \$10 billion. I am beginning to think we are

making some headway on that particular point because we are hearing Senators on both sides of the aisle say they want to review those tax breaks. When we had the executives come before the Energy Committee, I went right down the row and asked each one of them if they needed the tax breaks in the new Energy bill. When it got to broad daylight, they said they didn't need those particular tax breaks. So I think we are making some headway.

I then went to the Senate Finance Committee and was able to get a modest reduction in the tax breaks the companies would get. That is now in the reconciliation bill. I think it is the only actual cut in tax breaks the companies have gotten in quite some time. I am hopeful that will make its way into the reconciliation legislation. Senator GRASSLEY and Senator BAUCUS have been extremely helpful in that regard.

But the first part of the trifecta is essentially the tax breaks. I am hoping we can get Senators of both political parties at a minimum to review them, review them comprehensively—something that hasn't gone on. Yesterday, to their credit, Senator GRASSLEY and Senator BAUCUS indicated they would begin that particular review.

The second part of the trifecta is we have mandatory spending programs. That was one that Senator NELSON spoke about earlier, one that involves \$1 billion.

Then we come to the Royalty Relief Program, which is the big daddy, the granddaddy of all the subsidy programs. That is the one I have said I am not going to let the Senate duck any longer.

It appears both the Chair and the ranking minority member have left the floor. I think that is unfortunate because I want to try to work out an effort to move ahead on this. But I will continue.

Mr. STEVENS. Will the Senator yield?

Mr. WYDEN. Again, under our unanimous consent.

Mr. STEVENS. I am the senior member of the Appropriations Committee and former chairman, and I will be happy to work with you to arrange consideration of ANWR at any time.

Mr. WYDEN. I thank the distinguished Senator. I know the Senator, having chaired the Appropriations Committee, is anxious to try to work this out. My door is open to try to do that. If the Senator can do what apparently we couldn't get worked out with Senators MCCAIN, SALAZAR, NELSON, and others, no one will be happier than I.

I want to note exactly what the amendment does. It blocks the Federal Government from sweetening the already sweetheart royalty deals that are being dispensed under this legislation. This is needed because even as the prices have shot up, the previous Secretary of Interior was giving more royalty relief to the companies. It has

been reported in the press that the Secretary of Interior made the incentives more generous by raising the threshold prices. Her action allowed drillers to escape royalties in 2005, when prices spiked to record levels. She also offered to sweeten the contracts that were not generous enough, in her opinion.

Think about that one. She went back and offered to sweeten the contracts that she felt were not generous enough, contracts the drillers signed before the new regulations were approved. What this amendment does is it prohibits the kind of sweetening of the deals for those who are drilling when prices are high.

When prices are high and we have no threat of disruption, then I am saying the Government has to step in and watchdog this program and do a better job for the taxpayers.

These are royalty deals which are already laden with sugar. They do not need any further sweetening. What is needed in the Senate is for the Senate to say now we are going to do what has not been done; we are going to step in and protect the taxpayers and the American people.

Under this amendment I am trying to get up in front of the Senate, the next Secretary of Interior would not be able to do what was done last year and give away more royalty relief when oil prices are above \$55 per barrel. That is what we are all about today.

I hope we will have discussion of other aspects of the oil business. I know that colleagues have amendments of a variety of types they wish to offer.

But these are the sweetest deals in town. They are laden with sugar. They do not need any further sweetening. And at some point you have to ask, Is the Senate ever going to draw the line and have some real accountability in this program?

I have now been speaking about this for probably close to 3 hours. No Member of the Senate has spoken in favor of running the Royalty Relief Program the way it is. I want to repeat that. After 3 hours of debate and a chance for anybody here in the Senate to come and say, Look, I think it is important, I think we ought to keep the program the way it is, nobody in the Senate has come before this distinguished body and made the case for this program on the floor of the Senate.

I think that says it all. Nothing could better illuminate the history of this out-of-control program than the fact that nobody has opposed it here or has opposed my amendment on the floor of the Senate.

The way decisions are made with respect to this program is like what happened with the conference committee in 2005 on the Energy bill. After midnight, when nobody would have a chance to see what was going on, an argument was made that this doesn't cost any money. A couple of Senators were present. They said, You have to be kidding. There has been one Government report and audit after another of

this program. Nobody can say with a straight face that this program costs nothing. Yet that was the argument made after midnight in the energy conference. So this legislation kept getting sweeter and sweeter and sweeter.

Billions of dollars are at stake. We already have record prices. We already have record profits. The question becomes, Are we going to have record royalty payments?

I think it is important now for the Senate to draw the line. I want to make sure the Senate is aware of how my amendment would work. Right now the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. To stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make. Now that the price of oil has shot up to over \$70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

So the practical effect of all of this is the Senate works on a supplemental spending program. It is called an emergency because the Government doesn't have the money. That is why we are in this situation today. We have an emergency. The Government doesn't have the money, but yet the Senate is still willing to look the other way when billions and billions of dollars go out the door at a time when the President of the United States has said you don't need subsidies when the price of oil is over \$50 a barrel.

Experts in and out of the Government share my view that this subsidy defies common sense. I have described the views of the chairman of the natural resources committee, Congressman POMBO, who talked about what the folks at Shell Oil have said. Former Senator Johnston wrote this particular program. There isn't anybody defending this program in its current form. That is the amazing part of this debate. Nobody has stood up and said, I want the Royalty Relief Program to operate just the way it is. I thought for sure we would have some discussion about this topic. I thought somebody would actually stand up and oppose what I am talking about. Somebody might say, Look, just because you say it is the granddaddy of all subsidies doesn't mean it doesn't do any good. But nobody has done that. In the course of speaking at some length about this particular program, nobody here in the Senate has said they want to come to the floor and defend it. I think that tells a whole lot about the situation we are in.

By the way, I think it says a lot about whether the Senate is willing to hold these companies accountable and is going to watchdog the program which costs billions and billions of dollars.

We have all had our phones flooded with folks concerned about the price of oil. I heard a discussion from the dis-

tinguished Senator from Arizona who said that earmarks were the top question he had heard about from citizens. Like the Senator from South Carolina, I have an enormous amount of respect for the Senator from Arizona. But I think while earmarks are certainly important—and I don't want to get into some kind of competition about what is the most important—I can tell you everything I am seeing right now is that gasoline prices is the issue the American people want to address.

I want a new energy policy. I am anxious to work with colleagues to do so. As I have spoken here on the floor of the Senate, I would say arguably the best idea we have seen in energy as it relates to production comes from our friend from Wyoming, Senator THOMAS, who has pointed out that we are probably not getting a big chunk of the oil production out of existing wells. It is an amazing thing; experts in the field say we may be losing as much as a third of what is out there in existing wells. If you go and get that oil, first, you begin to add to the production that all Senators want to encourage but also you do something that is sensible for the environment because you don't run the risk of additional environmental problems.

As we have looked at on the Commerce Committee under the distinguished chair, Senator STEVENS, there is a lot of new technology in the oil business. So it is possible to capture some of the gases that are emitted and better protect the environment. There are good ideas for getting a fresh energy policy and certainly increasing production.

As I have said publicly and privately, I think Senator THOMAS is one of the best. But there are also some programs that make no sense. This one doesn't. This one is the biggest of them all. If the Senate is serious about reigning in these practices that drain our Treasury, which is a factor in our having to come to the floor and ask for emergency spending programs, then I think we have to tackle this kind of program.

Government subsidies—sure, you can make a case for them when the price is low, when you have to stimulate production, and when our economy needs a shot in the arm. But billions of dollars of royalty relief for the companies with these kinds of prices? I don't get it. I don't think it is even a close call. Perhaps that is why we have not seen anybody come to the floor and argue on behalf of doing business this way.

My amendment would ensure that you have royalty relief when it is needed. When you need royalty relief, under this particular amendment—when there is a supply disruption or when prices fall—you would be able to have that relief. But it ought to be targeted. It ought to be targeted as it was in the middle 1990s. That was a period when the price of energy was way down. Parts of our country that could produce oil were hurting. There was a judgment made before my good friend

from South Carolina and I were in the Congress, there was a judgment made in the middle of the 1990s to say, all right, let us give these companies a break. If they go out and take some risk, if they will go out and drill and take those chances as you do as part of the free enterprise system because the Government wanted to encourage production at an important time, there was bipartisan consensus that it be done.

The author of the program, Senator Johnston, our former colleague from Louisiana, put together an impressive coalition to get it passed. As I have quoted Senator Johnston here on this floor recently, what we have isn't anything close to what was intended. He was kind of baffled about the whole thing. He said the whole thing is confusing.

It is time for the Senate to say that on the biggest subsidy program, the one that costs the most, which is going to be greater, as far as I can tell, than all of the subsidies combined, and if the litigation involving this program costs approximately what the whole supplemental costs, this is the program we have to deal with.

I don't think it passes the smell test to keep dispensing billions and billions of dollars of royalty relief at this time from the taxpayers' wallet. This is a program that was useful a decade ago. But nobody could say that we need these kinds of incentives at this time.

Back when they were talking about this program in the middle 1990s, the price of oil was in the vicinity of \$34 or \$35 a barrel. That was the threshold they were talking about at that time. Now the price of oil is twice the threshold that was used back in those days, in the 1990s.

This is a program that it seems to me the Senate has to step in and start watchdogging. One of the reasons I have come to the floor of the Senate today is because the Department of the Interior won't even answer questions from Senators. After there were news reports earlier this year, a number of Senators asked very practical questions. They wanted to know about additional audits; they wanted to make sure there was an effort to enforce the law; they pointed out discrepancies in reports on this program; that the Securities and Exchange Commission was given one set of facts and statistics and the Department of Interior was given another set of facts and statistics. Think about that. We now have companies not even using the same information the Government has so the Government can watchdog the program. Then they go over to the person who heads the Minerals Management Office, which runs this particular program, and what that person says is, Gosh, we don't know. We don't have the auditors. We can't keep track of this. We are not people with expertise. I guess I could see that point if it were involving a small program; in other words, you would be talking about something with

a modest sum of money, and they said they did not have enough auditors. Senators could work on a bipartisan basis and beef up the program. But it was not an emergency because you were talking about a much smaller amount of money. We know the phrase a billion here, a billion there starts to add up to real money. Everett Dirksen talked about millions; now we are talking about billions.

The point is, this is not a small program. This is one of the biggest programs, \$20 billion minimum. The General Accounting Office says \$20 billion minimum is involved. If the litigation surrounding this program is successful, it could approach the amount that would pay for the entire emergency supplemental program. That is pretty amazing.

One program subsidizing the companies with royalty relief—and no Senator has come to the Senate over the last few hours to defend the operation of the program in its current form—one program can pick up the tab for most of the emergency supplemental. Yet we cannot get a vote up or down as part of any kind of practice that resembles what the Senator from South Carolina and this Senator have customarily seen in the Senate.

We have a discussion over a batch of amendments. Usually a big batch of amendments takes a reasonable period of time. I have done this. The Senator from South Carolina has done it scores and scores of times. Then the amendment you offer is put into a package of other amendments, and there is a vote at a time when Senators of both political parties have been notified and all Members are aware of what is coming up in the Senate. We cannot do that. Somehow, we cannot do that.

I see the distinguished chairman of the committee, Senator COCHRAN, has returned. I have propounded a variety of different questions to see if we could at some point do what is the customary practice in the Senate, which is at some point have a vote, at some point that is convenient for all who want to offer their amendments. As far as I can tell, we are not having any discussions about how to do that. I have not heard any discussions about others who want to amend this in some way. We have, essentially, a one-sided discussion. This side would very much like to see if we can move forward and get about the business of the Senate.

I have outlined the key questions about a program which is a classic example of what happens when you do not have the Government watchdogging the taxpayers' wallet. The money does not fly out of the sky and land in Washington and all of a sudden get used for one program or another. This is taxpayers' hard-earned money.

We have a situation in South Carolina, Oregon, and elsewhere where people are getting clobbered at the pump. They are all up in arms about the cost of gasoline. We have these record

prices at the pump. We have record profits people constantly read about, and the CEOs get pensions. Some of the pensions the CEOs are getting come to sums that are greater than whole communities, as far as I can tell, in terms of their pension relief. So citizens hear about this sort of thing and want to know what the Congress is doing to straighten out the priorities.

What this is about, folks, is straightening out the priorities. I don't think the priorities ought to be to have a minimum of \$20 billion used for a royalty relief program when the price of oil is over \$70 a barrel. The priorities ought to be for the kinds of things the distinguished Senator from Mississippi and his counterpart on the Democratic side have been working to get done. We do have emergencies. We have emergencies we have to address. I want to see it done. I will tell the Senate when we are subsidizing an amount that could possibly come to the full cost of this supplemental, this cries out for the Senate to step in.

I am going to do everything I can do and will continue to try to engage colleagues on both sides of the aisle so we can do what is necessary to protect the public; that is, essentially reining in a program that has been driven by a small number of lobbyists. A small number of lobbyists for a small number of companies has figured out how to make off with the bank. That is essentially what has happened. We have a program that very few know much about.

When it hit the newspapers a few months ago, Senators and others were up in arms. It is fair to say very few knew a great deal about how the program operated. Those headlines—"General Accounting Office Says Minimum of \$20 Billion Will Be Lost"—should have served as a wake-up call.

After we saw those news reports, Senators began writing letters, some of them bipartisan, saying to the Department of Interior: Give us the facts about the program. They said: We have read all these reports indicating what a waste of money, what a colossal waste of money this is. Give us the facts.

The Department of Interior has stonewalled Senators who are trying to get the facts about how the program works. The Senators pointed out the discrepancies in the information furnished. Senators pointed out there did not seem to be people watching this program and watchdogging it, but still no response from the Department of Interior.

So we get to the point, it seems to me, that somebody ought to come to the Senate and describe how an industry that is finding profit everywhere it looks ought to be given more relief from the Federal taxpayer. That is what it comes down to. This industry is doing exceptionally well. Everyone understands the importance of energy production. We understand the importance of seeing it produced in the United States. But the good ideas for

getting production going in this country are not ones that drain the Treasury of billions and billions of dollars. The good ideas are the kinds of ideas offered by the distinguished Senator from Wyoming, Mr. THOMAS, who talks about getting more production out of existing wells. That is the kind of thing we ought to be doing to get a new energy policy, a red, white, and blue energy policy that is patriotic.

Frankly, our energy policy does a great disservice to those who honor us by wearing the uniform overseas. I know the Senator from South Carolina has been a great advocate for those people. When I meet with folks in the military, I say: You have honored us with your extraordinary service by wearing the uniform and putting your health and the well-being of your family on the line. I want to get a new energy policy so it is less likely that your kid and your grandkid will be off in the Middle East fighting another war where people are saying it is about oil.

We owe it to those courageous people who honor our Nation by wearing the uniform to get them a fresh energy policy from ideas such as those offered by Senator THOMAS. This program is not one of them.

I see one of my cosponsors of this legislation in the Chamber. I am ecstatic he has arrived in the Chamber, and I yield to him under the unanimous consent agreement.

Mr. KYL. May I ask my colleague a couple of questions with the understanding he retains the floor?

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

Mr. KYL. I compliment the Senator from Oregon for bringing this matter to the attention of the Senate. It is my pleasure to cosponsor the amendment with the Senator. I also compliment the chairman of the Committee on Appropriations for his patience, his great patience, and his willingness to work with everyone and try to get this bill to a conclusion.

Let me first ask a couple of questions to make sure everyone knows exactly what we are talking about. It is my understanding that back in 1995, the Congress passed something called the Deepwater Royalty Relief Act designed to encourage the development of new sources of energy and that there were some mandatory provisions in that act that required the waiver of the payment of royalties from Federal land, from oil extracted from Federal land. The concept was we wanted to encourage the production of more oil and gas on these Federal lands and the best way to do that would be to enable the oil companies to keep the revenues and not pay the Government any royalties. Is that your understanding of the original concept of this legislation?

Mr. WYDEN. The Senator has summed it up very well. And at least reduce royalties.

Mr. KYL. And then what happened was in the Energy bill we adopted, we thought, well, if it was a good enough

idea then, even though these mandatory provisions of the act expired in 2001, it would be a good idea to continue them, but the administration at that time, observing the fact that oil prices were going up now, came to the conclusion that the extension of this royalty relief was not necessary and, in fact, issued its statement of policy on the Energy bill on June 14, 2005, saying the President believes that additional taxpayer subsidies for oil and gas exploration are unwarranted in today's price environment and urges the Senate to eliminate the Federal oil and gas subsidy and other exploration incentives contained in the bill.

So when the President made his statement about whether we should extend this mandatory royalty relief, he was saying at that time—this was in June of 2005, not quite a year ago; the prices were up but not nearly where they are now—but even at that level he was saying this provision is not necessary to encourage more exploration. Is that the Senator's understanding?

Mr. WYDEN. The Senator is absolutely right. It is Congress that kept lading out this money and the President, to his credit, has been making the point that these subsidies are not needed.

Mr. KYL. Might I ask further, the number that I have of the estimate of how much this is going to cost the American taxpayer over the next 5 years is \$7 billion. Does that number comport with what the Senator from Oregon has?

Mr. WYDEN. The General Accounting Office has said this program will cost, at a minimum, \$20 billion. I am looking at the headline of the newspaper that "GAO Sees Loss in Oil Royalties of At Least \$20 Billion," but one of the calculations has been \$7 billion.

Mr. KYL. Mr. President, \$7 billion may be a very low estimate. Is \$20 billion over a 5-year period?

Mr. WYDEN. That is over 25 years. And the cost, if the litigation that is underway is successful, the evidence indicates that could add up to \$80 billion. The entire supplemental is \$100 billion, so depending on how this litigation turns out before too long, the amount of money involved could be close to the cost of the entire supplemental.

Mr. KYL. Mr. President, I noted that the Senator said something earlier in his remarks that I thought was very important in the context of our consideration of this supplemental appropriation. We all agree we have to appropriate the funds not only for relief from the hurricane to States such as that of the Presiding Officer, but also to ensure that everything our troops need to conduct their activities in the war against terror is provided to them and that the bulk of the money in the supplemental appropriations bill is going for that purpose, but that this is emergency spending we have not offset in any other way.

What the Senator from Oregon has pointed out is that actually, in great

measure, a great deal of this could be offset if we simply eliminate some of the costly taxpayer subsidies such as that which is the subject of this amendment, so that we are in total agreement that we have to provide this funding for our military, and that one way we can help to pay for it is for the taxpayers to not have to continue this subsidy, which by all accounts is totally unnecessary to produce additional oil and gas, at least at this time.

Let me ask the Senator further, I don't know what the crude oil price was in June of last year when the President made his statement that this royalty was simply not necessary, but it probably was somewhere in the neighborhood of half of what it is today. Maybe the Senator has an idea on that. But the estimates today, I think—when I last looked at the market—were about \$72 a barrel. Therefore, if it is true the measure was not necessary a year ago, as lawyers say: a fortiori, it is not needed today.

Does the Senator from Oregon have any thoughts on that?

Mr. WYDEN. Again, I think the Senator has summed it up. The price of oil has doubled in the last 5 years. The Senator from Arizona asks about last year. I think, again, speaking off the top of my head, it was somewhere in the middle sixties somewhere, the price of oil per barrel. But I think the bottom line is, the Senator from Arizona is correct, it is now well over \$70 a barrel. And that is vastly higher than the amount the President says would warrant an incentive.

Mr. KYL. Mr. President, let me ask another question of the Senator from Oregon.

Your amendment does not just wipe out this provision that waives royalties but, rather, allows for a situation, as I understand it, when the price drops to a point where maybe some incentive is necessary to provide for this production. It actually does not eliminate the possibility of that incentive. Is that correct? Could the Senator explain that?

Mr. WYDEN. I am very grateful for the Senator from Arizona getting into this discussion because what I have tried to do is ensure we will have royalty relief when it is needed. Essentially one of two conditions would be met, and then you could have the royalty relief resume. One is, as the Senator from Arizona has said, the price of oil falls and you do need incentive.

The other, which, in effect, gives the President of the United States the last word, is a stipulation that allows the President, through the Secretary of the Interior, to say—if we need to prevent a disruption of supply; if the President determines we would have a disruption of supply at this crucial time when our country is at war—then the President of the United States can say: We will resume the Royalty Relief Program because we need this incentive for production; it is my judgment that without this Royalty Relief Program we would have a disruption in supply.

Mr. KYL. So, Mr. President, if I could kind of summarize this point, it seems to me this amendment represents kind of a win-win situation in that we have the opportunity now to save the American taxpayers a lot of money—money that is not necessary to stimulate the production of oil and gas at this time because the price of oil is so high. But it is also a win in the sense that the Senator from Oregon has drafted the legislation in such a way that should we need that ability to stimulate production in the future—for example, should we be in a wartime situation and the President determines we have to do everything we can to produce more domestic oil—that the authority exists and would continue to exist. The Senator from Oregon is not eliminating that authority but noting that is one of the protections in his amendment.

So it seems to me that either way we have protected the American taxpayer, the American consumer, and, of course, the American citizen in a time of war. So it is a little hard to argue there could be a bad result from this since at the time you might need this kind of stimulus, it would be there or at least potentially would be there.

Let me make another point and ask a question. I happened to have been watching television the other night late, and I believe it was the Discovery Channel, watching the drilling off of our coast down to the depths of—I have forgotten how many miles. It was incredible. The people on the rigs were saying they never dreamed years ago they could do that, that they would be able to do that. Certainly the Presiding Officer, being from the State of Louisiana, knows a lot more about this than I do. I was impressed with the ability of these people to explore, to find the oil, and then to be able to drill at such great lengths, and to be able to pull that oil out of the ground in a way that, while very expensive, was still profitable and could, therefore, contribute to the domestic oil production in the United States.

At a time when it does not appear it is at all necessary to provide this kind of royalty relief, it seems to me we ought to be taking our hat off to those who produce this kind of critical product in our society during a time of war.

My understanding, at least from some folks I talked to, was that at least the companies that were asked about this at the time said they did not even need this royalty relief, that they could do this work, that the price of oil was such that they could pull it out of the ground.

So like the Senator from Oregon, I am a bit mystified about who the folks were who came in, whether it was in the dead of night or whenever, and extended this in the Energy bill. I would note this is one of the reasons I voted against the Energy bill, by the way. I saw the President's Statement of Policy saying we don't need this provision. It was a mystery to me why it remained. It was clear it was going to cost a lot of money.

The Senator from Oregon has now quantified how much that is. Again, the estimate I have, over 5 years, is at least a \$7 billion cost to the taxpayers. At a time when we are looking for revenues to offset the cost of the war, it seems to me to be a perfect opportunity to achieve two good policy objectives: save some money for the American taxpayer, avoid the bad policy of subsidizing something that does not need to be subsidized, but retain the ability to continue stimulating our domestic production if and when we need to have such a policy to do so.

So I commend the Senator from Oregon for his work. I am very pleased to cosponsor it. I hope through the processes of the Senate at some point we can get this matter to a vote.

Again, the distinguished chairman of the committee has left the floor momentarily, but I want to commend him for his patience in trying to work out all of these things. I suspect somehow or other we are going to be able to sit down and work out a vote on this since it is pretty hard for me to see where any opposition to this amendment could come from based upon the fine arguments the Senator from Oregon has made.

So, again, I commend the Senator from Oregon. I am very pleased to cosponsor this and will work in every way I can to bring it to a vote so we can effect the policy.

Mr. WYDEN. Mr. President, before he leaves, I hope the Senator can stay a bit longer as well because I so appreciate his insight and input on this issue.

The Senator from Arizona has been making these points ever since—in the Finance Committee and in the Energy Committee we were talking about this legislation. And you and I and others said: Let's think through now how to use scarce taxpayer resources wisely. Let's take out a sharp pencil and say there are going to be some areas that you set aside, and there are going to be some areas you promote.

I have been talking about Senator THOMAS's efforts at some length here today because I think Senator THOMAS gets it in terms of what we ought to be looking at as far as our long-term needs in terms of production.

The Senator from Arizona said we should be taking our hat off to people who produce energy. I certainly second that. And I am glad the Senator has done that. I want to say I think what we are trying to do in our amendment—and you and I and Senator LIEBERMAN in particular—is we are saying not only do we want to be supportive verbally of what people are doing to produce energy in our country, but we want to say, as we have outlined in the royalty relief amendment we are talking about here, is they can get royalty relief when it is needed. In other words, this is not a bunch of verbiage where people come over to the floor of the Senate and say: Oh, maybe you will be able to do this; maybe you will be able to do that.

I think what we have spelled out, as a result of your thoughtful questioning, is that when relief is needed—either the prices are down or we have a threat of disruption—not only are we going to say we are for the producers, we are going to back it up, and they will be in a position of being able to secure that royalty relief support.

I am happy to yield to the Senator from Arizona for additional questioning.

Mr. KYL. I thank the Senator.

Mr. President, the Senator from Oregon has made a very important point I want to second; that is, at the time this was being debated, I recall the Senator from Oregon, in his comments, making the same points I made, which were that it is important for us to be supportive of American industry being able to do the things we want it to do, but that since we are talking about taxpayer dollars, we need to be very careful that if there is some kind of support for industry, that it is very well thought out, that it is not open ended, hopefully, it is not mandatory, that we retain enough flexibility, let's say, so when the conditions no longer warrant the support of a particular industry we will no longer do that.

Now, all of us in this body can have different ideas about when that is appropriate. I happen not to be a big fan of subsidies. Some others may like them a little bit more. But at least the Senator from Oregon and I have been consistent for a long time wanting to know the facts about whether support for a particular good cause was necessary with respect to the expenditure of taxpayer dollars. If it was necessary for the national good during a time of war, for example, then I think the consensus is there to always do it. But what we said is: Is it necessary at this time? We were talking about a situation where oil was at least \$10 a barrel cheaper than it is today. Even the President was saying at that time: This particular subsidy is not necessary.

So it seems to me that colleagues who may have supported the bill at the time would have no reason not to support our amendment here because this is a very specific and differentiated item. It is not the entire Energy bill; it is one very specific little provision. It is a provision that will save us a lot of money if we can get it amended the way we are talking about doing. And its relevance to this supplemental appropriations bill—whatever the germaneness provision is—its relevance is very clear.

It would be nice if we could offset some of the spending we are going to have to engage in here to support our troops with real savings. This is an area where we can achieve real savings because the royalty is simply not needed at this time for the purpose that it was originally put in the legislation.

So this would be consistent with the policy we have talked about for a long time. And I think it makes very good

policy sense for the country to begin to put it into place in the future. When you need something like this, fine. But when you do not need it, then don't saddle the taxpayers of the country with an expenditure that simply takes money out of their pocket and is not needed by the producers, who are going to be producing the oil, in this case, in any event.

Again, I thank the Senator from Oregon.

Mr. WYDEN. I thank my friend from Arizona.

I would also say with respect to this issue of relevance, not only would we be able to save a significant chunk of the tab for this overall emergency supplemental, but the House, the other body, at page 64 of their bill, talks specifically about the Minerals Management Service. So we are already seeing some concern, at least on the part of the other body, that the Congress ought to be looking at this program.

So it is my hope—and you were talking about making sure there is an effort to watchdog this program. Now is when you watchdog it because the spigot is on, and it is gushing taxpayer money. It is gushing taxpayer money at a time when the Government does not have it. And the Government's lack of funds has forced the distinguished Senator from Mississippi to come and work on an emergency spending measure because the Government does not have any money.

So I think that highlights why this is so important. And, once again, well into 3 hours of discussion on this, I want to review for colleagues that we have not been able to work out an arrangement to get a chance to vote on this as part of a batch of amendments. No Senator has come to the floor to speak against this amendment. No Senator, neither political party, has said this amendment is off base.

What we just heard from the distinguished Senator from Arizona, who sits on both the Finance Committee and the Energy Committee, is that we need this. We need this to make sure we watchdog the use of taxpayer dollars. This program worked in the 1990s.

It boosted oil production substantially. We were all glad to see it. But the fact is, the President says we can get the production now without these kinds of subsidies when the price of oil is over \$70 a barrel. I am hopeful we can continue to work—I see the chairman of the full committee, Senator COCHRAN, here to get it worked out—so that we could do what is customary in the Senate, and that is make this amendment part of a batch of amendments.

I do want the Senate to know a little bit about the payment terms of this program and how this program works in terms of royalties and rentals. I will read a little bit from a Congressional Research Service report that describes it. The leases are conditioned upon payment to the Government of a royalty of at least 12.5 percent in amount

or value of oil or gas production that is removed or sold from the leased land. Leases subject to rates in effect after December 22, 1987, generally pay a 12.5-percent royalty, but this percentage can increase if a lease is canceled because of late payments and then reinstated. The Secretary of Interior also has the power to reduce the oil royalty on a noncompetitive lease if it is deemed to be equitable to do so.

Once again, we are talking about very favorable terms for the companies. We are talking about noncompetitive leases. We are talking about something I don't think anybody sees in the private sector in Mississippi or Louisiana or Oregon, but yet that is the way we do business in this particular program.

The Congressional Research Service goes on to say: For oil and gas leases, the royalty must be paid in value unless the Department of the Interior specifies that a royalty payment in kind is required. Once the royalty has been paid, the Secretary is required to sell any royalty or gas except whenever, in their judgment, it is desirable to retain the same for the use of the United States.

That is the heart and soul of how this program works. The Secretary is given this extraordinary waiver authority to suspend or reduce rentals and royalties under certain conditions. Unfortunately, we have seen some problems in terms of the Secretary using that discretion. That is one of the reasons I have come to the floor and raised this concern.

Senators know who is getting the profits. I have tried to talk about the trifecta: The profits that are being made, the mandatory spending that goes out the door in terms of this program. Then we have the granddaddy of them all, the question of royalty relief. What it really comes down to is the Senate's saying, after years of decisions being made about this program behind closed doors, we are actually going to have a debate about this and at some point work out a way to take a vote on it. I don't think that is an unreasonable position.

This is a program that is out of control. This is a program that ensures that billions of subsidy dollars will fly out the door, even when the President says it is not necessary. The price of oil is \$70 a barrel plus right now. The President said hold the line on the subsidies when it is over \$50 a barrel. The Royalty Relief Program holds no lines.

Essentially, the Royalty Relief Program is a wish list for a handful of very powerful interests who have figured out how, behind closed doors, to have their way with the program. This is the sweetest of the sweetheart deals. It needs to change. I would like to see a Senator come to the floor and defend the Royalty Relief Program as it is presently constituted. This involves billions and billions of dollars.

For example, think about what we could do for the Low Income Home En-

ergy Assistance Program. That is a program about which many Senators have been concerned. Think about what we could do for the Low Income Home Energy Assistance Program if we reconfigured the Royalty Relief Program to one essentially based on need, with prices going down, or supply disruption being the only factors in making a decision about whether to have the royalty relief.

We could have plenty of money left over for deficit reduction, even after helping the Low Income Home Energy Assistance Program.

The Senator from Mississippi has a bill that has a number of provisions in it I strongly support. But budgets are about choices. As a Senator, I cannot explain to the people of my State how a program like this is going to be run like business as usual. When billions of dollars are shoveled out the door, when independent audits continually site the lack of controls, when the companies that look to this program give one set of facts to one agency and another set of facts to another agency, that is unacceptable. That is what I want to change. I guess we will be here on the floor of the Senate a while in order to try and get it worked out.

I am reading again from news reports. The General Accounting Office has said that the best case for the amount of money that would be lost to the American taxpayer is \$20 billion. The press has already reported that this would involve an instance where energy prices are over what is called the so-called threshold in the years ahead. The companies that have sought this have won a huge victory at taxpayers expense. They have won legal victories in the past. All the more reason for Congress to step in and establish some accountability and ground rules. There are prospects that if they win their next lawsuit, we could be spending another \$50 or \$60 billion over the years ahead on top of the most optimistic projection for the cost of the program, which would be \$20 billion. We are talking about big sums of money.

I would like to read from a report that shows how conservative these numbers are. The New York Times said, in an analysis of this program, that the General Accounting Office based its estimate on the assumption that crude oil would sell for about \$45 a barrel, a level well below what was then the \$66 cost in the futures market. So these are very conservative projections. I am concerned that with the General Accounting Office lowballing the cost of the program, the tab to the taxpayers will be much greater than anyone has envisioned.

I hope Senators will want at some point to come to the floor and see if we can work out a way to vote, look at further suggestions and revisions. If they don't, we will have to stay at it and continue to talk about this issue.

I want to address one of the issues that came up in the discussion over the

Energy bill, that somehow this program wasn't going to cost taxpayers any money. Folks said that with a straight face. They said: No, it is not going to cost people any money. We are going to have to figure out a way to deal with this issue.

They said: It is not going to cost people any money. That statement was made by some of the supporters of the program back in 1995. They said in 1995 this would produce revenue for taxpayers, and they were concerned that people were somehow saying otherwise.

The reality is, this has not been a no-cost program. This has been a pricing program. This is a program that is going to cost the taxpayers billions and billions of dollars. It is the biggest of the programs. I am still struck by the discussion that we had with Senator NELSON earlier. Senator NELSON was concerned about a program that cost a billion dollars. That is a lot of money to taxpayers, a billion-dollar subsidy. Here we are talking about a program that could go to \$80 billion. Senator COCHRAN's supplemental comes in, I believe, in the vicinity of \$100 billion. Depending on how the litigation plays out, the amount of money involved comes to an amount equal to what will be spent in this emergency supplemental.

This is a subsidy that is more than a dubious use of taxpayer resources. This is a subsidy for which there is no logical argument at all. We are not seeing low prices. We are not seeing an investment climate with ominous signs over it—quite the opposite. We are seeing an investment climate in energy that is certainly promising. If we look at stocks and profits and the like, energy prices have been very high. We are not talking about crude oil selling for \$16 a barrel. Back in 1995, that is what they were talking about. They were talking about crude oil selling for \$16 a barrel.

Let's think about that. In 1995, when this program was originated, when there was a discussion about how to proceed and move ahead, the price was \$16. Now we have prices at over \$70 a barrel. How can one argue that a program that was conceived at a time when we were talking about prices of under \$20 a barrel is needed when the price of oil is over \$70 a barrel? That is what we are dealing with here, and that is why I and others want to rein in this program.

To furnish all of this royalty relief on top of the record profits and on top of the record cost, I don't get. I don't get how, when you have the industry prospering as it is today, and taxpayers, particularly the middle class, feeling the crunch, how do you make the argument that you ought to use taxpayer dollars this way?

I have introduced tax reform legislation targeted to the middle class. The reason I have is that the middle class today is being squeezed as we have never before seen. Certainly, we have not seen it in the last 50 years. For the last 50 years, when corporate profits

have gone up, when you have seen increases in productivity, the middle class has benefited. We have seen them enjoy the fruits of expanded profits and productivity. We are not seeing that today.

The middle-class folks from Mississippi, Louisiana, and Oregon are getting shellacked. This bill cannot do everything that is needed for the middle class, certainly, but it seems to me what we can say is the middle-class person should not see their tax dollars used for a program such as this that is totally out of control. I wish to see middle-class folks get a break. When I have my community meetings at home—and, like other Senators, I get to every part of the State—I have these open meetings and folks can come in. Almost always the second word is “bill.” First, it is medical bill, and then gas bill, then home heating bill, then mortgage bill, then tax bill. The middle-class folks cannot keep up.

So if the Senate keeps this program going in its current form, as opposed to what I am trying to do, which is to reconfigure it, target it to where it is needed, what will happen when Senators go home and middle-class people ask them about what is being done? In effect, what is happening is that tax dollars from middle-class people, at a time when they need a break and some relief—they would have to say that essentially they go into the coffers of the Government and then out they go in terms of billions of dollars of royalty relief, when the President of the United States says it is not necessary. That doesn't make any sense.

This is essentially a debate about priorities. What I think we ought to be doing, especially on this middle-class issue, where people making \$40,000, \$50,000, \$60,000, or \$70,000 have been hit so hard and they are living payday to payday—that is how middle-class folks get by. They get their paycheck and they use it until the next one comes along. The Federal Reserve said not long ago that middle-class people have seen virtually no increase in their net worth over the last 5 years.

Whose side is the Senate on? Are we on the side of those who want to keep milking this Royalty Relief Program, at a time when it is not needed, at a time when we are seeing record profits and record costs or are we on the side of middle-class folks? I want to be on the side of middle-class folks. I want to better protect the use of their tax dollars. This is the most flagrant waste of tax dollars I have seen in a long time. That is why no Senator comes to the floor of this body to defend it.

This is such an exorbitant expenditure. This is such a waste of taxpayer dollars that no Member of the Senate wants to come to this floor and defend the way this program is now being run. That is what it comes down to. Nobody wants to defend it, but somehow we cannot work out a way to get a vote and to actually see where the Senate stands on whether this program ought

to continue as it is, or whether the Senate is willing, as I am proposing, to try to change it and make sure that instead of special interests and lobbyists being able to hotwire this whole program behind closed doors and talk to people at the Department of Energy, that we stand up for the public. It is all about choices.

At a unique time in our country's history, when we are seeing an extraordinary economic transformation, when the people of Louisiana, Oregon, and Mississippi are not just competing against somebody down the road and we are competing against tough global markets—those in China and India—I want to see us change our priorities. I want to see us pay for this legislation responsibly.

Senator COCHRAN has a bill that in many respects, I believe, makes a lot of sense. I am anxious to go forward with his legislation and see, on a bipartisan basis, how we can deal with the emergency needs of our country. What I am not willing to do, however, is to look the other way on this program any longer. I am not willing to do it. We may have a vote at some point. Maybe I will prevail and maybe I will not. When I talked to Senator COCHRAN this morning, we were talking about the way the Senate works. The Senator from Mississippi has always been very fair in the past. He said: Look, the Senate debates and then the Senate has, through its customs and rules, a way to ensure that the Senate takes a position. That is all I am asking. I am asking that the Senate do what it customarily does. What we do, as far as I can tell, practically every single week we are in session—almost every week I have been here, we deal with a variety of issues that come up from Senators in the form of amendments. The amendments are debated and then the Senators have an opportunity to have the Senate go on record on their particular amendment as a part of a group of measures that are considered. That is not what is going on here. I am curious why.

I wish we would hear from some who possibly oppose the legislation why we cannot do what is done virtually every week in the Senate, which is to have a debate, have a discussion, and then the Senate makes a judgment on whether a particular amendment or effort is meritorious.

I see the distinguished Senator from Washington, who is such a wonderful advocate for the Pacific Northwest. She has done extraordinary work, particularly on infrastructure, on port security, on making sure we have good investments in transportation. You cannot have big league quality of life with a little league transportation system. So what we find is when the Senator from Washington wants to see scarce dollars go into infrastructure and into port security, and a number of the valuable areas she has been advocating, we cannot do that because a minimum of \$20 billion is going to be

lost to this particular program, and if the litigation is successful, it will be \$80 billion.

So, again, this is going to come down to choices. I like the kinds of choices the distinguished Senator from Washington, Senator MURRAY, has been talking about. I think she said we ought to focus on middle-class folks, we ought to focus on infrastructure, we ought to focus on a handful of choices in a difficult budgetary climate. But it is not going to be possible to have the resources the distinguished Senator from Washington has been talking about if you continue to throw money out the door in a wasteful fashion. That is what it is all about.

This is not very complicated. It has been documented. How the Senate can essentially stiff the General Accounting Office on its recommendations to get some controls on this program is beyond me. I guess that is still what some wish to do. But I am going to do everything I can to prevent it. This program, as Senator Bennett Johnston said some time ago, is not what was intended. Those are not my words. Those are not the words of Senator KYL or Senator LIEBERMAN, my cosponsors of this particular effort. Those are the words of the author of the legislation, who hails from the same State as the distinguished Senator in the chair. So with the author of the program saying it wasn't intended, with people all across the political spectrum saying you don't need royalty relief in this particular climate, I wish to see the Senate take a position up or down as to whether this kind of royalty relief is needed.

If the Senate doesn't, it seems to me what the Senate is saying is we will do business as usual, in terms of all of these subsidies. In other words, we talk a lot about tax breaks and the like and what we might be doing on some of them. This is the biggest subsidy. This is No. 1. This is the one that counts if we are serious about all of the speeches that are given about cutting back needless subsidies to the oil sector. Senator NELSON summed it up very well. He was concerned about spending a billion dollars in terms of a subsidy program that was ill-advised. I think Senator NELSON is on track, and I am anxious to find out more about the program he is concerned about. But that is a tiny fraction of what is at issue.

So I think if the Senate is concerned about changing our energy policy, at a time of record profits, at a time of record prices, it cannot duck the big ticket items. You cannot say you are serious about using taxpayer money more prudently and then pass on the programs such as this one at the Minerals Management Office that count. In particular, you should not duck them when all of the evidence indicates that the historical rationale for starting this program in the 1990s, with low prices and a need to boost production, isn't present any longer.

I see colleagues on the floor. I see my friend from Colorado, Senator

SALAZAR. He did extraordinary work in what was called, I think, the Gang of 14, I believe, in terms of getting the Senate to come together on some judicial nominations. Perhaps he can work his great talent into finding a way for us to move ahead now. Senator MURRAY is also one who is no weak soul in terms of parliamentary procedure. I see two good friends on the floor.

I am happy to yield to my friend under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding a few minutes to give him a break so he can take a drink of water and continue his dialog. He raises a very important point in the argument he has been advancing for the last several hours. I very much respect his passion on the issue.

I request of my friend from Oregon to enter into a consent to allow at least my amendment to move forward, and perhaps two or three others of colleagues who have been waiting in the wings, with the understanding that upon the offering of those amendments, then the floor would return to him.

Mr. WYDEN. Parliamentary inquiry, Mr. President: I am very anxious to accommodate the distinguished Senator from Colorado. I will tell colleagues I am vastly more interested in accommodating my colleague than anyone can imagine at this point. But my understanding, and I need to have this clarified by the Chair, is that if I were to do what the distinguished Senator from Colorado has asked, I would lose my opportunity to automatically come back to the floor; is that a correct interpretation?

Mr. President, I hope it is not because I would love to do exactly what the Senator from Colorado has asked.

The PRESIDING OFFICER. It is the Chair's understanding that would depend entirely upon the exact terms of the unanimous consent request and that a unanimous consent request could be so structured to avoid what the Senator is talking about.

Mr. WYDEN. That is probably one of the most encouraging things I have heard in hours.

Mrs. MURRAY. Will the Senator from Oregon yield?

Mr. WYDEN. If I can respond, just to ensure that we are absolutely correct on this point, what I would like to do—and, hopefully, we can work it out in a matter of minutes—

Mrs. MURRAY. If the Senator from Oregon will yield for a unanimous consent request, Mr. President.

The PRESIDING OFFICER. Does the Senator from Oregon so yield?

Mrs. MURRAY. I ask the Senator to yield without losing his right to the floor immediately after—

Mr. WYDEN. Without losing my right to the floor immediately after the question; of course, I yield.

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

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed to call up his amendment and offer it, and at the end of that time, to immediately return the floor to the Senator from Oregon.

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. I am only stating this reservation to be able to propound a parliamentary inquiry of the Chair. If the unanimous consent request is propounded exactly as the distinguished Senator from Washington has so stated, would it be possible for the Senator from Colorado to offer his amendment and then the Senate would automatically return to consideration of my amendment?

The PRESIDING OFFICER. As the Chair understands it, the pending unanimous consent request would return control of the floor to the Senator from Oregon but does not specifically address the issue of whether his amendment will be the pending amendment.

Mr. WYDEN. Mr. President, I ask the Senator from Washington to modify her unanimous consent request so that at the conclusion of Senator SALAZAR's offering his amendment, not only would I be recognized but that we would again be dealing with my specific amendment so I would not lose the opportunity to come back to my amendment which is before the Senate after Senator SALAZAR has completed. So it would require a unanimous consent modification.

Mrs. MURRAY. Mr. President, I so modify my unanimous consent request that the Senator from Colorado be allowed to offer his amendment, and then at the conclusion of his offering that amendment, he would set it aside, and we would return to the pending amendment, which is the Wyden amendment, with the floor being under the control of Senator WYDEN.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, reserving the right to object, it is my understanding of the unanimous consent request that this would give the distinguished Senator from Oregon the right to have his amendment the pending business after disposition of the amendment of the Senator from Colorado. If that is correct, my conclusion is that we are placing in the hands of one Senator by this action a decision as to what the order of business is of the Senate, the order in which amendments can be considered, specifically these two, and that they have priority over any other motion or action that could be taken by any other Senator under the rules of the Senate. Under that assumption, I am obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I say to my colleague that I think the attempt here is that the Senator from Colorado simply would like a few minutes on the floor this afternoon to offer his amendment. I don't think he is trying to supersede the order of any other amendments. The pending business of the Senate is the Wyden amendment, so the intent of the Senator from Colorado is simply to have a few minutes on the floor to offer his amendment. He has been here numerous times throughout the day simply asking for that time, and then we will return to the current order of the Senate.

Mr. COCHRAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. If that is a unanimous consent request, I reserve the right to object to it and make a further observation. By this procedure, if the unanimous consent requests—plural now—are approved, no other Senator has a right to offer an amendment even to the amendment offered by the Senator from Oregon. No one has the right to move to table the amendment of the Senator from Oregon which establishes his amendment by the request in a position that no other Senator has a right to expect.

Everybody is governed by the same rules, but in this instance, the Senator from Oregon is trying to construct a situation where he is not under the same rules. His rule is that he is entitled to an up-or-down vote without any further amendment, without there being an opportunity to move to table by any Senator in the Senate. That is inappropriate.

That is a modification of the rules without discussion of it and is a bad precedent to set. He is governed by the same rules as all Senators are. We should not make any exception in that. There has been no cause shown for that. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I very much regret the action of the distinguished Chair of the committee because I am extremely interested in having the Senator from Colorado be able to offer his amendment, and I thought that what the Senator from Washington did was very constructive.

I repeat, this Senator seeks no special treatment. I have been trying since last night, when Senators went home and I came to the floor to offer it, to do something that goes on in the Senate every single week. I know of no week since I have been in the Senate when the Senate has not done what it is that I hope to work out very quickly so that Senator SALAZAR can offer his amendment.

We have debates—mine, Senator SALAZAR, and others—and then the various amendments are clustered together so that at some point the Senate goes on record. I haven't asked for anything other than that.

The Senator from Mississippi has talked about various issues I have not addressed in any way. What I have said is, I would like to see the Senate do with my amendment what the Senate does every single week the Senate is in session, which is to bring together a group of amendments. That is all I am asking for and still hope to work out.

I yield to the Senator from Colorado for the purposes of his question.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon. I ask him the question as to whether a short period of discussion, perhaps between the Senator from Oregon and the distinguished chairman from Mississippi and the distinguished Senator from Washington may allow us to work out some kind of procedural framework where not only the amendment that I am proposing to offer is able to be offered, but in addition to that, Senator MENENDEZ, who has been here waiting several hours to offer an amendment, might offer his amendment, as well as several of my colleagues who are here, including Senator CONRAD and earlier Senator BYRD.

The suggestion I am making to my friend from Oregon is if we take a breath, we might be able to get perhaps three or four amendments offered on the Democratic side and three or four amendments offered on the Republican side, allowing the Senator from Oregon to return back to his amendment as the pending business of the Senate.

Mr. WYDEN. Mr. President, I say to my friend, I wouldn't just like to take a breath, I would like to take multiple breaths at this point. Unfortunately, what we have been told by the Chair is that it is not possible to work out some kind of format so that at some point, as part of a batch of amendments, mine could be considered.

As to the question the Senator asked about working with the distinguished Chair of the committee, I will tell you that half an hour before the Senate came in, I called the distinguished Chair of the committee, and I asked that we do exactly what the Senator from Colorado said. In other words, I was concerned about just this scenario. And so about 9:30 or so, I called the distinguished chair of the committee, Senator COCHRAN, and said: I am willing to do somersaults to work this out so as to be fair to all Senators because having watched this program grow and grow behind closed doors, and watch this sugar-laden program get sweeter and sweeter over the years, I have seen all the big decisions made behind closed doors. So fearing exactly what the Senator from Colorado has talked about, I called the chair of the committee at 9:30 in an effort to try to work this out.

Ever since 9:30—and now I guess we are about at 2 o'clock—that has been my interest. It will continue to be my interest.

The Senator from Colorado says I ought to have an opportunity to take a breath. I will tell him, I wish it was more than one.

Mr. COCHRAN. Mr. President, will the Senator yield for a response since he referred to his conversation with this Senator this morning?

Mr. WYDEN. Without losing, again, my place, of course.

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

Mr. COCHRAN. Mr. President, the Senator is correct. The Senator did call me, as he said, and asked if he could get a vote on his amendment, be recognized to debate his amendment. I said I am not in the business of picking out which Senator can speak first. This is the Senate. The first Senator who rises when we go in today and says "Mr. President" gets recognition and can talk about anything that Senator wants to talk about, for as long as he or she wants to talk about it, and can offer any amendment to any pending amendment, can have the attention of the Senate. But that is not my prerogative, it is the Presiding Officer's prerogative to recognize Senators.

I told him I wished him well with his amendment in terms of getting recognition, offering it, and talking about it and proceeding. Go ahead, you don't have to get my permission.

That was pretty well the extent of the conversation. The fact is that there are 21 pending amendments that come ahead of the Senator's amendment. There are 21 in all; 20 come ahead of the Senator. His is the last one that has been presented to the Senate.

I can read the list. We have had some that have been adopted, some that have failed, and some that are still pending without action by the Senate. Those Senators have a right to have their amendments considered. So he is asking that we put his amendment to the top of the list from 21 to 1 and that no amendment can be offered to his amendment and that it can't be tabled on a motion of another Senator. That is not fair to all the other Senators. That is not fair to the Senate. That is why I am unable to agree to give him those rights.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, if I can reclaim my time, the Senator from Mississippi is a person of enormous integrity. I agree with the vast majority of what the Senator has said with respect to our conversation. The only part I take exception to is I did not ask to be put to the head of the line. I have never asked to be put to the head of the line. I told my friend from Mississippi that I had offered the amendment last night, so it was the pending business, and I said, fearing exactly what we have seen, that I was open to just about any possible way to do what

the Senate always does, and that is to have amendments considered, have them put in to a batch, and voted. So I simply want to say, because I do have the highest regard for the Senator from Mississippi, that I agree with the vast amount of what he has said, but I do take exception to the part where I asked to be put ahead of other Senators. I said I am open to working this out in any way. Frankly, I don't really care whether it is even in the first batch of votes that the Senate would take. If we can work it out so it is in the second batch of votes, fine by me as well.

I see now we have the Senator from New Mexico here who knows more about this program than anybody else, frankly, on the planet. I am glad he is here, and I hope we can have a discussion about this, because I have been troubled by the fact that we are not having debate about it, and maybe the presence of the Senator from New Mexico will get us to the point where we can get to a vote.

Senator KYL and I both serve on the committee. Like you, Senator COCHRAN, Senator DOMENICI is very fair. He and I have disagreed on loads of issues. When I think of Senator DOMENICI, I always think of fairness—always. That is what I am interested in, having become a part of all of this. To me, fairness—fairness—is when the Senate has a debate, and we have had that now for many hours, and amendments are pulled together in a cluster, and I am open to being part of the first cluster or the second cluster. And maybe there are other ways to work this out. I would have been very pleased to have done what Senator SALAZAR and Senator MURRAY are talking about.

Would the Senator from New Mexico like me to yield to him for a question? I yield to the Senator, again, under the unanimous consent agreement.

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

Mr. DOMENICI. Mr. President, I thank the Senator for the kind words. I think we are wearing the patience of the chairman thin, so we ought to get on with doing what we can. I want to ask the Senator—I want him to take this fairly and squarely, and when I am finished, if you don't believe what I am saying, then I would like very much for you to have your staff go take a look to see if I am right or not.

First of all, Senator, I think you made a mistake with your amendment. I think the amendment is wrong in that under current law—and what the Secretary has done under current law—the oil companies will pay more royalties than they are going to pay under your amendment. You set a threshold, for instance, on oil of \$55, if I read your amendment correctly. Your staff is there and they can confirm this: \$55. The Secretary has already established the threshold for oil at \$36. So the difference is that at \$34, they start—that is the break point, and you have made a mistake in taking it all the way up

to \$55. It shouldn't be \$55 when it is much lower. It means that the oil companies are going to pay much more at a much lower level of the price under existing law than under your amendment.

So your amendment should not be adopted. I want to be fair, but I just want to tell you it shouldn't.

Mr. WYDEN. Is the Senator asking a question?

Mr. DOMENICI. I will ask: Do you know that? I started off by asking if you know that.

Mr. WYDEN. I do. And in response specifically to the Senator, nothing in the amendment says that threshold couldn't be lower. Of course, the threshold should be addressed in a responsible way. All we are saying is that we are not going to shovel taxpayer money out when it is over \$55 a barrel. But nothing in my amendment says the threshold couldn't be lower, and that is why it better targets the resources and would do something about it.

Again, the General Accounting Office is not some group with a political ax to grind; it is the Government Accountability Office, the people we hire as our auditors who have been talking about all the waste in this program.

As the distinguished chair of the committee knows because he has seen the letter from the Senators, this program is so riddled—so riddled—with questionable issues, the companies don't even give the same facts to the government. They say one thing to the Securities and Exchange Commission and say another thing to the Department of the Interior, and the Department of the Interior people say: Well, we don't know what to make of it.

So I am very glad the Senator is on the floor, and if the Senator would be willing to work with me, I am interested in trying to do what Senator KYL and I and Senator LIEBERMAN have been working on with this bipartisan amendment. But in response to the particular point made by the chairman of the committee, nothing in this amendment says that the threshold couldn't be lower, and obviously it needs to be.

I think now the Senator from Colorado is next, and I yield to him.

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

Mr. SALAZAR. I thank the Chair, and I thank my colleague from Oregon. I would like to ask a question of my friend from Oregon and a question of the Senator from Mississippi, Mr. COCHRAN. If we can find an agreement that will allow three amendments from the Democratic side and three amendments from the Republican side, and then at the end of those six amendments being sent to the desk, returning back to your amendment as the pending business of the Senate, is that something that the chairman of the committee would object to? If we were to offer a unanimous consent agreement with respect to those six amend-

ments and we would agree to what those six amendments would be, would then the chairman of the committee object to us moving forward with that kind of a unanimous consent agreement, understanding that we would be returning to the amendment of the Senator from Oregon at the end of that?

The PRESIDING OFFICER. Does the Senator propose that as a unanimous consent agreement?

Mr. SALAZAR. I do propose that as a unanimous consent agreement.

Mr. WYDEN. Reserving my right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, wanting very much to accommodate the Senator from Colorado, could the Chair clarify that if we did what the Senator from Colorado is talking about exactly as he has so stated, that after that group of amendments, I believe it was six that the Senator from Colorado talked about, we would return to the amendment that I am offering being the pending business of the Senate?

The PRESIDING OFFICER. Under the proposed unanimous consent agreement of the Senator from Colorado, after the six amendments are read from the desk and briefly discussed, the Wyden amendment would remain the pending amendment and the Senator from Oregon would have the floor.

The Senator from Mississippi.

Mr. COCHRAN. Reserving the right to object, Mr. President, as I understand the Senator's request, this would prevent the Senator from New Mexico from offering an amendment to the amendment offered by the Senator from Oregon. It would also prevent returning to the first amendments that were offered and that are the pending business of the Senate; specifically, amendments offered by the Senator from Oklahoma, Mr. COBURN.

I understand that he would like to have his amendments considered and voted on in the regular order in which they were filed by the Senate. An alternative to the proposal of the Senator from Colorado is to go to the regular order. But as long as the Senator from Oregon has the floor, if he doesn't ask for the regular order, no other Senator can, as I understand it, because we don't have the floor for that purpose. So, again, what the Senator from Oregon is trying to do is to design a situation that benefits him, puts him in priority over all the Senators who have amendments pending, and provides that he will get an up-or-down vote on his amendment; that it won't be subject to any amendment, that it can't be tabled. That is not fair. I can't agree to that. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard. To clarify, the Chair would note that the unanimous consent agreement proposed by the Senator from Colorado does not address in any way votes on any amendments.

The objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to again highlight that this Senator very much wants to accommodate the Senator from Colorado and to do exactly what he is talking about—what I wanted to do hours and hours ago, but the chair of the committee is the one who has objected. I called the chair a half an hour before we went into session, knowing that we were really looking at the prospects of this kind of gridlock because I know the decisions about this multibillion-dollar boondoggle have always been made behind closed doors.

When I offered this amendment last night, and it was pending when he came in this morning, I knew there was the potential for this. I called the Senator from Mississippi a half an hour before we went into session this morning in an effort to try to work out what is done in the Senate all the time.

I see Senator DODD here who is our leader on the Rules Committee and knows vastly more about this than I. But what I tried to say is let's do what is done in the Senate every single week. You consider a big batch of amendments, and at some point after both sides have been noticed, then you go to a vote. You go to a vote so that both sides are aware of what is going on.

I have also offered here that I wouldn't even be in the first cluster of amendments that were considered. So that, again, even though my amendment was pending last night, when we came in, we could have colleagues get the first votes. Colleagues would get the first votes before my amendment. But what I am forced to conclude, and why I am going to stay here and try to stand up for taxpayers, is that virtually nothing is acceptable other than what we saw in the Energy Conference agreement where oil royalty relief got sweeter for a handful of companies, after midnight, in the middle of the night, with no accountability.

This is a program with a minimum cost of \$20 billion. If the litigation involving this program is successful, the tab for this program will be \$80 billion. That is virtually the amount we are talking about in terms of emergency spending.

So the Senate is looking at the bizarre situation of having an emergency supplemental because the Government doesn't have the money. Yet even though we have an emergency supplemental, we are sending out the door billions and billions of dollars that the General Accounting Office has deemed wasteful. I don't think that makes sense.

I am willing, again, to yield to my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Oregon for yielding, once again. I would like to ask a question of the Senator from Mississippi, if I may.

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

Mr. SALAZAR. To my friend from Mississippi, the unanimous consent request that I made earlier would essentially allow the work of the Senate to continue forward for a brief period of time while we would have three Republican amendments and three Democratic amendments to be offered.

As I understood your statement, you believe that would then allow my good friend from Oregon to essentially control the floor throughout his amendment to essentially supersede the other amendments that are pending—some 21 amendments, as I understand that to be the case. I do not think that was at all the nature of the unanimous consent request that I made.

What I suggested that we would do with my unanimous consent request is that we move forward with the filing and then move forward with the pending business of the Senate with six amendments in total. And at that point in time we would return to the amendment of the Senator from Oregon, without prejudging whether or not there is going to be a vote at all on the amendment of the Senator from Oregon. So I would like clarification from the chairman of the committee as to what will happen via the unanimous consent request that I previously made, which was objected to by the chairman of the committee, with respect to the pending business that is currently before the Senate.

Mr. COCHRAN. Mr. President, if the Senator will yield for a response?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Mississippi.

Mr. COCHRAN. I am happy to inform the Senator that this would disadvantage some 10 Senators who have already filed and argued and had their amendments pending for consideration. You would urge that we have six more amendments offered from three Republican and three Democratic Senators and add those to these and then have a vote, I guess, on the Wyden amendment? Instead of voting on those which we would take up in regular order, if we could ask for the regular order? It puts you in charge of managing the business of the Senate, setting priorities for the amendments that can be offered when that priority has already been established.

I think what we should do is follow the regular order. That is all I have said from the beginning. But Senator WYDEN wanted to come in today, get recognized, offer his amendment, and have an up-or-down vote on it without any other intervening business—no amendments, no motion to table. I don't know of anybody who has ever gotten a deal like that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming the floor, what Senator SALAZAR and I are both saying is we do not want to be at the head of the line, but we want to have a place in the line, which is the custom of the Senate. The cus-

tom is that you have these debates, you have these discussions, and at some point the leadership on both sides gets together. I see the distinguished leader, Senator REID, and Senator DURBIN. What happens is they get together with Senator FRIST and Senator MCCONNELL after everybody has had a chance to discuss their amendments. Then at some point you get in the queue.

I have enormous respect for the distinguished Senator from Mississippi. That is why I called him a half hour before we even went in today, in an effort to try to work this out. He consistently says I want to be at the head of the line; I want special treatment.

I don't want to be at the head of the line, but I think at some point Senators ought to have a place in line. My amendment was offered late last night because I stayed here, again anticipating the possibility of this. So it was pending when we came in.

So Senators are very clear, I am interested in working out what Senator SALAZAR wants to do. I am interested in amendments being clustered as we traditionally have done in the Senate. What I am not willing to do is this: At a time of record profits, at a time of record costs, I am not willing to sit by while record amounts of royalty relief are handed out while all of the independent auditors say it ought to be stopped.

I have read to my colleagues, for example, that in the other body the chair of the natural resources committee, Congressman POMBO—hardly anti-oil, as our good friend, the chair of our Energy Committee, knows; Congressman POMBO has consistently been proproduction—Congressman POMBO says we don't need this incentive for production. Those are his words, you don't need an incentive for production at a time when oil is \$70 a barrel.

Senator DODD and Senator DORGAN have a variety of approaches they want to explore with respect to the Tax Code, and Senators will weigh in, one way or another. There is a trifecta of programs now. There are tax breaks, there is mandatory spending, and there is royalty relief, which is the granddaddy of all of these breaks. I do not see how we can justify sweetening this sugar-laden giveaway again and again and do it behind closed doors.

I have been out here I guess upwards of 4 hours. I sure wish this were not necessary. I would certainly like to do what Senator SALAZAR has been talking about, which is get an order for these amendments and all of us find a reasonable place in line. But I am not going to sit by while taxpayers get fleeced again. I am just not. I may lose when it comes time, if we can get one, to vote, but until then I am just going to hold forth.

We have colleagues here. Senator DODD, for example, knew the author of the program very well. Senator Bennett Johnston was the author of the program. Senator Bennett Johnston

has said nothing like what we have seen was what he intended.

There are no people arguing on behalf of doing business as usual, as I guess some in the Senate want to consider. But all of the independent experts—the lawyers for Shell oil company—again not the first place you look for anti-oil kinds of arguments—the lawyers for Shell oil company say you don't need this kind of break in this sort of climate. So you have Congressman POMBO, you have the folks from Shell oil company, you have the author of the program, Senator Bennett Johnston—all of them weighing in.

If the litigation that is now underway with respect to this program is successful, I would say to colleagues, the tab for this program could be \$80 billion. The emergency supplemental is \$100 billion. So over the life of this program, it could come to a very significant fraction of what we need to do in terms of the emergency spending. The distinguished chair of the committee is on his feet, and I am glad to recognize him for a question at this time, keeping my place here on the floor.

Mr. DOMENICI. Senator, first of all, I don't quite know how to ask the question, but I am going to try. Are you aware that the years of 1998 and 1999—for 2 full years, all the leases that were issued had no thresholds in them? Are you aware of that, Senator?

Mr. WYDEN. To respond to the chairman, I am very much aware. It is clear that some of those in the Clinton administration—and I have talked about this at some length. Frankly, those omissions by midlevel people in key level positions in the Clinton administration have contributed mightily to this problem. If they had been doing their job and been watching this threshold question, we would not be in this problem.

Mr. DOMENICI. Yes.

Mr. WYDEN. I think the chairman knows, I believe energy policy has to be bipartisan. We have the distinguished Senator from Tennessee in the chair. I have been talking to him for some weeks on an innovative approach we would like to explore. I want to do business in a bipartisan way. I think I was bipartisan, frankly, before it even became fashionable around here. But I am telling you this has to end. I am glad the Senator from New Mexico has brought up the point about how we got into the situation.

By the way, during the Clinton years when folks weren't watchdogging this program, as I say—the Senator from New Mexico knows a lot more about this than I do—the price of oil was \$34 a barrel. We were talking about a price that was a fraction of the cost right now. So what you have is a program that was designed when the price of oil was \$16 a barrel. The folks in the Clinton administration muffed the ball in the middle of 1990 when the price was \$34 a barrel. Now the President of the United States comes along and says, to his credit, let's knock off the subsidies

at a time when the price of oil is more than \$50 a barrel. That is what I am trying to do in this particular amendment.

This program made sense in the middle 1990s, when folks in the oil patch were hurting. Probably Senator DODD remembers a bit of that history. Senator Johnston, whom we all respect so much, came to people in the Senate and talked about the need for the program. Folks in that part of the country were hurting, and the price of energy was very low. There was a good argument saying there was a role for Government.

I have sat in many hearings with the distinguished chairman of the Energy Committee where we talked about the notion that there is a role for the private sector, a role for Government. We want production. What I have done in my amendment is say—Senator KYL and I got a little bit into this—not only are we going to put a lot of verbiage behind the notion that we are going to support production, what I said is, if there is any evidence this incentive is needed—the President says we will have a disruption of supply—if the price of oil goes down, bingo, the Government can get back into the royalty business. That is what we are trying to do here.

I recall that energy conference committee, I say to my friend from New Mexico. The decisions were made on this particular provision after midnight. I am not even completely sure how it came about. I don't believe I was even in the room. But this time, the Senate is going to take a position, if I have anything to say about it. As colleagues know, I have had plenty to say in the last 4½ hours. I very much want this worked out so we can get to the point of a vote.

Did the distinguished chairman want the floor?

Mr. DOMENICI. Would the Senator yield in a different way, so I could speak for 5 minutes and return the floor to you and you lose none of your rights?

Mr. WYDEN. Let me propound a parliamentary inquiry. I would very much like to do what Senator DOMENICI, the chair of the Energy Committee, has asked for. If I yield to him to speak for any amount of time, will I lose my place to be able, on the pending amendment, to speak on it? Would the Chair so advise at this point?

The PRESIDING OFFICER. The answer is yes, unless you ask by unanimous consent that the floor be returned to you and it is approved without objection.

Mr. WYDEN. Mr. President, my understanding is that puts us in exactly the same position as we had with Senator SALAZAR. I would like to make the same offer to the distinguished chair of the committee, because I would very much like to respond positively to his request, if we can work with the staffs to propound a parliamentary request to deal with what the chairman, the Sen-

ator from New Mexico, has asked. I would very much like to do it. Perhaps we can get our staffs together and perhaps work it out.

Mr. DOMENICI. I just heard the Chair say what it would take for this to be appropriate. I ask unanimous consent that which he has just articulated be the unanimous consent request before the Senate, and I ask that the Senate grant it.

Mr. WYDEN. Reserving my right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Again I think we have to be very clear on this. If the Senator from New Mexico is granted his unanimous consent request and he speaks for whatever time he desires—frankly, probably more power to you if you go longer—if he speaks for whatever time the Senator from New Mexico desires, does it automatically come back to me to speak on my pending amendment? That is what I am asking the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from New Mexico desires 5 minutes to speak, and when he is concluded the floor will be returned to the Senator from Oregon and the pending business will be his amendment, if the unanimous consent of the Senator from New Mexico is approved without objection.

Is there objection? Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to fellow Senators and Senator WYDEN, if you would please lend me your ear because I would like to be helpful.

Mr. WYDEN. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. WYDEN. I wish to be clear that what the Senator from New Mexico asked for was a request to speak for 5 minutes and then we would return to consideration of my amendment specifically in its current form, and I would be recognized to speak on my amendment.

The PRESIDING OFFICER. That is correct. Nothing else will be in order during the 5 minutes except that.

Mr. DOMENICI. Mr. President, I have 5 minutes. I would like very much for anybody who is trying to fix this parliamentary problem to just listen for a minute.

First of all, most of the problem that has been discussed by the distinguished Senator in terms of royalties that are allegedly not being paid by oil companies which are indeed drilling successfully offshore—most of those have occurred during the years of 1999 and 1998. Let me repeat, there are oil companies which are drilling and would otherwise owe some kind of royalties, and those are companies that did business during the years 1998 and 1999. They got leases those years, and mistakes were made. I am not accusing the Clinton administration because it is Democratic. The

truth is, they made the mistakes. They issued them without the right to collect royalties on behalf of the Federal Government.

Along comes an auditing company that finds them and says: Look at these companies. They are getting away with hundreds of millions of dollars. Yes, they are. But read their contracts. They are not obligated to pay any because the U.S. Government messed up. We didn't obligate them to pay any. I don't know what to do about that.

I can come to the floor and yell and cry that we are losing revenue, but these companies are going to have to gratuitously decide to pay or they do not owe it. So we can come down here and talk forever about that. Obviously, the amendment by my good friend from Oregon will do nothing about the leases of 1998–1999, for if you tried to do something about them you would be doing nothing. You cannot come to the floor of the Senate and say leases already issued upon, which the work has been done upon, which the Government sought not to charge anything, we have changed our mind, and we are going to make them pay. That is not the subject of his amendment. Read it. It doesn't purport to do that. That is point No. 1.

Point No. 2, the amendment doesn't do what the Senator says it does. This year, the Secretary—this Secretary—stopped royalty relief at \$35.86 per barrel. The amendment by the distinguished Senator is talking about \$55 a barrel. He is saying the same thing—that we will stop royalty relief at \$55 instead of \$35. Obviously, his amendment in today's market is a malady. It doesn't do anything. The Secretary has already one-upped his amendment. The Secretary has put the relief line at a lower price per barrel than his amendment.

I don't know, again, what he is trying to do with the amendment. First, he can't affect the so-called Clinton year lease which he has been talking about. And he deserves to tell the public that the companies have gotten away with a lot of money there. That is a nice speech. And it deserves to be given, but he isn't fixing that because you can't fix it. He isn't fixing the existing leases because he is setting a threshold that is higher than the price that the Secretary had set, and the price of oil is higher than both of them. So we are going to collect all the royalties we can get, and I do not know how we are losing anything.

I don't know what the speeches are about in terms of losing that much money, nor do I know what the amendment is doing. What I do know is that from this point forward the Energy bill that we passed has some language that could be fixed.

I have an amendment that fixes it. It makes it permissive. It says the Secretary may in the future set these limits. The Secretary may in the future set the dollar amount from which you base royalty relief. I have an amendment that I think sooner or later we

should adopt that says it should not be made, but the Secretary shall set these limits. That is an amendment that I have that I think the good Senator from Oregon ought to take. I will give it to him. He ought to put it in instead of his, and he will have solved one of the problems by making it mandatory.

I thank you profusely for the 5 minutes which has turned into 7½. I talked too long, but I thank you for it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. REID. Mr. President, I ask permission to propound a unanimous consent request. May I propound a unanimous consent request?

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

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 3665 by the Senator from Oregon be made the last amendment in order and that it be subject to no second-degree amendment; that is, when we dispose of approximately 31 amendments, there would be a vote on his with no second-degree amendments.

Mr. COCHRAN. Mr. President, I reserve the right to object.

First of all, the Wyden amendment No. 3665, I think, was offered just before the Santorum amendment last night. The Santorum amendment No. 3640 was offered on the subject of Iran. I am not able to agree to his amendment being voted on without any amendment. So I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from Nevada for propounding that unanimous consent request because I think now it is clear what has happened in the Senate; that is, it will not be possible to get an up-or-down vote at any point on rolling back this outrageous boondoggle that wastes taxpayer money.

My good friend from New Mexico made the point, and I want to kind of summarize it because I think we are getting close to being able to wind down.

Mr. REID. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. WYDEN. Of course, I yield to my friend.

Mr. REID. Is the Senator's understanding the same as mine, that no matter how he tried to do all the different proposals which he has made he is not being allowed a vote by the majority? Is that your understanding?

Mr. WYDEN. The distinguished Democratic leader is exactly right. We have done summersaults since last night. I called the chairman of the committee, Senator COCHRAN, half an hour before we went in in an effort to try to work it out. I have been supportive of Senator SALAZAR's request. But what we saw in the last few minutes is the ball game—you can't get a vote up or down in the Senate on a rip-

off of taxpayer money. It is not me who concluded it; the General Accounting Office has done that. The Shell Oil Company says we don't need this particular incentive right now.

In the other body, the chairman of the natural resources committee says you don't need it. Even the author of the bill says it is not working as he intended.

But what we saw as a result of the request of the Senator from Nevada is that the Senate is not going to take a position on the granddaddy of all oil company subsidies. This is the biggest, folks. This is the one that really counts.

I want to respond briefly to the distinguished chairman of the Energy Committee, Senator DOMENICI. Senator DOMENICI essentially said a little bit ago that there were great problems in 1998 and 1999 with some in the Clinton administration who weren't watchdogging the program. I very much share the chairman's view. I talked about this probably two or three times over the course of the morning and early afternoon.

Where I take exception with my friend, however, is he essentially said the Clinton administration caused all of these problems, and along came Secretary Norton who cleaned it up. That was essentially the argument.

I would like to read verbatim and then enter into the RECORD a discussion in the New York Times of what happened under Secretary Norton. While I respect the chairman of the committee tremendously, I want the Senate to know what happened over the last few years.

Gale Norton, who stepped down this month as Interior Secretary, moved quickly to speed up approval of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom. In January 2004, Ms. Norton made the incentive far more generous by raising the threshold price. Her decisions meant that deep-gas drillers were able to escape royalties in 2005 when prices spiked to record levels and would probably escape them this year as well.

Continuing to quote:

She also offered to sweeten less generous contracts the drillers had signed before the regulation was approved.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 2006]

VAGUE LAW AND HARD LOBBYING ADD UP TO BILLIONS FOR BIG OIL  
(By Edmund L. Andrews)

WASHINGTON, March 26.—It was after midnight and every lawmaker in the committee room wanted to go home, but there was still time to sweeten a deal encouraging oil and gas companies to drill in the Gulf of Mexico.

"There is no cost," declared Representative Joe L. Barton, a Texas Republican who was presiding over Congressional negotiations on the sprawling energy bill last July. An obscure provision on new drilling incentives was "so noncontroversial," he added,

that senior House and Senate negotiators had not even discussed it.

Mr. Barton's claim had a long history. For more than a decade, lawmakers and administration officials, both Republicans and Democrats, have promised there would be no cost to taxpayers for a program allowing companies to avoid paying the government royalties on oil and gas produced in publicly owned waters in the Gulf.

But last month, the Bush administration confirmed that it expected the government to waive about \$7 billion in royalties over the next five years, even though the industry incentive was expressly conceived of for times when energy prices were low. And that number could quadruple to more than \$28 billion if a lawsuit filed last week challenging one of the program's remaining restrictions proves successful.

"The big lie about this whole program is that it doesn't cost anything," said Representative Edward J. Markey, a Massachusetts Democrat who tried to block its expansion last July. "Taxpayers are being asked to provide huge subsidies to oil companies to produce oil—it's like subsidizing a fish to swim."

How did a supposedly cost-free incentive become a multibillion-dollar break to an industry making record profits?

The answer is a familiar Washington story of special-interest politics at work: the people who pay the closest attention and make the fewest mistakes are those with the most profit at stake.

It is an account of legislators who passed a law riddled with ambiguities; of crucial errors by midlevel bureaucrats under President Bill Clinton; of \$2 billion in inducements from the Bush administration, which was intent on promoting energy production; and of Republican lawmakers who wanted to do even more. At each turn, through shrewd lobbying and litigation, oil and gas companies ended up with bigger incentives than before.

Until last month, hardly anyone noticed—or even knew—the real costs. They were obscured in part by the long gap between the time incentives are offered and when new offshore wells start producing. But lawmakers shrouded the costs with rosy projections. And administration officials consistently declined to tally up the money they were forfeiting.

Most industry executives say that the royalty relief spurred drilling and exploration when prices were relatively low. But the industry is divided about whether it is appropriate to continue the incentives with prices at current levels. Michael Coney, a lawyer for Shell Oil, said, "Under the current environment, we don't need royalty relief."

The program's original architect said he was surprised by what had happened. "The one thing I can tell you is that this is not what we intended," said J. Bennett Johnston, a former Democratic senator from Louisiana who had pushed for the original incentives that Congress passed in 1995.

Mr. Johnston conceded that he was confused by his own law. "I got out the language a few days ago," he said in a recent interview. "I had it out just long enough to know that it's got a lot of very obscure language."

A SUBSIDY OF DISPUTED NEED

Things looked bleak for oil and gas companies in 1995, especially for those along the Gulf Coast.

Energy prices had been so low for so long that investment had dried up. With crude oil selling for about \$16 a barrel, scores of wildcatters and small exploration companies had gone out of business. Few companies had any stomach for drilling in water thousands of feet deep, and industry leaders like Exxon

and Royal Dutch Shell were increasingly focused on opportunities abroad.

"At the time, the Gulf of Mexico was like the Dead Sea," recalled John Northington, then an Energy Department policy adviser and now an industry lobbyist.

Senator Johnston, convinced that the Gulf's vast reservoirs and Louisiana's oil-based economy were being neglected, had argued for years that Congress should offer incentives for deep-water drilling and exploration.

"Failure to invest in the Gulf of Mexico is a lost opportunity for the U.S.," Mr. Johnston pleaded in a letter to other lawmakers. "Those dollars will not move into other domestic development, they will move to Asia, South America, the Middle East or the former Soviet Union."

Working closely with industry executives, he wrote legislation that would allow a company drilling in deep water to escape the standard 12 percent royalty on up to 87.5 million barrels of oil or its equivalent in natural gas. The coastal waters are mostly owned by the federal government, which leases tens of millions of acres in exchange for upfront fees and a share of sales, or royalties.

Mr. Johnston and other supporters argued that the incentives would actually generate money for the government by increasing production and prompting companies to bid higher prices for new leases.

"The provision will result in a minimum net benefit to the Treasury of \$200 million by the year 2000," Mr. Johnston declared in November 1995, denouncing what he called "outrageous allegations" that the plan was a giveaway.

He won support from oil-state Democrats, Republicans and the Clinton administration. Hazel O'Leary, the energy secretary at the time, said the assistance would reduce American dependence on foreign oil and "enhance national security."

Representative Robert Livingston of Louisiana, then a rising Republican leader, declared that the inducements would "create thousands of jobs" and "reduce the deficit."

Many budget experts agree that the rosy estimates were misleading. The reason, they say, is that it often takes seven years before a new offshore field begins producing. As a result, almost all the costs of royalty relief would occur outside of Congress's five-year budget timeframe.

Opponents protested that the cost estimates were wrong, that the incentives amounted to corporate welfare and that companies did not need government incentives to invest.

"They are going to the Gulf of Mexico because that's where the oil is," said Representative George Miller, Democrat of California, during a House debate. "What we do here is not going to change that. We are just going to decide whether or not we are going to give away the taxpayers' dollars to a lot of oil companies that do not need it."

Industry executives and lobbyists fanned out across Capitol Hill to shore up support for the program, visiting 150 lawmakers in October 1995. The effort succeeded. A month later, Congress passed Mr. Johnston's bill.

#### A MISSING ESCAPE CLAUSE

To hear lawmakers today, they never intended to waive royalties when energy prices were high.

The 1995 law, according to Republicans and Democrats alike, was supposed to include an escape clause: in any year when average spot prices for oil or gas climbed above certain threshold levels, companies would pay full royalties instead.

"Royalty relief is an effective tool for two things: keeping investment in America during times of superlow prices, and spurring

American energy production when massive capital and technological risks would otherwise preclude it," said Representative Richard W. Pombo, Republican of California and chairman of the House Resources Committee. "Absent those criteria, I do not believe any relief should be granted."

But in what administration officials said appeared to have been a mistake, Clinton administration managers omitted the crucial escape clause in all offshore leases signed in 1998 and 1999.

At the time, with oil prices still below \$20 a barrel, the mistake seemed harmless. But energy prices have been above the cutoff points since 2002, and Interior Department officials estimate that about one-sixth of production in the Gulf of Mexico is still exempt from royalties.

Walter Cruickshank, a senior official in both the Clinton and Bush administrations, told lawmakers last month that officials writing the lease contracts thought the price thresholds were spelled out in the new regulations, which were completed in 1998. But officials writing the regulations left those details out, preferring to set the precise rules at each new lease sale.

"It seems to have been a massive screw-up," said Mr. Northington, who was then in the Energy Department. No one noticed the error for two years, and no one informed Congress about it until last month.

Five years later, the costs of that lapse were compounded. A group of oil companies, led by Shell, defeated the Bush administration in court. The decision more than doubled the amount of oil and gas that companies could produce without paying royalties.

The case began as a relatively obscure dispute. Shell paid \$3.8 million in 1997 for a Gulf lease and soon drilled a successful well. But the Interior Department denied the company royalty relief, saying that Shell had drilled into an older field already producing oil and gas. The decision hinged on undersea geography and the court's interpretation of language in the 1995 law.

A typical field, or geological reservoir, often encompasses two or three separately leased tracts of ocean floor. Interior Department officials insisted that the maximum amount of royalty-free oil and gas was based on each field. Shell and its partners argued that limit applied only to each lease.

Perhaps shrewdly, the oil companies sued the Bush administration in Louisiana, where federal courts previously had sided with the industry in spats with the government.

The fight was not even close. In January 2003, a federal district judge declared that the Interior Department's rules violated the 1995 law. If the department "disagrees with Congress's policy choices," Judge James T. Trimble Jr. wrote, "then such arguments are best addressed to Congress."

What might have been a \$2 billion mistake in the Clinton administration suddenly ballooned into a \$5 billion headache under Mr. Bush.

But even as the Bush administration was losing in court, it was offering new incentives for the energy industry.

Mr. Bush placed a top priority on expanding oil and gas production as soon as he took office in 2001. Vice President Dick Cheney's task force on energy, warning of a deepening shortfall in domestic energy production, urged the government to "explore opportunities for royalty reduction" and to open areas like the Arctic National Wildlife Refuge to drilling.

Gale A. Norton, who stepped down this month as interior secretary, moved quickly to speed up approvals of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom.

In January 2004, Ms. Norton made the incentives far more generous by raising the threshold prices. Her decision meant that deep-gas drillers were able to escape royalties in 2005, when prices spiked to record levels, and would probably escape them this year as well.

"These incentives will help ensure we have a reliable supply of natural gas in the future," Ms. Norton proclaimed, predicting that American consumers would save "an estimated \$570 million a year" in lower fuel prices.

Ms. Norton's decision was influenced by the industry. The Interior Department had originally proposed a cut-off price for royalty exemptions of \$5 per million British thermal units, or B.T.U.'s, of gas. But the Independent Petroleum Association of America, which represents smaller producers, argued that the new incentive would have little value because natural gas prices were already above \$5. Ms. Norton set the threshold at \$9.34.

Based on administration assumptions about future production and prices, that change could cost the government about \$1.9 billion in lost royalties.

"There is no cost rationale," said Shirley J. Neff, an economist at Columbia University and Senator Johnston's top legislative aide in drafting the 1995 royalty law. "It is astounding to me that the administration would so blatantly cave in to the industry's demands."

#### INCENTIVES KEEP GROWING

Last April, President Bush himself expressed skepticism about giving new incentives to oil and gas drillers. "With oil at \$50 a barrel," Mr. Bush remarked, "I don't think energy companies need taxpayer-funded incentives to explore."

But on Aug. 8, Mr. Bush signed a sweeping energy bill that contained \$2.6 billion in new tax breaks for oil and gas drillers and a modest expansion of the 10-year-old "royalty relief" program. For the most part, the law locked in incentives that the Interior Department was already offering for another five years. But it included some embellishments, like an extra break on royalties for companies drilling in the deepest waters.

And energy companies, whose executives had long contributed campaign funds to Republican candidates, pushed to block any amendments aimed at diluting the benefits.

The push to lock in the royalty inducements came primarily from House Republicans. The only real opposition came from a handful of House Democrats, in a showdown about 1 a.m. on July 25, according to a transcript of the session.

"It is indefensible to be keeping these companies on the government dole when oil and gas prices are so high," charged Representative Markey of Massachusetts, who proposed to strip the royalty provisions. "We might as well be giving tax breaks to Donald Trump and Warren Buffett."

Mr. Barton, the Texas Republican, brushed aside the objections. He reassured lawmakers that the new provisions would not cost taxpayers anything.

When Mr. Markey proposed a more modest change—having Congress prohibit incentives if crude oil prices rose above \$40 a barrel—Republicans quickly voted him down again.

"The only reason they waited until after midnight to bring up these issues is that they couldn't stand up in the light of day," Mr. Markey said in a recent interview. "They all expected me to give up because it was so late and I didn't have the votes. But if nothing else, I wanted to get these things on the record."

#### A ROYALTY-FREE FUTURE?

It is still not clear how much impact the reduced royalties had in encouraging deep-

water drilling. While activity in the Gulf has increased since 1995, prices for oil and gas have more than quadrupled over the same period, providing a powerful motivation, experts say.

"It's hard to make a case for royalty relief, especially at these high prices," said Jack Overstreet, owner of an independent oil exploration company in Texas. "But the oil industry is like the farm lobby and will have its hand out at every opportunity."

The size of the subsidies will soar far higher if oil companies win their newest court battle.

In a lawsuit filed March 17, Kerr-McGee Exploration and Production argued that Congress never authorized the government to set price cut-offs for incentives on leases awarded from 1996 through 2000. If the company wins, the Interior Department recently estimated, about three-quarters of oil and gas produced in the Gulf of Mexico will be royalty-free for the next five years.

Mr. Markey and other Democrats recently introduced legislation that would pressure companies to pay full royalties when energy prices are high, regardless of what their leases allow.

But Republican lawmakers and the Bush administration have signaled their opposition.

"These are binding contracts that the government signed with companies," Ms. Norton recently remarked. "I don't think we can change them just because we don't like them."

#### GIVING AWAY \$7 BILLION IN ROYALTIES

November 1995—Deep Water Royalty Relief Act is passed, allowing companies to avoid paying some royalties on oil and gas produced in deep water in the Gulf of Mexico. Bill has bipartisan support.

1998–99—Interior Department makes big mistake on leases awarded in these two years. The department omits price thresholds that would cut royalty relief if oil and gas prices rose above about \$34 a barrel for crude and about \$4 per thousand cubic feet of natural gas.

2000—Interior realizes the error and quietly adds price thresholds into new leases—but the old leases remain valid.

2001—A vice presidential task force issues National Energy Policy recommendations, urging the government to open up more federal lands and waters to oil and gas development to "explore opportunities for royalty reductions."

March 2003—U.S. District Court in Louisiana knocks down a restriction on the volume of royalty-free oil and gas a company can produce. This effectively doubles or triples the incentives.

Jan. 23, 2004—Interior expands royalty incentives for deep gas producers, letting them avoid royalties if price is below \$9.34 per million B.T.U.'s—higher than average price to date. Decision could cost \$1.9 billion in royalties over next five years.

April 2005—President Bush says no need for more incentives. "With oil at \$50 a barrel," he says, "I don't think energy companies need taxpayer-funded incentives to explore."

July 25, 2005—House and Senate conferees on energy bill vote to extend and slightly enhance royalty incentives for oil and gas. Bush signs energy bill Aug. 8.

February 2006—Interior Department budget shows that royalty breaks could cost government more than \$7 billion over next five years, even though it expects oil prices to remain above \$50 a barrel.

March 17, 2006—Kerr-McGee, a large Gulf of Mexico producer, sues the federal government in a test case to receive all deepwater royalty incentives, regardless of how high

prices are, for all leases signed from 1996 through 2000. If suit is successful, government projections indicate taxpayers could lose more than \$28 billion over five years.

Mr. WYDEN. There we have it, folks. In essentially the late 1990s—1998–1999—as the distinguished chairman of the committee has pointed out, the Clinton administration dropped the ball. No question about it. It was costly to taxpayers.

But I have just read a recitation of how the Secretary of the Interior compounded the problem and how on her watch the sweetener got even sweeter. The price of oil was still shooting up. The price of oil had doubled over the last few years, and she just kept laddling out the sugar. It just kept coming.

Then, on top of it, we had the energy conference agreement between the House and the Senate. So on top of the problem that we see stemming from the last administration and then Secretary Norton sweetening the pot even more, we then had in the energy conference agreement additions to the royalty program, additions at a time when clearly they were not in the public interest.

I think we are close to being able to move ahead in the Senate. I want to have some discussion with the floor manager, the distinguished Senator from Washington.

But what we have seen in the last few minutes as a result of the unanimous consent request propounded by the Senator from Nevada is that this Senate will not be allowed to vote at any time on the granddaddy of all of the subsidies. We have tried to work out arrangements to have a vote that would be fair to both sides. I have propounded a variety of requests through the Chair in an effort to do it. But somehow for some reason continuing this outrageous use of taxpayer money seems to be the big priority around here.

I am staggered. I can't understand. I cannot understand why the Senate would say at a time of record profits, at a time of record prices, it would want to continue to dispense record royalty relief.

The President of the United States said, to his credit, that we don't need all of these incentives when the price of oil is over \$50 a barrel. This program started when the price of oil was \$16 a barrel.

As the distinguished Senator from New Mexico has indicated, the last administration muffed it when the price of oil was \$34 a barrel. But Secretary Norton has made it worse. The energy conference agreement adds more sugar on top of it. I wish to see the Senate step in and protect the public.

I see my good friend from Illinois.

Mr. DURBIN. Will the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. DURBIN. I ask the Senator from Oregon, I know he has been on the floor since this morning and I know this issue is of great importance to him and

the Nation. I want to make sure for those who have been following the debate from the beginning that they understand exactly the issue.

As I understand it, we are talking about those private companies that drill for oil on lands owned by the people, by the Federal Government, and how much money they will receive for drilling oil. I ask the Senator from Oregon, if he could, in the simplest terms, to explain to me how much is at stake here? How much did the taxpayers pay in these royalty payments to those who are drilling for oil on land that the people, the Federal Government, owns?

Mr. WYDEN. I thank the Senator from Illinois for his question. We tried to get into this something like 5 hours ago. It is very helpful to have the Senator from Illinois asking exactly the question he has asked.

The way this program works is that the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make.

It is my view and the view of all of the independent experts, including our former colleague in the House, Congressman POMBO, who chairs the Committee on Resources, it is the view of all of these experts across the political spectrum that with the price of oil soaring to over \$70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars. The General Accounting Office has estimated that at a minimum it would be \$20 billion. There are projections because there is litigation underway.

For some oil companies, even this is not enough, so they keep litigating and trying to get more and more and more. There are estimates that if the litigation is successful, the Government would pay \$80 billion just in royalty relief. And that \$80 billion would pay a significant fraction of the entire cost of this emergency spending bill.

Mr. DURBIN. If the Senator will further yield for a question, so that I understand it, if I own an oil company and I want to drill on somebody else's land, in this case the land of the Federal Government, I was required to pay the Federal Government for drilling oil that belonged to somebody else that I was going to sell, and if the price of oil was so low that it did not justify drilling, they would appeal, the oil companies would appeal to the Federal Government, saying, we will pay less for what we are drilling because the price of oil is so low, thus this royalty payment for drilling oil on Federal Government land.

Now the tables have turned and the price of every barrel of oil brought out of Federal land is worth \$70 to \$75 and the Senator from Oregon is arguing why in the world would you give them relief from their royalty payments

when they are making so much money on oil that comes out of Federal lands that we all own.

It would seem to me the Senator's argument is that the oil companies, which are doing quite well, thank you, are going to experience a windfall if the price of oil goes up and the amount they have to pay to the Federal Government continues to be discounted or lowered. So they want it both ways. They want the consumer to pay more at the pump and they want the taxpayers to receive less for the oil they are taking from land they do not even own.

Am I missing something in this analysis?

Mr. WYDEN. I think the Senator has said it very well. In a climate such as this, when prices are high, they get to privatize their gains and socialize their losses. This makes no sense at all. This is a program designed for a period when production was down and the price of oil was very low.

What I have tried to do—because I have spent a lot of hours sitting next to the distinguished chairman of our committee, the Energy Committee, who points out, and correctly so, that energy is a volatile part of our economy—I made an exception so that if the President of the United States says there is going to be a supply disruption or the price of oil falls back down again, bingo, we are back to looking at royalty relief.

The Senator from Illinois puts it very well.

To drive home the point, I say to the Senate, particularly the Senator from Illinois who did great work on the Low-Income Home Energy Assistance Program, we could have taken care of the needs of the Low-Income Home Energy Assistance Program plus have money left over for deficit reduction if we were to stop this wasteful expenditure of taxpayer funds.

Mr. DURBIN. If the Senator from Oregon will yield for a question, through the Chair, you were suggesting in your amendment we should no longer subsidize the extraction of oil by private companies from Federal lands when they are clearly in a very profitable position. We should no longer ask taxpayers to give up royalties which they were entitled to because the oil companies frankly are doing well and the discounted oil was designed for the times when they were doing poorly.

If I understand what the Senator is saying, the same oil companies have been going to court challenging the Federal Government when it comes to these royalty payments and royalty discounts, so with all the talk about too much litigation, it turns out some of these oil companies believe litigation is a healthy thing if it protects their profit margins and protects their Federal subsidy.

If the Senator from Oregon would be kind enough to explain to me exactly what the impact of his amendment would be on this bill and how much

money it could bring back to the Treasury for purposes already outlined—whether it is the LIHEAP program or money for education or health care, whatever it might be, that currently is going to oil companies that are doing well and experiencing record profits.

Mr. WYDEN. The Senator asks a very good question. This is the granddaddy, this is the biggest subsidy the Government gives—to the oil sector.

The General Accounting Office, which did a review of this, indicates that a minimal projection is \$20 billion for the cost of the program. If the litigation is successful, it is up to \$80 billion.

What we have is, at a time when middle-class folks, the people who are living paycheck to paycheck and being squeezed as hard as they are, at a time when our Government ought to be looking at trying to give them a break, give them a bit of help, what we are seeing is the middle-class folks have their tax dollars flow into the Federal Government and go out in terms of royalty relief at a time when the price of oil is vastly above the amount the President has indicated. It is for that reason I felt so strongly about this.

I also point out this is a program that grew under Secretary Norton. After the initial mistakes with the previous administration, it was added to by the energy conference legislation between the House and the Senate which sweetened the sweetheart deal even more.

I am saying this is enough. We do not need record royalty payments on top of record profits and on top of record prices. I have said I will draw the line. I have not done anything like what I have done today in the Senate since I have been here. I have had the pleasure of serving with the distinguished Senator from Illinois for a long time, going back to the days when I had a full head of hair and rugged good looks. I have never done anything like this. I regret this tremendously. But we have to protect the taxpayers of this country.

I am happy to yield if the Senator from Illinois has anything further.

Mr. DURBIN. I will ask the Senator, you are asking for an opportunity to call your amendment to be voted on up or down, whether this subsidy to profitable oil companies will continue or whether the money will come back to the Federal Treasury. Is that your intention in taking the floor?

Mr. WYDEN. That is exactly what I have been seeking since last night when I called the distinguished chairman of the committee, and what I indicated, contrary to what has been said in the Senate, I am not seeking any special treatment. I have not been seeking to be put first in the line. What I have been seeking is what I have seen virtually every week since I have been in the Senate.

The distinguished Senator from Illinois is an expert in the rules, and it is my understanding that what we cus-

tomarily do, we debate a variety of amendments, then we cluster them into a group, five, six, eight—sometimes the number will vary—and at some point the Senate goes on a vote.

I offered to the chairman of the committee to be put in the second or third cluster. I don't have to go first if colleagues feel strongly about this, but at some point it seems to me we ought to say the Senate is accountable, at a time with record profits and record prices, for a program that is the biggest of them all. That is the Royalty Relief Program.

I am happy to yield further.

Mr. DURBIN. I ask a procedural point for those following this debate.

I ask the Senator from Oregon, it is my understanding that what the Senator is doing is consistent with the Senate rules which allows a Senator to take the floor and offer an amendment. As long as he can stand and offer his amendment and speak to it, he controls the floor, which is what the Senator from Oregon is doing. Many people have seen this depicted in movies and otherwise, but this is the classic element of the Senate procedure, that a Senator can insist on his right to have an amendment voted on. Clearly there is a disagreement in the Senate. Until that disagreement is resolved, as long as the Senator from Oregon can stand, if I am not mistaken—he can correct me if I am wrong—he is asserting his right as a Senator to do so.

Mr. WYDEN. I thank my colleague from Illinois. That is essentially my desire.

What we have seen, particularly in the discussion between the distinguished Democratic leader and the chairman of the committee, is it is the intent of those who oppose this amendment that they will not allow a vote. Not now, not at any point. That is what we have learned as a result of the discussion between the distinguished Senator from Nevada and the distinguished chairman of the committee, for whom I have a great deal of respect but simply disagree with on this point.

We have heard people say, I am asking for special treatment, that I want to go first. That is not the case. I respect the rights of all Senators. I offered the last amendment before the Senate adjourned last night which made my amendment pending this morning. I have asked a variety of times now to work something out with Senator SALAZAR and the chairman of the committee, the chairman from Mississippi, and that is not possible, so the distinguished Senator from Nevada, Senator REID, called the question. He basically asked, are we ever going to get a chance to vote. It is clear we will not.

That is very unfortunate. In a few minutes—my friend from Colorado has been here and has been so patient—I will probably take one last crack at seeing if we can protect taxpayers' interests and see if we can work something out to do what the Senate normally does, which is to cluster these

amendments. If that is not the case, I could talk until I fell over, frankly, but it is clear the folks who are opposed to this do not want to vote in any way, shape, or form. They are saying at a time of record profits, at a time of record prices, we ought to keep ladling out this money. As the Senator from Illinois said, this is on the people's land. We are talking about oil companies extracting oil not from land they own but from land that belongs to the people of this country.

So a judgment was made in the 1990s, give energy development a break from the price of oil, when the price of oil is low, when production is down. It made sense then. It boosted production in those critical times. However, it certainly does not make sense to argue for a program when the price of oil is over \$70 a barrel and you compare that to what we saw when this program originated; the price of oil was \$16 a barrel, a fraction of what people are paying, and production was also down at that time.

This comes down to a question of choices. Whose side are you on? Are you on the side of the taxpayer in an instance where the General Accounting Office has documented what a rip-off this program has become or are you on the side of a handful of special interests that have figured out a way to hotwire this special program that gives them such great advantages?

I wish the case were, as the distinguished chairman of the committee, Senator DOMENICI, has indicated, the problems were with the Clinton administration and then the next administration cleaned them up, but as I read into the record, the problem got worse. It got worse twice. First, as a result of the actions by the Secretary of the Interior; second, as a result of what was done in the energy conference agreement.

By the way, some of what we heard in the energy conference agreement was just preposterous, not from the Senator from New Mexico, but some in the energy conference agreement said: Oh, this oil royalty program has no cost. It doesn't cost anything at all.

Now, I do not know how in the world you argue that when the General Accounting Office and others have talked about billions and billions of taxpayer dollars flooding out the door. But I think it shows to what extraordinary lengths some will go to protect this program, which is such an inefficient use of taxpayer dollars.

My goodness, there are a lot of ways you could use \$20 billion to \$60 billion. How do you explain you are trying to pay for an emergency spending bill when the Government does not have the money to cover the emergency spending and yet you are still shoveling out billions and billions of taxpayer dollars, at a time when the President of the United States, to his credit, has said we do not need these incentives when the price of oil is over \$50 a barrel?

So this has been, for this Member of the Senate, a very unique experience. I wish we could get a vote on this amendment. I think this does a disservice to the taxpayers of this country.

I wish to mention what it means in terms of the globe. I, like all Senators, see the men and women who honor us every single day by wearing the uniform for our country. They put themselves in harm's way. They risk their physical health, their mental health, their well-being, and put their families at risk because they honor us every day by wearing the uniform of the United States. It seems to me the people who wear that uniform and are fighting today on our behalf in Iraq deserve an energy policy that is going to make it less likely their kids and their grandkids are going to be off in the Middle East another time in the next few years in a war with implications for oil. To do that, to make our country's energy secure, we have to stop programs that rip off the taxpayers like this Royalty Relief Program.

Now that I see Senator DOMENICI here, I say to the chairman, I have tried to indicate in the course of the day that, frankly, one of the best things we have been talking about over the last few years comes from a Senator from your side of the aisle, Mr. THOMAS. Senator THOMAS makes the important point that we are probably losing something like a third of all the oil from existing wells, and we don't have incentives to go and do that drilling from existing wells.

I have been supporting Senator THOMAS because I think it is good for production, and I think it is good for the environment, especially right now, because what we have learned in terms of environmental protection is that you can get more out of existing wells, capturing the gases, what is called sequestration, in order to protect the environment.

So I want it understood by colleagues: One, I want to work in a bipartisan way; two, I think that arguably what Senator THOMAS has talked about is one of the best new ideas to get a fresh energy policy that is red, white, and blue. But I do not see how you are going to get incentives for the kind of constructive thing Senator THOMAS has been talking about if you are shoveling money out the door for wasteful programs like royalty relief.

So I see the Senator from New Mexico is on his feet. I say to the chairman, the distinguished Senator from Colorado had asked I recognize him first. But let us structure this so the Senator from Colorado can ask his question, and then we will structure this so we can hear from the chairman of the committee.

The Senator from Colorado.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank the Senator from Oregon for yielding a minute for a question. I

would hope if we are getting to an end of this discussion, which has been on the floor now for the last 4 hours, we can move forward in some orderly fashion with respect to the consideration of other amendments here on this Thursday before I know people have to leave.

So it would be my request to the chairman of the committee that we try to come up with some arrangement that will allow those Senators who have been waiting in the wings to come forward and offer amendments, in an orderly process to come forward and offer those amendments in the next few hours.

I would ask a question of the chairman—

Mr. WYDEN. Madam President, reserving the right to object, I do not want to give up the floor quite yet. I think the distinguished Senator from Colorado, through the Chair, has to ask me the question.

Mr. SALAZAR. Through the Chair, I ask permission to ask a question of my colleague from Oregon.

Assuming that in a few minutes or a few hours you give up the floor, which you currently now claim to make the very passionate argument you have been making for the last 4 hours, would it be—

Mr. WYDEN. Five hours.

Mr. SALAZAR. For the last 5 hours, as you have tried to get a vote on this amendment you have offered, would it be in order, then, for us as a Senate to come to some kind of an agreement on how we move forward with the orderly processing of additional amendments that go beyond the amendment you are offering now?

Mr. WYDEN. The distinguished Senator from Colorado has not actually propounded a unanimous consent request, but it is very much my interest in accommodating the Senator from Colorado.

I think, frankly, colleagues, to repeat, for those who are just coming in, after the discussion between Senator REID and the Senator from Mississippi and the objection that was made by the distinguished chairman of the committee, it is evident that it will not be allowed that there be an up-or-down vote on the granddaddy of all of the subsidy programs for the oil industry. This is the big one. This is the one that counts. And the Senate will not, as a result of the discussion between the Senator from Nevada and the Senator from Mississippi, be allowing a vote on it. I believe that is a bad deal. It is a bad deal for taxpayers. It is a bad deal for our country. I do not believe that is the way the Senate ought to be doing business. But that is the judgment of the Senate. I respect the judgment of the Senate.

And let us now—

Mr. SALAZAR. Madam President, may I ask my colleague from Oregon to yield a minute of time to me while maintaining his right to the floor?

Mr. WYDEN. I certainly want to do that as part of our consent agreement.

I think we are winding down to a close. The Senator from New Mexico is no longer standing, but if he desires to ask a question, I want to give him the opportunity to do it.

Does the Senator from Colorado seek to ask a question?

Mr. SALAZAR. I seek to ask a question and to make a unanimous consent request that following the conclusion of your presentation here that we move forward to the consideration of an amendment I will send to the desk, and to establish also that Senator CONRAD from North Dakota be given the opportunity to send an amendment to the desk and to speak on it, as well as I believe there are Senators on the chairman's side who would also like to offer an amendment, including Senator COBURN. So hopefully we could come up with some kind of arrangement that allows us to move forward in an orderly fashion that can then assure that several other amendments can be considered yet this afternoon.

Mr. COCHRAN addressed the Chair.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon still has the floor.

Mr. WYDEN. Thank you, Madam President.

I am very interested in getting on with this. I do want to show deference to my good friend, the chair of the full committee, Senator DOMENICI. So what I would like to do next, before we try to finally work this out, is to, again, consistent with the unanimous consent agreement—if the chair of our full Energy Committee, on which I am proud to serve, would like to be recognized for a question, I would be happy to do that.

Mr. DOMENICI. Madam President, I say to the Senator, I have no question at this point. I thought the Senator was getting close to a point where he was going to withdraw his amendment, after which time I was going to speak. If that is not the case, then we will do something else.

Mr. WYDEN. Reclaiming my time, so the Senate is clear, I have absolutely no intention of withdrawing my amendment. But it is evident, as a result of the discussion between Senator REID and Senator COCHRAN, that there is no inclination or willingness on the part of some in the Senate for us to do what we customarily do, which is to take up these amendments, Senators talk about them, and after a number of them are talked about, we cluster the votes, we inform Senators of both political parties, and the Senate is held accountable.

I see the distinguished Senator from Virginia here, Mr. WARNER, who, again, has seen many more instances of the Senate trying to work its will than I. But I would only say, in the time I have been here, virtually every week the Senate does what I have been seeking, which is that Senators discuss their amendments, they are then clustered, and at some point the Senate has a vote.

I have made it clear I am not interested in being first in line. I am not interested or committed to being part of even the first cluster of votes. That is not asking for special treatment. That is asking that the Senate do what it has done again and again and again. It is the custom of the Senate but apparently will not be the practice that is followed with respect to this sweetheart deal that wastes billions of taxpayer dollars at a crucial time in our country's history.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield for a question.

Mr. DOMENICI. I say to the Senator, while you have been here many hours, I have been here a few this afternoon. This is a very unusual setting. You speak of your rights. We have rights, too. You have the floor. We cannot debate the issue the way things are. If you would like to debate this, I would like to debate it because you have had some free time here to talk about something that is not so.

I have already asked you once, and I will ask you again—I will ask you whether or not—I will ask it a different way: How much do you think the Congressional Budget Office says your amendment—this great amendment that is going to stop all of this thievery—can you tell us how much it is going to yield to the taxpayers of the United States? I will tell you the answer. The Congressional Budget Office says zero.

You understand, this great amendment that has been spoken of, this process that he has—I don't know what it is. It is an amendment that sets a threshold. It sets a threshold that is higher than the threshold that exists that was already established by the Secretary of the Interior.

I don't know how in the world, I ask the distinguished Senator, that is going to yield anything to the people of this country. Maybe you can explain it to us. I believe it is going to yield zero because the amendment is meaningless the way it is drawn. It is not a program. It is not a process. It is an amendment that sets a new threshold, I say to Senator SALAZAR, a threshold that is not even needed because the Secretary has already set a threshold that does more for the taxpayer than his amendment.

So I don't know what we are down here arguing about. I have been waiting my turn until I cannot wait any longer.

So I have just violated the rules. I didn't ask a question, I gave a speech. I hope you listened. The speech is: The Congressional Budget Office says this grandiose amendment that is going to stop the grandfather of all thievery is going to yield zero dollars to the Treasury of the United States. I assume that means that it is not effective, it does nothing. It does nothing because—I just told you why it does nothing. It sets a threshold that is higher than the

existing threshold; therefore, it yields nothing. I don't know what else we can do. Why should we let you have a vote on that? I am going to offer an amendment to that, a second-degree amendment that is very simple. I ask unanimous consent that I be allowed to offer a second-degree amendment.

Mr. WYDEN. Reserving the right to object—

Mr. DOMENICI. I withdraw the request and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. WYDEN. Madam President, I would like to respond briefly to the Senator from New Mexico, who I thought was going to ask a question. I see he is leaving the floor, but I would first say that if the distinguished Senator from New Mexico thinks what I am proposing is meaningless, I can't figure out why so many people have spent so much time and so much effort trying to avoid a vote on it. I don't get that. If this is so meaningless and so useless, it would seem to me we could have disposed of it about 10:15 in the morning.

It is clear that the reason there has been all this opposition to the amendment is because it really does address a key kind of question, and that is saving taxpayers money. If it were meaningless, we could have gone to a vote hours and hours ago. The people who have pushed the hardest for this program have always tried to do it in the shadows. This program was expanded after midnight in the energy conference committee. The distinguished Senator from New Mexico has left the floor, which is unfortunate because I would like to engage him in a dialog.

All that I have sought, as demonstrated through Senator REID, is an opportunity to vote on this issue.

To once again deal with the key point the Senator from New Mexico has made, nothing in this amendment says the threshold couldn't be lower for dispensing this money. It simply says we should set an upper level that reflects what the President of the United States has said. If this amendment is as meaningless as the distinguished Senator from New Mexico has said, let's go to a vote. Let's vote on it and save taxpayers money.

The General Accounting Office says this program is going to cost a minimum of \$20 billion. If the litigation is successful, it will be \$80 billion. While I have great respect for the Senator from New Mexico, his argument that all of this never costs or saves anything is what we have been hearing for years. We were told in the energy conference agreement between the House and the Senate that this program costs taxpayers nothing. Backers of this program in the debate between the House and the Senate said with a straight face that royalty relief costs taxpayers nothing. Now we have heard an argument that an effort to rein in the cost of this program is meaningless as well. I guess because, once again, we are

hearing that none of this costs money. It doesn't save any money. I guess this program just happens by osmosis.

That is not what the General Accounting Office says. If the litigation involving this Royalty Relief Program is successful and taxpayers are out \$80 billion, the people of this country are going to remember this day. They are going to say that the Senate had a chance on a bipartisan basis to do something sensible, and that is to reconfigure this program to ensure that there is royalty relief when it is needed. The legislation says the President can run the Royalty Relief Program if there is any evidence that it would disrupt supply. The amendment says that if the price goes down, of course, the original rationale for this program, royalty relief could be paid.

This amendment puts in place the kinds of safeguards we need for a changing environment in the energy field. What it doesn't do is continue to write blank checks to a handful of special interests who even the author of the program has now described as getting something and being part of a program that was different than what he intended. This is not somebody who is hostile to the program; this is somebody who wrote the law and said this is not what was intended.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield. I thank the distinguished Senator from Nevada for coming to the floor earlier and trying to get the opportunity for a vote on my amendment.

Mr. REID. Madam President, the Senator from Oregon has clearly established that he will not get a vote on this most important amendment. I am disappointed. There are many disappointed Senators. I am sure there are millions of disappointed Americans. There are a number of Senators here who wish to offer amendments. For lack of a better way of describing this, I reflect back on a time when I was doing something similar to the Senator from Oregon, and Senator BYRD was the leader of the Democrats at the time.

He said to me: Would the Senator yield? And I said yes. He said: How much longer are you going to talk? So I reflect back on those days. I told him I had a goal that I wanted to make. He said: Fine. Shortly thereafter, we went on to other matters.

I am wondering, because we have other Senators on both sides of the aisle to either offer amendments or do some voting, does the Senator have an idea how much longer he has a right to maintain the floor?

Mr. WYDEN. I appreciate the Senator's question, particularly in deference to colleagues on both sides of the aisle and all the help the distinguished leader has given me throughout. I would say that I would stay here all night. I would stay here until they literally had to take me off the floor because I couldn't stay here any longer

to save taxpayers billions and billions of dollars on what amounts to the biggest giveaway to the oil industry. This is the one which really counts. Various other programs are a small fraction of the cost of it. I would stay here for as long as it took, if I thought the other side was willing at any point in any kind of fashion to allow an up-or-down vote on whether we are going to be on the side of the taxpayers or whether we are going to continue to side with the oil companies and protect a program which all the independent auditors say is a great waste of money.

But what we have seen over the course of the last 5½ hours is that the Senate is not going to be able on this issue to operate the way it customarily does, where you have amendments debated and discussed and then they are clustered for a vote. As summed up by the distinguished Senator from New Mexico, they think something like this, once again, doesn't cost anything, when everybody who has looked at it independently says it is a huge drain of taxpayer money. I want to protect the middle-class folks and the folks who are hurting, whose taxpayer money flows in to Government and then flows out for this program at a time when the President of the United States has said the subsidy is not needed.

I would stay here all through the night if I thought the opponents were ever going to allow a vote. It is clear they are not.

We are going to come back to fight this another day, just as in the conference agreement, where those special interests sweetened the pot.

Mr. REID. Will the Senator yield for another question?

Mr. WYDEN. I am happy to yield.

Mr. REID. I say to my friend from Oregon—an athlete, went to college on a basketball scholarship, certainly he has the stamina to stand as long as necessary—that the point has been made. I, therefore, ask at the end of his speaking for another 3 minutes that we go into a quorum call and when the quorum call is called off, Senator COCHRAN then would be recognized.

Mr. WYDEN. Reserving the right to object, and it is not my desire to object, I think the point has been made. This is a sad day for the taxpayers of this country. When folks pull in to the gas station tonight and in the days ahead and they pay these record prices and they see these record profits, I hope they may have heard a little bit of the discussion here today, that while they are getting clobbered at the pump, the taxpayers are spending needlessly billions and billions of dollars, billions of dollars that are being wasted, not by my determination but by independent auditors. I wish that today we could have done right by all those middle-class folks and our citizens who pull up to the gas station. This is the big one, folks, in terms of energy subsidies. This is the one with the most money. This is the one there is no logical case for when oil is \$70 a barrel. I

am going to be back making this fight again and again, if the people of Oregon are willing.

Madam President, in deference to my colleagues who have been extraordinarily patient in the course of the day, while I do not withdraw my amendment, I yield the floor.

Mr. REID. Would the Chair rule on the unanimous consent request?

The PRESIDING OFFICER. Would the Senator restate the request?

Mr. REID. That we go into a 5-minute quorum call, after which Senator COCHRAN would be recognized.

The PRESIDING OFFICER. The Senator can seek consent for the Senator to be recognized after the quorum call has been called off. He cannot limit the length of the quorum call.

Mr. REID. I ask unanimous consent that after the quorum call is terminated, Senator COCHRAN be recognized.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The order was to recognize the Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the fact that we are now prepared, I assume, to proceed with consideration of other amendments on the emergency supplemental bill, H.R. 4939. For the information of Senators who would like to know what the status is, we have over 20 amendments that have been filed and are pending before the Senate. A number of those have been offered by the Senator from Oklahoma, Mr. COBURN, who divided amendment No. 3641 into 19 divisions. As I understand the parliamentary situation, each one of these divisions is considered under our procedures as a separate amendment and a separate vote could occur on each.

I am further advised that the Senator from Oklahoma would like to call up some of these amendments and have them debated and disposed of.

There are other amendments. For example, last night there were four filed by the Senator from Louisiana, Mr. VITTER, which remain pending. The Senator from Arizona, Mr. MCCAIN, likewise has four amendments pending. Senator WARNER of Virginia has two amendments pending. The Senator from Iowa, Mr. HARKIN, has an amendment that is pending. The Senator from Pennsylvania, Mr. SANTORUM, has an amendment. The Senator from Oregon, Mr. WYDEN, has debated and discussed his amendment at length today. These are amendments which are already pending. It is my hope that we can dispose of some of those amendments before proceeding to consider

other amendments. That is my suggestion for an orderly procedure that the Senate should follow.

I know the Senator from Colorado has been on the floor from time to time today indicating that he has an amendment he would like to offer. I don't want to stand in the way of his offering that amendment, but I say this to the Senate just to give everyone equal information and knowledge of the status of the bill. We need to proceed to get these amendments disposed of—agreed to or defeated or amended and agreed to or whatever is the pleasure of the Senate. I don't intend to try to limit Senators in how long they can speak, but I hope we will not abuse the rules of the Senate to make arguments that prolong the debate on the supplemental appropriations bill. That is the subject before the Senate. I hope we can stick to the subject.

Having said that, I am happy to yield the floor, and we will be glad to work with other Senators to either work out agreements on amendments, have votes on amendments, vote to table amendments, or whatever the pleasure of the Senate may be.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Madam President, reserving the right to object, I have been on the floor for 4 hours today. I filed amendments, brought them up before anybody else brought an amendment up here, other than four prior ones that I brought up.

I don't want to stop anybody from offering amendments, but the way we clear them is to debate the ones already on line. Those of us who have amendments that have been out and offered, I suggest that the regular order ought to go forward, and as we finish those—nobody is planning on cutting that off or trying to limit anybody. With that, I believe the proper thing for us to do would be to go to the regular order.

The PRESIDING OFFICER. Does the Senator object?

Mr. SALAZAR. Madam President, reserving the right to object, I, likewise, have been in this Chamber for many hours just like the Senator, waiting to get back to the regular order and to allow amendments to come forward and to debate those amendments. I don't intend to speak long in offering my amendment.

I ask unanimous consent that I may offer my amendment, speak on it for no more than 5 minutes, and then following my presentation, the Senator from Oklahoma be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado is recognized.

AMENDMENT NO. 3645

Mr. SALAZAR. Madam President, I call up amendment No. 3645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3645.

Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations)

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH  
PROJECTS

SEC. \_\_\_\_\_. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, \$30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. SALAZAR. Madam President, I rise today to offer a very straightforward amendment to the emergency supplemental appropriations bill before us. I offer this amendment because we in the United States, especially in the western part of the country, are looking at a great fire disaster emergency that requires this Senate in a last chance to address the issue and do something about the fires that will rage across the West in the summer. The emergency is created by the extreme threat of wildfires as a result of the great droughts we have had as well as widespread insect infestations that make massive fires a reality across the West. I am pleased to be joined in this amendment by Senator MAX BAUCUS.

In the West, the seasonal wildfire potential outlook map shows above-normal fire danger in the Western United States. Arizona, New Mexico, Colorado, Utah, Nevada, and Idaho have increased fire dangers to contend with, as well as the State of Montana. The outlook also shows Texas, Louisiana, Alabama, Mississippi, Georgia, and Florida to have increased fire risks. While the Southeast United States may not have as much Forest Service land as the West, that region has its hands full cleaning up from the hurricanes. I support the supplemental bill for that purpose, as well as to support our troops in Iraq and Afghanistan and other places.

At the same time, many western forests are facing a force that is leaving thousands upon thousands of acres of our forests subject to fire in local community after local community. It is something I believe the Senate must act on now that we have the opportunity. Montana and northern Idaho, for example, are experiencing the larg-

est mountain pine beetle infestation in 20 years, with nearly 1.1 million acres infested in 2005, compared to 675,000 in 2004. The State of Washington is reporting a mountain pine beetle epidemic, and 554,000 acres are now infested, which is a 28-percent increase from the previous year. Meanwhile, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these infestations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests.

I believe we must consider this situation from the point of view of our rural communities throughout the West. Many of these communities are surrounded by already dry forests. These communities are now contending with insect infestations that are further increasing the fire danger. When you combine these factors, I believe the local communities are very right to be alarmed and concerned that the ingredients are here for catastrophic fires in the coming fire season.

Just this week, an article in USA Today noted that Federal forecasters predict the wildfire potential this spring and summer is "significantly higher than normal" and that the areas at risk, from Alaska to the east coast, "are so far-flung that the Federal Government's more than 20,000 firefighters and fleets of ground and air support could be spread thin if fire danger lingers long in any area."

The Forest Service annually conducts hazardous fuels and forest health projects. However, the funding available to the Forest Service is not living up to the commitments made by Congress in the Healthy Forests Restoration Act. Healthy Forests authorizes \$760 million a year for hazardous fuels projects, and Congress has appropriated less than \$500 million of those funds per year. The funding is simply not keeping up with the increasing needs that today have been estimated at over \$1 billion per year.

My amendment will provide the U.S. Forest Service with an additional \$30 million to conduct critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and to mitigate the effects of widespread insect infestations.

Private land owners and local governments are doing all they can to combat this problem. They are using chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, however, if they are not alone in this fight. They wonder if the Federal Government is asleep at the wheel in the face of this potential disaster.

This year, we know, could be worse than other years in the West. We must provide emergency funding so that the Forest Service can conduct hazardous fuels and forest health projects that are already approved and are sitting on the shelf.

I agree with many colleagues who have raised legitimate concerns about adding spending to this bill that is not really intended to address an emergency situation. But that is not the case with this amendment. This amendment addresses a real imminent threat, and the situation is urgent. We must take action now. I am reminded by the reports of spring fires in Colorado, where we have seen 13 firefighters killed in a fire at Storm King, 135,000 acres of land burned in what was called the Hayman Fire, which consumed a large part of four counties of the State of Colorado.

I urge my colleagues to support this amendment.

I ask unanimous consent that Senator McCAIN and Senator WARNER and Senator LEVIN be added as cosponsors to the fallen hero amendment, which I have offered. It is No. 3643.

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

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to my amendment on improvised explosive device training. It is No. 3644.

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

Mr. SALAZAR. Madam President, my colleague from Oklahoma is seeking recognition. I appreciate his courtesy, and I look forward to his debate on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION II

Mr. COBURN. Madam President, I ask that division II of my amendment No. 3641 be in order at this time.

The PRESIDING OFFICER. The Senator has a right to ask for the regular order with respect to his amendment. Division II is pending.

Mr. COBURN. Madam President, I thank the chairman for protecting my right to be back on the floor in regular order. But I want to go through again with the American people what is supposed to be an emergency bill by our own rules: It is a bill that is necessary, essential, and vital; sudden, quickly coming into being, not building up over time; it is an urgent, pressing, and compelling need requiring immediate action; it is unforeseen, unpredictable, unanticipated, and not permanent but temporary only in nature.

This second division of my amendment is an amendment that removes \$15 million. It is simple. In this bill is \$15 million for the promotion of seafood. Seafood consumption in this country is at an all-time high. If you look around the country, look on television, look at magazines—the beef producers do this, but they get no Federal money. The pork producers do this, but they get no Federal money. The poultry producers do this, but they get no Federal money. The milk producers do this, but they get no Federal money in terms of their promotion. They pay individually to have a pro-

motional sequence. As a matter of fact, there is a Louisiana Seafood already in existence.

So what we are going to do is take and give \$15 million to a private entity of the seafood producers to spend to increase demand for seafood. That may be all right, but that is certainly not an emergency. It is certainly not something that should be in an emergency bill that isn't going to be paid for by us but by our children and grandchildren.

I am not objecting to the fact that we want to try to increase the demand for seafood, but if you look at the facts, the real problem our fisheries are having, especially with shrimp and those kinds of things, is with foreign competition. As you look at the problems associated with it, there are more in terms of competition than there are in terms of lack of supply.

This is real simple. Why should we be subsidizing for one industry what we don't subsidize for any other industry? The National Oceanic and Atmospheric Administration is where this money is going to go. There is nothing in the bill to tell them what to do with it. According to them, "We have no plans for how to spend this money." That is what NOAA said. They have no plans. It is not in the report language or in the bill. So what will happen is the committee will tell them how to spend the money. We won't know how it is; it is not published now. If we don't make a decision, we are not going to know.

Is there going to be oversight? Is somebody going to take a million-dollar salary out of this \$15 million? We don't know. We don't have a mechanism in place to manage it. That is the problem. If this had come through an authorizing committee, studied by our peers, and they said this is something in the long-term best interests of our country, then I probably would not be raising this issue. But I don't think that is what has happened here.

Mr. INHOFE. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. INHOFE. Madam President, I appreciate the Senator yielding. My fellow Senator from Oklahoma has done a yeoman's job of trying to remind people that this is supposed to be an emergency supplemental. In every case about which he has spoken, there is nothing emergency about them.

I appreciate the fact that he talks about going through the authorization process. We have a process that has been working for some time that has a lot of checks and balances. I happen to chair the Environment and Public Works Committee. We go through authorization and the appropriators come along.

I applaud him for reminding people what is an emergency and what is not. Let me remind my fellow Senators that we have a President of the United States who agrees with the Senator from Oklahoma. The President has said he is going to veto this bill on the items that are not emergencies and

have nothing to do with national security, defense, or with the emergency Katrina. We already have enough signatures on a letter saying we will sustain that veto. So we are going to end up doing this.

I think a lot of this is an exercise in futility. People cannot resist the opportunity to come forward where they can be seen offering more and more of the taxpayers' money for something that is not an emergency. I only wanted to say I applaud him for doing this. I think he is being overworked. Hopefully, we will have this solution with the President's veto. We should not be in a position where we are having to do that.

I applaud the Senator for what he is doing. That is my question.

Mr. COBURN. Madam President, reclaiming my time, the other point I wish to make is the proponents say this is to create a new niche market to reestablish the shrimp sales of the gulf coast. I want to help the gulf coast. I want to help them recover, but I want to do it in a way that builds a long-term, satisfactory, strong fishing industry down there.

We are at an all-time high in the consumption of seafood. Where our shrimp industry has been hurt is through globalization. The fact is, the real damage done to that industry, besides what has happened as a result of the hurricane, is they are getting beat in the world market.

I ask the Members of this body to think: Do we want to start this, and should we be doing it when cattle prices are down and producing more beef? Should we do it for the beef producers? Should we do it for the chicken farmers? In other words, should they not participate in paying for this rather than everybody else in America paying for it?

I would portend this is something that is not what we should be doing and it is not just about not wanting to help those people. I want to help them, but I don't believe this is the way to do it. This is a small amount of money in this \$104 billion-plus bill, but it is a principle as we walk down the line: how do we say no to all these other agricultural interests when we have said yes to one.

I am very worried with the wording in the report language that requires the committee to run this rather than requires the bureaucracy to run it when there is no instruction for the bureaucracy, which means it is not going to have sunshine and it is not going to have oversight. I think that is part of our problems with spending as well.

I see the distinguished Senator from Alabama is here. I will be happy to yield time to him for debate on this issue.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alabama.

Mr. SHELBY. Mr. President, today we continue to debate the provisions of H.R. 4939, the bill providing additional 2006 supplemental appropriations for

the war in Iraq and recovery from Hurricane Katrina.

Other supplemental appropriations bills have been previously signed into law dealing with the war in Iraq and Hurricane Katrina, but none of those bills directly support the needs of the devastated fishing industry in the Gulf of Mexico.

The Senate's funding recommendations affecting the gulf coast fishing industry were developed by the States Fisheries Commission and the Gulf of Mexico Fishery Management Council to meet local needs in cooperation with Federal partners, including NOAA's National Marine Fisheries Service.

The Gulf of Mexico is home to a significant share of the U.S. fishing industry, representing almost 20 percent of commercial landings and roughly 30 percent of saltwater recreational fishing trips. The 2005 hurricane season had a major impact on both of these maritime sectors, but it also devastated their shore-based infrastructure, ports, and facilities that commercial harvesters and fishermen rely on, such as docks, wharves, processing plants, distribution centers, and marinas.

Offshore, the hurricanes annihilated entire oyster beds along the gulf coast which has an immediate and long-term impact to the oyster harvesting industry. Considering that it will take years for many of the oyster beds to rebound, the current economic impacts are only part of the assessment.

Throughout the gulf coast, over 2,300 vessels were federally permitted for shrimping. The Presiding Officer, coming from Alaska, knows a lot about fishing boats. The exact number of shrimp vessels damaged or destroyed by the 2005 hurricanes is still largely unknown. However, one only needs to visit coastal communities such as Bayou La Batre, Gulfport-Biloxi, and Empire-Venice to see the overwhelming effects these hurricanes had on the entire fishing-based communities along the gulf coast. With their boats gone and shoreside facilities destroyed, many businesses are having to rebuild literally from the ground up.

It is logical to presume that the damage from last year's hurricanes, coupled with the rise of diesel fuel costs, could result in the increase in the percentage of fishermen filing for bankruptcy. This bill will stabilize the number of vessels in the fishery and rebuild fishing facilities, allowing fishermen the opportunity to harvest a greater proportion of the annual fish crop and increase their economic returns.

Finally, I want to touch on the funding that has been included in this bill for seafood marketing efforts because it has been the target of much criticism on the floor. I believe this funding is extremely important to the overall effort to restore this industry. We cannot deny the fact that many consumers became increasingly wary of gulf coast seafood following Hurricane Katrina. That is natural. To that end, I believe

it is imperative that we restore consumer confidence. All the work that has been done and all that we propose to do with the additional spending in this bill will be wasted if no one purchases the seafood that comes from the gulf. Therefore, marketing efforts to reassure consumers that the seafood is safe are not wasteful but, rather, essential to the efforts to restore this industry.

The 2006 supplemental appropriations bill, as reported by the Senate Appropriations Committee, contains significant funding to address many needs of the devastated fishing industry in the gulf coast. I encourage my colleagues to support the bill as reported and oppose any amendments that might propose to strike funding provided for fisheries assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I, too, rise in strong support of the fisheries and seafood provisions in this supplemental appropriations bill to help a very important industry simply begin to get back on its feet on the gulf coast. This is a vitally important industry, not just for the gulf coast but for all of America.

I am very proud of Louisiana and our coastline and our fisheries. We are the largest producer of fisheries in the lower 48 States, second only in the country to the home State, of course, of the Presiding Officer. So it is a true national priority in terms of the service and the food we yield to the country.

With two hurricanes, our nationally important fisheries sustained huge damage. Individual fishermen and their families sustained huge damage. Vessels, equipment, offloading and processing facilities, and oyster farms will take years to recover. Because of this damage of truly historic proportions, the administration, through the Department of Commerce, made a disaster declaration, which is appropriate under the law, for fisheries specifically. However, for the first time in history, they did not follow up that disaster declaration with a request for certain emergency funding to meet that disaster.

The work of the full committee in the Senate, led by Senator COCHRAN, fills that gap by producing an important section of this bill devoted for fisheries. I personally thank Senator COCHRAN for filling that gap because, again, it is a very real gap.

We had a disaster declaration, the highest ever in terms of fisheries losses and devastation in the United States, but we had no corresponding funding request from the administration in light of that disaster emergency declaration. This section of the bill, again, is enormously important to meet those needs.

I want to turn specifically to the seafood marketing section which has been a particular target of several Members,

led by Senator COBURN, and they have brought up some very good points.

First, I begin by complimenting Senator COBURN on his work on many fiscal reform matters. I applaud it. I not only applaud it, because talk is cheap, I support it in the vast majority of cases. Earmark reform, for instance, is something we desperately need in Congress, and I strongly supported those efforts a few weeks ago when they were before us, and I continue to strongly support those efforts.

I have no problem with the light of day being shone on all of these issues and our having to justify all specific spending items. So I compliment him on his work in general.

But it is in that spirit that I stand to proudly defend this seafood marketing issue and to completely rebut some notion that it has nothing to do with the hurricanes and nothing to do with an emergency situation.

Really, what the argument comes down to is two words, two words that we heard on television over and over again for weeks after the storm. And the two words are "toxic soup."

I have to tell my colleagues that the media coverage after the storm really frustrated me. I grew up in New Orleans, LA. I was there in Louisiana. Obviously, I represent Louisiana now in the Senate. I was living through the devastation and the challenges, and we had a lot of devastation, we had a lot of challenges, we had a lot of screw-ups by all levels of government, certainly including State and local.

But the media coverage got a few things wrong, too. One of the things they got very wrong was the constant, unrelenting for weeks repetition of this term "toxic soup." To listen to the national media and the way they portrayed the situation, all of the city of New Orleans was covered with toxins that would leave it virtually uninhabitable for decades to come, and because of the toppling of rigs and other localized events which did occur in the gulf, there was a toxic soup spreading throughout many areas of the gulf and coastal Louisiana.

There were serious and real environmental issues. There were many environmental issues, dozens, hundreds of localized events, but they were addressed as quickly and completely as possible by the good national servants of the Coast Guard and many other agencies. Although these events were real and serious, they did not create, they did not amount to this toxic soup we heard about over and over through the national media.

Again, the impression that was clearly left over and over was that all of New Orleans and much of the gulf and much of the gulf coast where fisheries were harvested was a toxic soup with life-threatening toxins that would be in the area and seep into the water and seep into the ground and be factors for literally decades to come.

When we have that sort of national media coverage 24 hours a day, dwelling on this theme over and over for

weeks, one can begin to imagine what it might do to the gulf coast seafood industry. It killed it. What Katrina and Rita hadn't devastated, that media coverage absolutely did. And that is why an informational campaign addressing, among other issues, that "toxic soup" claim and the fact that it is just pure fiction, has no basis in science, is very necessary for the immediate health of this industry, and is directly related to the emergency situation stemming from the hurricanes.

I want to compliment several agencies such as NOAA that have done important environmental testing and other work since the hurricanes and which certified that after thousands of tests and sampling of water and seafood from the Gulf of Mexico, that the seafood is absolutely safe to eat. The States of Alabama and Mississippi and Louisiana, along with the U.S. Food and Drug Administration, EPA, NOAA and others, have again analyzed hundreds of samples of fish and shellfish from the waters. All of this testing across the board also proves that there is no broad-based toxic soup; there is absolutely no danger in terms of that seafood from the gulf.

But as many thousands of these tests have been performed, guess what. Hardly a single U.S. consumer has heard about it. Hardly a single U.S. consumer knows about it. So in terms of the viability of the industry, it really doesn't matter, all of these tests being done, because it is not common knowledge, and the word has not gotten out. That is the biggest reason we absolutely need this informational campaign, this promotional campaign, again, that is directly related to the emergency situation produced by Hurricanes Katrina and Rita.

I would welcome Senator COBURN to put back up on his easel the definition of emergency, the definition that we are supposed to be following for true emergency measures. That definition applies here because of the phenomenon I am talking about. That definition is absolutely applicable here because we have an emergency situation for the immediate future of our gulf coast fisheries industry, again, that were devastated by the hurricanes, and much of the fisheries section of this bill goes to that, trying to get processing plants and boats and docks and essential equipment back and repaired, back up and running, and that is important. But just as important is the enormous harm that was caused after the storm by very flawed national media coverage and a lot of misinformation summarized by those two words, "toxic soup." That is why this informational campaign, this promotional campaign is an emergency situation and is directly related to the hurricanes and absolutely meets every one of the definitions Senator COBURN rightly says we must be guided by.

With that, Mr. President, I will close. But in doing so, I urge all of my colleagues to please support the very im-

portant fishery provisions in the bill. They are emergency measures. They are all directly related to the hurricanes, including the promotional campaign.

AMENDMENT NO. 3626, AS MODIFIED

Mr. President, I quickly would like to address a small bit of housekeeping, which is to ask unanimous consent to modify language to an amendment I already have at the desk, No. 3626, to take care of a technical matter, and the new language will be delivered to the desk.

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

The amendment, as modified, is as follows:

On page 166, line 12, insert before the colon the following: ", and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues due to Hurricane Katrina or Hurricane Rita of 2005".

Mr. VITTER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Gulf States from Texas to Florida have all been dealt serious blows this past hurricane season by Hurricanes Katrina, Rita, Wilma, and Dennis. The needs are tremendous across the entire Gulf Coast in the fishing communities which were hit hardest and first. Before these hurricanes, the gulf produced about 15 percent of the Nation's domestic wild-caught seafood by weight and about 20 percent by value.

According to a National Oceanic and Atmospheric Administration report, these hurricanes shut down, damaged, or destroyed 90-100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, net makers, recreational marinas, bait and tackle shops, and seafood restaurants and retail markets in eastern Louisiana, with similar, if somewhat reduced, impacts in Mississippi and Alabama. Most of these facilities remain closed today, 9 months later.

On September 9, 2005, Secretary of Commerce Gutierrez declared a fisheries disaster for the Gulf of Mexico under the Magnuson-Stevens Act, which authorizes fisheries disaster assistance in such situations. Of the almost \$90 billion in disaster funding appropriated by the Congress since these hurricanes, none has been directed at these fishing communities.

On top of the difficulty that gulf fishermen are experiencing in rebuilding their ability to catch and process gulf seafood, they are also faced with the hurdle of getting that catch into the national marketplace.

One issue that continues to hurt Gulf of Mexico fisheries products is the labeling of the coastal Gulf of Mexico waters by the media as "toxic soup" during the first few months after Katrina. For example, Anderson Cooper of CNN led a Katrina follow-up story

with the chairman of the Louisiana Seafood Promotion and Marketing Board by asking him about the "toxic soup" in which Gulf of Mexico fish are growing.

We need to put this issue to rest and rebuild seafood markets lost due to these storms. This is critical to the recovery process. The five Gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since these hurricanes. They will not be able to recover unless they get help in getting this industry back on its feet and getting back into the marketplace.

The key issue that the five Gulf State seafood promotion boards face is that once the continuity of product has been lost in any marketplace, sales often are lost permanently to substitute products and reclaiming those markets is a long term challenge. Add the "toxic soup" concerns to the mix and the need for marketing is greater than ever at a time when the state seafood board budgets are dwindling or expended.

I will be brief because I know my colleague from Mississippi, and Senator SHELBY from Alabama, who was the author of this portion of the supplemental, have already covered these issues, and Mr. VITTER did a very good job. Maybe I can contribute to the debate just by summing up how critical this is and why this particular amendment, even though it involves only \$15 million, should be defeated. It is an important part of what is going on here.

First, let me emphasize, again, that from Texas to Florida, throughout the Gulf of Mexico, Hurricanes Katrina, Rita, Wilma, and Dennis have devastated the fishing communities. They are an important part of our communities, our economy, and our culture. It is not just because we like to see the shrimp boats sail off into the sunset or see the oystermen out there tonging for oysters; it is because it is an important part of the economy. Fifteen percent of the Nation's domestic wild-caught seafood by weight and 20 percent of the value comes from the gulf area. It is an area that makes an important economic contribution. It is an important part of the seafood industry nationally, and it has never been properly marketed or exploited in the terms that it should be. We have already had problems with imports being flooded into the country in a way that undermines the industry, and now we have been hit by these hurricanes.

I emphasize this, too: that while we have passed some \$90 billion—in excess of that—for disaster funding as a result of these hurricanes, none of it, zero, has gone to these fishermen and to the fishing industry, for a variety of reasons.

First of all, it takes time to ascertain what the damages are. But when you lose it all, when you lose the processing plants, the boats, the whole industry, it takes time to assess what we have lost and how we are going to repair it, and how do we recover from the

fact that we lost this business. Even NOAA has indicated that these hurricanes shut down, damaged, or destroyed 90 to 100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, netmakers, the whole thing.

Once you lose that market, it is difficult to get it back—maybe impossible—but we have to make that effort. This is an important food, it is an important resource. It is an important value for the people. And the only way we are going to get it back is we are going to have to help them repair their vessels and to recover the losses they have had.

A lot of these, by the way, are minorities. In Biloxi, MS, a lot of these fishermen are Vietnamese or Slovonians or Frenchmen, but a lot of them are Vietnamese who lost their house, their truck, their boat, their livelihood. It would make you cry to see these people. This is clearly an area where we should provide this help.

So what this particular part would do would be to focus on us regaining the markets we lost. It is an important part of the recovery process. The five gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since the hurricanes. The key issue that the five gulf States' seafood promotion boards face is that once the continuity of the product is broken, getting it back takes effort and time. And then we add to that the bad publicity of the so-called "toxic soup," which was an exaggeration from the beginning, by the way, we have to overcome that.

As a matter of fact, we find that the catch that is possible out there could be very good. The problem is we don't have the boats to get them. We don't have the plants to deal with them when they come in.

So I urge my colleagues, if there is anyplace that we ought to be providing some help, it is the fisheries industry. It is absolutely a part of the critical recovery, just as much or more so than being able to have a way to rebuild your home or repair your home. You have to have a job. For these people, there are not many other options for jobs. So I urge the defeat of the amendment. I commend Senator SHELBY and Senator COCHRAN for including this language in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come in support of the amendment. I know that we don't have too much time since the distinguished managers would like to get this bill moving, but let me just say that this is \$15 million to be used, and I quote from the bill: "Seafood promotion strategy," which is Congress's attempt to sell consumers pork masquerading as a fish.

Similar to other appropriations in this bill, this \$15 million is not limited to marketing seafood from the gulf coast region or other areas that were affected by Hurricane Katrina.

For example, the Alaska Fisheries Marketing Board likely anticipates a payout from these appropriations. We have come a long way from an emergency supplemental. The board has received—this Alaska Fisheries Marketing Board—has received over \$30 million from the Federal Government since 2003 from similar provisions in appropriations bills. Last year, this board used a half million dollars to pay Alaska Airlines to paint a giant salmon on a 737. We called it the "salmon-30-salmon," proving that fish do fly, thanks to the American taxpayer.

According to a recent survey by Harris Interactive, 73 percent of all Americans say they eat seafood at least once a month, and 47 percent of all Americans consume more seafood now than they did 5 years ago. These record consumption levels were achieved without a pricey marketing campaign financed by American taxpayers. It appears that Charlie the Tuna and the Chicken of the Sea mermaid are doing their jobs just fine, without any help from the Federal Government.

Additionally, a recent CRS report states:

The marketability of catch from the gulf coast appears little affected by contamination from storm runoff or consumers' concerns.

Mr. President, let me save the American taxpayers \$15 million right now by telling all Americans now to eat seafood. Eat seafood. It is good for you. There we go. C-SPAN has millions of viewers, and they have heard the message. So the marketing campaign is complete. With the Federal budget deficit forecasted to reach \$477 billion this year, I doubt the American taxpayer would approve of Congress spending \$15 million to promote the consumption of seafood when Americans are already consuming record amounts of seafood.

Lastly, the CRS report also found that prior to Hurricane Katrina, the gulf coast commercial shrimpers had been losing market share to "competition from less expensive foreign imports and domestic harvesters for several years." Therefore, this \$15 million marketing campaign seems to be targeted more toward stemming the success of less expensive imports than assisting the gulf coast region's economy.

I ask my colleagues to join me in supporting this amendment to strike the fishiest smelling pork in this bill.

Let me just make one additional comment, if I could. It is clear—it is very clear—that what we have here is a broken process. Any defense money that we are taking out should have been part of the normal budgetary process. I want to tell my colleagues that I and others have embarked on an effort to bring the emergency supplemental that pays for the Iraq war into the normal budgetary process. We have been at war for 3 years. This is the fourth year. There is no reason to do business like this. It bypasses the authorization process, it bypasses any

scrutiny by the proper committees, we then bring it to the floor, and it is filled with items such as this ridiculous \$15 million for a seafood marketing campaign, and it grows and grows and grows.

Today, in the Wall Street Journal, there is a poll. It says: "Republicans sag in new poll." I found it very interesting that in describing the poll, in particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves tired of Republicans and Democrats fighting each other. Among all Americans, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

I want to repeat that, Mr. President. A 39-percent plurality of Americans are sick and tired of the earmarking process that is going on. Now, when are we going to respond to the American people? Everywhere I go, every town hall meeting I attend, my constituents tell me they are sick and tired of this. And, now, according to a Wall Street Journal NBC poll, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

This is a graphic example of what the American people are sick and tired of.

By the way, immigration reform ranks behind earmarks in congressional action that is desired by the American people. It concludes by saying:

Americans take dim views of both parties, giving Democrats a positive rating of just 33 percent and Republicans 35 percent.

We are at an all-time low in the favorable opinion of the American people. This is an example. This \$15 million is a very small but compelling example of our need to change the way we do business. If we vote again to keep this in this bill, we are sending the message to the American people that it is business as usual.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is the responsibility of the National Marine Fisheries Service to assure Americans of the safety and availability of the seafood from U.S. oceans. The service has done extensive environmental testing in the gulf, and it has shown no increase in toxicity. The gulf seafood is just as safe as the seafood from Washington State or New England.

This amendment strikes the funding that could be used for seafood marketing programs that get that information to the consuming public. The Senate should defeat the amendment.

Mr. President, I was going to move to table the amendment, but I understand it is OK to have the vote on a voice vote or show of hands. So I think we are ready to vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will agree with the chairman we are almost ready. I just wanted to make a couple of points.

Mr. COCHRAN. Wait a minute, I didn't yield the floor. I am standing here. I asked for a vote.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table division II of amendment 3641.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "yea."

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

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—44

Akaka	Domenici	Murray
Allard	Durbin	Nelson (FL)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bond	Hatch	Reid
Boxer	Inouye	Sarbanes
Byrd	Kennedy	Schumer
Cantwell	Landrieu	Shelby
Clinton	Lautenberg	Smith
Cochran	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lott	Stevens
Dayton	McConnell	Vitter
Dodd	Mikulski	Wyden
Dole	Murkowski	

NAYS—51

Alexander	DeMint	Lieberman
Allen	DeWine	Lugar
Bayh	Dorgan	Martinez
Biden	Ensign	McCain
Bingaman	Enzi	Menendez
Brownback	Feingold	Nelson (NE)
Bunning	Feinstein	Obama
Burns	Frist	Roberts
Burr	Graham	Salazar
Carper	Grassley	Sessions
Chafee	Hagel	Stabenow
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Conrad	Jeffords	Thomas
Cornyn	Johnson	Thune
Craig	Kohl	Voinovich
Crapo	Kyl	Warner

NOT VOTING—5

Isakson	Lincoln	Santorum
Kerry	Rockefeller	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The Senator from West Virginia.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I accede to the request of my chairman, but I ask unanimous consent upon the completion of that vote I be recognized to offer an amendment.

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

The question is on agreeing to division II of the Coburn amendment.

Division II of amendment (No. 3641) was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Senator from West Virginia is recognized.

AMENDMENT NO. 3709

Mr. BYRD. Mr. President, just over 3 years ago the Armed Forces of the United States were sent to fight a new war in Iraq. I was against the entry of our country into that war. At that time, many representations were made that this war would be quick and that it would be easy.

On the eve of war, our Nation was already embroiled in a campaign that sought to portray the invasion of Iraq as a quick and cheap way to rid the world of Saddam's regime and his supposed chemical weapons. We were told that the intervention would be as quick as lightning.

We now know that the war plans called for a withdrawal of nearly all American troops from Iraq by September 2003. Yet here we are, 3 years, 1 month, and 2 weeks later and 135,000 American troops are still in Iraq; 2,383 American troops have been killed; more than 17,500 American troops have been wounded. And for what? For what, I ask?

We were told at the time that the reconstruction of Iraq would cost the American taxpayer almost nothing. Former Deputy Defense Secretary Paul Wolfowitz said that we are dealing with a country—that is, Iraq—that can really finance its own reconstruction and we can do that relatively soon.

Yet here we are, and the total bill for Iraqi reconstruction being footed by the American taxpayers is running into the billions of dollars. We were told at the time that the cost of military action would be small. Secretary Rumsfeld claimed on January 19, 2003, that the Office of Management and Budget had come up with a number that is something under \$50 billion for the cost of that war. Yet here we are and the cost of military operations in Iraq is climbing beyond \$290 billion.

Astoundingly, the cost of the war in Iraq keeps increasing. According to a Congressional Research Service report released this week, the Iraqi war costs \$4.4 billion per month. How about that—\$4.4 billion per month in fiscal year 2003; \$5 billion per month in fiscal year 2004; \$6.4 billion per month in fiscal year 2005; and could reach \$8.1 billion per month during this fiscal year. That is an 84-percent increase in the cost of the war in just 3 years.

The growing cost of this abominable war in Iraq must come as a shock to Americans who were led to expect a war that could be done on the cheap. But we should pause to ask, at a time when our Government is drowning in red ink, how can it be that spending for the war in Iraq keeps increasing year after year?

Passage of this supplemental appropriations bill will mean that Congress will have appropriated \$320 billion for the war in Iraq and the end is not yet in sight; there is no light at the end of the tunnel yet. That is not the end of the story.

The President has requested a \$50 billion bridge fund for the next Defense appropriations bill which will inevitably be followed next year by another large emergency supplemental spending request. Mark my words, it won't be too long before spending on the war in Iraq will eclipse 10 times the figure Secretary Rumsfeld estimated in January of 2003. Talk about being off the mark, talk about being wildly off the mark. Some measure of sanity has to be brought to the spiralling cost of the war.

Four times I have offered amendments to defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war. I have talked until I am hoarse about the cost of this war. Four times I have offered amendments through defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war in his annual budget request. And four times the amendments have passed with strong bipartisan support—Republicans and Democrats on that side of the aisle and on this side of the aisle—and four times the amendments have been ignored by the White House.

The administration's failure to budget for the war means that neither the White House nor Congress is making the tough decisions about how to pay for the ongoing wars in Iraq and Afghanistan.

I support the war in Afghanistan. Yes. We were invaded. This country was invaded. This country was attacked, and the enemy was in Afghanistan. I was for going after those guys. But I did not vote for the war in Iraq. I said it was wrong.

There has been no earnest debate about how wartime spending is to fit into the overall budget picture. Instead, the administration has relied overwhelmingly on emergency supplemental appropriations requests to fund the costs of the ongoing wars. These requests are not part of the regular budget debate in Congress, and they are often foisted upon the legislative branch with little in the way of justification, which Congress is then pressed into passing with a minimum of scrutiny.

The reliance on supplemental appropriations bills is one symptom of a disease that has struck Washington, and

that is the scourge of fiscal irresponsibility. According to data from the Congressional Budget Office, since 2001, the White House has requested a total of \$515 billion in emergency supplemental appropriations. That is more than half a trillion dollars that simply does not appear in any of the budget plans passed by Congress.

This dependence—this dependence, I say—on supplemental appropriations dwarfs the requests of prior administrations. In fact, the \$515 billion of supplemental funding requests in the last 5 years is more than 3½ times—more than 3½ times—greater than all the supplemental spending requests from the 10 years previous to the current administration.

At a time when our country is facing huge deficits as far as the human eye can see, it is simply irresponsible for the administration to continue to short-circuit the budget process with a never-ending series of huge supplemental appropriations bills. There ought to be some fiscal discipline here in Washington, DC, and that means that the President ought to budget for the cost of the wars. The President pretends that his budget reduces the deficit over 5 years, but he fails to include the full cost of the war in Iraq.

Therefore, Mr. President, I offer an amendment, once again, to state the sense of the Senate that the President should include in his next annual budget request a full estimate—a full estimate—of the cost of the ongoing wars in Iraq and Afghanistan. My amendment states that any funds requested by the President should be placed in regular appropriations accounts, and should be accompanied by a detailed justification for those funds.

The Senate must continue to call for responsible budgeting for the cost of the wars in Iraq and Afghanistan. I have appreciated the efforts of the chairman of the Defense Appropriations Subcommittee. I have appreciated that. And I thank Senator STEVENS for his work with me on the previous four times I have offered this amendment. He is an outstanding chairman of a very important subcommittee. I am grateful for his past support of this amendment on this issue.

Now, the Senate—I apologize for my voice. When I was a boy, there came a time when my voice changed. Well, it is changing again, apparently. I guess I cannot claim to be a boy again.

Mrs. BOXER. You are getting young again, I say to the Senator.

Mr. BYRD. I am getting young again, I am told.

The Senate ought to go on the record once again in favor of fiscal responsibility. With the cost of the war in Iraq escalating beyond \$320 billion, it is time to bring some sanity to the budget process. So I urge my colleagues to support this amendment to tell the President to budget for the cost of the wars.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Is the Senator sending the amendment to the desk?

Mr. BYRD. I ask for a vote. I hope we can vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, and Mr. CARPER, proposes an amendment numbered 3709.

The amendment is as follows:

(Purpose: To express the sense of the Senate on requests for funds for military operations in Iraq and Afghanistan for fiscal years after fiscal year 2007)

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR FISCAL YEARS AFTER FISCAL YEAR 2007

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109-148) appropriated \$50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of \$67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a \$50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as \$86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Let's vote. We have voted on this four times already.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Mr. President.

First, a small bit of housekeeping.

AMENDMENT NO. 3628, AS MODIFIED

Mr. President, I ask unanimous consent that language revisions be made to my amendment No. 3628, which is already at the desk. And those revisions, which are largely technical in nature, will be sent up to the desk right now.

Mrs. MURRAY. Mr. President, I reserve the right to object. We want to have a chance to look at those before the Senator sends them to the desk.

Mr. VITTER. That would be fine. This is an amendment that has already been presented to the minority side. This is a language revision of that amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3628), as modified, is as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term "covered funds" means any funds that—

(1) are made available to the Department of Justice, the Department of Interior, the Department of Labor, the Department of Education, the Department of Health and Human Services under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States that take into consideration critical need and physical damages to property, equipment, and financial losses; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

AMENDMENT NO. 3668

Mr. VITTER. Mr. President, I also call up and briefly wish to speak on a new amendment, which I will also send to the minority side, amendment No. 3668.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3668.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the treatment of a certain Corps of Engineers project)

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7. For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

Mr. VITTER. Mr. President, this amendment does not cost any money. It does not increase the size or expense of the bill whatsoever. It does, however, add significant language regarding an issue that is very important to coastal Louisiana with regard to coastal flooding, and that has to do with the now infamous Mississippi River Gulf Outlet, also known as MRGO.

MRGO is considered by virtually everyone to be a real problem, a conduit of hurricane storm surge and a conduit of saltwater intrusion which has eaten away at our coastal marshland in southeast Louisiana and has produced increased vulnerability to coastal storm surge.

Many eyewitnesses and computer models confirm that MRGO contributed to enormous destruction caused by Hurricane Katrina. Hundreds of thousands of acres of coastal lands have also been lost because of the saltwater intrusion invited by MRGO.

My amendment, again, would not increase the funding in the bill. It would not increase the cost of the bill. It would simply allow for a portion of the funds already appropriated in the last emergency supplemental for hurricane recovery for the restoration of the banks of MRGO to also be used to begin implementation of a water control structure to block hurricane storm surge from rolling up through MRGO to populated areas. Again, there is broad consensus that this needs to be done to battle against this vulnerability.

In closing, I would simply underscore my amendment does not score, does not appropriate any new money.

With that, Mr. President, I yield back my time.

Mr. BYRD. Vote. Let's vote. Vote, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Louisiana?

VOTE ON AMENDMENT NO. 3709

Mr. BYRD. Mr. President, I call for the regular order with respect to my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. BYRD. Let's vote.

Mr. COCHRAN. The yeas and nays have been ordered.

Mr. BYRD. The yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—94

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Landriou	Sununu
Collins	Lautenberg	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	
Dole	McCain	

NOT VOTING—6

Bond	Isakson	Rockefeller
DeMint	Kerry	Santorum

The amendment (No. 3709) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. I call up my amendment which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. MENENDEZ. Reserving the right to object, if the Senator from North Carolina will agree, I ask unanimous consent that subsequent to his amendment, I be recognized next in order to offer my amendment, and I will have no objection to setting aside the pending amendment.

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

Mr. COBURN. Reserving the right to object, I have 3 minutes' worth of housekeeping that I would like to get done on amendments that will make the process move faster and offer amendments without debate so they can get in the queue. I would like to do that after Senator BURR, if that is OK with the Senator from New Jersey.

Mr. BURR. Mr. President, if it helps my colleagues, it will take me 20 seconds to offer this amendment.

Mr. CHAMBLISS. Mr. President, reserving the right to object, I ask the Senator from New Jersey how long does he anticipate speaking on his amendment?

Mr. MENENDEZ. About 10 to 12 minutes.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that after Senator BURR, Senator COBURN be recognized, then Senator MENENDEZ, and then I be recognized for up to 7 minutes.

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

The Senator from North Carolina.

AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment, and I call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3713.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allocate funds to the Smithsonian Institution for research on avian influenza)

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, \$5,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and".

Mr. BURR. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION III, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, division III, and ask unanimous consent for its withdrawal.

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

AMENDMENTS NOS. 3693, 3694, 3695, AND 3697, EN BLOC

Mr. COBURN. Mr. President, I call up four amendments to place them in the queue. They are the Barak Obama-Coburn transparency amendments, four in order. I ask they be called up.

The PRESIDING OFFICER. Without objection, the amendments will be called up en bloc, and the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for Mr. OBAMA, for himself, proposes amendments numbered 3693, 3694, 3695, and 3697, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3693

(Purpose: To reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts)

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

AMENDMENT NO. 3694

(Purpose: To improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding \$1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

AMENDMENT NO. 3695

(Purpose: To improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available)

On page 253, between lines 19 and 20, insert the following:

FINANCIAL TRANSPARENCY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding \$250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than \$250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding \$100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

AMENDMENT NO. 3697

(Purpose: To improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts)

On page 253, between lines 19 and 20, insert the following:

TITLE VII—EMERGENCY RECOVERY SPENDING OVERSIGHT

SEC. 8001. SHORT TITLE.

This title may be cited as the “Oversight of Vital Emergency Recovery Spending Enhancement and Enforcement Act of 2006”.

SEC. 8002. DEFINITIONS.

(a) CHIEF FINANCIAL OFFICER.—The term “Chief Financial Officer” means the Hurricane Katrina Recovery Chief Financial Officer.

(b) OFFICE.—The term “Office” means the Office of the Hurricane Katrina Recovery Chief Financial Officer.

SEC. 8003. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Hurricane Katrina Recovery Chief Financial Officer.

(b) CHIEF FINANCIAL OFFICER.—

(1) APPOINTMENT.—The Hurricane Katrina Recovery Chief Financial Officer shall be the head of the Office. The Chief Financial Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Chief Financial Officer shall—

(A) have the qualifications required under section 901(a)(3) of title 31, United States Code; and

(B) have knowledge of Federal contracting and policymaking functions.

(c) AUTHORITIES AND FUNCTIONS.—

(1) IN GENERAL.—The Chief Financial Officer shall—

(A) be responsible for the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina;

(B) strive to ensure that—

(i) priority in the distribution of Federal relief funds is given to individuals and organizations most in need of financial assistance; and

(ii) priority in the distribution of Federal reconstruction funds is given to business en-

ties that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(C) perform risk assessments of all programs and operations related to recovery from Hurricane Katrina and implement internal controls and program oversight based on risk of waste, fraud, or abuse;

(D) oversee all financial management activities relating to the programs and operations of the Hurricane Katrina recovery effort;

(E) develop and maintain an integrated accounting and financial management system, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

(iii) complies with any other requirements applicable to such systems; and

(iv) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of the Office;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(F) monitor the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures;

(G) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of Federal agencies or which are available to the agencies, and which relate to programs and operations with respect to which the Chief Financial Officer has responsibilities;

(H) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity, including any Chief Financial Officer under section 902 of title 31, United States Code, and, upon receiving such request, insofar as is practicable and not in contravention of any existing law, any such Federal Governmental entity or Chief Financial Officer under section 902 shall cooperate and furnish such requested information or assistance;

(I) to the extent and in such amounts as may be provided in advance by appropriations Acts, be authorized to—

(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

(ii) make such payments as may be necessary to carry out the provisions of this section;

(J) for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), perform, in consultation with the Office of Management and Budget, the functions of the head of an agency for any activity relating to the recovery from Hurricane Katrina that is not currently the responsibility of the head of an agency under that Act; and

(K) transmit a report, on a quarterly basis, regarding any program or activity identified by the Chief Financial Officer as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to the appropriate inspector general.

(2) ACCESS.—Except as provided in paragraph (1)(H), this subsection does not provide to the Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(3) COORDINATION OF AGENCIES.—In the performance of the authorities and functions under paragraph (1) by the Chief Financial Officer the President (or the President's designee) shall act as the head of the Office and the Chief Financial Officer shall have management and oversight of all agencies performing activities relating to the recovery from Hurricane Katrina.

(4) REGULAR REPORTS.—

(A) IN GENERAL.—Every month the Chief Financial Officer shall submit a financial report on the activities for which the Chief Financial Officer has management and oversight responsibilities to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and House of Representatives; and

(iv) the Committee on Government Reform of the House of Representatives.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) the extent to which Federal relief funds have been given to individuals and organizations most in need of financial assistance;

(ii) the extent to which Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(iii) the extent to which Federal agencies have made use of sole source, no-bid or cost-plus contracts; and

(iv) an assessment of the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures.

(C) FIRST REPORT.—The first report under this paragraph shall be submitted for the first full month for which a Chief Financial Officer has been appointed.

(d) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICERS.—Nothing in this Act shall be construed to relieve the responsibilities of any Chief Financial Officer under section 902 of title 31, United States Code.

(e) AVAILABILITY OF RECORDS.—Upon request to the Chief Financial Officer, the Office shall make the records of the Office available to the Inspector General of any Federal agency performing recovery activities relating to Hurricane Katrina, or to any Special Inspector General designated to investigate such activities, for the purpose of performing the duties of that Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

**SEC. 8004. REPORTS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.**

The Government Accountability Office shall provide quarterly reports to the committees described under section 8003(c)(4)(A) relating to all activities and expenditures overseen by the Office, including—

(1) the accuracy of reports submitted by the Chief Financial Officer to Congress;

(2) the extent to which agencies performing activities relating to the recovery from Hurricane Katrina have made use of sole source, no-bid or cost-plus contracts;

(3) whether Federal funds expended by State and local government agencies were spent for their intended use;

(4) the extent to which Federal relief funds have been distributed to individuals and organizations most affected by Hurricane Katrina and Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005; and

(5) the extent to which internal controls to prevent waste, fraud, or abuse exist in the use of Federal funds relating to the recovery from Hurricane Katrina.

**SEC. 8005. ADMINISTRATIVE AND SUPPORT SERVICES.**

(a) IN GENERAL.—The President shall provide administrative and support services (including office space) for the Office and the Chief Financial Officer.

(b) PERSONNEL.—The President shall provide for personnel for the Office through the detail of Federal employees. Any Federal employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

**SEC. 8006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as necessary to carry out this title.

**SEC. 8007. TERMINATION OF OFFICE.**

(a) IN GENERAL.—The Office and position of Chief Financial Officer shall terminate 1 year after the date of the enactment of this Act.

(b) EXTENSION.—The President may extend the date of termination annually under subsection (a) to any date occurring before 5 years after the date of the enactment of this Act.

(c) NOTIFICATION.—The President shall notify the committees described under section 8003(c)(4)(A) 60 days before any extension of the date of termination under this section.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 3675

Mr. MENENDEZ. Mr. President, I call up amendment No. 3675 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LAUTENBERG, Mr. INOUE, Mrs. CLINTON, and Mr. LIEBERMAN, proposes an amendment numbered 3675.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies)

On page 237, between lines 6 and 7, insert the following:

For an additional amount for the training of employees of the Bureau of Customs and Border Protection, \$10,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency require-

ment pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, between lines 10 and 11, insert the following:

For an additional amount for the purchase of new container inspection technology at ports in developing countries and the training of local authorities, pursuant to section 70109 of title 46, United States Code, on the use of such technology, \$50,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for the implementation of section 70105 of title 46, United States Code, \$12,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**TRANSPORTATION SECURITY ADMINISTRATION**

**TRANSPORTATION VETTING AND CREDENTIALING**

For an additional amount for the implementation of section 70105 of title 46, United States Code, \$13,000,000, to remain available until September 30, 2007, of which \$250,000 shall be made available for the Secretary of Homeland Security's preparation and submission to Congress of a plan, not later than September 30, 2006, with specific annual benchmarks, to inspect 100 percent of the cargo containers destined for the United States: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, line 25, strike "\$132,000,000" and insert "\$232,000,000": *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. MENENDEZ. Mr. President, when Congress adjourned on its 2-week recess, I heard from many of my constituents back home in New Jersey that they were somewhat shocked to find out that one of the most critical elements of our security, the ports in the Nation, still were subject to such vulnerability.

Just this weekend, we received a vivid reminder of the threat that still exists when Osama bin Laden released yet another tape threatening to kill innocent Americans.

We often talk tough, but then sometimes we act weak. And nowhere is that concern more urgent than at our ports where 4½ years after September 11, we still don't know what is contained in 95 percent of all of the containers entering this country. That is a colossal failure, and we are here to make sure that Congress takes steps to reverse it.

In the collapse of the Dubai Ports World deal, the eyes of the Nation were riveted on this problem. Most Americans were shocked to discover that only 5 percent—5 percent—of the containers passing through our ports are

inspected, and they demanded improvement.

In the wake of that deal, the Senate responded by approving our plan that added nearly \$1 billion to the budget to fund port security, and that was a good first step. But as we said at the time, the proof will be if Congress actually steps forward to follow through with the funding.

The 9/11 Commission told us that to prevent a future terrorist attack, we had to think outside the box. But at our ports, we actually need to think inside the container because we need to know what is in the containers that enter the country through our ports every day.

The bottom line is that we need to get on the road to 100 percent scanning and inspections of the containers coming into this country, and we need to get there sooner rather than later. That is why this amendment requires the administration to provide Congress and the American people with a clear plan, with specific yearly benchmarks to achieve 100 percent inspections of containers.

The Appropriations Committee took a big step forward by approving Senator BYRD's amendment to spend \$648 million to strengthen inspections, fund new radiation portals and cargo container systems, and add money for local port security grants. That is a dramatic improvement over the other body's bill which did nothing to add additional funding for port security.

But I believe we need to do more. To protect our ports at home, we have to inspect containers abroad, before they arrive in our ports, our towns, and our cities. We must also ensure that foreign ports, especially those ports in less prosperous countries, are safe and secure because this cargo comes to our ports as well.

The amendment, therefore, provides \$50 million to help those countries that may not have the wherewithal to achieve the latest cargo scanning technologies because without that kind of support, those ports could remain the weakest link in our international port security chain. We have to make sure they do not become the easy targets for terrorists looking for lax security practices.

I listened a lot to those in the shipping industry, and officials have stated that the Container Security Initiative operated by Customs and the Border Patrol is highly dependent on the willingness of a foreign port to participate in the program and to effectively implement security measures. But even if a foreign port is prepared to participate and to implement security measures, they may lack the funding to procure the technologies and to hire and train adequate personnel to do so.

In compounding this potential security gap, the shipping industry has noted there is inconsistency among U.S. ports in the way they operate. So if there are already operational inconsistencies among U.S. ports, one can

only imagine how security measures are implemented at foreign ports of origins shipping goods to the United States.

The additional funding I am calling for will help redress some of those inconsistencies by providing some of the state-of-the-art scanning technologies used at U.S. ports in countries abroad.

While we are on the subject of technologies, I have heard from a number of Federal, State, and local officials working at the port in my home State, Port Elizabeth in Newark, who have emphasized the critical need of deployment of the most current detection and scanning technologies at U.S. ports. They are currently using first-generation detection technologies, older technologies noted to be insufficient to combat newer and more complex security threats.

Cargo volume at that port alone is expected to double by 2020. Space at most ports is at a premium. Access to freight is extremely difficult. Cargo containers are often stacked end to end and door to door. We have to give Federal, State, and local law enforcement and Homeland Security officials near-term access to technologies that make their jobs feasible. We cannot send them out to fight a war with sticks and stones.

The complexity and vulnerability of the cargo container transport process only makes the need for robust technologies that much more important. My amendment, therefore, also provides \$100 million for Domestic Nuclear Detection Office research and development. We have not sufficiently focused on creating second-generation technologies for nonintrusive inspections which the private sector is unlikely to develop. It is time for that to change.

Our technologies are only as good as the people operating them. That is why we also have included \$10 million for CBP training. That amendment would provide \$10 million to train CBP officers so they can utilize new technologies and processes to improve port security.

It actually takes six such officers alone to safely operate one vehicle and cargo inspection unit. Right now at Port Elizabeth in Newark, they operate four of those mobile units and two stationary ones. That is 36 officers dedicated solely to operating one scanning technology. Those officers need to be trained before they can operate those units.

Cargo volume is forecast to increase. We want to see that in the context of our trade and economy, but terminal operators are extending commercial hours to accommodate that increased cargo volume. We have to make sure it moves quickly and safely. Doing so not only requires effective modern technologies but also a sufficient number of well-trained staff to operate the scanning and detection equipment. That is going to require additional officers to be on the job for extended hours and even on the weekends.

Once we have the right technologies and a sufficient number of well-trained CBP and Coast Guard officers with the tools to do their jobs, we need to make sure that port workers who come in and out of the ports, particularly into sensitive areas, are properly screened.

This is not about randomly excluding people we don't like from coming in. This is about ensuring that the men and women who are in essential parts of the cargo supply chain cannot be compromised by interests seeking to harm our Nation's port. That is where the Transport Worker Identification Program comes in.

The Maritime Transportation Security Act, MTSA, enacted in 2002 requires DHS to supply a worker identification card that uses biometrics, such as fingerprints, to control access to secure areas of ports or ships. The TSA was supposed to issue those credentials to more than 6 million maritime workers in August of 2004. It is April of 2006 and nearly 2 years down the line, and there is still no nationwide port worker credential program.

If this was such a priority, such a critical part of our security, why hasn't it happened? The GAO report back at the end of 2004 said that TSA didn't have a plan for managing this project. Guess what else they said would happen without that plan. Failure to develop such a plan places the program at higher risks of cost overruns, missed deadlines, underperformance. Missed deadlines—that obviously has happened. Cost overruns, I wouldn't doubt it. And I suppose the jury is still out on "underperformance." They concluded that each delay of the program to develop a credential card postpones enhancements to port security and complicates port stakeholders' efforts to make the appropriate investment decisions regarding security infrastructure.

Just this week, Homeland Security Secretary Chertoff announced that DHS will finally begin background checks on port workers as a precursor to a nationwide rollout of this long-awaited port worker credential program by the fall of 2006. I am glad they are finally getting around to doing this.

But there is one problem, and that is that they lack fiscal 2006 funding to implement the rollout. So we better hope that DHS has put some money away in its coffers to pay for this big event. It is probably not wise to bank on a timely passage of the 2007 spending bill in time to provide DHS with the funds they need for that rollout. We can certainly hope that is the case, but I wouldn't want to jeopardize a rollout of a critical program by banking on something that may or may not happen in time.

That is why this amendment also allows DHS to have the funds necessary on an urgent, near-term basis, so that we can finally, 2 years later, get to where we need to be.

Let me close by reminding us all that strengthening security at our ports is

not going to be cheap. Given the budgetary challenges we face, we understand it is a difficult choice. But an attack on one of our ports would not only cause a tremendous toll in loss of life, but it would also shut down a port and all of the economic activity it generates.

Just in my home State of New Jersey alone, with the third largest port in the country, the mega port of the east coast, 200,000 jobs, \$25 billion of economic activity, that is what is at stake, in addition to the lives.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we could have saved hundreds of lives, as well as the billions of dollars more that it would take to rebuild that city. I don't want our country to look back in hindsight a few years from now with the realization that had we spent the necessary dollars now to improve the security at our ports, we could have prevented a major terrorist attack.

Who among us would be satisfied in the aftermath of an attack that we did not take the steps that we could have in order to prevent such an attack because we were unwilling to make the commitment to do so? That is the choice the Congress faces for the security of our country. It is an essential one that we need to make right now, and this amendment offers that opportunity.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise in support of the Menendez amendment to adequately fund port and container security.

Our ports are vulnerable to a terrorist attack. We know this.

We only inspect about 5 percent of the shipping containers that enter our country.

Terrorists could smuggle themselves, traditional weapons, and nuclear or chemical weapons into a harbor.

From there, they could potentially launch an attack even more devastating than 9/11.

In my home State of New Jersey—where we lost some 700 victims on 9/11—Federal officials have identified the 2-mile stretch between Port Newark and Newark Liberty International Airport as the most dangerous target in the United States for terrorism.

But port security is not just a local concern. Our ports are essential to the flow of goods and commodities in our national economy, and vital to our military; 95 percent of all goods imported into this country arrive by ship.

Mr. President, this administration's mishandling of the Dubai Ports deal has highlighted the fact that our ports are still vulnerable.

We need a way to ensure that 100 percent of the containers coming into our country are WMD-free.

The Bush administration has said that we can't check all containers coming into the U.S. for WMD's.

But we check every airline passenger for weapons. We do not just look at an airline passenger's ticket and say "OK, on paper, this guy looks fine."

That is the Bush administration's current idea of port security—just a simple look at the paperwork.

Mr. President, we need to check containers for WMDs. The amendment of my friend, Senator MENENDEZ, will give us the tools we need to do this. It will adequately protect our ports, our economy and our lives.

I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I yield to the Senator from Washington.

Mrs. MURRAY. I appreciate that. Mr. President, I rise to ask for a unanimous consent agreement so we can set in order the speakers that we have left on our side. I see you have several on your side as well, so perhaps we can work together to do this. But we have remaining Senator CONRAD, who would like 7 minutes; Senator LEVIN who would like 2 minutes; Senator SCHUMER would like 5 minutes, and I would like 1 minute to offer an amendment on behalf of Senator HARKIN. If we could set in order a time on those, we would be happy to go back and forth with the Members on your side who would like to speak.

Mr. ALLARD. Mr. President, if the Senator from Washington will yield, I would ask that on this side, following the Democratic speaker, whoever that is, that I be allowed to speak, and then following me would be Senator CORNYN, and that there be an intervening—since we are switching sides back and forth, I assume that you would have somebody to put in the queue. So I would ask that you modify your unanimous consent request.

Mrs. MURRAY. Mr. President, I would be happy to modify my unanimous consent request to say that following the Senator from Georgia, Senator CONRAD be recognized for 7 minutes, that Senator ALLARD then be recognized, Senator LEVIN for 2 minutes, Senator CORNYN for whatever time he asks for, Senator SCHUMER for 5 minutes, and then Senator BYRD.

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

Mrs. MURRAY. Mr. President, if my colleagues would advise how much time they have so we can let our Senators know when to be on the floor so we can move things along more quickly. Can the Senators from Texas and Colorado tell us how much time they want?

Mr. ALLARD. I want 1 minute to offer an amendment and then another one I want to call up. I think I can get that accomplished within 7 minutes, so I request 7 minutes.

Mr. CORNYN. Mr. President, I need about 20 minutes, but I would be willing to work with the other side if there are short-time speakers, to try to

make sure people would not have to wait. So I am sure we can work something out.

Mrs. MURRAY. Mr. President, I amend my unanimous consent request, and I would ask for 1 minute for myself in the intervening time.

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

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is the Menendez amendment.

AMENDMENT NO. 3702

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Menendez amendment be set aside and that I be allowed to call up amendment No. 3702.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, proposes an amendment numbered 3702.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

“(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

“(A) provide for the provision of such briefings by fully qualified Department personnel;

“(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

“(C) ensure that—

“(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

“(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

“(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”

Mr. CHAMBLISS. Mr. President, this bill that we are debating today will appropriate somewhere in the neighborhood of \$70 billion for ongoing operations in Iraq, Afghanistan, and the War on Terrorism. This money is important to ensure that our military has the resources necessary to win this war and continue to be the best equipped, best trained, and best led military in the world. However, there is another side to this war on terrorism that doesn't deal with money. It deals with something more important than money, and that is people.

We are sending our young men and women overseas to faraway places to fight and win this war. These men and women are the most important part of this war—more important than any tank, any humvee, any airplane, or any ship that we will buy with the money that we will appropriate through the bill that we are debating today.

I have been to visit our young men and women fighting in Iraq on four different occasions. I have gone on these trips with the intention of seeing firsthand what is happening in the theater and to say thank you to the men and women, with their boots on the ground, with the hope of encouraging our servicemembers who are on the front lines in this global war on terrorism. But as all of us who have gone to visit our soldiers overseas find, we are the ones who wind up being encouraged and inspired by them. We are encouraged by their professionalism, their maturity, their commitment, and their courage to do the job that our country has asked them to do.

However, we all know that some of these brave men and women do not return. Some of our soldiers, sailors, airmen, and marines have given their lives in this global war on terrorism. These men and women are, in the fullest sense of the words, fallen heroes who have given the greatest sacrifice possible so that we in this country, as well as the Iraqi people, the Afghan people, and people in less fortunate parts of the world than the United States, can live in a world that is safe and free from terror.

SGT Paul Saylor was one of these heroes. Sergeant Saylor was from Bremen, Georgia, and was a member of the Georgia National Guard's 48th Brigade,

assigned to the 1st Battalion, 108th Armor Regiment, serving in Iraq last summer. Sergeant Saylor's humvee was part of a six-vehicle convoy and ran off the road into a canal early on the morning of August 15, 2005, near Mahmudiyah, Iraq, and Sergeant Saylor drowned along with two of his fellow soldiers.

Due to several factors, Sergeant Saylor's body reached an advanced state of decomposition before it was returned to the United States, and the Saylor family was unable to view Sergeant Saylor's remains at his funeral. I think we can all understand the extent to which this added to the grief of the Saylor family and can sympathize with them and any other family in this situation and commit ourselves to doing our absolute best to ensure that this does not happen again.

The process and policies related to how we treat the remains of our fallen heroes and how we communicate and interact with their survivors deserves the absolute highest priority that we can give. It is extremely unfortunate that survivors are ever unable to view the remains of their family members and, therefore, unable to say their final goodbye and obtain the sense of closure that we all know is so important in these situations. It is also the case that on occasion, survivors have been given incomplete or inaccurate information relative to what happened to their family members and how their remains were handled after they died. This is also extremely unfortunate and adds grief to an already grieving family.

The amendment that Senator ISAKSON and I have proposed calls on the Department of Defense to improve their current policy related to mortuary affairs, how the remains of servicemembers are handled, and how the military communicates with survivors relative to their deceased family members. This amendment will ensure that we are doing absolutely everything we can to ensure the remains of our fallen heroes receive the respect and care they deserve, and that their family receives the best treatment, as well as the most timely, accurate information possible.

Specifically, this amendment calls on the Department of Defense to improve policies related to refrigeration of remains in theater, the specific time standards for movement of remains, as well as examine the feasibility of forward locating autopsy and embalming operations from the continental United States to theater, and modify any other factors that could possibly shorten the time line for returning soldiers in a nondecomposed state.

This amendment also calls on the Department to improve their policies for communicating with family members to ensure family members are briefed by fully qualified Department of Defense personnel, that any partial or unverified information that families are provided is identified as such, and

ensures that the Department provides updates to the family whenever new information becomes available.

Mr. President, the unimaginable grief and sorrow that a family experiences when their soldier makes the ultimate sacrifice should not be made even more distressing by not allowing the family an opportunity to say their final goodbye. I strongly commend the Saylor family for their courage and strength in sharing their family's experience and their comments relative to this process with us so that we in the U.S. Congress can work to ensure that other military families do not have to go through the same thing.

Mr. President, I urge my colleagues to support the amendment.

#### AMENDMENT NO. 3714

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up HARKIN amendment No. 3714.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. HARKIN, proposes an amendment numbered 3714.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase by \$8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset)

On page 126, between lines 12 and 13, insert the following:

#### UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by \$8,500,000.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), \$8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, \$8,500,000 is rescinded.

#### AMENDMENT NO. 3621

Mr. WARNER. Mr. President, I understand from the managers that amendment No. 3621 has been agreed to on both sides. First, let me describe this amendment.

Mr. President, today we are holding expectations that a new unity in government in Iraq will soon be completed. It has been long awaited. I have just completed. I think, my seventh

trip there with Senator LEVIN and other Members of the Senate. We had a delegation of six.

During the course of our inspection visit, it was repeatedly brought to our attention that there was a desperate need for additional civilians from the Department of Energy to work on the power systems, the oil, and from the Department of Justice to work on the civil justice system; from the Department of Health, Education and Welfare to work on the health situations. And I have been working with members of the administration, and, indeed, the President himself on two occasions has stressed the importance of encouraging more civilians within our civil structure to go over and help this government fully establish itself, exercise the responsibilities of sovereignty, and to move forward.

There need to be modest corrections made to the existing law to enable the Secretaries and heads of the agencies to provide certain benefits, inducements, and other situations with their respective individual employees in the hopes that they can quickly give up the security of their neighborhoods and life today and join the brave men and women of the Armed Forces in, hopefully, completing in a shorter period of time this task to provide for full sovereignty in Iraq.

Many civilian agencies and departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly, what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and Al Qaeda.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004;

They tried to stop millions from voting in the January 2005 elections;

They tried to stop Sunnis from participating in the October 2005 constitutional referendum;

They tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and

In each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each of them that we need to get the entirety of our Federal Government engaged to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR which so aptly states that:

Success requires unified statecraft: The ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

We need significantly more non-military personnel \* \* \* with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I along with 5 other Senators heard the same sentiments from our field commanders and diplomatic officials during at trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each cabinet secretary asking for a review of their current and future programs to support out Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

The aim of this bill is to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly-situated United States Government civilian personnel. It is essential that the heads of all agencies that have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill.

The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government stood up and operating. To do that, this emerging Iraqi Government, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the coalition forces.

Now it is time for others in our Federal work force to step forward and add their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

I have sent a letter to the Chief of Staff at the White House in this regard on March 15, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, March 15, 2006.

Mr. ANDREW H. CARD, Jr.,  
Chief of Staff, The White House,  
Washington, DC.

DEAR MR. CARD: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past 3 years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman, Joint Chiefs of Staff, and General John Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee that "we need significantly more non-military personnel \* \* \* with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close

cooperation with allies and partners abroad." In the years since passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces, I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our inter-agency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive.

I have sent letters to nearly all cabinet-level officials asking for their personal review of the level of support being provided by their respective department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I requested that they submit a report to me no later than April 10, 2006, on their current and projected activities in both theaters of operations, as well as their efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am  
Sincerely,

JOHN WARNER,  
*Chairman.*

Mr. WARNER. My understanding is the amendment was introduced by myself, I think 2 days ago. There was some debate at that time. I know of no opposition to it.

Therefore, I ask the pending amendment be laid aside and that the Senate consider this amendment.

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

Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3620

Mr. WARNER. Mr. President, I wish to bring up a second amendment. It relates to the Carrier John F. Kennedy. I ask I be permitted here momentarily to have this amendment called up.

The department of defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces.

In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security, requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the national defense strategy. Carefully considering this conclusion, we must weight the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV-67.

The compelling reality is that today the 38 year old USS *John F. Kennedy*, CV-67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy \$20 million in operations and manpower

costs that are sorely needed to support greater priorities, and it levies and untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, Mr. President, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

I spoke to this amendment 2 days ago. Several colleagues, I know, have an interest in it. But here is the situation. *John F. Kennedy* bears one of the most famous names in naval history. That ship has sailed for 38 years in harm's way to defend the interests of this country. That ship has finally come to its resting place. It is now berthed in Jacksonville, FL. It has been the determination of the Chief of Naval Operations that its present condition—it is a conventionally powered ship—no longer enables that ship to perform its primary mission, namely launching and retrieving aircraft and other associated missions of a carrier. Its systems have finally worn out. Its powerplant has worn out.

At 38 years of age and the enormous investment necessary to bring it back—if in fact they could repair it, and there is some doubt as to whether even with the expenditure of huge sums they could repair it—then the ship would have a limited life.

We have known for about 3 or 4 months about the condition of this ship and the Navy's intention to retire it. A year or so ago, I and others put in a law by which we told the Department of Defense that they must maintain a fleet of 12 carriers. This amendment simply amends that law such that that number is now 11, and thereby allows this ship to be retired.

I would point out to my colleagues, quite apart from the fame of this ship, there are 2,000 sailors in the ship's company. If you added up all the family members of the total naval family of husbands and wives and children associated with that ship, it is probably as high as 5,000 individuals. They must be considered, as to their future. Right now there is no future. They have to

remain aboard that ship until certain steps are taken to begin to fully deactivate it. But not all of them. Most will be transferred to other assignments and their families relocated.

It is costing the taxpayers \$20 million a month to maintain that size of crew and this ship in Jacksonville, FL. I think it is the appropriate time the Senate recognize we must entrust to the Chief of Naval Operations, and to others, the decision to retire this ship. This amendment is for that purpose. I am the last one to ever want to retire naval ships, and I have had the experience as a former Secretary of the Navy, but I recognize that time comes. It has come with this famous ship.

I do not want this issue to be used in a way to detract from the extraordinary record of this ship and the proud name it bears. I hope my colleagues will agree to allow this amendment to be called up for consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mrs. MURRAY. Mr. President, I have to object at this time.

The PRESIDING OFFICER. Objection is heard.

## AMENDMENT NO. 3715

Mr. CONRAD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3715 and ask for its immediate consideration.

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

Mr. CONRAD. I also ask unanimous consent Senator CLINTON be included as original cosponsor.

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

The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mrs. CLINTON, proposes an amendment numbered 3715.

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

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

(The amendment is printed in today's RECORD under "Text of amendments.")

Mr. CONRAD. Mr. President, this is an important amendment. This is an amendment to pay for the war costs that are in the underlying legislation. The alternative is to simply stack the war costs on the debt. I believe these war costs should have been budgeted for and paid for. Instead, we just keep putting it on the charge card.

I want to put in context our overall fiscal condition. This looks back to 2001, when we last had a surplus. Every year the deficits have been up, up, and away. This year they are projecting a deficit of \$371 billion. But that is the tip of the iceberg because the fact is the deficit is much smaller than the amount that is being added to the debt. This year we now anticipate the debt will be increased by \$654 billion. That

is simply unacceptable, to be running up the debt in these record amounts, especially before the baby boomers retire. If the budget that is now stalled between the House and the Senate is adopted, the debt will go up each and every year, \$500 billion or \$600 billion a year, until we reach a debt of \$11.8 trillion.

When this President came into office, the debt was \$5.2 trillion. At the end of his first year—we don't hold him responsible for the first year because we were still operating under the policies of the previous administration—we were in surplus. At the end of his first year the debt was \$5.8 trillion. At the end of this year it will be \$8.6 trillion, headed for almost \$12 trillion. It is time we get serious about dealing with the fiscal imbalances in this country.

Here is one of the results of this fiscal policy. It took all these Presidents, 42 of them, 224 years to run up \$1 trillion of debt held by foreigners. This President in just 5 years has more than doubled that amount, more than doubled the amount that 42 Presidents ran up in terms of foreign debt.

The Comptroller General of the United States, Mr. Walker, has warned:

Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security.

Let's pay for at least the war costs that are in this underlying amendment. We can do that much. The emergency provisions, those things that were unpredictable, maybe we can understand that those things aren't paid for in the underlying amendment. But the war costs? My goodness, we have been at war more than 3 years. These things should have been budgeted for. They should have been paid for. That is what I propose in this amendment. I do it in a way that I think is fiscally responsible.

We provide the same offsets as the Senate-passed tax bill, closing the tax gap by shutting down abusive tax shelters and providing for other reforms. That raises \$19 billion. That includes revoking tax benefits for leasing foreign subway and sewer systems. What a scam that is. Companies are buying foreign sewer systems and depreciating it on their U.S. taxes, and then leasing them back to the foreign cities where those sewer systems exist. What a scam. Let's close it down.

We do it by ending loopholes for large oil companies, which raises \$5 billion; requiring tax withholding on Government payments to contractors such as Halliburton, withholding that others are asked to do in our society. Why not them? We do it by renewing the Superfund tax so that polluting companies pay for cleaning up toxic waste sites, which raises \$9 billion; ending a loophole that rewards U.S. companies that move manufacturing jobs overseas raises \$6 billion; repealing the phaseout of limits on personal exemptions and itemized deductions for very high-wealth individuals raises \$28 billion;

and by closing other tax loopholes and miscellaneous offsets of \$1 billion.

This is the legislation, this is the amendment. It pays for the war costs—\$74 billion. We are going to see those who are serious about being fiscally responsible and those who just want to talk about it. This is an opportunity to pay for the war costs that should have been budgeted, that should have been paid for in the regular order.

I hope my colleagues will support this amendment. Let's get serious about addressing the explosion of debt and deficits in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator is recognized to offer an amendment.

## AMENDMENT NO. 3701

Mr. ALLARD. Mr. President, I call up amendment No. 3701 on behalf of myself, Senator DURBIN, and Senator MIKULSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for himself, and Mr. DURBIN, and Ms. MIKULSKI, proposes an amendment numbered 3701.

Mr. ALLARD. 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 provide funding for critical emergency structural repairs to the Capitol Complex utility tunnels)

At the appropriate place, insert the following:

TITLE —OTHER MATTERS  
LEGISLATIVE BRANCH  
ARCHITECT OF THE CAPITOL  
CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", \$27,600,000, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. ALLARD. Mr. President, this amendment would provide \$27.6 million to the Architect of the Capitol to make emergency repairs to utility tunnels that serve the Capitol complex, including asbestos abatement. Unfortunately, this problem has come to our attention recently, and it is a serious crisis that can't wait for the fiscal year 2007 appropriations bill.

About 2 months ago, the Office of Compliance filed a complaint with the Architect of the Capitol due to the conditions of these utility tunnels, including the possibility of tunnel cave-ins, the presence of unsafe levels of asbestos, inadequate means of emergency egress, and inadequate means of communications for those who work in the

utility tunnels. This is the first time the compliance office has filed a complaint—a step up from a citation.

When this issue was brought to our attention, Senator DURBIN and I held oversight hearings with the Architect and demanded a plan to ensure employees who work in the tunnels are protected from unsafe levels of asbestos, fix falling concrete, provide adequate means of egress throughout the tunnels, improve communications for utility workers, secure the tunnels so only authorized employees are given access, and review whether tunnel workers are receiving an appropriate level of environmental or hazardous duty pay.

In response, the Architect sent a preliminary plan for fixing the tunnels with a price tag that could ultimately reach several hundred million dollars. Frankly, I was shocked by the magnitude of this problem and the cost estimate. I was appalled that this problem was identified by the Office of Compliance in a citation 6 years ago, and hasn't been put on a fast track for addressing the health and safety problems until Senator DURBIN and I asked for a plan. These are serious problems and high levels of asbestos have been found.

The amendment I am offering today includes funds to remediate asbestos, remove loose concrete, replace the roof of a section of one of the tunnels, add escape hatches, and improve the communications system.

We have reviewed the funding estimates with the Government Accountability Office. Notwithstanding the fact that some of the estimates are preliminary, they are warranted. I had hoped that we could reprogram funds from within the Architect's budget but the magnitude of the need is far beyond what could be found within the Architect's budget.

I urge the Senate to agree to the amendment. I ask that it be agreed to by a voice vote.

Mr. DURBIN. Mr. President, it was recently brought to our attention by the Office of Compliance that the utility tunnels which carry steam and chilled water throughout the Capitol complex are rapidly deteriorating and are putting the workers who must enter these tunnels in extremely hazardous and potentially life-threatening situations. Falling concrete, the presence of asbestos, inadequate egress routes and a faulty communications system threaten the lives of the utility tunnel employees on a daily basis. Several of these tunnels are on the verge of collapse—not only threatening the lives of the workers in the tunnels, but potentially cutting off steam and chilled water to the entire Capitol complex. The \$27.6 million in emergency funding that Senator ALLARD and I are requesting is critical to allow the Architect of the Capitol to expeditiously address the deplorable conditions that exist in these utility tunnels and make the changes necessary to assure that the health and safety of the

workers is not jeopardized. This funding will allow the Architect's office to immediately begin critical design work on replacing the "Y" tunnel, which is in the worst condition, including structural repair, egress improvements, asbestos abatement, and temperature improvements. The funding will also accelerate work on replacing the roof on the "R" tunnel and for other communications, structural repairs, and emergency escape routes. Without this funding, we continue to place these employees in life-threatening working conditions. I urge my colleagues to support this critically needed funding.

Ms. MIKULSKI. Mr. President, I rise tonight along with my colleagues Senator ALLARD and Senator DURBIN to speak in support of an amendment we introduced today to the Emergency Supplemental bill. This amendment provides \$27.6 million in Federal funds to repair unsafe working conditions in the tunnels below the Capitol Building. This amendment is needed now because the Architect of the Capitol has failed to ameliorate hazardous conditions that exist in the tunnels beneath the Capitol. These conditions endanger the health of the tunnel workers and their families. Something needs to be done, and it needs to be done now. That is why I am co-sponsoring this amendment.

I first learned of these horrible conditions when I received a letter signed by 10 members of the tunnel shop that detailed the dangerous conditions that exist in the tunnels, and provided information that some of these conditions have existed for at least 6 years. There is no doubt, many of problems in the tunnels have only worsened during that period from neglect and further deterioration. Despite this, no action was taken to make sure the workers were safe on the job. The conditions are so poor that in 2000 the Congressional Office of Compliance issued citations to the Architect of the Capitol. Yet, it appears the Architect of the Capitol ignored the citations and did not make the necessary repairs or take immediate, effective steps to protect these workers. It was clear that these workers came to me only after all other recourse failed them.

In addition, the utility workers informed me that the U.S. Capitol Police as a matter of policy are not allowed to patrol the tunnels; if it is true that U.S. Capitol Police are forbidden from patrolling the tunnels because of the hazardous conditions, then the failure to address these conditions also has created a potentially serious security loophole that could endanger all of us who work in the Capitol and surrounding buildings. This is unacceptable.

I agree with the workers that something needs to be done, and it needs to be done now. I have already demanded that the Architect of the Capitol at a minimum take immediate steps to protect the employees who work in the tunnels, ameliorate all of the condi-

tions for which citations were issued in 2000, obtain a comprehensive and credible safety assessment that specifically addresses all hazardous conditions, and particularly the issues raised by the tunnel employees, develop and implement a plan to remedy the hazardous conditions and maintain a safe working environment, and address the security concerns these tunnels present.

The response I received was that the Architect needs additional funds in order to make the necessary repairs. This amendment would provide the money needed to make sure that these brave men working in tunnels are safe. The tunnel workers should not have to wait another day to be assured of a safe and secure working environment. They already have waited too long.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3701) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLARD. Mr. President, I have one other unanimous consent. I ask unanimous consent that notwithstanding the Salazar amendment is now pending I be allowed to send up the second-degree amendment to his amendment No. 3645.

The PRESIDING OFFICER. Is there objection? Is there objection to sending up a second degree?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Presiding Officer and my dear friend from Washington for helping to organize the amendment sequence.

I ask unanimous consent that the pending amendments be set aside, and I call up No. 3710.

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

AMENDMENT NO. 3710

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Ms. COLLINS, and Mr. REED, proposes an amendment numbered 3710.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require reports on policy and political developments in Iraq)

On page 126, between lines 12 and 13, insert the following:

REPORTS ON POLICY AND POLITICAL  
DEVELOPMENTS IN IRAQ

SEC. 1406. (a) **REPORTS REQUIRED.**—The President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious, and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

(4) An assessment of the effect that the formation of, or failure to form, a unity government, and the amendment of, or failure to amend, the Iraq Constitution, will have on the “significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq” as expressed in the United States Policy in Iraq Act (section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3465; 50 U.S.C. 1541 note)).

(5) The specific conditions on the ground, including the capability and leadership of Iraqi security forces, that would lead to the phased redeployment of United States ground combat forces from Iraq.

Mr. LEVIN. Mr. President, this amendment is proposed on behalf of Senator COLLINS, Senator REED of Rhode Island, and myself, which relates to Iraq. It would require certain reports be filed by the President and the administration relative to political developments that exist in Iraq. We have a new prime minister who has been designated in Iraq. It is an important step. It is a useful step toward hopefully achieving a government of national unity. However, there are some very critical steps that lie ahead, including the completion of that government of national unity so that the Prime Minister-designate can then form a government and have that government approved by the assembly. It is an important step. It involves the Interior Minister, who is in control of the police, the Defense Minister, who is in control of the Army, the Oil Minister, who controls the nation's key resource—oil—as well as the other ministries that are involved in any government of national unity.

It is critically important that the political process succeed in Iraq and that the pressure be kept on the Iraqis to achieve a government of national unity, and as well to consider amend-

ments to its constitution. Their constitution has some deadlines that are imposed by them. It is those deadlines which it is critically important be met. These are not our deadlines. These are not dates we set. These aren't dates which certain things must happen by that we are determining. These are dates that the Iraqi Constitution has set up for the completion of a national government and for consideration of amendments to the Iraqi Constitution.

Our amendment says that the President of the United States should report to the Congress every 30 days on the progress which is being made in terms of the political solution which has to be achieved there, both in terms of a government of national unity as well as consideration of amendments to the Constitution. It would ask the President to report to us as to whether he has informed the Iraqis that the continued presence of the United States military forces depends upon their meeting the deadlines which they have set for themselves.

It also requires an assessment of the effect which the formation of or the failure to form a unity government and the amendment or failure to amend the Iraqi constitution would have on the significant transition to full Iraqi sovereignty and to the Iraqi forces taking the lead in support of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq as expressed in our law.

That policy was adopted by this Senate last year. Also in the reports that are required, it would mandate that the conditions on the ground be set forth by the President and whether those conditions would lead to the phased redeployment of our ground combat force. It is a reporting requirement.

In conclusion, this is not the amendment which we referred to last week because there is no reference in this reporting amendment anymore to a sense-of-the-Senate resolution. The original form of this amendment had a reference to a sense-of-the-Senate resolution. That was ruled not to be in order by the Parliamentarian. We have, therefore, dropped the sense-of-the-Senate reference. This is now exclusively a reporting amendment. We hope the Senate will adopt this at the appropriate time.

Again, I thank the Chair and I thank our friends who are trying to keep this sequence and are managing this bill. We appreciate their courtesies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 3723 AND 3724, EN BLOC

Mr. SCHUMER. Mr. President, I send two amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendments numbered 3723 and 3724.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3723

(Purpose: To appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers)

At the appropriate place, insert the following:

SEC. —. **MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.**

(a) **FEDERAL TRADE COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for “FEDERAL TRADE COMMISSION SALARIES AND EXPENSES” under the heading “RELATED AGENCIES” of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108), \$10,000,000.

(2) **USE.**—Of the amount appropriated for “FEDERAL TRADE COMMISSION SALARIES AND EXPENSES”, as increased by paragraph (1), \$10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) **COMMODITY FUTURES TRADING COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for “COMMODITY FUTURES TRADING COMMISSION” under the heading “RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION” of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109-97), \$10,000,000.

(2) **USE.**—Of the amount appropriated for “COMMODITY FUTURES TRADING COMMISSION”, as increased by paragraph (1), \$10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) **SECURITIES AND EXCHANGE COMMISSION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for “SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES” under the heading “RELATED AGENCIES” of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108), \$5,000,000.

(2) **USE.**—Of the amount appropriated for “SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES”, as increased by paragraph (1), \$5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) **ENERGY INFORMATION ADMINISTRATION.**—

(1) **ADDITIONAL AMOUNT.**—For an additional amount for “ENERGY INFORMATION ADMINISTRATION” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), \$10,000,000.

(2) USE.—Of the amount appropriated for “ENERGY INFORMATION ADMINISTRATION”, as increased by paragraph (1), \$10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for “ENERGY SUPPLY AND CONSERVATION” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), \$315,000,000.

(2) USE.—Of the amount appropriated for “ENERGY SUPPLY AND CONSERVATION”, as increased by paragraph (1), \$315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for “SALARIES AND EXPENSES” under the heading “GOVERNMENT ACCOUNTABILITY OFFICE” of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109-55), \$50,000.

(2) USE.—Of the amount appropriated for “SALARIES AND EXPENSES”, as increased by paragraph (1), \$50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A); and

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th

Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 3724

(Purpose: To improve maritime container security)

At the appropriate place, insert the following:

**SEC. . MARITIME CONTAINER SECURITY.**

(a) MARITIME CONTAINER INSPECTIONS.—

(1) IN GENERAL.—Beginning on the date on which regulations are issued under subsection (d), a maritime cargo container may not be shipped to the United States from any port participating in the Container Security Initiative (CSI) unless—

(A) the container has passed through a radiation detection device;

(B) the container has been scanned using gamma-ray, x-ray, or another internal imaging system;

(C) the container has been tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device; and

(D) the images created by the scans required under subparagraph (B) have been reviewed and approved by the Office of Container Evaluation and Enforcement established under subsection (b).

(2) MODEL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall model the inspection system described in paragraph (1) after the Integrated Container Inspection System established at the Port of Hong Kong.

(B) NEW TECHNOLOGY.—The Secretary is not required to use the same companies or specific technologies installed at the Port of Hong Kong if a more advanced technology is available.

(b) CONTAINER EVALUATION AND ENFORCEMENT UNIT.—

(1) ESTABLISHMENT.—There is established, within Bureau of Customs and Border Protection of the Department of Homeland Security, the Office of Container Evaluation and Enforcement, which shall receive and process images of maritime cargo containers received from CSI ports.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, \$5,000,000, to remain available until expended, to hire and train customs inspectors to carry out the responsibilities described in paragraph (1). The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(c) PORT SECURITY SUMMIT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall convene a port security summit with representatives from the major international shipping companies to address—

(1) gaps in port security; and

(2) the means to implement the provisions of this section.

(d) RULEMAKING.—

(1) DRAFT REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives, draft regulations to carry out subsection (a) and a detailed plan to implement such regulations.

(2) FINAL REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final regulations to carry out subsection (a).

Mr. SCHUMER. Mr. President, I will be brief and explain the amendments. I thank my friend from Texas and others for allowing me to go ahead.

AMENDMENT NO. 3723

The first amendment is a very simple one. It asks the GAO for a report that includes a review of the mergers between ExxonMobil, ChevronTexaco, ConocoPhillips, and other significant mergers in the oil industry that have occurred since 1990, to look at the impact that vitiating the mergers would have on market concentration, market power, wholesale and retail petroleum prices, and an assessment of the impact of prohibiting any one company from simultaneously owning assets in each of the oil industry sectors: exploration, refining, and distribution.

To me, very simply put, one of the problems—not the only one—we have is we have allowed the oil industry to become too concentrated, letting the No. 1 and No. 2 companies merge because there was a lull in the market at a given time, and then letting No. 3 and No. 4 merge. The second largest foreign company, which I think is the sixth largest American company, all created too much concentration. I think it is one of the reasons that these days we see the price as high as it is.

The prices are sticking. When the spot market goes up, the price immediately goes up; when the spot market goes down, the price takes a long time to go down. When Katrina affected Tennessee, Kentucky, Ohio, and Illinois, and they get most of their oil from the gulf, the price goes up the same amount in California.

I think it is high time that we reviewed these mergers. I don't know if they can be undone. I don't know what the effect would be, but to sit here and shrug our shoulders at this recent phenomenon of mergers doesn't make much sense. This amendment asks that a review be done.

The amendment would also provide more funding to the Energy Information Agency to assure accurate, real-time collection of price and data supply. I think we are not getting that kind of accurate information.

The big oil companies like to be shielded behind the wall of conflicting data and interesting jargon. It is too easy for them to pull the wool over consumers' eyes. The EIA is a non-partisan governmental agency. This amendment would allow better information to come forward and make sure that we do the right thing.

AMENDMENT NO. 3724

The second amendment deals with port security. I know my colleague from New Jersey has offered one. I have been involved in this issue for a long time, as has he. When I went with my friend from South Carolina, Senator GRAHAM, to Hong Kong to visit the ports there, I was utterly amazed at the port security system they have. It showed that we could have speed both in commerce and security. Their checking of containers for nuclear and

other types of devices, checking in a variety of different ways, and having computers crossmatch those ways is incredible.

My amendment would require that the system we saw—not the specific system but what the system does that we saw—be implemented at all container security initiative ports around the world within 3 years. There are 43 CSI ports. They account for 80 percent of worldwide container traffic. It would be a huge boon to preventing the worst that could befall our country, and that is a nuclear weapon be smuggled into our ports.

The amendment mandates that every container pass through the same type of layered screening system, as at the terminal port in Hong Kong. Every container must pass through an advanced radiation portal, internal imaging system, be tagged and cataloged with a label, an RRFI, or a GPS device. It would make us far more secure.

The second amendment also requires that Homeland Security send to Congress within 180 days a detailed plan on how to deploy this system.

Those are the two amendments. I look forward to debating them as we move forward.

I thank my colleagues from Mississippi, Washington, and Texas for their courtesies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside in order that I may call up the Kennedy amendments numbered 3716 and 3688.

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

AMENDMENTS NOS. 3716 AND 3688 EN BLOC

Mrs. MURRAY. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KENNEDY, proposes amendments numbered 3716 and 3688 en bloc.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3716

(Purpose: To provide funds to promote democracy in Iraq)

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than \$96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy

assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

AMENDMENT NO. 3688

(Purpose: To provide funding for the covered countermeasures process fund program)

At the appropriate place, insert the following:

SEC. —. FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F-4 of the Public Health Service Act (42 U.S.C. 247d-6e), \$289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); *Provided further*, That amounts provided for under this section shall remain available until expended.

Mr. KENNEDY. Mr. President, this amendment No. 3716 provides \$96 million for American non-governmental organizations helping Iraqis to create the essential building blocks of democracy. It also requires the Secretary of State to provide Congress with its short and long-term plans to strengthen democracy at the regional, provincial, and national levels in Iraq.

Last year, Iraq passed several important milestones on the long road to democracy. However, as important as the two elections and the referendum on the constitution were, they were not decisive, and it is far from clear that democracy is being firmly established in Iraq.

The process of building democratic institutions is different and requires patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. Constructive international engagement is essential as well in the case of Iraq. For a country as heavily repressed as long as Iraq, democracy will take even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far.

American non-governmental organizations such as the National Democratic Institute, the International Republican Institute, the National Endowment for Democracy, IFES, formerly known as the International Foundation for Election Systems, the International Research and Exchanges Board and America's Development Foundation are well respected in Iraq and throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks their employees take by working in the war zone, the administration has made no long-term commitment to provide funding for their

work in Iraq. Each organization operates on pins and needles, never knowing when their funding for Iraq operations will dry up.

The American non-governmental organization IFES has been in Iraq since October 2003. It has provided technical assistance in each of Iraq's elections so far, and it has been asked to provide such assistance for regional and provincial elections scheduled for April 2007.

It is also preparing for a possible second referendum on the constitution, and is assisting as well in the enactment and implementation of legislation governing the operations, of a new election council for local elections.

Inexplicably, funding will run out in June, and the administration has not yet committed any additional funds. None of the funds in this supplemental spending bill are set-aside for it, and none of the meager \$63 million requested in the fiscal year 2007 budget for democracy-building is intended for IFES either. Our amendment would provide \$20 million to sustain its democracy work in Iraq for the next 18 months, through the end of fiscal year 2007.

An independent media is also essential to a successful democracy. A U.S. non-governmental organization, the International Research and Exchanges Board, IREX, is working in Iraq to see that the Iraqi people have independent, professional, high quality news and public affairs information. To create an environment in which a free press can flourish, it is also seeking to establish a legal, regulatory, and policy environment that supports independent media.

IREX's funding for these important programs is also running out, and it will be forced to close its operations this summer, which would pull the rug out from under many struggling new press organizations in Iraq. Our amendment would provide \$6 million to sustain IREX's democracy work in Iraq for the next 18 months.

In addition, the non-governmental organization America's Development Foundation provides essential aid to support and sustain civil society in Iraq. ADF and its partner civil society organizations in Iraq have provided training and assistance to thousands of Iraqi government officials at the national, regional, and local levels on issues such as anti-corruption, transparency, accountability, fiscal responsibility, whistleblower protection, and the development of non-government organizations.

ADF wants to continue its work, but its funding will end in June. USAID supports this work and has a contract pending, but it doesn't have the resources to do so. Our amendment provides \$16 million to sustain its work over the next 18 months.

Similarly, the National Endowment for Democracy has no clear sense of what the future holds for them in Iraq.

Two of the endowment's core grantees—the Center for International Private Enterprise and the Labor Solidarity Center in Iraq—have important democracy promotion functions.

Since opening a regional office in Baghdad in October 2003, the Center for International Private Enterprise has worked to build capacity for market oriented democratic reform in Iraq. It has provided training and grant support to approximately 22 Iraqi business associations and chambers of commerce.

The Labor Solidarity Center works directly with Iraqi trade unions to develop skills in strengthening independent and democratic trade unions.

In addition, the endowment partners with 32 local organizations on the ground in Iraq to promote and sustain civil society projects on political development, raising awareness of women's rights, and encouraging the free flow of information to Iraqi citizens.

The endowment wants to continue working directly with the Iraqi people and be able to guarantee continuity in its democracy grants to Iraqi organizations. But no funding is set aside in this bill or in the fiscal year 2007 budget for its programs.

Our amendment provides \$10 million to sustain the democracy programs of the Center for International Private Enterprise, the Labor Solidarity Center, and the Endowment for Democracy's local partners for 18 months.

Similarly, the International Republican Institute and the National Democratic Institute are doing truly impressive work in Iraq under extraordinarily difficult circumstances.

The International Republican Institute programs in Iraq have focused on three principal goals: development of an issue-based political party system; establishment of the foundation for a more transparent and responsive government; and the emergence of an active and politically involved civil society.

The National Democratic Institute supports a number of democracy programs in Iraq as well, with emphasis on political parties, governance, civil society and women's rights. It has four offices in Iraq to promote these essential building blocks of strong democracy, and it works directly with Iraqi partners and hundreds of local civic organization.

Both IRI and NDI want to continue to build these essential links between the government and political parties, in order to enable the government to become more responsive and effective in addressing the needs of Iraq's people.

Despite the impressive contribution of these two Institutes to democracy in Iraq, neither is guaranteed future funding for its programs. The administration's budget provides only \$7.5 million for each Institute—enough for just two months of operating expenses. Our amendment provides an additional \$22 million for each institute's essential democracy programs in Iraq for the next 18 months.

Thousands of Iraqis are working hard, often at great risk to themselves, to develop civic groups, participate in political parties and election, and run for and serve in political office. The dramatic pictures of Iraqis waving their purple fingers after voting in past elections remind us of the enormous stakes.

Progress to avoid civil war and defeat the insurgency is directly related to progress on democracy-building, and ongoing work on this all-important issue must be a top priority.

We must be clear in our commitment to stand by these organizations that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

President Bush has called for patience in Iraq. He should heed his own advice. He can't speak about having patience for democracy in Iraq, and then cut funding for the groups who are assisting so capably in its development.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. By failure to guarantee continuity for their programs, we send a confusing signal that can only be harmful for this very important effort.

We are now spending more than \$1 billion a week for military operations for the war in Iraq. At this rate, it would take the military less than 1 day to spend the \$96 million provided in this amendment for democracy promotion. Surely, we can commit this level of funding for democracy programs over the next 18 months.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill, guaranteed continuity, and adequate resources.

It makes no sense to shortchange Iraq's political development. We need a long-term political strategy, and we must back up that strategy with the needed resources, if we truly hope to achieve a stable, peaceful and democratic Iraq.

Our amendment provides the resources necessary to ensure continuity in these democracy programs in Iraq, and I urge my colleagues to support it.

#### AMENDMENT NO. 3600

Mrs. MURRAY. Mr. President, I ask unanimous consent that those amendments be set aside and I ask for the regular order to consider Harkin amendment No. 3600.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mrs. MURRAY. There is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3600) was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

#### AMENDMENTS NOS. 3722, 3699, AND 3672 EN BLOC

Mr. CORNYN. Mr. President, I call up three amendments, 3722, 3699, 3672.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes amendments numbered 3722, 3699, and 3672 en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

#### AMENDMENT NO. 3722

(Purpose: To provide for immigration injunction reform)

On page 253, between lines 19 and 20, insert the following:

#### TITLE VIII—IMMIGRATION INJUNCTION REFORM

##### SEC. 8001. SHORT TITLE.

This title may be cited as the "Fairness in Immigration Litigation Act of 2006".

##### SEC. 8002. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(C) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, prelimi-

nary, or permanent relief other than compensatory monetary damages.

SEC. 8003. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 8002(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 8002(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 8002(b)(2)(D).

AMENDMENT NO. 3699

(Purpose: To establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program)

On page 200, line 21, insert "Provided further, That as long as \$5,200,000,000 is provided under this heading no State shall be allocated less than 3.5 percent of the amount provided under this heading:" after "impacted areas:".

AMENDMENT NO. 3672

(Purpose: To require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricane Katrina or Rita)

At the end of chapter 7 of title II, insert the following:

NATIONAL EMERGENCY GRANTS

SEC. \_\_\_\_ . In distributing unobligated funds described in section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) and appropriated for fiscal year 2006 for national emergency grants under section 173 of such Act (29 U.S.C. 2918) (not including funds available for Community-Based Job Training Grants under section 171(d) of such Act (29 U.S.C. 2916(d)), the Secretary shall give priority to States that—

(1) received national emergency grants under such section 173 to assist—

(A) individuals displaced by Hurricane Katrina; or

(B) individuals displaced by Hurricane Rita;

(2) continue to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1); and

(3) can demonstrate an ongoing need for funds to assist individuals described in sub-

paragraph (A), or individuals described in subparagraph (B), of paragraph (1).

Mr. CORNYN. Mr. President, on amendment 3722, I ask unanimous consent that Senator KYL be added as a cosponsor.

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

Mr. CORNYN. Mr. President, I know the hour is getting late, but I appreciate the opportunity to talk a little bit about the impact of Hurricanes Katrina and Rita on the State of Texas.

As a member of the Committee on the Budget, I am keenly aware of our fiscal challenges. During the consideration of the budget resolution, I had offered an amendment which would slow the growth of mandatory spending, hopefully to allow a little bit more flexibility so we can fund our Nation's priorities while we also manage our fiscal house.

The amendments I have offered that I wish to talk about at this time are No. 3699 and No. 3672. These amendments aim to make Texas whole from the 2005 hurricanes, and it won't cost the Federal Treasury a single dime more. They are specifically tailored to deal with the needs that are true emergencies in every sense of the word.

I need to set the record straight about some misperceptions with regard to the state of my State; in particular, the impact these two natural disasters, the worst storms in our Nation's history, Hurricanes Rita and Katrina, had on the State of Texas.

Although the State was not hit directly by Hurricane Katrina, it was significantly affected by that storm. It came in a flood of evacuees fleeing New Orleans after Hurricane Katrina. In a matter of days, the Texas population grew by roughly the size of an average U.S. city, some half a million people, many of whom you see pictured to my right in a picture of the Astrodome floor where the evacuees were housed temporarily. It is estimated that at one point, there were 17,500 people housed at the Astrodome. It was only one of four megasites in Houston to house evacuees. Another 4,000 were housed at Reliant Arena and 2,300 at Reliant Center. The George R. Brown Convention Center in downtown Houston took the remaining people, about 2,800 evacuees.

I have shown a picture of the city of Houston, but this is just one large concentration of the evacuees of Hurricane Katrina. We can show similar pictures of evacuation sites and housing sites all around the State. It was obviously no small feat to take care of the needs of these people who just had their homes and their lives taken away from them as they previously knew them.

I remember shortly after this occurred there were many people who would stop me here in the Senate, in the hallways of the Senate office buildings, around Washington, DC, and elsewhere and tell me how thankful and grateful they were that the people of

Texas were so willing to take in their neighbors at a time of need.

The fact is, a large number of the people who have come to Texas in the wake of Hurricane Katrina are those with some of the greatest needs. That was true where they lived previously—many of them in Louisiana—and among the people were those with the greatest needs in our country in general. This shows thousands of people in Houston and elsewhere who were in wheelchairs. This man has a cane, and many of these individuals had special needs. They were not necessarily able-bodied when they came to the State. This obviously has put an incredible strain on Texas's local support systems in the midst of this flood, a flood of humanity.

This hurricane and the subsequent hurricane, Hurricane Rita, went straight up the Sabine River between Texas and Louisiana. I still remember talking to one of the computer scientists who had actually modeled the potential impact on the State if Hurricane Rita had not taken a right-hand turn and gone up right through southeast Texas. He said that if a category 4 hurricane hit Houston, there would be a minimum of \$80 billion in additional property damage. Thank goodness that did not happen, and thank goodness there was no loss of life on a massive scale. But that was primarily because of the evacuation of the city of Houston and the fact that Mother Nature decided to spare Houston a direct hit while it took a right-hand turn straight up the Sabine River between Texas and Louisiana.

The coast, private property, critical infrastructure, and millions of lives were devastated by the storm. As this picture indicates—and I am sure the Senator from Mississippi and other Senators from other States directly affected can identify with the devastation we see here—this is just one example of the devastation in southeast Texas caused by Hurricane Rita.

In light of these two unprecedented events, Texas counties that were most seriously affected need help, like the other affected regions of our country that are more visible. I am sorry to say, notwithstanding all of the good work that has been done by the Federal Government, the reimbursements now range in the hundreds of thousands of dollars, but Texas has not been made completely whole as a result of these hurricanes.

I am deeply troubled by reports I have received from some that there is a widespread perception that Texas is doing just fine and that we somehow managed to absorb half a million people, including their needs for housing, food, security, health care, education, and employment, just to name a few, and that somehow some people still believe that Texas should have no special need for additional Federal assistance, no need to make the State whole or to have restored to us a reasonable portion of the resources we willingly gave

and continue to give to our neighbors in need.

Consider that the parishes of western Louisiana that were most directly affected by Hurricane Rita—not Katrina—were granted a much more favorable Federal-State cost-sharing ratio of 90 percent Federal to 10 percent State versus the 75/25 that was granted to Texas. The counties in southeastern Texas were denied that same benefit, even though their damage was similar and they suffered a similar impact. The only difference we are talking about here is on which side of the Sabine River these counties were located.

I am in no way minimizing the devastation and destruction that affected places such as New Orleans and Mississippi, Alabama, and elsewhere. They have suffered tremendously. But the people of Texas have experienced their share of destruction, as well. So I take this opportunity for a few moments to provide my colleagues with a summary, a snapshot of the current situation in Texas nearly 9 months after half a million evacuees flooded our State.

Based on FEMA registrations, an estimated 450,000 to 490,000 Katrina evacuees currently remain in Texas. Approximately 5,900 are individuals with essential needs that I mentioned a moment ago, those who are mentally or physically disabled, frail, or otherwise require special care. Approximately 286,000 of the evacuees are still housed in Texas hotels. Approximately 130,000 of them are in rental housing. Only 27,000 housing units are now even available to the Texas Department of Housing and Community Affairs.

Many Texas communities were hit with a one-two punch: first, providing shelter to half a million Katrina evacuees and then suffering enormous devastation from Hurricane Rita themselves. Funds are needed to provide housing assistance to Texas residents whose homes were damaged by Hurricane Rita and to assist the nearly 400,000 residents of Louisiana, Mississippi, and Alabama who continue to reside in Texas, albeit on a temporary basis.

Unfortunately, Texas only received \$74.5 million of the \$11.5 billion made available in the community development block grants in last year's Defense appropriations bill. The Department of Housing and Urban Development has estimated that more than 27,000 homes in southeast Texas and 75,000 homes throughout the State were damaged or destroyed while thousands of businesses suffered heavy damage resulting in more than \$1 billion in loss. I have offered an amendment that ensures Texas and all other States affected by hurricane devastation receive no less than 3.5 percent of the \$5.2 billion included in the bill for CDBG.

I note that Senator LANDRIEU, from Louisiana, is one of the cosponsors of that amendment.

Considering Texas has taken in almost half a million evacuees, it seems

reasonable we would receive a modest 3.5 percent of the funds allocated for housing.

With regard to jobs and welfare, currently about 62,000 evacuees are receiving food stamps from the State of Texas allotment. Of these, 97 percent are from Louisiana. Sixty-one percent of the food stamp recipients stated in a poll that they expected to return to their State within 3 months. Yet notwithstanding their response to the poll, they remain in Texas, and we must provide for them. Texas Workforce Commission has worked diligently to process more than 60,000 unemployment claims from Louisiana. Yet there are thousands more who will need employment training skills as they remain in our State.

One of the amendments I have offered directs the Secretary of Labor to prioritize States that have taken in Hurricane Katrina and Rita evacuees when distributing the remainder of fiscal year 2006 national emergency grants.

I note that Senator HUTCHISON has joined me as cosponsor. I ask unanimous consent that she be added as a cosponsor to that amendment.

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

Mr. CORNYN. With regard to health care to help accommodate the large influx of people to Texas, my State was given a waiver by the Centers for Medicare and Medicaid Services that allows the State to reimburse providers who incurred costs for uncompensated health care. Evacuees at any income level who did not have insurance coverage were provided medically necessary health care through this waiver. Texas provided evacuees health care, long-term care, prescription medicines, and medical transportation through two programs, Medicaid and the Uncompensated Care Program. Those not eligible for the Medicaid Program but who had incomes below a certain cutoff were provided coverage under the Uncompensated Care Program.

I next will talk about education. This chart depicts an evacuee, a young lady who is showing up for elementary school. There were 45,099 Katrina evacuees enrolled in Texas on October 13. Today, there are still about 36,000 Katrina children in our public schools alone. The photo next to me depicts one of the many such centers that were quickly established at conference centers and temporary shelters to register children who had evacuated to our State. Each of these children represents a cost of about \$7,500 a year for the State of Texas to educate.

Furthermore, approximately 5,000 Katrina evacuees are currently enrolled in Texas public universities and colleges. I give special credit to Texas institutions of higher education that took in students and faculty from other States with limited reimbursement.

This massive evacuation, this wave of humanity, also has had an impact on

crime in our State. According to a recent news article, evacuees have been victims of or accused of committing 39 of the 235 murders in Houston since last September, according to Houston's police chief, Harold Hurtt. In the month of January, Houston saw a 34-percent rise in felonies over the previous year. This city had 800 officers retire in the past 2 years; it recently moved 100 officers working in city jails to high-crime areas while also significantly increasing overtime. It is no small thing to reallocate those resources which are already stretched thin.

Texas has given generously of its resources to our neighbors during a time of need. That is something we will continue to do and that we are enormously proud of. I have made a commitment to the people of my State that I will do all I can to ensure that the affected communities are reimbursed for the cost of providing care to victims of Katrina and that those affected by Hurricane Rita will receive fair treatment as they also face the daunting task of rebuilding their lives.

This shown here is another picture. Here again, I am sure the Senator from Mississippi recognizes this kind of devastation, with cars turned on end as a result of the force of the storm in southeast Texas. I am talking now about Hurricane Rita again.

When the good people of my State signed up for helping their neighbors, they were in it for the long haul. We will continue to support the evacuees who come to our State, even as we work to recover ourselves from Hurricane Rita. But I am here to make sure we have the tools and the resources necessary to do the job right.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Washington.

AMENDMENT NO. 3599

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mrs. MURRAY. Mr. President, I call up amendment No. 3599 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will please report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LUGAR, for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN, proposes an amendment numbered 3599.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase by \$8,000,000 and deposit in the Former Soviet Union Threat Reduction Account the amount appropriated for Cooperative Threat Reduction)

On page 117, between lines 9 and 10, insert the following:

SEC. 1312. (a) The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction is increased by \$8,000,000.

(b) Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction, as increased by subsection (a), \$44,500,000 shall be deposited in the Former Soviet Union Threat Reduction Account and shall remain available until September 30, 2008.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mrs. MURRAY. Mr. President, this amendment, which is offered by Senator LUGAR and Senator OBAMA, restores full funding for the President's supplemental request for the Nunn-Lugar programs, at a total cost of \$8 million. This amendment will allow upgrades to Russian nuclear warhead storage facilities to be completed on time.

The House-passed bill contained full funding for the Nunn-Lugar programs. This amendment would square us with the House level.

This amendment has 34 cosponsors—10 Republicans, 23 Democrats, and 1 Independent.

My understanding is that this amendment has been cleared on both sides of the aisle. I ask that it be considered by voice vote and adopted at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment has the support of this side of the aisle, and we join in the request of the Senator from Washington.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3599) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3708

Mrs. MURRAY. Mr. President, on behalf of Senator BYRD, I call up amendment No. 3708 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 3708.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional amounts for emergency management performance grants, and for other purposes)

At the appropriate place, insert the following:

TITLE —  
DISASTER MANAGEMENT AND MITIGATION  
EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for necessary expenses for "Emergency Management Performance Grants", as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$130,000,000, to remain available until expended: *Provided*, That the total costs in administering such grants shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

FLOOD MAP MODERNIZATION FUND

For an additional amount for "Flood Map Modernization Fund" for necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), \$50,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

NATIONAL PREDISASTER MITIGATION FUND

For an additional amount for "National Predisaster Mitigation Fund" for the pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

SEC. —001. Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be \$1,172,600,000.

Mrs. MURRAY. Mr. President, I believe we have no other amendments Senators want to offer on our side tonight.

I ask our colleagues on the other side if they have any further amendments to offer tonight.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank all Senators for the cooperation

we received during today's consideration of amendments to H.R. 4939, the emergency supplemental appropriations bill. We have taken up a lot of amendments to the bill, and we have heard a lot of debate. We know this will continue probably on into next week before we complete action on the bill. But we look forward to considering any suggestions that Senators have for improving the legislation. We would just as soon they did not spend a lot of time finding ways to improve the bill. But we think we made good progress today.

We thank all Senators and especially Senator MURRAY for her help in managing the bill today. Senator BYRD, the ranking Democrat, the senior Democrat, on the committee, has been a friend for a long time, and I have appreciated his help and counsel and advice and assistance as well.

I know of nothing further to come before the Senate, so we will await the advice of the leader before any further action is taken.

Mr. NELSON of Florida. Mr. President, Florida was hit by four hurricanes in 2005, a devastating year for killer storms. Starting with Delmis in July, followed by Katrina in August, Rita in September, and finishing with Wilma in October, when the hurricane season finally ended, 39 of Florida's 67 counties had been declared Federal disaster areas. In the aftermath, 40,000 roofs were repaired by the Army Corps; "Blue Roof" program and approximately 3,000 temporary trailers were used as housing for Floridians left homeless by the storms.

While I am emely appreciative of the assistance extended to Florida by this body, today I joined Senators CORNYN and HUTCHISON of Texas and Senator LANDRIEU of Louisiana on an amendment to H.R. 4939, the supplemental appropriations bill, which ensures no State will receive an allocation of less than 3.5 percent of the \$5.2 billion included in this bill for disaster Community Development Block Grant funds. This is extremely important to the panhandle of Florida because the last supplemental appropriation bill of fiscal year 2006 did not include Hurricane Dennis.

After Dennis made landfall, 27 percent or over 12,000 homes were damaged in Santa Rosa County the same region decimated by Hurricane Ivan in 2004, Escambia County suffered \$73.8 million in damages from Dennis. Franklin County's oyster beds and processing plant were nearly destroyed. Parts of Wakulla County were left under water by storm surges of more than 10 feet. I have not forgotten Dennis' victims and want them to know I am fighting for them.

South Florida will also benefit greatly from additional CDBG dollars. With total insured losses of \$8 billion, Wilma is ranked the second most expensive hurricane among the eight to strike Florida during 2004 and 2005.

I thank the committee for crafting language in the bill we are now consid-

ering which would make communities impacted by Dennis eligible for relief. Further, I note the House did not include similar language and urge my colleagues in the Florida delegation to fight to keep the Senate provision intact during conference.

Mr. BURNS. Mr. President, I wish to take a moment this afternoon and discuss this supplemental and the need to restore some fiscal responsibility to this body. America has had some big challenges thrown at it over the last 5 years 9/11, the war on terror, and Hurricane Katrina and those challenges have required some commitment from the Federal Treasury. I accept that. But Congress can not continue to spend without restraint, and this administration can not continue to rely on the use of emergency supplementals to circumvent the congressional budget process.

When the President sent his budget request for fiscal year 2007 up to Congress, the administration indicated that Congress should expect some emergency supplemental requests as well. On February 16, the administration asked for \$92.2 billion in emergency funding for the war on terror and hurricane recovery. I think we need to ask some tough questions about budget processes and emergency funding requests. Do all of these dollars truly belong outside the normal budget and appropriations debate? I support the war on terror, and I am sympathetic to the devastation caused by the hurricanes, but neither of those events justifies a blank check from Congress.

The President has asked for \$92.2 billion, and I think that—at a minimum—we need to work our way back to that number in conference. We need to take a careful look at all of the President's requests, as well as the priorities that other Senators have, and make a decision as to whether these provisions are truly emergency needs.

I realize that some of my colleagues might take exception to these comments, since I have pushed for agricultural disaster assistance. I believe the most important component of that package is the energy assistance payments, to help farmers manage unprecedented increases in the cost of fuel and fertilizer price increases that were caused in large part by the hurricanes. Congress has been generous in addressing gulf coast recovery, but we cannot address some of the impact while leaving others to absorb the full impact of an unforeseeable disaster. Producers have waited and waited, watching one supplemental after another go by without their legitimate concerns being addressed.

Budgets are about priorities—allocating the right amount of money to the right places at the right time for the right reasons. We have limited resources, and we need to allocate them wisely. I am confident that, working in good faith with our colleagues in the House and the administration, we can bring the overall dollar figure down,

while still addressing the truly pressing needs that are out there.

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. FRIST. 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. FRIST. Mr. President, I had hoped we could have made further progress on the emergency supplemental bill. Unfortunately, today we were only able to dispose of two amendments with rollcall votes—only two amendments. I am disappointed that the Senator from Oregon prevented us from voting on some of the amendments that had been in the queue, in line, and ready for votes.

Having said that, we know this is an emergency bill, supplemental emergency spending. Time is of the essence. Tomorrow there is a retreat on the other side of the aisle, and therefore we will not be able to make further progress. For that reason, I will send a cloture motion to the desk to ensure we can finish this emergency bill at a reasonable time next week.

#### CLOTURE MOTION

I now send that cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### CONGRATULATING CRAIG WILLIAMS

Mr. MCCONNELL. Mr. President, I rise today to congratulate a distinguished Kentuckian who has been honored with a very distinguished award. I