

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment strikes the cuts in the budget resolution with respect to agricultural spending constitutes 1 percent of total Federal spending. These cuts here constitute 16 percent of the cuts in the budget resolution. It is just not right to single out agriculture 16 times more than other cuts in this resolution.

No. 2, the Europeans today spend \$37 billion a year on agricultural price supports. We spend about \$17 billion, half of what they spend. We should not unilaterally disarm now, before the Doha WTO talks.

Two points why the amendment should be agreed to. We should not make these cuts.

Mr. CHAMBLISS. Mr. President, the Senator from Montana is correct; that the cuts in agricultural spending now constitute 16 percent. That is another good reason why we should have supported Medicaid savings. We wouldn't be in this position now.

What we committed to do relative to agriculture savings is, first of all, not to change the policy in the farm bill. We are not going to do that. We are simply not going to change policy.

Lastly, let me just say that over the last 3 years, farmers themselves have saved \$5 billion per year from the projected farm bill expenditures in 2002. If we cannot find \$2.8 billion over the next 5 years, then something is wrong. We are going to find it. We are going to treat every commodity fairly and equitably, and every title of the farm bill fairly and equitably in achieving these savings. I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54.

[Rollcall Vote No. 69 Leg.]

YEAS—46

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—54

Alexander	Bennett	Bunning
Allard	Bond	Burns
Allen	Brownback	Burr

Chafee	Graham	Santorum
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchison	Specter
Cornyn	Inhofe	Stevens
Craig	Isakson	Sununu
Crapo	Kyl	Talent
DeMint	Lott	Thomas
DeWine	Lugar	Thune
Dole	Martinez	Vitter
Domenici	McCain	Voivovich
Ensign	McConnell	Warner
Enzi	Murkowski	
Frist	Roberts	

The amendment (No. 234) was rejected.

AMENDMENT NO. 239

The PRESIDING OFFICER. There is 1 minute equally divided on the Biden amendment.

Mr. CONRAD. Mr. President, if we might have a moment to review for our colleagues where we stand, I think it is important to do so at this moment. I alert our colleagues that we have nine more amendments in this queue. We have 33 additional amendments noticed. That is 42 total. We are doing just over four amendments an hour. If we continue on this course, we are going to be here until 2 or 2:30 this morning.

There are a number of colleagues who have multiple amendments still noticed. I am asking colleagues to please notify leadership, please notify the whip, of what amendments you can wait on until another vehicle and another time.

At this point, I plead with colleagues. Let us not have a situation in which we are here until 3 o'clock this morning. This is our opportunity now during these votes for Members to notify which amendments they are willing to hold off on. Please do that.

Mr. REID. Mr. President, the manager of our bill, the Senator from North Dakota, is very busy, and his person to work with on these amendments is Senator DURBIN. If people would help Senator DURBIN and Senator CONRAD and help us move through amendments on our side.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my amendment restores \$1 billion for local law enforcement, three big programs that have essentially been zeroed out, the COPS Program, the law enforcement block grants. Four years ago we spent \$2.3 billion helping local law enforcement. It is down to \$118 million.

My friend from New Hampshire said we are going to prove we can end the program. Let us pick one that is not working to end. This one works.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, the COPS Program was a program put in place by President Clinton. It was supposed to have expired 5 years ago. It was fully funded under President Clinton, and 100,000 police officers were put on the streets; in fact, 110,000. It continues to exist even though it has served its purpose, and there was a consensus that it

would not go any longer. It is time to ask the program to be terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—55

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voivovich
Crapo	Martinez	Warner
DeMint	McCain	

The amendment (No. 239) was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent the call for the quorum be rescinded.

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

FOR THE RELIEF OF THE PAR-
ENTS OF THERESA MARIE
SCHIAVO

Mr. FRIST. Mr. President, if we could have regular order, just a very brief explanation and we will proceed. We are going to interrupt the budget for a few minutes to discuss a bill we have been talking about over the course of the day. It has to do with a particular case in Florida. We will talk a little bit about the background for a very limited period of time. Then we will resume with the debate on the budget and the amendment process. This should take a total of about 15 or 16 minutes. It is important we do it now. The House is preparing to leave—if they have not left—and the immediacy of this bill centers on the life of

a particular person. That is why we are interrupting the debate now.

With that, I turn to my colleague.

Mr. REID. Mr. President, I extend my appreciation to many Members of this caucus for their cooperation. This is a very difficult issue. It has been hard for everyone. I especially applaud my friend from Michigan, Senator LEVIN. I joke with him sometimes, but he is a Harvard-educated lawyer, and he really lives every minute of that. He understands the law, and he has helped the Senate get something that is appropriate for what we are trying to do. I appreciate that very much. A number of other Senators, including the distinguished Senator from Oregon, have worked with us, and I will not run through the entire list, but we have had Senator BAUCUS, Senator FEINSTEIN, Senator HARKIN, Senator MURRAY. We have had a lot of cooperation. I apologize because I have left some names out. It is very difficult.

We believe we have an obligation to do something. Something is going to happen anyway. I think this will wind up being the best of what we could do.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 653, which is at the desk, that relates to Terri Marie Schiavo; that there be 15 minutes of debate on the bill equally divided between the two leaders or their designees; provided further no amendments be in order; following that debate the bill be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

Mr. REID. Reserving the right to object, the amendment that has been worked on the past few hours, is it at the desk?

Mr. MARTINEZ. The language is at the desk.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The bill is at the desk.

Mr. REID. Mr. President, I also ask consent that this be increased to 16 minutes because the Senator from Florida, Mr. NELSON, wishes to spend a couple minutes on it.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, there is going to be 15 minutes on each side?

Mr. REID. No. Seven and a half minutes to you, a minute to the Senator from Florida, and that is the only request for time I have received.

Mr. WYDEN. I thank the Senator and withdraw my reservation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there has been a little confusion because there has been different versions of this bill circulating. I want everybody to know the version of the bill we are working on, which the unanimous consent relates to, is a brandnew bill as of a few

moments ago which contains the modifications that we have worked out.

Mr. REID. That is true.

Mr. MARTINEZ. Yes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 653) for the relief of the parents of Theresa Marie Schiavo.

Mr. MARTINEZ. Mr. President, in 1990, at the age of 27, Theresa Marie Schiavo, a Florida resident, suffered a heart attack which resulted in brain damage from a lack of oxygen. As a result, she was taken to the hospital and a feeding tube was inserted at that time to provide nutrition and hydration to keep her alive.

Over the last 15 years, there has been a very difficult and long protracted legal struggle in Florida over whether the parents' wishes should prevail, who wish for her to continue to receive food and hydration, or the husband's wishes.

A court order has been entered. The effect of that court order is that tomorrow, on March 18 of this year, the food and hydration would be withdrawn from this woman.

The effort of our bill is very narrowly tailored to provide relief to this young woman so that a Federal judge in Florida will have the opportunity to do a de novo review of all that pertains to this case to ensure that her constitutional rights have been protected, to ensure that under the 14th amendment due process has been exhausted, and to ensure, without precluding either outcome in the case, that the Federal review of this case could provide the same type of relief that we would provide to any other person in the State of Florida who might be put to death as a result of a court order, including those who might be doing so because of criminal conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Whoever has time, could they just yield 1 minute to me?

Mr. President, first of all, I want to thank people who have worked out the changes in this bill, which make it a better bill. From my perspective, it is still a mistake, and I intend to vote no if there is a rollcall vote.

A number of people have asked me whether I now favor this bill with the changes. My answer is no. I think it is a better bill with the changes. It is a bill which avoids some damaging precedents.

We can explain the changes. The most important one is explicitly this does not create a precedent. Secondly, it is not a 12-month period the parents can proceed in. It is a 30-day period that they have. So we do not have a situation where they wait 12 months prior to initiating the case.

The court has discretion to issue a stay. It is not mandatory. It is not a bill for the relief of Theresa Marie Schiavo. It is a bill which gives the parents the opportunity, within a short

period of time, to go to court, so it is technically for their relief, not for her relief.

So I wanted to make it clear to the people in the Senate who asked, "Does this mean you now favor this?" If there is a rollcall, I intend to vote no. I think it is a mistake. If it is a voice vote, I intend to vote no, for whatever relevance that has, except I do not want to mislead anybody, by proposing these things, that now suddenly I think this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank the Senator from Florida for helping accept these modifications. I thank the leaders on both sides, Senator FRIST and Senator REID, for a determined effort in the last few hours to make certain this bill goes to the House in time.

I think all of us have in our mind's eye the face of that lovely young woman. It is very much in my mind, the smile of that young woman. Her parents want to give her a chance. I think of my own daughter. We ought to give her a chance. And this is our opportunity to do it. I hope very much the House will give this a chance.

I also thank my colleague from Pennsylvania, Senator SANTORUM, who first brought this to my attention this afternoon. This is the right thing to do, colleagues. Let's pass this.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, will the majority leader yield for just a brief statement?

Mr. FRIST. I will.

Mr. REID. Mr. President, I talked about everybody except one of the most important people, if not the most important person, this afternoon, and that is Senator NELSON from Florida. He has been here during the whole day, and I want to extend my appreciation to him.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will be very brief. This is an opportunity to talk to a number of my colleagues.

As most people know, this is coming to the floor very quickly. And the real, fundamental reason is, if we do not act, there is a good chance that a living human being would be starved to death in a matter of days. That is why the action now. That is why we are, not rushing things, but deliberating quickly, so we can get it to the House of Representatives.

She will be starved to death next Friday. I have had the opportunity to look at the video footage upon which the initial facts of this case were based. And from my standpoint as a physician, I would be very careful before I would come to the floor and say this,

that the facts upon which this case were based are inadequate. To be able to make a diagnosis of persistent vegetative state—which is not brain dead; it is not coma; it is a specific diagnosis and typically takes multiple examinations over a period of time because you are looking for responsiveness—I have looked at the video footage. Based on the footage provided to me, which was part of the facts of the case, she does respond.

That being the case, and also recognizing she has not had a complete neurological exam by today's standards—allegedly, she has not had a PET scan or MRI scan; not that those are definitive, but before you let somebody die, before you starve somebody to death, you want a complete exam and a good set of the facts of the case upon which to make that decision.

All we are saying today is, do not starve her to death now—forever, I would argue—but establish the facts based on medical science today, and then make a determination in the future. That is what we will accomplish with passage of this bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is now addressing probably the most gut-wrenching decision that an American family can ever face. Without even a single hearing, without any debate whatever, the Senate is tackling an extraordinarily sensitive concern that involves morals and ethics and religious principles, and this troubles me greatly.

The practice of medicine and the regulation of it throughout our history has been properly left by the Constitution to the States. Now, regardless of how a Senator might feel about this tragic case in Florida—and feelings certainly run very high—a Senator ought to reflect on the implications of Federal intrusion before we cast this vote.

I am particularly troubled at the prospect of setting a precedent that is going to have the Congress, in effect, playing "medical czar" in case after case because, colleagues, there will be thousands of cases just like this.

I would ask the Senators, will the steps of the Capitol be the new gathering place for America to wrestle with these situations that all concerned consider tragic? I think that is a mistake. That is why I am going to vote against this legislation.

Now, this legislation has particular repercussions for the people of my State. We have voted twice for assisted suicide. I will tell colleagues, I voted against both of those measures on assisted suicide. And I joined all of you, I think, here today in opposing Federal funding for assisted suicide. But I think these matters are not ones where we should trample on the prerogatives of the State quickly. And that is what we are doing today—without a single hearing, without a single opportunity for us to even hear from those most knowledgeable in the field.

I know many colleagues want to speak on this, and I want to respect them. I would note that as a result of the cooperation shown, particularly by colleagues on the other side of the aisle, Senator FRIST and others, there has been language added to this proposal so as to at least attempt to protect any State that has acted in this area. My guess is, when the Supreme Court tackles this, they are going to declare it unconstitutional.

But as we go to the vote on this matter, I would urge colleagues to think about what it is going to mean when people from all over this country, all of our States, all of our communities, ask the Congress to step in on these kinds of cases. I think that is a very troubling precedent. It is my intention to vote no.

I thank my colleagues, and particularly the majority leader for his courtesy. I yield the floor, as many others wish to speak on this matter.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 3 minutes to Senator SANTORUM from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank all those involved. I thank the two leaders for their conscientious effort in getting this accomplished. I thank Senator CONRAD, and Senator MARTINEZ, obviously, for his sponsorship of this legislation, and all the others who worked with us. Even though, as Senator LEVIN and Senator WYDEN said, they oppose this legislation, they understood the importance of this issue to colleagues on both sides of the aisle and were willing to work with us to improve the bill and, nevertheless, to allow us its passage. So I want to thank everyone concerned.

I want to explain, very briefly, what this bill does. This bill simply gives a Federal court the ability to review the State court's action. Just yesterday, in California, a man was sentenced to death for killing two people. He will have ample opportunity to have everything the California courts did reviewed by the Federal court under a habeas corpus appeal. He will have multiple appeals for Federal courts to look to see whether the State court in California properly behaved in providing him his due process rights under the 14th amendment—a multiple murder.

Terri Schiavo has done one thing wrong: she did not have a living will. But the Florida courts gave her a death sentence. They said that her feeding tube and hydration will be removed until she is dead. And no one but for this bill and the Federal courts will have any right to look to see if her due process rights were followed by the Florida courts.

This does not get us involved in a medical decision. This does not get us involved in making decisions of life and death. It simply protects the con-

stitutional rights of someone whose only—only—mistake was not to have a living will. Should we not give someone who is in that situation, who has been sentenced to death by a court on a State level, the right for Federal court review to determine whether her rights were protected by those courts? That is all we ask in this piece of legislation. It is narrow. It applies only to her, to no one else. It sets no precedent. We specified, thanks to Senator WYDEN's amendment, that it sets no precedent for any other action.

So I would encourage my colleagues, as we just have been through a horrific death penalty case in California, to understand that there is a proper role for Federal courts to look to make sure that due process was followed. That is all we are asking for here today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The minority has 1 minute 41 seconds. The majority has 1 minute 54 seconds.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Florida, and 42 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this bill we are considering is a good-faith, bipartisan effort to allow a Federal court in my State to review this case. One of the improvements of this legislation was that it changed the original draft directing a Federal court how it should issue injunctive relief because constitutionally we cannot direct a Federal court, even in law.

I support this bill so that this case can be reviewed and decided in a timely manner. And, indeed, it underscores the need for us to promote living wills so that a person's wants and desires will be carried out when they are in an incapacitated condition.

Mr. HARKIN. Mr. President, I thank both Senators from Florida. Senator MARTINEZ came to me with this last week. We are doing this personal bill because it is so time sensitive. But let's not forget that there are hundreds and thousands of people with disabilities, both physical and mental, who face similar situations. That is why last week when this was brought to my attention, I said to my friend from Florida that we ought to do some kind of a habeas type of proceedings for these people that are at the end of the rope and yet there is no one speaking for them. So while we pass this today for a woman in Florida, I hope when we come back after the recess we can work together in a bipartisan fashion to fashion some kind of legislation that will give people with disabilities the ability to take one last look at their case before the plug is pulled.

I hope we can work on that so we don't have case after case after case coming in here, but we can deal with it in a broad, general context to protect the rights of people with disabilities.

Mr. MARTINEZ. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Florida for his outstanding leadership on this extraordinary remedy for a woman who, when I observed her on videotapes, clearly is conscious and has the ability to feel.

I believe in the sanctity of human life. I think most of us feel in good conscience we can't just sit by and allow this innocent woman to starve to death. Just because she has lost her ability to verbally communicate her feelings in no way means that she has lost her desire to live or her right to life. When in doubt, I think it is appropriate and, indeed, logical to presume that people want to live.

I am proud of the Senate and Senator MARTINEZ for his leadership in helping to protect Terri Schiavo's right to life.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. To close, I thank the leadership of the minority and majority. I never anticipated that my first legal measure on the floor of the Senate would be something such as this. I am very pleased that we have had the cooperation we have had. I thank Senators HARKIN and CONRAD and so many others on our side of the aisle who have worked with me tirelessly to get to this point and the encouragement they provided me.

By voting for this bill, we will simply be allowing the Federal judge to give one last review, one last look in a case that has so many questions, that has so many anxieties, and that will provide us the kind of assurance before the ultimate fate of this woman is decided to know that we did all we could do and that every last measure of review was given her, just like it would have been given to a death row inmate convicted and sentenced to die.

I ask for a vote in support of the measure that we might keep Terry Schiavo alive and give her a chance to have a Federal review of her case.

The PRESIDING OFFICER. All time has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent to speak for 30 seconds.

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

Mr. LEVIN. Mr. President, I want to make it clear that although I believe it is a mistake for Congress to be moving into this area with this haste and speed, in the most difficult decision-making a family could ever face—I intend to vote no—the language in section 1 also makes it clear that a Federal court would have to find a violation of a constitutional right or a right under U.S. law in order to provide an order that she be maintained on life support.

It is very clear in here that there has to be a violation of the U.S. Constitution or Federal law for a Federal court

to provide the continuation of life support.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (S. 653) was passed, as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

The PRESIDING OFFICER. There is now 1 minute of debate on Feinstein amendment No. 188. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this is a sense-of-the-Senate resolution, submitted by myself and Senators KYL, HUTCHISON, CORNYN, SCHUMER, and CLINTON, having to do with the State Criminal Alien Assistance Program.

As we all know, illegal immigration is the responsibility of the Federal Government. Since early 1990, the Federal Government has provided some reimbursement to States. That authorization has run out. We have just passed it out of the Judiciary Committee this morning.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have serious reservations about SCAAP which we discussed earlier when we debated this amendment. However, since this amendment is a sense of the Senate and since we are getting to a point where some of these sense of the Senates we think we can take, this one is clearly at the margin on that exercise, but rather than going through the exercise of a vote on it, we accept the amendment with prejudice.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 188) was agreed to.

AMENDMENT NO. 240

The PRESIDING OFFICER. There is now 1 minute for debate on Byrd amendment No. 240.

The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment would boost the amount of funding in the budget to allow for a highway bill totaling \$318 billion. That is the same size as the highway bill we passed last year. Every Senator should look at the table on their desk and see how much money and how many jobs he or she is foregoing by voting against this amendment. The offsets for the amendment are not new taxes. The offsets are precisely the same offsets that were used in the finance title of last year's highway bill. I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is an agreement—and it is fairly well agreed to, not only within this body but on the House side and with the President—that the highway bill will be \$284 billion. That is funded in this budget resolution. This would increase that funding by approximately \$30 billion. In addition, it raises taxes by \$14 billion. It is a classic tax-and-spend amendment. I hope it will be defeated.

The PRESIDING OFFICER (Mr. VITTER). The question is on agreeing to amendment No. 240.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mr. CORNYN).

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

The result was announced—yeas 45, nays 54, as follows:]

[Rollcall Vote No. 71 Leg.]

YEAS—45

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Clinton	Kohl	Rockefeller
Conrad	Landrieu	Salazar
Corzine	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

NAYS—54

Alexander	Coleman	Gregg
Allard	Collins	Hagel
Allen	Craig	Hatch
Bennett	Crapo	Hutchison
Bond	DeMint	Inhofe
Brownback	DeWine	Isakson
Bunning	Dole	Kyl
Burns	Domenici	Lott
Burr	Ensign	Lugar
Chafee	Enzi	Martinez
Chambliss	Frist	McCain
Coburn	Graham	McConnell
Cochran	Grassley	Murkowski