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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Eternal God, we come before Thee in dangerous times. Many are anxious and fearful as the lives of our Nation's forces and their allies are in harm's way, opposing an evil and oppressive regime. We pray for swift victory and a safe return. We know that the one certainty of war is sacrifice. And yet there is the haunting thought that if nothing is worth fighting and dying for, then evil goes unchallenged, cruelty unthwarted, and oppression unchecked. What then is worth living for?

We pray for courage and inner strength for those young men and women, who, on their country's behalf, offer a forceful, yet vulnerable presence to compel a malevolent dictator's overthrow.

Lord, we live in a day when the foundations of truth and goodness have been despised and denigrated and lives are built on hedonism, cynicism, and relativism. Yet these are sand, and after life's quaking storms only the things which cannot be shaken remain.

O God, let good be brought out of evil as people realize that freedom is a luxury, denied for most of history to most of humanity. Thus, may our gratitude for our own freedom be shown by never taking it for granted or using it wantonly, forgetting its cost in sacrifice, past and present.

May these Senators, as guardians of this precious freedom, be its sharers with others, as blessed by Thee. And may they use their position of power for a lasting purpose that benefits this fair land and far beyond. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BENNETT). The acting majority leader is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will be in a period of morning business throughout the afternoon. As announced by the majority leader, there will be no rollcall votes today. On Tuesday at 9:30 a.m., the Senate will begin a series of votes in relation to amendments to the budget resolution. Again, Senators are reminded to remain in or close to the Chamber throughout this period to avoid missing any of the scheduled rollcall votes. Under the previous agreement, the Senate will vote on final passage of the budget resolution at 4 p.m. on Wednesday. Tuesday and Wednesday will be busy voting days, and we ask for the cooperation of all Members.

The PRESIDING OFFICER. The distinguished assistant minority leader.

Mr. REID. Senator CONRAD, with Senator DASCHLE, worked all weekend in narrowing down the amendments. Senator CONRAD is in the present position of giving 20 of the 40 amendments to Senator NICKLES within the next few minutes, and at 4 p.m. the other amendments will be submitted to Senator NICKLES.

We recognize tomorrow could be a very difficult, long day, starting at 9:30. This agreement we made is in the best interests of everyone, and I am hopeful we can work that out.

Following the statement of the Senator from Maine, Ms. COLLINS, I ask consent that Senator KENNEDY be recognized to speak for up to 30 minutes.

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BENNETT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5 p.m., with time to be equally divided between the leaders or their designees.

SUPPORT FOR OUR TROOPS

Ms. COLLINS. Mr. President, I rise today to express my strong and unconditional support for our troops in Iraq. As the war continues to progress, I have every confidence in their capabilities, their courage, and their commitment. The passage by unanimous vote last week of a resolution in support of our troops sent a message to all the world that Congress is united behind our men and women in the gulf.

I have also come to express my sincere condolences to the families of those brave individuals who have already made the ultimate sacrifice in service to our Nation. Last Friday, I learned that my State of Maine had suffered two losses early in the fighting, two marines with ties to the State of Maine: CPT Jay Aubin and CPL Brian Kennedy were among those killed when their helicopter crashed in the Kuwaiti desert. Captain Aubin grew up in Skowhegan, ME, and his parents, Thomas Aubin and Nancy Chamberlain, live in our State still. Corporal Kennedy's mother lives in Port Clyde, ME. No words can express fully my sorrow over their loss and my

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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thanks for the service of their sons. Their brave sacrifice will never be forgotten.

On many occasions in recent months, this institution has debated the threat posed by Saddam Hussein and Iraq's weapons of mass destruction. Individual Senators have had honest disagreements about the right course to take in confronting Saddam Hussein. Now that our troops are engaged in battle against the forces of Saddam Hussein, we must speak with one voice.

The outcome of this conflict is not in doubt. Our military is the best equipped with the best trained force in the world's history. As the representative from Maine on the Senate Armed Services Committee, it has been my privilege and honor to work side by side with our military leaders to ensure this is the case.

If there is any message we could continue to send to the Members of the Iraqi military, it would be to express the ultimate futility of their continued resistance. The President has made clear, we come not as conquerors but as liberators.

War is a harsh, painful, brutal reality even when the goals are noble, even when the goals are security and freedom. As we have already seen, there is very little certainty in combat. In the fog of war, there are innumerable factors that might affect the course of battle. We often receive conflicting reports, confusing media accounts, and distorted descriptions of the battlefield. But one thing should never be in doubt, one thing is unmistakable: Our troops will prevail, and they will receive whatever support they need to bring this conflict to a successful end as rapidly as possible.

I express my gratitude to the families of the young men and women currently in harm's way who have been left behind. They truly carry a heavy burden, and they deserve the respect, the thanks, and the admiration of every American. As we have seen so painfully over the weekend, victory will not come without cost. While our military leaders will continue to do everything they can to minimize the danger that our troops will face, there is still much risk and much danger.

To the wives, the husbands, the parents, and the children of troops, thank you for your bravery, your strength, and your patriotism. Thank you for your love of country.

When I first came to the Senate over 6 years ago, I would not have imagined this moment. We lived in a different world then. But today, as our troops engage in battle, let us all show our unwavering support for our troops, thank them for their service, and express our heartfelt hope for their safe return.

FEDERAL SUPPORT FOR STATE AND LOCAL FIRST RESPONDERS

Ms. COLLINS. Mr. President, just as we stand behind our troops in Iraq, so must we also unite here at home behind our first responders as they protect our communities from the threat of a terrorist attack.

As the chairman of the Governmental Affairs Committee, I have made helping first responders one of my top priorities. Now that we have confirmed Secretary Tom Ridge and helped to get the new Department of Homeland Security up and running, it is time to turn to strengthening the new Department's partnership with State and local governments and the first responders who protect our homeland.

On March 1, our home security structure began to come into place as Secretary Ridge incorporated nearly two dozen agencies into the new Department of Homeland Security. While this new framework will provide much needed focus to tackling the threat of a terrorist attack, we must also provide the resources to our communities and their police, firefighters, and emergency medical personnel who stand ready to respond to a crisis.

Just as they stand by to protect our citizens, our first responders deserve a government that stands by them.

In a recent conversation with Secretary Ridge, we discussed the fact that if disaster does strike, if there is another terrorist attack, it is our first responders, not some official from Washington, who would be on the front lines. I plan on holding a series of hearings and introducing legislation streamlining and strengthening Federal support for State and local homeland security efforts.

We must continue to combat terrorism at every stage. The war on terrorism has already yielded some very significant victories. The fall of the Taliban has denied al-Qaida its most important sanctuary. The capture of several high-ranking al-Qaida operatives has also pushed us forward in our quest to end terrorist attacks. Working with foreign governments, we have disrupted much of the al-Qaida network.

But we know that terrorist cells continue to operate around the world, and the threat in the United States remains high. The threat remains very real as terrorists still plot to attack our Nation.

Just as we must continue to attack the threats at their sources, we must also strengthen our ability to detect, prevent, deter, and respond to a terrorist attack.

Recently, I met with some 40 officials from communities around the State of Maine. I have also spoken with police officers, firefighters, and emergency medical staff personnel. They have all expressed concerns about navigating the maze of Federal homeland security funding.

I met recently with Maine's Adjutant General, GEN Joe Tinkham, who talked to me about the tangled web of some 40 Federal Agencies and Departments that have a role in combating terrorism and in funding local homeland security efforts. He told me that, while underfunded, in some ways the previous system worked better for the State of Maine because there was much more flexibility. Now he finds that certain money is set aside that can only be used for equipment purchases, when what is needed is joint training to learn to use that equipment effectively in some communities.

The new Department of Homeland Security will address many of these concerns by helping to streamline and coordinate programs formerly administered by a number of different agencies. But we must follow up on these efforts to help the new Department enhance its efforts to fund first responders.

I have received a lot of advice on this issue from Maine's firefighters, police officers, and State and local officials. They have suggested a new partnership with the Department of Homeland Security that gives them the flexibility they need to meet whatever is the need for homeland security at the local level.

Last year, we put a downpayment on the needs of our communities. The increased funding of programs, such as the FIRE Act, and those within the Office of Domestic Preparedness, are important steps forward in providing the necessary resources.

But we must build on this success and provide a stronger framework. First responders' needs are as diverse as the States and the communities they protect. Our grant programs and other assistance must be flexible enough to reflect this diversity. But, unfortunately, that is not the case under the current approach.

Maine's first responders and local governments have told me their needs range from communications equipment to personnel to more effective training. Mainers, and others beyond the beltway, do not just have needs; they also have tremendously creative and effective ideas that can be channeled into the new coordinated community-based homeland security strategy.

Over the coming weeks, I will be holding hearings in the Committee on Governmental Affairs to begin to build a consensus for legislation helping homeland security transition many of its important grant programs into their new directorates. I plan to call on States, communities, and, most importantly, our first responders who stand on the front lines to learn how we can better meet their needs.

Listening to the ideas and needs of our communities and first responders will be the most effective way of developing legislation to make sure our homeland security dollars go as far as possible. We want legislation that will help provide the right resources to the right people.

Our President and Secretary Ridge have shown tremendous leadership in focusing the new Department's efforts, not only in developing a national strategy but in focusing its efforts outside Washington.

Congress must shift its homeland security focus from Washington to our borders, our shorelines, and our communities. I look forward to continuing to work with communities across Maine and around the country so that we can build a better and stronger homeland security partnership in the months and years ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

A FAILING BUDGET

Mr. KENNEDY. Mr. President, as was pointed out in the initial remarks of my friend and colleague from the State of Maine, we will have intensive consideration of the budget starting early tomorrow morning, and then concluding late Wednesday afternoon. And we are going to do so with very strict time constraints.

I want to be able to express my views on this legislation in terms of where I think we are in the consideration of the budget, and my concerns for where I think we will end up on Wednesday evening at the time of our vote. This is an enormously important matter that is before the Congress.

All of our thoughts and prayers and focus are outside this Chamber now, and with the brave men and women in our Armed Forces overseas. I think all of us are following this closely and have shared in the positive outcomes that many of those in the Armed Forces have experienced. And we have also felt the shattering sense of loss that has been experienced by many of the families, when we have seen the difficulties and the tragedies which have developed over this period of time.

Nonetheless, our work must go on. It is important, as we think about the extraordinarily brave men and women abroad, that we think about what this budget should really be all about. It seems to me the best way we can show appreciation for those service men and women and their sacrifice and their valor is to live up to the ideals they are fighting for so bravely. The budget, to a very important extent, reflect our priorities as a nation and that is what I want to address this afternoon.

As we all sat in this Senate chamber last week, casting votes on budget amendments hour after hour, it was striking how detached the proceedings were from the real concerns of the American people. While they were concentrating intently on every detail of the unfolding war in Iraq, the Senate was considering a budget that our Republican colleagues had proposed without any funding whatsoever for the enormous cost of the war and the potentially even more enormous cost of its aftermath.

Tomorrow, the President will send to Congress a request for additional funds to cover the initial costs of war in Iraq. There is no doubt that all of us in Congress will want to provide that support to our troops as quickly as possible.

As we watched events unfold on our television screens in recent days, it became clearer than ever that more needs will arise because of the war—both in the short term and the long term. We deserve a budget that does not squander the treasury in time of war. We need a budget that provides for our troops and meets our priorities at home.

In this time of national unity, we owe it to our troops and to all Americans to make this the best America we can be. That is patriotism at its best—to support our men and women abroad, and to fight at home for the values they represent—for a strong and secure America, for a strong economy, for equality and opportunity for all, for better jobs and better schools and better health care.

Mr. President, $1.6 trillion in new tax breaks for the wealthy will not win this war. It will not help laid off workers and their families. It will not strengthen our schools or provide prescription drugs for our seniors. It is as though this budget had been drafted in a sound-proofed room, so that the sounds of war and the voices of the American people could not be heard. On the opposite side of the Capitol, the House of Representatives has already passed an even more extreme Republican budget, slashing hundreds of billions of dollars from urgent domestic priorities, including some for which even the Bush administration had requested support. Any objective observer of Capitol Hill can quickly see how out of touch this Congress has become.

A time of war should be a time of national unity—of Americans pulling together and sharing the burdens fairly. The people's elected representatives should reinforce this national spirit with leadership that says we are all in this together, that we are here to help one another. As we confront the grave threats of terrorism and war, it is particularly important to build a broad national consensus at home based on our shared values. Many of us have become deeply concerned in recent years that our policies are moving farther and farther away from these shared national values. Increasingly, major decision about how America should be governed are being made by a narrow partisan majority in Congress with utter disdain for the basic needs of the overwhelming majority of our people.

This Republican budget says it all. The last thing that America needs in this time of war is policies that divide us—which concentrate so much of the Nation's resources in the hands of the wealthiest few, while ignoring the needs of tens of millions of hard-working families. Especially at this moment when we are sending young American men and women into harm's way to defend our highest ideals, we in Congress have a responsibility to support policies which keep faith with those ideals.

It is bad enough that the Republican budget fails to meet that challenge. It is even worse that the narrow Republican majorities in the Senate and House are bent on rushing the budget through Congress quickly, while public attention is preoccupied with the war. If it ever passes, this budget will be part of the collateral damage caused by the war, haunting us for years to come.

It is astonishing that our Senate Republican colleagues who protested so loudly about the failure of Senate Democrats to produce a budget last year are themselves proposing such an atrocious budget this year. Passing no budget would be better than passing this irresponsible budget. The worst thing would be to lock in these bad policy choices for years to come.

We recognize that it will take no small amount of political courage four enough of our Republican colleagues to join us in voting down this budget. Hopefully, it will happen.

The time is past for debate about whether we should go to war with Iraq. Now that our troops are engaged in battle, we all join together in praying for their safety and for a quick and successful end to the conflict.

We need a budget which honestly addresses the cost of the war and the future rebuilding of Iraq. At a time when our troops in the field are being asked to make great sacrifices, the least that this Congress owes them is to be honest about the burden we are undertaking in Iraq.

Even if the war ends quickly and successfully, the rebuilding of Iraq will be a lengthy and costly process that will make this budget obsolete on the day it is passed. The Feingold Amendment was a first step to address the cost of the war for the next few months, but Republican leaders boasted that they would remove the amendment from the final bill. The Nation's budget must not be turned into a vehicle for such gross political deception—for concealing costs rather than setting sound priorities. This is a time of high national purpose for America. It should be no less on the floor of the Senate.

We need a budget which will also strengthen America at home. When our troops return, we want them to come home to a strong economy and secure jobs. We want them to come home to better schools for their children, not schools facing drastic budget cuts, fewer teachers and overcrowded classrooms. We want them to be able to afford health care and health insurance for their families.

This budget fails all of these tests. It rejects the measures needed to restore the economy and to deal with layoffs and rising unemployment. Instead, it embraces rigid right-wing policies that have not worked and will not work and do not distribute the burden fairly. In 2001, President Bush pushed $1.3 trillion in tax cuts through Congress that disproportionately benefit the wealthiest taxpayers. Now, the Administration is seeking an additional $1.6 trillion in tax cuts that are even more heavily slanted toward the rich. That is not the

solution to the problems facing America's families. It is a strategy that will only add to their problems.

The impact of these new tax breaks is clear from the Administration's own budget. When the White House says ''no'' to obviously needed spending on urgent domestic priorities such as education and health care, it says the war on terrorism requires us all to tighten our belts. But the belts will be tightened mainly on low and middle income individuals and families. The wealthiest Americans are not asked to tighten their belts at all. Just the opposite—they would receive major new tax breaks.

As a result of the Republican tax plan enacted 2 years ago, the wealthiest 1 percent of taxpayers will each save an average of $50,000 a year. Now the administration wants to give each of them even more—an additional $25,000 a year.

Under the administration's so-called ''economic growth'' package, households with annual incomes over $1 million will receive an average tax cut of nearly $90,000 each year. In contrast, households in the middle of the income spectrum will receive an average of less than $300 a year in tax benefits.

It cannot be wartime for other Americans, but still peacetime for the rich. One of America's most basic values is that the country's burden must be fairly shared.

We know that the problems facing working families have grown steadily worse since this administration took office in January 2001. Certainly, the White House policies are not the sole cause of the economic downturn we have witnessed in the last 2 years. The stock market began its decline before the President took office, and so did the recession. The economic shock caused by the September 11 attacks was beyond the administration's control. Fear of the war has been hanging heavily over the economy.

But the response of the administration to these economic challenges has been ineffective. The administration's one-track-minded commitment to massive new tax breaks for the wealthy as the cure for every economic ailment has made a bad situation even worse. The administration has ignored remedies that would provide a significant short term stimulus, while undermining our long-term economic strength. As a result, the economy continues to stagnate, and the number of families facing serious hardship continues to grown.

Huge numbers of working men and women have lost their jobs. As layoffs mount, millions of others live in fear of being the next to be let go. Two and a half million fewer private sector jobs exist in America today than existed just 2 years ago. Men and women across the country looking for a job are finding it increasingly difficult to obtain one. The number of long-term unemployed workers has almost tripled since the administration took office. This is the first administration in 50 years to preside over a net loss of private sector jobs.

In the face of these serious problems, it is cruel and unconscionable that Republicans leap to support extravagant tax breaks for the wealthy, yet refuse to support a reasonable extension and expansion of unemployment benefits. They continue to oppose obviously needed and obviously urgent assistance for millions of workers facing long-term unemployment and hundreds of thousands of part-time and low-wage workers who receive no benefits under current law.

Affordable health insurance should be another high priority. Yet it is becoming less and less affordable for large numbers of families. Over two million more Americans are without health insurance today compared to 2 years ago. One in ten small businesses which offered their employees health insurance in 2000 no longer do so now. The average cost of health insurance is soaring at double digit rates—up by 11 percent in 2001 and another 12.7 percent in 2002—nearly four times the rate of inflation. The health care vise on working families is becoming tighter and tighter every year.

Our public schools are facing budget cuts rights and left. The administration's words are that no child should be left behind, but the deeds in this budget leave over six million students behind, without the help they need to get a good education.

The cost of college is rising beyond the reach of more and more families. The gap between college tuition and the tuition assistance provided by the Federal Government has grown by $1,900 in the first 2 years of the Bush Administration. As a result, the number of able students denied the chance to go to college is growing each year.

For millions of families, their retirement savings have seriously eroded in the last 2 years. Savings in 401(k) plans and other similar plans has plunged by $473 billion in the last 2 years. Individual retirement accounts dropped by $229 billion in 2001. The 2002 data are not available yet, but given the poor performance of the stock market, another steep decline is certain. Many middle-aged workers who thought their retirements were safe are suddenly being forced to stay in the workforce longer and reduce their standard of living in retirement.

These are the realities American families face today.

In this situation, the most irresponsible action Congress can take would be to accept the proposal of the administration to enact massive new permanent tax cuts.

We cannot afford the loss of an additional $1.6 trillion from the Treasury. Temporary tax cuts to stimulate the economy are affordable, but the administration's large permanent new tax breaks are not. If that plan is adopted, the Federal Government will not have the resources to meet urgent domestic needs in education, in health care, and in homeland security. It will be virtually impossible to keep the Nation's commitment to Social Security and Medicare.

The administration is misusing the recession to justify major new permanent tax breaks for the wealthy. Exempting dividends from taxes will take $400 billion out of the Treasury over the next 10 years. Half of that enormous amount—$200 billion—will go directly into the pockets of the richest 1 percent of taxpayers, who are not exactly the ones struggling to makes ends meet in this faltering economy. Eighty percent of taxpayers will receive little or nothing from the dividend proposal. To use the need for an immediate economic stimulus as an excuse to enact costly new permanent tax breaks for the wealthy is cynical trickle-down economics at its worst. The American people deserve better from the White House.

The administration obviously does not want to discuss why its tax breaks are targeted so heavily to the wealthiest. Its typical response is to shout ''class warfare.'' That's nonsense. It's not our description of the White House plan that constitutes class warfare. A tax plan which gives the wealthiest 10 percent of Americans more in tax breaks than the total given to the other 90 percent is the real class warfare.

Clearly, the Nation cannot afford all of these tax breaks. Cuts of this magnitude will condemn us to escalating deficits that will weaken the economy and make it impossible to meet our long-term commitments to Social Security and Medicare.

Instead of reducing tax rates on the top income brackets in future years and repealing the estate tax, we should freeze those rates at their current levels and retain the tax on estates over $ 4 million. We should not enact any new permanent tax breaks for the wealthy, when we are so clearly failing to address so many of our most urgent national needs.

For the cost of reducing the tax rate on the top income brackets, we could provide the additional funds needed to keep the promise made in the ''No Child Left Behind'' education reform act and keep it for a decade.

For the cost of permanently repealing the estate tax on the superwealthy, we could help to ensure that Social Security has the resources needed to keep the promise of a secure retirement for future generations.

For the cost of President Bush's newly proposed $726 billion package of additional tax breaks tilted to the wealthiest taxpayers, we could fully fund a generous program of prescription drug assistance for senior citizens under Medicare, and extend health insurance to millions of uninsured families.

We know which of these choices will make our country stronger and help us meet the challenges of the future. A

craven decision to give more and more tax breaks to the richest among us is a decision to ignore America's greatest needs.

Now more than ever is the time for Congress to bring the Nation's policies into line with the Nation's values. The courage of our forces fighting in Iraq and the courage of our fellow citizens who responded to the terrorist attacks on 9/11 should inspire us all. In the time of great national purpose for America, Congress must respond.

Consider what we can accomplish if our policies are brought into line with our national values. The American people want us to measure success by people helped and problems solved. They want policies that are worthy of a great and generous people in this new century.

Providing every child with a good education from the early years through college that will enable them to reach their full potential would be consistent with our most basic values. Yet, today, far too many children are denied that opportunity. The children of working families, who need help the most, often receive the least when it comes to education. The administration's budget leaves six million—six million—children behind. It would actually reduce funds for after-school activities for more than half a million students. How can President Bush abandon his unequivocal promise of full funding for the school reforms required by the No Child Left Behind Act? That legislation was signed into law with great fanfare by the President a year ago. But when the klieg lights go out and the bunting comes down and the cameras leave, the money isn't there. The Republican budget before us provides $8.9 billion less than we promised America's children a year ago. This budget has the wrong priorities and it should not be enacted.

In the past, Democrats and Republicans in Congress have worked together to reject the administration's anti-education budgets. By a substantial bipartisan majority, we have increased the funds for education. We should do the same this year. Congress must—even if the administration won't—live up to our promise to leave no child behind.

At the same time, we have to provide more college students with financial aid to meet rising tuition costs. The gap between the cost of college tuition and the level of tuition assistance has grown by $1,900 since President Bush took office. We took a step toward narrowing the gap last Friday by agreeing to increase Pell Grants. We must make certain that the increase remains in the final budget.

Just as Social Security is a promise to senior citizens, we should make ''Education Security'' a promise to every young American. If you work hard, if you finish high school, if you are admitted to college, we should guarantee that you can afford the cost of the four years it takes to earn a degree.

We will fight to make the dream of a college education a reality for all. We will fight this month, this year, and we will not stop, because the fight is for America's future.

We must do the same for health care. Every American family is facing some aspect of the worsening health care crisis we face today. Health care costs are skyrocketing. Families with insurance are facing more and more increases in their insurance premiums, for fewer and fewer benefits. The number of Americans without any insurance at all is unacceptably high and rapidly rising. No family with insurance today can be sure that it will be there for them tomorrow if serious illness strikes. For senior citizens, the 40-year old promise of good health care under Medicare is now being broken every day, because Medicare does not cover prescription drugs.

In the face of this crisis, the administration proposed only a meager amount to help the uninsured, and Senate Republicans cut even that small amount nearly in half.

In the face of this crisis, the Republican budget pays lip service to the needs of senior citizens for prescription drug coverage but fails to provide adequate resources to do the job. Even worse, they propose to dismantle Medicare and force senior citizens into HMOs and other private insurance plans in order to obtain even the paltry drug benefit they are offering.

No senior citizens should be forced to give up the doctor they trust to get the prescription drugs they need. No budget accepted by this Congress should put tax breaks for the rich ahead of health care for senior citizens and their families.

The Republican plan for Medicaid is equally unacceptable. It would victimize 46 million of the neediest and most dependent of our fellow Americans. The administration is proposing the same type of destructive block grants for Medicaid that the Gingrich Congress failed to enact almost a decade ago. The Republican block grant plan would leave millions of innocent victims in its wake—sick and needy children and their parents, the disabled, and the low-income elderly.

The GOP plan for block grants to States would abolish the Federal Child Health Insurance Program, which now gives over 5 million children the chance for a healthy start in life. Millions of senior citizens would no longer be able to count on Federal nursing home standards to protect them if they are unable to continue to live in their own homes. Spouses of senior citizens who need nursing care would no longer be guaranteed even a minimum amount of income and savings on which to live.

States need fiscal relief now, so that they can respond to the human and financial devastation that the current recession is causing to State budgets, and especially to State Medicaid plans. The demands on Medicaid are greater than ever for States, as more families lose their jobs and turn to Medicaid for health care. But instead of offering real help, the GOP budget offers the fool's gold of State Medicaid ''flexibility.'' Instead of the funds that States need to protect the Medicaid safety net, the Republican budget offers only a license to States to shred it.

Finally, small in cost but large in symbolism is the failure of this budget to address the immediate needs of the unemployed. That failure vividly illustrates how far this budget strays from our values.

How can a budget deny unemployment benefits to the long-term unemployed at the same time it offers $1.3 trillion in additional tax cuts disproportionately benefiting the wealthiest taxpayers?

More then four million Americans will be unemployed with no federal benefits after June 1 under current law. These men and women have worked hard for years, paid into the unemployment fund, and now find themselves without a job through no fault of their own. They are victims of the stagnant economy, and the economic news is not getting any better. Another 308,000 workers lost their jobs last month. New jobs are scarce. On average, there are three unemployed workers lined up for each job opening. The administration's own budget estimate acknowledges that unemployment will stay at its current high level for the rest of the year.

Where is our concern for these four million workers? Where is our sense of fairness? How can anyone argue that we have $1.3 trillion for new tax breaks but do not have $16 billion to help the unemployed and their families?

It is disturbing that our Republican colleagues are considering such an irresponsible budget at this very moment when our forces are risking their very lives for us in Iraq. Our colleagues would be foolish to expect the shock and awe of the war to distract the American people for long from noticing what is transpiring now in the arcane pages of this budget. They can see that the choices this budget makes will make their lives more difficult. It would be wise to reject this budget, and try again to get it right.

If we take inspiration from the willingness of our troops to make great personal sacrifices for America, it can mark the beginning of a new era of common purpose—a return to unselfish policies which truly reflect America's values.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Mr. President, we are on the verge of completing action on the budget resolution for this year. The occupant of the chair knows well that tomorrow we will turn our attention to the final amendments. There will be 40 amendments in order on our side, some number on the other side, and we will complete action by 4 o'clock on Wednesday.

These are momentous decisions that have very important long-term implications. So I thought I would take a moment today to review where we are, where we are headed, and to propose an alternative I will be asking my colleagues to vote on tomorrow, so that we have a chance to describe in some detail what the elements of the Democratic alternative are to the budget being proposed from the other side.

Let me start by reviewing where we are and reminding colleagues that just 2 years ago we were told we had some $5.6 trillion in surpluses over the next decade. Now we know that if the President's tax and spending policies are adopted, instead of surpluses we will have $2.1 trillion of deficits over the next 10 years. That is especially important, given the fact that the baby boom generation is poised to retire in this 10-year period. In fact, the baby boomers start to retire in 2008. This is an extraordinary reversal that has occurred, $5.6 trillion in surpluses 2 years ago, $2.1 trillion in deficits now. That is a $7.7 trillion reversal.

Let's look at where the money went. This next chart shows where the money went. Obviously, some of it is because of the economic downturn, some of it is because of additional spending as a result of the attack on this country. The biggest reason for the disappearance of the surplus is the tax cuts that have been already passed and those that the President proposes. If you take those tax cuts and the associated interest costs, you see it is the biggest single reason for the disappearance of the surplus.

The second biggest reason is labeled here ''other legislation.'' That is primarily spending—spending as a result of the increases for national defense and homeland security. That is where virtually all of the additional spending has gone.

The third biggest reason is technical changes, primarily lower revenues—revenues being lower than anticipated, not as a result of the tax cut but because the economic models incorrectly predicted what revenue would be for various levels of economic activity.

The smallest reason for the disappearance of the surplus is the economic downturn, although it has clearly played a role, at 9 percent.

I think what is most sobering about where we are and where we are headed is this chart from the President's own budget. This is from page 43 of his analytical perspectives. It takes the long view. It looks from 2002, going out to 2050, if the President's policies are adopted, his tax cuts, his spending. What it shows is we never escape from deficit—never. And these are the good times; these deficits are the smallest as a percentage of our gross domestic product, even though they are record deficits in dollar terms. These are the largest deficits we have ever had in dollar terms.

This year, the deficit, not counting Social Security, will be over $500 billion on a $2.2 trillion budget. That is a very large deficit by any measure. But look at what happens if we adopt the President's plan. Those deficits get larger and larger and larger as we go forward because the cost of them explodes at the very time the cost of the Federal Government explodes and at the retirement of the baby boom generation.

Some are saying deficits don't really matter. Somehow, even people who, for their whole careers, believed deficits matter and that we ought to combat deficits are now saying, well, deficits don't really matter, that these are relatively small deficits in the percentage of GDP terms, and that we need not really worry about that.

Mr. President, I will say this. First of all, these are not small deficits: $500 billion deficit on a $2.2 trillion overall base is a deficit of over 25 percent. As a percentage of GDP, A $500 billion deficit on a GDP of $10.5 trillion is a deficit approaching 5 percent of GDP. That is in the range of the very large deficits we saw in the eighties.

Again, what I hope will be remembered is that these are deficits that are right on the verge of the retirement of the baby boom generation. That is when the cost to the Federal Government explodes. That is why these deficits are especially dangerous for the long-term economic security of the country.

For those who say deficits do not really matter, let's turn to Alan Greenspan who is the chairman of the Federal Reserve. He believes deficits matter. He said:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

This chart is especially important because it shows why this matters so much. This shows the moment in time we are in and why the previous chart from the President's analysis shows this could be the sweet spot. It is because the trust funds of Medicare and Social Security are right now producing hundreds of billions of dollars of surpluses. This year the Social Security trust fund alone will produce over a $160 billion surplus. That is the green bar on this chart. That is the Social Security trust fund. The blue bar, the smaller bar, is the Medicare trust fund. It is also producing surpluses, although substantially smaller than Social Security. One can see they are much larger in total than the tax cuts that are in place.

Look what happens in the next year. Then the size of the tax cuts almost equal the trust fund surpluses. That is true the rest of this decade. Then look what happens. As the trust funds start to go cash negative in the next decade, the cost of the tax cuts explode. Let's reality test. We are already in record deficits now, the biggest deficits in dollar terms we have ever had. We are already in record deficit land. The biggest deficit on a unified basis—that means when we put everything into the pot, all spending, all expenditures, all revenue—the biggest deficit we ever had before was under the previous President Bush, $290 billion—$290 billion.

This year the deficit on a unified basis is going to be over $400 billion. Remember, that does not count the $160 billion that is being taken from Social Security trust fund surpluses. Put those together and we are over $560 billion.

What is ominous about this is that as we go forward, when the trust funds turn cash negative, the cost of the President's tax cuts absolutely explodes, driving us right off the cliff, deeper and deeper deficits, deeper and deeper debt. That is going to present a future Congress and a future administration with extremely difficult choices.

Here is what the CBO Director, the Congressional Budget Office, put in place by our friends on the other side of the aisle. It was their choice for the Director of CBO. CBO is nonpartisan, but they had the opportunity to pick him because they were in the majority. This is what he said:

> Put more starkly, Mr. Chairman, the extremes of what will be required to address our retirement are these: We'll have to increase borrowing by very large, likely unsustainable amounts; raise taxes to 30 percent of GDP, obviously unprecedented in our history; or eliminate most of the rest of Government as we know it. That is the dilemma that faces us in the long run, Mr. Chairman, and these next 10 years will only be the beginning.

That is what he is referring to there—only the beginning. This is going to get much more serious as the baby boom generation retires and as the cost of the President's tax cuts explode.

Some are saying: But this is a growth package, and we are going to grow out of this problem by more and more tax cuts. The so-called growth part of the President's tax proposal costs $994 billion. The $726 billion that is advertised in the newspapers forgets about the associated interest costs. If you reduce your revenue or increase your spending, that adds to your interest cost. When you take the whole cost together, it is $994 billion in this 10-year period, but the first year stimulus is only $40 billion. The President only has 4 percent of his package in the year in which we know we need lift to the economy. We know we need stimulus. He is only providing 4 percent of his package in that year. It does not make

much sense really if we are trying to get the economy moving again and yet not add in the long term to the deficits and debt that will make our future choices more difficult and more dangerous.

This is an analysis of what the President's plan does to economic growth. It was done by Macroeconomic Advisers. This firm is under contract to the White House to do their macroeconomic analysis. They are also under contract to our Congressional Budget Office. Here is what they say. They say that the President's plan crowds out investment and slows the economy after 2004. It is not a growth package at all. It is a package that will hurt growth, will retire growth, will reduce jobs, will reduce opportunity. Why? Because they have concluded the President's plan and the tax cuts in it are offset not by spending cuts but by borrowing the money. You cannot borrow your way to prosperity.

What happens because of the President's plan? We go deeper into deficit—remember, we are already in record deficit now. You cut revenue and you raise spending, which is the President's plan; you go deeper into deficit. You go deeper into deficit and you reduce the pool of societal savings. That reduces the pool of funds that is necessary for investment. Less investment, less growth, that is their conclusion. But it is not just their conclusion.

We also have an analysis by Economy.com, Mark Zandi, the noted economist there, on the economic impact of the President's plan, comparing it to the plan the Democrats have offered.

What they concluded is the plan offered by the Democrats is about twice as strong, is about twice as stimulative as the President's plan. In 2003, the President's plan would increase growth by four-tenths of 1 percent; the Democrats' plan by seven-tenths of 1 percent, almost twice as much. In 2004, the President's plan would increase growth by half of 1 percent; the Democrats' plan by nine-tenths of 1 percent. But I think the most interesting conclusion is the conclusion for the entire 10-year period. He has concluded that the President's plan actually hurts economic growth for the 10-year period. From 2003 to 2013, he finds that the President's plan is negative.

Why? Well, he says because of this crowding-out effect. Because the President's plan creates more deficits. That means more borrowing; that means the Federal Government is in competition with the private sector to borrow money; that drives up interest rates. When interest rates go up, economic growth goes down. That is the fundamental problem with the President's plan.

Again, it is not just Chairman Greenspan. It is not just macroeconomic advisers. It is not just economy.com. Two hundred fifty of the most prominent CEOs in America, who head the Committee for Economic Development, came out 2 weeks ago with a detailed report that found the following: No. 1, current budget projections seriously understate the problem. In other words, the problem of deficits and growing debt is much bigger than has been acknowledged. No. 2, while slower economic growth has caused much of the immediate deterioration of the deficit, the deficits in later years reflect our tax and spending choices. No. 3, deficits do matter. No. 4, the aging of our population compounds the problem.

This is really a confirmation of everything I have been saying to my colleagues. Deficits do matter. Of course they matter, just like they matter to a family. A family cannot go out and spend more money than they have in income without it catching up to them at some point.

By the way, it does not happen right away. Just like to a family, one can run up those charge cards, spend more money than they have got coming in for awhile, but at some point it catches up to them. So, too, with nations, even great nations such as ours. We can spend more than we take in for awhile, but at some point the chickens come home to roost. We cannot have deficits that are growing as a percentage of our gross domestic product. That is what every economist will say. We cannot have deficits that grow consistently above the size of the growth of our economy, and that is the problem with the President's plan.

The deficits grow faster than the economy is growing—not just a little bit faster, a lot faster. That is what puts us in a very difficult circumstance.

Again, that is not just the opinion of the sources I have cited. From the Virginian-Pilot, Norfolk, VA, editorial:

> Our challenge is to allow Americans to keep more of their money, the President said in his speech Tuesday. That was a sound argument when the Nation was building up a surplus year after year. But our financial outlook has changed for the worse. There is no money left over to give us back.

Remember 2 years ago when the President had his plan for a big tax cut and he said, we are only giving back one out of every four surplus dollars. Remember, the surpluses are gone. There are no surpluses. Now all we see is deficits and red ink. There is no money to give back.

They continue:

> So the government will borrow billions to make good the President's IOU.
>
> Americans should be skeptical about the promise of something for nothing. It is your tax cuts but it is also your Social Security, health care, schools and roads. They all suffer when the government has to borrow to meet its daily expenses.

It is not just the newspaper in Norfolk, VA. The Deseret News, Salt Lake City, UT, says:

> Now is not the time to cut taxes. War is unpredictable. . . . A long protracted campaign that triggers counterattacks by terrorists and Iraqi sympathizers could be hugely expensive.

Boy, were they prescient because today we learned the President is going to come up this week and ask for another $75 billion for this year alone to wage the war in Iraq, not a dime of which is in the budget. None of that is in the budget.

> Coupled with giant tax cuts, it could send the budget deficit back into levels not seen in a decade or more, which would stifle growth and hamper investment.

Exactly the points I have been trying to make to our colleagues during this budget debate.

> Congress ought to put the President's tax plan on the shelf for awhile until it knows better how the men and women in uniform are going to be spending their year.

Let's look at the budget that has been proposed on the other side, because here is what we see: This year alone, the deficit will be somewhat less than the President has proposed, but still nearly $500 billion, and it never goes away. This is all red ink. This is all borrowed money. Not a single year is the deficit below $300 billion under the President's plan or under the plan that the Republicans are offering us in the Senate Chamber. It is truly stunning. Those are the biggest deficits we have ever seen.

It is not just deficits, but it is also the debt of the country. Two years ago, the President promised that under his plan he would virtually eliminate the debt by 2008. Well, we see that is no longer operative. If we enact the Senate GOP budget plan, the total debt of $6 trillion in 2002 will be $12 trillion in 2013, almost doubling in that period. Many of us think that would be a serious mistake.

This is what we see. This line across the chart at zero is baseline. That is if we do not change the revenue policy of the Federal Government, we do not change the spending policy of the Federal Government. That is the so-called baseline. If we adopt President Bush's budget, we can see $2.8 trillion of added debt during this period. The Senate GOP plan would add $2.2 trillion of debt. What is critical is that we are on the verge of the retirement of the baby boom generation. This is a time we ought to be paying down debt or prepaying liability. Instead, they are talking about dramatically expanding debt, either under the President's plan or the Senate GOP plan.

I am going to offer an alternative on behalf of Senate Democrats. These are the key elements of this plan: Instead of a $1.6 trillion tax cut, we will offer a tax cut much more modest, one that is at the front end to give stimulus to the economy, that would cost $61 billion. In terms of covering the costs of the Iraq war, there is no provision in the President's budget, no provision in the Senate Budget Committee's budget. We would provide the $80 billion the President calls for.

On homeland security, the President and the Senate budget are in the $22 billion to $26 billion range for the 10 years. We would provide $80 billion for homeland security, because we think it is necessary.

On a prescription drug benefit, both of them would provide $400 billion during this 10-year period. We would provide $594 billion for a fuller prescription drug benefit. Make no mistake, this is no Cadillac plan. To give the American people the plan that we as Members of Congress have over that period would cost not $594 billion but $1.8 trillion. To give the plan to the American people that our military has would cost $2.2 trillion over that same period. So it is important to understand that while we are putting more money into prescription drugs than the President's plan or the Senate Republican plan, it is a long way from being generous. As I have indicated, $594 billion is about one-third of the cost of giving the plan that all Federal employees have to the American people.

On education, there is no additional money for IDEA. That is the promise we made to States and local communities when we passed the Disabilities Act legislation for our schools. We said we would fund 40 percent of the costs. We only do half as much. To keep the promise to phase it in over 10 years costs $73 billion. We provide for it. Neither the President nor the Senate GOP plan does.

On transportation infrastructure, the President actually cuts $18 billion below the baseline, below level funding. The Senate GOP plan also cuts, but now it has been amended by a floor amendment, so they bump it up $27 billion. We would provide $71 billion over 10 years above the baseline. Why? Because, No. 1, it is stimulative. You start building roads and bridges. Those are good-paying jobs.

More than that, it increases the efficiency of our economy. If anyone doubts that, go to the Wilson Bridge tonight at 5:30 and see what is happening. Look at the people going nowhere. That has an economic cost to our society. Go out on Route 66 tonight and see what is happening there. Absolute gridlock. It is not just in the Washington metroplex, but all across America.

In my State of North Dakota, which is not heavily populated, we have a substantial part of our road and bridge network that needs repair. Many of the bridges in this country, something like 40 percent, are substandard. That will cost money to fix. If a bridge goes out, that creates lockjaw in the whole economic system of that area. That is something we ought to tend to.

There is no additional money in the President's budget or the Senate Republican budget for our Nation's veterans. We provide $13 billion over the baseline to say to our veterans: We honor what you do to defend this country, and we believe the promise that has been made to you on your health care and on your treatment ought to be kept. Virtually everyone knows the baseline budget for veterans is insufficient. We try to address that with those additions.

The difference in deficits? The President adds $2.1 trillion to deficits; $1.6 trillion under the Senate GOP plan as amended; ours is $863 billion. The difference between our plan and the President's plan is over $1.2 trillion. We have $1.2 trillion less in deficits than the President's plan. Our plan has $750 billion less in deficits than the plan proposed by the Republican majority.

The President's plan never balances the budget. The Senate Republican plan balances in 2012, perhaps 2013. We balance in 2011. That is a wiser course for America and what we should do.

I very much hope that our colleagues give close consideration to this alternative budget when we vote. I will put more descriptions and detail of our alternative into the CONGRESSIONAL RECORD so it is available to our colleagues, so when we vote tomorrow on this alternative, Members will have a chance to make their own judgment and to compare very directly what we have proposed, what the President has proposed, and what the Senate majority has proposed. I hope very much that our colleagues will take a close look at what we are suggesting: $1.2 trillion less in deficits than the President's plan; over $750 billion less in deficits than the majority has proposed.

Yet we have also tried to address the war cost, which is not included in either the President's budget or the budget from the majority in the Senate. We have tried to address keeping the Federal Government's promise to local subdivisions on education funding.

We have also tried to address the transportation gridlock in the country by providing more funds, and the health care needs of America, by some additional funding on prescription drugs. And, of course, the other difference, the additional funding for our Nation's veterans, something we believe is especially called for in this time when they are sacrificing so much, half a world away in the battle with Iraq. Again, a budget is about choices. That is what we are doing. We are making choices on behalf of the American people.

What is the future going to look like? I believe the budgets proposed by the President and the Republican majority are dangerous for this country. I believe that deeply. They are pushing us deeper and deeper into deficit and debt right on the eve of the retirement of the baby boom generation. The cost of the President's tax cuts explode at the very time the cost to the Government explodes because of the retirement of the baby boom generation.

Remember, we are already in record deficits, and the retirement of the baby boomers is not 20 years away, it is not 10 years away; the leading edge of the baby boom generation starts to retire in 5 years.

I believe we will be condemned in history for failing to face up to our responsibilities and our obligations if we do not recognize what is right over the horizon. That is not a part of the projection. That is a matter of simple fact. The baby boomers have been born. They are alive today and they are going to be eligible for Social Security and Medicare. We know exactly what is going to happen.

The cost to the Federal Government of having twice as many people eligible for Social Security and Medicare in the years ahead can only do one thing: It will drive up dramatically the cost of Social Security and Medicare. And at the very time those costs expand and explode, the cost of the President's tax cut will expand and explode and put this country in deep deficit, in deep debt, and fundamentally threaten the economic security of this country.

I fear some of our colleagues actually intend to shred the programs of Social Security and Medicare. I don't know what other plan they can have in mind. These details, these projections of the spending and revenue of the Federal Government are very clear.

Some have said, well, if the economy grows more strongly, won't that help? Yes, it will help. But understand that all of these numbers assume strong economic growth. They assume the kind of economic growth we have had in the past.

Let me also say some will look at the plan that I have provided and say, gee, Senator, you have some more spending than the Republican plan. Yes, I do. I pay for this war. I increase funding for homeland security. I increase funding for our veterans. I increase funding for education and prescription drugs—just in those areas. The rest of the budget and domestic affairs we hold to a 4-percent increase. That means other parts of the budget are actually having to be cut in order to provide for the priorities for education and prescription drugs. Other parts of the budget are having to be cut.

Let me show a final chart with the long-term spending of the Federal Government from 1981 through 2013. The peak of Federal spending as a percentage of gross domestic product occurred in the 1980s when we were at 23.5 percent of gross domestic product going to the Federal Government. That has come down markedly, to less than 20 percent. Now we have had a jump back up because of the increased defense spending and increased homeland security spending.

Look at the difference between my budget and the Senate GOP plan. There is very little difference. We wind up at 19.3 percent of gross domestic product under the plan I am proposing, down from 23.5 percent in the early 1980s; the Republican plan goes to 18.8 percent, a one-half of 1 percent difference. That one-half of 1 percent is important because it is a matter of priorities. It is a matter of choices.

The budget I am proposing puts in the $80 billion to fund this war in Iraq. Our friends on the other side do not have any money to fund the war.

No. 2, we provide additional funding for our Nation's veterans, $13 billion,

not a lot of money over 10 years, but it is meaningful to them. It means we can keep promises we have made to them.

In the other major areas of difference, I have provided some additional funding for prescription drugs—again, a plan that is very modest compared to what Members of Congress and Federal employees have. I have also suggested additional funding for transportation because we need it. We need to improve the efficiency of our transportation system in this country.

Those are the choices that are going to be before our colleagues. The plan I have offered today is a plan that will produce, as I have indicated, $1.2 trillion less in deficits than the President's plan; over $750 billion less in deficits than the Senate GOP plan. That is important. That is critically important. I hope my colleagues will take a close look at this plan. I welcome their support. I urge them to give full consideration to it.

Finally, the other major difference is on education. The plan I have offered would move us toward keeping the promise we made to States and local jurisdictions all across America when we passed the IDEA act. We promised we would provide 40 percent of the funding. We are doing half of it. That is not good enough. When the Federal Government makes a promise, it ought to be kept.

Tomorrow, under the rules of the Senate, we will not have time to discuss these options. We will not have much time for debate at all. There will be a minute a side before the vote is called. But all of us will be held accountable for the choices we make tomorrow. They are choices not just for tomorrow and not just for this year, they are choices for the next decade.

There has rarely been a more important decade in terms of the choices being made. What we are about to see is something that has never happened in this country before, a circumstance where we have this baby boom generation that almost overnight is going to double the number of people eligible for our retirement programs in this country. Nobody will be able to say 10 years from now, when the crunch really hits, gee, we had no idea this was going to happen. Our colleagues are on notice. They know.

We have presented now, over and over, in great detail, where we are headed. The choice is ours to make. I hope we make it wisely.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The minority leader is recognized.

INDIAN HEALTH AMENDMENT TO THE BUDGET RESOLUTION

Mr. DASCHLE. Mr. President, through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaska Natives. Sadly, we haven't come close to honoring that commitment. Tomorrow, I intend to offer an amendment to the budget resolution to rectify this situation.

The IHS is the only source of health care for many Indians, and is required to provide that help and that support, yet funding has never been adequate.

The chronic underfunding has grown even worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

While per capita health care spending for the general U.S. population is about $4,400, the Indian Health Service spends only about $1,800 per person on individual health care services. The Government also spends considerably less on health care for Indians that it spends for Medicare beneficiaries, Medicaid recipients, and veterans.

This level of funding is woefully inadequate to meet the health care needs of Native Americans—who have a lower life expectancy than other Americans, and disproportionately suffer from a number of serious medical problems. Indians have higher rates of diabetes, heart disease, sudden infant death syndrome, and tuberculosis. There is also a great need for substance abuse and mental health services.

More funds are needed at the IHS to provide necessary health care services to Indians.

The current shortage of funds has startling and disturbing results. Native Americans are often denied care that most of us would take for granted and, in many cases, consider essential. They can be required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. As incredible as this may seem, many Indians and Alaska Natives seeking health care are subject to a literal ''life or limb'' test; that is unless their life is threatened or they risk losing a limb, their care is postponed. Others receive no care at all.

This rationing of care means that all too often Indians are forced to wait until their medical conditions become more serious—and more difficult and costly to treat—before they may have access to health care. This is a situation none of us would find acceptable. Yet today this is the reality in Indian country.

Last year, Gregg Bourland and Harold Frazier, then the chairman and vice chairman of the Cheyenne River Sioux Tribe, sent a letter to the IHS. This is how they describe the situation in Eagle Butte, SD:

> In January and February 2002, the Eagle Butte Service Unit on the Cheyenne River Sioux reservation has been swamped with children with Influenza A, RSV [Respiratory Syntactical Virus], and one fatal case of meningitis. There are only three doctors on duty, one Physician Assistant, and one Nurse Practitioner. The only pediatrician is the Clinical Director who will not see any patients, even though there is a serious need for the services of a pediatrician.
>
> Several of these children have presented with breathing problems, high fever, and severe vomiting. The average waiting time at the clinic has been four and six hours. The average time at the emergency room is similar. Most babies have been sent home without any testing to determine what they have and with nothing but cough syrup and Tylenol. In at least three cases, the baby was sent home after these long waits two or more times with cough syrup, only to be life-flighted soon thereafter because the child could not breathe.
>
> The children were all diagnosed by the non-IHS hospital with RSV [Respiratory Syntactical Virus]. No babies have died yet, but the Tribe sees no justification for waiting until this happens when these viruses are completely diagnosable and treatable.

It is absolutely unacceptable to put the lives of these children at risk. And we can do something to help. On more than one occasion, I have heard horror stories of pregnant mothers delivering children in circumstances that no expectant mother or child should have to endure.

For example, right now the service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian Health Service. The facility has a birthing room and 22 beds, but there are only two to three doctors to staff the clinic, hospital and emergency room. Naturally, as a result, many children and expectant mothers do not receive the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but, without ultrasound, that went undetected. The available medical staff didn't know what to do about his lowered heartbeat, abnormal urinalysis or the fact that his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre to see an obstetrician. Bryden was stillborn.

This tragic death was completely preventable, but tough choices are being made every day at IHS facilities throughout the country because there simply isn't enough money to provide the care that every American deserves.

The Pine Ridge Indian reservation in my State of South Dakota built a beautiful new hospital and health care center. In many ways, they are equipped to provide state-of-the-art, coordinated care. But they cannot retain healthcare professionals because of low payment schedules and inadequate training opportunities for local people.

Their shiny new labor and delivery rooms, surgery rooms and even dental

chairs stand empty, and individuals on the reservation are forced to travel long distances to receive these vital services. This also is the case on the neighboring Rosebud Indian reservation.

But this is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with IHS. For example, the Lake Andes-Wagner ambulance district in northeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service.

This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents—Indian and non-Indian—do when they face an emergency?

Bennett County Hospital in the southwestern part of South Dakota is located between the Pine Ridge and Rosebud Indian reservations, and suffers similar IHS reimbursement problems, as do other non-IHS providers in South Dakota and throughout rural America.

From 1998 to 2001, the most recent year for which IHS has data, IHS contract denials have increased 75 percent.

In his budget request for the next fiscal year, the President requested only $1.99 billion for clinical services for Indians. This represents only a small increase over what the President requested for fiscal year 2003, and virtually no increase over what was finally included in the omnibus appropriations bill. We can and must do better.

The amendment I am proposing would increase funding for clinical services by $2.9 billion over the President's request for fiscal year 2004. It is the minimal amount that is necessary to provide basic health care to the current IHS user population. The full cost over the next 10 years would be $38.7 billion. The amendment also devotes an equal amount to deficit reduction, all offset by a corresponding decrease in the top tax rate reduction.

The amendment is cosponsored by Senators INOUYE, BINGAMAN, DORGAN, MURRAY, WYDEN, JOHNSON, LEAHY, CANTWELL, REID, KENNEDY, and LIEBERMAN. It is also supported by a wide range of health organizations, native and non-native.

This budget resolution is a test of this Nation's priorities. Some will say that it doesn't matter, that it is purely symbolic. But the whole point of the budget resolution is to establish an enforceable fiscal framework and make room in our budget for needs that we believe are worthy or our national attention.

I know there are some in this body who honestly believe that it is more important to accelerate huge tax cuts for our Nation's wealthiest citizens than to provide Native Americans the health care they have been promised but denied. Some defend that position by saying that someday, somehow, these Native Americans will benefit from the tax cuts extended to others, that the benefit will ''trickle down'' to them as well. It is their right to take that position, but they could not be more wrong.

A woman going into labor cannot wait for economic benefits to trickle down to her.

A child in respiratory distress cannot wait either. How is it possible that we can afford to delve deeper into debt to fund additional tax cuts for those doing relatively well in this country, but we cannot afford to dedicate a small fraction of that amount to fund the most basic health care services for some of the poorest people in America, today?

We must not tolerate this situation.

The problem is real; the solution is simple. Give the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 13, 2001 in Clarkston, GA. Four men cornered and assaulted a 22-year-old Sudanese man who was walking home late at night. The group of attackers stepped out in front of him and accused him of being involved in the terrorist attacks in New York. The men threatened, ''You killed our people in New York. We want to kill you tonight.'' They shoved him against a wall and tried to stab him, slicing a hole in his shirt. Finally, when another Sudanese man rushed over to his friend's rescue, the four attackers fled.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO PAULETTE CAREY

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Paulette Carey who was selected as the Veterans of Foreign Wars, VFW, National Citizenship Education Teacher Award winner for grades 6 through 8. She was chosen for her contributions as a teacher to classroom activities that have benefitted her students. Paulette was chosen among entries received from 53 VFW State and overseas headquarters.

As a teacher at Oldham County Middle School, Ms. Carey has demonstrated excellence in her classroom that has made all the difference in the lives of her students. Her commitment towards improving the quality of education in Kentucky's schools has proven her value as an educator.

I am glad that Paulette Carey chose to be a teacher in the Commonwealth of Kentucky, and it is a source of great pride to call attention to her excellence. The citizens from Oldham County are fortunate to call Paulette Carey one of their own. They are privileged to be served by such a fine educator. Her example should be followed by teachers across Kentucky.•

MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–69. A resolution adopted by the Borough of Middlesex, State of New Jersey, relative to the releasing of first responder funds to municipalities; to the Committee on the Judiciary.

* * * * *

POM–70. A joint resolution adopted by the Legislature of the State of New Mexico relative to fully funding the Federal Government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 1

Whereas, since its enactment in 1975, the Federal Individuals with Disabilities Education Act has helped millions of children with special needs receive a quality education and develop to their full capacities; and

Whereas, the Federal Individuals with Disabilities Education Act has moved children

with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the Federal Individuals with Disabilities Education Act has helped break down stereotypes and dispel ignorance about people with disabilities, thus improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the Federal Government enacted the Individuals with Disabilities Education Act, it promised to fund up to forty percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the Federal Government currently funds, on average, less than fourteen percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the Federal Government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; Now, therefore, be it

Resolved by the Legislature of the State of New Mexico That the President and Congress be urged to fund forty percent of the average per special needs pupil expenditure in public elementary and secondary schools in the United States as promised under the Federal Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and be it further

Resolved, That copies of this Memorial be sent to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the United States Senate and the Members of the New Mexico Congressional Delegation.

POM–71. A resolution adopted by the Legislature of the State of New Mexico relative to honoring the nations, tribes and pueblos of New Mexico; to the Committee on Indian Affairs.

SENATE MEMORIAL 18

Whereas, New Mexico's Nations, Tribes and Pueblos are centuries-old communities that established and continue to employ well-organized tribal self-governing systems; and

Whereas, the existence and significance of Indian self-government and tribal sovereignty over tribal homelands was acknowledged in New Mexico from the outset of European contact as evidenced by the early Spanish Land Grants, the recognition of civil and political rights by the independent Government of Mexico, the United States in the 1848 Treaty of Guadalupe Hidalgo and by the State in its Enabling Act of 1910; and

Whereas, the State has continued to recognize and respect the sovereign tribal governments of New Mexico through many state laws that encourage the use of cooperative agreements that authorize and encourage the Legislative, Executive and Judicial Branches of the New Mexico Government to coordinate and work cooperatively with the Nations, Tribes and Pueblos of New Mexico; and

Whereas, the Senate celebrates and honors the governments, leadership and contributions of the Nations, Tribes and Pueblos of New Mexico through an annual recognition day know as ''American Indian Day'', occurring this year on February 4, 2003; and

Whereas, the Governor is in the process of executing agreements reaffirming government-to-government relationships between the State and the Nations, Tribes ad Pueblos of New Mexico; Now, therefore, be it

Resolved by the Senate of the State of New Mexico That it salute and honor the Nations, Tribes and Pueblos of New Mexico by reaffirming its recognition of their status as sovereign governments and the Legislature's commitment to interact with the Nations, Tribes and Pueblos on a government-to-government basis so as to promote intergovernmental cooperation, coordination and communication on all matters; and be it further

Resolved, That the New Mexico Congressional Delegation be encouraged to support and reaffirm the government-to-government relationship between states and tribes and the fundamental principle that Indian Nations, Tribes and Pueblos retain their inherent sovereign rights over their tribal lands except as provided by Congress in an act of law or by the ratification of a treaty; and be it further

Resolved, That the Senate express its high regard for the Pueblos, Nations and Tribes of New Mexico and all they have done to strengthen community through their willingness to work cooperatively with the State in many areas such as Taxation, Tourism, Environmental Protection, Social Services Delivery, Health, Education, Gaming and Public Safety; and be it further

Resolved, That copies of this Memorial be transmitted to each of the Nations, Tribes and Pueblos of New Mexico, the President of the United States, the New Mexico Congressional Delegation, the President and President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico Legislative Council.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 692. A bill to require the Federal Trade Commission to issue rules regarding the disclosure of technological measures that restrict consumer flexibility to use and manipulate digital information and entertainment content; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD (for himself and Mr. DAYTON):

S. 693. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 694. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ROBERTS):

S. 695. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. DOMENICI, Mr. BAUCUS, Ms. LANDRIEU, Mr. CHAFEE, Mr. ALLARD, Mr. INHOFE, Mr. LOTT, and Mr. THOMAS):

S. 696. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

By Mr. HATCH:

S. 697. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Con. Res. 28. A concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 189

At the request of Mr. WYDEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 327

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 327, a bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 392

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from

Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. GRAHAM) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 448

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 448, a bill to leave no child behind.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 486

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 486, supra.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 593

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 593, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred.

S. 595

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 598

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 598, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 623

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. CON. RES. 11

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress regarding the Republic of Korea's continuing unlawful bailouts of Hynix Semiconductor Inc., and calling on the Republic of Korea, the Secretary of Commerce, the United States Trade Representative, and the President to take actions to end the bailouts.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

AMENDMENT NO. 355

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 355 intended to be proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 389

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 389 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 692. A bill to require the Federal Trade Commission to issue rules regarding the disclosure of technological measures that restrict consumer flexibility to use and manipulate digital information and entertainment content; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today I am introducing the Digital Consumer Right To Know Act. The thrust of this bill is quite simple. Digital media companies are racing to develop technologies to combat piracy. Some of these anti-piracy measures could have the effect of restricting lawful, legitimate consumer uses as well as unlawful copying. My bill says that if digital content is released in a form that prevents or limits reasonable consumers uses, consumers have a right to be told in advance.

The shift from analog to digital technologies carries many potential benefits for all concerned—for technology companies, for producers of music, video, and other content, and above all, for consumers. Digital technologies, together with the rise of the Internet, promise to expand exponentially the possibilities for circulating, marketing, manipulating, and using creative works. There is so much more you can do, and so many fertile fields for innovation.

The shift to digital, however, also carries twin risks. The first, and the one on which Congress has focused most of its attention to date, is the risk of piracy. Digital technologies can greatly facilitate unlawful copying and distribution. This is a real problem, because people and companies that create copyrighted works must be fairly compensated. America's information-based economy depends on it.

The second, closely related risk is that, in combating piracy, the baby will get thrown out with the bathwater. In the name of anti-piracy

protections, legitimate consumer uses could be stifled. Encryption or other ''digital rights management'', DRM, schemes could be employed that restrict consumers' ability to take full advantage of the potential of the new digital technologies. In the end, it's not inconceivable that digital media could be more restricted and less flexible than other copyrighted items—an ironic result for a technology that was supposed to represent a great step forward for consumers.

The bill I am introducing today focuses on this second risk. Significantly, it would not in any way dictate to content companies what types of copy protection or DRM schemes may or may not be used. Instead, it would ensure that consumers are fully informed of any impact on their ability to use and manipulate the content they buy.

Advance notice of technology-based use limitations is a matter of basic fairness. Consumers have developed a number of legitimate expectations concerning how they may use and manipulate content, and are likely to develop new expectations as technology develops. For example, consumers increasingly expect to be able to shift legally purchased content between different devices—to access it on their computers, or in their cars, or using portable devices like MP3 players. They should be told in advance if these expectations won't be met, so that they can factor this information into their purchasing decisions. Consumers should know what they are getting or not getting.

In addition, I believe that imposing this kind of notice requirement will help promote the development of solutions that strike an appropriate and acceptable balance between protecting against piracy and preserving utility and flexibility for consumers. Overly restrictive approaches would require disclosures that content providers could find embarrassing, and consumers could be alienated by measures that don't seem to respect the importance of user flexibility. In short, full disclosure would strengthen the market-based incentive to avoid technologies that are too restrictive of consumer flexibility.

My bill would also make a clear statement that Congress expects that there will be competition in the retail distribution of copyrighted digital content. This shouldn't be controversial: today, compact discs, books, and movie videos are distributed via many competing retail stores. They also often face competition with stores selling used content, and with rentals and libraries. But what if new DRM technologies permit copyright holders to limit or prevent the ability of unaffiliated entities to sell or distribute content on a secondhand basis? Could the copyright holder sharply reduce competition at the distribution level, and thus increase its market power? My legislation addresses this risk by expressing the sense of the Congress that it is important to retain competition among distribution channels for digital information and entertainment content.

As the debate over digital copyright issues continues, I intend to listen to all sides. This country needs balanced approaches that respect the interests of copyright holders and consumers alike. But the bill I introduce today is a significant step that Congress could take now that would protect consumers of digital content and promote market-based solutions, all without rewriting any copyright laws. I urge my colleagues to join me in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 692

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Digital Consumer Right to Know Act''.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Consumers have developed a number of legitimate expectations concerning how they may use and manipulate legally acquired information or entertainment content for reasonable, personal, and noncommercial purposes. In addition, as digital technology creates new ways to use and manipulate content, consumers are likely to develop new expectations that reflect the new technological possibilities.

(2) Digital technologies also can facilitate unlawful reproduction and distribution of information or entertainment content subject to copyright protection. To combat this problem, technology and content companies are developing and deploying technologies to prevent or deter such unlawful behavior.

(3) Such technologies could help promote a competitive digital marketplace in which consumers have a broad range of choices and media businesses can pursue a variety of business models. However, there are also significant risks.

(4) There is a risk that technologies developed to prevent unlawful reproduction and distribution of digital information and entertainment content could have the side effect of restricting consumers' flexibility to use and manipulate such content for reasonable, personal, and noncommercial purposes.

(5) There is a risk that such technologies could unfairly surprise consumers by frustrating their expectations concerning how they may use and manipulate digital content they have legally acquired.

(6) There is a risk that such technologies could result in greater market power for the holders of exclusive rights and reduce competition, by limiting the ability of unaffiliated entities to engage in the lawful secondhand sale or distribution of such content.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that consumers of digital information and entertainment content are informed in advance of technological features that may restrict the uses and manipulation of such content, so that—

(A) consumers may factor this information into their purchasing decisions; and

(B) there will be a strong, market-based incentive for the development of technologies that address the problem of unlawful reproduction and distribution of content in ways that still preserve the maximum possible flexibility for consumers to use and manipulate such content for lawful and reasonable purposes; and

(2) to express the sense of Congress concerning the importance of retaining competition among distribution channels for digital information and entertainment content.

SEC. 3. FAIR DISCLOSURE OF TECHNOLOGICAL USE RESTRICTIONS.

(a) FTC RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall issue rules to implement the disclosure requirements described in subsection (b).

(b) DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—If a producer or distributor of copyrighted digital content sells such content or access to such content subject to technological features that limit the practical ability of the purchaser to play, copy, transmit, or transfer such content on, to, or between devices or classes of devices that consumers commonly use with respect to that type of content, the producer or distributor shall disclose the nature of such limitations to the purchaser in a clear and conspicuous manner prior to such sale.

(2) MANNER OF DISCLOSURE.—The Federal Trade Commission shall prescribe the manner of disclosure required under this subsection, which may include labels on packaging or such other means as the Commission determines appropriate to achieve the purposes of this section. The Commission may prescribe different manners of disclosure for different types of content and different distribution channels.

(c) DISCLOSURE OF CERTAIN LIMITATIONS ON REASONABLE CONSUMER ACTIVITIES.—The following are examples of limitations which shall trigger the disclosure requirements of subsection (b):

(1) Limitations on the recording for later viewing or listening (popularly referred to as ''time shifting'') of audio or video programming delivered—

(A) via free over-the-air broadcasting; or

(B) as part of a multichannel video or audio system in which the consumer obtains the programming as part of a subscription package, with no per view charges and no ability to select the specific time at which individual programs will be delivered.

(2) Limitations on the reasonable and noncommercial use of legally acquired audio or video content—

(A) in different physical locations of the consumer's choice (popularly referred to as ''space shifting''); or

(B) on the electronic platform or device of the consumer's choice, including platforms or devices requiring that the content be translated into a comparable format before such use.

(3) Limitations on making backup copies of legally acquired content distributed in a form or medium that is subject to accidental erasure, damage, or destruction in the ordinary course of use, including through computer failure or computer viruses, to be used only in the event that the original copies are lost or damaged.

(4) Limitations on using limited excerpts of legally acquired content for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.

(5) Limitations on engaging in the secondhand transfer or sale of legally acquired content to another consumer, provided that the transferor does not retain the content or any copy thereof and that the transferee obtains only such rights to the use and enjoyment of

the content as the transferor possessed at the time of transfer.

(d) EXCEPTION TO DISCLOSURE REQUIREMENT.—The Federal Trade Commission shall not require disclosure under subsection (b) with respect to any limitation that applies only to uses—

(1) that are sufficiently unusual or uncommon that the burdens of prior disclosure would outweigh the utility to consumers; or

(2) that have no significant application for lawful purposes.

(e) ANNUAL FTC REVIEW.—On an annual basis, the Federal Trade Commission shall review the effectiveness of its rules implementing this section to determine whether revisions are warranted to serve the purposes of this section. In conducting this review, the Commission shall consider whether changes in technology or in consumer practices have led to new, legitimate consumer expectations concerning specific uses of digital information or entertainment content that would result in consumers suffering unfair surprise if a technology were to limit those uses without prior notice.

SEC. 4. EFFECT ON OTHER LAWS.

(a) NO LIMITING EFFECT ON FAIR USE.—Nothing in this Act shall be interpreted to suggest that a consumer activity not referred to in section 3(c) or in the Federal Trade Commission's rules implementing this Act may not constitute a fair use within the meaning of section 107 of title 17, United States Code.

(b) UNLAWFUL REPRODUCTION OR DISTRIBUTION.—Nothing in this Act shall be interpreted to permit the otherwise unlawful reproduction or distribution of copyrighted content or to shield a person engaging in such activity from any type of legal action or judgment.

SEC. 5. COMPETITION IN DISTRIBUTION CHANNELS.

It is the sense of Congress that—

(1) competition among distribution outlets and methods generally benefits consumers; and

(2) just as copyright holders have sold content embodied in tangible products such as audio cassettes, videotapes, and compact discs to multiple competing retail distributors, copyright holders selling digital content in electronic form for distribution over the Internet should offer to license such content to multiple unaffiliated distributors, to enable competition among different distribution models and technologies.

By Mrs. BOXER:

S. 694. A bill to require the Federal Trade Commission to monitor and investigate gasoline prices under certain circumstances; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, gasoline prices on average in California are $2.15 per gallon.

According to the U.S. Energy Information Administration, EIA, the cost of crude oil rose 16.4 percent from January 6 to March 3. During the same time period, the average retail price of gasoline rose 27.2 percent.

After seeing the statistics, I do not buy the argument that higher gasoline prices are due solely to higher crude oil prices. I am concerned that oil companies have been pocketing more profits as consumers pay record high gas prices.

I have been advised of news reports that refiners are taking more plants than usual offline for ''routine maintenance.'' This is reminiscent of the electricity crisis when generators took their plants off-line for ''routine maintenance'' at a rate higher than normal. We now know that these generators were holding back electricity to artificially increase the price of electricity.

In response to soaring gas prices across the country and especially in California and in response to potential manipulation, I am introducing legislation to shed light on the situation and hopefully curtail future market manipulation.

My legislation requires the Federal Trade Commission, FTC, to automatically investigate the gasoline market for manipulation anytime average gasoline prices increase in any state by 20 percent in a period of 3 months or less and remain at that level for seven days or more.

Market manipulation would include, but is not limited to, collusion or the creation of artificial shortages such as unnecessarily taking refineries off-line. In determining the trigger, the gasoline price used would be the Energy Information Agency's pricing of regular grade gasoline. A report on the FTC's investigation would be due to Congress 14 days after the price trigger.

Under the bill, the FTC would be required within two weeks of issuing the report to hold a public meeting to discuss the findings.

If the findings indicate that there is market manipulation, then the FTC would work with the state's Attorney General to determine the penalties.

If the findings indicate that there is no market manipulation, then the U.S. Department of Energy must officially decide, within two weeks, if the Strategic Petroleum Reserve should be used in order to ease prices and stabilize supply.

We need to deter market manipulation. Otherwise we risk serious price gouging with no accountability to consumers. My legislation offers a reasonable standard for an investigation and a reasonable time frame in which to complete that investigation. I believe the threat of these investigations and the public light that would be shed on the system will be positive for the consumer.

By Ms. COLLINS (for herself, Mr. WARNER, Ms. LANDRIEU, and Mr. ROBERTS):

S. 695. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased today to rise to introduce the Teacher Tax Relief Act of 2003. I am joined by my colleagues, Senator LANDRIEU, Senator WARNER, and Senator ROBERTS, in introducing this legislation to help our teachers who selflessly reach deep into their own pockets to purchase supplies for their classrooms or to engage in professional development.

Senators WARNER, LANDRIEU, ROBERTS and I have long led the effort to recognize the invaluable services that teachers provide each and every day to our children and to our communities. This tax relief is significant in that it recognizes the extra mile that our dedicated teachers go in order to improve the classroom experience for their students.

This legislation builds upon the tax relief that we authored, which was previously enacted in the economic recovery package in the last Congress. Our bill would double the amount that a teacher can deduct—from $250 to $500—and includes professional development expenses in the deduction. Our bill would also make this modest tax relief permanent, whereas the provision in the economic stimulus package is scheduled to sunset next year.

While our legislation provides financial assistance to educators, its ultimate beneficiaries will be our students. Other than involved parents, a well-qualified teacher is the single most important prerequisite for student success. Educational researchers have demonstrated, time and again, the strong correlation between qualified teachers and successful students. Moreover, educators themselves understand just how important professional development is to maintaining and expanding their level of competence.

When I meet with teachers from Maine, they repeatedly tell me of their desire and need for more professional development. But they also tell me that, unfortunately, school budgets are so tight that frequently the school districts cannot provide the assistance a teacher needs in order to take that additional course or pursue that advanced degree. As President Bush aptly put it, ''Teachers sometimes lead with their hearts and pay with their wallets.''

A recent survey by the National Center for Education Statistics highlights the benefits of professional development. The survey found that most teachers who had participated in more than eight hours of professional development during the previous year felt ''very well prepared'' in the area in which the instruction occurred. Obviously, teachers who are taking additional course work and pursuing advanced degrees become even more valuable in the classroom.

Increasing the deduction for teachers who buy classroom supplies is also a critical component of my legislation. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, $400 a year on classroom supplies, a new survey demonstrates that they are spending even more than that. According to a recent report from Quality

Education Data, the average teacher spends more than $520 a year out of pocket on school supplies.

I have spoken to dozens of teachers in Maine who have told me of the books, rewards, supplies, and other materials they routinely purchase for their students.

Idella Harter is one such teacher. She told me of spending more than $1,000 in a single year, reaching deep into her pocket to buy materials, supplies, and other treats for her students. At the end of the year, she started to add up all of the receipts that she had saved, and she was startled to discover they exceeded $1,000. Idella told me at that point she decided she'd better stop adding them up.

Debra Walker is another dedicated teacher in Maine who teaches kindergarten and first grade in town of Milo. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, ''These are the extras that are needed to make learning fun for children and to create a stimulating learning environment.''

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just two years, Tyler has incurred substantial ''startup'' fees as he builds his own collection of needed teaching supplies. In his first years on the job, he has spent well over $500 out-of-pocket each year, purchasing books and other materials that are essential to his teaching program.

Tyler tells me that he is still paying off the loans that he incurred at the University of Maine-Farmington. He has car payments to make. He is saving for a house. And he someday hopes to get an advanced degree. Nevertheless, despite the relatively low pay he is receiving as a new teacher, he says, ''You feel committed to getting your students what they need, even if it is coming out of your own pocket.''

That is the kind of dedication that I see time and again in the teachers in Maine. I have visited nearly 100 schools in Maine, and everywhere I go, I find teachers who are spending their own money to improve their professional qualifications and to improve the educational experiences of their students by supplementing classroom supplies.

The relief we passed overwhelmingly in the last Congress was a step in the right direction. As Tyler told me, ''It's a nice recognition of the contributions that many teachers have made.'' We are committed to building on this good work. We invite all of our colleagues to join us in recognizing our teachers for a job well done.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. DOMENICI, Mr. BAUCUS, Ms. LANDRIEU, Mr. CHAFFE, Mr. ALLARD, Mr. INHOFE, Mr. LOTT, and Mr. THOMAS):

S. 696. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

Mrs. HUTCHINSON. Mr. President, I am introducing today legislation to provide tax incentives for marginal wells. As we look to long-term solutions to meet our needs for gasoline, electricity and home heating oil, marginal well tax incentives are critical to increasing supply and retaining our energy independence.

Senators representing all regions of the country, including the Northeast and Midwest, have a common interest: to make the United States less susceptible to the volatility of world oil markets by reducing America's dependence on foreign oil. I understand that when the price of home heating oil spikes in the Northeast, it hurts those Senators's constituents. They understand when the price of oil falls below $10 a barrel—as it did several years ago and we lose 18,000 jobs as we did in Texas—that hurts my constituents. We understand that these are merely two sides of the same coin: a growing U.S. dependence on foreign oil.

In fact, at the heart of the marginal well tax credits is the goal of reducing our imports of foreign oil to less than 50 percent by the year 2012. It is incredible to me that America is sliding toward 60 percent dependence on foreign oil. As the sole remaining superpower in the world, and as the country with an economy that is the envy of the industrialized world, this threat to our economic as well as our national security is simply and totally unacceptable.

The core problem with our growing dependence on foreign oil is an underutilized domestic reserve base of both crude oil and natural gas. In 1992, we imported 46 percent of our oil needs from overseas. It is equally important to realize that in 1974, when America was brought to her knees by the OPEC oil embargo, we imported only 36 percent of our oil. Today we stand at over 56 percent imports. If the major oil producing countries of the world were ever to collectively sabotage U.S. interests as we have seen in the past with Iraq, they could wreak havoc with the American economy.

We simply must take steps today to increase the amount of oil and natural gas we produce right here at home. While shutting-off foreign oil completely may not be realistic, it is realistic to utilize our reserves much more than we do today. Marginal wells—those wells that produce less than 15 barrels of oil and less than 90 thousand cubic feet of natural gas per day—have the capacity to produce 20 percent of America's oil. This is roughly the same amount of the oil the U.S. imports from Saudi Arabia.

Much of this oil and gas could be produce in areas where it is being produced today, and has for decades, that is not environmentally sensitive. That is why I have advocated for tax incentives that would make it economically feasible for production to continue and actually increase in areas largely where production takes place today.

There are close to 400,000 such wells across the United States. Many of these wells are so small that, once they close, they never reopen. If we had had the marginal well tax provision in place several years ago before the oil price plummet, we would not have lost over 400,000 barrels per day of production due to small wells shutting down.

The overwhelming majority of producing wells in Texas are marginal wells. A survey by the Independent Producers Association of America, IPAA, found that marginal wells account for 75 percent of all crude production for small independent operators; up to 50 percent for mid-sized independents; and up to 20 percent for large companies. A sensible energy independence policy is to offer tax relief to producers of these small wells that would help them stay in business when prices fall below a break-even point. When U.S. producers can stay in business during periods of low prices, supply will be higher and help keep prices from shooting up too high.

The marginal well provision in the energy bill provides a maximum $3 per barrel tax credit for the first 3 barrels of daily production from a marginal oil well, and a similar credit for marginal gas wells. The marginal well credit would be phased in-and-out in equal increments as prices for oil and natural gas fall and rise. For oil, in would phase in between $18 and $15 per barrel. In addition to the marginal well provisions, the bill includes tax incentives for delay rental payments and geological and geothermal expensing. These provisions will help producers locate and develop potential oil and gas properties.

We do not have to be at the whim of foreign countries or market forces beyond our control. Therefore, we've got to increase our domestic supply and I believe these energy tax incentives will do that.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 28—AUTHORIZING THE PRINTING OF THE BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS, 1774–2005

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a Senate document a revised edition of the

Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate and Clerk of the House of Representatives. The Office of the Secretary of the Senate, acting through the Historian of the Senate, and the Office of the Clerk of the House of Representatives, acting through the Legislative Resource Center, shall provide appropriate biographical data and other material for the revised edition, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Historian of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners), to be provided by the Legislative Resource Center.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,230 copies of the revised edition, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 50 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $95,000.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, April 8, 2003, in Room SR–301 Russell Senate Office Building, to conduct an oversight hearing on the operations of the Sergeant at Arms, Library of Congress and Congressional Research Service.

For further information concerning this meeting, please contact Susan Wells at 202–224–6352.

AUTHORIZATION FOR PRINTING OF BIOGRAPHICAL DIRECTORY OF CONGRESS

Mr. GRAHAM of South Carolina. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) authorizing the printing of the Biographical Directory of the U.S. Congress from 1774 through 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAHAM of South Carolina. Mr. President, I ask that the resolution be adopted and the motion to reconsider be laid upon the table.

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

The resolution (S. Con. Res. 28) was agreed to, as follows:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a Senate document a revised edition of the Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate and Clerk of the House of Representatives. The Office of the Secretary of the Senate, acting through the Historian of the Senate, and the Office of the Clerk of the House of Representatives, acting through the Legislative Resource Center, shall provide appropriate biographical data and other material for the revised edition, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Historian of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners), to be provided by the Legislative Resource Center.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,230 copies of the revised edition, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 50 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $95,000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRAHAM of South Carolina. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Calendar: Calendar Nos. 80, 81, 82, 83, and 84. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Gregory A. White, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

Thomas Dyson Hurlburt, Jr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Christina Pharo, of Florida, to be United States Marshall for the Southern District of Florida for the term of four years.

Dennis Arthur Williamson, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

LEGISLATIVE SESSION

ORDERS FOR TUESDAY, MARCH 25, 2003

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Tuesday, March 25. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 23, the budget resolution, as provided under the previous order.

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

PROGRAM

Mr. GRAHAM of South Carolina. For the information of all Senators, we will return to the budget resolution tomorrow morning. The chairman and ranking member of the Budget Committee have exchanged copies of the final amendments that remain in order to the resolution. We now have a number of amendments to dispose of prior to a final vote on the resolution. The Senate will begin voting on these remaining amendments upon convening tomorrow morning. Members are asked to remain in the Chamber during the second phase of the so-called vote-arama. With the cooperation of all Members, we will be able to move through the remaining amendments in a more efficient and orderly manner. The Senate will proceed to a final vote on the budget resolution no later than 4 p.m. on Wednesday. Therefore, I would advise my colleagues that we have a lot of work before us this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAHAM of South Carolina. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Tuesday, March 25, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 2003:

NATIONAL MUSEUM SERVICES BOARD

JOHN E. BUCHANAN, JR., OF OREGON, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE RUTH Y. TAMURA, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

DEE ANN MCWILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS, VICE JACOB LOZADA, RESIGNED.

DEPARTMENT OF STATE

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE OTTO J. REICH.

DEPARTMENT OF TRANSPORTATION

ANNETTE SANDBERG, OF WASHINGTON, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE JOSEPH M. CLAPP, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

LAWRENCE MERCANDANTE, 0000

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

STANLEY J. BUELT, 0000
CHRISTOPHER W. CASTLEBERRY, 0000

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U. S. C., SECTION 531:

To be major

EUGENE L. CAPONE, 0000
LARRY L. EARLS JR., 0000
TIMOTHY PARKS FAABORG, 0000
MICHAEL S. FAIDLEY, 0000
ROBERT B. FAUBER, 0000
JAMES T. FOX, 0000
JOHN C. HACKETHORN II, 0000
ROY S. HALEY, 0000
CHRISTOPHER F. HALL, 0000
JOSEPH C. LINDEN II, 0000
EDWARD C. MARAIST, 0000
JAMES R. PUTLOCK, 0000
JOHN M. RYON, 0000
GARRETT G. SANBORN, 0000
DAVID T. SCHIFFERT, 0000
JAMES D. SHERIDAN, 0000
JOHN F. SHIRTZ, 0000
JOHN D. THOMAS, 0000
BRIAN E. TUCKER, 0000
THERRILL B. VALENTINE, 0000
TODD V. WILSON, 0000
SONYA L. WOFFORD, 0000
ALLEN L. WOMACK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES MILITARY ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

JAMES R. KERIN JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SEAN T. MULCAHY, 0000
STEVEN H. MATTOS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FRANKLIN MCLAIN, 0000

THE FOLLOWING NAMED OFFICERS FOR THE ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

BRYAN DELGADO, 0000
ROBERT A. DILL, 0000
BRENT L. ENGLISH, 0000
TIMOTHY O. EVANS, 0000
DANA R. FIKE, 0000
SCOTT A. FORTENBERRY, 0000
MARC G. GERADS, 0000
DONALD L. HULTZ, 0000
BRUCE A. JONES, 0000
JAMES R. KELLER, 0000
DELMAR J. LAKE, 0000
SAL L. LEBLANC, 0000
ROBERT E. MCCLELLAN, 0000
MARK A. MITCHELL, 0000
ANTHONY M. NESBIT, 0000
RODOLFO D. QUISPE, 0000
FRANCISCO C. RAGSAC, 0000
SERENA REID, 0000
GEORGE L. ROBERTS, 0000
EDWARD T. SEIFERT, 0000
PAUL A. SHIRLEY, 0000
KELLEY S. SILARD, 0000
JOHN D. SOMICH, 0000
BRIAN T. THOMPSON, 0000
NATHAN J. TOWNSEND, 0000
MARK W. WASCOM, 0000
STANLEY M. WEEKS, 0000
DALE A. WESNER, 0000
PAUL A. ZACHARZUK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 2003:

DEPARTMENT OF JUSTICE

GREGORY A. WHITE, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

THOMAS DYSON HURLBURT, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

CHRISTINA PHARO, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

DENNIS ARTHUR WILLIAMSON, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.