

speculation by Wall Street traders who artificially bid up the price of oil for their own profit. That was a plan Republicans had claimed to support previously. It was part of their legislation. When it came time to take action, the monied interests of this country backed the Republicans down from doing the right thing.

When we offered the Republicans a vote on the very thing they claim to want more than anything—offshore drilling—they passed on that. They said no.

Now, Democrats are proposing improvements to the LIHEAP program. This is yet another bipartisan opportunity to help Americans cope with our energy crisis.

This is something that is a crisis that has been here for a while. Listen to what George Bush, the President of the United States, said. This is a quote:

First and foremost, we've got to make sure we fully fund LIHEAP, which is a way to help low-income folks, particularly here in the East, pay for their high—high—fuel bills.

A direct quote from President Bush.

This legislation assists senior citizens, low-income families, and those who are disabled to afford to heat their homes in winter and cool them during excessive periods of heat in summer.

There are not many States like Nevada. In the southern part of the State, in Laughlin, NV, it is not unusual for the temperature to hit 120 degrees. In the northern part of the State, in places such as Owyhee, it is the coldest place in the Nation on many occasions. It is not unusual at all for it to be 20 degrees below zero. These ranges in temperature indicate that if you are old, if you are disabled, if you are poor, you have trouble paying for the fuel costs to cool your home to survive or to heat your home to survive. People who have temperatures above 100 degrees know how important it is to keep their home cool, and people who are freezing know how important it is to keep their home warm.

Since 2001, Americans are paying three times as much for heating oil and twice as much for propane. As these energy costs have skyrocketed, these LIHEAP proposals we have talked about have been hamstrung. These programs are not there to provide the necessary assistance. As the winter months are growing near, this problem will exacerbate. It will grow worse.

This legislation has rightly earned bipartisan support, as I have talked about, with at least a dozen Republican cosponsors of the Senator's legislation. It is regrettable Republicans could force us to waste valuable hours on a cloture vote on proceeding to this legislation—even allowing us to debate the matter. It is unimaginable Republicans might choose to block us from passing this worthy legislation for which President Bush said: "First and foremost, we've got to make sure we fully fund LIHEAP, which is a way to help low-income folks, particularly here in the East, pay for their high—high—fuel [costs]."

Well, it is not only folks in the East. It is folks in the West and Midwest and all over this country. I hope they will not stall this. They say they want to legislate on energy. They had the chance yesterday. They did not take that. They have a chance again today. We will soon see what they choose to do.

If Republicans choose to join us in passing LIHEAP, we will welcome their votes, certainly, with open arms. But if they choose to block this legislation, they will have to shoulder the burden of millions of low-income families, senior citizens, and those with disabilities who are struggling and suffering to pay their ever-rising energy bills.

Mr. REID. Mr. President, I ask that the vote now occur that is scheduled for 11 o'clock.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the motion to concur in the amendment of the House to the Senate amendment to the House amendments to the Senate amendment to the bill H.R. 3221.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. CARPER) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. DOLE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

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

The result was announced—yeas 72, nays 13, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—72

Akaka	Cantwell	Dodd
Alexander	Cardin	Domenici
Baucus	Casey	Dorgan
Bayh	Chambliss	Durbin
Bennett	Clinton	Feingold
Biden	Cochran	Feinstein
Bingaman	Coleman	Gregg
Boxer	Collins	Hagel
Brown	Conrad	Isakson
Brownback	Craig	Johnson
Byrd	Crapo	Kerry

Klobuchar	Mikulski	Shelby
Kohl	Murkowski	Smith
Landrieu	Nelson (FL)	Snowe
Lautenberg	Nelson (NE)	Specter
Leahy	Pryor	Stabenow
Levin	Reed	Stevens
Lieberman	Reid	Sununu
Lincoln	Roberts	Tester
Lugar	Rockefeller	Voinovich
Martinez	Salazar	Webb
McCaskill	Sanders	Whitehouse
McConnell	Schumer	Wicker
Menendez	Sessions	Wyden

NAYS—13

Barrasso	Ensign	Kyl
Coburn	Enzi	Thune
Corker	Grassley	Vitter
Cornyn	Hatch	
DeMint	Hutchison	

NOT VOTING—15

Allard	Dole	Kennedy
Bond	Graham	McCain
Bunning	Harkin	Murray
Burr	Inhofe	Obama
Carper	Inouye	Warner

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to concur having been agreed to, the motion to reconsider is considered made and laid on the table. The motion to concur with an amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I know everybody is concerned about what is going to happen tomorrow and Monday. We won't know until after the next vote is cast. Within an hour or so after the final vote, all of the offices will know what will happen either tomorrow and/or Monday. We will have more definite information after the next vote.

WARM IN WINTER AND COOL IN SUMMER ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture—

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I know everybody is anxious to leave. Very briefly, voting for cloture on this bill will take us off of the single most important issue in America.

The American people are clamoring for legislation that brings down gas prices, and our leadership friends on the other side want to dismiss this issue instead of taking it head on with bold action.

We want to address the issue of gas prices, and the important thing is to stay on the subject. I strongly urge a "no" vote on this motion.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the Republicans had every opportunity, for more than a month now, to talk about energy and to vote on energy. They turned that down. On speculation, they had an opportunity to do that. Even though it was part of their proposal, they dropped it. They had an opportunity to vote on drilling. They dropped that. They had an opportunity to vote on oil shale exploration. They would not do that. They said nuclear power was an immediate need of the

American people. They would not vote on that.

Now my colleagues on the other side of the aisle are being—it is being recommended by their leader to vote against LIHEAP. This issue is important to old people, disabled people, and poor people. There are 12 or 13 Republican sponsors of the legislation. So I say to my friends on the other side of the aisle, go ahead and vote against your best interests, I guess.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, of course, none of what the majority leader listed has been offered. Not a single consent to allow any of those votes has been offered. That is the point of this vote.

In order to deal with energy—the No. 1 issue in America—we need to have an open process, such as on the Energy bills of 2007 and 2005, where all of the amendments relative and important to this issue have a chance to be considered here in the Senate. None of that has been offered.

The only way it will be offered is to vote “no” on getting off this subject and staying on the No. 1 subject in America, open up the process, and allow amendments on all of the issues the majority leader referred to and move forward. That is the way we legislate in the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my friend, the Republican leader, has said something that is not true. On this floor, on numerous occasions, and in public meetings on numerous occasions in the past 10 days, I have said we are willing to vote on drilling, we are willing to vote on oil shale, and we are willing to vote on nuclear power. In their package, that is one of their seven amendments, which starts on the road to 28 amendments. We said we are willing to vote on that. Now everybody over there, all 48 of them—or however many there are—should understand you have had the opportunity to vote on those amendments. I have offered it on many occasions, many occasions. So any conversation to the contrary simply is without any factual foundation. The record is replete with what I have said.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, everybody wishes to vote. The majority leader and I have a central disagreement here as to what has been said on the floor of the Senate. We will still be on this bill next week. It will be an opportunity to continue the conversation and, hopefully, get the kind of process that will allow all Senators to participate on the No. 1 issue in America.

Mr. REID. Mr. President, the Republican minority is being misled on this issue. We have had opportunities to vote on every one of your amendments, every one of them. They have been stalling for months on lots of things but in the last two weeks on energy.

Everyone should understand, if you want to vote on drilling, we offered that to you on numerous occasions. Oil shale—we offered that on many occasions. The same on nuclear power. This is an opportunity—and American people should understand this—to avoid legislating. It has even gotten so directed that they are going to take out their frustration on what is going on in the country today—mainly that the status quo is not something that the American people want anymore. They are going to take it out on old people, disabled people, and poor people. That is what this LIHEAP vote is all about.

Folks, go ahead and vote against LIHEAP. We are going to vote for it.

Mr. MCCONNELL addressed the Chair.

Mr. REID. Another thing, Mr. President, I am going to get the last word, so we can keep going all day.

Mr. MCCONNELL. Mr. President, I renew the unanimous consent that I offered several days ago that allowed us to begin the process of amendments and listed the first seven amendments that would be offered on my side.

To refresh everyone’s memory, the unanimous consent agreement I proffered would have allowed us to go forward and rotate from side to side, as we have done in the past on major legislation of this type, with one amendment on each side. I listed the first seven amendments that would be offered on our side, and it was objected to.

Mr. President, I renew that unanimous consent request.

Mr. REID. Mr. President, reserving the right to object, the American people have seen here, in the last few minutes, what is going on in the country today. No one denies that their big panacea to all of the problems of gas prices—what they have said was the silver bullet—is voting on drilling on the Outer Continental Shelf, letting the Governors decide where they want to drill. We said you can vote on that. They don’t want to vote on that. It is the same on oil shale and nuclear.

This is a big stall. They have been stalling for 18 months. That is why we have had to file almost 90 cloture motions, because of filibusters they have conducted.

The final answer to all this stalling is going to come on November 4, because the American people are going to make sure that next year there are not going to be 49 Republicans over there.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

Mr. COBURN. Reserving the right to object, was there a formal objection, Mr. President?

Mr. REID. Yes, I objected.

The PRESIDING OFFICER. Objection is heard.

• Mr. INHOFE. Mr. President, the Senate has been in session all week and held one vote Tuesday and two votes this morning—all procedural votes. We have considered a bill this week con-

cerning the number one issue in America today—the price of energy. Instead, of allowing a full debate on the bill and, most importantly, a full opportunity to allow amendments to actually open up supplies and provide Americans with options, the Democratic majority has closed debate and prohibited any opportunity to amend the bill.

Now, the Senate Democratic majority, after wasting an entire week, is engaged in a stunt to keep the Senate in session this weekend in some false demonstration they are serious about now addressing the issues that concern Americans trying to proceed to legislation to add \$1.2 billion for the LIHEAP program. LIHEAP is a federally funded grant program that is implemented by states to give low income people funds to pay home energy bills. Generally, the primary beneficiaries of LIHEAP are users of natural gas, heating oil, and propane, and most of the assistance is confined to the NE United States.

Instead of simply placing more funding into a grant program, we should have used this past week to address increasing energy supplies to meet our long term national energy demands. I have previously opposed simply providing more funding for a grant program which does not address our energy needs, and will not attend the vote tomorrow since I would vote “no” so I request this statement appear in the RECORD, prior to the cloture vote on the motion to proceed.●

Mr. SPECTER. Mr. President, I am voting against cloture on the LIHEAP bill because the invocation of cloture would displace the bill on oil speculators. I strongly believe the Senate should stay on the oil speculators bill because of the critical importance of that bill in light of the enormously high price of oil and gas at the pump.

During my tenure in the Senate, no one has been more supportive of LIHEAP than I. I have consistently taken the lead as chairman of the LHHS Subcommittee to increase Federal funding for LIHEAP. The Senate will have an opportunity to act on the Sanders bill in this session to increase LIHEAP.

Mr. LEVIN. Mr. President, by now, all Americans are well aware of the record-high gas prices that have reverberated through our economy, hitting pocketbooks and inflating the price of everything from food to manufactured goods. An issue that receives far less attention, however, is the ever-increasing price of utilities for home heating and cooling. During the next 2 years alone, the Energy Information Administration, EIA, estimates that utility costs will increase substantially. In 2008 and 2009, average residential electricity prices are projected to increase by 5.2 percent and 9.8 percent, respectively, while natural gas will increase by 16 percent and 34 percent. Home heating oil is projected to soar by an astounding 63 percent in 2009 alone.

During these difficult economic times, no one has been more adversely affected by high energy prices than low-income households and the unemployed, who have been hit with the double whammy of paying for skyrocketing gas prices and increased home heating and cooling bills at the same time. Since President Bush took office, the average price of a gallon of gasoline has nearly tripled, and residential energy prices have shot upward by astounding amounts, financially crippling lower income households, forcing many of them to choose whether to pay for essential food and medicine, or to keep the heat on during the dead of winter. In my home State of Michigan, my constituents are worried about how they will pay for natural gas, home heating oil and propane for the upcoming winter.

That is why increased funding for the Low-Income Home Energy Assistance Program, LIHEAP, is critical. LIHEAP was created in 1981 to help low-income families, elderly individuals on a fixed income and the unemployed pay their energy bills. Even before recent and projected increases in energy prices, my home State of Michigan—like other States—started off with less funding in this fiscal year than was required to meet the need. There have been significant efforts over the last couple of years to provide full funding for the LIHEAP program—consistent with that authorized by the Energy Policy Act of 2005—but these efforts have been thwarted by an administration unwilling to support this program at the necessary level.

The bill before the Senate—the Warm in Winter and Cool in Summer Act, S. 3186—would significantly strengthen LIHEAP. These additional emergency funds would go a long way toward providing households with the necessary assistance in dealing with soaring energy costs. I am an original cosponsor of this critical legislation, and I am pleased to support it. I look forward to its swift enactment into law.

Mr. LEAHY. Mr. President, I rise in support of S. 3186, the Warm in Winter and Cool in Summer Act. As an original cosponsor of this important legislation that nearly doubles funding for the Low-Income Home Energy Assistance Program, LIHEAP, I urge my colleagues to support the motion to invoke cloture.

While we are currently in the middle of summer, every Vermonter knows that winter isn't far off. Families in cold-weather States, like Vermont, who were able to pay this past winter's bill, are already preparing for next winter and they are finding the costs of home heating to be out of reach.

In its most recent "Short-Term Energy Outlook," the Department of Energy predicted that the cost of home heating oil will increase more than 41 percent from the fourth quarter of 2007 to the fourth quarter of 2008. This increase comes on top of the 162-percent increase in heating oil prices that has

occurred since President Bush took office.

Many of our neediest neighbors will need Federal and State assistance in order to fill their fuel tanks. There is currently \$120 million in LIHEAP emergency funds that Congress has appropriated and the President could release tomorrow. Unfortunately, so far he has refused to do so.

I have passed an amendment that would require the President to release the \$120 million in emergency LIHEAP funding. Yet clearly more funding is needed.

The skyrocketing price of home heating oil, propane, kerosene, natural gas and electricity is stretching the household budgets of millions of families with children, senior citizens on fixed incomes and persons with disabilities beyond the breaking point.

More LIHEAP assistance is urgently needed. This legislation will provide an additional \$2.5 billion for LIHEAP. With the current oil prices, the average LIHEAP grant only pays for 18 percent of the total cost of heating a home with heating oil in the winter; 21 percent of residential propane costs; 41 percent of natural gas costs; and 43 percent of electricity costs.

This legislation is a moral imperative. People without adequate heat are vulnerable to illness. And people struggling to pay the heating bills may be tempted to skimp on medicines and even food. No one should have to choose between heating and eating.

I hope my colleagues in the Senate will join us in supporting this bill immediately and the President will sign it as soon as possible.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 835, S. 3186, a bill to provide for the Low-Income Home Energy Assistance Program.

Harry Reid, Bernard Sanders, Barbara A. Mikulski, Charles E. Schumer, Christopher J. Dodd, Debbie Stabenow, Maria Cantwell, Byron L. Dorgan, Richard Durbin, Patrick J. Leahy, Patty Murray, John F. Kerry, Kent Conrad, Benjamin L. Cardin, Jack Reed, Jon Tester, Thomas R. Carper, Joseph R. Biden, Jr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. DOLE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

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

The yeas and nays resulted—yeas 50, nays 35, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—50

Akaka	Dorgan	Nelson (FL)
Baucus	Durbin	Nelson (NE)
Bayh	Feingold	Pryor
Biden	Feinstein	Reed
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Smith
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Sununu
Clinton	Lieberman	Tester
Coleman	Lincoln	Webb
Collins	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Dodd	Mikulski	

NAYS—35

Alexander	Domenici	Murkowski
Barrasso	Ensign	Reid
Bennett	Enzi	Roberts
Brownback	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Corker	Hutchison	Thune
Cornyn	Kyl	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Wicker
DeMint	McConnell	

NOT VOTING—15

Allard	Graham	Kennedy
Bond	Harkin	McCain
Bunning	Inhofe	Murray
Burr	Inouye	Obama
Dole	Isakson	Warner

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which the motion to invoke cloture was not invoked on the motion to proceed to S. 3186.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. I now withdraw the motion to proceed to S. 3186.

The PRESIDING OFFICER. The motion is withdrawn.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 894, S. 3297. With that, I send a 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 assistant 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 894, S. 3297, the Advancing America's Priorities Act.

Harry Reid, Jon Tester, Carl Levin, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Kent Conrad, Bernard Sanders, Patty Murray, Debbie Stabenow, Ron Wyden, Patrick J. Leahy, Max Baucus, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown.

Mr. REID. Mr. President, pursuant to rule XLIV of the Standing Rules of the Senate, I hereby certify that, to the best of my knowledge and belief based upon information provided to me by the committees of jurisdiction, S. 3297 does not contain any congressionally directed spending item, limited tax benefit, or limited tariff benefit, as those terms are defined in rule XLIV.

There are no tax or tariff provisions in the bill whatsoever. Nor do I believe the bill contains any "congressionally directed spending items" which rule XLIV defines as "a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

To clear up any misconceptions, the bill provides only authorizations—enactment of the bills would have no effect on the Federal budget deficit or debt. As the nonpartisan CBO stated in a letter regarding S. 3297, "By themselves—that is, in the absence of subsequent legislation—those authorizations [in S. 3297] do not cause changes in Federal spending or revenues." I wish to ask that a copy of this and a related CBO letter be printed in the RECORD.

As a formal matter, no provision of S. 3297 could qualify as a congressionally directed spending item under rule XLIV because no provision was added

"primarily at the request of a Senator." S. 3297 is a compilation of bills identified by my staff as meeting the following criteria: No. 1. the other Chamber has approved companion legislation; No. 2. the Senate committee of jurisdiction supports the bill, e.g., by approving it in Committee, by assenting to a "hotline," et cetera; No. 3. the bill has broad bipartisan support, and No. 4, to the best of our knowledge the only impediment to enacting the bill was the obstruction of a single Member of the Senate. Bills were included in the package because they met these criteria, not "primarily at the request of a Senator." That is, with one exception noted below, if a bill satisfied these criteria, it was included in the package regardless of whether a Senator requested its inclusion, and if it did not satisfy these criteria, it was not included regardless of whether a Senator requested its inclusion.

The only item in the package that does not meet all of these criteria is the Prenatally and Postnatally Diagnosed Conditions Awareness Act, S. 1810, introduced by Senator BROWNBACK and cosponsored by Senator KENNEDY, because it has not yet been passed by the House. Senator BROWNBACK requested inclusion of the provision in the package, Senator KENNEDY supported the bill, and it apparently has broad bipartisan support. No provision of that act could be considered a congressionally directed spending item, limited tax benefit, or limited tariff benefit.

But because the spirit of transparency underlying rule XLIV is not served by such a formal approach, my staff asked the committees of jurisdiction to identify any item that might be considered a congressionally directed spending item in the respective bills as considered by committee. Each committee indicated that it did not believe any item included in S. 3297 within its respective jurisdiction meets the definition of a congressionally directed spending item.

The Advancing America's Priorities Act includes many important bills, including the following: a bill to promote research into and better care for those suffering from Lou Gehrig's disease; a bill to promote research into and better care for Americans suffering paralysis, a healthcare problem all too prevalent among our brave veterans; a bill to promote research into and better care for individuals who suffer strokes; a bill to promote research into and awareness of postpartum depression; several bills to protect children from exploitation and to crack down on child pornography; several bills to reauthorize successful U.S. foreign policy programs; a bill to promote the safety of families enjoying America's beaches; a bill to help increase the availability of broadband throughout the United States; several bills to improve our understanding of the oceans; and a bill to promote investments in mitigating risks before a disaster strikes, saving

the Federal and State governments money in the long run.

To avoid specious arguments that distract from the substance of these important bills, and in the interest of the broadest possible transparency, I provide here information about each of the items that even might be alleged to be a congressionally directed spending item.

One subtitle in the bill, title VI, subtitle A, authorizes \$1.5 billion in funding for capital investments and preventive maintenance projects for the Washington Metropolitan Area Transit Authority, an authority established pursuant to a compact provided for under Federal law. Over 40 percent of the Washington Metro ridership consists of Federal employees. The Government relies upon Metro for transporting the millions of tourists who visit the Nation's Capital each year, for special events, and for evacuation planning. Since the Metro was first built, the Federal Government has made capital investments in the Metro on three separate occasions: 1969, 1980, and 1990. Apparently, a Republican Senator is claiming this subtitle constitutes an "earmark." Assuming that the term "earmark" is intended to be synonymous with "congressionally directed spending item," this claim appears to be inaccurate. Under this theory of what constitutes a "congressionally directed spending item," nearly every authorization or appropriation relating to an entity within the government of Washington, DC, would be considered an earmark. The House did not consider the legislation to contain an earmark under equivalent House rules. Senators MIKULSKI, WARNER, CARDIN, and WEBB sent a letter supporting inclusion of this provision in the package. It was included because it satisfied the criteria noted above.

Another item in the bill, title VII, authorizes \$12 million for the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, MD. The lease on the greenhouse currently used by the Smithsonian Institution expires next May. If the Smithsonian Institution does not obtain a new greenhouse facility, it will have to find a way to dispose of the scientifically important National Orchid Collection, over 11,000 orchids, many of which are extinct or threatened in the wild. Further, the greenhouse is important to the historic gardens surrounding the Smithsonian Museums. The provision would not appear to meet the definition of a congressionally directed spending item in any event because it is a House-originated item, the House committee noted that the legislation was requested by the Smithsonian Institution—the authorization is directed to a Federal trust instrumentality, and money appropriated under the provision would be spent under a competitive bidding process. The House committee of jurisdiction stated that it was unclear whether the provision met the definition of a "congressional earmark"