

But if we must delay further action for six more months, that is six more months where criminals can steal cargo and make billions. That is half a year of handicapping our law enforcement, hurting our businesses and passing the cost on to American consumers.

Mr. Speaker, I commend Chairman SENSENBRENNER for his tireless efforts providing oversight over the PATRIOT Act and working on reauthorizing this critical legislation, including by now extending the PATRIOT Act for just one month. This allows us to work on making these provisions permanent and on including the cargo theft measures as soon as possible.

I also commend Chairman COBLE, Mr. FORBES and Mr. SCHIFF, as well as all the law enforcement and industry groups that worked on the port security and cargo theft provisions.

I say to our fellow Americans and our law enforcement communities, that I will do everything that I can to make the PATRIOT Act permanent, and that I will not rest until we finally enact these cargo theft prevention measures into law.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, S. 2167, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### CORRECTING ENROLLMENT OF H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 74) making appropriation for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. PENCE). Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Mr. Speaker, reserving the right to object, more than a year ago when Mr. LEWIS was elected chairman of the Appropriations Committee, he came to me and asked if we could have an understanding that we would express our substantive differences, but still cooperate in moving bills forward in an orderly way once those differences were expressed. We did that.

Time and time again, the minority was denied the opportunity to offer different sets of priorities, priorities that did not offer huge tax cuts for those who have the most in society, paid for with cuts in education, health care,

and worker protection for those who have the least. Despite the fact that the rules of the House were used to block our efforts to obtain on-the-record votes on a number of our alternatives, Democrats continued to cooperate procedurally even as we made clear our differences on policy.

The Republican majority wanted to finish all of these bills by the end of the fiscal year, and we did not procedurally obstruct them, because while we differed strongly with the values that lie behind their budget priorities, we respected the fact that they are in the majority, and we respect and revere this institution. But because of internal divisions between the majority party, divisions within the House GOP caucus, and divisions between House and Senate Republicans, the fiscal year ended with the Labor-HHS bill and the Defense appropriations bill that represents 67 percent of the discretionary spending in our budget bill still being hung up in the legislative process.

Now in the closing days of this Congress, the Republican leadership has decided to use the must-pass Defense appropriations bill to force down the throats of the American people a number of wholly unrelated gifts to special interests. They decided to hold funds for our troops hostage in order to force Congress into removing protections against oil drilling in ANWR.

To make room for their tax giveaways, they even imposed a second round of cuts on education, health, worker protection, and even imposed a \$4 billion additional cut in military spending. Senate action yesterday has corrected one provision inserted in the bill by the abuse of power, the strong-arm attempts at drilling in ANWR, and for that I applaud the Senate. I led the opposition to ANWR's inclusion in the conference, and I am happy that the Congress was not blackmailed into accepting it.

But, frankly, Mr. Speaker, continuing under my reservation, ANWR was not the biggest problem with the conference report. The biggest problem is that it shortchanges our economic future by refusing to make adequate investments in education. And it cruelly neglects to strengthen support for programs that help provide critical health care services to people who desperately need them.

But we have lost that fight. This Congress has made the decision to cut critical health, education, worker protection, and social service funding by \$3 billion below last year's level. What I find so gutless about Congress' performance on this bill is that those cuts could not pass the Senate on a rollcall vote, so the majority party had to arrange for their Senators to duck this vote, thereby hiding from accountability by arranging for the bill to be passed through the Senate without a rollcall vote. That means the majority party has denied critical help to families most in need of help, but has not had the courage to forthrightly defend

their votes to the people affected in the public arena.

This bill makes that problem \$1.4 billion worse for those programs and because of the across-the-board cut, it makes other ill-advised cuts in critical funding for the FBI and local law enforcement, and it even cuts an additional \$4 billion out of the Defense bill. If I could do anything to change that, I would; but it is clear the die is cast.

Continuing under my reservation, Mr. Speaker, there is a second outrageous problem with this bill. The majority has turned the proposal to prepare for a flu pandemic into a giveaway to the pharmaceutical industry. When the President requested \$7 billion to begin a much-belated crash program to develop a new generation of vaccines and antiviral drugs to combat a potential flu pandemic, the Republican majority responded by cutting it in half. When I asked Senator STEVENS in conference why we shouldn't fund the rest of the administration's request so that it was clear that the government had a long-term commitment to the development of needed vaccines and antivirals, he responded that because liability protection language for manufacturers was not being adopted, long-range funding should be withheld.

The conference committee ended its work with the understanding, both verbal and in writing, that there would be no legislative liability protection language inserted in this bill. And because the majority told us it did not want any compensation program for victims to be applied against the discretionary portion of the budget, no funding was provided for that, either.

But after the conference was finished at 6 p.m., Senator FRIST marched over to the House side of the Capitol about 4 hours later and insisted that over 40 pages of legislation, which I have in my hand, 40 pages of legislation that had never been seen by conferees, be attached to the bill. The Speaker joined him in that assistance so that, without a vote of the conferees, that legislation was unilaterally and arrogantly inserted into the bill after the conference was over in a blatantly abusive power play by two of the most powerful men in Congress.

We then discovered that this language provided all sorts of insulation for pharmaceutical companies and that this insulation applied not just to drugs developed to deal with the flu but in fact applied to a far broader range of products. In essence, the provisions allowed the Secretary of HHS to issue a declaration that has the effect of almost completely prohibiting lawsuits in State or Federal courts by persons whose health was injured against manufacturers and various others for compensation for injuries caused by the use of covered countermeasures.

That determination would bar lawsuits against a wide range of covered persons involved with the countermeasures including manufacturers and