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Senate

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005—Continued

Mr. AKAKA. Mr. President, I rise today in support of this important amendment offered by Senator TOM DASCHLE. The Senate Committee on Indian Affairs, of which I am a member, has held hearings on the President's fiscal year 2005 budget request for Indian programs. We have heard from Indian country about the inadequate funding provided for many programs in Indian country. We have heard that American Indians and Alaska Natives have a life expectancy six years less than that of the rest of the United States population, with rates of cardiovascular disease being twice as high for native peoples.

Native people die at a rate 500 percent higher than other Americans from tuberculosis and 390 percent higher from diabetes. With the technological advancements that we have made in these areas, most of these illnesses could be prevented if basic health care were available. Unfortunately, the President's budget provides $2.1 billion for IHS clinical services, leaving a shortfall of over 60 percent for fiscal year 2005.

The time is now and we must provide Indian country with the ability to ensure that native peoples are given access to essential health care services. I urge my colleagues to support this important amendment, and I thank my dear friend, Senator DASCHLE, for offering this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this is another one of these amendments—we have had a dozen of them now—that says we are going to pay for this by increasing taxes on wealthy people. I don't know how many times we have to vote on it. Then I look at the spending. It says we will increase spending by $3.4 billion from 2.1 to 5.5. That is a 164-percent increase. It is a big tax increase. It is a humongous spending increase. I urge my colleagues to vote no.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2774. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—42

Akaka	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Inouye	Pryor
Clinton	Jeffords	Reed
Conrad	Kennedy	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Landrieu	Schumer
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NAYS—54

Alexander	Chafee	Ensign
Allard	Chambliss	Enzi
Allen	Cochran	Fitzgerald
Baucus	Coleman	Frist
Bennett	Collins	Graham (SC)
Bond	Cornyn	Grassley
Brownback	Craig	Gregg
Bunning	Crapo	Hagel
Burns	DeWine	Hatch
Campbell	Dole	Hutchison
Carper	Domenici	Inhofe
Kyl	Nickles	Specter
Lott	Roberts	Stevens
Lugar	Santorum	Sununu
McCain	Sessions	Talent
McConnell	Shelby	Thomas
Miller	Smith	Voinovich
Murkowski	Snowe	Warner

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2774) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are making progress. Senator CONRAD and I are reducing the amendments pretty quickly. I compliment him for that. We are trying to accommodate Members on both sides of the aisle. Maybe we can get this legislation finished tonight.

I believe the Senator from Alaska has an amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2822

Ms. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself and Mr. CAMPBELL, proposes an amendment numbered 2822.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for the Indian Health Services)

On page 16, line 12, increase the amount by $282,000,000.

On page 16, line 13, increase the amount by $251,000,000.

On page 16, line 17, increase the amount by $28,000,000.

On page 16, line 21, increase the amount by $2,000,000.

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

Printed on recycled paper.

On page 23, line 5, decrease the amount by $282,000,000.

On page 23, line 6, decrease the amount by $251,000,000.

On page 23, line 10, decrease the amount by $28,000,000.

On page 23, line 14, decrease the amount by $2,000,000.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this amendment also relates to the Indian Health Service. This amendment would increase the budget for the Indian Health Service by $282 million. This is intended to track the recommendation that the Indian Affairs Committee sent to the Budget Committee in its views and estimates letter.

It provides the funding for those priorities that were set out in the committee's list. We are looking at increases for clinical services, a 50-percent increase for services to urban Indians, a $90 million increase for contract support costs and an additional $61 million for health facilities construction. This amendment would make all of these increases possible.

Of particular interest to me, the amendment enables an additional $10 million increase in funding for sanitation facilities construction, which is incredibly important to my home State. 40 percent of the unmet need for sanitation, as identified by the Indian Health Service, is in Alaska.

This amendment also envisions a substantial funding increase for the Community Health Aide Practitioner Program, which the Indian Health Service regards as a national model.

The increases in this amendment are defensible. We recognize we have a long way to go when it comes to improving the health condition of our Native peoples, but I think this is a good and reasonable step in that direction.

I urge Members to support this amendment.

Mr. President, I ask unanimous consent to add Senator MURRAY as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment is cosponsored by Senator MURRAY on this side. We strongly support the amendment and hope our colleagues will accept it.

Mr. DASCHLE. Mr. President, the Senate has just missed an opportunity to fund the basic health care needs of the current Indian Health Service user population. We had a chance to provide a $3.44 billion increase for IHS clinical services. Unfortunately, we lost that chance because not a single Republican Senator was willing to apply toward Indian health a small fraction of the revenue that will be raised from closing tax loopholes that allow people to avoid paying their fair share of taxes.

Some may view this budget resolution as an insignificant exercise. It is not. Unless we do something to increase the funding available to the Appropriations Committee—specifically the Interior Appropriations Subcommittee—it will be next to impossible to increase Indian health funding to any significant degree.

I hope my colleagues will stop and think about the weight of the decisions they are making today. Because its budget is so woefully inadequate, the Indian Health Service is forced to use a literal ''life or limb'' standard to ration health care for Indian men, women, and children—people whose health care is supposed to be guaranteed. Indian people are suffering—some are literally dying—because we are failing to provide them the kind of care that most Americans, and every single one of us, take for granted.

We have been here before. We had this same debate last year. Then, like today, my Republican colleagues opposed a real increase for IHS clinical services and instead offered a phantom increase that was one-tenth of the amount of the increase needed to meet the basic health care needs of the current IHS user population.

The only difference this year is that the ''increase'' they are offering is less than one-tenth of the amount of the increase needed to meet the basic health care needs of the current IHS user population, and even less than the amount they offered last year.

Of course, any increase for the Indian Health Service is welcome. I will be glad if we can treat even one more Indian child the way that he or she deserves to be treated. But my colleagues should know that the Murkowski amendment does not add one penny to the Appropriations Committee's allocation. It does not increase the amount of money available to the subcommittee appropriators who must find the funding this amendment claims to provide. It leaves the Indian Health Service to compete for funds with Indian education, tribal colleges, tribal courts and police, reservation roads, as well as the Denali National Park, Mount Rushmore, and all the other important priorities that subcommittee funds.

The function 920 account is not a secret pot of money from which to draw. This amendment—if it is not dropped in conference the way last year's amendment was—would force the Appropriations Committee to cut the domestic discretionary programs already severely shortchanged under this scandalous budget resolution. Remember, this budget resolution already cuts domestic discretionary spending by $14.6 billion compared to last year.

Will the money come from our national parks? No Child Left Behind—and we know they are being left behind? HUD? NIH? COPS? Perhaps the BIA's reorganization initiative? I might support that cut.

They will not tell us which programs they would cut, because they know our domestic discretionary accounts can't absorb any more cuts, and because this amendment isn't real. It will not add a penny to the IHS clinical services account.

Will the phantom money be there after the House and Senate Republicans return from conference? It certainly was not last year.

That money was missing from the fiscal year 2004 Interior appropriations bill, too, when 45 Republican senators blocked my amendment to make real their professed $292 million commitment to Indian health.

Yet again, my colleagues on the other side are making a specious argument. At the same time they're refusing to close loopholes that allow people who owe taxes to avoid paying their fair share, at the same time they are proposing new tax cuts for millionaires, they are saying this country cannot afford to honor its treaty obligation—and its clear moral obligation—to Native Americans.

I hope the Senate will reject that argument and put us on the road to righting this indefensible wrong.

Senators can vote for this amendment, but no one should be confused about its impact. I can assure you that Native Americans will not be. Still, I will support this amendment with the hope that the conferees will find a way to provide a real increase for the Indian Health Service.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2822.

The amendment (No. 2822) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator DODD is next on our side with an amendment. I ask Senator DODD to proceed at this point.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2762

Mr. DODD. Mr. President, I call up amendment No. 2762.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KERRY, Mr. CORZINE, Ms. STABENOW, and Mr. KOHL, proposes an amendment numbered 2762.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To create a reserve fund to allow for an increase in the 21st Century Community Learning Centers Program by $1 billion and lower the national debt by eliminating tax loopholes)

On page 3, line 9, increase the amount by $60,000,000.

On page 3, line 10, increase the amount by $1,301,000,000.

On page 3, line 11, increase the amount by $541,000,000.

On page 3, line 12, increase the amount by $100,000,000.

On page 3, line 17, increase the amount by $60,000,000.

On page 3, line 18, increase the amount by $1,301,000,000.

On page 3, line 19, increase the amount by $541,000,000.

On page 3, line 20, increase the amount by $100,000,000.

On page 4, line 20, increase the amount by $60,000,000.

On page 4, line 21, increase the amount by $1,301,000,000.

On page 4, line 22, increase the amount by $541,000,000.

On page 4, line 23, increase the amount by $100,000,000.

On page 5, line 3, decrease the amount by $60,000,000.

On page 5, line 4, decrease the amount by $1,361,000,000.

On page 5, line 5, decrease the amount by $1,902,000,000.

On page 5, line 6, decrease the amount by $2,002,000,000.

On page 5, line 7, decrease the amount by $2,002,000,000.

On page 5, line 11, decrease the amount by $60,000,000.

On page 5, line 12, decrease the amount by $1,361,000,000.

On page 5, line 13, decrease the amount by $1,902,000,000.

On page 5, line 14, decrease the amount by $2,002,000,000.

On page 5, line 15, decrease the amount by $2,002,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR THE 21ST CENTURY COMMUNITY LEARNING CENTERS PROGRAM.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,000,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for the 21st Century Community Learning Centers program in the Department of Education.

Mr. DODD. Mr. President, this amendment deals with afterschool programs. I know most of my colleagues are tremendously supportive of this program. When we passed the No Child Left Behind Act 2 years ago, we insisted that we fund, to the extent possible, $2 billion for afterschool programs.

Over the last 2 years, we have only funded half of that program, serving a little more than 1 million children when the need exceeds 2 million children. I think all of us have given talks in our States about the value of afterschool programs. The President himself has talked eloquently about it, saying afterschool programs keep kids safe, help working families, and improve academic achievements. He is absolutely right. But we are leaving more than 1 million children behind as a result of not fully funding at the authorized levels afterschool programs.

I am asking, with this amendment, that we fund with an additional $1 billion to reach more than 1 million kids who could really use this critically important program. Over the years this body has overwhelmingly supported afterschool initiatives. This is an opportunity for us to live up to the requirements that we insisted upon when we passed the No Child Left Behind Act 2 years ago.

I urge my colleagues to be supportive of this effort. We pay for the $1 billion by reducing the tax cut for the most affluent Americans by $1 billion. That is a tiny fraction that can serve over 1 million children in afterschool programs.

I urge adoption of the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I was hoping my colleague from Connecticut, my very good friend, since the hour is getting late, would accept a voice vote. Maybe not yet. Maybe people will start considering that option. Most people know how the votes might come out.

This is a $2 billion tax increase. Again, it is only directed at the millionaires or the upper income bracket, but, of course, that is not what the Finance Committee gets. The Finance Committee gets a resolution that says raise revenues.

Then I look at the function it hopes to have the money go to. It would increase by 100 percent. I keep hearing people say we want deficit reduction, but I keep seeing programs grow by 100 percent, 140 percent.

I urge our colleagues to vote no on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2822. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—42

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

NAYS—54

Alexander	Crapo	McCain
Allard	DeWine	McConnell
Allen	Dole	Miller
Bennett	Domenici	Murkowski
Bond	Ensign	Nickles
Breaux	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Carper	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2762) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are making very good progress. For the information of our Members, I think momentarily we will be able to dispose of seven or eight amendments.

I believe the Senator from Georgia wishes to discuss an amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I had an amendment I intended to offer, but after consultation with the committee chairman, the hour is late and I probably would have wound up withdrawing the amendment anyway.

What my amendment sought to do was to make a correction in an amendment that was presented at the full committee markup. At that markup, there was an amendment passed relative to the issue of payment limitation in the farm bill.

Payment limitation in the farm bill doesn't mean a whole lot to anybody unless you are a farmer. Farmers, as long as they are treated equally, have no problem with the various farm programs we have under the farm bill. But what has happened with the payment limitation is we have rewritten the farm bill during the middle of the farm bill and that is not fair.

What my amendment sought to do was to take one portion of the overall farm bill, which is the ethanol portion, and simply equalize payments to those growers of corn who participate in the ethanol program, add the payments they receive—and they don't receive them directly. We would have to figure out, through a complicated formula, how much they get, add the amount of money to their payment limitation portion so it would equalize. They would be equal with every other farmer across the country with respect to payment limitation.

It would be a complicated situation, and I think at some point in time down the road, if those who insist on revision of the payment limitations do so prior to the expiration of the farm bill, we are simply going to come back with an amendment. We will come back with an amendment at a later time to seek

to do that. However, I hope all Members of the Senate who come from agricultural States will continue to work together for the interest of our farmers and make sure we carry out the terms of the current farm bill. When it expires in 2008, we will again look at all these issues and decide what is fair to the American consumer and for the American farmer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, No. 1, I thank my colleague from Georgia for his brief discussion and for not offering the amendment. I think if he offered the amendment we might be here a little while.

I believe the chairman of the Agriculture Committee would like to make a few comments.

Mr. COCHRAN. Mr. President, I want to express my opposition to the provision in the budget resolution that shifts $1.221 billion over the next 5 years from farm programs to other programs under the jurisdiction of the Agriculture Committee.

This provision assumes reducing statutory payment limitations for farm program payments to producers of wheat, feed grains, oilseeds, cotton and rice from $40,000 to $20,000 for direct payments and from $65,000 to $30,000 for counter-cyclical payments. In addition, the proposal would include certificate transactions and loan forfeitures under the marketing loan program's payment limitation.

I oppose this provision for a number of reasons. First, the 2002 farm bill, enacted less than 2 years ago, has already reduced payment limitations compared to the 1996 farm bill by establishing a means test for farm program benefits in which individuals with over $2.5 million in adjusted gross income are ineligible for payments unless at least 75 percent of that income comes from agriculture. Moreover, the 2002 farm bill's limit of $105,000 for the sum of direct and counter cyclical payments is 12 percent less than the 1977 farm bill's limit on comparable purpose deficiency payments after adjustment for inflation. Senators should remember that these payments do not necessarily represent profit to the farmer, but rather this shows that in real terms, we already have reduced farm program supports in two separate ways.

Second, the 2002 farm bill established a Commission on the Application of Payment Limitations to analyze and to make recommendations regarding these issues in a report to the President and to the House and Senate Agriculture Committees. The Commission, which is composed of 10 individuals who possess a tremendous amount of experience in, and knowledge about, U.S. agriculture, released its report in August of last year. The Commission's first and primary consensus recommendation was that no substantial changes should be made to the 2002 farm bill's system of farm program payment limitations until the farm bill is reauthorized for the 2008 and later crops. The Commission reasoned that the multiyear nature of farm bills provides stability for production agriculture and that producers, their lenders, and other agribusiness firms make long-term investment decisions based on this multiyear legislation. The Senate should follow the Commission's recommendation and should not make changes in farm program payment limitations.

Third, southern cotton and rice farms tend to be larger, and the costs of production are much greater, than wheat, corn, and soybean farms in other regions. The Grassley provision would reduce government payments to cotton and rice producers. Moreover, the provision would severely complicate crop farmers' ability to use the marketing loan program, particularly during periods of low market prices when producers need it most. The marketing loan program, as its name implies, helps farmers market their crops by providing them with benefits when market prices fall below government established loan rates. In such situations, program benefits offset the impact of low prices with a minimum of government involvement in the marketplace. This provision would, for the first time, require that loan program certificate transactions and loan forfeitures be included under the program's payment limitation. The provision, if implemented, would mean that once a producer reaches the limit, marketing loan benefits would be cut off regardless of the market situation.

Fourth, the budget resolution should provide us with a broad plan for Federal revenues and expenditures but leave policy decisions within that budget framework to the authorizing committees. This proposal violates that principle by attempting to dictate policy to the Agriculture Committee without having any impact on the overall level of Federal expenditures. It simply shifts over $1 billion in payments from one group of farmers to another. That is a decision that should be made by the Agriculture Committee—not the Budget Committee.

Fourteen major agriculture and commodity organizations have written to the Budget Committee opposing changes in the farm bill. The budget resolution, as adopted, would make changes in the commitments that were made to farmers and ranchers in the Farm Bill.

I ask unanimous consent that two letters from farm groups and producers who oppose the Grassley provision be printed in the RECORD.

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

MARCH 1, 2004.

Hon. DON NICKLES,
Chairman, Senate Budget Committee, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN NICKLES and RANKING MEMBER CONRAD: On behalf of the undersigned U.S. farm and commodity organizations, we write to express concern over the agricultural provisions of the budget proposal submitted by the administration for fiscal year 2005.

Under the President's plan, the U.S. Department of Agriculture's budget authority for discretionary programs in 2005 would be reduced about $1.7 billion or 8.1 percent compared to the spending levels adopted for the current fiscal year. When the increased spending for additional homeland security responsibilities are included, the effective reduction in budget authority for traditional USDA programs climbs to nearly $2.1 billion or 10 percent of total discretionary spending authority.

Due in part to weather related production shortfalls in many parts of the world, including the U.S., over the past three years and modest improvements in both export and domestic market conditions, commodity program support and related payments declined by about $4.8 billion in FY 2004 compared to the August 2003 baseline. The five-year cost of the farm bill is now projected to cost $14.6 billion less than projected by the Congressional Budget Office in its August 2002 estimates which were made shortly after the 2002 farm legislation was enacted. These savings represent additional ''real'' dollar reductions in federal expenditures for commodity program outlays that are not fully considered in the budget process.

When all these factors are considered, production agriculture and rural communities are being asked to take a disproportionate reduction in important programs, including conservation, research, energy, rural development, and international food assistance, that were authorized in the bi-partisan farm legislation signed by the president in 2002.

Agricultural producers and rural communities have yet to recover from the effects of the agricultural recession which for many began in 1997 and the severe economic losses associated with ongoing weather disasters that have occurred since the 2001 production year for which assistance has been minimal.

As you consider a budget for FY 2005, we urge that you oppose reductions in the commitments made in the 2002 farm bill. As such, we urge that you oppose the adoption of a resolution that either incorporates the President's agriculture spending proposals or includes reconciliation instruction to the agriculture authorizing committee.

Efforts to enhance economic opportunities for America's farmers and rural communities require that the federal budget be able to accommodate a meaningful economic safety net for producers, expand our nation's resource conservation, renewable energy and agricultural research activities while addressing a broad range of rural development and global hunger needs.

Thank you for your consideration of our views.

Sincerely,
American Corn Growers Association,
American Farm Bureau Federation,
Farm Credit Council,
National Association of Wheat Growers,
National Cotton Council,
National Farmers Union,
National Grain Sorghum Producers,
National Grange,
National Grape Cooperative,
R–CALF USA,

Soybean Producers of America,
U.S.A. Rice Federation,
U.S. Rice Producers Association.

MARCH 3, 2004.

Hon. DON NICKLES,
Chairman, Senate Budget Committee,
Dirksen Senate Building,
Washington, DC.

DEAR CHAIRMAN NICKLES: I am writing today on behalf of the National Corn Growers Association (NCGA) and our 33,000 grower members regarding the Fiscal Year 2005 Budget Resolution now under consideration by your committee. While we recognize the concerns over rising federal budget deficits, NCGA strongly opposes any action that reopens the 2002 Farm Bill, including amendments that reduce payment limits within the farm safety net programs. Today's farm bill is a carefully balanced measure that required give and take among farm organizations and multiple stakeholders.

NCGA believes that proposals to further restrict farm support payments are extremely divisive as well as inequitable for those producers who must make sound, long range business and financing decisions based on the current farm bill provisions. Changes that would impose even more restricting payment limits will cut off support to producers when they most need assistance—at times of extremely low prices. The fact is today's farm bill includes more stringent limitations than those of the previous farm policy. NCGA continues to support those limitations on direct and countercyclical payments as well as marketing loan benefits.

While our grower members remain very supportive of additional funding for new conservation initiatives, nutrition programs, and rural development value-added grants, it is the view of NCGA that amendments to achieve budget savings for these programs at the expense of the farm safety net would result in more harm than good. We can ill afford to undermine a policy that is designed to restore long-term fiscal discipline in agriculture spending. The Congressional Budget Office's recent projection of $8 billion dollars in reduced expenditures over the next ten years underscores the need for Congress to maintain a steady course and keep its commitment to the 2002 Farm Bill.

Finally, NCGA urges the Committee to consider the work of the Payment Limitations commission. This bipartisan committee authorized by Congress thoroughly reviewed the data from agriculture policy experts, opposing points of view from individual producers and farm organizations and recommended no substantial changes prior to the expiration of the 2002 Farm Bill. The Commission, in fact, suggested administrative and enforcement practices that call for improvements to better implement the current law.

Again, NCGA recognizes the difficult task before you and the members of the Senate Budget Committee. We appreciate your leadership and careful consideration of our growers' concerns as you proceed with your work on the FY 2005 Budget Resolution.

Sincerely,

DEE VAUGHAN,
President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank our colleagues from Mississippi and Georgia, because collectively they saved the Senate probably about two hours. I thank both of our colleagues for their cooperation. We are having very good cooperation. We are getting rid of a lot of amendments. I know there are a few that people want to have votes on, so please be patient and we will try to have voice votes on every other amendment we consider tonight.

Mr. President, I suggest the absence of a quorum for a very brief moment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, I believe that the chairman of the Environment and Public Works Committee has an amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2823

Mr. INHOFE. Mr. President, Senator BINGAMAN and I have an amendment that has been agreed to on both sides. I call up amendment No. 2823 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. BINGAMAN, proposes an amendment numbered 2823.

Mr. INHOFE. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To return to the original scoring of the energy savings performance contract program)

On page 43, between lines 20 and 21, insert the following:

(c) ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.—In recognition that the energy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

Mr. INHOFE. Mr. President, this amendment addresses the Energy Savings Performance Contract Program. It is a program that costs no money. It is all paid for by the savings that are accumulated. This has been cleared on both sides. Everyone is for it. I can't find anyone who is against it. The problem arose when CBO started scoring this after not having scored it. By its very nature, it will not cost any money.

Mr. BINGAMAN. Mr. President, let me congratulate my colleague, Senator INHOFE, for putting this amendment forward. It is a very meritorious amendment. I urge all of my colleagues to support it.

Mr. CONRAD. Mr. President, might I just inquire of the sponsor, what is the cost of this amendment and what is the source of the funding for it?

Mr. INHOFE. There is no cost to it. This is the Energy Savings Performance Contract Program that allows a company to go into an Air Force base to show them how they can, through energy savings, save $2 or $3 million a year. Then they are compensated from the savings, and from that point forward it goes back to the recipient. There is no cost.

Mr. CONRAD. Mr. President, my understanding is this is directed scorekeeping. The committees are told this doesn't cost any money, but it does cost money. I was willing to take this amendment when I was under the impression this didn't cost any money. But if we are going to start down the road of saying things that cost money don't cost money, then we have a real problem. I have a real problem with that amendment.

Mr. INHOFE. May I respond? There is no cost to this program, because no public dollars are involved. It is where someone goes in and finds ways to save energy and, if they are successful in doing that, they merely pay the money back. The Government doesn't get involved at all in the program. So there is no cost.

Mr. DOMENICI. Mr. President, it was said nobody objects. I object. I don't insist on a vote, but I am going to conference, and neither of those Members advocating it are going to conference.

Mr. CONRAD. Mr. President, in the interest of moving things along, I want to register, to the extent there is directed scoring here, strong opposition. We cannot go down the path of saying things don't cost money. Maybe there is a view that it doesn't. But if the scorekeepers say it does, and we start telling them it doesn't, that creates a serious problem. I am not going to insist on a vote. I have confidence this will be taken care of in conference.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2823) was agreed to.

AMENDMENTS NOS. 2831, 2833, 2717, 2699, AND 2794

Mr. CONRAD. Mr. President, I ask the Senator from Oklahoma if we might take the package of seven we reached agreement on.

Mr. NICKLES. Mr. President, I am happy to do that. I compliment our staffers, and I see them running to the floor.

We have four amendments our joint staffs have worked on: One, Senator CONRAD's amendment on tribal colleges; one by Senator BINGAMAN on the pediatric vaccine reserve fund; one by Senator WYDEN on healthy forests; and one by Senator KENNEDY on the SCHIP.

We have reviewed those, and I believe they have been approved by both sides.

I add one additional amendment by Senator THOMAS and Senator CONRAD, No. 2794, dealing with rural health.

I ask unanimous consent that these five amendments be considered en bloc.

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

Mr. CONRAD. Mr. President, these five are fine. We have an agreement on both sides on these five.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2831

(Purpose: To express the sense of the Senate regarding tribal colleges and universities)

At the end of the resolution, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from 250 federally recognized tribes nationwide attend tribal colleges and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation, yet they are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or ''Tribal College Act'' provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(3) While Congress has been increasing annual appropriations for tribal colleges in recent years, the President's fiscal year 2005 budget recommends a $5,500,000 decrease in institutional operating funds. This represents the third consecutive year that the President's budget proposed decreases that Congress must restore.

(4) Because of congressional budget restorations, the tribal colleges funded through titles I and II of the Tribally Controlled College or University Assistance Act are within $19,000,000 of full funding at their authorized level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and universities and assumes that priority consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects the intent of Congress to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

AMENDMENT NO. 2833

(Purpose: To establish a reserve fund for expansion of the pediatric vaccine distribution program)

At the end of subtitle A of title III, add the following:

SEC. 3___. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

AMENDMENT NO. 2717

(Purpose: To increase investments in implementation of the Healthy Forests Restoration Act to benefit national, forests, the environment, local communities, and local, economies)

On page 11, line 9, increase the amount by $343,000,000.

On page 11, line 10, increase the amount by $84,000,000.

On page 11, line 14, increase the amount by $84,000,000.

On page 11, line 18, increase the amount by $84,000,000.

On page 11, line 22, increase the amount by $53,000,000.

On page 12, line 1, increase the amount by $38,000,000.

On page 23, line 5, decrease the amount by $343,000,000.

On page 23, line 6, decrease the amount by $84,000,000.

On page 23, line 10, decrease the amount by $84,000,000.

On page 23, line 14, decrease the amount by $84,000,000.

On page 23, line 18, decrease the amount by $53,000,000.

On page 23, line 22, decrease the amount by $38,000,000.

AMENDMENT NO. 2699

(Purpose: To prevent unspent SCHIP funds from reverting to the Treasury rather than being used to provide coverage for low-income children)

On page 26, line 4, after ''measures'' insert ''and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury''.

AMENDMENT NO. 2794

(Purpose: To restore discretionary funding levels for crucial rural health programs, such as the rural health and outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2004 levels and offset this change by reductions in overall government travel expenses)

On page 16, line 12, increase the amount by $100,000,000.

On page 16, line 13, increase the amount by $100,000,000.

On page 23, line 5, decrease the amount by $100,000,000.

On page 23, line 6, decrease the amount by $100,000,000.

AMENDMENT NO. 2699

Mr. KENNEDY. Mr. President, every child deserves a healthy start in life, but too many children do not receive it. Their parents work hard, 40 hours a week, 52 weeks a year, but all their hard work is not enough to buy the health insurance their children need.

The consequences for the 8 million children who are uninsured are devastating. Three hundred thousand children suffer from asthma and never see a doctor because they are uninsured. Three hundred and fifty thousand children with recurrent earaches or severe sore throats never see a doctor because their families are uninsured. Uninsured children are more likely to miss school, have worse grades, and are less likely to succeed later in life.

While the 8.5 million children who remain uninsured challenge our conscience as a nation and tell us how much more needs to be done, for millions of these low- and moderate-income children of working parents, the Child Health Insurance Program has been a lifeline and safety net.

The CHIP program has been extraordinarily successful in providing health insurance coverage to children. Even as the number of uninsured adults has risen dramatically, the number of uninsured children has actually fallen. Almost 6 million children are now enrolled in CHIP and getting the care they need and the care they deserve.

The children's program has had growing pains—it took longer than anticipated for the program to get off the ground and even today, more than 4 million children are uninsured even though they are eligible for either Medicaid or CHIP. Yet, the program is working well and the only limitation to its continued expansion is lack of funds. More than $1 billion in unused CHIP dollars are due to revert to the Treasury this year at the same time that many states are running out of CHIP dollars. It would be tragic if these funds are lost to the children who need help, and it would be a sad commentary on our national priorities if we allow it to happen.

Last year, we faced a similar situation and, with overwhelming bipartisan support, we passed legislation to keep expiring CHIP funds available for children. We need to take the same decisive action this year. This amendment gives the Congress the flexibility to meet this need. It would clarify that the existing, budget neutral reserve fund to address the needs of the uninsured could be used to prevent CHIP funds from reverting.

This is a bipartisan amendment and it deserves bipartisan support. Sick children belong to no political party. And members on both sides of the aisle have an obligation to act now, as they have in the past, to meet their needs.

AMENDMENT NO. 2810, AS MODIFIED

Mr. NICKLES. Mr. President, I also believe there is a sense-of-the-Senate resolution by the Senator from Arkansas, Senator PRYOR, dealing with LIHEAP. That is at no cost, and we have no objection to that sense of the Senate as well. I ask for its consideration.

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

The amendment (No. 2810), as modified, was agreed to, as follows:

(Purpose: Stating the sense of the Senate regarding the Low-Income Home Energy Assistance Program and the weatherization assistance program)

At the end of title V, insert the following:

SEC. ___. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an adequate increase in funding for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an adequate increase in funding for fiscal year 2005 and an adequate increase in funding for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

Mr. NICKLES. Mr. President, I thank our colleagues. We are making good progress. We have a few more to go. We might have to have a couple more votes. I want people to be patient and expect as much.

My colleague from Kentucky has been waiting and he is ready to offer an amendment. Possibly it can be accepted.

Mr. CONRAD. Mr. President, if I might ask that we hold off until we have had the ranking member of the Finance Committee look at that amendment.

Mr. NICKLES. Mr. President, for the information of all colleagues, we are still shopping a few more amendments. We are trying to get bipartisan agreement on about half a dozen amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2832

Mr. NICKLES. Mr. President, Senator ENZI and Senator CANTWELL have an amendment which I believe both sides have agreed to. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKES] for Mr. ENZI and Ms. CANTWELL, proposes an amendment numbered 2832.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Increase funding for the Workforce Investment Act (WIA) by $250 million in FY 2005, by increasing Function 500)

On page 15, line 16, increase the amount by $250,000,000.

On page 15, line 17, increase the amount by $32,000,000.

On page 15, line 21, increase the amount by $166,000,000.

On page 15, line 25, increase the amount by $44,000,000.

On page 16, line 4, increase the amount by $5,000,000.

On page 23, line 5, decrease the amount by $250,000,000.

On page 23, line 6, decrease the amount by $32,000,000.

On page 23, line 10, decrease the amount by $166,000,000.

On page 23, line 14, decrease the amount by $44,000,000.

On page 23, line 18, decrease the amount by $5,000,000.

Mr. NICKLES. Mr. President, I compliment my colleague from Wyoming, Senator ENZI, and also Senator CANTWELL. Again, this is going to save us about 45 minutes because they had different amendments and they came to a compromise.

I compliment them for that and urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from North Dakota.

Mr. CONRAD. Can we slow down a minute.

Mr. BYRD. Mr. President, what does the amendment do?

Mr. CONRAD. Could we ask a sponsor to briefly describe the amendment for colleagues.

Mr. ENZI. Mr. President, this bill provides $250 million for the Workforce Investment Act training, and it takes it out of 920.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2832) was agreed to.

AMENDMENT NO. 2780

Mr. CONRAD. Mr. President, on behalf of Senator CLINTON, we have an amendment that establishes a reserve fund for addressing minority health disparities, an agreement on both sides.

I ask for approval of our colleagues.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mrs. CLINTON, for herself, Mr. KENNEDY, Mr. DASCHLE, and Mr. BINGAMAN, proposes an amendment numbered 2780.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a reserve fund for addressing minority health disparities)

On page 28, after line 7, insert the following:

SEC.___. RESERVE FUND FOR ADDRESSING MINORITY HEALTH DISPARITIES.

If the Committee on Appropriations of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that addresses minority health disparities through activities including those at the HHS Office of Minority Health, the Office of Civil Rights, the National Center on Minority Health and Health Disparities, the Minority HIV/AIDS initiative, health professions training, and through the Racial and Ethnic Approaches to Community Health at the Centers for Disease Control and provides not to exceed $400,000,000 in new budget authority for fiscal year 2005, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Mr. KENNEDY. Mr. President, it is long past time for our country to face up to the fact of the health care crisis for minorities. African Americans infants are twice as likely to die from Sudden Infant Death Syndrome as white babies. African Americans ages 55 to 64 are three times as likely to die from stroke as whites. HIV infection in African American women is four times the rate in white women. For almost every disease, African Americans are more likely to live sicker and die sooner.

These troubling health statistics are not unique to African Americans. Latinos, American Indians, Alaska Natives, and a number of Asian American populations face significantly higher rates of illness, disability, and death from acute or chronic diseases.

The administration says it is committed to improving minority health but the Republican budget doesn't reflect this commitment. Instead, as the health crisis continues to escalate, the budget stays the same or is actually reduced for some programs.

This amendment is a specific step to improve minority health and minority health care. It creates a deficit-neutral reserve fund for addressing minority health disparities through federal health agencies and programs. By contrast, the President's budget cut funding for the Office of Minority Health and sets the budget of the Office for Civil Rights so low that the office will be virtually powerless to carry out its mission. Our amendment provides more funds for both offices.

With additional funding, the CDC's REACH program, which funds community-based efforts to reduce disparities, will be expanded, and so will the Minority HIV/AIDS program. Greater support is needed for the National Center for Minority Health and Health Disparities, and our amendment will provide it.

The President's budget essentially zeroed out funds for training in the health professions, including programs that support diversity training and cultural competency programs. Yet, just a year ago, on the birthday of Martin Luther King, Jr, the President said, ''We should not be satisfied with the current number of minorities on America's college campuses.'' Diversity programs in medical schools and in the health professions deserve continued funding, and our amendment will provide it.

Minority Americans will suffer unfairly from the administration's neglect. We can't turn a blind eye to the health needs of a quarter of our population. The need is too great and I urge the Senate to do the right thing.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed the amendment and have no objection.

For the information of our colleagues, that eliminates a couple of amendments. I thank our colleagues for cooperation and urge its adoption.

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

The amendment (No. 2780) was agreed to.

Mr. CONRAD. Mr. President, my colleague, Senator LANDRIEU, is next on this side. She is prepared to go.

I say to Senator MCCONNELL, the ranking member of the Finance Committee has looked over his amendment, and that is not something we could accept at this point. I don't know if he is interested in going forward with the amendment at this stage.

Mr. MCCONNELL. I say to my friend from North Dakota, I would like to go on and offer the amendment. I am perfectly content to have it laid aside and have a vote. I will ask for a vote.

Mr. BAUCUS. There should be some discussion on this amendment. It is a very important amendment. This is an amendment that raises a point of order against any revenue measure which has the effect of an increase in the tax rate at the top bracket. I don't think that is something——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CONRAD. Mr. President, I just ask what the Senator wants to do at this point. Does he want to proceed on a discussion? This is obviously something that cannot be accepted and would require some discussion at this point.

What is the desire of the chairman?

Mr. NICKLES. Mr. President, I believe we have had lots and lots of votes. I hope we can avoid any more votes, but my guess is we will have to have some. My guess is we will have a vote on NIH—maybe not; maybe that can be agreed to. We may have to have a vote on this. That is fine. You just mentioned an additional amendment, and that was Senator LANDRIEU?

Mr. CONRAD. Senator LANDRIEU has a pending amendment, Senator DURBIN has an amendment pending, Senator SCHUMER has a pending amendment, Senator GRAHAM of Florida, Senator REED, Senator LEVIN.

Mr. NICKLES. Don't keep pointing. It is not fair to tell our colleague from Kentucky he does not get a vote and we have six people raising their hands.

Mr. CONRAD. Let's be clear. No one on our side is saying the Senator cannot get a vote. He certainly can get a vote. The point is it will take a vote and some discussion. There is a point of order that lies against his amendment. The Senator has every right to seek a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I will ask my colleague to call upon one of his colleagues to offer an amendment that will require a vote. In the meantime, we will see if we cannot negotiate an agreeable arrangement for the Senator from Kentucky to have a vote on his amendment and on the NIH.

Mr. CONRAD. Senator LANDRIEU would be next on our side.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2775

Ms. LANDRIEU. Mr. President, I ask to call up amendment No. 2775.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2775.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for eliminating the Survivor Benefit Plan—Social Security offset for military widows and widowers while reducing the debt, offset by the elimination of tax benefits to individuals and corporations that avoid United States taxation by establishing a foreign domicile and other tax loopholes and tax shelters)

On page 3, line 9, increase the amount by $876,000,000.

On page 3, line 10, increase the amount by $1,054,000,000.

On page 3, line 11, increase the amount by $998,000,000.

On page 3, line 12, increase the amount by $1,066,000,000.

On page 3, line 13, increase the amount by $1,520,000,000.

On page 3, line 17, increase the amount by $876,000,000.

On page 3, line 18, increase the amount by $1,054,000,000.

On page 3, line 19, increase the amount by $998,000,000.

On page 3, line 20, increase the amount by $1,066,000,000.

On page 3, line 21, increase the amount by $1,520,000,000.

On page 4, line 20, increase the amount by $876,000,000.

On page 4, line 21, increase the amount by $1,054,000,000.

On page 4, line 22, increase the amount by $998,000,000.

On page 4, line 23, increase the amount by $1,066,000,000.

On page 4, line 24, increase the amount by $1,520,000,000.

On page 5, line 3, increase the amount by $876,000,000.

On page 5, line 4, increase the amount by $1,930,000,000.

On page 5, line 5, increase the amount by $2,928,000,000.

On page 5, line 6, increase the amount by $3,994,000,000.

On page 5, line 7, increase the amount by $5,514,000,000.

On page 5, line 11, increase the amount by $876,000,000.

On page 5, line 12, increase the amount by $1,930,000,000.

On page 5, line 13, increase the amount by $2,928,000,000.

On page 5, line 14, increase the amount by $3,994,000,000.

On page 5, line 15, increase the amount by $5,514,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR ELIMINATING SURVIVOR BENEFIT PLAN—SOCIAL SECURITY OFFSET.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides for an increase to the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, discretionary caps, and other appropriate levels and limits in this resolution by up to $2,757,000,000 in budget authority and $2,757,000,000 in outlays over the total of fiscal years 2005 through 2009.

Ms. LANDRIEU. On behalf of myself, Senator MURRAY, Senator MIKULSKI, Senator LINCOLN, Senator DASCHLE, Senator REID of Nevada, Senator NELSON of Florida, Senator JOHNSON, Senator CLINTON, and on behalf of 5.5 million members of the military coalition and their families, I ask my colleagues to consider giving us the 51 votes necessary to pass this important amendment tonight. This amendment will restore the full pension promised and counted on by widows and widowers of our military personnel. This particular group of patriots is ironically the only group of Federal employees to see their

pension plan reduced by an average of 37 percent.

If we receive 51 votes in this Chamber tonight, there will be 250,000 widows, primarily, some widowers, who will see their pensions increased, and over a million potential widows and widowers will see their pension increased.

For the State of Alabama, 6,000 families will be directly affected; the State of Georgia, 9,000 families; Maryland, 5,700; North Carolina, 8,000; Ohio, 5,000; Pennsylvania, 7,000; South Carolina, 6,000; Texas, 21,000; and Virginia, 13,000. If we do not pass this amendment, all of these families and widows will receive hundreds of dollars less per month than they were counting on and we promised.

The offset would be to make sure that people who earn money in the United States and try to flee and go other places and claim that they are patriots, we would let them pay the tax so these real patriots, the people who moved every 2 years and put their lives on the line and then counted on their pension, would really get it.

The Senator from Oklahoma will say it costs money and it will close a tax loophole for those who flee so they do not pay taxes to support our troops. This body should pay the pensions of the military widows and widowers. That is what my amendment will do.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. We just need a little time to look at the amendment. I got caught off guard. We will consider your amendment. If the Senator does not mind, we will set it aside temporarily and try to dispose of it in a very short period of time.

I suggest the absence of a quorum. We need a little break to assess where we are.

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. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, for the information of our colleagues, this is where we stand at this moment on this side. We are down to about 10 amendments that would require votes if we are not able to work them out.

Let me list, on our side, the amendments and the rough order. Please do not hold me to this specific order, other than the first five, because it is really the first five that we have made commitments on: Senator LANDRIEU, the amendment she has already offered; Senator LEVIN, on homeland security; Senator DURBIN, on global AIDS; Senator LAUTENBERG, on debt limit; Senator SCHUMER, an amendment that relates to the Energy bill; and then, in addition to that, Senator DAYTON, on IDEA; Senator GRAHAM, on Pell grants; Senator BYRD, on bioshield; Senator LINCOLN, with respect to the childcare tax credit; and Senator KENNEDY, on Medicare.

Those are the remaining major amendments on this side. I think that gets them all. There is also an amendment that is cosponsored by a number of people on our side as well as people on the other side. We also have a Reed amendment on higher education; and Pryor on IRA, that was not agreed to. We also have an amendment that is in negotiation, I might say, from Senator LEAHY, on nutrition.

On the other side, there is an amendment from Senator DOLE on nutrition. There are amendments on the other side that maybe the chairman could review.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have a couple, three on our side that may require votes. I think we may be able to work out a few of these without votes. That is my intention. It is my hope. I am relatively sure we are not going to agree to Senator DAYTON's amendment. If he insists on a rollcall vote, we can vote on that. We need to have a rollcall vote, I believe, on NIH. We only have a couple on our side. And we have had very few on our side.

I might just mention, we agreed to about four, six Democrat amendments, and you agreed to one or two of ours. We need a little more cooperation. I think we can finish tonight. That would be my intention. I apologize because I know for some colleagues it is getting very late, but I am afraid if we come back tomorrow we might have 20 votes. I do believe we can continue plowing ahead.

I thought when we agreed to Senator PRYOR's one amendment, that was it for the night. Maybe we did not have quite the understanding I thought we did.

I would suggest this. Let's lay aside Senator LANDRIEU's amendment because we might be able to work that one out. I am not familiar with what Senator LEVIN's amendment is. I am familiar with Senator DAYTON's amendment. We can dispose of that very quickly. Pell grants—we have already had four amendments on Pell grants, and we adopted an amendment on Pell grants. I do not think we need another vote on Pell grants, is my initial thought.

I would suggest, let's put one or two of these in the votes, and then maybe we can work out the rest of these while we are voting on a couple of amendments.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I recommend, in terms of the order on this side, if we are putting aside Landrieu, with the hopes of perhaps working that out, that we go to Senator LEVIN. He is next on our side.

If the chairman would want to go to your side?

Mr. NICKLES. Could you give me a hint what his amendment might be?

Mr. LEVIN. Staff has a copy.

Mr. NICKLES. Still, I do not know what it is.

Mr. CONRAD. We have to ask for people's patience, because, please understand, the staff of the chairman of the committee and my staff now have in a queue a whole series of amendments that have been shared on both sides but have not necessarily been evaluated fully by staff on both sides.

Senator LEVIN's is on homeland security.

Mr. NICKLES. Mr. President, we have voted on homeland security four or five times.

Mr. LEVIN. This is a Levin-Collins amendment. It halts deliveries to the Strategic Petroleum Reserve for the next 50 million barrels given the price of gasoline and jet fuel.

Mr. NICKLES. Let's look at it. I haven't looked at it yet. If the Senator wants to call up an amendment for a rollcall vote, I suggest we do the Dayton amendment. I remember that from last year.

Mr. CONRAD. That is not next on our list. Next on our list after Levin—and perhaps that can be worked out, the Levin-Collins amendment; it is not additional money—is the Durbin global AIDS amendment. That is the next in our line.

Mr. NICKLES. Again, we have an amendment that Senator LUGAR has on global AIDS in foreign affairs. Maybe they can get together and we can eliminate a vote on both of those.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. NICKLES. Mr. President, Senator CRAPO and Senator SARBANES have an amendment that we have agreed to. Then I believe Senator PRYOR wants to discuss his amendment. I think we can handle both of those.

Senator SARBANES, do you want to start?

AMENDMENT NO. 2784

Mr. SARBANES. Mr. President, this is an amendment Senator CRAPO and Senator JEFFORDS and I and others have joined in cosponsoring, Senator COLLINS, Senator HARRY REID, Senators KERRY, MIKULSKI, and CLINTON. This is to boost the funding for the Environmental Protection Agency for the clean water and safe drinking water State revolving funds. It would be offset by account 920.

As I understand it, it is acceptable to the managers of the bill. We hope it will be adopted.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself, Mr. SARBANES, Mr. JEFFORDS, Ms. COLLINS, Mr. REID, Mr. KERRY, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 2784.

Mr. CRAPO. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for the Environmental Protection Agency for the Clean Water and Safe Drinking Water State Revolving Funds)

On page 11 line 9, increase the amount by $3,000,000,000.

On page 11 line 10, increase the amount by $150,000,000.

On page 11 line 14, increase the amount by $450,000,000.

On page 11 line 18, increase the amount by $900,000,000.

On page 11 line 22, increase the amount by $900,000,000.

On page 12 line 1, increase the amount by $450,000,000.

On page 23 line 5, decrease the amount by $3,000,000,000.

On page 23 line 6, decrease the amount by $150,000,000.

On page 23 line 10, decrease the amount by $450,000,000.

On page 23 line 14, decrease the amount by $900,000,000.

On page 23 line 18, decrease the amount by $900,000,000.

On page 23 line 22, decrease the amount by $450,000,000.

Mr. CRAPO. Mr. President, this is an amendment that deals with one of the most critical environmental issues in our Nation today. That is the infrastructure needs of our cities and counties across the Nation. We have a very significant unmet need in our water infrastructure that is critical for the clean water and safe drinking water promises we have made to our people. Accordingly, this amendment will add approximately $3.2 billion to the clean and safe drinking water revolving loan funds, giving them the ability to significantly enhance the opportunities for our communities across this Nation to assure clean and safe water.

Mr. NICKLES. Mr. President, I urge adoption of the amendment.

Mr. JEFFORDS. Mr. President, I rise before you today as a cosponsor of the Crapo amendment to increase the funds available for the clean water and the drinking water State revolving funds.

I ask unanimous consent that letters of endorsement for the Crapo amendment from the League of Conservation Voters, the League of Cities, various environmental organizations, labor, water and wastewater infrastructure groups be printed in the RECORD.

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

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS,

Washington, DC, March 10, 2004.

Re Crapo/Sarbanes/Jeffords amendment in Support of Clean Water Revolving Fund.

DEAR SENATOR: The nation's rivers and lakes are our most precious natural resource for drinking water and environmental protection. The Budget Amendment offered by Senators Crapo, Sarbanes and Jeffords would provide $3.2 Billion in budget authority for the Clean Water State Revolving Loan Fund (CWSRF). State Water Pollution Control Programs are in significant need of these funds.

The CWSRF has been an extremely effective and efficient mechanism to address point and nonpoint sources of pollution. Increased capitalization not only will protect the environment and public health, but also create jobs and provide funds for securing the nation's water infrastructure. Analysis suggests that at least $3 Billion is needed annually to adequately capitalize the Fund. The return on Federal investment in the CWSRF is excellent—over 1.97 times or is nearly double the Federal capitalization.

The CWSRF has served the nation well, helping to achieve environmental and public health goals and meet Clean Water Act requirements. The Crapo/Sarbanes/Jeffords Amendment would enable States to better meet the extremely large water pollution control needs in local communities.

Sincerely,

ROBBI SAVAGE,
Executive Director.

WATER ENVIRONMENT FEDERATION

March 9, 2004.

SUPPORT THE CRAPO/SARBANES/JEFFORDS AMENDMENT TO BUDGET $5.2 BILLION FOR THE CLEAN & SAFE DRINKING WATER SRFS

DEAR SENATOR: The undersigned organizations strongly urge you to support the amendment by Senators Crapo, Sarbanes and Jeffords to provide $3.2 billion in budget authority for the Clean Water State Revolving Loan Fund (SRF) and $2 billion in budget authority for the Drinking Water State Revolving Loan Fund. The SRFs help local communities meet water quality standards, repair and replace old and decaying pipelines and plants, protect public health, and ensure continued progress in restoring the health and safety of America's water bodies.

This investment is a much-needed down payment to improve our nation's water and wastewater treatment plants. Your support for additional funding for the SRFs would help stimulate the economy, create jobs and provide funds for securing our water infrastructure for generations to come. Water infrastructure in the U.S. has become antiquated, with many pipes as much as 50–100 years old. The funding increase provided by this amendment is essential to protect our nation's rivers and lakes and to assure clean water for communities across the country.

When the Clean Water Act was passed more than thirty years ago the federal government made a commitment to the American people to clean up the nation's waters. At that time the federal government funded 75 percent of the costs of maintaining a clean water infrastructure in America; today the federal government funds a mere 5%. At the current rate of expenditures, the gap in funding for clean water infrastructure would be more than half a trillion dollars by 2019.

We support this amendment because it increases water funding substantially this year and takes a step toward a longer-term solution for our nation's water needs.

Maintaining clean and safe water remains one of our nation's highest priorities even though funding its continued improvement is one of our greatest challenges.

$5.2 billion for the Clean & Safe Drinking Water SRFs.

We urge you to support the amendment to the Senate Budget Resolution that would provide $5.2 billion for the Clean Water and Safe Drinking Water SRFs.

Sincerely,

JACK HOFFBUHR,
Executive Director, American Water Works Association.

DIANE VANDE HEI,
Executive Director, Association of Metropolitan Water Agencies.

WILLIAM BERTERA,
Executive Director, Water Environment Federation.

STEVE HALL,
Executive Director, Association of California Water Agencies.

LEAGUE OF CONSERVATION VOTERS,

Washington, DC, March 10, 2004.

Re oppose S. Con. Res. 95, the Senate Budget Committee mark; support pro-environmental amendments to the Fiscal Year 2005 Budget Resolution.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation.

LCV urges Congress to oppose S. Con. Res. 95, the Senate Committee Mark of the Fiscal Year 2005 Budget Resolution which disproportionately targets programs that protect our environment and natural resources, threatening clean air, clean water, national parks, wildlife, and other critical priorities. We urge you to protect our environment by voting for all amendments that would provide needed resources to protect the environment. In particular, we urge you to support:

Lautenberg (D–NJ)—Boxer (D–CA) amendment to reinstate Superfund ''polluter pays'' fees. Superfund waste sites remain a serious public health threat. Taxpayers have picked up an increasingly large share of the bill for cleanups since the polluter pays fee expired in 1995, while overall funding for the program has dropped by 35 percent. As a result, EPA completed only 40 cleanups last year, half the average number of cleanups during the mid to late-1990s. The Lautenberg-Boxer amendment would reinstate the polluter pays mechanism, providing nearly $1.6 billion in annual revenue and enabling more cleanups to be completed.

Crapo (R–ID)—Sarbanes (D–MD)—Jeffords (I–VT) amendment to increase clean water funding. Three decades after enactment of the Clean Water Act, 40 percent of our nation's waters are still too polluted for fishing and swimming. In addition, EPA has estimated that over the next 20 years over $535 billion in water infrastructure funding will be needed. This amendment would provide a combined $5.2 billion for the Clean Water State Revolving Fund and Safe Drinking Water State Revolving Fund, enabling the federal government to help states maintain and improve water and wastewater infrastructure.

While we appreciate the need for Congress to address our nation's fiscal problems, we oppose using this need as cover for starving critical environmental programs while leaving larger budget problems unresolved. We urge you to oppose the Budget Committee mark, and to vote for needed spending increases for clean water, healthy communities, national parks, wildlife preservation, and the Land and Water Conservation Fund.

LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2004 Scorecard. If you need

more information, please call Betsy Loyless in my office at (202) 785–8683.

Sincerely,

DEB CALLAHAN,
President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, March 10, 2004.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National League of Cities and the 18,000 cities and towns across the nation we represent, we urge you to support the amendment to the Budget Resolution being proposed by Senators Crapo, Sarbanes and Jeffords which would allocate 5.2 billion for the nation's water infrastructure needs.

While the State Revolving Funds (SRFs) for wastewater and drinking water have provided valuable assistance to local governments, many municipalities face critical needs—as documented by studies and surveys from EPA, GAO, CBO and the Water Infrastructure Network indicating a gap of $23 billion annually to meet water infrastructure repair and replacement needs—that simply cannot be addressed by raising rates or by the level of funding currently available through the SRF program.

NLC recognizes the current fiscal constraints facing all levels of government. To address these limitations effectively will require the development of new and innovative partnerships and joint ventures if we are to maintain and improve the nation's water quality goals and priorities. All levels of government have a vested interest in clean water and safe drinking water and total financial responsibility for these objectives cannot be solely the responsibility of local governments. Clean and safe water have economic consequences, not only in municipalities, but also of statewide and national significance. Therefore investments in these objectives must also be shared.

We believe a reinvigorated federal financial partnership is essential to assist local governments in maintaining and enhancing this critical infrastructure and urge you to support the Crapo-Sarbanes-Jeffords amendment allocating $5.2 billion for fiscal 2005 for the Clean Water and Drinking Water State Revolving Funds.

Very truly yours,

CHARLES LYONS,
President, Selectman, Arlington, MA.

MARCH 9, 2004.

Re support Senate Budget Resolution of $5.2 billion for Clean & Safe Drinking Water SRFs.

DEAR SENATOR: We write on behalf of our millions of members who urge you to protect human health and the environment by supporting the amendment sponsored by Senators Sarbanes, Crapo, and Jeffords to provide $3.2 billion in budget authority for the Clear Water State Revolving Loan Fund (SRF) and $2 billion in budget authority for the Drinking Water State Revolving Loan Fund. The SRFs help local communities meet water quality standards, repair and replace old and decaying pipelines and treatment plants, protect public health, and ensure continued progress in restoring the health and safety of America's water bodies.

This investment is a much-needed down payment to improve our nation's water and wastewater treatment plants. Your support for additional funding for the SRFs would help stimulate the economy, create jobs and provide funds for securing our water infrastructure for generations to come. As the recent crisis with lead contamination from old pipes in Washington, D.C. highlights, the nation faces a serious drinking water problem as aging infrastructure deteriorates. Water infrastructure in the U.S. has become antiquated, with many pipes as much as 50–100 years old. The funding increase provided by this amendment is essential to protect our nation's rivers and lakes and to assure clean water for communities across the country.

When the Clean Water Act was passed more than thirty years ago the Federal Government made a commitment to the American people to clean up the Nation's waters. At that time the Federal Government funded 75% of the costs of maintaining a clean water infrastructure in America; today the federal government funds a mere 5%. At the current rate of expenditures, the gap in funding for clean water infrastructure would be more than half a trillion dollars by 2019. We support this amendment because it increases water funding substantially this year and takes a step toward a longer-term solution for our nation's water needs.

Maintaining clean and safe water remains one of our Nation's highest priorities even though funding its continued improvement is one of our greatest challenges. We again urge you to support the amendment to the Senate Budget Resolution that would provide $5.2 billion for the Clean Water and Safe Drinking Water SRFs.

American Rivers, Association of Metropolitan Sewerage Agencies, Clean Water Action Alliance of Massachusetts, Clean Water for North Carolina, Defenders of Wildlife, Earthjustice, Environmental Integrity Project, Friends of the Earth, Informed Choices, Legal Environmental Assistance Foundation, Michigan Clean Water Action, Mono Lake Committee, Natural Resources Defense Council, National Audubon Society, National Consumer Law Center on behalf of our low-income clients, National Environmental Trust, NJ Coalition Against Toxics, Ohio River Foundation, Pennsylvania Clean Water Action, Physician for Social Responsibility, Portland Cement Association, Public Citizen, Rural Community Assistance Program, Sierra Club, The Ocean Conservancy, The Wilderness Society, Underground Contractors Association of Illinois, Western Coalition of Arid States.

NATIONAL HEAVY & HIGHWAY ALLIANCE,
Washington, DC, March 11, 2004.

DEAR SENATORS: On behalf of the skilled construction workers whom we represent, I write to urge you to support the amendment by Senators Sarbanes, Crapo and Jeffords which will provide an additional $5.2 billion in budget authority for the Clean Water and Safe Drinking Water state revolving loan funds during the 2005 fiscal year.

In addition to the various positive environmental impacts which these funds will have on America's water supply, tens of thousands of new construction jobs will be created by adoption of this amendment. We need not remind you of the pervasive anxiety shared by many Americans concerning our economy and the so-called ''jobless recovery'' which persists throughout the country. Congress needs to invest and grow the economy through these types of water infrastructure investments.

Please support the Sarbanes, Crapo and Jeffords amendment.

Sincerely,

RAYMOND J. POUPORE,
Executive Director.

Mr. JEFFORDS. In the clean water arena, the budget before us today fails to recognize the staggering water resource needs of this Nation.

A recent poll by Frank Luntz, a well-known Republican pollster, documents the widespread support among Americans for Federal investments in clean water protections.

The poll showed that 91 percent of Americans are concerned that our waterways will not be clean for our children and grandchildren.

It showed that 91 percent of Americans agree that if we are willing to invest billions of dollars annually in highways and airways, we should be willing to make the necessary investments in our Nation's waterways.

It showed that 90 percent of Americans believe that a Federal investment to guarantee clean water is a critical component of our Nation's environmental well-being.

The Water Infrastructure Network in 2000 estimated $380 billion dollars are needed for clean water and drinking water over 20 years.

The EPA in 2002 estimated $270 billion are needed for clean water and $265 billion are needed for drinking water.

The Congressional Budget Office estimated a range of $132 and $388 billion are needed for clean water and $70 and $362 billion are needed for drinking water.

In light of these statistics, the administration responded with a 37-percent cut in the fiscal year 2005 budget.

This is truly astonishing.

In the last 5 years, an extremely broad consensus has emerged that more money is needed for water infrastructure.

Time after time Americans express their outrage at the weakening of clean and safe water protections and express their willingness to pay to maintain water quality standards.

However, time after time, these strong statements fall on deaf ears in this administration.

The administration seems to recognize the need for water infrastructure in Iraq, but fails to recognize it here at home.

The administration seeks close to $3.5 billion for water and sewer services repair in Iraq, at the same time that it seeks a $500 million cut, close to a 40 percent reduction for clean water infrastructure spending, at home.

The administration seeks $775 million for water resources improvements in Iraq, and a 5 percent cut for the Army Corps of Engineers at home.

It is the Army Corps of Engineers that is executing many of the public works improvements in Iraq using expertise built at home.

The administration's cut was accompanied by a lengthy discussion of how that cut was actually an increase due to outyear assumptions about spending.

My only reaction to these types of statements is that Americans can't get cleaner water with outyear assumptions.

The District of Columbia can't get lead-free pipes today with budget gimmicks and future promises.

The residents of Washington and our entire Nation need clean and safe water now.

Some say that the reductions proposed by the administration are only part of the budget game—that the administration really hopes that Congress will reinstate previous funding levels.

Perhaps this would be believable if these were isolated instances where this administration completely failed to support clean and safe water programs.

But this is not an isolated instance.

This reduction was proposed against the backdrop of systematic actions to weaken, rollback, and fail to enforce clean and safe water protections.

The fiscal year 2005 budget is not the proposal of an administration that has made clean water a priority.

It is the proposal of an administration that from day one until the present has systematically turned its back on the 90 percent of Americans who are concerned about water quality.

I can only hope that those Americans are paying attention to today's debate.

In 2004, I joined my colleagues, Senators CRAPO and SARBANES in offering an amendment to the fiscal year 2004 budget resolution that is similar to the amendment we offer today.

It was accepted without controversy by the full Senate, but later dropped in conference with the House.

It is time that we all start listening to the Americans who tell us over and over again that clean water is important to them. It is time to send a strong statement to the House of Representatives and the President that we will not stand by while water quality needs are shortchanged.

I urge my colleagues to vote ''yes'' on the Crapo amendment.

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators CRAPO and JEFFORDS in, once again, offering this amendment to boost Federal funding for the clean water and safe drinking water state revolving funds, SRF, from the level recommended in the budget resolution, $2.191 billion to $5.2 billion—$3.2 billion for the clean water SRF and $2 billion for the safe drinking water SRF. The amendment is similar to the amendment which we offered to the fiscal year 2004 budget resolution and which was agreed to by voice vote, but regrettably not approved by the House-Senate conference committee.

I spoke last year about the compelling need for increasing Federal support for our Nation's water infrastructure, and I just want to underscore some of the key arguments today.

The President's fiscal year 2005 budget and this resolution once again severely shortchange, in my judgment, the funds needed by State and local governments to upgrade their aging wastewater and drinking water infrastructure. The President's budget provides only $1.7 billion for both State revolving funds, split equally. This budget resolution recommends $2.191 billion for both funds—which represents the fiscal year 2004 enacted level of funding, but that is still far short of what is needed.

Despite important progress over the last three decades, EPA reports that more than 40 percent of our Nation's lakes, rivers, and streams are still too impaired for fishing or swimming. Discharges from aging and failing sewerage systems, urban storm water and other sources, continue to pose serious threats to our Nation's waters, endangering not only public health, but fishing and recreation industries. Population growth and development are placing additional stress on the Nation's water infrastructure and its ability to sustain hard-won water quality gains.

Across the Nation, our wastewater and drinking water systems are aging. In some cases, systems currently in use were built more than a century ago and have outlived their useful life. For many communities, current treatment is not sufficient to meet water quality goals.

In April 2000, the Water Infrastructure Network, WIN, a broad coalition of local elected officials, drinking water and wastewater service providers, State environmental and health administrators, engineers and environmentalists released a report, ''Clean & Safe Water for the 21st Century.'' The report documented a $23 billion a year shortfall in funding needed to meet national environmental and public health priorities in the Clean Water Act and Safe Drinking Water Act and to replace aging and failing infrastructure.

In May 2002, the Congressional Budget Office released a report that estimated the spending gap for clean water needs between $132 billion and $388 billion over 20 years and the spending gap for drinking water needs at between $70 billion and $362 billion over 20 years.

In September 2002, the EPA released a ''Clean Water and Drinking Water Infrastructure Gap Analysis'' which found that there will be a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. This figure does not even account for investments necessary to meet water quality goals in nutrient impaired waters, such as the Chesapeake Bay.

The need for additional investment in wastewater and drinking water infrastructure is clearly documented. But, States, localities and private sources can't meet the funding gap alone. States are currently facing the worst fiscal crisis in 50 years and cannot afford to make new investments in clean water and drinking water infrastructure. Water pollution is an interstate problem that demands a Federal response. Water from six States flows into the Chesapeake Bay. Even if Maryland had the resources to complete construction of all needed wastewater infrastructure, the Chesapeake Bay cleanup efforts will only be successful if similar investments are made in the five other States in the Chesapeake Bay watershed. Without Federal assistance, however, it is unlikely that the upstream States will make a substantial investment in the water quality of the Bay. The Congress understood the interstate dynamic of pollution in 1972 when a bipartisan majority passed the Clean Water Act and began funding waste treatment infrastructure. In 1979 and 1980, the Congress provided $5 billion in clean water construction grants alone to assist municipalities with wastewater infrastructure needs. Over the years, budgetary pressures and other factors have reduced that funding level, and in fiscal year 2004, we provided only $1.34 billion in clean water State revolving loan funds.

It is vital that the Federal Government maintain a strong partnership with States and local governments in averting the massive projected funding gap and share in the burden of maintaining and improving the Nation's water infrastructure. Municipalities need significant resources to comply with Federal clean water and drinking water standards. In the 107th Congress, House and Senate committees approved bills to authorize $20 billion over 5 years for the clean water act SRF, underscoring the recognition that something must be done to address this funding gap. An increase in funding for the clean water SRF to $3.2 billion and for the drinking water SRF to $2 billion in fiscal year 2004 is the first step necessary to meet the Federal Government's longstanding commitment in this regard.

This is an investment in the health of Americans and in a clean environment that will pay substantial dividends. Wastewater treatment plants not only prevent billions of tons of pollutants each year from reaching our rivers, lakes, streams, and coasts, they also help prevent water-borne diseases and make waters safe for swimming and fishing.

According to the Water Infrastructure Network:

> Clean water supports a $50 billion a year water-based recreation industry, at least $300 billion a year in coastal tourism, a $45 billion annual commercial fishing and shell fishing industry, and hundreds of billions of dollars a year in basic manufacturing that relies on clean water. Clean rivers, lakes, and coastlines attract investment in local communities and increase land values on or near the water, which in turn, create jobs, add incremental tax base, and increase income and property tax revenue to local, state, and the federal government. Some 54,000 community drinking water systems provide drinking water to more than 250 million Americans. By keeping water supplies free of contaminants that cause disease, these systems reduce sickness and related health care costs and absenteeism in the workforce.

They also create jobs—indeed tens of thousands of jobs—and provide stimulus to the economy. Each $1 billion in sewer and water improvements creates an estimated 40,000 jobs. With more than $5 billion in water infrastructure projects ready for construction, these

jobs would be created immediately with Federal assistance. According to OMB, every Federal dollar invested in water infrastructure generates up to $4 for project loans, so the potential for job creation from this amendment is tremendous.

As I stated earlier, the case for this amendment is compelling. Today, maintaining clear, safe water remains one of our greatest national and global challenges. This budget resolution should not, and need not, come at the expense of human health or a clean environment.

I urge my colleagues to support this amendment and help address the massive funding gap that looms on the horizon. Failure to act now risks undermining 30 years of progress in cleaning up our Nation's waters.

Mr. INHOFE. Mr. President, several analyses of the water infrastructure funding gap have been released. The analyses show gaps ranging from $3 billion a year to $23 billion a year. Regardless of which number one chooses, the evidence is mounting that we as a nation are not investing enough in the infrastructure that provides Americans with clean and safe water.

Much of that gap is due to the rising cost municipalities must incur to meet ever-growing Federal regulations. Regulations that are kicking in at a time when many treatment plants are exceeding their expected life time.

Clearly, if the Federal Government is going to continue imposing insurmountable costs on our towns, it must be willing to put forth a fair share of the money. As the Chairman of the Environment and Public Works Committee, I am working with two of the sponsors of this amendment, Senator JEFFORDS and CRAPO, to craft a water infrastructure bill.

One thing that we have had in common throughout these negotiations is a belief that more money is needed. I was very pleased to see that the budget committee restored the funding cut to the clear water SRF.

However, cutting or even level funding the program is not the answer. We simply must find a way to provide more resources to these programs, fulfill our obligations and then allow the States to run their programs without further Federal contributions, as Congress always intended.

While I very much support my colleagues' efforts to get more money for these programs, I have not yet settled on what I believe is the appropriate level. I am supporting this amendment in concept and urge my colleagues to also vote yes. As chairman of the EPW Committee, I assure my colleagues that we are on the verge of a true crisis.

I support the Crapo-Jeffords amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2784.

The amendment (No. 2784) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I am speaking now to the chairman of the committee. May I ask him a question, please, or his counterpart?

You were going through a list of amendments. We all try to be prepared so we can be helpful to you. I heard an amendment by the Senator from New York. I asked the Senator from New York, who is on the floor, if she had one. She didn't. It had something to do with the energy bill. Are you aware of what that is? Could we ask the other side what the amendment of the distinguished Senator from New York regarding the energy bill is. Who knows? You don't know either.

Mr. CONRAD. We don't have the amendment in our hands. We are seeking to get it. We will share it with the Senator as soon as we have it.

Mr. DOMENICI. I thank the Senator very much.

Mr. CONRAD. Senator PRYOR would like to discuss his amendment. I yield him 2 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have an amendment today that deals with IRA accounts. I would like to set up a situation where people who have exhausted their unemployment benefits—they are entitled to no more unemployment benefits—could access up to $15,000 in their own IRA account—it is their own money—in order to meet whatever short-term needs they have. We have already done this in other context. We have done this when it comes to first-time homeowners. We have done this sending your children to college. But now the Senate needs to give strong consideration to expanding this for people who have exhausted their unemployment benefits. Right now you have a fairly hefty penalty, and there are tax consequences for doing that. I would like to suspend those.

But today, because the hour is late and because we are working with everybody here, I want to just announce to my colleagues that I will be working on this and be looking for the very next available legislative vehicle to get this done.

Hopefully at some point in the next few weeks I will offer this amendment. I will ask for a rollcall. I will not do it tonight. But I want to ask my colleagues on both sides of the aisle to consider it. I think it is something that has value and something that we can do to possibly help thousands, maybe tens of thousands or more Americans get through this very difficult time.

With that, I yield the floor.

Mr. CONRAD. Mr. President, I ask that we recognize Senator GRAHAM to discuss his amendment on Pell grants. I give him 2 minutes off of the resolution.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM of Florida. Mr. President, Senator CLINTON and I have been concerned about the status of the nontraditional college student, the adult who comes back to college at 35 or 40 to get some additional skills or, particularly, in these changing economic times, to get a new skill that has economic value.

Most of our student financial aid programs are thinking about the 18-year-old student coming directly from high school. As an example, Pell grants do not apply to summer school. Many adults wishing to get through their training as rapidly as possible go year round. There are also some costs that are not recognized in the Pell grant, such as child care. Very few 18-year-olds have a need for child care; lots of 35-year-olds do.

One of the key parts of the amendment we were going to offer was to increase the amount of the basic Pell grant to $4,500, which is what Senator COLEMAN has done with his amendment. So Senator CLINTON and I are not going to offer our amendment, since that part has already been accomplished. That represented the overwhelming amount of the cost of this program.

Recognize that when we get to the Higher Education Reauthorization Act, or some other appropriate legislation, we will be offering amendments to deal with these aspects of Pell grants that do not respond to the realities of the nontraditional student.

We look forward to coming back on this field of battle at the earliest opportunity. We will not offer the amendment.

Mr. CONRAD. Mr. President, I thank the Senator from Florida for setting a remarkably good example at 5 minutes after 10 o'clock. If there are any other Senators who want to withdraw their pending amendments, or not offer an amendment at this time, they would be greeted with open arms and have a very positive effect on their legislative proposals when we return after the break.

Mr. NICKLES. If the Senator will yield, I think we should elevate them to higher office. Mr. President, I compliment my colleague from Florida and thank him for his cooperation.

Mr. GRAHAM of Florida. I thank the Senator.

AMENDMENTS NOS. 2837, 2838, 2839, AND 2733, EN BLOC

Mr. NICKLES. Mr. President, we have at least four more amendments

that we have agreed to. We are working to see if we cannot agree to a couple of others in the queue.

First, we have an amendment by Senators LINCOLN, BAUCUS, SNOWE, and BREAUX. I believe it has been cleared.

Another is a sense-of-the-Senate amendment by Senators GRASSLEY, LUGAR, and others, dealing with agriculture research.

Another is an amendment by Senator SNOWE and others dealing with SBA. Our staff said it is agreed to.

Another amendment is by Senators SESSIONS, CORNYN, GRAHAM, and NELSON, and SHELBY, dealing with NASA funding. We ask that these amendments be agreed to en bloc.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, the four amendments that were sent to the desk referenced by the chairman have no objection on this side.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, the question is on agreeing to amendments Nos. 2837, 2838, 2839, and 2733.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 2837

(Purpose: To prevent tax increases for families who receive the child tax credit)

On page 25, line 3, after ''2009'', insert '', and to increase outlays by not more than $2,000,000,000 for the period of fiscal years 2005 through 2009.''

AMENDMENT NO. 2838

(Purpose: Expressing a sense of the Senate for support of funding restoration for agriculture research and extension)

At the end of title V. add the following:

SEC. 5. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

AMENDMENT NO. 2839

(Purpose: To increase funding for the SBA 7(a) loan guarantee, Microloan and other small business programs and to offset the cost of that spending through across-the-board cuts in function 920)

On page 13, line 2, increase the amount by $121,000,000.

On page 13, line 3, increase the amount by $68,000,000.

On page 13, line 7, increase the amount by $40,000,000.

On page 13, line 11, increase the amount by $7,000,000.

On page 23, line 5, decrease the amount by $121,000,000.

On page 23, line 6, decrease the amount by $68,000,000.

On page 23, line 10, decrease the amount by $40,000,000.

On page 23, line 14, decrease the amount by $7,000,000.

AMENDMENT NO. 2733

(Purpose: To provide full funding for NASA's FY2005 space exploration initiatives)

At the appropriate place insert the following:

On page 21, line 13, decrease the amount by $600,000,000.

On page 21, line 14, decrease the amount by $600,000,000.

On page 9, line 17, increase the amount by $600,000,000.

On page 9, line 18, increase the amount by $600,000,000.

Mr. NICKLES. Mr. President, moving right along. I believe the Senator from Michigan and the Senator from Maine have an amendment. Unfortunately, I feel compelled not to agree to that amendment. Maybe we can dispose of it very quickly.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I inquire of the Senator how long it will take to describe this amendment?

Mr. LEVIN. We would like perhaps 3 or 4 minutes on our side.

Mr. CONRAD. I give 3 minutes off the resolution to the Senator from Michigan.

Mr. LEVIN. I will divide that time with the Senator from Maine.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2817

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator COLLINS, Senator CLINTON, and Senator STABENOW.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, and Ms. COLLINS, proposes an amendment numbered 2817.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To lower crude oil prices resulting from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve and using the funding made available to provide $1.7 billion in funding for homeland security grants for first responders, firefighter assistance, and port security, and to reduce the debt)

On page 4, line 4, decrease the amount by $1,700,000,000.

On page 4, line 12, decrease the amount by $1,700,000,000.

On page 4, line 20, increase the amount by $1,700,000,000.

On page 5, line 3, decrease the amount by $1,700,000,000.

On page 5, line 4, decrease the amount by $1,700,000,000.

On page 5, line 5, decrease the amount by $1,700,000,000.

On page 5, line 6, decrease the amount by $1,700,000,000.

On page 5, line 7, decrease the amount by $1,700,000,000.

On page 5, line 11, decrease the amount by $1,700,000,000.

On page 5, line 12, decrease the amount by $1,700,000,000.

On page 5, line 13, decrease the amount by $1,700,000,000.

On page 5, line 14, decrease the amount by $1,700,000,000.

On page 5, line 15, decrease the amount by $1,700,000,000.

On page 10, line 13, decrease the amount by $1,700,000,000.

On page 10, line 14, decrease the amount by $1,700,000,000.

SEC. . RESERVE FUND FOR HOMELAND SECURITY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTER GRANTS, AND PORT SECURITY GRANTS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregate, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,545,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution, for the programs at the Department of Homeland Security.

SEC. . STATE HOMELAND SECURITY GRANT PROGRAM.

It is the sense of the Senate that, of the funds for the Department of Homeland Security, $800,000,000 shall be allocated for the State Homeland Security Grant program; $250,000,000 for the Assistance to Firefighters Grant program; and $275,000,000 for Port Security Grants. It is further the sense of the

Senate that the State Homeland Security Grant Program shall be increased by $220,000,000 in order to provide for a more equitable formula for distributing funds.

SEC. . STRATEGIC PETROLEUM RESERVE.

It is the sense of the Senate that the increased funding for the Homeland Security Department programs shall come from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve.

Mr. LEVIN. Mr. President, we have skyrocketing gas prices and oil prices in most parts of the country. The major reason for this is private sector inventories are low. The major reason private sector inventories are low is we, at the same time, have seen a decline in those inventories of 50 million barrels in the last 2 years.

We have deposited in the Strategic Petroleum Reserve approximately 85 million barrels. Even the staff of the Department of Energy a year ago said the following:

Commercial petroleum inventories are low. Retail product prices are high, and economic growth is slow. The Government should avoid acquiring oil for the Strategic Petroleum Reserve under these circumstances.

We would halt the deposit of oil in the Reserve, and we would use the money, approximately $1.7 billion, to restore a number of accounts in the Homeland Security Department; namely, we would restore about 80 percent of the money cut from the Homeland Security grant program; $250 million we would restore to firefighter grants to bring them up to last year. We would add money for port security, $150 million for deficit reduction, and about $220 million for an equity account.

This is a twofer. I yield the remainder of my time to the Senator from Maine.

Ms. COLLINS. Mr. President, it makes no sense at all for the Federal Government to put further pressure on the oil supplies through large purchases for the Strategic Petroleum Reserve at this time when oil prices are at record high levels.

Through proper management of the Reserve, we can ease the economic impact drastically rising gasoline prices are having on the American family.

There are three different studies which demonstrate suspending deliveries of oil to the SPR at this time would decrease gas prices by anywhere from 10 cents to 25 cents per gallon.

I want my colleagues to know the Reserve is currently 92 percent full. So halting these deliveries will have no impact at all on our national security, but will be of great benefit to American consumers.

In addition, our legislation would transfer the savings to restore cutbacks in homeland security. We would increase the basic Homeland Security grant program our States and communities rely upon so it would be equal to the level of last year.

We would include a restoration of funding for the FIRE Act, again to last year's level. And finally, we would invest in port security which experts tell us is one of our greatest vulnerabilities. The remainder of the funding would be used for deficit reduction.

This amendment makes good common sense. It will help relieve the pressure on gasoline prices, while at the same time allowing us to devote more resources to strengthening our homeland security and reducing our deficit.

I yield back to Senator LEVIN any remaining time.

The PRESIDING OFFICER. All time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I regret I cannot accept this amendment. I will follow the will of the Senate. This is basically saying let's take out $1.7 billion from SPR and spread it around in homeland security. We are fully funding the President's request for homeland security which is 15 percent over last year, 10 percent if you take out bioshield.

We already have several amendments on homeland security. I urge our colleagues not to support the amendment.

I call upon the chairman of the Energy Committee, Senator DOMENICI, to conclude.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will only use 1 minute. First, I have the greatest respect for the distinguished Senator from Maine, but let me say to everyone here, you all remember, SPR is to put oil in the ground in case we have an emergency. We use it in an emergency.

The Energy Information Administration's last forecast predicts by the year 2025—and SPR is future thinking; it is not today; it is thinking in the future—they say by the year 2025, we will be 70 percent dependent on imported oil.

The point of it is, we can never have too much oil in SPR. The idea was a good idea. It is even a better idea today. To say we ought to stop filling it so we can start filling gaps in a budget, especially saying we take care of all the inland security problems by not taking care of SPR, seems to me to be the wrong thing to do.

I could find a lot of things to do in Government. If we could just sell all the oil in SPR, we could take care of every program in this Government. My colleagues could all go home. We would have about $150 billion. We could just spread it everywhere. That is much the same as saying: Quit buying it and what you were going to buy, spend on other things.

I hope we do not adopt the amendment. I thank the Chair.

Mr. LEVIN. Mr. President, oil and gasoline prices are at or near record-high levels. Oil and gasoline supplies are at or near record-low levels. If there are any disruptions in oil or gasoline supplies or production, there will be an insufficient amount of oil and gasoline to meet demand, and prices will skyrocket even further.

Yet, incredibly, in the face of this crisis, the administration is decreasing rather than increasing the supply of oil. Day after day, month after month, regardless of how high the cost for acquiring this oil, the administration is taking millions of barrels of oil off the market and depositing them into the Strategic Petroleum Reserve. By taking this badly needed oil off the market and placing it in the SPR, at extremely high prices, the administration is increasing the price of oil and gasoline.

The Levin-Collins amendment will increase Federal revenues by approximately $1.7 billion by, in effect, directing DOE to delay the filling of the SPR. The amendment will lower oil and gasoline prices by increasing oil and gasoline supplies in the commercial inventories. It will improve our overall energy security by moving us away from the brink of a crisis in supply. Moreover, it is both sound fiscal and resource management policy to put oil on the open market when prices are high, and place them into reserves later when prices are low.

As nearly every American knows, gasoline prices are at record-high levels. The average price of a gallon of gasoline, nationwide, as well as in my home State of Michigan, is $1.74 per gallon. In some states it is even higher. In California, for example, the average price for a gallon of gasoline is $2.18 per gallon.

Crude oil prices also are at near-record prices. Spot prices are over $37 per barrel. Futures prices for oil for the next several months are at or near $37 per barrel as well.

A major reason oil prices are so high is that the amount of crude oil in private sector inventories in the United States is at record low levels. Crude oil inventories are now lower than at any time in the 28 years that the Department of Energy has been tracking them. Oil prices are directly related to the amount of crude oil in inventories, since overall supply levels depend on both amounts produced and amounts in inventory. This is why prices are so high.

One of the reasons that supplies of oil are so low is that since late 2001 the Department of Energy (DOE) has been steadily taking millions of barrels of oil off the market and placing them into the U.S. Strategic Petroleum Reserve (SPR). In late 2001, the Reserve held about 560 million barrels of oil. Today it holds nearly 650 million barrels. DOE anticipates that at the current fill rate it will reach its goal of filling the SPR to its current physical capacity of 700 million barrels in the middle of 2005.

Clearly, now is not the time to be taking more oil off the market when the price of oil is so high. We need more oil and gasoline in refineries.

The Levin-Collins amendment is simple. It would, in effect, result in the deferral of the deposit of the 53 million barrels of oil that DOE currently plans to ship to the SPR over the next year. Assuming an average price of $33 per barrel—which is based on the current

futures prices for oil for the next 14 months, as well as the trend in spot prices over the past year—this would yield over $1.7 billion in Federal revenues. This will help lower oil and gasoline prices for consumers and businesses as well. This amendment is a win-win for consumers, taxpayers, and the Government.

The Levin-Collins amendment would apply these funds to strengthen our homeland security. We cannot expect our first responders to be well-trained, properly equipped and fully staffed to protect us, if we cut their funding sources. Our amendment restores $800 million to the State Homeland Security Grant program, which will bring the total funding for that program up to $1.5 billion; adds $250 million to the Assistance to Firefighters Grant program; and $275,000,000 for Port Security Grants. The amendment will also provide $155 million for deficit reduction.

Finally, the amendment provides an additional $220 million to the State Homeland Security Grant Program in order to provide for a more equitable formula for distributing funds under that program.

Mr. NICKLES. Can we voice vote the amendment?

Mr. LEVIN. That depends on how loud the voices are.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2817. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—52

Akaka	Durbin	McCain
Allen	Feingold	Mikulski
Baucus	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Graham (FL)	Pryor
Boxer	Graham (SC)	Reed
Burns	Harkin	Rockefeller
Byrd	Hollings	Sarbanes
Carper	Inouye	Schumer
Clinton	Jeffords	Snowe
Coleman	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Sununu
Corzine	Leahy	Talent
Daschle	Levin	Voinovich
Dayton	Lieberman	Wyden
DeWine	Lincoln	
Dorgan	Lott	

NAYS—43

Alexander	Bennett	Brownback
Allard	Bond	Bunning
Bayh	Breaux	Campbell
Cantwell	Frist	Murkowski
Chafee	Grassley	Murray
Chambliss	Gregg	Nickles
Cochran	Hagel	Roberts
Cornyn	Hatch	Santorum
Craig	Hutchison	Sessions
Crapo	Inhofe	Shelby
Dodd	Kennedy	Smith
Dole	Kyl	Stevens
Domenici	Lugar	Thomas
Ensign	McConnell	
Enzi	Miller	

NOT VOTING—5

Edwards	Kerry	Warner
Johnson	Reid	

The amendment (No. 2817) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we are making good progress. I believe we have the amendment of Senator DURBIN that will be modified by Senator LUGAR and that will be accepted. I believe we have the amendment of Senator BYRD which will be agreed to momentarily. I am not positive. I need to run that by Senator GREGG. I think we are going to be able to work out the amendment of Senator LINCOLN. We do expect a couple of amendments on our side. I believe Senator MCCONNELL has an amendment and I hope he would be recognized next.

AMENDMENT NO. 2840

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2840.

Mr. MCCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit future income tax hikes on upper incomes that fail to exempt small businesses that file individual income tax returns as partnerships, sole proprietors, or subchapter S corporations)

At the appropriate place, insert the following:

SEC. . PROTECTION OF SMALL BUSINESSES FROM TAX HIKES ON "THE RICH" POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, amendment, resolution or conference reports that would—

(1) raise federal income taxes on upper incomes households, and

(2) fail to exempt small businesses that bear most of the burden of the top marginal tax rates.

(b) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provisions of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by the appellant and the manager of the bill, joint resolution or as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION.—For purposes of this section, a small business shall be any individual or enterprise that files federal individual income tax returns as a partnership, sole proprietor or subchapter S corporation.

(e) DETERMINATION OF IMPACT ON SMALL BUSINESSES.—For purposes of this section, the impact of any income tax legislation on small businesses shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

Mr. MCCONNELL. Mr. President, talking about taxes, it is essential to remember small businesses are the backbone of our economy. Small business entrepreneurs create more than two out of every three new jobs and generate roughly half of our Nation's gross domestic product. Yet they are saddled with the heaviest tax burden.

Small businesses predominantly pay their income taxes using individual income tax returns, which means they frequently pay the highest marginal tax rate. While they file less than 1 percent of all tax returns, small businesses account for more than 31 percent of all tax payments. Make no mistake, these are not highly paid executives or people living off their investments; these are ordinary people trying to make a living as they pursue the American dream.

Who pays the tax on the rich? Seventy-nine percent of the top rate literally falls on small business. To ignore this small business tax factor is to risk breaking the backbone of our economy. This point of order which this amendment would establish would protect small businesses from tax hikes on the rich.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I thank my colleague from Kentucky for raising this issue. I have been very concerned about our small businesses and how they fare as well. That was one of the reasons I requested information from the IRS on this very issue concerning how our small businesses are affected.

Addressing this argument about small business and cutting the top rates: According to the IRS statistics we received back from the IRS, only 3.8 percent of small business and farm returns have income over $200,000. So you have to earn $319,100 before you even make it to the top tax bracket. All of your income up until that amount is taxed at the lower rate.

If you look at the statistics that the IRS brings to us, 62 percent of small businesses and farm returns in this country have incomes of $50,000 or less.

They do not fall into this top category of income that is being discussed.

I appreciate the Senator bringing this up so we can really talk about who falls into this category.

I ask my colleagues to recognize we are talking about taxable income, which is after expenses. This is take-home pay, take-home pay for these companies. This is the money that is not being invested in new plants or new equipment, this is not money that is going to employment, increasing jobs which we know our small businesses are capable of if they have the resources to invest there. This is taxable income after expenses, so it is taxable income that has really gone to the bank already. I think it is very important for us to recognize what we are talking about.

It also might be of interest to my colleagues tonight to know that after I had a very similar discussion about these statistics with the Secretary of the Treasury, he called me the other day and told me he had reviewed my charts and found them accurate.

He said they were hard to read but they were accurate. They are a little bit small. But I think it is so important for us to recognize. The reason it hit home for me is because Arkansas finds itself actually in a little bit higher circumstance than that. Well over 62 percent of our small businesses in Arkansas are our largest employers. Roughly upwards of 70 percent find themselves in that 50 percent or less category. Again, this is after expenses. This is what they are taking home.

I know my colleague in his amendment talks about individual income tax returns as a partnership, or a sole proprietor, or subject chapter S corporation.

But I encourage my colleagues to understand that these are flowthrough entities. If you are talking about these individuals and these groups, they are very small as a percentage of what we are talking about in small businesses.

These are individuals who might file schedule C or schedule S.

I think it is so important for us to look at the numbers. I agree wholeheartedly with my colleagues that small businesses are the engine of this economy. They are the ones that provide the most jobs. Most of the jobs in Arkansas are provided by our small businesses.

It is important we accurately look at the resources we are trying to put back into the hands of small businesses so they can reinvest and grow the jobs we know we need to continue to build on this economy. I hope we will take a look at the numbers which have been provided. We talk some about upward mobility. I know that has been discussed as well by many of our colleagues about the opportunity that Americans want to have, the potential they want in order to reach those upper brackets.

But, quite frankly, if you look at the upward mobility in my State, in 1991 the per capita personal income was about $15,175. Today, it is $22,750. That is an increase of about 33 percent over the decade. But Arkansans, on average, are still earning less than $23,000 a year. Less than 10 percent of our Arkansans earn over $200,000 a year. I just try to make this point.

I hope my colleagues will look at incomes in their own States. When you find in other States such as ours that 50 percent of the people have an adjusted gross income of less than $25,000 and over 80 percent roughly have an adjusted gross income of less than $50,000 a year, we have to look at putting money into the pockets of people who are going to grow this economy. We have to keep a balance.

I hope my colleagues will look at what is happening. If you talk about upward mobility, it will take a 1,400-percent increase in income to reach those upper margins that are being talked about from where most of our small business and other income earners in our State are. I hope my colleagues will take a second look at what he is trying to propose.

I hope my other colleagues realize, if what we want to do is make sure we are growing the economy and protecting small businesses, we need to look at the statistics the IRS has given us about where those small businesses are and where those resources lie.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is not a small business amendment. It is purportedly a small business amendment. It is not. Why? As the able Senator from Arkansas stated, only 2 percent—only 2 percent—of small businesses are in the upper bracket. The remaining are not. They are not small businesses.

More importantly, this is an amendment that makes it much more difficult to raise taxes on the wealthiest top bracket than it is in the effort to raise taxes on the middle-income taxpayers. It provides for a point of order on any revenue measure that would have the effect of raising taxes on the top bracket. It only applies to the top bracket. It wouldn't apply to any other bracket. We don't want that.

I can't for the life of me understand why the Senator from Kentucky is on the floor even daring to offer that amendment. At the appropriate time, I am going to suggest that the amendment is not germane because it is not germane. I can only do so when all time is yielded.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I will be very brief and then I will be prepared to relinquish whatever time I have.

According to the Office of Tax Analysis of the U.S. Treasury, last year, January 7, 2003, I repeat, small business owners, entrepreneurs, and farmers account for more than two-thirds of the top bracket income tax returns and receive 79 percent of the top bracket tax relief. That is what this amendment is all about. I hope the Senate will approve it.

I have no further observations to make, if the Senator would like to make his motion.

Mr. BAUCUS. Mr. President, the pending amendment is not germane, and therefore I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. MCCONNELL. Mr. President, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—45

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

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The Senator from Oklahoma.

AMENDMENTS NOS. 2841 THROUGH 2843, EN BLOC

Mr. NICKLES. Mr. President, we are making good progress. I think we have three additional amendments that have been cleared on both sides: an amendment by Senator HAGEL; an amendment by Senator SANTORUM; and an amendment by Senators HATCH and BIDEN and KOHL. I send all three to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, those three amendments have been cleared on this side, and there is no objection.

The PRESIDING OFFICER. Without objection, the amendments are considered en bloc and agreed to en bloc.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 2841

(Purpose: To express the sense of the Senate on the need for a United States animal identification program as an effective disease surveillance, monitoring, and control tool serving the needs of the United States livestock industry and public health)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

AMENDMENT NO. 2842

(Purpose: To reaffirm the United States ratio for contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria)

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the ''Fund'');

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute $1 for every $2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided $623,000,000 of the total contributions of $1,900,000,000 to the Fund, which represents approximately ⅓ of total contributions to the Fund;

(5) Congress has appropriated $547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of $994,000,000, and is slightly more than ⅓ of total pledges, with additional pledges expected;

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis; and

(7) transparency and accountability are critical to fund grant-making and the U.S. should work with foreign governments and international organizations to support the Fund's efforts to use its contributions most effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this concurrent resolution and subsequent appropriations acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

AMENDMENT NO. 2843

(Purpose: To restore law enforcement assistance, and juvenile justice assistance, especially Title V, and JAB6 to the Department of Justice)

On page 20, line 17, increase the amount by $600,000,000.

On page 20, line 18, increase the amount by $132,000,000.

On page 20, line 22, increase the amount by $180,000,000.

On page 21, line 1, increase the amount by $120,000,000.

On page 21, line 5, increase the amount by $90,000,000.

On page 21, line 9, increase the amount by $78,000,000.

On page 21, line 13, decrease the amount by $600,000,000.

On page 21, line 14, decrease the amount by $132,000,000.

On page 21, line 18, decrease the amount by $180,000,000.

On page 21, line 22, decrease the amount by $120,000,000.

On page 22, line 1, decrease the amount by $90,000,000.

On page 22, line 5, decrease the amount by $78,000,000.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2844

Mr. NICKLES. Mr. President, I also believe that an amendment by Senator DOLE and Senator LEAHY has been agreed to, and I send it to the desk as well.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mrs. DOLE, for herself and Mr. LEAHY, proposes an amendment numbered 2844.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 18, line 4, increase the amount by $156,000,000.

On page 18, line 5, increase the amount by $135,000,000.

On page 18, line 8, increase the amount by $162,000,000.

On page 18, line 9, increase the amount by $160,000,000.

On page 18, line 12, increase the amount by $169,000,000.

On page 18, line 13, increase the amount by $170,000,000.

On page 18, line 16, increase the amount by $175,000,000.

On page 18, line 17, increase the amount by $175,000,000.

On page 18, line 20, increase the amount by $180,000,000.

On page 18, line 21, increase the amount by $180,000,000.

On page 23, line 5, decrease the amount by $156,000,000.

On page 23, line 6, decrease the amount by $135,000,000.

On page 23, line 9, decrease the amount by $162,000,000.

On page 23, line 10, decrease the amount by $160,000,000.

On page 23, line 13, decrease the amount by $169,000,000.

On page 23, line 14, decrease the amount by $170,000,000.

On page 23, line 17, decrease the amount by $175,000,000.

On page 23, line 18, decrease the amount by $175,000,000.

On page 23, line 21, decrease the amount by $180,000,000.

On page 23, line 22, decrease the amount by $180,000,000.

At the appropriate place insert:

SEC. . SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the 108th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference

report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

Mrs. DOLE. Mr. President, last year I gave my maiden speech on the issue of hunger. I believe now, just as I did then, that we must make a concerted effort to eradicate this problem. It is the silent enemy that lurks in too many American homes. I am not one to duck tough issues. And this is a problem that I know we can conquer with both sides of the aisle working together. There are a number of areas where one could focus in this effort, and the amendment I send to the desk represents a good first step toward strengthening the National School Lunch program which is very popular and effective.

Under the current program, children from families with incomes at or below 130 percent of poverty are eligible for free meals. Children from families with incomes between 130 percent and 185 percent of poverty are eligible for reduced price meals—charging no more than 40 cents per meal. This may seem like a nominal amount, but that is not what I am hearing in North Carolina and from folks around the country. To quote the resolution from the North Carolina Department of Education, ''many families in the reduced price income category are finding it difficult to pay the reduced fee and, for some families, the fee is an insurmountable barrier to participation.

Sharlyn Logan, the Child Nutrition Supervisor for Cumberland County Schools in North Carolina says—. . . ''In many of our schools, we daily see children with no money. Many times we allow the child to eat and the Child Nutrition program takes a loss. When the problem persists, we will provide a peanut butter sandwich and milk at no cost to the child to insure they receive some nutritional sustenance. This may be the only meal they receive.''

Recently, I spoke at the American School Food Service Association's annual banquet, where I was inspired by more than 1000 enthusiastic people who have devoted their careers to making sure children get the nutrition they need. You probably saw them on the Hill wearing their buttons that said ''ERP''—eliminate reduced price. They are on the front lines on this issue, and they have tremendous passion. It was an evening that I will never forget.

They will be the first to tell you that these income eligibility guidelines are inconsistent with other federal assistance programs. For example, families whose incomes are at or below 185 percent of poverty are eligible for free benefits through the WIC program—the Special Supplemental Nutrition Program for Women, Infants and Children. It just makes sense to harmonize these income eligibility guidelines allowing us to clarify this bureaucratic situation. Doing so would enable us to immediately certify children from WIC families for the National School Lunch and Breakfast programs.

More than 500 State and local school boards have passed resolutions urging the Congress to eliminate the reduced price category, thereby expanding free lunches and breakfasts to all of those children whose family incomes are at or below 185 percent of poverty. In addition, the Association of School Business Officials, the National Association of Elementary School Principals, and the American Public Health Association have endorsed this idea.

This is the right thing to do. For this reason, I was pleased to introduce S. 1549, to eliminate the reduced price meal program in graduated steps over a 5 year period. Since introduction of this legislation, colleagues on both sides of the aisle have joined me, and two bills have been introduced in the House of Representatives.

The amendment that I have at the desk does not provide funding for the total elimination of reduced price meals over a five year period as laid out in S. 1549. Rather, it would enable the Senate Agriculture Committee to permanently increase the eligibility guideline for free school meals from 130 percent of poverty to 140 percent of poverty—the first step of the graduated approach outlined in S. 1549—when the Committee reauthorizes the Child Nutrition programs. Of course, we will still have a long way to go to eliminate the reduced price category, but progress is better than status quo, any day.

Hunger and malnourishment among children—that's a battle that can be won. This is not a partisan issue, and enactment of this amendment will mark the first step in our crusade to strengthen the National School Lunch program and begin to address a serious problem for many families in need across this country—and especially those who have been laid off and are out of work. I urge my colleagues to support this amendment.

Mr. President, the American School Food Service Association, Child Nutrition Forum, the Association of School Business Officials, the National Association of Elementary School Principals, the American Public Health Association, and organizations in 44 States have passed resolutions endorsing elimination of reduced price meals.

Mr. HARKIN. Mr. President, I am pleased that the Budget Committee reported out a budget resolution that provided $232 million for the Senate Committee on Agriculture, Nutrition, and Forestry to enable the extension of several expiring provisions of child nutrition law. This was the amount that Agriculture Committee Chairman COCHRAN and I noted in our letter to the Budget Committee would, at a minimum, be necessary to ensure that children who qualify for benefits under current law would not lose them.

However, more is clearly needed. Given the nutritional risks to American children today and the numerous unmet needs that exist in Federal child nutrition programs, I commend Senators DOLE and LEAHY for their bipartisan effort to provide additional funding for federal child nutrition programs. If these additional funds remain in the conference report, they will help the Senate Agriculture Committee to take important steps in pending child nutrition legislation. The need for additional funds is significant, including, for instance, the expansion the Summer Food Service Program and the fruit and vegetable pilot projects, lowering area eligibility for the Child and Adult Care Food Program, helping children who still face financial barriers to participate in the National School Lunch and Breakfast Programs, and improving the entire nutritional environment in American schools.

If additional funds are provided in the conference report, it is, however, critical to understand that, by relying on function 920 to offset this amendment, a number of critical issues remain. The use of function 920 fails to specify the source of the new funds, meaning that they could accrue either by increasing the national debt or as a result of unspecified program cuts. Of course, the question of the actual cuts that may be specified is an important one. I am particularly concerned that any cuts that fall within the jurisdiction of the Senate Committee on Agriculture could pit one set of interests against another in a way that could reopen the Farm Security and Rural Investment Act passed just 2 years ago. Neither the members of the committee nor the interested stakeholders in the agriculture and nutrition communities would be well served by such an unfortunate situation. I, and I believe my colleagues on the committee, would be very hesitant to pit the needs of rural America against the similarly important needs of needy children and working families.

Mr. NICKLES. Mr. President, I compliment our colleague, Senator DOLE from North Carolina and Senator LEAHY for cooperating. They saved us a lot of time by putting their amendments together.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 2844) was agreed to.

Mr. NICKLES. Mr. President, my colleague, Senator SPECTER, has probably been more patient than anyone for the last 3 days. He has been requesting an opportunity to offer an amendment, so I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2741, AS MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2741 and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Ms. COLLINS, proposes an amendment numbered 2741, as modified.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Increase discretionary health funding by $2,000,000,000)

On page 16, line 12, increase the amount by $1,300,000,000.

On page 16, line 13, increase the amount by $1,300,000,000.

On page 23, line 5, decrease the amount by $1,300,000,000.

On page 23, line 6, decrease the amount by $1,300,000,000.

Mr. SPECTER. Mr. President, for the information of my colleagues, this is an amendment which seeks to add $1.3 billion to funding for the National Institutes of Health, with an offset against function 920, amounting to one-sixth of 1 percent on administrative costs.

I express my concern about offering an amendment at 11:04 p.m. for a roll-call vote, but as stated by the chairman of the Budget Committee, I have been patient waiting for 3½ days to offer this amendment. And I do so because of the importance of funding for the National Institutes of Health, which has made such enormous progress against many deadly maladies.

Last year, we had a spirited debate, at about this same hour, on an amendment I offered for a $1.5 billion increase, which required 60 votes, and failed with 52 votes in the affirmative—8 votes short of the 60 necessary at that time.

The National Institutes of Health have made phenomenal progress against the most deadly diseases: autism, stroke, obesity, Alzheimer's, Parkinson's, spinal muscular atrophy, scleroderma, ALS, muscular dystrophy, diabetes, osteoporosis—a variety of cancers: breast, cervical, and ovarian; lymphoma, multiple myeloma, prostate, pancreatic, colon, head and neck, brain, and lung—pediatric renal disorders, multiple sclerosis, deafness and other communication disorders, glaucoma, macular degeneration, sickle cell anemia, heart disease, spinal cord injury, Sudden Infant Death Syndrome, arthritis, schizophrenia and other mental disorders, polycystic kidney disease, hepatitis, Cooley's Anemia, primary immune deficiency disorders, stroke, and obesity.

But I would supplement this list for the RECORD, Mr. President. When those disorders and diseases are articulated, they cover some 128 million Americans. This increase in funding is necessary if the NIH is to proceed with very important research.

For example, the NIH cannot initiate the necessary clinical trials to test four new drugs for the treatment of Parkinson's disease. The experts have testified we are within 5 years of a cure on Parkinson's.

Without this kind of funding, there is no clinical trial for a promising new drug treatment for amyotrophic lateral sclerosis, and the NIH must postpone the production and clinical testing of four potential pandemic influenza vaccines for a year or more. And we know the tremendous impact on the influenza problem.

Without this funding, the NIH cannot launch a clinical trials network to test new therapies for age-related macular degeneration, nor can NIH launch an initiative to identify and test approaches to reducing cardiovascular disease that are specific to American Indian and Alaska Native populations.

Without this funding, NIH cannot use its clinical trial networks to launch trials on the consequences of the use of more than one psychiatric medication by the severely mentally ill.

I have a long additional list. I see the impatience of the chairman of the Budget Committee, and I share his impatience. I understand the hour, so I ask unanimous consent that the full next of the test trials which cannot be undertaken by the NIH be printed in the RECORD.

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

10 EXAMPLES OF NIH RESEARCH THAT CAN NOT BE FUNDED UNDER THIS BUDGET RESOLUTION

(1) The NIH cannot initiate the large clinical trials necessary to test 4 new drugs for the treatment of Parkinson's disease.

(2) The NIH cannot conduct a clinical trial of a promising new drug for the treatment of ALS (Lou Gehrig's Disease).

(3) The NIH must postpone the production and clinical testing of 4 potential pandemic influenza vaccines by one year or more.

(4) The NIH cannot launch a clinical trials network to test new therapies for age-related macular degeneration, which is the leading cause of vision loss among Americans over 65.

(5) The NIH cannot launch an initiative to identify and test approaches to reducing cardiovascular disease that are specific to American Indian and Alaska Native populations.

(6) The NIH cannot use its clinical trial networks to launch trials on the consequences of the use of more than one psychiatric medication by the severely mentally ill.

(7) The NIH cannot support research to rapidly develop computer-assisted, image-guided microsurgery, which could replace traditional surgery.

(8) The NIH cannot test milk thistle, a promising dietary supplement, for the treatment of liver diseases.

(9) The NIH cannot launch chemical counterterrorism research to combat nerve agents.

(10) The NIH cannot proceed with a project to identify at birth hundreds of single gene defects associated with mental retardation, and other fatal or disabling conditions.

Mr. SPECTER. Mr. President, in conclusion—the two most popular words of any speech—in a budget of $2.4 trillion, funding of $30 billion is not too much on this major problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Pennsylvania. He is persistent, to say the least, on this subject.

The night is late. I see my colleague, the Senator from New Mexico, wishes to speak. I will yield my colleague 1 minute—2 minutes?

Mr. DOMENICI. Well, I say to the Senator, while he has been waiting however long he has been——

Mr. NICKLES. Would the Senator like 2 minutes?

Mr. DOMENICI. Maybe 3. I probably won't use it.

Mr. NICKLES. Mr. President, I yield my colleague from New Mexico 3 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Fellow Senators, I normally get up to argue a case when I think I can win. And sometimes—not too often—I get up to argue a case on the floor of the Senate because I think the case deserves my argument, even if I do not think I am going to win. And who in the world would think any Senator could deny this money to the National Institutes of Health? You surely would have to be a bigger Senator than from New Mexico to argue this kind of case and win.

I want to tell you something: You have heard about people in the Federal Government who want more and more and more for their agencies. We have nicknames for them. You have some; I have some. I hate to say it. The NIH is one of the best agencies in the world, but they have turned into pigs, pigs. They can't keep their ''oinks'' closed. They send a Senator down here to argue as if they are broke.

Will you listen to what has happened to NIH in 5 years and you tell me that they should get this much money? And while you are doing that, ask about the rest of the sciences. Is America going to survive on NIH alone? When will we run out of physicists? When will we run out of scientists? Do you know what? We already are. We are importing them from all over the world.

You go ask NIH what they need most and they will say: We need scientists to come and join us.

And what do we do? I will tell you. The lead agency for America, supposedly, that invests in nonmedical, non-NIH research, is the NSF. Do you want to know how much they get? The NSF gets $3.6 billion a year for basic research. How does that strike you? Well, maybe that wouldn't strike you at all unless you knew how much NIH got. NIH, this year, with the increase they are going to get, will be $28.7 billion without this amendment. NIH has spent $145 billion over the last 7 years. And guess what that is. That is a 109-percent increase in a period of 7 years. Do you have it?

They wrote these little brochures, and they ought to be embarrassed. They came to my office and I told them: You are lucky you have old Bob Michel along with you because, as far as you doctors are concerned, I would kick you out of here so fast you

couldn't find the door. But I will let Bob stay here for a minute and argue. They got these kind of reports saying: Well, we are so sorry the President has let us down this year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask for an additional minute.

Mr. NICKLES. I yield the Senator 1 minute.

Mr. DOMENICI. He has only given us inflation. After all these years, he only gave us inflation this year. And they almost sound as if he is against them, the President who has funded them more than any President in history. Then we come down to the floor underfunding the National Science Foundation, underfunding research that is going to take place at NASA, underfunding science at DOE. It is never enough. Come to the floor with another amendment saying: This isn't enough. Our ''oink'' somehow is not full, and come down here and say: We can't do this; we can't do that.

Of course, when you are a big science institute, you can invent something every day that you ought to do. I tell you, a 109-percent increase in 7 years is enough. If I had a little time, they wouldn't get it because I tell you, I would substitute for these other impoverished programs and make you choose. I would make you say you don't want to put any money in NSF. You want to put some more in this one. But I can't do that on this bill. I will get it done one of these days. We are going to have a choice of keeping on funding this place or funding some other science in America before we have none left.

I am sorry I took your time.

Mr. SPECTER. Mr. President, 1 minute in reply?

Mr. NICKLES. Mr. President, how much time do I have remaining? I don't have the additional time to yield, I tell my colleague?

Mr. SPECTER. Thirty seconds in reply?

The PRESIDING OFFICER. The sponsor of the amendment has time as well as the manager.

Mr. NICKLES. I yield my colleague from Pennsylvania 30 seconds.

Mr. SPECTER. The NIH did not send this Senator anywhere. My views arrive from my own research. When I hear the Senator from New Mexico disagreeing with the research, I think about how many times he has come to me and I have helped him on funding for mental health. That is a very vital part of what NIH is doing, a matter of great importance to the Senator from New Mexico, just as so many of these maladies are important to every Senator in this Chamber.

Mr. SARBANES. Mr. President, I say to the Senator from Pennsylvania, he is the sponsor of the amendment. He has an hour's time on his amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I am sorry if I inferred that somebody sent you here. I don't mean that. I can only tell you what they told me. They told me yesterday that you would be here because they asked you. That is all I have to say.

I yield the floor.

The PRESIDING OFFICER. If all time is yielded back on the amendment, the question is on agreeing to amendment No. 2741, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—72

Akaka	Dole	Lott
Allen	Dorgan	Lugar
Baucus	Durbin	Mikulski
Bayh	Ensign	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Byrd	Grassley	Pryor
Cantwell	Gregg	Reed
Carper	Harkin	Roberts
Chafee	Hatch	Rockefeller
Chambliss	Hollings	Santorum
Clinton	Hutchison	Sarbanes
Cochran	Inouye	Schumer
Coleman	Jeffords	Shelby
Collins	Kennedy	Smith
Conrad	Kohl	Snowe
Cornyn	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Stevens
Dayton	Levin	Talent
DeWine	Lieberman	Warner
Dodd	Lincoln	Wyden

NAYS—24

Alexander	Craig	Kyl
Allard	Crapo	McCain
Bond	Domenici	McConnell
Breaux	Enzi	Nickles
Brownback	Frist	Sessions
Bunning	Graham (SC)	Sununu
Burns	Hagel	Thomas
Campbell	Inhofe	Voinovich

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2741) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are making progress. I hope our colleagues will continue to be patient. I know the hour is late. Again, I thank my colleague from North Dakota. He has been very helpful.

We have had some success with Senator LUGAR and Senator DURBIN. They have been able to combine their amendments. I thank both for their cooperation.

AMENDMENT NO. 2845

Mr. NICKLES. I send the Lugar-Durbin amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DEWINE, Mr. HAGEL, Mrs. MURRAY, Mr. CHAFEE, Mr. JEFFORDS, Mr. LAUTENBERG, Ms. CANTWELL, Mr. SMITH, Mr. SANTORUM, Mr. MCCAIN, Mr. BIDEN, Mr. SUNUNU, and Mr. LEVIN, proposes an amendment numbered 2845.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, line 21, increase the amount by $1,400,000,000.

On page 8, line 22, increase the amount by $153,000,000.

On page 8, line 25, increase the amount by $97,000,000.

On page 9, line 1, increase the amount by $621,000,000.

On page 9, line 4, increase the amount by $98,000,000.

On page 9, line 5, increase the amount by $359,000,000.

On page 9, line 8, increase the amount by $98,000,000.

On page 9, line 9, increase the amount by $237,000,000.

On page 9, line 12, increase the amount by $98,000,000.

On page 9, line 13, increase the amount by $154,000,000.

On page 23, line 5, decrease the amount by $1,400,000,000.

On page 23, line 6, decrease the amount by $153,000,000.

On page 23, line 9, decrease the amount by $97,000,000.

On page 23, line 10, decrease the amount by $621,000,000.

On page 23, line 13, decrease the amount by $98,000,000.

On page 23, line 14, decrease the amount by $359,000,000.

On page 23, line 27, decrease the amount by $98,000,000.

On page 23, line 18, decrease the amount by $237,000,000.

On page 23, line 21, decrease the amount by $98,000,000.

On page 23, line 22, decrease the amount by $154,000,000.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the amendment offered by Senator LUGAR and myself to restore the International Affairs function 150 account to the President's requested funding level and add additional resources to the fight against global HIV/AIDS.

Now is not the time to take a step backwards in our commitment to ensuring that the international affairs budget remains a vital tool of American foreign policy in the fight against terror and global poverty.

Our amendment adds $1.4 billion in funding for the international affairs budget to exceed the President's request of $31.5 billion for fiscal year 2005

by $300 million. Last year, the Senate accepted a Lugar-Feinstein amendment that restored $1.15 billion to the fiscal year 2004 international budget.

As I stated last year, I strongly believe the United States should devote additional resources to the international affairs budget above this amendment. Nevertheless, in this difficult fiscal environment, I fully understand that this amendment is the best opportunity to maintain the momentum of increasing the international affairs budget and demonstrating the importance of our foreign aid programs.

I also understand that the offset used in this amendment—the function 920 account—is not ideal, but the Lugar/Feinstein amendment is the best vehicle we have at this time to restore the President's request, provide additional assistance to the fight against global HIV/AIDS and help the United States sustain a leadership role in bringing hope to the developing world and fighting global terror.

The statistics about our international affairs budget are well known to some of my colleagues but they are worth repeating to underscore the importance of acting now to provide additional funds. The United States spends approximately one percent of our budget on foreign aid, barely one-tenth of one percent of GDP.

According to the Organization for Economic Cooperation and Development, the United States in recent years ranks next to last among 21 industrialized donor countries in per capita foreign assistance.

We can do better and I am pleased that over the past few years the administration, Congress, and the American people have come together to push for greater commitments to our international affairs budget.

In the simplest terms, foreign aid programs provide assistance to those in need. They help countries combat diseases such as HIV/AIDS, build schools to fight illiteracy, train doctors to provide care for mothers and their newborn children, and help indigenous peoples prevent environmental degradation.

In addition, foreign aid programs protect our embassies and foreign service personnel, built export markets for our goods and services, and spread America's message of freedom and democracy around the world.

In the post September 11 world, however, the international affairs budget has taken on an increased significance. It has become increasingly clear that we cannot rely on our military might alone to protect our citizens and advance the U.S. foreign policy agenda. As Richard Sokolsky and Joseph McMillan of the National Defense University have written:

> The events of September 11th have a direct impact on American national security . . . A robust and focused foreign assistance program is one of the weapons we must have to prevail.

Our troops have performed magnificently in overthrowing Saddam Hussein in Iraq and the Taliban in Afghanistan while combating al-Qaeda around the globe. Nevertheless, the costs in terms of lives and resources have been substantial and we can expect additional costs for many years to come.

Increasing the foreign aid budget allows us to attack the conditions that foster terror and autocratic governments—poverty, illness, disease, illiteracy—at a far lower cost and with less bloodshed than military interventions in the future. We should not wait until a nation hits rock bottom to build schools, open hospitals, and provide food to those in the developing world who so desperately need it.

As Secretary of State Colin Powell has stated:

> We have to make sure that, as we fight terrorism using military means and legal means and law enforcement and intelligence means and going after the financial infrastructure of terrorist organizations, we also have to put hope back in the hearts of people.

By acting sooner rather than later, we not only have a better opportunity to promote stability, economic prosperity, and vibrant democratic institutions, but we also protect our own national interests and the lives of all Americans.

Sometimes our values and intentions are misconstrued and misrepresented around the world. I am increasingly concerned about the negative perceptions of the United States and Americans that abound in the Middle East and other parts of the developing world.

We are a generous people and foreign aid represents the best of our values and demonstrates our commitment to seeing other peoples rise from the ashes of poverty. When we succeed in this endeavor, we change hearts and minds and protect our own. I urge my colleagues to support this bipartisan amendment.

Mr. LUGAR. Mr. President, I rise today to offer an amendment to the 2005 budget resolution. The Budget Committee has presented the Senate with a product of intense labor. Its members are determined to produce a budget resolution in a timely manner, and I have confidence that we will get this job done. I applaud the chairman of the committee, Senator NICKLES, for his leadership and the way he has moved this process forward.

My amendment would increase funding for the foreign affairs account by $1.1 billion, an amount that would bring the budget resolution up to President Bush's request for this purpose. In cooperation with Senator DURBIN and others, my amendment has been modified to reflect an additional $300 million to address the global AIDS epidemic. The amendment would be offset by Section 920 Allowances.

Much of our discussion in this budget will focus on taxes, health care, education, and Social Security. These issues will be fought out in the context of highly partisan perspectives. But even as we maneuver for advantage in these areas, we must recognize that international threats, particularly the threat of catastrophic terrorism, puts all these domestic objectives at risk. The threat of catastrophic terrorism now exists as an overarching negative condition on investor confidence, insurance cost and availability, trade flows, energy supplies, budget flexibility, the amount of national assets devoted to increasing productivity, and many other factors that are crucial to our economy.

Our future economic prospects rest squarely on our Government's ability to defeat terrorism and to secure weapons and materials of mass destruction to a degree that encourages investment, improves public confidence, and protects the economy against severe economic shocks. If the United States fails to organize and stabilize the world, our economy will never reach its potential.

The bottom line is this: for the foreseeable future, the United States and its allies will face an existential threat from the intersection of terrorism and weapons of mass destruction. This is the domestic issue of our time, because virtually any large-scale idea to improve life in America will be circumscribed by the economic limitations imposed by this threat.

In the 30 months since the September 11 attacks, the United States has refined its military capabilities, created a Department of Homeland Security, improved airport and seaport security, and scrutinized the efficiency of our intelligence services. We have carried the fight against terrorism to Afghanistan and Iraq.

But to win the war against terrorism, the United States must assign U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities.

Today we are experiencing a confluence of foreign policy crises that is unparalleled in the post-Cold War era. Our Nation has experienced the September 11 tragedy; we have gone to war in Afghanistan and Iraq; we have been confronted by a nuclear crisis in North Korea; and we have undertaken a worldwide diplomatic offensive to secure allies in the broader war on terror. We have experienced strains in the Atlantic Alliance, even as we have expanded it. We are still searching for a peace settlement in the Middle East. We are trying to respond to the AIDS pandemic in Africa and elsewhere. In our own hemisphere, we have experienced a crisis in Haiti that requires immediate attention. We are assisting a war against drugs and terrorism in Colombia, and we have a challenge to democracy in Venezuela. Mexico, Brazil and other nations are becoming increasingly important to our economy.

The ability of our military has not been in doubt. What has been in doubt are factors related to our diplomatic strength and our standing in the world. Can we get the cooperation of the U.N. Security Council? Can we secure the

necessary basing and overflight rights? Can we limit anti-American reactions to war in the Arab world? Can we secure allied participation in the work of reconstructing Iraq? Can we prevent poverty and disease from destabilizing countries throughout the developing world? The answers of these questions have depended largely on the diplomatic work done by the State Department. The answers will depend in the future on the work funded by the very budget that we discuss today.

Under President Bush and Secretary of State Powell, foreign affairs spending has received important increases since September 11, 2001. But we dug a very deep hole for ourselves during the mid- and late-1990s, when complacency about the role of our diplomats led foreign affairs spending to be greatly devalued. This year, the Budget Committee listened to our arguments sympathetically and provided what it believed it could, given difficult budgetary constraints. But I believe restoring full funding of the President's 150 Account request is the appropriate step at this point in the process.

Last week the Foreign Relations Committee passed our State Department and Foreign Assistance Authorization bills by a unanimous vote. These bills were constructed through bipartisan work, and they reflect priorities valued by many of our Members. We stayed within the limits of the President's budget request. We believe that the President's full budget request for the 150 Account is necessary to fund critical priorities, including embassy security, non-proliferation efforts, child survival and health, and programs that fight the spread of AIDS.

I concluded by saying that Americans demand that U.S. military capabilities be unrivaled in the world. Should not our diplomatic strength meet the same test? Relative to our international needs and the risks that we are facing, this amendment is modest. If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapons, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.

I thank the co-sponsors of this amendment: Senators FEINSTEIN, DURBIN, DEWINE, HAGEL, MURRAY, JEFFORDS, CHAFEE, CANTWELL, SMITH, LAUTENBERG, SANTORUM, MCCAIN, BIDEN, SUNUNU, and LEVIN. Senator FEINSTEIN, the lead co-sponsor of my amendment, has been a champion of the 150 Account and has worked closely with me during the budget process, both last year and this year. I also want to specifically thank Senator DEWINE, who had two amendments to increase the 150 Account that were focused on Haiti and child survival and health programs. He has co-sponsored this amendment as a way to make additional funds available for these purposes. These are extremely important priorities, and both have been a big part of our discussions in the Foreign Relations Committee.

I thank the Budget Committee and Chairman NICKLES for their help and counsel.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator LUGAR and Senator DURBIN for working together to clear this amendment so we could get this accomplished without a rollcall vote. We appreciate that very much.

I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank Senator LUGAR, as well as Senator NICKLES and Senator CONRAD. What we achieved with the Lugar-Durbin amendment is this: We will increase the funding to fight global AIDS by almost $500 million. We are still short of what we need to meet our promised goals when the President made a historic commitment for the United States to deal with this war on AIDS. But we are moving closer.

The bipartisan cooperation this evening with Senator LUGAR has allowed us to move closer to that moment, and it is equally good news for Members gathered here. It eliminates a need for me calling up my amendment and a vote.

I ask unanimous consent that the following Senators be added as cosponsors of Senator LUGAR's amendment. These were sponsors of my amendment. Senators BINGAMAN, LAUTENBERG, SCHUMER, STABENOW, CLINTON, FEINSTEIN, KERRY, KOHL, LEVIN, and MURRAY.

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

Is all time yielded back? If so, the question is on agreeing to amendment No. 2845.

The amendment (No. 2845) was agreed to.

Mr. NICKLES. Mr. President, I thank all of our colleagues for their cooperation on eliminating two amendments.

Mr. President, I call upon the Senator from Alaska who has an amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2846

Ms. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. SPECTER, Mr. BOND, Mr. ENSIGN, Mr. DEWINE, Mr. CORNYN, Mr. CAMPBELL, Mr. GRAHAM, Mr. ALLEN, Mr. STEVENS, and Ms. MIKULSKI, proposes an amendment numbered 2846.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase Veterans Medical Care by $1,200,000,000)

On page 19, line 21, increase the amount by $1,200,000,000.

On page 19, line 22, increase the amount by $1,080,000,000.

On page 20, line 1, increase the amount by $108,000,000.

On page 20, line 5, increase the amount by $5,000,000.

On page 20, line 9, increase the amount by $1,000,000.

On page 23, line 5, decrease the amount by $1,200,000,000.

On page 23, line 6, decrease the amount by $1,080,000,000.

On page 23, line 10, decrease the amount by $108,000,000.

On page 23, line 14, decrease the amount by $5,000,000.

On page 23, line 18, decrease the amount by $1,000,000.

Ms. MURKOWSKI. Mr. President, on behalf of myself, Senators SPECTER, BOND, STEVENS, DEWINE, CORNYN, CAMPBELL, GRAHAM, ALLEN, ENSIGN, and MIKULSKI, I propose the following.

Many of us have had the opportunity this week to be visited by veterans from our respective States, folks who are in town for their annual convention and meetings. I am pleased to offer an amendment that will boost the spending for our veterans health care. This would be an increase in veterans health care by $1.2 billion in fiscal year 2005.

This is a relatively straightforward amendment. The funds will come from function 920 and offset the spending increase. The budget, as it currently stands, provides $70.4 billion for fiscal year 2005 veterans programs. So this would be an increase of $9 billion or 15 percent from the current fiscal year.

We need to look at what our veterans have given to this Nation and think about what we should do as we help them. When we look at this amendment, we help eliminate the wait list for veterans in need of medical care, hopefully shorten the time it will take to process a veteran's disability claim and to process our veterans' benefits in a timely manner.

I urge my colleagues to support this amendment.

Mr. NICKLES. Mr. President, I thank Senator MURKOWSKI and also Senator MIKULSKI for their leadership in putting this amendment together. I urge its adoption.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we need to be clear with our colleagues, there is no new money. This is rearranging debt. To the extent that means it is not terribly real, that is the reality. I thank my colleagues.

Mr. SPECTER. Mr. President, I am pleased to comment briefly at this time to express my support and cosponsorship, as Chairman of the Senate Committee on Veterans' Affairs, of the amendment that has been offered by the Senator from Alaska, Ms. MURKOWSKI, pertaining to veterans' medical care funding.

Senator MURKOWSKI's amendment would increase funding for most critical discretionary account of the Department of Veterans Affairs, VA, VA medical care account, by $1.2 billion. According to materials distributed by the Budget Committee, the resolution reported out by the Budget Committee had already proposed to increase such funding by $1.4 billion. Thus, approval of the Murkowski amendment will up VA medical care spending, relative to the Congressional Budget Office-computed baseline, by $2.6 billion. This number compares quite favorably to the medical care appropriations ''plus up'' of $2.1 billion that the Ranking Member of the Veterans' Affairs Committee, Senator BOB GRAHAM, and I indicated was necessary in the ''views and estimates letter'' that we provided to the Budget Committee on March 4, 2004. It also compares quite favorably to the two record-breaking increases of $2.4 billion and $2.9 billion that have been provided by Congress in the past 2 fiscal years for the VA medical care account. Clearly, this Congress—and this President—are fulfilling the commitment that we, as a nation, owe to those who have served.

I urge all of my colleagues to support this amendment. It is good for veterans, and it is good for the Nation.

The PRESIDING OFFICER. Time is yielded back. The question is on agreeing to amendment No. 2846.

Without objection, the amendment is agreed to.

The amendment (No. 2846) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 2847 AND 2848, EN BLOC

Mr. NICKLES. Mr. President, I have two amendments that have been agreed upon by both sides of the aisle. One is an amendment by Senator GRASSLEY, and an amendment by Senator BYRD and Senator COCHRAN. I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes amendments numbered 2847 and 2848, en bloc.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2847

(Purpose: To express the sense of the Senate regarding compensation for exposure to toxic substances at Department of Energy facilities)

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—The Senate finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the ''EEOICPA'') is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

AMENDMENT NO. 2848

(Purpose: To correct the scoring for Project Bioshield)

On page 43, strike lines 11 through 20, and insert the following:

(b) FUNDING FOR BIOSHIELD.—The chairman of the Committee on Budget of the Senate shall revise the aggregates, functional totals, and allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by $2,528,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in fiscal year 2005 and subsequent years for Project Bioshield, for a bill, joint resolution, amendment, or conference report that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

Mr. BYRD. Mr. President, this budget resolution contains a back-door cut that could result in an 8 percent cut in the budget for the Department of Homeland Security. In addition, the resolution contains a provision that will undermine the Pell Grant higher education program. This amendment, which is cosponsored by the chairmen and ranking members of the Homeland Security and Labor/HHS/Education Subcommittees, addresses these issues.

Project Bioshield is a new program, first requested by the President in February of 2003, that will expand the Federal Government's preparedness for a bioterrorist attack by making it easier to purchase the most effective pharmaceuticals and vaccines.

The fiscal year 2004 budget resolution, the discretionary limit for fiscal year 2005 was set at $814 billion. Above and beyond the $814 billion limit, the resolution assumed $5.6 billion for Project Bioshield as mandatory spending for legislation considered in the Senate. In the House, the budget resolution assumed that funding for bioshield would be discretionary.

To help resolve the difference between the House and the Senate, the President submitted a formal budget request on September 12, 2003 for $5.6 billion of advanced appropriations as discretionary spending in the fiscal year 2004 Homeland Security Appropriations Act. Congress approved the request and the President signed the first Homeland Security Appropriations Act into law.

Six months later, Chairman NICKLES has decided to disregard that agreement. His budget resolution now assumes that the $2.5 billion of Project Bioshield funding that is available for the next 4 years will all count against the $814 billion limit for fiscal year 2005, forcing the Appropriations Committee to absorb the cost.

What this means is less funding for first responder grants, less funding of the Coast Guard, less funding for border security, less money for FEMA to respond to disasters and less money to implement our immigration laws. This is unacceptable. My amendment will restore the Project Bioshield scoring treatment that was requested by the President and approved by the Senate last September and strike the language in the resolution concerning Pell Grants.

I urge adoption of the amendment.

Mr. COCHRAN. Mr. President, this amendment would strike section 404 from the budget resolution, and provide for the release of the reserve funds originally intended for Bioshield in addition to appropriations provided for

the Department of Homeland Security for fiscal year 2005.

The fiscal year 2004 budget resolution established a $5.593 billion ''reserve'' for Project Bioshield, outside the fiscal years 2004 and 2005 discretionary caps.

This fiscal year 2005 budget resolution, as reported, assumes that the $2.5 billion advance appropriations for Project Bioshield will now be scored against the fiscal year 2005 cap.

At the same time, it imposes in section 404(b) a new procedural barrier to prohibit the Senate Appropriations Committee from getting credit for reducing Bioshield funds to live within the cap.

The effect is that the Senate Appropriations Committee, unlike the House, will have to find an additional $2.5 billion in spending reductions. This will likely have an adverse impact on ongoing programs, including essential homeland security activities.

Advance appropriations were provided to ensure that a stable source of funding would be available for this initiative.

No new scorekeeping precedent needs to be established to protect this program.

I urge my colleagues to support this amendment.

Mr. NICKLES. Mr. President, one of these is an amendment Senator BYRD alluded to yesterday. Of these amendments was one Senator BYRD had mentioned that Senator CONRAD had on his list. It is an amendment that is very complicated, and I will work with Senator BYRD and also Senator COCHRAN who raised it, and Senator JUDD GREGG, all who are involved in bioshield and how it was scored. We will try to score it correctly, and we will work with our colleagues in a manner to do that. We are happy to accept that amendment. The second amendment is an amendment by Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a very complex scoring issue. It may take some work after it leaves the Chamber tonight to get this right. We very much appreciate the fact that all the parties have worked together to avoid a rollcall vote.

The PRESIDING OFFICER. Time is yielded back. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 2847 and 2848) were agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I want to thank our colleagues. We are making progress. I especially want to thank Senator ENSIGN who just withdrew his amendment on firewall. I am sure that will save us a substantial amount of time.

On our side I believe we have amendments still pending. It would be the Kyl amendment and, I am hopeful, final passage.

If Senator CONRAD would look at this, I believe we have both agreed to clear an amendment of Senator SPECTER and Senator HARKIN.

For the information of our colleagues, we are down to maybe two amendments on our side.

I see Senator LAUTENBERG is standing up.

Mr. LAUTENBERG. I am.

Mr. NICKLES. Does Senator CONRAD want to go with Senator LAUTENBERG's amendment?

Mr. CONRAD. Mr. Chairman, I think it would be useful to do that. This has a bit of a complexity.

Mr. NICKLES. This is late at night, and I urge our colleagues to confine their statements to 1 minute each. As a matter of fact, I ask unanimous consent that statements made on behalf of and in opposition to any remaining amendments be limited to 1 minute each.

Mr. DURBIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NICKLES. Mr. President, I call upon our colleague and friend from New Jersey to offer an amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2797

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 2797.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 25, strike lines 4 through 8.

Mr. LAUTENBERG. Mr. President, this amendment is designed to make clear to the American people what it is we do here tonight. It is far from certain all the Members of the Senate are totally familiar with everything that is enmeshed in the arcane language and complicated processes in this budget resolution.

Our amendment says as we see deficits hemorrhaging and the debt limit stretched to $7.4 trillion, we want to be certain it is known this budget bill carries hidden in its mystical language an increase of $664 billion with instruction to the Senate and the House to go up to a total of $8 trillion on the debt limit; therefore, virtually automatically permitting more borrowing to take place without review and direct approval.

Can my colleagues imagine how the American people will feel if tonight we add $2,400 worth of debt to each and every one of them and give them in exchange an average of $200 in tax relief? Imagine, $2,400 worth of debt and $200 worth of cash. It makes Shylock look like an amateur.

I urge my colleagues to support this amendment so we can defer any attempt to increase our debt limit unless it is clear to all what we are going to do by taking our debt limit through the roof. I hope we can get support for this so we can have an intelligent debate specifically on the debt limit at a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I hope we do not need reconciliation to pass a debt limit. I do know it is important to pass a debt limit. This is a political season. Maybe people want to play games with it and offer unlimited amendments. I do not know that we would do that. We did not do that last year. We actually passed the debt limit in 1 day, I believe. I hope we can do it in 1 day and I hope we can do it outside of reconciliation. We should be able to do it. This gives us at least some additional protection to make sure the full faith and credit of the United States is adhered to, that we pay our bills on time.

I urge our colleagues to vote no on the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2797.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—42

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

NAYS—54

Alexander	Collins	Hagel
Allard	Cornyn	Hatch
Allen	Craig	Hutchison
Bennett	Crapo	Inhofe
Bond	DeWine	Kyl
Breaux	Dole	Lott
Brownback	Domenici	Lugar
Bunning	Ensign	McCain
Burns	Enzi	McConnell
Campbell	Fitzgerald	Miller
Chafee	Frist	Murkowski
Chambliss	Graham (SC)	Nelson (NE)
Cochran	Grassley	Nickles
Coleman	Gregg	Roberts

Santorum	Snowe	Talent
Sessions	Specter	Thomas
Shelby	Stevens	Voinovich
Smith	Sununu	Warner

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2797) was rejected.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are getting closer.

Mr. BOND. I hope not further away.

Mr. NICKLES. A couple of more days and we can finish this.

Mr. BOND. Right.

AMENDMENTS NOS. 2850, 2697, AND 2715, EN BLOC

Mr. NICKLES. Mr. President, we have three amendments that Senator CONRAD and I have agreed to. I send them to the desk and ask for their immediate consideration: An amendment by Senator BROWNBACK and two amendments, one by Senator DEWINE and Senator LEAHY and one by Senator NELSON of Florida and Senator COLEMAN.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes amendments Nos. 2850, 2697, and 2715, en bloc.

Mr. CONRAD. I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2850

(Purpose: To increase budget authority and outlays in Function 450 (Community and Regional Development) and Function 500 (Education, Training, Employment, and Social Security) to establish a New Homestead Venture Capital Fund to make equity and near equity investments in start-up and expanding businesses located in high out-migration rural counties and to repay up to 50 percent of college loans (up to $10,000) for recent graduates who live and work in such counties for five years, respectively; and to express the sense of the Senate that any revenue measure passed by Congress in the future should include tax incentives designed to address the devastating problem of chronic out-migration from rural communities in America's Heartland and that those tax incentives should be fully offset)

On page 14, line 19, increase the amount by $260,000,000.

On page 14, line 20, increase the amount by $18,000,000.

On page 14, line 23, increase the amount by $260,000,000.

On page 14, line 24, increase the amount by $226,000,000.

On page 15, line 2, increase the amount by $260,000,000.

On page 15, line 3, increase the amount by $260,000,000.

On page 15, line 6, increase the amount by $260,000,000.

On page 15, line 7, increase the amount by $260,000,000.

On page 15, line 10, increase the amount by $260,000,000.

On page 15, line 11, increase the amount by $260,000,000.

On page 15, line 16, increase the amount by $660,000,000.

On page 15, line 17, increase the amount by $561,000,000.

On page 15, line 20, increase the amount by $60,000,000.

On page 15, line 21, increase the amount by $150,000,000.

On page 15, line 24, increase the amount by $60,000,000.

On page 15, line 25, increase the amount by $60,000,000.

On page 16, line 3, increase the amount by $60,000,000.

On page 16, line 4, increase the amount by $60,000,000.

On page 16, line 7, increase the amount by $60,000,000.

On page 16, line 8, increase the amount by $60,000,000.

On page 23, line 5, decrease the amount by $920,000,000.

On page 23, line 6, decrease the amount by $579,000,000.

On page 23, line 9, decrease the amount by $320,000,000.

On page 23, line 10, decrease the amount by $376,000,000.

On page 23, line 13, decrease the amount by $320,000,000.

On page 23, line 14, decrease the amount by $320,000,000.

On page 23, line 17, decrease the amount by $320,000,000.

On page 23, line 18, decrease the amount by $320,000,000.

On page 23, line 21, decrease the amount by $320,000,000.

On page 23, line 22, decrease the amount by $320,000,000.

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in this resolution in this session of Congress, such legislation should include—

(1) tax and other financial incentives, similar to those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving such communities the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas, and

(2) revenue provisions which fully offset the cost of such tax and other financial incentives.

AMENDMENT NO. 2697

(Purpose: To increase the new budget authority in the International Affairs function by $330,000,000 for fiscal year 2005 to provide adequate funding for the Child Survival and Health Program, with a corresponding offset in function 920)

On page 8, line 21, strike ''$30,140,000,000'' and insert ''$30,470,000,000''.

On page 23, line 5, strike ''−$100,000,000'' and insert ''−$430,000,000''.

AMENDMENT 2715

(Purpose: To increase funding to facilitate reconstruction in Haiti)

On page 8, line 21, increase the amount by $100,000,000.

On page 8, line 22, increase the amount by $100,000,000.

On page 8, line 25, increase the amount by $100,000,000.

On page 9, line 1, increase the amount by $100,000,000.

On page 9, line 4, increase the amount by $100,000,000.

On page 9, line 5, increase the amount by $100,000,000.

On page 9, line 8, increase the amount by $100,000,000.

On page 9, line 9, increase the amount by $100,000,000.

On page 9, line 12, increase the amount by $100,000,000.

On page 9, line 13, increase the amount by $100,000,000.

On page 23, line 5, decrease the amount by $100,000,000.

On page 23, line 6, decrease the amount by $100,000,000.

On page 23, line 9, decrease the amount by $100,000,000.

On page 23, line 10, decrease the amount by $100,000,000.

On page 23, line 13, decrease the amount by $100,000,000.

On page 23, line 14, decrease the amount by $100,000,000.

On page 23, line 17, decrease the amount by $100,000,000.

On page 23, line 18, decrease the amount by $100,000,000.

On page 23, line 21, decrease the amount by $100,000,000.

On page 23, line 22, decrease the amount by $100,000,000.

Mr. DEWINE. Mr. President, I rise today to discuss an amendment I have sponsored, along with Senator NELSON of Florida and Senator COLEMAN of Minnesota, to increase the amount of funding that we can provide to the people of Haiti. It is a commonsense amendment, as it recognizes the reality of the situation in Haiti right now. It recognizes that we have a lot of work ahead of us in Haiti and that it is going to require considerable resources and a long-term commitment. And, it mirrors the suggested $150 million budget benchmark which was included in S. 2144, the Foreign Relations Authorization Act, which was passed out of the Senate Foreign Relations Committee last week.

As many of my colleagues know, over the last 9 years since I have been in the Senate, I have traveled to Haiti 13 or 14 different times. And, if I have learned anything in the course of those trips, it is this: There is no other nation in our hemisphere like Haiti.

Haiti is different. Haiti is unique. No other nation in our hemisphere is as impoverished. Today, at least 80 percent of all Haitians live in dire poverty, with at least 75 to 85 percent underemployed or unemployed. Per capita annual income is less than $400.

No other nation in our hemisphere has a higher rate of HIV/AIDS. Today, AIDS is the number one cause of all adult deaths in Haiti, killing at least 30,000 Haitians annually and orphaning 200,000 children.

No other nation in our hemisphere has a higher infant mortality rate or a lower life expectancy rate.

And no other nation in our hemisphere is as environmentally strapped. Haiti is an ecological disaster, with a 98-percent deforestation rate and extreme topsoil erosion.

Despite its radical differences, Haiti remains in our backyard. It is intrinsically linked to the United States—by history, geography, humanitarian concerns, the illicit drug trade, and the ever-present possibility of waves of incoming refugees. Haiti's problems are

our problems, and we are not going to be able to do anything about any of these problems unless Haiti, the United States, and the international community are willing to take several bold, radical steps.

First, the international community must help Haiti restore a democratically elected government—one free of corruption and the influence and involvement of violent, human rights abusing thugs and killers.

Second, we must free Haiti of its $1.17 billion in foreign debt.

Third, we must increase trade and create jobs. Along with Congressman CLAY SHAW, I have written a trade bill—the ''Haiti Economic Recovery Opportunity Act,'' S. 489. If enacted, this legislation will help restore some of those jobs and create new ones.

Fourth, we must help Haiti develop a self-sufficient system of agriculture.

Fifth, we must help Haiti restore the rule of law. The international community needs to resume programs for mentoring magistrate and judges, and the new Haitian Government needs to create a functioning disciplinary body to oversee the entire judiciary.

Sixth, we must help Haiti establish an independent, professional national police force—one capable of quelling the violence of the armed thugs who threaten the streets of Haiti with abandon.

And finally, the international community should immediately restore the direct aid to the government that was suspended under Aristide, so Haiti can rebuild much-needed institutions and infrastructure for the delivery of food, humanitarian aid, and health care.

In 1994, prior to Mr. Aristide's reinstatement of power—during a time of military dictatorship, under Lieutenant General Cedras—our assistance to Haiti was far greater than it is today. Back in 1994, we provided $69.5 million. In fact, our assistance to Haiti reached an all time high in 1995, when it spiked to $235.2 million. The following year, it drastically fell by over half to $104.9 million. Four years later, it fell even more—down to $58.2 million. And today, we are looking at a $54 million budget. It simply isn't enough. That is why our amendment is so important.

Ultimately, the United States can't ''fix'' Haiti, nor can the international community. But we can improve the situation, and we can help Haiti begin to help itself. But, it is going to take a serious, sustained commitment. Things won't change overnight, and we must remain committed to Haiti for as long as it takes for reforms to take root and for a democratic system of government to emerge. The first step in this process is providing a realistic level of funding for these efforts.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2850, 2697, and 2715) were agreed to en bloc.

Mr. NICKLES. Mr. President, our colleague from Minnesota has been very patient, and I appreciate that. I wish to recognize our colleague from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2786

Mr. DAYTON. Mr. President, this amendment has three parts. First, it increases the Federal funding for special education to the 40-percent share that was promised for the last 27 years. This year the Federal funding for special education is less than half of what was promised 27 years ago. In my State of Minnesota, this broken promise for special education means cuts in Federal programs that occur across all schools for all students, and it also means higher property taxes for the citizens of my State.

I can't believe the other States in this Nation don't encounter the same problems when the Federal Government doesn't fund one of its two most important commitments to education at even half the level it has promised for over a quarter of a century.

The second amendment would reduce the Federal deficit by $1 million a year for each of the next 5 years. To pay for this, I would increase the top tax rate from 35 percent to 38.5 percent. The average income of Americans in that top tax bracket is over $1.1 million. Of course, they don't pay that top rate. Their income from dividends and from capital gains is now taxed at 15 percent. With the lower rates and other loopholes, most of America's multimillionaires and billionaires pay lower tax rates than most middle-class working Americans.

The question is, Whose needs are more important america's schoolchildren who have the greatest needs or America's superrich who have the greatest connections?

The answer is we have seen at least a dozen times tonight that the superrich are the best connected people in America. All of these phantom family farmers and struggling small business owners of companies the size of Lockheed whose incomes exceed over $1.1 million a year, none of whom are located in Minnesota, but they are out there somewhere.

I call up my amendment and will agree once it has been read to accept the decision on a voice vote.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2786.

Mr. DAYTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide full mandatory funding for the Individuals with Disabilities Educational Act (IDEA)} part B grants over five years by reducing tax breaks for the wealthiest taxpayers)

On page 3, line 9, increase the amount by $11,485,000,000.

On page 3, line 10, increase the amount by $11,136,000,000.

On page 3, line 11, increase the amount by $11,864,000,000.

On page 3, line 12, increase the amount by $12,629,000,000.

On page 3, line 13, increase the amount by $13,415,000,000.

On page 3, line 17, increase the amount by $11,485,000,000.

On page 3, line 18, increase the amount by $11,136,000,000.

On page 3, line 19, increase the amount by $11,864,000,000.

On page 3, line 20, increase the amount by $12,629,000,000.

On page 3, line 21, increase the amount by $13,415,000,000.

On page 4, line 4, increase the amount by $10,485,000,000.

On page 4, line 5, increase the amount by $10,136,000,000.

On page 4, line 6, increase the amount by $10,864,000,000.

On page 4, line 7, increase the amount by $11,629,000,000.

On page 4, line 8, increase the amount by $12,415,000,000.

On page 4, line 12, increase the amount by $210,000,000.

On page 4, line 13, increase the amount by $7,123,000,000.

On page 4, line 14, increase the amount by $10,052,000,000.

On page 4, line 15, increase the amount by $10,653,000,000.

On page 4, line 16, increase the amount by $11,385,000,000.

On page 4, line 20, decrease the amount by $11,275,000,000.

On page 4, line 21, decrease the amount by $4,013,000,000.

On page 4, line 22, decrease the amount by $1,812,000,000.

On page 4, line 23, decrease the amount by $1,976,000,000.

On page 4, line 24, decrease the amount by $2,030,000,000.

On page 5, line 3, decrease the amount by $11,275,000,000.

On page 5, line 4, decrease the amount by $15,288,000,000.

On page 5, line 5, decrease the amount by $17,100,000,000.

On page 5, line 6, decrease the amount by $19,076,000,000.

On page 5, line 7, decrease the amount by $21,106,000,000.

On page 5, line 11, decrease the amount by $11,275,000,000.

On page 5, line 12, decrease the amount by $15,288,000,000.

On page 5, line 13, decrease the amount by $17,100,000,000.

On page 5, line 14, decrease the amount by $19,076,000,000.

On page 5, line 15, decrease the amount by $21,106,000,000.

On page 15, line 16, increase the amount by $10,485,000,000.

On page 15, line 17, increase the amount by $210,000,000.

On page 15, line 20, increase the amount by $10,136,000,000.

On page 15, line 21, increase the amount by $7,123,000,000.

On page 15, line 24, increase the amount by $10,864,000,000.

On page 15, line 25, increase the amount by $10,052,000,000.

On page 16, line 3, increase the amount by $11,629,000,000.

On page 16, line 4, increase the amount by $10,653,000,000.

On page 16, line 7, increase the amount by $12,415,000,000.

On page 16, line 8, increase the amount by $11,385,000,000.

At the end of Section 303, insert the following:

SEC. 304. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget of the Senate shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $10,485,000,000 in new budget authority and $210,000,000 in outlays for fiscal year 2005, and $55,529,000,000 in new budget authority and $39,423,000,000 in outlays for the total of fiscal years 2005 through 2009, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. NICKLES. Mr. President, we voted on this amendment last year. I thought our colleague was going to withdraw it. The amendment will increase spending by $55.5 billion and increase taxes by $60.5 billion. I urge our colleagues to vote no on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2786) was rejected.

Mr. NICKLES. Mr. President, first, let me compliment my colleague. I think we should handle the rest of our votes by a voice vote. I thank our friend from Minnesota.

AMENDMENT NO. 2790

Mr. REED. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Ms. MIKULSKI, Mr. BINGAMAN, Mr. DODD, Mr. SCHUMER, Mrs. LINCOLN, Mr. CORZINE, Mr. PRYOR, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, Mr. NELSON of Nebraska, Mr. KOHL, Mr. AKAKA, and Mr. LAUTENBERG, proposes an amendment numbered 2790.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To create a reserve fund to increase funding for college and student financial aid programs, including the Pell Grant program, campus-based assistance, Leveraging Educational Assistance Partnership, TRIO, GEAR UP, and graduate level programs, and lower the national debt by closing tax loopholes)

On page 3, line 9, increase the amount by $1,332,000,000.

On page 3, line 10, increase the amount by $4,560,000,000.

On page 3, line 11, increase the amount by $220,000,000.

On page 3, line 12, increase the amount by $52,000,000.

On page 3, line 17, increase the amount by $1,332,000,000.

On page 3, line 18, increase the amount by $4,560,000,000.

On page 3, line 19, increase the amount by $220,000,000.

On page 3, line 20, increase the amount by $52,000,000.

On page 4, line 20, increase the amount by $1,332,000,000.

On page 4, line 21, increase the amount by $4,560,000,000.

On page 4, line 22, increase the amount by $220,000,000.

On page 4, line 23, increase the amount by $52,000,000.

On page 5, line 3, decrease the amount by $1,332,000,000.

On page 5, line 4, decrease the amount by $5,892,000,000.

On page 5, line 5, decrease the amount by $6,112,000,000.

On page 5, line 6, decrease the amount by $6,164,000,000.

On page 5, line 7, decrease the amount by $6,164,000,000.

On page 5, line 11, decrease the amount by $1,332,000,000.

On page 5, line 12, decrease the amount by $5,892,000,000.

On page 5, line 13, decrease the amount by $6,112,000,000.

On page 5, line 14, decrease the amount by $6,164,000,000.

On page 5, line 15, decrease the amount by $6,164,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR COLLEGE AND STUDENT FINANCIAL AID PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $3,082,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for college and student financial aid programs in the Department of Education, including the Pell Grant program, campus-based assistance, Leveraging Educational Assistance Partnership, TRIO, GEAR UP, and graduate level programs.

Mr. REED. Mr. President, I offer this amendment together with Senators KENNEDY, CLINTON, MURRAY, MIKULSKI, BINGAMAN, DODD, SCHUMER, LINCOLN, CORZINE, PRYOR, LEVIN, ROCKEFELLER, BIDEN and NELSON of Nebraska. And I ask unanimous consent to add Senators KOHL, LAUTENBERG, and AKAKA as cosponsors.

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

Mr. REED. Mr. President, this amendment would create a $3.1 billion reserve fund to boost student financial aid programs, programs such as the LEAP program, leveraging opportunities, a partnership with the Federal Government to provide resources for young people of modest means to go on to college, the work-study program, the TRIO program, the GEAR UP program, and the graduate assistance program.

Every time we talk about our economy and talk about our future, we inherently come back to education and higher education as a key. This budget does not fund these programs sufficiently.

This proposal has been embraced and supported by the Student Aid Alliance, a coalition of more than 60 organizations representing students, colleges, and universities.

At a time when costs of colleges are going out of sight, when literally hundreds of thousands of young people are not able to go to school or must defer their chances to go to school, we have to do more. I hope we can support the amendment.

At this point, let me say I will be prepared to accept a voice vote at the conclusion of the debate. I urge support for this amendment.

I also ask unanimous consent to add Senator SARBANES as a cosponsor.

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

Mr. NICKLES. Mr. President, did the Senator withdraw his amendment?

Mr. REED. I will accept a voice vote.

Mr. NICKLES. Mr. President, I thank our colleague for his willingness to have a voice vote. I urge our colleagues to vote no on his amendment.

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

The amendment (No. 2790) was rejected.

Mr. NICKLES. Mr. President, I thank my colleague from Rhode Island for his cooperation. This is moving things along. We are making great progress.

The Senator from Arizona has been waiting somewhat impatiently to call up his amendment. I hope he will be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2849

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2849.

(Purpose: To create a reserve fund to permit an increase in veterans' medical care that is fully offset with an assessment on excessive lawyer fees paid under the tobacco settlement)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR VETERANS' MEDICAL CARE.

If the Committee on Finance or the Committee on Veterans' Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that (1) provides an increase in veterans' medical program funding and (2) is fully offset by an assessment on lawyer fees paid under the tobacco settlement, the Chairman of the Committee on the Budget of the Senate may revise the allocations of new budget authority, outlays, the revenue aggregates and other appropriate aggregates by not more than $1.7 billion for the period fiscal year 2005 to 2009 to

reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the full reading of the amendment, but it probably is not clear from its reading, so let me explain what the amendment would do.

This amendment restores at least $1.7 billion to the Federal Treasury to be used for veterans health care, paid for by blocking tobacco lawyers from extracting obscenely excessive and unethical attorney fees from the multistate tobacco settlement. The amendment caps future fee payments from this agreement at $20,000 an hour. In an 8-hour day that is more money than, of course, our salary.

The amendment does not apply to any fees from any cases that have already been judicially reviewed and approved by the court and would only apply prospectively, to fees paid in the future, out of the tobacco settlement taxes that have not yet been collected. The trial lawyers still will receive billions of dollars under this amendment. So far, they have received in the billions of dollars. At $20,000 an hour, I suggest this amendment would impose perhaps a one yacht per lawyer per day rule.

It is actually a serious proposition. The people who are being ripped off here are, of course, the people who are supposed to benefit from the tobacco settlement. But the fees in some of the cases amount to more than $100,000 an hour and ultimately involve little or no original legal work.

Do not take my word for it. These fees are indefensible and outrageous. Even some in the trial bar are in agreement. Here is what noted plaintiffs' lawyers, including tobacco lawyers, have had to say about the tobacco fee award. Michael Ciresi, a pioneer in the tobacco litigation who represented the State of Minnesota in its lawsuit, and who is no doubt familiar with these lawsuits, said the Texas, Florida, and Mississippi lawyers' fees awards ''are far in excess of these lawyers' contribution to any of the state results.''

Washington, DC lawyer tobacco industry opponent John Coale has denounced the fee awards as ''beyond human comprehension,'' stating that ''the work does not justify them.''

Even the Association of American Trial Lawyers, the Nation's premier representative of the plaintiffs' bar, has condemned attorneys' fees requested in these State tobacco settlements. Here is what the President of ATLA noted:

> Common sense suggests that a one billion dollar fee is excessive and unreasonable and certainly should invite the scrutiny [of the courts.] ATLA generally refrains from expressing an institutional opinion regarding a particular fee in a particular case, but we have a strong negative reaction to reports that at least one attorney on behalf of the plaintiffs in the Florida case is seeking a fee in excess of one billion dollars.

Finally, to get the academic side of it, quoting from Professor Lester Brickman, professor of law at Cardozo Law School and a noted authority on legal ethics and attorneys' fees:

> Under the rules of legal ethics, promulgated partly as a justification for the legal profession's self-governance, fees cannot be 'clearly excessive.' Indeed, that standard has been superseded in most states by an even more rigorous standard: Fees have to be 'reasonable.' Are these fees, which in many cases amount to effective hourly rates of return of tens of thousands—and even hundreds of thousands—dollars an hour, reasonable? I think to ask the question is to answer it.

The choice before the Senate is we can either allow the tobacco settlement to continue to be diverted to pay $100,000 an hour fees to billionaire lawyers or we can put the excess of those fees to a proper use, serving a national need, such as veterans health benefits, while still allowing the tobacco lawyers to earn up to $20,000 an hour.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the Senator from Arizona is on to an interesting concept and I will offer a second-degree amendment to expand a good idea. The amendment which I will offer will suggest we can also offset the expenses of veterans health care by profits paid to and penalties paid by sole-source contractors doing business in Iraq.

I took a look at some of the companies doing business in Iraq. It turns out they are making not only outrageous profits, but they are under investigation by our Government. Sole-source contractors, such as Halliburton and Bechtel—and as you look at some of the figures, I would concede some of the figures relative to fees are stunning but, frankly, Halliburton puts them to shame. Halliburton's Kellogg Brown & Root subsidiary is under mounting scrutiny since last fall over suspicions that a fuel contract the company signed in May overcharged United States taxpayers by $61 million, up to the end of September and $20 million a month since then.

This is rather lengthy. I will try to get it together quickly because there are so many things Halliburton has been involved in. Let me go through the chronology of Halliburton and how we believe they substantially overcharged the taxpayers. Incidentally, this is not a partisan observation. The Pentagon has turned Halliburton in to the SEC. Let me go through the chronology.

December 11, 2003, a Pentagon audit finds substantial overcharging in $1.2 billion of Halliburton fuel sales in Iraq;

January 14, 2004, Pentagon audit asks Defense inspector general to launch a formal investigation;

January 22, Halliburton discloses two workers took large kickbacks as part of a $6.3 million overcharging scheme involving a Kuwaiti-based company;

February 1, investigators find Halliburton overcharged more than 16 million for meals at a United States base in Kuwait;

February 3, total overbill for meals rises to $36 million.

This keeps growing. February 16, the company agrees to withhold billing on additional $140 million in food services. Now the numbers are really adding up quickly.

March 10, Defense inspector general asks Justice Department to begin the investigation of Halliburton. Halliburton has multiple contracts valued at up to $188 billion to support the Army and repair oil fields in Iraq. And the profits, I might add for my colleagues, they are generating obviously allow them to run some very fine television advertising.

I hope my colleagues have all had a chance to see the patriotism of Halliburton and its advertising, but we cannot seem to find the patriotism when it comes to their doing business with the Government. They are overcharging taxpayers, we are being penalized, they are under investigation, and the Senator from Arizona has come up with a wonderful idea. We should tap into the excess profits and penalties of sole-source contractors in Iraq to help veterans health care.

I am sorry we turned down the amendment of the Senator from South Dakota: $2.7 billion for veterans health care the other night was defeated. Of course, I understand why the other side defeated it. We wanted to cut the tax break for the wealthiest Americans from $140,000 a year to $112,000 a year. That was an outrageous idea rejected by the Senate. We said the veterans have to wait for another day.

The day has arrived. We are going after the tobacco settlement. We are going to add Halliburton and Bechtel into this. Frankly, we are going to find excess profits and penalties that can make a difference.

The Members of the Senate may recall not too long ago the Senator from Vermont offered a very valuable amendment during the Omnibus Appropriations bill on profiteering by contractors in Iraq. If I am not mistaken, I believe it passed by a vote of 97–0 in the Senate.

If it is appropriate, I ask the Senator from Vermont, I don't believe that amendment survived the conference committee on the Omnibus Appropriations bill.

Mr. LEAHY. If I could respond.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. I am not yielding the floor.

The PRESIDING OFFICER. The Senator only yields for a question.

Mr. DURBIN. If the Senator from Vermont would like to ask a question.

The PRESIDING OFFICER. Time in opposition is controlled by the minority bill manager. The Senator can yield for a question.

Mr. LEAHY. May I ask the Senator from Illinois a question?

Mr. DURBIN. I am happy to yield.

Mr. LEAHY. I ask the Senator from Illinois if he was aware of the fact the

committee in conference, even though there was bipartisan support for the war profiteering amendment that was based word for word on what we used after World War II, after the Korean war, I was told the leadership in the House said they were under orders from the White House to remove the war profiteering.

Did the Senator from Illinois know the White House came in and said what was generally called the Halliburton amendment had to be taken out of the committee of conference?

Mr. DURBIN. I was not aware of that. And if I am not mistaken, I think the Senator from Vermont modeled his amendment after a World War II amendment on profiteering. It is amazing to me we struck the language on profiteering in the omnibus bill, and now look what has happened with Halliburton and other companies. They are being investigated. They are being charged with gouging taxpayers. We are losing money. Frankly, I do not think it is reasonable for taxpayers to have to pay this. The Senator from Arizona is on to a good idea.

Let me give you a couple other examples he might be interested in. According to a recent NBC News report, another politically connected Pentagon contractor, DynCorps, is hiring senior people to train Iraqi police at a cost to American taxpayers of some $400,000 a year per trainer. Counting living expenses, tax liability, and reimbursements, it is worth about $50 million so far. It turns out the contract only had one bidder. It is expected to generate about $800 million in revenue to DynCorps over the next 2 years.

Let me say, when the Senator from Arizona yields back his time, I will be offering a second-degree amendment. We will have a chance to vote on Halliburton before we get to the tobacco settlement.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would respectfully ask my colleague from Illinois to withdraw his second-degree amendment. If he wishes to have a vote on the amendment——

The PRESIDING OFFICER. There is no pending second-degree amendment.

Mr. KYL. If the Senator does not wish to lay down his second-degree amendment, then that is fine, because we have not had any second-degree amendments yet. If it is not his intention to lay it down, then we can proceed to a vote on the amendment I have offered.

The PRESIDING OFFICER. Is there further debate?

The Senator from Illinois.

Mr. DURBIN. Mr. President, when the Senator from Arizona yields back his time, I will be offering the second-degree amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me renew my request, with all due respect to my friend from Illinois. I do not know how many scores of amendments have been voted on by this body in the last 48 hours or so, most of which have been offered by Members on the Democratic side. We have not second-degreed a single one of those amendments. I have checked.

Of course, it is possible to get a vote on an amendment. Everybody around here knows that. At this late date, I just wonder if my colleagues want to go through the time and the process that requires. I have no objection to my colleague having a vote on the proposal which he says he is going to propound here as soon as I yield back my time. But I also think he should permit me to have a vote on the amendment I have laid down, as we have done for every one of the other amendments here. Therefore, again, I would ask my colleague, if he wishes to lay down an amendment and have a vote on that amendment—and I certainly would not do anything to get in the way of that or object to it—that he permit a vote on this as a freestanding amendment. Because if that does not happen, then it is going to take us a very long time tonight. But we will still get a vote on each of these amendments.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from Illinois?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have made great progress.

The PRESIDING OFFICER. Who yields time? The time on this amendment is controlled by the Senator from Arizona and the minority manager.

Mr. KYL. Mr. President, I would be happy to yield to my colleague, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If the Senator would yield for a question, I understand your request is to have a vote on your amendment and to have a vote on the Durbin amendment back to back. Is that your request?

Mr. KYL. Mr. President, if the Senator from Illinois wishes to lay down an amendment, I have, as I said, no objection to having a vote on his amendment.

Mr. NICKLES. If the Senator will yield further, I want to thank my colleague from North Dakota because it has been very much because of his leadership—and I think we have helped as well—that we have not had a second-degree vote yet, and I do not think we should. We have done that because we have worked together.

I wish for us to continue working together. I wish for us to have, if necessary, a vote on the Kyl and Durbin amendments, and a vote on—I believe Senator KENNEDY has an amendment. I would hope we could do that by voice, but it looks like we need a rollcall vote on that. I think we may be able to take Senator LANDRIEU's amendment, and then we can vote on final passage.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this has been 4 long days and 4 difficult days in which the two sides have worked together with a remarkable spirit of cooperation and good will.

I would call on my two colleagues—both Senator KYL, whom I like and respect, and Senator DURBIN, about whom I feel the same way—and ask them both to allow those two votes to go away. They can come back on other vehicles at a later point.

Here we are, at 12:30, with an amendment that has a political agenda and calls for a political response. I think it is not appropriate, at 12:25, after we have worked together for 4 days with substantive disagreements which we have dealt with in an orderly and cooperative way. Can't we just withhold on this budget resolution and deal with this issue on a later vehicle?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would respond to the ranking member of the Budget Committee, what he says is absolutely true. Everything has been done, up until now, by comity. And I complimented—I am not sure you heard it, but to the Senator from North Dakota, I complimented his handling of this issue as much as the chairman's.

As the chairman of the Budget Committee will acknowledge, I had been waiting for a long time to offer my amendment. He urged me to wait, to wait, to wait. Had I offered it earlier, this issue would not even be before us. Many of the other amendments that were offered had political overtones. I think we all have to acknowledge that. I will acknowledge mine does. I think you would have to acknowledge an awful lot of the amendments that have been offered here on which we had rollcall votes had political overtones. We all understand that.

I do not need to take any more time on this. I simply put forth an amendment that took me about 5 minutes to discuss. I would like to get a vote on it. I have no objection to the Senator from Illinois offering his proposal and getting a vote on that. We can probably get this done quickly instead of talking about it, and just get it done.

The PRESIDING OFFICER. Is there further debate on the amendment?

Do the Senators yield back their time?

Mr. KYL. Mr. President, perhaps before I yield back the time, I would like to ask my colleague from Illinois if he would be willing to have two back-to-back votes?

The PRESIDING OFFICER. Without objection, the Senator may yield for that question.

Mr. DURBIN. Mr. President, of course I would yield to a question. I would say, I am not going to withdraw the second-degree amendment. I will

not ask for any further debate. We can have up-or-down votes in the interest of time. But I think because of the comity that has been displayed to this point, perhaps if both amendments retreated and were saved for another day, it would be in the best interest of the Senate.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2849 WITHDRAWN

Mr. KYL. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, this has been a remarkably good 4 days for the Senate. On a bipartisan basis, we have debated this budget resolution. Yes, there have been differences. Yes, there have been debates. But it has been at a high level with a good tone. Can't we end it on that basis? If we cannot, there are other alternatives open. I hope my colleagues are listening because there are other alternatives open. The alternatives open are to offer amendment after amendment after amendment after amendment, and we can be here all night and all day tomorrow and all day Saturday and all day Sunday and all day Monday, and we can just keep on voting.

Either this is resolved in a responsible and respectful way or I can assure my colleagues we have hundreds of amendments that are all prepared that we have just spent hours talking our colleagues out of offering.

I will say to my colleagues on this side, dust off your amendments. Let's get ready to debate and discuss and vote for a long time, if we can't have a reasonable ending to this predicament.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to make a request and see if my colleagues will abide by this. We have an amendment offered by Senator KYL. We have an amendment offered by Senator DURBIN. We have an amendment pending in the wings by Senator KENNEDY, and we have an amendment pending in the wings by Senator SANTORUM. I would ask all four of those amendments to disappear in the twilight of this morning, that we have a voice vote on Senator LANDRIEU's amendment, and we vote on final passage.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me indicate that it is not just those four amendments. Let me just advise my colleagues, when we started this process, we had 130 amendments. If we don't dispose of these other four in the way the chairman has indicated, I will call each and every one of those amendments.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 2785 AND 2851, EN BLOC

Mr. NICKLES. Mr. President, tempers are starting to rise. This is not good for the cause.

We are very close to the finish line. Senator CONRAD and I have been working together very closely. We have agreed to a sense-of-the-Senate resolution by Senator LUGAR and an amendment by Senator SPECTER. I send those to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant journal clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. LUGAR, proposes an amendment numbered 2785.

The Senator from Oklahoma [Mr. NICKLES], for Mr. SPECTER, proposes an amendment numbered 2851.

The amendments are as follows:

AMENDMENT NO. 2785

(Purpose: To express the sense of the Senate concerning summer food pilot projects)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.

It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions in Function 600 (Income Security), the Senate supports the provision, to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture, of $15,000,000 for fiscal year 2005, and $127,000,000 for the period of fiscal years 2005 through 2009, to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

AMENDMENT NO. 2851

(Purpose: Strike Section 404)

Strike section 404(a).

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered.

Is there further debate on the amendments? If not, the question is on agreeing to amendments Nos. 2785 and 2851, en bloc.

The amendments (Nos. 2785 and No. 2851) were agreed to.

AMENDMENT NO. 2852

Mr. NICKLES. Mr. President, I believe Senator COLLINS has an amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Ms. COLLINS, proposes an amendment numbered 2852.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a deficit neutral reserve fund for Postal Service reform)

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR POSTAL SERVICE REFORM.

If the Committee on Governmental Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that reforms the United States Postal Service to improve its economic viability, the Chairman of the Committee on the Budget may revise committee allocations for the Committee on Governmental Affairs and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 though 2009.

Ms. COLLINS. Mr. President, I rise today with my good friend, Senator CARPER, to offer an amendment that will help the Governmental Affairs Committee—GAC, which I chair, report out legislation reforming the United States Postal Service.

The Postal Service is the linchpin of a $900 billion industry that employs nine million Americans in fields as diverse as direct mailing, printing, catalog production, publishing, and paper manufacturing. The health of the Postal Service is essential to thousands of companies and the millions that they employ. It is vital that we in Congress, the Postal Service, its employees, and the mailing industry work together to save and strengthen this institution on which so many Americans rely.

What many people do not realize is that the Postal Service cannot survive without fundamental reform. Last month, Comptroller General David Walker wrote to me to urge comprehensive—not incremental—reform to ensure the USPS' future viability. In a letter to me, he stressed that ''comprehensive postal reform is urgently needed'' and noted that the Postal Service's current business model ''is not well aligned with 21st century realities.'' If anything, David Walker is understating the point.

The Postal Service is faced with enormous debts. It owes $6.5 billion in debt to the U.S. Treasury and its long-term liabilities include nearly $7 billion for Workers' Compensation claims, $5 billion for retirement costs, and as much as $45 billion to cover retiree health care costs. The fact is, if the Postal Service no longer provided universal service at affordable rates, no private company could step in and fill the void. The economies simply would not work.

That is why the Governmental Affairs Committee has embarked on a deliberative effort to produce and report out legislation reforming the United States Postal Service. We have held six

hearings to date, and we are not yet finished. Once we have heard from all interested parties and gathered and analyzed as much information as possible, Senator CARPER and I plan to introduce reform legislation. This amendment will help us move our bill toward enactment.

Our amendment sets up a deficit-neutral reserve fund to accommodate postal reform. Under the terms of the amendment, if the Governmental Affairs Committee reports out a postal reform bill that is fully offset, then the Budget Committee chairman can allocate to GAC the direct spending authority we would need to bring our bill to the floor without it being subject to a budget act point of order. It is my intent to seek only offsets for our bill that enjoy a broad, bipartisan consensus of our committee. Our amendment would permit the bill to offset direct spending increases with parallel revenue increases—say, by closing abusive tax loopholes—which is an avenue I plan to explore further. Of course, if a suitable offset cannot be found, it would be my intent to move forward nonetheless.

I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2852.

The amendment (No. 2852) was agreed to.

Mr. NICKLES. Mr. President, the Senator from Louisiana, Ms. LANDRIEU, has an amendment at the desk.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate on the amendment?

Mr. NICKLES. We have no objection to the amendment.

Mr. CONRAD. It is also cleared on this side.

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

The amendment (No. 2775) was agreed to.

Mr. NICKLES. Mr. President, Senator CORZINE has an amendment pending.

Mr. CORZINE. Mr. President, has the chairman and the ranking member been able to resolve the question on the floor with regard to the other withdrawals? If that is the case, I will be prepared to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. NICKLES. Mr. President, we give extra points for colleagues who withdraw amendments after 12 o'clock. Three colleagues will make about 2 minutes worth of remarks and then we can be voting on final passage. I believe Senator KENNEDY is first.

The PRESIDING OFFICER. All remaining general debate time is controlled by the Senator from North Dakota.

Mr. CONRAD. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I had an important amendment dealing with a Medicare proposal to follow the recommendation of the Medicare actuaries, which indicate that we are paying the HMOs and the PPOs $1,100 a year more than is being paid to Medicare, which over a 10-year period is $42 billion.

My amendment would have used that $42 billion to offset the expenses under the current prescription drug program. I understand now that there has been a proposal offered by the leaders. I have the assurance from our leader he will make the best effort to give us the opportunity to address this in a timely way in the next legislation that comes through here. On that basis, I withdraw the amendment.

Mr. NICKLES. Mr. President, I thank my colleague from Massachusetts for his generosity.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield to the Senator from Arizona.

Mr. KYL. Mr. President, it is my understanding that as a result of the suggestion of the chairman of the Budget Committee, the four pending matters would not be voted on, which would include the proposal I offered, the proposal of the Senator from Illinois, and the proposal of the Senator from Pennsylvania, who will speak last, and as Senator KENNEDY mentioned, his as well. I want my colleagues to know this is being done by the four of us in an effort to try to get finished here very soon.

It seems to me we ought to take one lesson from what has occurred here tonight, which is that those of us who wish to bring amendments to the floor, to have them debated and voted on, who I think have every right to have those amendments voted on, will have to in the future offer these amendments at a different time in the process. I hope my colleagues will recognize that when we do that, it is for the purpose of getting that vote.

I think my colleagues would have to agree that the process followed here tonight was not fair and the only reason I have withdrawn the amendment I proposed was so we can complete action. Rest assured that the proposal will be back and my colleagues will have an opportunity to vote on it in the future.

Mr. NICKLES. Mr. President, I yield to the Senator from Pennsylvania 2 minutes.

The PRESIDING OFFICER. The time is controlled by the minority manager.

Mr. CONRAD. Mr. President, in the interest of fostering this bipartisan feeling that has been so prevalent throughout these 4 days, I will yield to the Senator from Pennsylvania for 2 minutes.

AMENDMENT NO. 2853

Mr. SANTORUM. I thank the Senator from North Dakota.

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2853.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SANTORUM. Mr. President, I send this documentation in support of the amendment to the desk, and I ask unanimous consent that it be printed in the RECORD.

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

CANDIDATE KERRY'S BUDGET PROPOSALS

	Year 1	Year 2	Year 3	Year 4	Year 5	5-yr total
Tax Proposals:						
Repeal EGTRRA/JGTRAA provisions to raise taxes on folks AGI >200k	26.3	44.5	46.4	51.0	55.2	223.4
Close loopholes/eliminate subsidies	0.0	20.0	20.0	20.0	20.0	80.0
Extend other EGTRRA/JGTRRA provisions	−12.3	−20.2	−18.6	−14.6	−11.5	−77.2
Outlays from EGTRRA/JGTRRA provisions	0.0	−4.8	−4.5	−4.5	−4.5	−18.3
Subtotal, tax proposals	14.0	39.5	43.3	51.9	59.2	207.9
Spending Proposals:						
State tax relief—920 (disc)	−25.0	−25.0	0.0	0.0	0.0	−50.0
Health care—550	−89.5	−89.5	−89.5	−89.5	−89.5	−447.5
Homeland—450 (disc)	0.0	−5.0	−5.0	−5.0	−5.0	−20.0
Jobs programs—500 (disc)	0.0	−10.0	−10.0	−10.0	−10.0	−40.0
No child left behind—500 (disc)	0.0	−8.0	−8.0	−8.0	−8.0	−32.0
Special education—500 (disc)	0.0	−12.0	−12.0	−12.0	−12.0	−48.0
College education—500 (disc)	0.0	−3.5	−3.5	−3.5	−3.5	−14.0
Energy & environment—300 (disc)	0.0	−3.5	−3.5	−3.5	−3.5	−14.0
Global AIDS—150 (disc)	−7.5	−7.5	−7.5	−7.5	0.0	−30.0
Veterans' health—700	−8.2	−8.2	−8.2	−8.2	−8.2	−41.0
Transportation—400 (disc)	0.0	−7.0	−8.0	−8.0	−8.0	−31.0
Housing—600 (disc)	0.0	−1.0	−1.0	−1.0	−1.0	−4.0
Subtotal, Kerry spending	−130.2	−180.2	−156.2	−156.2	−148.7	−771.5

CANDIDATE KERRY'S BUDGET PROPOSALS—Continued

	Year 1	Year 2	Year 3	Year 4	Year 5	5-yr total
Add back—freeze to inflated baseline—920	−13.4	−27.6	−45.1	−65.4	−87.3	−238.7
Subtotal, spending proposals for amendment	−143.6	−207.8	−201.3	−221.6	−236.0	−1010.2
Kerry, Deficit Impact w/o debt serv	116.2	140.7	112.9	104.3	89.5	563.6
For amendment:						
Total 150 (disc)	−7.5	−7.5	−7.5	−7.5	0.0	−30.0
Total 300 (disc)	0.0	−3.5	−3.5	−3.5	−3.5	−14.0
Total 400 (disc)	0.0	−7.0	−8.0	−8.0	−8.0	−31.0
Total 450 (disc)	0.0	−5.0	−5.0	−5.0	−5.0	−20.0
Total 500 (disc)	0.0	−33.5	−33.5	−33.5	−33.5	−134.0
Total 550	−89.5	−89.5	−89.5	−89.5	−89.5	−447.5
Total 600 (disc)	0.0	−1.0	−1.0	−1.0	−1.0	−4.0
Total 700	−8.2	−8.2	−8.2	−8.2	−8.2	−41.0
Total 920 (disc)	−38.4	−52.6	−45.1	−65.4	−87.3	−288.7
Subtotal, spending proposals	−143.6	−207.8	−201.3	−221.6	−236.0	−1010.2

Sources: Washington Post, Kerry's Spending, Tax Plans Fall Short, February 29, 2004; Joint Committee on Taxation; National Taxpayers' Union; JohnKerry.com; LA Times, May 25, 2003.

NUMBERS TO WRITE IN BUDGET RESOLUTION

[Show all numbers as positive—use on-budget changes and totals only]

		2005	2006	2007	2008	2009	
(1)(A) Level of Federal Revenus: Write increase if positive/decrease if negative		38,296.000	79,080.000	69,123.000	76,240.000	88,626.000	351,365
(1)(B) Change in Revenues: Write increase if positive/decrease if negative and add "reduction in revenues"		38,296.000	79,080.000	69,123.000	76,240.000	88,626.000	
(2) New Budget Authority (function spending + interest): Write "increase" or "decrease"		151,052.136	221,280.576	223,955.256	252,798.059	276,318.737	1,125,405
(3) Budget Outlays (function spending + interest): Write "increase" or decrease"		145,439.136	215,107.576	216,217.256	244,706.059	267,907.737	1,089,378
(4) Deficits: To make deficit smaller, increase by positive number, To make deficit bigger, decrease by positive number		107,143.136	136,027.576	147,094.256	168,466.059	179,281.737	738,013
(5) Public Debt: Write "increase" or decrease" but show as positive		107,143.136	243,170.712	390,264.968	558,731.027	738,012.764	2,037,323
(6) Debt Held by the Public: Write "increase" or decrease" but show as positive		107,143.136	243,170.712	390,264.968	558,731.027	738,012.764	
103 Function BA and O: Write "increase" or decrease" but show as positive:							
Fct. 050	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 150	BA	7,500.000	7,500.000	7,500.000	7,500.000	0.000	
	O	7,500.000	7,500.000	7,500.000	7,500.000	0.000	
Fct. 250	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 270	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 300	BA	0.000	3,500.000	3,500.000	3,500.000	3,500.000	
	O	0.000	3,500.000	3,500.000	3,500.000	3,500.000	
Fct. 350	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 370	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 400	BA	0.000	7,000.000	8,000.000	8,000.000	8,000.000	
	O	0.000	7,000.000	8,000.000	8,000.000	8,000.000	
Fct. 450	BA	0.000	5,000.000	5,000.000	5,000.000	5,000.000	
	O	0.000	5,000.000	5,000.000	5,000.000	5,000.000	
Fct. 500	BA	0.000	33,500.000	33,500.000	33,500.000	33,500.000	
	O	0.000	33,500.000	33,500.000	33,500.000	33,500.000	
Fct. 550	BA	89,500.000	89,500.000	89,500.000	89,500.000	89,500.000	
	O	89,500.000	89,500.000	89,500.000	89,500.000	89,500.000	
Fct. 570	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 600	BA	0.000	1,000.000	1,000.000	1,000.000	1,000.000	
	O	0.000	1,000.000	1,000.000	1,000.000	1,000.000	
Fct. 700	BA	8,200.000	8,200.000	8,200.000	8,200.000	8,200.000	
	O	8,200.000	8,200.000	8,200.000	8,200.000	8,200.000	
Fct. 750	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 800	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	
Fct. 900	BA	1,884.136	7,298.576	14,926.256	23,145.059	31,897.737	
	O	1,884.136	7,298.576	14,926.256	23,145.059	31,897.737	
Fct. 920	BA	43,968.000	58,782.000	52,829.000	73,453.000	95,721.000	
	O	38,355.000	52,609.000	45,091.000	65,361.000	87,310.000	
Fct. 950 (Write increase or decrease reduction in receipts)	BA	0.000	0.000	0.000	0.000	0.000	
	O	0.000	0.000	0.000	0.000	0.000	

Mr. SANTORUM. Mr. President, what I sent to the desk was a budget as proposed by Senator KERRY. This is a combination of the documentation from the L.A. Times, Washington Post, and other sources, of the proposals he has made with respect to this year's budget.

For the information of Members, the proposal reflects 129 different line items in the budget, of which 124 are increases and 5 are decreases. As a result of the proposals put forth by Senator KERRY, taxes would be raised on the American people $351 billion over the next 5 years.

Mrs. BOXER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator does not control the time.

Mr. SANTORUM. If I may continue, Mr. President. The Government would spend $1.89 trillion more over the next 5 years and borrow $738 billion more. In other words, the deficit would be $738 billion more under the proposals put forth by Senator KERRY. When asked about that, his campaign said they have more refinements to do.

The bottom line is what we have proposed is a responsible budget to cut the deficit in half over the next 3 years, and what the Senator from Massachusetts is offering around the country is a budget that would increase the deficit by $738 billion, increase taxes on the American people by $350 billion, and increase spending in Washington, DC, by almost $1.1 trillion.

AMENDMENT NO. 2853, WITHDRAWN

I would love to have had a vote on the amendment. But in the spirit of comity that we have here at quarter of 1 in the morning, I will withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. CONRAD. Mr. President, I have the Bush budget and I could send that to the desk. I am the only one who has time remaining here tonight. I would say to my colleagues, I have 300 charts, and I would be willing to go through all of them tonight, talking about the deficiencies of the Bush budget.

Let's just start with the debt that is being added and put on the American people by the Bush budget: $3 trillion of additional debt in just the next 5 years when we already have record budget deficits—the biggest budget deficit in the history of the country. The President is asking us to take $2.4 trillion from Social Security—every penny of Social Security surplus—over the next 10 years and use it to pay for income tax cuts primarily directed to the wealthiest among us.

We could go on and on and on about the deficiencies of this budget: a 94-percent cut in the COPS Program; a 60-percent cut in port security at a time when our security is at risk; a 33-percent cut to firefighters.

We could have an extended and lengthy discussion about the deficiencies of the Bush budget. We could go through the entire history of this President, who told us 3 years ago that we could have massive tax cuts and we would still have no budget deficits. He told us at the time he would completely protect Social Security, not taking it to use for other purposes, and now he takes $2.4 trillion, violating that pledge.

We could go to his statement in the next year in which he promised us that the deficits would be small and short-term. Instead, now we see the biggest deficits in the history of our country.

Then we could go to the third year, when the President told us the deficits would be small by historical standards. Instead of being small, they are the biggest deficits in the history of the United States.

Now he has told us the deficit will be cut in half if only we adopt his budget. Let me say to my colleagues, the only way he gets that is he leaves out big chunks of Federal expenditures.

First, he says there is no cost for the war past September 30. None. Does anybody believe that? There is no cost for Iraq, there is no cost for Afghanistan, there is no additional cost for the war on terror?

The Congressional Budget Office says there is $280 billion of residual costs. Not one penny of it is in the President's budget.

I could go on and on about the deficiencies of this budget. I will not send the Bush budget to the desk. I will not ask for a vote. In the interest of the good tone that has been set, and out of friendship and respect for the chairman who has conducted himself in a most honorable and decent way, I ask that we go to final passage.

I also yield, again in the spirit of bipartisanship, 3 minutes to the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank all of our colleagues. I knew that we were attempting a lot to try to finish this tonight. I knew we would have a lot of votes and, I say to Senator BYRD, I knew it would not be easy. I thank Senator BYRD for his help. I thank all colleagues for their patience. With a little exception in the last hour, this has been managed quite well.

I thank my friend and colleague, Senator CONRAD, for his work. We have handled I don't know how many amendments. I think we voted on 15, 16 amendments today. We had a lot of cooperation. We got a lot of good work accomplished. We have a budget which we are ready to pass that will cut the deficit in half in 3 years.

I thank our colleagues. I thank Senator CONRAD's staff; Mary Naylor, Sue Nelson, and his entire team, as well as Hazen Marshall, Stacey Hughes, and my entire team. They worked endless hours.

I urge adoption of the resolution. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MENTAL HEALTH PARITY

Mr. DOMENICI. Mr. President, I want to begin by complimenting my friend from Oklahoma and the Chairman of the Senate Budget Committee on a job well done. He has skillfully navigated a difficult course to produce the Budget Resolution before us today. Congratulations.

I also want to tell him that even though he has served as the Chairman of the Senate Budget Committee for only two short years, he has set a very high bar for future Chairmen to meet.

I would like to raise the issue of mental health parity as the Senate debates the FY 2005 Senate Budget Resolution.

It is my understanding the Resolution before us assumes the revenue impact of enacting a mental health parity law at a cost of $2.3 billion over five years. However, I want to make sure that this is indeed the case because the assumption I just mentioned is not specifically referenced in S. Con. Res. 95. Rather, the overall revenue number is such that it assumes Congress will pass mental health parity legislation.

Mr. NICKLES. I understand the concern of the distinguished senior Senator from New Mexico regarding mental health parity legislation and I would concur with my colleague's assessment. S. Con. Res. 95 does assume the revenue impact of enacting mental health parity legislation.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and explanation of this important matter.

AMTRAK FUNDING

Mr. CONRAD. Mr. President, I am aware that some of my colleagues are concerned about budgeting sufficient funding for Amtrak. I would like to point out that this budget does not specifically provide sufficient funding for the continuing operations of Amtrak, our Nation's intercity passenger rail carrier. The President's budget this year proposes $900 million for Amtrak, an amount generally and widely considered to be insufficient to safely operate the railroad; it would likely have to be shut down. Amtrak officials have stated that $1.798 billion would sufficiently fund their operations and capital needs in fiscal year 2005. This amount would help Amtrak return to a good state-of-repair, and let them provide safe, reliable service. Commerce, Science, and Transportation Committee Ranking Member HOLLINGS has shown great leadership as a supporter of passenger rail service in our country, and I want him and others to know that we are not endorsing the President's budget request for Amtrak.

Mr. HOLLINGS. Mr. President, I thank the ranking member of the Budget Committee. His hard work in highlighting shortcomings in the President's budget is truly commendable. As my friend from North Dakota states, I feel it is important to recognize the need for adequate funding for Amtrak. Earlier this year, the Senate passed S. 1072, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004, SAFE-TEA, which reauthorized many Federal surface transportation programs. As part of that reauthorization package, we authorized $2 billion per year for Amtrak for 6 years. The Senate recognized that funding for Amtrak is a priority. Rail travel provides passengers an alternative to air travel and driving, and the benefits are numerous. Ridership on Amtrak trains totaled over 24 million last year. I am certain we will not allow funding for this important service to fall below adequate levels requested by Amtrak President and CEO David Gunn, who has made such great progress recently. It is important that we maintain the critical momentum he has established.

Mr. LAUTENBERG. Mr. President, my good friend from South Carolina, the ranking member of the Senate Committee on Commerce, Science, and Transportation, has been a tireless and influential advocate for passenger rail, and his leadership is unparalleled on this issue. Although my friend Senator CONRAD, the ranking member on the Senate Budget Committee, has pointed out that this budget does not explicitly provide for adequate funding for Amtrak, I am hopeful that Senator HOLLINGS' efforts will lead to a long-term funding source for the railroad so that it may finally take advantage of efficient, multi-year planning and realize additional efficiencies on its system. The attacks on 9/11 taught us a valuable lesson concerning transportation options, and we need to heed that lesson so we do not find ourselves in a situation again where options for travelers are severely limited and our economy suffers because of it.

Last year, the Congress appropriated $1.2 billion for Amtrak—the highest amount ever. Also last year, Amtrak carried over 24 million passengers—their highest amount ever. I am quite certain this is no coincidence. It is also no coincidence that this record was achieved during the first full year under the leadership of Mr. Gunn. He is doing a remarkable job of improving the reliability of the railroad, and his success is a success shared by our Nation as a whole.

In the meantime, given the funding levels we are finally providing to Amtrak, I am pleased that my colleagues are seeing that we can no longer nickel-and-dime our national passenger railroad. I hope that we can do the right thing to continue to ensure that

Amtrak is given the resources it needs to continue on its path to a state-of-good-repair.

YUCCA MOUNTAIN

Mr. DOMENICI. Mr. President, I rise today to speak about an issue that has come up during this year's budget debate regarding the nuclear waste disposal fund and Yucca Mountain. I am glad to see that my friends, Majority Leader FRIST and Chairman NICKLES, are on the floor to discuss this issue with me.

Let me start by explaining that the President requests $880 million this year in his budget for the nuclear waste repository at Yucca Mountain. Of that amount, $131 million is provided in discretionary appropriations under the proposed discretionary cap in the same manner as last year. However, $749 million of this amount is funded by a new proposal that will require a change in law. This change in law would take receipts that now go to the nuclear waste disposal fund and use them to pay for activities at Yucca Mountain. Let me be clear, that without this law change, the President's budget only provides $131 million for Yucca Mountain under the proposed discretionary cap.

Now let me turn to the Senate budget resolution. This year's resolution assumes discretionary appropriations of $577 million for Yucca Mountain in 2005, which is same level that was enacted in 2004. It should also be noted that the resolution does not assume the change in law with respect to the nuclear waste disposal fund receipts. I ask Chairman, NICKLES, I am wondering if the Senator could confirm that I am correct in my description of the budget resolution.

Mr. NICKLES. Yes, Senator DOMENICI is correct in his statement.

Mr. DOMENICI. I thank Chairman NICKLES. I want to explain why there is a problem. It appears that in the budget resolution and probably throughout the rest of the year, we will live within the President's proposed discretionary cap. But within the President's proposed cap level, only $131 million is assumed for Yucca Mountain if the law change is not enacted. However, the administration and many in Congress still expect that we will provide funding for Yucca Mountain above $131 million in the Energy and water development appropriations bill. Under this scenario, the Energy and water bill finds itself in the hole by at least $303 million, which is the difference between what is assumed in the Senate budget resolution and what the President has requested for Yucca Mountain, and by as much as $749 million if the allocation to my subcommittee were only to include the President's requested amount of $131 million.

In order to support this budget resolution, I need to have confidence that I will have the resources available to the Energy and water appropriations bill to provide funding for Yucca Mountain without having to take funds out of other programs in the Energy and water bill such as the Corps, DOE civilian science, and DOE labs.

Mr. NICKLES. I thank Senate DOMENICI for his statement. This is a tough issue, and I want him to know that I understand the dilemma he is facing. I appreciate his willingness to work with me on this, and I give him my commitment to support a level of discretionary funding in the budget resolution conference report and throughout the rest of the year that will provide the resources necessary for his committee to fund Yucca Mountain without having to take resources from the other programs in the Energy and water bill if the President's law change is not enacted.

Mr. FRIST. I thank Senator DOMENICI and Senator NICKLES for working so hard to resolve this issue. I understand the difficult position that Senator DOMENICI finds himself in this year with regard to Yucca Mountain. I want him to know that he has my support in getting the necessary resources for Yucca Mountain in the Energy and water appropriations bill without having to take funding from other programs in the bill if the President's proposed law change is not enacted.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, I join Mr. BINGAMAN in offering an amendment to the fiscal year 2005 budget resolution that helps small businesses by restoring, and in some cases reasonably increasing above fiscal year 2004 appropriated levels, funding cuts proposed by President Bush for the Small Business Administration.

The President's budget requests 15 percent less in funding for the SBA than requested last year, while promising more assistance in lending and counseling. For example, the budget request claims to save taxpayers $100 million by cutting all funding for the SBA's largest small business lending program, while at the same time claiming to increasing access to loans by 30 percent. Sound familiar? It should. The President proposed eliminating all funding for these small business loans his first year in office, that time shifting the more than $100 million in funding to borrowers and lenders by increasing fees, fees that the General Accounting Office exposed as excessive for 8 years. The administration wanted to overcharge them even more. We in Congress rejected it. This time the President has proposed paying for it through accounting and program gimmicks that are unworkable and the small business community and small business lenders have rejected.

We are all in favor of more efficient and cost-effective government, but the SBA's 7(a) loan program does not need fixing. It already is structured to provide long-term loans to small business at a cost of about 1 percent. That is one Federal dollar generating $99, an excellent bang for the buck! This valuable resource just needs reasonable funding. The problems over the past four years have all been created by unreasonable budgets, propped up by funding schemes that never materialize and create unnecessary instability in the delivery of capital for small businesses.

Today we are trying to address the needs of small businesses next year, fiscal year 2005, to prevent the same funding crises that we have experienced in the SBA small business loans year after year. If the President's fiscal year 2005 Budget for the SBA is adopted, there will be zero funding for the SBA's largest loan program, which provides about 40 percent of all long-term capital to small businesses in this country; termination of all micro-entrepreneur loans and complementary business training; termination of ten of 20 small business counseling and development programs, including assistance to Native Americans and Women's Business Centers.

For the SBA's counseling and business development programs, this is the most damaging budget the President has proposed in four years. Cuts to or inadequate funding of these programs are routinely attributed to vague and unfounded claims of duplication. Such claims mistake a common mission of training and counseling for duplication, ignoring the reality that small businesses vary greatly and have different needs. Just as it would be ineffective to have only one type of loan or venture capital financing structure for 23 million small businesses in this country, it would be ineffective to water down specialized management and training programs to impose counseling and training assistance, most are grant programs that have cost-sharing components with state and local entities, such as matching grants, so they leverage more for the small businesses than the face value of the Federal grant.

Without funding, budget gimmicks will force borrowers to face higher fees or lack of access to affordable capital; high interest credit card loans; higher bankruptcies because they go into business with inordinately high debt or can't get counseling to survive the rough times. At worst, because the most damaging budget gimmick attacks the small businesses' source of more than 40 percent of long-term loans, it is very possible that, together with the overall cuts, the Agency would be little more than an insurance agency for cookie-cutter loans made by a handful of large banks in only a fraction of the states and areas now served, or closing its doors within a couple of years.

This amendment also takes a step in the right direction for restoring funding to the New Markets Venture Capital initiative that was rescinded in the fiscal year 2003 Omnibus Appropriations bill: $10.5 million for guaranteed debentures, and $13.75 million in grants for NMVC technical assistance. That

money was reserved for a second round of funding, and our Committee had an agreement with the SBA that it would offer that round in the fall of 2002. However, as companies spent significant money and time to begin preparing proposals, SBA broke the agreement and did not issue a solicitation for the second round of funding. Because the $24.25 million reserved for a second round of funding was not obligated, it was available to be rescinded and it was rescinded as part of the fiscal year 2003 appropriations process. New markets venture capital is important for developing public-private partnerships to invest in areas with high unemployment where the private sector rarely invests. This amendment helps restore some of the critically needed New Markets Venture Capital funds.

The amendment I am offering with Mr. BINGAMAN takes a reasonable approach. In general, the $171 million paid for in this amendment restores funding to programs that are critical to small business development and job creation in our towns and cities.

The $171 million results from:

Adding $101m to the 7(a) Loan Program (zero-funded).

Adding $3m to the Microloan Program (terminated).

Adding $25m to the Microloan Technical Assistance Program (terminated).

Adding $8m to the Program for Investment in Microentrepreneurs (PRIME) (terminated).

Adding $2m to Native American Outreach Program (terminated).

Adding $3.5m to Export Assistance Centers Program (terminated).

Adding $3m to the Small Business Innovation Research (SBIR) FAST Program (terminated).

Adding $1m to the Small Business Innovation Research (SBIR) Rural Outreach Program (terminated).

Adding $2m to the New Markets Venture Capital Program (zero-funded)

Adding $3m to the New Markets Technical Assistance Grants Program (zero-funded).

Adding $1.5m to the Women's Business Centers Program (increases funding to $13.5m).

Adding $17m to the Small Business Development Centers (increases funding to $105m).

Adding $500k to the 7(j)/8(a) Programs (increases funding to $2m).

Adding $250k to the Veterans' Outreach Program (increases funding to $1m).

Adding $250k to Small Disadvantaged Business Program (increases funding to $1.75m)

Americans need jobs. And many who have them are scared of losing them. Adequately funding public-private partnerships of the SBA is one of the fastest ways to fuel the economy, creating businesses, creating jobs, and improving the innovation of this country. I ask my colleagues to vote for this amendment.●

AMENDMENT NO. 2759

Mr. HATCH. Mr. President, I speak on Senate amendment 2759, which Senator KOHL and I introduced to restore juvenile justice funding to the Department of Justice. The proposed amendment would increase the administration of justice function by $122 million and offset the allowances function of the budget.

The prevalence of justice crime continues to be among the greatest criminal justice challenges faced by our nation, and a major concern to every parent. In 2002, juveniles accounted for 16.5 percent of all criminal arrests in the United States. Persons under 18 committed 10 percent of all murders, over 17 percent of all rapes, nearly 24 percent of all robberies, and 50 percent of all arsons. Additionally, in 2002, 101 juveniles under 15 were arrested for murder. Juveniles under 15 were responsible for six percent of all rapes, 11 percent of all burglaries, and one-third of all arsons. And, unbelievably, juveniles under 15—who are not old enough to legally drive in any state—in 2002 were responsible for 8 percent of all auto thefts.

To put this in some context, consider this: in 2002, youngsters age 15 to 18, who are only seven percent of the population, committed 16.5 percent of all crimes. Even with recent modest reductions in the juvenile crime rate, I believe that there is strong potential for significant increases in juvenile crime above already too-high rates as the children of the baby boom generation are coming into the prime age for criminal activity.

The national juvenile crime problem required a change in the Federal approach, which the Congress addressed in the 107th Congress. As one of the primary authors of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 which passed last Congress, I focused this act works on reducing juvenile delinquency while adequately addressing the needs of juvenile offenders. Moreover, those reforms made federal policy on juvenile crime consistent with the realities of the problem.

As part of the reauthorization, we restructured juvenile justice assistance programs, including the Juvenile Accountability Incentive Block Grant, JABG, Program. The reauthorization reformed the federal role in the nation's juvenile justice system by providing relief from burdensome federal mandates and authorizing block grant assistance to states and local governments, which includes accountability-based juvenile justice programs. These grants have been successful in reducing the recidivism rate of juveniles by up to 70%.

Another major component of juvenile assistance, delinquency prevention, was also strengthened in the reauthorization. Delinquency prevention funding supports valuable mentoring programs, after school programs, therapy and other services for troubled children. These programs offer education and community activities to deter children from drugs, gangs, and other opportunities to engage in criminal behavior.

The authorization strengthened the act, and authorized it at $350 million each year.

Despite Congressional authorization, the President has requested drastically reduced levels for juvenile justice for the past 3 years. Overall funding has been cut by almost two-thirds. According to the President's budget request for Fiscal Year 2005, juvenile justice programs are to receive $150 million less than the congressionally-authorized amount. The Kohl-Hatch amendment would restore juvenile justice funding to the same level it was in Fiscal Year 2004—$320 million which is still under the authorized amount.

I urge my colleagues to support this much needed amendment to the Budget Resolution. We must put stock in our children and help them stay away from a life of crime.

AMENDMENT NO. 2771

Mr. HATCH. Mr. President, I discuss Senate Amendment 2771, an amendment I propose to the budget resolution. This amendment seeks to restore $600 million to the Department of Justice's Office of Justice Programs for law enforcement assistance.

The Office of Justice Assistance provides grants to the states and localities to aid law enforcement officers in the fight against crime. In addition to the COPS Office grants, the Office of Justice Programs offers states the Byrne Grant program and the Local Law Enforcement Block Grant, LLEBG Program, both of which have dramatically increased the capabilities and effectiveness of state and local law enforcement agencies.

Despite this tremendous help to our states, the President has not requested any money specifically for the Byrne Grant program or the Local Law Enforcement Block Grant, LLEBG program in the Fiscal Year 2005 budget request. As he has done for the past 2 years, the President proposes, and the budget resolution recommends, to consolidate these grant programs into one Justice Assistance Grant Program. However, in the process of consolidation, the new proposal seeks to eliminate a number of components of these grant programs. In addition, the budget proposes to reduce funding for COPS, thus reducing overall law enforcement assistance funding by 63 percent, or just over $1.035 billion.

The Byrne Grant program funds a number of successful crime reduction programs and is the Department of Justice's most flexible assistance account. Without these funds, many states would not be able to focus their resources at or operate specific programs. For example, in my own state of Utah, Byrne Grants provide the majority of funding for multijurisdictional drug task forces and DARE training. I am concerned that without these task forces, Utah's ability to wage the war against drugs would be seriously diminished.

Byrne Grants assist many states in controlling and preventing drug abuse, crime, and violence, and in improving the functioning of the criminal justice system. Currently, Byrne Grants have 29 specific purpose areas to combat drugs, gangs, financial and white collar crimes, and to improve the court system, the correctional facilities, and forensic capabilities. The proposed Justice Assistance Grant would only have six purpose areas. Many functions covered under the Byrne grants would no longer be eligible for much needed funds.

The Local Law Enforcement Block Grant program has also been successful by offering state and local law enforcement agencies the ability to hire officers and purchase needed equipment. These programs have made it possible for local police and sheriffs departments to acquire efficiency-enhancing technology and equipment. Without these funds, our law enforcement offices would loose valuable equipment which has been able to enhance their crime fighting objectives.

My amendment seeks to restore local law enforcement assistance back to the Fiscal Year 2004 level. In order to do this, I am requesting that the offset come from function 800 in the budget resolution, general Government.

As many of you know, the Department of Treasury is funded under this function. The Department of Treasury has $11.658 billion in discretionary budget authority for Fiscal Year 2005. In Fiscal Year 2001, the Department of Treasury had $10.332 billion in discretionary budget authority.

I recognize the needs of the Internal Revenue Service to modernize its systems, to fight abusive tax shelters, to reduce the tax gap, and to provide service to taxpayers. However, despite the increased needs of the IRS, because of the reorganization the Department of Treasury has lost two major components since 2001—the United States Secret Service and the Bureau of Alcohol, Tobacco, and Firearms. These two agencies had a combined budget of $1.584 billion in Fiscal Year 2001.

With a significant reduction in resources, one would imagine that the Department of Treasury's budget would have significantly decreased as well. However, instead of seeing a decrease in budget authority, of at least $1.584 billion, the Department of Treasury's budget has continued to increase since Fiscal Year 2001.

In light of this, my amendment proposes to offset funds for the Office of Justice Programs with funds from Treasury that previously went towards major law enforcement agencies.

I hope that the appropriators will continue to fund the Byrne Grants and the Local Law Enforcement Block Grants at the same level they have in the past. However, there will not be room in the budget for them to do so unless my amendment passes.

These highly successful and popular programs provide needed assistance to state and local law enforcement for a wide variety of programs and services. Eliminating these programs represents a severe blow to federal efforts to assist our communities in the war against crime.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2793

Mr. HATCH. Mr. President, I rise to discuss Senator DORGAN's amendment to S. Con. Res. 95, the budget resolution. Although I am highly supportive of increased funding for law enforcement assistance, I cannot support this amendment. This amendment proposes to reduce unnecessarily the tax cut in order to achieve the important goal of enhancing law enforcement efforts.

As I have stated before, I am supportive of existing Federal assistance to law enforcement officers, such as the Byrne grants, the Local Law Enforcement Block grants, and the COPS grants. These highly successful, effective and popular programs provide needed assistance to state and local law enforcement for a wide variety of programs and services.

Eliminating funding for these programs represents a severe blow to communities and neighborhoods across the country desperately in need of Federal resources to win the war against crime. In fact, I have filed my own amendment—with Senator BIDEN's support—to restore the Office of Justice Programs' law enforcement assistance to the same level as that in Fiscal Year 2004. However, my amendment does not reduce the tax cut. It simply allocates funds from other areas of the budget.

That being said, I cannot vote for a reduction in the tax cut. A $2.2 billion reduction in the tax cut affecting the top 1 percent of taxpayers may seem like a good idea to some. However, as many Senators on my side of the aisle have pointed out, a high percentage of small businesses pay taxes at the individual level, not as corporations. These include sole proprietorships, partnerships, S corporations, and limited liability companies. Smaller businesses are the engine of job creation in this country. Why in the world, during this time when jobs are very much needed, would we want to harm the potential for some of these businesses to expand and create more jobs?

Under today's law, the top individual tax rate is 35 percent, the same tax rate that corporations pay. Because so many privately-held businesses do pay tax at the individual and not the corporate rate, it is important that we keep this parity in the tax law. This amendment would raise the individual rate above the corporate rate and once again introduce a disparity in the tax rates on businesses in this country. This would be poor public policy so I must oppose it.

In conclusion, I urge my colleagues to support my amendment which does not affect the tax cut, and not to support Senator Dorgan's amendment.

AMENDMENT NO. 2783

Mr. GRASSLEY. Mr. President, the Boxer amendment purports to deal with the loss of manufacturing jobs and the outsourcing problem. If some on the other side want to do something about manufacturing jobs, they should stop obstructing the FSC/ETI bill with poison pill political amendments. When we come back after next week, I'd ask those on the other side to put results ahead of politics and let us finish the bipartisan JOBS bill.

This amendment, on the other hand, just suggests that the Finance Committee repeal the tax policy of deferral and raise taxes on small manufacturers. The tax policy of deferral insures that American companies like Intel and Hewlett-Packard, compete on a level playing field with foreign companies. Eliminating deferral means U.S. companies will face a tax burden that is not shared by Japanese, German, British or other competing companies.

The Boxer amendment, though styled as a tax increase on the wealthy, contains a tax increase on our small business manufacturers. It would reverse the bipartisan Finance Committee bill's lower rate for manufacturers. Instead of 32 percent, small business manufacturers tax rates would be raised to a level higher than what the Fortune 500 pay.

If you care about manufacturing jobs, why would you punish our manufacturers by raising their marginal tax rates? If you care about manufacturing jobs, help us get the FSC/ETI bill passed and don't raise taxes on manufacturers.

I urge my colleagues to oppose the Boxer amendment.

Mr. BIDEN. Mr. President, like a lot of my colleagues this week, I have been visited here in Washington by a number of my constituents.

We get to hear, first hand, about the lives of the people we represent, about how we can help them or hurt them.

As we debated the budget this week, a couple of those meetings really stood out in my mind. When I met with Delaware's League of Local Governments, their top priority was increased funding for public safety and homeland security. These are the mayors and county executives from my State, the public officials closest to the needs of our communities.

They came to tell us that they need more cops on the beat, they need more resources and more attention from us here in Washington to deal with the security of the chemical plants in their towns, to name just one important example.

As they brought this message to us here in Washington, not just to me but to all of us in the Congress, we were presented with this budget resolution, that cuts 30 percent from the support for first responders, the very fire fighters and police officers that we so often pay lip service to. Lip service is all they get from this budget.

I joined with my colleagues in offering an amendment to restore and increase funding for homeland security,

in keeping with the message we heard this week from our State and local officials. But that amendment was rejected, because it would have taken a small amount from the tax cuts—just a small amount—from the tax cuts going to those with the top 1 percent of incomes in this country.

I offered an amendment during the budget debate to restore funds cut from the COPS Program, that has put more policemen and women on the streets of towns and cities in Delaware and across the country. This budget, in a false economy, had reduced funding for law enforcement grants by over 60 percent.

My amendment would have restored a billion dollars to the COPS program, the Local Law Enforcement Block Grant, and the Byrne program. And it would have taken an additional 1 billion dollars off of the deficit.

Those amendments were rejected to protect the tax cuts that go to the top 1 percent of income earners in this country. Those are not the priorities of the local government officials who came here this week looking for help to strengthen public safety in their communities.

But that is the top priority of this budget resolution: sacrificing every other priority to avoid shaving barely 1 percent off of a tax cut that will total $690 billion dollars for people in the top 1 percent income level in this country over the next 10 years.

I also had the pleasure of meeting with the American Legion of Delaware this week. It is always moving, and a little humbling, to meet with the men and women who have given so much to this country. But these days, with so many of our troops still in the field, these meetings have even more meaning.

I know that a lot of my colleagues met with their veterans this week, too, and that they heard the same thing I did: health care is their top priority. This budget makes it harder for veterans to get health care, and makes it more expensive.

We offered amendments this week to add $2.7 billion to this budget for veterans' health care, and to pay for it by shaving less than 1 half of 1 percent off of the tax cuts for those in the top 1 percent of income earners in this country. That amendment was rejected, too.

To prevent a tiny reduction in the tax breaks for those who have the most we refused to add funds for veterans' health care.

In the debate this week on the budget resolution we made fundamental choices, and those choices revealed the principles, the values, that will guide us for the rest of this legislative session, and for years to come.

The values in this budget are not those of the local officials who came to see me this week. They are not the values of the veterans who came to town, either. And they are not my values.

When you write a budget, you have to put your money where your mouth is. At the end of the day, you have to be willing to make the choices—you have to set the priorities. And at the end of the day, those priorities, those values, will be written in black and white—and in the gallons of red ink in this budget resolution.

The statement made by this budget is one that I categorically reject, and that I urge my colleagues to reject.

I have to say that the budget resolution that is before us this week is perhaps the most irresponsible, disingenuous, and I have to add, the most callous that I have seen in my time here in the Senate.

This budget resolution, puts us on a track toward historical levels of debt, to be left to our children and grandchildren. This budget resolution slights the most basic responsibilities of our Government, with cuts in homeland security, in education, health care, transportation, clean water, and scientific research, despite growing needs in all of those areas.

This budget resolution will cripple our ability to meet the looming crisis in the Social Security System because it borrows virtually all of the reserves that Social Security is now building up in anticipation of the retirement in just over 10 years of the baby boom generation.

Even borrowing all of those Social Security reserves does not balance this budget. Even cutbacks in heath care, in medical research, in law enforcement, in education won't bring this budget back into balance. These false economies that will cost us more in the future will not bring the budget into balance.

In fact, under this budget, deficits continue to grow and grow, into the future. On paper, this budget claims to reduce the deficit over the next 5 years. There are 2 problems with that claim.

First, the claim that this resolution will reduce the deficit ignores the cost of the continuing war in Iraq, the war in Afghanistan, and the continuing war on terrorism. Whatever those costs may be, there is one number that we know for a fact is false, is dead wrong, and that number is zero.

By the estimate of the Congressional Budget Office, those costs could run to $280 billion over the next 10 years.

There is supposedly an allowance in this budget for $30 billion, but that is only a small fraction of what we can expect, and it is not even counted as part of the deficit. If we spend it, it will add to the deficit, but in this resolution, it is not counted, nor is the $250 billion more the CBO expects us to spend.

Millions of Americans are finding out now, and tens of millions will soon find out, that the Alternative Minimum Tax, designed to make sure millionaires did not manage to escape paying tax altogether, is set to fall on middle-class families. It will cost tens of billions of dollars to prevent that from happening. The administration agrees that it needs fixing, too. But this resolution assumes only 1 year of AMT relief, leaving out of the deficit count tens of billions in certain costs over the coming years.

The claim that this resolution reduces the deficit over the next 5 years is based on taking all of the reserves of the Social Security system, reserves that will be needed in the next decade for the largest wave of retirements in our country's history. If you leave that out, the deficit 5 years out will be closer to $550 billion, not the $237 billion they claim.

The other problem with the claim that this resolution will reduce the deficit in the next 5 years, is that the next 5 years, as bad as they are, are not real problem. The real problem our Nation will face lies in the years after that, when the deficits explode, on a collision course with the coming crisis in the Social Security system. It matters little what happens in the next 5 years if we careen into budget collapse in the years that follow.

That is just what this resolution would do. It leaves us on a path to add more than $2 trillion to our debt over the next 10 years.

It demands sacrifice from the middle class, who face rising health care costs and high college tuition payments at a time when job security is shaky, when the search for a new job takes longer and longer, and when we are losing the bedrock manufacturing jobs that have been the foundation of our middle class.

This budget demands sacrifice from everyone, except those Americans who have already been most blessed by the opportunities and advantages offered by this great country. For those Americans, who have received and will receive the lion's share of the recent tax cuts, not a dime of sacrifice will be asked.

Out of a total, 10-year tax cut of over $1.8 trillion, the top one percent will get $690 billion. The average taxpayer in the top 1 percent will get a 10-year tax cut of over half a million dollars. That is what this budget resolution, and the votes we have taken here on the Senate floor, will go to any length to protect. The reason that the rest of us must sacrifice, we are told, is that we face massive deficits. We just don't have enough money.

Like the child who killed his parents, and then begged for mercy because he was an orphan, the majority, who has insisted in the face of exploding deficits on tax cut after tax cut after tax cut, now claims we do not have the money to fund the most basic promises to American citizens.

To make up for those deficits, to pay for those tax cuts, this budget goes after those who are least able to help themselves. Unfortunately, their sacrifices will be in vain because this budget will still leave us with a massive burden of increasing debt. But this budget does not ask for a dime of sacrifice from those who have enjoyed the greatest economic success in this country, and who—on top of their growing

wealth and incomes—have been the major beneficiaries of the recent rounds of tax cuts.

Over and over in this debate we have debated amendments to restore cuts in public safety and homeland security, in veterans' health care, in education funding—to keep the many promises to Americans that we have made. To support those priorities that help average Americans, those amendments called for small reductions in the tax cuts going to the top 1 percent of Americans.

We are not talking about cancelling tax cuts for average Americans. And we are not talking about cancelling tax cuts for the wealthiest among us. We are just talking about reducing the already huge tax cuts that they are going to receive.

If this budget resolution is adopted, we will break promises to governors, mayors, school boards, teachers, parents, and children. The No Child Left Behind program will be funded at a level $8.6 billion below what we promised when that law was passed.

If this resolution is adopted, we will leave veterans' health care $2.7 billion below what it is needed to keep our commitment to those who have already given so much—who continue to give so much—to our country.

If this resolution is adopted, we will shortchange the working poor in this country who are doing just what we hoped they would do when we reformed welfare. But the earned income tax credit, that President Reagan himself called the best anti-poverty program we have, will be cut by $3 billion. That program will be cut by $3 billion, because this Senate refused to take a tiny nick out of the tax cuts going to those with an average income of a million dollars a year. This Senate would rather take $3 billion from the working poor than take a tiny fraction from the those who already have so much.

The list goes on. It includes Senator LIEBERMAN's amendment, to provide an additional $7 billion for homeland security. These funds would have helped to secure our ports and our borders and our transportation system, guard against bioterror, and support first responders.

That amendment, that would take a little more than 1 percent of the total tax cut going to the wealthiest 1 percent—leaving them with more than nine-tenths of their tax cut, more than $680 billion—that amendment was rejected.

This budget resolution has one principle and one principle only: protect those tax cuts at any cost, including trillions of dollars in additional deficits and debt.

We know what those cuts will cost us in the future, and how much sacrifice they demand from those who can least afford it, but what have they done for us so far?

I ask my colleagues to remember the first time that President Bush called for tax cuts. That was back in the last presidential campaign, when the economy was booming and the budget was in surplus. He promised us that we could afford huge tax cuts, that were designed to shrink federal revenues, and to prevent the build-up of budget surpluses. Hard is as it to recall, the threat he was most concerned with was that we would balance the budget and then keep on building up surpluses.

Then, as the economy slowed down, he claimed that those same tax cuts would stimulate growth—the tax cuts he designed in the midst of the strongest economic boom our country had ever seen.

When those tax cuts failed to stimulate growth, and as deficits began to expand, virtually wiping out the $5.6 trillion ten-year surplus projected when he came into office, we were told that we needed even more tax cuts. Not only have the deficits continued to grow, but those deficits and the tax cuts that brought them on have done nothing to create jobs.

You have to go all the way back to the Hoover administration to find a record of job losses to rival this one. We have come out of recession, and have restored a respectable level of economic growth, and the stock market has come back to around the levels it reached in 1998. We are 37 months past the last peak in the business cycle, and on those measures things are looking up.

But this recovery is unique in our history. When it comes to jobs—the one real measure of economic health—we are, compared to our experience, 5.4 million jobs behind where we should be. While we have lost 2.4 million jobs over this period, we have also failed to produce new jobs at normal rates.

As the population grows, that means that more and more people are out of work, more than just the 2.4 million who had a job when this administration came into office, and who don't have one now.

In addition, there are millions who should be in the labor force, who have either dropped out and stopped looking, or never entered the labor force—over two and a half million. So while the unemployment rate is officially 5.6 percent, counting those who have despaired of finding work in this economy the rate is actually 7.4 percent.

The reason so many are discouraged from looking for work is clear—the duration of unemployment is the longest in 20 years. The number of people who have exhausted their long-term unemployment benefits is growing. Despite repeated efforts, this Congress has refused to extend long-term unemployment benefits.

Last month, no new private sector jobs were created. None. The small amount of hiring that happened was done by governments, not by the private sector, the only engine for real, sustained economic growth.

We have enacted tax cuts that will cost us $2.3 trillion dollars, counting the extra interest needed because all of that money is borrowed. We have turned balanced budgets, and historically high surpluses, into historically high deficits.

We are still 2.4 million jobs in the hole, by official numbers and millions more jobs short of where we should be this far into an economic recovery.

This resolution shrugs off these sorry facts. It does nothing to change course in the face of these failures. As a matter of fact, this budget resolution will result in higher deficits than no change in current policy. No budget resolution at all would be better than the one before us today. I will vote against it and hope my colleagues will join me.

Mr. ENZI. Mr. President, I support the budget resolution, S. Con. Res. 95. Let me begin by commending Chairman NICKLES for his outstanding leadership as chairman of the Senate Budget Committee. He has fairly and respectfully brought both sides of the aisle to the table on an issue that is inherently partisan. He has done so in a manner that encouraged cooperation, if not agreement. Last week, we completed a difficult markup in less than 2 days. We could not have done so without the leadership of both the chairman and the ranking member and the hard work of all of the Republican and Democrat members on the Budget Committee.

After more than 20 years on the Senate Budget Committee, this will be Chairman NICKLES' last floor debate on the Congressional Budget Resolution. We will miss him as both our chairman and as one of the Senate's most responsible and trusted protectors of the taxpayer dollar. Chairman NICKLES has built a reputation for being fiscally conservative not by saying he's a fiscal conservative, but by actually being one. I applaud him and his dedication to fair budgeting and wish him the best of luck in his future endeavors.

I would also like to thank the ranking member for the technical knowledge he brings to the table during these debates. Last week, he explained very succinctly how the budget caps and assumptions work. I was pleased to hear my friend from North Dakota talk about the importance of the caps versus the assumptions. Both the Republicans and Democrats have stacks and stacks of assumptions that identify our funding priorities, but these assumptions don't set in stone the specific levels of funding. They just help us set targets. Sometimes those targets are higher, sometimes those targets are more to the left or more to the right, but they never shift downward partly because we pass dozens of amendments every year that wrongly focus on the individual programs, not the overall limits.

Despite attempts by my colleagues to turn this into a debate on appropriations, I'd like to remind everybody that we are not taking shots at the targets yet. The appropriators are the first ones who actually get to do that. Today, we're talking about the targets

set by the President and the committee-reported budget resolution. Like last year, when the President released his budget in February, I read the entire thing. I read the summaries and studied the tables and analyzed the assumptions; and, I truly believe the President laid the foundation for a good budget. Some people disagree with the underlying assumptions of the President's proposal and the budget plan that it was built upon and some want to turn it upside down. But, these arguments are more political than substantial, and they hinder our progress toward appropriations.

I believe the Budget committee rightly built upon the strong foundation laid by the President with respect to the Committee-reported resolution. We reported a resolution that will cut the deficit in half in three years and allow America to continue down the road to economic recovery. Yet, we did not have much luck passing this resolution in the committee in a bipartisan fashion. The vote was 12 in favor and 10 opposed.

Why the split? Because we, as Republicans, voted to hold the line on spending and live up to our promise to provide tax relief for all Americans. In contrast, we had more than 30 amendments from our colleagues on the other side of the aisle who wanted to increase spending and raise taxes to pay for it. Again, these amendments were more political than substantial, and they delayed our progress tremendously. The proponents of these amendments were trying to tell the Finance Committee how and when to raise taxes, but they cannot do that. Raising taxes is firmly under the jurisdiction of the Finance Committee, and they certainly do not need to take our advice on the subject.

In most cases, these proposed amendments would have increased discretionary spending and increased the deficit. During a time when deficit spending is higher in nominal terms than ever before, wouldn't it make more sense to decrease spending rather than increase it? We have a huge deficit and yet we still cannot control the spending of our colleagues. The debate on the floor this week is turning out to be similar.

Throughout the week, too many amendments have been introduced that would certainly have increased the size of the Federal government and blown the Federal deficit out of the water. Many of these amendments have also proposed to simply shift funds from one program to another based on budget ''assumptions.'' Let me again remind my colleagues that the budget resolution does not set spending levels for individual programs. Unfortunately, I don't think this message is getting through to some people. As such, I have no doubt that many more amendments like those we've seen so far will be offered before the final vote.

For example, an amendment that proposes to increase funding under function 450 for Firefighter Assistance Grants by eliminating tax relief for working Americans does not guarantee that funding will actually find its way into those grant accounts. That decision will be made by the appropriators and the Senate during the debate on appropriations. That means much of the rhetoric we've heard throughout the debate is political, not practical. Right now, we can only decide the amount of money, not where it will end up.

We are not making the decisions this week as to which individual programs will be funded. We are setting the spending limits for our Appropriations Committees. We are setting the limits that will hold our colleagues in check when it comes to spending. The whole process reminds me of the cartoon that shows two bears in the woods—one has a target on his chest and the friend is saying ''rotten birthmark.'' Thankfully, we are not shooting at the bear today. The Appropriations Committee will do the shooting.

Some of that shooting will be monitored down the road. My friend and colleague from Pennsylvania established a spend-o-meter last year that shows exactly how much our colleagues across the aisle want to increase spending on appropriations bills and under authorizing legislation. Most recently, the spend-o-meter proved useful during debate on the omnibus bill when the other side of the aisle proposed amendments that would have increased spending from $341 billion to almost half a trillion dollars in less than 24 hours. My friend and colleague has been using the spend-o-meter to keep track of how the proposed amendments on the budget resolution would impact the deficit, and let me tell you, the results are just as troubling. According to the charts presented by the Senator from North Dakota, he adds $5 billion and $6 billion and only gets $1 billion more spent. When I add $6 and $5 billion, I get $11 billion in budget requests.

If we were talking about a business, and we were the owners, we would be looking for areas of waste and unnecessary costs so we could trim costs and reinvest the money. The President did suggest the same kind of cuts based on GPRA in over 60 programs, resulting in $4.9 billion of savings. Not much you say? Show me your cuts. The economy grew while we constrained spending. We balanced it by growth of the economy, not by cutting a dime.

Constraining spending and shifting the targets we've been talking about can happen at the same time. Although few in number, some of the amendments offered today, including one I intend to offer, would actually shift the targets to a better position that will help us grow the economy. But, I think it's safe to say that most of the amendments offered by the other side will be outrageous attempts to raise taxes under the guise of increasing appropriations for very popular programs. Again, let's be clear that we will not be passing an appropriations bill today.

We will continue working on the budget resolution, which I believe sets forth a good budget. This year we had to make tough choices about our priorities. This budget reflects those priorities. Of the 3.3 percent increase in discretionary funding, 92 percent of it goes to the soldiers and citizens protecting our men and women overseas and at home. This budget gives our men and women serving in the Armed Forces and our diplomatic corps the tools they need to fight for democracy and win the war on terror.

This budget, however, isn't just about defense and homeland security. This budget is also about creating a better and brighter future for our kids. The committee-reported resolution supports the President's efforts to provide more funding for education than ever before in the history of the United States.

We have heard many arguments and we will continue to hear many arguments today and throughout the week, claiming that this budget resolution is an attempt to sell our education system short. That is simply not true. Under this budget, we assume that the Appropriations Committee will invest billions more in Title I grants under the No Child Left Behind Act, in Part B grants for individuals with disabilities, and Pell grants to students who want to take their education one step further.

Writing this budget resolution was not an easy process. It is never easy to cut or freeze spending. But we had to make tough choices this year. We had to freeze spending in most categories and limit percentage growth in all others. We had to clamp down on the tax relief we could provide to working Americans. We had to set spending caps at a responsible level that would allow our Appropriations Committees to pass 13 appropriations bills. To the credit of the Budget Committee, we made these tough choices. We produced a resolution that will allow Congress and America to move forward without overstepping the authority of the Budget Committee. We do not make the decisions on where to spend the money, just on how much is spent, although many amendments would give you the opposite impression.

I said this during the committee markup and I'll say it again today—this budget is about moving forward. We've faced some tough times in recent years. The huge spike in spending during the last year of the Clinton administration set the stage for troubled times in 2001. With the technology bust of the late 1990s and the year 2000, many of our healthiest industries were struck down to the point of barely breathing. But, that was just the beginning.

The terrorist attacks of 2001 and the international war against terror have forced us to address the decisions by previous administrations to gradually weaken our Armed Forces. Now, we are paying the price. We are playing a

catch-up game—a catch-up game that costs billions, not millions, of dollars.

That's why we need to pass a budget this week that will rein in spending while allowing our defense sector and our economy as a whole to continue to recover. The budget resolution before us today makes some general, but critical assumptions. One of the most important assumptions focuses on preventing attempts by our colleagues to raise taxes on our working families.

The committee-reported resolution proposes to extend the personal tax relief currently scheduled to expire at the end of 2004. Contrary to the statements made by my colleagues, this tax relief helps middle- and lower-income taxpayers. The $1,000-per-child tax credit, the 10 percent income tax bracket expansion, and the marriage penalty relief are three of the most important tax provisions passed in decades. These provisions put more money back into the hands of our neighbors, families and friends.

This week, we have an opportunity to pass a budget that plans for the future, while taking care of our present-day needs. This budget aims to cut the budget deficit in half in just a few short years. I believe we can do it.

The tax relief put in place last year has already resulted in growth in almost every sector of our economy. Our gross domestic product increased by more than 4 percent last quarter and robust spending on technology, infrastructure and equipment points to strong continued growth through the next year. This growth will lead to more companies paying into the Federal pot and more money flowing from the private sector to the public sector and back again.

That is what this debate should be about—passing a budget that will help, not hurt, America's recovering business sector and job markets. We have heard the scare tactics on Social Security and unemployment and outsourcing, but what we haven't heard a lot about is how to help address the problems. This debate should focus on progress, not politics. I have been working with my colleagues from both sides of the aisle on an amendment that would propose a step in the right direction. My amendment would add $250 million to the Nation's job training programs.

For generations, the skills and ingenuity of the American workforce have fueled the greatest economy in the world. Today, America faces an emerging challenge that threatens the prosperity of generations to come. Our challenge is to equip our workforce with the skills needed for jobs in the new, global economy. Our prosperity rests with our ability to create and fill the high-skilled jobs that the 21st century economy demands.

We have talked about the loss of American jobs because of increasing globalization. We have talked about the loss of American jobs because of increasing productivity. I am here to talk about how we can keep high-paying jobs in America's factories, in America's businesses, and on America's shores. As we consider job creation in this country, we must address the growing skills gap that threatens our ability to compete—and succeed—in a more complex, knowledge-based economy.

As the country continues its economic recovery, people are asking: ''where are the jobs?'' It may surprise you to learn that many high-skilled jobs in this country remain unfilled because employers can't find qualified workers. According to a 2003 survey conducted by the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, half of the employers reported difficulty in finding qualified workers. The problem is greatest for small employers. Nearly 60 percent of employers with 11 to 50 workers report having a hard time finding qualified workers. Small employers—our greatest source of economic growth—can't create jobs if they don't have the skilled workers to fill the jobs.

The gap between the demand for high-skilled workers and the supply will only widen in the future. Looking ahead 2 years, only 30 percent of the employers surveyed believe that the skills of their workforce will keep pace with demand. According to the 2003 study by the Center for Workforce Preparation, the manufacturing industry—which has faced some of the most severe job loss—faces the greatest skills gap. Manufacturers predict that by 2005 only 21 percent of their workforce will have the necessary skills. Almost 80 percent of American workers won't be qualified for American manufacturing jobs.

Without any action, technology and other advances will outpace the ability of American workers and business to update skills needed to compete in the new economy. But there is good news. There is action we can take to retrain workers to fill the jobs needed in this country, now and in the future. First, we can increase budgetary resources for job training programs under the Workforce Investment Act. Second, and more importantly, we can make sure the Nation's job training system created under the Workforce Investment Act effectively prepares our workforce for good jobs that the evolving economy demands. This amendment will do the first. To do the second, my Colleagues must agree to send legislation reauthorizing and improving the Workforce Investment Act into Conference.

I am offering this amendment to increase job-training budget authority because I agree with Federal Reserve Chairman Alan Greenspan that: ''what will ultimately determine the standard of living of this country is the skill of the people.'' Job training under the Workforce Investment Act will help our workers get back to work or find better jobs. It will improve the lives of our workers and help them achieve the American Dream for themselves and their families.

This investment in our Nation's job training and employment system is an important investment in our future. Like any investment of the taxpayers' money, the investment in Federal job training programs must be fiscally responsible and generate results. While I support an increase in resources for job training, it cannot come at the expense of fiscal discipline. Therefore, my amendment is offset fully from account 920. My amendment will increase resources for Fiscal Year 2005 in the job training function. It will responsibly shift the target in this area. Beyond that, we must improve the workforce development system to better meet the needs of American workers and businesses before investing additional resources.

We cannot meet the challenges of the 21st century economy by simply throwing more money into the existing workforce development system. We have to improve the Workforce Investment Act to better prepare American workers for the good jobs of today and tomorrow. Again, there is good news. We have a bill that does this. It is a bipartisan bill that passed out of the Health, Education, Labor and Pensions Committee unanimously. We passed it on the Floor unanimously last November. That's as bipartisan as you can possibly get.

Where is the bill now? Here is the bad news. We can't appoint a conference committee, which is the committee made up of Republicans and Democrats who would meet with the House to work out differences between what they passed and what we passed. The Workforce Investment Act can help more than 900,000 dislocated workers a year find the well-paying jobs in this country that are available. That is 900,000 opportunities that can help fill the skills gap and make American workers and businesses more competitive. I have heard a lot of talk about losing American jobs. If we really want to take care of jobs in this country and make sure jobs stay in this country, we would appoint a conference committee for the Workforce Investment Act bill and enact this vital legislation.

Last week, the Health, Education, Labor and Pensions Committee held a hearing that addressed the skills of the American workforce. Dr. Diana Oblinger, executive director of Higher Education for Microsoft—an American company that symbolizes innovation and growth—presented some of the best testimony I have ever heard. She said that being able to ''outthink the rest of the world'' may be the most important competitive advantage. In this knowledge-based, global economy, I agree with Dr. Oblinger that the brainpower of our workforce is our greatest resource.

This amendment recognizes that the first priority for workers who have lost their job is finding a new job. But this

amendment is only a band-aid. It will not fix the Nation's job training programs. If we are going to continue to ''outthink the rest of the world'', we must improve the job-skills and training of our greatest resource now and into the future.

With that, I believe this budget is a fiscally responsible measure and I urge my colleagues to work together to pass both my amendment and the resolution by the end of the week. Once again, I thank Chairman NICKLES, Ranking Member CONRAD, and all of the committee members for their work so far and hope we can move to final adoption of the Congressional Budget Resolution before the April 15 deadline.

Mr. GRASSLEY. Mr. President, I rise today to discuss the importance of accurate data to the debate over the budget resolution, particularly as it relates to the distribution of the tax burden. Over the past several days, a number of my colleagues have made claims that the tax relief we have enacted over the past three years only benefits the wealthiest of Americans.

In this debate, as well as all tax policy debates, it is important to use accurate data, and to debate the issues in an intellectually honest manner.

One of the key questions in any tax relief package is fairness. In evaluating fairness, we frequently look at whether a proposal retains or improves the progressivity of our tax system. Critics of tax relief continue to attempt to use distribution tables to show that tax relief proposals disproportionately benefit upper income taxpayers.

The tax relief that has been enacted to date, in the 2001 and 2003 tax relief packages, is promoting investment incentives so that companies will purchase additional capital and labor.

Criticizing these plans for benefiting wealthy taxpayers assumes that the rich stay rich and the poor stay poor.

Recent studies, including one produced by the National Center for Policy Analysis, indicate that this is untrue. The May 2003 study measures income mobility by breaking same age workers into five income levels and by monitoring their movement between the income quintiles over 15 years.

The study shows there is considerable economic mobility in America and that large numbers of people move up and down the economic ladder in relatively short periods of time. Moreover, in recent years earning mobility has increased.

The study demonstrates that within a single 1-year time frame that one-third of workers in the bottom quintile move up and one-fourth of workers in the top quintile move down. One-half of the remaining labor force changed quintiles within one year and 60 percent of workers are upwardly mobile within 10 years. The study also showed that after 10 years, two-thirds of workers change quintiles.

A University of Michigan study also concludes that taxpayers tend to move between income groups during their lifetimes. This makes sense. Taxpayers are likely to be lower-income earners early and late in life but are likely to be higher-income earners during the mid-points of their lives.

My understanding is that the Congressional Budget Office—CBO—is considering the use of income mobility concepts in its analyses. I'm pleased that the non-partisan official scorekeeping organization recognizes the important issue of income mobility.

What allowed these people to escape the lowest income quintile and start earning more money is college education and acquiring necessary skills on the job. Interestingly, anecdotal evidence shows 80 percent of individuals on the Forbes 400 list were self-made, as opposed to those who inherited fortunes.

Again, this underlines the importance of taking advantage of educational opportunities. Education allowed these people to overcome differences in parental income, increased their chances to escape low wage jobs, and determined the success of their future earnings.

Too often distribution tables are used in an almost fetish-like manner. It is important to understand that the tables are, at best, snapshots. The reality is much more complex. Distribution tables are useful policy tools, but they must be used in context.

The NCPA study confirms that there is substantial economic mobility between generations. Almost 60 percent of sons whose parents' incomes were in the bottom 20 percent are in a higher income group; 31 percent have incomes in the top 60 percent.

Therefore, whoever is saying that once rich, Americans stay rich, and once poor, they stay poor, is purely mistaken. I welcome this data on this important matter for one simple reason: it sheds light on what America really is all about—vast opportunities and economic mobility.

Built by people from all over the world, our country truly provides unique opportunities for everyone. These opportunities include better education, healthcare services, land financial security. But most importantly, our country provides people with freedom to obtain necessary skills to climb the economic ladder and live better lives.

We are a free nation. We are a mobile nation. We are a nation of hard-working, innovative, skilled and resilient people who like to take risks when necessary in order to succeed. We have an obligation as lawmakers to incorporate these fundamental principles into our tax system.

Mr. LEVIN. Mr. President, I cannot support final passage of this budget resolution. In my judgment, this budget, like the President's budget that it reflects, is divorced from the reality that working families in Michigan and across the country face every day. The challenges facing our country today are enormous. We are allocating resources around the globe to combat terrorism. Our troops are putting their lives on the line every day to secure and rebuild Iraq and Afghanistan. Social Security and Medicare face unprecedented strains as the baby boom generation nears retirement. At the same time, the Federal deficit is ballooning to historic proportions.

Crafting a budget to accommodate these and other priorities requires a careful and balanced approach. But unfortunately, the administration's budget and the resolution before us today focus too heavily on promoting massive tax cuts mainly for the wealthiest Americans, adding a large amount to our national debt and forcing painful cuts in our Nation's priorities like education, health care and protection of the environment—cuts that have real consequences for all of us.

This resolution, like the President's proposal, would make permanent the tax cuts pushed through Congress by the President in 2001 and 2003, which the Congressional Budget Office (CBO) estimates will cost $1.1 trillion over the next 10 years. Substantial revenue reductions like these have already left in their wake the largest annual deficit in our Nation's history, estimated by CBO to be a staggering $478 billion for this year and they are projected to continue.

Moreover, this resolution hides its true future effects by failing to account for large expenses that we all know are coming. By using 5-year projections instead of the customary 10-year numbers, this budget disguises the size of our deficits. The cost of extending the tax cuts past 2010 explodes just outside of the 5-year window. It is also outside of this 5-year window that the surplus we have in the Social Security trust fund disappears, thereby making the unified budget figures even worse. When this budget plan is played out over 10 years, our deficits skyrocket and use up every penny of the Social Security surplus, funds that Social Security will need as our baby boomers start to retire.

The President's budget blueprint also failed to include a number of inevitable costs, such as the cost of continued military operations in Iraq and Afghanistan. I am glad to see that the Budget Committee recognized this fact and placed into a special reserve fund $30 billion for military operations in Iraq and Afghanistan for 2005. However, it is clear that more will be needed; it is unrealistic to fail to reserve amounts for Iraq or Afghanistan in 2006 or subsequent years.

This budget also doesn't take into account likely reforms to the Alternative Minimum Tax, reforms that are needed to keep tens of millions of middle class taxpayers from paying a tax that was originally meant to apply only to a small portion of high-income taxpayers. Because of these and other omissions, achieving the President's goal of cutting the deficit in half by

2009 is hollow rhetoric, especially if he continues to stick to his agenda.

Following the path of continuing the President's tax breaks is fiscally irresponsible. The tax cuts are heavily slanted toward the wealthiest Americans. The average tax cut for the wealthiest 1 percent would be nearly 90 times larger than the average tax cut for middle-income households.

In its attempt to accommodate these reckless and inequitable tax cuts, this budget proposes a significant number of cuts to vital programs. Despite the fact that millions of jobs have been lost since the beginning of the Bush Administration—many in the manufacturing industry—this budget offers little help to those looking for employment. I am disappointed that we couldn't pass the amendment offered by Senator BOXER that would have placed top priority on creating jobs in the U.S. now, discouraging the shipping of jobs overseas, and helping workers dislocated by global forces beyond their control.

Instead this resolution contains significant cuts to one of the most successful federal/state partnerships in government, the Manufacturing Extension Program (MEP). The MEP creates programs to help our country's manufacturers be more productive and competitive, thus, keeping jobs here at home. The resolution also completely slashes funding for The National Institute of Standards and Technology's Advanced Technology Program (ATP), which focuses on improving the competitiveness of American companies in the global marketplace by encouraging R&D through public-private collaboration in the development of promising technologies. In the face of a loss of 2.6 million manufacturing jobs over the past few years, we should be doing all we can to promote programs that help create manufacturing and hi-tech jobs. Supporting the MEP and ATP programs is one way to do this.

Additionally, I am extremely disappointed that this plan fails to extend unemployment insurance to workers who have exhausted their benefits. The number of individuals exhausting their regular State unemployment benefits and not qualifying for further benefits is higher than at any other time on record—about 90,000 workers a week; extending unemployment insurance is the right thing to do for displaced workers and for the economy because it provides an economic stimulus by putting money in the pockets of people who need it most.

And the misguided priorities don't stop there. Despite our attempts to amend it, this budget inadequately addresses the needs of our children by failing to fund our education programs.

The No Child Left Behind Act, approved overwhelmingly by this body just over 2 years ago, is intended to help our school children make progress toward reaching their full potential by providing things such as smaller classes, after-school programs, and technology and technology training for teachers. But the President's budget refuses to provide our school systems the funding they were promised. And now, despite attempts to change this, the budget resolution also inadequately addresses the need for increases in education funding to assist local schools. We cannot expect our schools to adequately meet the high academic standards that have been set if we neglect to provide them with the tools they need to succeed.

Not only does this budget fail our young school children, it also fails our older children who seek financial assistance to attend college. The Pell grant program is the single largest source of Federal Government grant aid devoted to financing postsecondary education. This program reaches over one-fifth of all undergraduates each year. Despite the program's successes, this body opposed increasing the maximum Pell grant by a $1,050 by reducing tax breaks for the wealthiest among us.

This budget also fails to meet the needs of our veterans by underfunding the Department of Veterans Affairs, forcing real cuts in the health services for America's veterans. Not only should we be redoubling our efforts to care for those who have already served in the military, but as a new generation of soldiers returns home from countries around the globe, we must ensure that they have access to a veterans' health system that is able to provide them with the care and services they have earned. Despite these obligations to the men and women who have been sent into harm's way to protect us and our way of life, I am disappointed that this body voted down more than an amendment to increase veterans' medical care, even when the cost was fully offset. Our veterans deserve not only our recognition and our gratitude, but also the appropriate funding for well-earned services and benefits.

And the unwise cuts don't end there. This budget would make steep cuts in housing programs that provide assistance to low-income families, our seniors, and the disabled. The proposal also cuts foreign aid, environmental programs, health programs and the list goes on and on, calling for significant reductions in nearly every part of government in an attempt to pay for the President's tax cuts.

I am pleased that the Senate passed the amendment offered by the Senator from North Dakota, Senator BAUCUS, to strike the reconciliation instructions requiring mandatory program cuts targeted at critical programs like Medicaid and the Earned Income Tax Credit (EITC). I hope this will end the attempts to cut these vital programs that serve low-income families and individuals, populations that are, unfortunately, growing. This is not the time to cut these critical and effective programs.

Medicaid, as my colleagues know, is the largest source of funding for medical and health-related services for low-income individuals. In 2003, the program assisted 24.8 million children, and 13.6 disabled, blind, and elderly individuals. The EITC program has been highly successful in assisting persons in low-income families raising children to transition from welfare to work. EITC helps individuals and families, particularly single working mothers, meet essential needs, from putting food on the table to paying monthly rent to assisting in required educations expenditures. According to the U.S. Census Bureau, the EITC helps lift over four million people out of poverty annually, including more than 2.7 million children. Cuts to either of these programs are unacceptable.

This budget is divorced from the reality that American families face every day. It burrows us deeper into the deficit ditch, continues our reckless reliance on the Social Security surplus and fails to provide vital programs with adequate funding. I cannot support it.

Mr. LEAHY. Mr. President, I rise today to oppose the budget resolution that the Senate is voting on today. We have been presented a fiscally irresponsible budget that calls for record budget deficits and deep cuts in programs for education, first responders, veterans, and the environment. I find it difficult to pin point exactly how this budget benefits the hard working Americans who are being asked to pay for this reckless fiscal plan.

This budget plan does nothing to address the growing Federal debt that we are preparing to pass onto our children and grandchildren. In fact, this budget calls for a record $477 billion deficit this year, on top of the record $450 billion deficit last year. We have a responsibility to bring accountability back to the budget process. The $1.7 trillion in tax cuts that we have enacted over the past three years have not fulfilled any of their promise—they have not done anything to curb our growing economic problems; they have not continued the budget surpluses we reached under the previous administration; and they have not restored confidence in the fiscal decisions of our Government.

Perhaps even more disturbing, this budget fails to reflect the spending realities that face our country in the coming years. The endemic long-term deficits forecast in this budget will significantly add to the Federal debt that is expected to top $15 trillion by 2014. This five-year budget plan also contains no funds for our continuing commitments in Iraq and Afghanistan. The costs for these operations are so excessive—an estimated $280 billion over ten years—that including them in the budget would produce an unfathomably large national budget. Where will the money come from for future requests? The hope to cut the deficit continues to move farther and farther from reality.

Once again, this Congress is poised to enact a fiscally irresponsible budget

plan offered by this administration. Time after time the President and many of my Republican colleagues have shown that they do not care about the long-term effects his policies have on our financial future. After record budget surpluses during the final years of the Clinton administration, the Bush administration has sent Congress three budgets in a row that have turned record surpluses into record deficits. The President's own budget predictions call for the Government to be a record $521 billion in the hole in 2004. This budget resolution is full of red ink for as far as the eye can see. With the retirement of the first of the baby boom generation just four years away, we can no longer afford to continue on the President's path of fiscal irresponsibility.

Mr. DODD. Mr. President, just this week the National Conference of State Legislatures released its latest Unfunded Mandates Report. Based on President Bush's budget request, and the budget resolution before us, the NCSL Report labels the $40 million in fiscal year 2005 funding for election reform under the Help America Vote Act an unfunded mandate of $560 million.

The budget resolution before us does not include sufficient funds to ensure that necessary election reforms can be achieved by the States in time for the 2006 elections. I regret that the resolution does not reflect the bipartisan recommendation of the Senate Rules Committee with regard to payments to the States for election reform under the Help America Vote Act, P.L. 107–252, HAVA.

In our letter of February 24 to the Budget Committee, Chairman LOTT and I expressed our concerns that the $40 million funding level proposed by President Bush's budget for fiscal year 2005 was insufficient to fully fund the required election reforms which States must implement by the first Federal election in 2006. Based on estimates by the States, the bipartisan Carter-Ford, Commission, and numerous experts, Congress authorized a total of $3 billion over 3 fiscal years for implementing these requirements. To date, Congress has funded roughly $2.4 billion in section 257 requirements payments. It is imperative that the remaining $600 million be provided in fiscal year 2005 to ensure that the States will be able to meet the requirements of HAVA, including the replacement of punch card systems and the deployment of fully disabled-accessible voting systems, by 2006.

Folloiwng the November 2000 election debacle, Congress responded by placing new requirements on the States for the conduct of Federal elections with the promise that we would fund 95 percent of the cost of those mandates. For the first time in our Nation's history, the Federal Government will be a full partner with the States in the funding of Federal elections. To expect cash-strapped State and local governments to make up for the shortfall in promised Federal funds threatens to derail the very election reforms Congress mandated that the States implement.

Voting is the voice of a free and democratic society. I believe that Congress can, and will, find the necessary funds to fulfill our promise to the States and our commitment to the American electorate to see that every eligible voter has an equal opportunity to vote and have their vote counted. While I will not insist on offering an amendment to this budget resolution, I am serving notice that I intend to work with my colleagues to see that we fully fund HAVA in fiscal year 2005 to ensure that the bipartisan reforms we enacted are implemented by the 2006 elections.

Mr. DASCHLE. Mr. President, I had hoped to offer an amendment to increase funding for the Rural Education Achievement Program. I will withhold that amendment, but I would like to take this opportunity to highlight the challenges facing rural schools.

Rural schools play a very important role in educating our Nation's children. Nearly 40 percent of America's schoolchildren attend public schools in rural areas or small towns with populations of less than 25,000. Almost 50 percent of the Nation's public schools are located in rural areas and small towns, and 41 percent of public school educators teach in rural community schools.

Rural schools face formidable challenges in their efforts to provide a high-quality education to each of their students. These school districts tend to be less effective in obtaining State and Federal competitive grants, in large part because many cannot afford professional grant writers. The costs of providing a good education also tend to be higher in rural districts. Teachers, for example, are paid the same whether they are teaching 30 or 5 students in a classroom. Transportation costs are much higher in rural districts, since school buses must travel longer distances. Unfortunately, these costs can adversely affect the budgets of rural districts and make it harder for them to provide the services necessary for high achievement.

Nevertheless, and appropriately, the same level of academic results are expected of them as in urban and suburban school systems. These students certainly deserve an equal opportunity to achieve those results. The geographic isolation of rural districts will make it more difficult to achieve the goals of the No Child Left Behind Act. Schools found in need of improvement may not have the ability or the resources to implement provisions such as public school choice and supplemental services.

Increasing funding for the Rural Education Achievement program would provide rural school districts with additional funding and flexibility to help these students achieve proficiency. Providing additional funding to rural districts would give them more options for providing high-quality services to children, such as distance learning and more teacher training.

The President proposes to freeze funding for the Rural Education Achievement Program in his budget for fiscal year 2005, despite the major challenges facing schools in rural communities. I believe we should provide the full $300 million as promised by title VI of the No Child Left Behind Act, and I hope to work with my colleagues to achieve that goal as we work on the appropriations bills this year.

Mr. KOHL. Mr. President, I am in opposition to the budget before the Senate. Many pundits will argue that the Senate budget is meaningless political posturing and a waste of time. After all, no money is appropriated by the decisions we make in this resolution. No taxes are changed. No laws are passed.

But those who write off the budget debate are making a real mistake and missing a real opportunity. The Senate's budget resolution is our one chance to demonstrate that we have a coherent plan for our country. The budget is our opportunity to show that we have the courage to face our challenges, the common sense to meet our obligations, and the vision to lead the nation into a brighter future.

Sadly, the budget before us fails on all three counts.

Our current fiscal situation is a disaster. The Federal balance sheet has swung from a record surplus of $236 billion in fiscal year 2000 to a record deficit of $477 billion projected for this fiscal year. Now—as the baby boom generation prepares to retire, as our nation faces unprecedented threats to our security, as well-paying manufacturing jobs bleed off our shores—does our budget face our fiscal shortfall with the gravity and seriousness of purpose the situation demands?

No, it does not. Instead, we have a document that masks Treasury-draining tax policy with 5-year projections—closing the window to the public before the price tag for the President's ill-considered tax breaks reaches the trillions of dollars. Instead, we have a budget that doesn't include in its bottom line the estimated $280 billion in additional funds over the next 10 years it will take to continue to fight wars in Afghanistan and Iraq.

Certainly, the cost of the war in Iraq is a contentious issue. The exploding price of the President's tax breaks is unsettling. And the $2.8 trillion the budget before us plans to add to the federal debt in the next 5 years is downright terrifying. A courageous budget would acknowledge those hard, cold numbers honestly. This budget does not.

Nor does it contain the sort of common sense that might make it a fiscal plan worth supporting.

As school districts everywhere cut back on teachers, academic options, counseling, books, even heat to pay for the mandates of the Leave No Child Behind Act, does this budget meet the

government's acknowledged obligation to pays its fair share?

As Republican and Democratic Governors alike struggle to meet the health needs of the uninsured, does this budget propose to meet the federal government's obligations to the States under Medicaid? No.

As the costs to the government and society of young criminal offenders pile up, does this budget meet its obligation to fund the cost savings juvenile crime prevention programs that keep kids out of jail? No.

As farmers and ranchers struggle with shrinking profit margins, violent weather conditions, and market-wrecking diseases like mad cow disease, does this budget meet its obligation to guarantee a safe and available food supply? No.

The list of unmet obligations is longer than the budget document itself: TANF reauthorization, transportation reauthorization, higher education reauthorization, Federal nutrition program reauthorization—health, education, safety, welfare—all needs unmet; all duties undone.

If the first rule of commonsense budgeting is pay what you owe, then this budget is a violation of common sense.

But perhaps even more than common sense—or courage—what this budget lacks is vision.

We should face head on and plan for—the hemorrhage of manufacturing jobs. But this budget merely dabs at the wound with unrelated upper income tax cuts, ill-conceived trade agreements, and empty promises of better times to come.

We should face head on—and plan for—the looming crisis in Social Security shoved onto the baby boom generation by our precarious fiscal situation. But this budget merely shortens its time frame to 5 years and ignores the train wreck just around the corner.

We should plan for a prosperous future for next generation. But this budget skimps on feeding them when they're born, skimps on teaching them as they grow, and is generous only in loading them down with debt when they enter the working world.

We are capable of producing a budget with courage, common sense, and vision. We have not. The people of this country deserve a budget with courage, common sense and vision—everything this budget is not. For those reasons, I oppose the resolution.

Mr. ROCKEFELLER. Mr. President, I rise to oppose the budget resolution that the Senate is considering today. Quite simply, this resolution does not reflect the priorities of West Virginians. The policies promoted here would not be in the best interests of the overwhelming majority of West Virginians.

This budget resolution calls for more of the same failed economic policies that have been implemented over the last 3 years. It provides for additional tax cuts for the wealthy. It shortchanges investment in important domestic programs. It understates the cost of supporting our troops serving in Iraq and Afghanistan. And it forecasts more outrageous deficits for our children to pay off.

West Virginians are rightfully worried about our economy right now. Many of them are unemployed, and many others are nervous that their jobs will be the next ones shipped overseas. They are having trouble making ends meet on wages that have stagnated. They are struggling to have health care for themselves and their families. They have a right to expect that when laying out our economic policy for the coming year, Congress will address these pressing concerns. I am very disappointed that the budget resolution we are considering today offers no leadership on these important issues.

Instead, as has been the pattern of the last 3 years, this budget resolution provides for more tax cuts for the wealthiest Americans. Let me be clear. Some of the tax cuts called for in this budget resolution are ones that I look forward to supporting. The increase in the child tax credit, relief from the marriage penalty, expansion of the lowest tax bracket—these are tax cuts for hard-working Americans that Democrats have been fighting for all along. Families in West Virginia deserve to have these tax cuts extended, and I will work with my colleagues to ensure that we do so.

However, this budget resolution calls for additional tax cuts for the very wealthiest Americans as well. The legislation asks us to accelerate the elimination of estate tax—something that helps married couples with estates worth more than $7 million. The resolution asks us to extend the tax cuts on dividends and capital gains income—something that will benefit less than 20 percent of the people in my state. I simply do not believe that Congress ought to consider additional tax cuts for the most fortunate in our society in a year when our troops are in the fields, millions of Americans are feeling the pain of joblessness, and the government is running record deficits. To those who hid behind the spurious argument that tax cuts for the wealthy are really for small businesses, I would remind them that less than 2 percent of our Nation's small businesses pay taxes in the highest bracket.

With tax revenues already at their lowest point in decades, as a share of the economy, critical Government services are underfunded in this budget resolution. The resolution provides just $369 billion for all domestic, discretionary spending outside of homeland security. While that may sound like a great deal of money, it is just $2 billion more than last year, and certainly not enough to keep pace with inflation or program growth.

Let me give you just a few examples of the painful results of such a budget. First, this budget turns its back on our schools and reneges on a promise Congress made when it enacted the No Child Left Behind legislation. In 2000, I voted for the No Child Left Behind Act because I strongly believe that education is the key to our future and we must invest in higher academic standards. Based on that legislation, our schools have accepted annual testing, and its expense, higher academic standards for students, and higher standards for teachers. But this budget does not follow through with the resources we promised schools that accepted these changes. This year alone, we are $8.6 billion short of promised funding. In West Virginia, funding is $60 million less than promised.

Students are not the only ones to lose out under this budget resolution. Anthony Principi, the Secretary of Veterans' Affairs, told Congress that Veterans Administration health care is underfunded. He testified that he needed $1.2 billion in additional funds. At a time when military personnel are serving in Afghanistan and Iraq, new veterans are coming home, and 60,000 veterans are on waiting lists for health care, we simply must fund VA health care. Yet, this budget does not.

The Federal Government also has a responsibility to maintain its commitment to Medicaid in order to protect access to health care for our poor children, needy families and seniors in nursing homes. This is especially true during times of economic downturn when Medicaid beneficiaries need it the most. Last year, I worked with several of my colleagues in the House and Senate to successfully pass $20 billion in State fiscal relief. This legislation prevented several States from making cuts to their Medicaid programs. However, the projected budget deficits for states in the coming year are between $39–$41 billion—in spite of the slight upturn in the economy. Eighteen States have already introduced measures to reduce Medicaid coverage, eliminate benefits, increase copays, limit access to prescription drugs, or decrease payments to providers. Additional states will be forced to enact similar measures if fiscal relief expires on June 30.

Instead of trying to undermine Medicaid funding, we should continue to provide state fiscal relief in order to hasten our nation's economic recovery and improve coverage options for the uninsured. And I am very disappointed that this budget resolution offers no assistance to states to prevent these devastating cuts.

As the ranking Democrat on the Aviation Subcommittee of the Commerce Committee, I cannot help but note that this resolution does not provide sufficient funds for the Essential Air Service program or the Small Community Air Service Development Program. I will certainly fight for adequate funding to maintain the Federal Government's commitment to making sure that small and rural communities continue to be connected to the national air transportation system. This

budget resolution will make that fight an uphill battle.

I cannot support this budget. I refuse to believe that this is the best that Congress can do, and I will not try to explain to West Virginians that there is room for additional tax cuts, but not enough money for education, child care, health care, infrastructure improvements, homeland security, and other important domestic initiatives.

I also refuse to ask West Virginia's children to assume enormous amounts of additional debt to fund such misguided priorities. Make no mistake, while this budget imposes painful restrictions on services that West Virginians care about, it still increases our national debt by unprecedented amounts in the coming years. These outrageous deficits will have a tangible, negative impact for middle-class Americans. As Government borrowing goes up, we know that interest rates will also arise for families with home mortgages, student loans, car loans, or credit card debt.

If this resolution is to be the blueprint for our economic policy this year, then we are in for another dismal year. I ask my colleagues to oppose this budget resolution and to work together to craft a budget that is consistent with the values of hard working American families.

Mr. DASCHLE. Mr. President, as we continue to debate the priorities of this year's budget resolution, I want to take this opportunity to discuss a growing problem in America—one that has had an especially devastating impact on South Dakota and other rural States. That problem is the spread of methamphetamine.

Over the course of the last decade, there has been a dramatic increase in the trafficking and abuse of methamphetamine in rural States. In fact, a spokesman for the Drug Enforcement Agency recently stated, ''Meth is now the number one drug in rural America—absolutely, positively, end of question.'' South Dakota, like many States across the country, is struggling to find ways to combat this latest drug epidemic.

Methamphetamine is highly addictive, and can have devastating health effects, including psychotic behavior and brain damage, and produces withdrawal symptoms of depression, anxiety, fatigue, paranoia, and aggression. Chronic methamphetamine use can cause anxiety, confusion, and violent behavior. Every year, hundreds of people die from methamphetamine-related causes, and the number of admissions to treatment for methamphetamine throughout the United States increased from 14,554 in 1992 to 80,678 in 2001, an increase of over 500 percent.

The problem is getting worse. In 2001, 10 percent of all South Dakotans who sought State-funded inpatient treatment services indicated that meth was the primary substance of abuse. In 2002, the number grew to 17 percent. In June 2003, that percentage jumped to 33 percent. Fifty-seven out of 66 counties in South Dakota in 2001 reported problems with methamphetamine use, and because meth-related problems are showing increased movement from the outside edges of the State toward the center, the sad truth is that soon there won't be a single county in my State that is not seriously affected by methamphetamine.

In addition to having serious adverse health affects, methamphetamine presents our Nation's law enforcement agencies with unique and significant challenges.

Unlike other illegal drugs that are produced in foreign countries and smuggled into America, meth is being produced and distributed right here in America. Methamphetamine can be manufactured in small, clandestine labs that operate out of homes, barns, hotel rooms, and even car trunks. The equipment, ingredients, and even the recipe are readily available in pharmacies, hardware stores and on the Internet. Producers of methamphetamine tend to be small-scale operations seeking to make only enough for personal use and minor sales—much like the old alcohol stills—so that police can't simply choke off a major supply by targeting a big dealer. And because these clandestine operations are usually making only small quantities, shutting down a single meth lab does little to limit supply.

So law enforcement faces one of its most urgent and complex challenges. It is being asked to shut down something as deadly as heroin, but as easy to make as bathtub gin.

We must act to reverse this trend before it is too late. That is why I am supporting amendments to the budget resolution that will provide needed assistance to rural communities in their efforts to combat methamphetamine. Programs such as COPS, Byrne Grant, and Local Law Enforcement Block Grants play an essential role in providing the resources for our State and local law enforcement officers in their efforts.

Just last night, on NBC nightly news, one of the lead stories was entitled ''Meth labs, a toxic threat to rural America.'' We don't need more stories in the news to know methamphetamine trafficking and abuse are already a major problem in rural areas. There is evidence that the drug is beginning to take hold in our Nation's urban and suburban areas. We must act now to prevent further damage.

Mr. KOHL. Mr. President, yesterday the Senate passed the Baucus amendment to strike what would amount to devastating cuts to the Medicaid program. I am pleased that this amendment was adopted, and I believe it was an important step in correcting what I believe was a gross misplacement of priorities in the Budget Resolution before the Senate.

At the same time that this budget resolution cuts taxes for wealthier Americans by billions of dollars, it also included a provision that will help clear the way for an $11 billion cut in Medicaid. This cut would be devastating to millions of low-income families, children, disabled and senior citizens who are served by this critical health care program.

And to make matters worse, this cut would come at a particularly bad time. States continue to face fiscal crises as a result of a weakened economy. They are already struggling to keep up with the rising demands and costs of Medicaid as more families need help during trying economic times. This budget resolution would have made it even harder for States to meet the needs of families, and would certainly lead to more uninsured Americans as States are forced to make painful cuts in Medicaid.

Estimates show that an $11 billion cut in Medicaid would cost Wisconsin approximately $200 million over 5 years. Wisconsin has been a leader in providing comprehensive health services that working families need, but how would our State be expected to absorb a cut of this magnitude and continue to provide the comprehensive services people count on? This provision could force cuts in critical health benefits, preventive benefits, dental coverage, vision coverage, or speech and occupational therapy. It could force States to limit enrollment and lead to an increase in the number of uninsured families. It could lead to higher costs for seniors enrolled in State prescription drug assistance programs. It could limit options for long-term care for the elderly and disabled. And it could lead to cuts in reimbursement to health care providers.

We should be appalled by the prospect of cuts in basic safety net programs like Medicaid during a time when many lower-income Americans need more help. We should be especially shocked when the cut occurs at the same time that we provide billions in tax cuts for the wealthy. But this budget resolution would have put $11 billion in Medicaid cuts on a fast track and left low-income working families, children, seniors and people with disabilities out in the cold.

I am pleased that the Senate voted to reject these harmful Medicaid cuts and to finally begin to put this budget's priorities in the proper order for our Nation's working families.

Mr. CHAMBLISS. Mr. President, I rise today to speak on S. Con. Res. 95, the fiscal year 2005 budget resolution.

I support the budget before us because I believe it strikes a good balance between fiscal discipline, continued tax relief, and strong support for our military and the security of our homeland.

Before I expand on S. Con. Res. 95, I would like to reflect on a few events and developments that have shaped the current landscape in America. Since President Bush's inauguration in 2001 America has faced a myriad of debilitating events such as: a stock market

that had been in decline since 2000 along with a recession according to leading economists; unprecedented corporate scandals; and, terrorism on American soil. This triad of events was a perfect recipe for increased unemployment, a ballooning deficit and a struggling economy. In an attempt to rectify these problems, the President, in conjunction with the House and the Senate passed necessary sweeping tax reform that has helped right the stock market, reduce unemployment and pave the way to sustained economic growth in the future.

While these past legislative accomplishments were essential and have produced phenomenal results such as; gross domestic product, GDP, in the third quarter last year grew at the fastest quarterly rate in two decades, unemployment has dropped drastically and the combined value of the New York Stock Exchange, NYSE, and the NASDAQ has increase 40 percent. And we need to do more to assure this unprecedented growth continues. That is why this budget rejects tax increases on working families, maintains tax relief for married couples and maintains the 10-percent income tax rate for low-wage workers. In addition to maintaining tax relief, this budget, in order to allow for continued economic prosperity, holds the line on spending and cuts the deficit in half in merely three short years. This reduction in spending and exercise in fiscal discipline will help curb our towering deficit.

The United States has also made bounding leaps in the war on terrorism. In the past year alone, the United States has toppled two evil regimes, in Afghanistan and Iraq, rid the world of Iraq's weapons programs, and captured Saddam Hussein. The Budget committee sent to the floor an increase in defense funding of $20 billion. After agreeing to Senator WARNER's amendment, of which I was a cosponsor, the Senate has increased military funding by $27 billion for 2005 to make sure troops have the resources necessary to continue to fight this war on terrorism and protect and defend our interests around the world. In addition to providing funding for our military, this budget also takes into account the importance of adequately providing funding to secure our home front by increasing homeland security funds by $4 billion over last year's level.

With our renewed economic growth and Congress' diligent efforts to focus spending on only our essential priorities, we can continue this economic prosperity and secure America at home and abroad.

Mr. DASCHLE. Mr. President, as we debate the fiscal year 2005 budget resolution before us, each of us is obligated to measure the budget against our State and national priorities. Monday I talked about the many ways this budget shortchanges the Nation's priorities. Today I want to focus on the ways the budget shortchanges South Dakota's priorities.

South Dakotans want to ensure that our fiscal health and Social Security remain sound and stable. They want men and women who have worked hard all their lives to retire with dignity. Since January 2001, they have watched with alarm as the Bush administration and Congress have spent both the budget surpluses it took us so long to accrue and the Social Security trust funds that, only a few years ago, both political parties declared untouchable. This budget exacerbates that dismal situation, and I will be supporting an amendment to protect Social Security for generations to come.

South Dakotans want America's veterans to be treated with dignity, too. They want us to honor our commitments to them and ''care for him who shall have borne the battle and for his widow and orphan.'' Here again, this budget fails. Nearly 60,000 veterans are on waiting lists for care at VA hospitals. When our troops fighting in Iraq and Afghanistan return home, the lines could get even longer. But despite the extraordinary sacrifices our soldiers have made for us, the Republican budget offers veterans only longer waits and higher fees. I will be offering an amendment to fully fund veterans' health care.

South Dakotans believe the men and women of the National Guard and Reserves should have the right to come home to health care, too. That is why I will be offering an amendment to allow those without health insurance to purchase TRICARE coverage when they return from active duty. The amendment would give Guard members and reservists permanent access to TRICARE coverage for themselves and their families.

South Dakotans feel the pain of low wages, high unemployment, and American jobs going overseas. That is why I will be supporting an amendment to encourage job creation, discourage shipping American jobs overseas, and provide dislocated workers the assistance they need. South Dakotans want their children to have a world-class education. They believe that, in that effort, we should leave no child behind. Even if that child lives in a small, rural school district. Even if that child lives on an Indian reservation. The No Child Left Behind Act said, if you hold our students to higher standards, we will guarantee you the funding to meet those standards. Schools are holding up their end of the bargain, but the President and this budget are not. I will support an amendment to make good on our national promise and fully fund the No Child Left Behind Act, including the Rural Education Assistance Program.

South Dakotans believe we should also make good on our promises to Native Americans. In that regard, and in so many areas, our Government has fallen short. Perhaps the most flagrant violation of our commitment to Native Americans is our failure to provide essential health care services to the people who depend on the Indian Health Service. This budget provides less than 40 percent of the funding needed to provide basic health care services to Indian Country. On a per capita basis, that equals about half of what our nation spends on federal prisoners' health care. Again, I will be offering an amendment to right that indefensible wrong.

South Dakotans value clean water. The President's budget and this budget resolution shortchange critical drinking water projects, as well as basic water and sewer services for rural communities. Throughout this year's budget and appropriations processes, I will be working to restore those funds.

South Dakotans value their forest land and want to protect it. Last December, Congress and the administration enacted the Healthy Forests Restoration Act to authorize funds for hazardous fuels reduction in our national forests. The President's budget underfunds that program, leaving our forests vulnerable and many communities at high risk of devastating fire. These funds must also be restored.

South Dakotans believe that the communities that put food on our table deserve our gratitude and a fair chance to maintain their way of life. The President's budget and this budget resolution cut essential conservation and rural development programs and threaten the economic future of rural communities. I will be working to restore those funds, too.

This budget, like all budgets, is about more than numbers. It is about choices. It is about priorities. And from the looks of this budget, our priorities are all wrong.

Our Nation is at war, our economy is flagging, our schools are struggling, our people are going without health care, and our government is facing record deficits as far as the eye can see. But despite the tremendous challenges our nation faces, this budget inexplicably proposes a staggering $1.3 trillion in new tax breaks, primarily for the wealthiest among us.

South Dakotans have a different set of priorities. In the course of this debate, I plan to support a series of amendments that aim to reflect those priorities. The amendments will offer a strategy to repair our fiscal problems, keep our promises, and prepare our country for the challenges of the future.

Each amendment will fix a glaring weakness in this budget and each will be fully paid for. In fact, most will actually reduce the deficits that Republican budgets have created. And they will reflect the priorities of South Dakotans, who, like virtually all other Americans, expect us to make responsible choices.

Mrs. FEINSTEIN. The Federal budget deficit will reach a record $477 billion this year, according to figures released in February by the Congressional Budget Office. And, if you believe the President's own numbers, the

budget deficit will come in at $521 billion this year. This is a stunning turnaround from 3 years ago, when the budget was in surplus. But this is just the tip of the iceberg. Over the next 10 years, the deficit is projected to grow to $5.5 trillion—another record.

Deficits do matter, and unless we face up to them, they could seriously harm our Nation's economy. Here is why:

First, deficits mean increased spending on interest instead of priorities. In the short term, deficits can help stimulate the economy or pay for emergency spending. But in the long term, they limit our Nation's ability to fund much needed priorities. This means less money for education, less money for environmental protection, and less money for health care. The administration—largely because of the projected deficits—has pledged to limit spending on domestic programs this year to 1 percent growth.

The budget before the Senate today reflects these constraints by: failing to reimburse state and local governments for the federal responsibilities in paying for the incarceration of illegal immigrants; reducing the effectiveness of our police officers by cutting almost $700 million from the COPS program; cutting almost $250 million from firefighter grants; underfunding No Child Left Behind by $8.9 billion; and underfunding Port Security by more than $550 million. These are not frivolous or unimportant programs: these are vital priorities that must be funded.

Last year we spent $318 billion in interest on the national debt alone. Our total non-defense discretionary spending last year was only modestly larger, coming in at $421 billion. Every dollar of that $318 billion was money that could have been available for education, healthcare, defense, infrastructure, job development, homeland security—or to return to the American people as tax cuts, if we had paid down the debt.

Second, deficits lead to interest rate increases. We have been fortunate in recent years; interest rates and inflation have remained low. But as the economy picks up, the downward pressure on interest rates will be relieved and the impact of deficits will be felt. This will add huge expenses to variable home mortgages and auto loans. An increase of just 1 percent would add $2,000 per year to the cost of a $200,000 home mortgage. This is more than the majority of American taxpayers will receive from the President's latest tax cut.

Third, deficits prevent us from addressing the looming Social Security and Medicare crises. This is an issue that is not addressed in this budget resolution. We can not continue to avoid it forever. The retirement of the baby boomers will place a tremendous strain on our social safety net. In fact, if we do not address the problem, the Medicare trust fund will go broke by the year 2030, and the Social Security trust fund by 2040.

Our Nation was poised to deal with these crises at the end of the Clinton administration. In 1998, the 30-year trend of deficit spending had been reversed, and we paid off $448 billion of the Nation's publicly held debt. This opportunity, however, has been lost. Not only have we failed to shore up the Social Security and Medicare trust funds, but we are also tapping the Social Security trust fund to pay our bills—to the tune of $164 billion this year alone.

So what do we do?

One possibility is to simply continue along our current path and pass our problems on to our children and grandchildren. In fact, the budget resolution we are dealing with today raises the federal debt ceiling by $644 billion—essentially borrowing from future generations because we are unable to muster the political will necessary to pay today's obligations today.

So I strongly believe that the time has come to chart a different course, and make the tough choices that the President and this budget resolution avoid making. We must adopt a balanced approach to both taxes and spending and return to a program of fiscal sanity. This is what we did when I first came to the Senate over a decade ago. At that time, a small, bipartisan group of Senators came together to get our fiscal house in order. Democrats worked to bring spending under control. And Republicans pledged not to push for additional tax cuts. Today, we must come together again to address the deficit and restore our Nation's economic security.

On taxes, I believe that we must consider rolling back the tax cut on the wealthiest in the Nation, to bring the income tax rate from its current 35 percent back up to 38.6 percent—what it was just last year. This will affect those who earn more than $312,000 per year. And, will impact less than one percent of American taxpayers, but will save nearly $130 billion over the next decade. Making the President's tax cuts permanent, as he called for in his State of the Union Address, represents the height of fiscal irresponsibility. In fact, the Tax Policy Institute estimates the cost of making these tax cuts permanent would cost $1.8 trillion over ten years—$1.8 trillion at just the time that baby boomers will start retiring and Social Security and Medicare need to be stabilized.

The tragedy of our current circumstance is that, given the surpluses he inherited, President Bush should have the resources available to devote additional spending to healthcare, education, and the environment. But the wrong policies, at the wrong time, combined with the war on terror, escalating the 2001 tax cuts, and now moving to make them permanent, plus the recession, have contributed toward the largest budget deficit in history.

And now, the fact of the matter is that we are going to need to tighten our belts and bring spending under control. I have no problem holding the line on spending, but believe that it must be done in the context of a more responsible approach to tax policy.

Finally, we need to take a good, hard look at Social Security and Medicare, and start addressing some of the deeper structural problems with these programs now—before they fall into crisis. These are not easy answers. But holding off on additional tax cuts, bringing spending under control, and dealing with Social Security and Medicare is the only path to long term fiscal order, a balanced budget, and a healthy and vibrant economy.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following the vote on the adoption of the budget resolution, the Senate proceed to executive session and to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 562 and 565.

I further ask unanimous consent that following the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not object, I ask the distinguished leader if he would amend his unanimous consent request for it to be in order to ask for the yeas and nays at this point.

Mr. FRIST. Mr. President, what we are doing, so people will stay for another 15 minutes or so, is we are going to act on 2 of the 12 judges who were reported by the Judiciary Committee last Thursday. The judges have been cleared on our side and are ready to have a voice vote on each nomination.

I understand there is going to be a request for a rollcall vote from the other side of the aisle. If no one requests such a vote, I will be prepared to announce that the vote on adoption of the budget resolution be the final vote prior to the recess, but if votes are needed on the judges, then Senators should be prepared to stay for these two rollcall votes.

Mr. LEAHY. Mr. President, again reserving the right to object, there will be a request for a rollcall vote, and I assume the leader would join in that, that there would be a request for a rollcall vote on the two judges, 10-minute rollcall votes so we are only here for 11 minutes, and everybody will be out on the second one. I only ask to protect my rights to ask for those rollcall votes.

Mr. FRIST. Mr. President, it looks as if we will have final passage, and then we will have two rollcall votes. For scheduling what will come, I announce that we will be in session tomorrow

briefly to finish clearing some legislation, but we will not have rollcall votes tomorrow.

We are also attempting to clear additional executive nominations, including Mark McClellan to be Administrator of the Centers for Medicare and Medicaid Services. Following Friday's session, we will reconvene on Monday, March 22. I previously announced there will be no rollcall votes on that day. However, we will resume consideration of the FSC/ETI bill on that day. I will have more to say on that in closing later tonight.

Having said that, following the last vote tonight, the next vote will occur on Tuesday, March 23. We will go to final passage now, and then two rollcall votes on the judges.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, before we conclude, I again thank the chairman of the Budget Committee. I also thank his excellent staff: Hazen Marshall, Stacey Hughes, and Beth Felder, who worked closely with us through these difficult days.

I say to our side, I urge you to vote no on this budget resolution. It adds $2.86 trillion to the national debt. I do not see any cutting of the deficit in half in 3 years or 4 years or 5 years under this budget resolution. Instead, I see it adding to the deficit each and every year by an additional $177 billion. I urge my colleagues to vote no.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to S. Con. Res. 95, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—51

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner

NAYS—45

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

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The concurrent resolution (S. Con. Res. 95) was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, through the Chair, I ask the Senator from Vermont if he would consider making one of the two—I think the judge from Arizona—Calendar No. 565, a voice vote?

Mr. LEAHY. I tell my distinguished friend from Tennessee, I have talked with the Senator from Arizona and he has no objection to that.

I will ask for the yeas and nays on the first one. I am perfectly content to have a voice vote on the second one.

EXECUTIVE SESSION

NOMINATION OF LOUIS GUIROLA, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination, which the clerk will report.

The assistant journal clerk read the nomination of Louis Guirola, Jr., of Mississippi, to be United States District Judge for the Southern District of Mississippi.

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

The PRESIDING OFFICER. Is there a sufficient second.

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Louis Guirola, Jr., of Mississippi, to be United States District Judge for the Southern District of Mississippi? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. DASCHLE. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nevada (Mr. REID) is absent attending a funeral.

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—92

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	Wyden
Dayton	Lott	

NOT VOTING—8

Campbell	Jeffords	Lieberman
Domenici	Johnson	Reid
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table and the President shall be immediately notified of the Senate's action.

NOMINATION OF NEIL VINCENT WAKE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Under the previous order, the Senate will now move to the nomination of Neil Vincent Wake to be United States District Judge for the District of Arizona.

The question is, Will the Senate advise and consent to the nomination of Neil Vincent Wake, of Arizona, to be United States District Judge for the District of Arizona?

The nomination was considered and confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The PRESIDING OFFICER. The majority leader

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROPOSALS FOR SAFE REIMPORTATION OF PRESCRIPTION DRUGS

Mr. FRIST. Mr. President, I announce for the information of my colleagues that, in consultation with the chairman of the Senate Committee on Health, Education, Labor, and Pensions, Senator DORGAN, Senator STABENOW, Senator MCCAIN, Senator COCHRAN, and other interested Senators, the Senate will begin a process for developing proposals that would allow for the safe reimportation of FDA-approved prescription drugs.

MIKE O'CALLAGHAN: A TRUE PATRIOT

Mr. DASCHLE. Mr. President, I rise to bring to the attention of my colleagues the passing of a true American patriot and hero—Mike O'Callaghan. While I mourn Governor O'Callaghan's passing, I am heartened that we here in this Chamber will continue to feel the impact of this great man through the service of his protege and former student—Assistant Democratic Leader HARRY REID.

The essence of Governor O'Callaghan is perhaps best captured by an effort he undertook in Nicaragua in 1996. He was in that war-torn country to observe elections that would mark its first ever peaceful transition of power between democratically elected presidents.

At 66, Governor O'Callaghan could have asked to observe elections in the nation's capital or its second city, but he insisted on going north to the Honduran border to observe elections among some of the most marginalized people in a country of marginalized people. He had to go there in a battered truck over rained out roads because, he said, these were his people whom he had gotten to know in the 1980s, and he wanted to be with them as they celebrated the democracy they had earned.

That determination and generosity of spirit marked Governor O'Callaghan's life. He was highly decorated—with the Purple Heart, the Bronze Star with a V for valor, and the Silver Star—during the Korean War, during which he lost a leg.

Aware of that bravery and personal strength, Sargent Shriver reached out to Mike O'Callaghan to make him a point man in President Kennedy's and President Johnson's fight against poverty.

Also aware of that bravery and strength of character, the people of Nevada made him their Governor from 1971 to 1979.

It was HARRY REID's awareness of O'Callaghan's bravery and character that led me, with great pride, to recommend him just last month to serve on the Veterans Benefit Commission.

Governor O'Callaghan died last Friday morning doing what he did each and every morning of his life attending daily mass before he went to work at the Las Vegas Sun. He also fought for the poor and the disenfranchised—from Korea to Nicaragua to Nevada—each and every day of his life.

While we are saddened by the loss of Mike O'Callaghan, we can take comfort in the knowledge that his generosity of spirit, his strength of character, and his devotion to his State and country will not soon be forgotten, and that his values and commitment to public service live on in our colleague, and his close friend, HARRY REID.

TRIBUTE TO JEANNINE HOLT

Mr. HATCH. Mr. President, I am grateful for the opportunity today to pay tribute to a wonderful woman, dedicated public servant, and loyal staff member—Mrs. Jeannine Holt. Jeannine has been my Southern Utah Area Director for 27 years, and is now retiring to enjoy the many wonderful things that life has to offer. Jeannine has done a tremendous job in serving thousands of Utahns who needed assistance, direction, or just a listening ear.

Jeannine has worked on many important issues affecting our State including lands issues, private property rights, and health care. In recent years she played a pivotal role in helping southern Utah citizens receive compensation from the government for exposure to radiation. Her guidance has helped literally hundreds of radiation exposure victims and their families navigate the complicated process to receive some financial relief for the awful illnesses many have experienced.

Jeannine is a real southern Utah ''treasure.'' She has always been an integral force in her community serving on various boards and committees including the Dixie State College Board of Trustees, the State Fair Board, the St. George Chamber of Commerce Board, and on the Rotary Bowl Committee. In addition, she has actively and energetically promoted the tourism industry in Utah's Dixie and has shared her love for the red rock canyons and sun-drenched lands of St. George and its surrounding areas with people she meets each day.

Jeannine's love and loyalty for the republican philosophy has been evident in the many years she has served promoting the ideals and values of the Republican party. She has literally donated thousands of hours working for candidates, and campaigns who share her commitment to Republican principles. For 20 years she has served as the vice chairwoman of the Washington County Republican Party, a position she has undertaken with distinction and honor.

Jeannine was also one of the founding members of the Women's Conference in Dixie, a conference which brings together hundreds of women each year from all over southern Utah to discuss important issues affecting the health and well-being of women and families. From its inception 18 years ago to today, this conference has established itself as an important forum for women from all over southern Utah to attend and enjoy.

In addition to the service she has rendered in the community and on my staff, Jeannine is a loving wife to her husband Stan. They have worked side-by-side for many years on projects benefitting their community and have buoyed each other up through life's twists and turns. Jeannine is also a loving mother of 3 and grandmother of 6.

I am grateful for the service that Jeannine Holt has given to me, to her community and to the State. She has been by my side for many years and has always been a vital component of my Senate organization. I will miss her tremendously but know that life holds many wonderful things for her to savor and enjoy. Jeannine Holt is a dedicated public servant, fervently patriotic American, and loyal and cherished friend. I want to wish her the very best in retirement and pray for her continued good health, success and happiness.

SCIENCE AND TECHNOLOGY

Mr. DASCHLE. Mr. President, this Nation has always been driven forward by a passion for discovery and a sense of adventure. From our earliest days as a nation, these deeply rooted American qualities have spurred our determination to explore new scientific frontiers and sparked our entrepreneurial spirit of technological innovation. We know in our very fiber that America's strength, prosperity, and global preeminence depend directly on scientific research and technological innovation.

This is not conjecture. The scientific and economic record of the past half-century constitutes overwhelming proof. Yet, today, our scientific progress, and the high-tech, high-wage jobs it creates, are at risk because the Bush administration is failing to sustain America's commitment to basic research.

The Federal Government has seen its research and development, R&D, investments steadily decline as a share of

the U.S. economy, bringing the federal investment down to levels not seen since the midsixties. Federal R&D has declined in dollar terms over many years, and even in years when the investment has increased, it has declined sharply relative to our economic growth rate, barely keeping pace with inflation. Physical sciences, math, and engineering have been particularly affected.

Unfortunately, the administration's R&D budgets only worsen this trend. Although Federal funding is set to increase 4.7 percent, nearly all of that increase would go to only two Departments—the Departments of Defense and Homeland Security—for the development of weapons systems and counterterrorism technology. These are necessary investments that will make our Nation safer. But the remaining Federal R&D investments, which generate new knowledge, improve healthcare, and protect the environment, will actually shrink.

This failure to adequately invest in America's research portfolio is taking a toll on the work of America's scientists, and it will affect the lives of all Americans. In my home State of South Dakota, the Earth Research Observation System does work that helps us become more responsible stewards of the environment, while increasing the yields of farmers all over the world. But this research is being endangered because of the administration's severe budget cuts.

You don't need to be a rocket scientist to figure out why funding is being cut for nearly all nondefense basic-science and technology programs. These vital investments in America's future are being cut to provide enormous tax breaks for large corporations and the wealthy elite. This is shortsighted, and it is dangerous. The President's own science advisors warn that Federal support for physical sciences and engineering is dropping, while U.S. student enrollment in those disciplines also continues to fall. Reversing these trends is crucial to our Nation's future.

We are on the verge of a new industrial world order. Already, almost any service that can be delivered in bits and bytes and does not require face-to-face interaction with customers is up for grabs. The big winners in the intense global struggle for economic predominance will not be those who simply produce products cheaper and faster than their competition. The big winners will be those countries that nurture the talent, discover the techniques, and invent the tools so advanced there is no competition.

Unfortunately, measured in terms of the number of scientific publications, science is growing faster in the European Union than in the U.S., according to 15 key indicators related to human resources, investment, and scientific productivity. This ought to raise red flags for all of us. Economic growth follows scientific discovery, and if America falls behind in science, the fallout will ripple throughout our economy, dragging down productivity and slowing job creation.

The administration's disregard for science extends beyond budgetary choices. Just last month, the Union of Concerned Scientists released a report charging that the White House has systematically undermined the spirit of objective science. The report states that the Bush administration ''has suppressed or distorted the scientific analyses of federal agencies to bring these results in line with administration policy.''

Time and again, the administration is choosing politics over rational science.

South Dakotans know what this is like. The Missouri River is part of the cultural and economic heart of our State. In recent years, a broad scientific consensus has developed that mismanagement by the Army Corps of Engineers is harming the Missouri River, and that the flow of the river should be restored to a more natural state to protect the ecology and habitat of endangered species. Just last year, an analysis by the top scientists at the administration's Fish and Wildlife Service confirmed this consensus. And yet the administration set aside the scientists' report, replaced the scientists with another panel more to its liking, and today continues to fight court orders requiring more responsible stewardship.

The St. Louis Post-Dispatch recently ran an editorial saying, ''As purges go, this one has Stalinesque subtlety.'' And that is from a leading newspaper in the area that supposedly would benefit economically from the Corps' decision.

The White House's 2001 report on global warming is another troubling case study in the politicization of science. When the science pointed to the fact that fossil fuel production and consumption contributes to global warming, the White House deleted that finding from the report. In its place, they inserted a reference to an opposing study that was financed by the American Petroleum Institute. Whenever the administration has had the opportunity, it has stacked the deck by staffing research boards and advisory councils with researchers who have shown allegiance to the White House's political goals.

Just last week, the President dismissed two advisers from his Council on Bioethics because of their positions on stem cell research. And last month, HHS Secretary Tommy Thompson admitted that his agency had made a mistake in altering the conclusions of scientists who found significant and pervasive racial disparities in health care in the United States. I am pleased that this ''mistake'' has been rectified, but concerned that it only happened after an investigation uncovered that the Department had altered scientific conclusions in order to downplay the problem of unequal health care for minorities.

This is not real science. This is ''vending machine science.'' The administration thinks it can pull a lever and get the results it wants. For the sake of short-term political gain, the administration is basing its decisions on weak science. As a result, it is putting at risk America's economic strength, our future prosperity, and our health and safety.

That is why increasing numbers of leaders in government, industry, and academia—all concerned about sustaining U.S. leadership across the frontiers of scientific knowledge—are beginning to question whether the United States is starting to lose its edge in basic scientific research. They worry that the Bush administration, by undercutting scientific research in key areas, has lost sight of the importance of long-term investments that help create the necessary conditions for prosperity. They worry that this failure of intellectual leadership will erode the high standing American science has achieved in the past half-century.

Their apprehension is well justified.

The pace of scientific discovery is quickening. Research is more important to the day-to-day lives of Americans than ever before. Cutting back on research at the dawn of this new century would be like cutting our defense budget at the height of World War II. Leadership across the frontiers of scientific knowledge is not merely a cultural tradition of our Nation; today, it is an economic and security imperative.

We must ensure that America remains at the epicenter of the ongoing revolution in scientific research and technological innovation that generates new knowledge, creates new jobs, and builds new industries. By sustaining our investments in fundamental research, we can ensure that America remains at the forefront of scientific capability, thereby enhancing our ability to shape and improve our Nation's future and the world's future.

DETENTION OF ENEMY COMBATANTS IN THE WAR ON TERROR

Mr. WARNER. Mr. President, as elected representatives of the American people, Senators seek to ensure that the U.S. Government protects the American people from international terrorism. We seek also to ensure that the cherished liberties of the American people are preserved, and to keep the people as fully informed as possible, as we fight the war on terror.

On February 24, 2004, the Counsel to the President of the United States, former Texas Supreme Court Judge Alberto R. Gonzales, addressed the Standing Committee on Law and National Security of the American Bar Association. Judge Gonzales discussed the legal basis for detention of enemy combatants in the war on terror, including U.S. citizens Yaser Hamdi and Jose Padilla. His address set forth details of the decisionmaking steps that

resulted in the detention of Messrs. Hamdi and Padilla as enemy combatants. The U.S. Supreme Court has accepted the cases of Messrs. Hamdi and Padilla for review during its current term.

So that all my colleagues and the American public may be informed on this important matter, I ask unanimous consent that the address by Judge Gonzales be printed in the RECORD.

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

REMARKS BY ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON LAW AND NATIONAL SECURITY

In 1862, President Abraham Lincoln composed a letter to Eliza P. Gurney in which the President considered how God could allow the horrors of the Civil War to occur. In his correspondence, our 16th President wrote:

''We must believe He permits it [this war] for some purpose of his own, mysterious and unknown to us; and though with our limited understanding we may not be able to comprehend it, yet we cannot but believe, that he who made the world still governs it.''

Lincoln's faith would not permit him to doubt that the specter of American sons killing American sons was providential. Many Americans surely had similar thoughts about God's plan as we watched American Airlines Flight 11, and then United Airlines Flight 175, slam into the Twin Towers of the World Trade Center on the morning of September 11th. On that day, America was subjected to a brutal and treacherous attack by an enemy that had declared war on our society.

Whether consciously or not, we all realized on September 11th that some things would never be the same. We all realized that the country now faced an unprecedented threat that, in ways yet to be known, would alter the way we live our lives and would alter the way the government goes about protecting American lives. Over time, some of the ways September 11th has changed our lives have become routine—such as the longer security screenings we all now build into plans when we are going to the airport. In part because these changes have become routine, and particularly because there have been, thankfully, no subsequent attacks on American soil, some may be tempted to become complacent, and may no longer be concerned about future acts of terrorism.

But we should make no mistake about it: Despite our successes in capturing many al Qaeda leaders, in destroying their base of operations in Afghanistan, and in preventing domestic attacks, the threat posed by al Qaeda is still very real. Al Qaeda is a fluid, adaptable, and resourceful enemy that continues actively to plan attacks both against American interests and our allies abroad and against targets within the United States. As you all know from the period of the heightened threat level that we all experienced around the holidays, we continue to get specific intelligence about planned al Qaeda attacks. We know from their previous practices that members of al Qaeda are very patient, willing to spend years to plan, train for, and then execute an attack. It would be foolish for anyone now to declare that, given two-plus years free from attacks within the U.S., the domestic phase of the conflict with al Qaeda is somehow ''over.'' I can assure you that no one in the Government is complacent about the threat posed by al Qaeda.

In response to this ongoing threat, President Bush, like other Presidents during times of war, has taken strong, sometimes difficult, action to protect American lives and preserve the long-term survival of this country.

A few people—probably some in this audience—are uncomfortable with the balance struck by this Administration between protecting our country and preserving our freedoms. They are uneasy with the idea of applying the law of war to the enemy combatants waging war against this country, including enemy combatants who are American citizens. Citing the necessity of protecting our reputation in the international community, our critics insist that these combatants should receive the benefit of the rules and procedures of our criminal justice system, those tried and true methods that we use to deal with criminals such as car thieves and drug dealers. They demand that our judges—even though untrained in executing war plans—have a substantive role in the war decisions of the Commander-in-Chief.

In spite of the massive and horrific loss of life on September 11th, the skeptics assert it is obvious that America is not at war, much less engaged in warfare on American soil. In their view, it is obvious that every American citizen—even a citizen who, as a member of a terrorist group, wages war against our sons and daughters—is entitled to be] dealt with solely according to the rules and presumptions of the criminal justice system, including the right to counsel, the right to remain silent, and the general right to judicial supervision of their detention. It is obvious, they say, that foreign fighters, captured overseas and detained by our military outside the United States, have a right to challenge, in our civilian courts, the scope and terms of their detention.

Respectively, these propositions are not at all obvious as a matter of law; to the contrary, they lack any valid foundation in domestic or international law. The Administration's detractors fundamentally misunderstand the nature of the threat this country is facing. America confronts a lethal but unfamiliar enemy, sometimes hidden here in our neighborhoods, waiting to hurt innocent people. Our enemies are not constrained by civilian authority or by any government. Nor are they inhibited by ordinary human concerns for their own safety or lives. Some are fanatics who believe their greatest power can lie precisely in their disregard for human life and their willingness to resort to indiscriminate violence, as we witness nearly every day in bombings and shootings around the world. They do not love liberty, they do not respect law, they do not cherish life.

Certain propositions are, in my view, clear. First, the brutal attacks of September 11th—which killed nearly three thousand people from more than ninety countries—were not only crimes but acts of war. Since at least that day, the United States has been at war with al Qaeda. While al Qaeda may not be the traditional armed force of a single nation state, al Qaeda is clearly a foreign enemy force. It has central direction, training, and financing and has members in dozens of countries around the world who are committed to taking up arms against us. It has political goals in mind. Al Qaeda has attacked not only one of our largest cities, killing thousands of civilians, but also has attacked our embassies, our warships, and our government buildings. While different in some respects from traditional conflicts with nation states, our conflict with al Qaeda is clearly a war.

As a practical matter, this state of war is not in dispute—not by the United Nations Security Council, which passed a resolution in response to the September 11th attacks recognizing the right of states to act in self-defense; not by members of NATO, or the Rio or ANZUS treaties, all of which unanimously invoked their treaty clauses regarding collective defense from armed attack; and not by the United States Congress, which acted to support the President's use of all necessary and appropriate military force against al Qaeda.

Second, the President is determined to win this war and has directed that all instruments of national power be directed to this new type of enemy. Because the threat is not only against our military abroad, but also against civilians here, the Department of Justice and the Department of Homeland Security share responsibility with the Department of Defense for the successful prosecution of this war. To suggest that an al Qaeda member must be tried in a civilian court because he happens to be an American citizen—or to suggest that hundreds of individuals captured in battle in Afghanistan should be extradited, given lawyers, and tried in civilian courts—is to apply the wrong legal paradigm. The law applicable in this context is the law of war—those conventions and customs that govern armed conflicts.

Under these rules, captured enemy combatants, whether soldiers or saboteurs, may be detained for the duration of hostilities. They need not be ''guilty'' of anything; they are detained simply by virtue of their status as enemy combatants in war. This detention is not an act of punishment but one of security and military necessity. It serves the important purpose of preventing enemy combatants from continuing their attacks. Thus, the terminology that many in the press use to describe the situation of these combatants is routinely filled with misplaced concepts. To state repeatedly that detainees are being ''held without charge'' mistakenly assumes that charges are somehow necessary or appropriate. But nothing in the law of war has ever required a country to charge enemy combatants with crimes, provide them access to counsel, or allow them to challenge their detention in court—and states in prior wars have generally not done so.

It is understandable, perhaps, that some people, especially lawyers, should want to afford the many due process protections that we have grown accustomed to in our criminal justice system to the individuals captured in our conflict with al Qaeda. It has been many years, fortunately, since the United States has been in a conflict that spans the globe, where enemy combatants have been captured attempting to attack our homeland. But the fact that we have not had occasion to apply the well-established laws of war does not mean that they should be discarded. The United States must use every tool and weapon—including the advantages presented by the laws of war—to win the war against al Qaeda.

Within this framework, today I would like to discuss what some may consider the most controversial of the President's actions, namely the detention of American citizens as enemy combatants, wherever those persons may have been seized, and more specifically the determination that a person—particularly an American citizen—captured in the United State is an enemy combatant. As you know, we have detained two American citizens as enemy combatants.

The first, Yaser Hamdi, is a Saudi national who was a part of Taliban military unit that surrended to Northern Alliance forces in a battle near Konduz, Afghanistan in late 2001. He was armed with an AK–47 assault rifle when he surrendered. He has admitted that he went to Afghanistan to train with and fight for the Taliban. Following his capture, a U.S. military screening team confirmed

that Hamdi indeed met the criteria for enemy combatants over whom the U.S. forces were taking control. Afterwards, military authorities learned of records indicating that Hamdi, although a Saudi national, had been born in Louisiana. He was transferred to a naval brig in the United States where he remains detained.

The second, Jose Padilla, also an American citizen, was among those who sought to bring terror to our soil. Padilla has served time in the U.S. for murder and for a handgun charge. In 1998, following his release from prison, he moved to Egypt, where he took the name Abdullah Al Muhajir. In 2001 and 2002, Al Muhajir, or Padilla, met with al Qaeda officials and senior operatives, and proposed to conduct terrorist operations within the United States—includinga plan to detonate a dirty bomb—as well as the detonation of explosive devices in hotel rooms and gas stations. Padilla received training from al Qaeda operatives, and was directed by al Qaeda members to return to the United States to explore and advance plans for further attacks against the United States. Multiple intelligence source separately confirmed Padilla's involvement in planning terrorist attacks by al Qaeda against United States citizens and interests. Like Hamdi, Padilla has been detained in a naval brig in the United States.

The President's legal authority to detain American citizens as enemy combatants is, in my view, clear. The practice of capturing and detaining those engaged in hostilities is as old as war itself, and is ingrained in this Nation's military history. The detention of enemy combatants serves two vital objectives in the global war on terror: preventing killers from rejoining the enemy and continuing to fight, and enabling the collection of intelligence about the enemy. The Supreme Court's 1942 decision in Ex parte Quirin acknowledged that the President's war powers include the authority to capture and detain enemy combatants at least for the duration of a conflict, and authority that was well-settled by the time of that decision. More to the point with respect to Hamdi and Padilla, the Supreme Court has made clear that this power extends to enemy combatants who are United States citizens. As the Court observed in Quirin, in which one of the detained Nazi saboteurs was a United States citizen: ''citizenship in the United States of an enemy belligerent does not relieve him from the consequences of a belligerency which is unlawful.''

The course of action that we have taken with respect to Mr. Hamdi and Mr. Padilla—and the arguments that we have made in defending those actions in the courts—draw upon these well-established precedents. The Executive's determination that an individual is an enemy combatant is a quintessentially military judgment—indeed, deciding who is the enemy is in many senses the fundamental, threshold decision that the Commander-in-Chief makes, the decision from which all other military decisions flow. Accordingly, the traditional deference owed by courts to military judgments is at its broadest with respect to the President's determination that an individual is an enemy combatant. While courts may review (by habeas corpus) the Executive's determination that an American citizen (whether captured abroad or on U.S. soil) is an enemy combatant, that review must be deferential. Specifically, in view of the great deference owed to the President's enemy combatant determinations and the serious separation-of-powers concerns that would attend any searching judicial inquiry into the factual underpinnings of the President's judgment, a factual review of the President's determination can extend no further than ensuring that it has evidentiary support. That framework focuses exclusively on the factual support presented by the Executive and entails confirming the existence of some evidence supporting its determination that the individual is an enemy combatant.

The Government's record in the courts on the scope of the President's authority, as you probably know, has been mixed. The Fourth Circuit in Hamdi agreed that the President may detain enemy combatants, including American citizens, and further agreed that judicial review should be highly deferential. The Court reasoned that the designation of Hamdi as an enemy combatant bears the closest imaginable connection to the President's constitutional responsibility during the actual conduct of hostilities, and that while judicial review does not disappear during wartime, the review of battlefield capture in overseas conflicts is a highly deferential one.

Applying this deference to the facts of the case, the Fourth Circuit concluded that—despite his status as an American citizen currently detained on American soil—Hamdi is not entitled to challenge the facts presented by the United States. The Court held that where as here, a petitioner has been designated as an enemy combatant and it is undisputed that he was captured in a zone of activity combat operations abroad, further judicial inquiry is unwarranted when the government has responded to the petition by setting forth factual assertions which would establish a legally valid basis for the petitioner's detention.

The Second Circuit reached a different conclusion with respect to Jose Padilla. There, a divided panel held that the President does not have inherent authority under the Constitution to detain as an enemy combatant an American citizen seized within this country away from a zone of combat. The Court also held that the President could detain an American citizen only with the express authorization of Congress, and that the Congressional resolution to use force against members of al Qaeda did not give such authorization.

You will not be surprised to learn that we found the Fourth Circuit decision to be brilliant, and the panel's reasoning incisive and unimpeachable. We found the decision by the Second Circuit panel on the other hand, to be less brilliant, less supportable by the facts, and contrary to legal precedent.

I am constrained by my time this morning from elaborating further on our legal arguments in both cases. In any event, they are a matter of public record and have been fully set out in our briefs. The Supreme Court will hear arguments in both the Padilla and Hamdi cases this spring. We are hopeful that the Court will agree with the government's position in each case.

What I would like to turn to is something that has not been made a matter of public record. Until today, the Government has been reticent about discussing in any detail the decision-making steps that may result in an American citizen being designated as an enemy combatant or how an American detainee held in the United States may be provided access to counsel.

As a result, while we have set forth our legal authorities clearly in legal briefs, in the debate over the fairness and prudence of the Government's actions in the war on terror, the voice of the Government has remained essentially unheard. Our silence has been largely for reasons of national security. The deliberations that underpin any decision that a person already within the United States is, in reality, an enemy combatant, invariably include extraordinarily sensitive intelligence information that we are loathe to reveal for fear that it may jeopardize the future capture of enemy combatants and future prevention of terrorist attacks. We realize that our relative silence on this issue has come at a cost. Many people have characterized—mischaracterized, in our view—our actions in the war on terrorism as inconsistent with the rule of law. Indeed, because of our silence, many critics have assumed the worst. They have assumed that there is little or no analysis—legal or otherwise—behind the decision to detain a particular person as an enemy combatant. To them, the decision making process is a black box that raises the specter of arbitrary action.

While some of these criticisms are understandable, they are wrong. With two years of experience, we now believe that our concerns for national security can be accommodated with a greater public disclosure of the steps we have taken behind the public actions you already know about. And so today, we will begin to take a more active role in the debate about the fairness of our acts of detention of U.S. citizen enemy combatants. This discussion builds on Secretary Rumsfeld's speech eleven days ago in Miami, where he revealed the review mechanisms that had long been in place with respect to detentions of non-U.S. citizen enemy combatants being held at Guantanamo Bay, Cuba. Today I am going to explain the decision-making that led to our enemy combatant determinations with respect to U.S. citizens.

Yaser Hamdi, in my view, presents a relatively easy case. Hamdi was seized in a combat zone in Afghanistan. He was armed with an AK–47 when his Taliban unit surrendered to Northern Alliance forces. The Northern Alliance subsequently made him available for an interview by U.S. military personnel. A U.S. military screening team confirmed that Hamdi met the criteria for enemy combatants over whom the United States was taking control, and Hamdi was transferred to U.S. control. In such a situation in a foreign zone of combat, that determination was quite properly made by military personnel on the ground. These facts and other details relating to the circumstances of Hamdi's case were memorialized in a declaration, the so-called Mobbs declaration, which was made available for review by the courts in connection with Hamdi's habeas petition.

As for enemy combatants who are American citizens and are captured here in the U.S., as a matter of prudence and policy the decision-making steps we have employed have been far more elaborate. They have included a thoughtful, deliberate and thorough analysis of the relevant facts and law at many levels of the Executive branch. In the one case in which the President has exercised his authority as Commander-in-Chief to detain a U.S. citizen in the United States as an enemy combatant, we have employed a thorough—indeed, painstaking—mechanism to ensure multiple layers of scrutiny before even proposing any action to the President.

What follows is a general description of the mechanism that was employed before the President exercised this presidential power. I should caution, however, that there is no rigid process for making such determinations—and certainly no particular mechanism required by law. Rather, these are the steps that we have taken in our discretion to ensure a thoroughly vetted and reasoned exercise of presidential power.

In any case where it appears that a U.S. citizen captured within the United States may be an al Qaeda operative and thus may qualify as an enemy combatant, information on the individual is developed and numerous options are considered by the various relevant agencies (the Department of Defense, CIA and DOJ), including the potential for a

criminal prosecution, detention as a material witness, and detention as an enemy combatant. Options often are narrowed by the type of information available, and the best course of action in a given case may be influenced by numerous factors including the assessment of the individual's threat potential and value as a possible intelligence source. This explains why persons captured in the U.S. may be processed differently depending on the totality of the circumstances the particular case presents.

For example, we could have abundant information indicating that the individual has committed a crime—such as material support for terrorism—but the information may come solely from an extremely sensitive and valuable intelligence source. To use that information in a criminal prosecution would mean compromising that intelligence source and potentially putting more American lives at risk. Those are the sort of considerations that have to be weighed in deciding how we proceed against a particular individual in any given case.

When it appears that criminal prosecution and detention as a material witness are, on balance, less-than-ideal options as long-term solutions to the situation, we may initiate some type of informal process to present to the appropriate decision makers the question whether an individual might qualify for designation as an enemy combatant. But even this work is not actually commenced unless the Office of Legal Counsel at the Department of Justice has tentatively advised, based on oral briefings, that the individual meets the legal standard for enemy combatant status. That standard was articulated by the Supreme Court in Quirin, where the Court made clear that, at a minimum, ''citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance, and direction enter this country bent on hostile acts are enemy belligerents within the meaning of . . . the law of war,'' and thus may be detained. The important factor, therefore, is that the person has become a member or associated himself with hostile enemy forces, thereby attaining the status of enemy combatant.

It is worth noting, I think, that on more than one occasion OLC has advised that the facts relating to a certain individual did not support an enemy combatant determination, or were so close to the line as to present a very doubtful case. In those cases the United States did not proceed further in the process of determining whether to designate the persons as enemy combatants, but rather pursued different, legally available options for addressing the threat. In a very real sense, the Executive branch in these cases declined to take a particular action against suspected terrorists because it concluded that the action was not clearly legally supportable.

Once initial assessments indicate that an enemy combatant designation may be the best legally available way to deal with a particular U.S. citizen, we have proceeded to take the following steps to assist the President in making a final decision.

First, the Director of Central Intelligence makes a written assessment of all available CIA intelligence information concerning the individual and transmits a recommendation and request to DoD recommending that the person be taken into custody as an enemy combatant.

The Secretary of Defense then makes his own independent evaluation, based upon the information provided by the CIA and other intelligence information developed within DoD. That evaluation is embodied in a written assessment concerning enemy combatant status.

The Secretary's assessment is provided to the Attorney General with a request for the Attorney General's opinion concerning: (1) whether the assessment comports with applicable law; (2) whether the individual may lawfully be taken into custody by the Department of Defense; and (3) whether the Attorney General recommends as a matter of policy that that course be pursued. This ensures that DOJ can formally provide input on the law-enforcement equities related to the individual. DoD's request to the Attorney General includes the intelligence information from both the CIA and DoD.

In addition to the materials forwarded by the DoD, the Attorney General relies on two documents in responding to DoD's request: the first is a memorandum from the Criminal Division setting out all the information available to it from the FBI and other sources concerning the individual; and the second is a formal legal opinion from OLC analyzing whether the individual meets the legal standard to be held as an enemy combatant—the Quirin standard I just discussed.

Following his review, the Attorney General forwards a letter with his legal advice and recommendations back to DoD, along with the Criminal Division fact memo and the OLC opinion.

The Secretary of Defense then transmits a package of information to the President, recommending that the President designate the individual as an enemy combatant. The package of information recommending the enemy combatant designation includes six items: (i) the written assessment and recommendations of the CIA; (ii) the recommendation and preliminary assessment by the Secretary of Defense; (iii) the DoD intelligence information; (iv) the Attorney General's letter to DoD, including his legal opinion and recommendation; (v) the Criminal Division's fact memo; and (vi) the OLC opinion.

Lawyers at the White House review the DoD package and recommendations, and the Counsel to the President forwards it to the President along with his written recommendations to the President.

Finally, the President reviews the DoD package and is briefed by his Counsel. If the President concludes that the person is an enemy combatant, the President signs an order to that effect directing the Secretary of Defense to take him into his control. In the case of Padilla, the President concluded that Padilla ''is, and at the time he entered the United States in May 2002 was, an enemy combatant.'' The President also determined that he ''possesses intelligence, including intelligence about personnel and activities of al Qaeda that, if communicated to the U.S., would aid U.S. efforts to prevent attacks by al Qaeda.''

As you can see executive branch decision making is not haphazard, but elaborate and careful. And although these specific steps are not required by law, we have followed them in our discretion, in order to make sure that—in this context as in all others—the President's Commander-in-Chief authority is exercised in a reasoned and deliberate manner.

In part because of the reluctance that I spoke about earlier to articulate our position and procedures, there appears to be some confusion about whether the Government is willing to permit American enemy combatants access to our courts to challenge their detention. The reality, of course, is that they do have such access: the detentions of Hamdi and Padilla have been challenged in the courts and indeed are slated for review by the Supreme Court this Spring. And, of course, from the outset, those challenges on Hamdi's and Padilla's behalf have been pursued by qualified counsel.

But can there be meaningful access to our courts and a meaningful right to file a habeas challenge without direct access to counsel? To the average American, this may appear to be a legitimate question. But those who question the government's position on access to counsel operate under a fundamental misunderstanding of the legal nature of the detention of virtually all of these terrorists.

It is the position of this Administration that, in the case of citizens who take up arms against America, any interest those individuals might have in obtaining the assistance of counsel for the purpose of preparing a habeas petition must give way to the national security needs of this country to gather intelligence from captured enemy combatants. Although the right to counsel is a fundamental part of our criminal justice system, it is undeniably foreign to the law of war. Imagine the burden on our ability to wage war if those trying to kill our soldiers and civilians were given the opportunity to ''lawyer up'' when they are captured. Respectfully, those who urge the extension of the right to counsel to these combatants, for the purpose of filing a habeas petition, confuse the context of war with that of the criminal justice system.

When we are at war, debriefing of enemy combatants is a vital source of intelligence. But the stream of intelligence would quickly dry up if the enemy combatant were allowed contact with outsiders during the course of an ongoing debriefing. The result would be the failure to uncover information that could prevent attacks on our military and on American citizens. This is an intolerable cost, and we do not believe it is one required by the Constitution. For these reasons, we have urged that interrogations of captured enemy combatants should be allowed to proceed, as they historically have, uninterrupted by access to counsel.

We have also recognized, however, that in every case we need not maintain the most restrictive conditions on detention that the law of war permits. Constraints imposed on a particular U.S. citizen held as an enemy combatant should be and are constantly reevaluated as a matter of policy, to make sure that the terms and conditions of confinement are necessary to meet the needs of national security.

The Department of Defense employs a deliberate and thorough procedure, as a matter of policy, when making this decision about access to counsel. The stated policy of the Department—which it detailed publicly last December—is to permit any enemy combatant who is a United States citizen and who is being detained by DoD in the United States access to counsel: (1) after DoD has determined that such access will not compromise the national security of the United States; and (2) after DoD has completed intelligence collection from that enemy combatant or after DoD has determined that such access will not interfere with intelligence collection from that enemy combatant.

The policy is initiated when DoD officials in charge of interrogations make an initial determination that intelligence collection is completed or that access to counsel would not interfere with intelligence collection. This determination is made after coordination with the Department of Justice, including the FBI, and the CIA. DoD officials prepare a memo for the Deputy Secretary of Defense seeking authorization for access to counsel. That draft is coordinated within DoD and with officials at the White House, DOJ, and CIA.

Once this coordination is complete, and a consensus reached, the memo is forwarded to the Deputy Secretary of Defense for his consideration. The Deputy Secretary then makes a final decision whether the two prongs of the DoD access to counsel policy are satisfied.

As you can see, the decision to provide counsel is made after careful consideration of national security implications. These decisions are guided by thorough legal analysis at various levels of our government.

That is precisely the course we have followed both with Yaser Hamdi and Jose Padilla. When officials at DoD determined that intelligence collection from Hamdi was complete, they announced last December that he would be allowed access to a lawyer, subject to appropriate security restrictions. Hamdi has now met with his lawyer. Earlier this month DoD officials concluded that national security would not be harmed by permitting Padilla to have access to counsel, and he too will be given access to a lawyer. As these decisions show, we have an interest in restricting access to counsel to the extent necessary to advance an important intelligence-gathering interest. When that interest no longer exists, we have no further need to restrict access to counsel and will allow U.S. citizens that access to assist in their challenge to their detention in the courts by means of habeas corpus. We believe strongly that access to counsel needs to occur at an appropriate time. What we will not do is put American lives at risk and jeopardize intelligence-gathering by recognizing a non-existent right for enemy combatants to consult with lawyers.

I am pleased to have had the opportunity this morning to provide you with some more details about the decisionmaking process that we have followed in dealing with enemy combatants who are U.S. citizens. The way in which this Administration has made its decisions, in my judgment, vividly illustrates the President's commitment to wage war on terror aggressively and relentlessly while fully respecting the bounds of the law.

Recent press accounts and editorials have suggested that the Bush Administration—fearing losses in the courts—has revised its approach to dealing with terrorists. As I hope my remarks this morning have made clear, that is not the case. The extensive procedures and safeguards that I have described today are ones that we have followed from the outset in determining whether certain individuals qualify as enemy combatants. All along, the Administration's actions have been uniformly grounded in historical practice and legal precedent and have been based on careful and continuous consideration of the facts and circumstances of each case. What is new is our willingness to share more information about our procedures, as Secretary Rumsfeld did two weeks ago in Miami and as I am doing today. Our flexibility in this regard has been constrained by the demands of national security. At this point in time, however, we have decided that there are ways that we can share some of this information, and that doing so—as I have today—is both consistent with the demands of national security and in furtherance of our interest in showing the American people that their government is one that respects the law even as it fights aggressively an enemy dedicated to our destruction.

Because ours is a free society, the actions taken by the Administration have been (and will continue to be) challenged in the courts. These are important issues, and courts exist to resolve such disputes. Our independent judiciary will help determine how longstanding practice applies to the first conflict of the 21st Century. It is possible that the courts may disagree with a particular decision or policy; indeed, the Second Circuit has already done so in Padilla (although the Supreme Court will now be reviewing that case and providing the final word on the issues presented). I am confident in the legality of the measures the Administration has employed in seeking to defend Americans from our enemies in the war on terror—but in our system the courts will have their say. What cannot be denied, however, is that in protecting the American people from our terrorist enemies, the Administration has carefully examined the Constitution and laws of the United States, as applied in historically analogous situations.

In closing, when I walk into the Oval Office to brief the President, I am always reminded of the awesome responsibility that the President has—and the corresponding duty on all of us who serve him. But the burden of protecting this country and of securing the rights embodied in our Constitution is not ours alone.

Yes, those of us in government have a direct hand in executing power under our Constitution. But American citizens—including members of the bar—also play an important role in protecting and defending the Constitution's precious precepts. The vigilance and work of American citizens in this endeavor arguably is no less patriotic than the actions of our soldiers on the battlefield—both are in defense of our freedoms . . . and both should be respected.

Thank you very much.

IN MEMORY OF GOVERNOR BOB ORR

Mr. LUGAR. Mr. President, I rise today to pay tribute to a tremendous Hoosier and dear friend Bob Orr, who has recently passed away.

Bob Orr was our Governor during 8 years of record growth in Indiana jobs, Indiana exports, and increased interest in public education. As a scholar, businessman, political leader, State legislator, and Lieutenant Governor, he was superbly qualified to be the 45th Governor of Indiana. His extraordinary success brought new idealism, energy, and pride to the Hoosier State.

I was privileged to share a myriad of wonderful experiences with Bob Orr during the past 40 years of our work together in public service, but two will be indelible in my memories. In June of 1989, Bob was nominated by President George H. W. Bush to be United States Ambassador to Singapore. He proceeded to his post after a hearing by the U.S. Senate Foreign Relations Committee and confirmation by the U.S. Senate. Shortly thereafter, Char and I visited Ambassador Orr in Singapore. We were thrilled by his vision of the great opportunities our country could enjoy if we utilized our collective imagination and inventive genius to expand exports and to provide constructive economic and political leadership in Asia. Bob Orr was tireless in leading Indiana and the United States to have an international perspective and a clear vision of how our business and educational opportunities could flourish if we sought to compete more effectively.

My second indelible memory is my last visit with Bob and Mary Kay Orr last September at a dinner in Indianapolis featuring an address by President George W. Bush. It was exciting to compare political notes with both of them and to catch up on family news. I had the privilege of once again introducing a great Governor, world statesman, and very dear friend. I had introduced, nominated, and spoken about Bob Orr innumerable times, but the last time I had the honor to do so was very special. The assembled crowd rose in cheers and sustained applause. Strongly assisted by Mary Kay, Governor Orr arose, a living legend for a legion of Hoosiers inspired by his life of achievement and service.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE MADRID BOMBINGS

Mrs. FEINSTEIN. Mr. President, I rise today to support the resolution submitted by Senator DODD to express our condolences to the families of the victims of today's Madrid bombings and our strong solidarity with the Spanish people in the fight against terror. This is a sad and tragic day.

This morning, nearly 200 innocent people were killed and 1,000 injured when 10 near-simultaneous explosions hit 3 separate trains at the height of the city's rush hour.

Spanish police found and detonated 3 other bombs. One official described it as the worst terrorist attack in Spain's history.

I condemn in the strongest possible terms this vicious and bloody terrorist attack.

The Madrid bombings appear to be part of an ongoing terror campaign by the Basque separatist group ETA, a group designated by the United States and the European Union as a terrorist organization.

Our thoughts and prayers go out to the victims and their families.

Americans know all too well the pain and destruction caused by terror and we stand shoulder to shoulder with our Spanish friends at this difficult hour just as they stood with us on September 11.

We two peoples share the values of democracy, freedom, and respect for human rights. We have worked and we will continue to work together in the fight against terror and in bringing those responsible for this brutal attack to justice. Terrorists must know that we will not back down in the face of their crimes.

I urge my colleagues to support the resolution.

IRAN

Mrs. BOXER. Mr. President, as the ranking member of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, I want to express my deep concern about recent developments in Iran.

Today, the International Atomic Energy Agency is meeting to discuss a proper response to findings that Iran has failed to disclose many nuclear related activities in violation of the Non-Proliferation Treaty. This is a serious issue. There is no doubt that Iran is in violation of its commitments under the NPT. The IAEA Board of Governors

must insist that Iran come into complete compliance with its obligations, disclose all information about its nuclear program, and allow unrestricted access to IAEA inspectors. Given the high degree of enriched uranium found in Iran—weapons grade uranium—and yesterday's statement from Iran indicating that it planned to resume enrichment, this matter should immediately be referred to the United Nations Security Council for further action.

I am also deeply troubled by Iran's terribly flawed elections of February 20. The people of Iran deserve our support and they deserve true democratic reform. We cannot turn our backs on the people of Iran because its political leadership has failed them. There are an estimated 700,000 Iranian Americans living in California who are so hopeful for democratic change in their homeland. The election of February 20 was clearly a step in the wrong direction.

On February 12, the Senate passed an important resolution, S. Res. 304, that was submitted that same day by Senator BROWNBACK. Denouncing the elections as harmful for true democratic forces in Iran, the resolution stated that the policy of the United States should be to advocate a democratic government in Iran that will restore freedom to the people of Iran, abandon terrorism, protect human rights, and live in peace and security with the international community. I fully agree.

I hope that the Iranian people know that they have the support of the Senate as they aspire for the freedom denied them by the current Iranian regime.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement 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.

One unfortunate crime was committed by an unknown assailant in Carbondale, IL, who allegedly taunted a Southern Illinois University student with anti-homosexual slurs and proceeded to beat him.

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.

ADDRESS TO THE PEOPLE'S CONGRESS OF LIBYA BY SENATOR BIDEN

Mr. HAGEL. Mr. President, I ask unanimous consent to have printed in the RECORD an important speech given by my colleague and friend, the distinguished senior Senator from Delaware, Mr. BIDEN, to the Libyan People's Congress on March 3, 2004.

Salam ale Qum.

Thank you for inviting me to speak to you. I traveled a great distance to get here, but in so many ways, in recent years, the distance between Libya and America has seemed even greater, almost insurmountable. Now, there is real hope that we will bridge the great divide that has kept us apart. But there is still much work to be done. It is in that spirit of hope that I stand before you . . . and that I send my greetings to the Libyan people who are watching these proceedings in their homes. At the outset, let me tell you who I am and why I am here. I am a United States Senator. I represent a small portion of my country—the state of Delaware, which is located between Washington and New York.

As you know, in America there are no Kings or Princes, no Lords or Dukes, no Emirs or Sultans, Like you, we fought a war against colonialism for our freedom. The central belief in our system is that each individual should have an equal opportunity to succeed.

At home, I am surrounded by very strong women. A mother who instilled in her children the values of faith and community. A sister who was better at her studies than I was, and upon whose guidance our large family depends. A wife who is a respected professor in our community, not just smart, but also wise. And a daughter who knows she can be anything she wants to be.

Like most of the nearly 300 million Americans whose families arrived on our shores from every corner of the globe, I was not born to wealth or stature. I was not promised anything other than the opportunity granted to every American—the opportunity to go as far as I could dream.

I am sure that Libyan parents share the same hope for their children. I am sure it is a universal hope—but not one that can be realized in many countries. That's one of the things that makes my country special.

I have served in the United States Senate for 31 years, elected democratically six times by the men and women of Delaware. Men and women. Young and old. Black and white, Hispanic and Asian. Christians, Jews, Hindus and yes, Arab-Americans and Muslims. You may not know that there are almost as many Muslims in the United States as there are citizens of Libya. And there are more Arab-Americans than all the people who live in Tripoli. Their votes count the same as everyone else.

I belong to the Democratic party. President Bush leads the other major political party—the Republican party. But I am here not as a representative of my party . . . not as a representative of Christian-Americans . . . not as a representative of white Americans. I am here as a representative of my country who believes, along with many other Americans, that this is a moment of great possibility for Libya and for the relationship between our countries. But many of us remain skeptical.

For too long, our relationship has been marked by hostility. In fact, I have a personal connection to the terrible act that set back our relations for years.

I am a graduate of Syracuse University Law School. There is a wall at my school, erected to the memory of 270 people—including 35 young students who never returned home from their studies abroad. They lost their lives when Pan Am 103 was bombed out of the sky. Thirty-five is a number, a statistic. But each of those young people had a name. Each had a mother and a father, a sister and brother, and friends who loved them—and who still suffer their loss every single day. The victims were young men and women like Ken Bissett. He was an artist and a writer. Like Eric and Jason Coker, twin brothers. Eric was studying economics. Jason wanted to be a journalist. He might have been here today, reporting on their significant event. And like a kind hearted young women named Keesha Weedon who wanted to help troubled children. Each of these young people had a past—and each had a future cut short by violence. Imagine if one of them had been your son or your daughter. Think about that for just a moment. Your government's admission of responsibility for the bombing of Pan Am 103 was not only necessary—it was the right thing to do. And it was consistent with your traditions. In the words of the Koran: ''As for him who shall repent and believe and do right, he happily may be one of the successful.'' It appears now that your government wants to change in order to become ''one of the successful.''

Americans will never forget the past. But we cannot allow it to stop us from building a more peaceful world that can prevent such tragedies in the future. That must be the legacy of those who lost their lives, and for those who carry their memory. And so while American remain wary, we also stand ready to walk with you if you are willing to take the difficult steps necessary to rejoin the community of nations. By accepting responsibility for the past . . . agreeing to abandon its weapons of mass destruction program . . . and joining the war on terrorism . . . your government is beginning to end Libya's political and economic isolation. But what I want to say to you today is this: do not stop there. Aim higher. Go further.

For centuries, the people of Libya were denied the opportunity to fulfill their God-given potential. First, you were held back by outside colonizers. Then, you were led astray by misguided ideologies. The result is a great gulf between your rightful expectations and the reality of your lives.

You are right to expect good schools for your children and first rate doctors for your parents. You are right to expect to own your home and to build your own business. You are right to expect newspapers with competing ideas and an internet connection in every home. You are right to expect the freedom to speak your mind without fear of being thrown in jail. So the question is: How do you make sure that history does not repeat itself and that you are not denied the opportunity to which you are entitled?

Your economic potential is extraordinary because of the natural resources buried in the ground. But your national potential is limitless, because of the human resources that are spread all across this land.

You have tremendous oil power. But it will only be meaningful if you use it to unleash the brain power of the Libyan people—especially the awesome potential of your youth. In fact, oil can be more of a burden than a benefit if it used as an excuse not to develop all aspects of your society . . . and if its proceeds are not widely shared and wisely invested in education, training and a strong foundation for the future.

Let me offer you a concrete example. It concerns patents—the legal protection the world gives to new ideas and inventions. They're a good measure of the quality of a country's educational system, its entrepreneurship, its innovation and its rule of law. Between 1980 and 1999, the nine leading Arab economies—each built on oil wealth—registered a mere 370 patents in my country. During that same period, South Korea alone registered 16,328 patents. Why? In the 21st century, human resources are the true

wealth of any nation. You have a historic opportunity to free those human resources to their full potential. I urge you to seize it.

It may strike you as presumptuous that an American politician is offering advice that you did not seek. After all, my country has its own problems. Let me be clear: I have not come here to impose American views on you or to suggest we have all the answers. But I know that more than ever before, your fate and our future are joined. There was a time when the United States would have been satisfied with the status quo in the Middle East, North Africa and here in Libya. But the events of September 11, 2001 marked a turning point in how my country views the world, and specifically how it sees this region.

Americans now understand that the promise of our time is matched by peril. Ideas and innovations can travel the planet at the stroke of a computer key, spreading progress far and wide. But the same technology and openness that power these forces of construction also enable forces of destruction. As a result, problems in any one part of our planet can plague the entire world, including the United States. There is no mountain high enough or ocean wide enough to protect us. The question for America is what, if anything, can we do about this new reality? Make no mistake: the United States will meet and defeat any threat to the safety of our people and the security of our country. We have the will and we have the way to prevail.

But our physical prowess alone cannot solve the problem. We are engaged in much more than a contest of force. We are engaged in a war of ideas. I am convinced that war will be won by those who offer hope, not hatred . . . progress, not paralysis . . . a vision for the future, not an obsession with the past.

Those who attacked us on September 11 were beyond the reach of reason. Their blind hatred was not the bitter fruit of poverty—they were relatively prosperous people. It was not the product of Islam—they perverted a great faith. It was not the result of American's support for Israel, as much as you may disagree with it. Osama Bin Laden almost never mentioned the Palestinian cause before attacks. His focus was his own country, Saudi Arabia.

No, America's aggressors were foot soldiers in a new war pitting believers in freedom, openness, and tolerance against the forces of radical fundamentalism and regression. It is not a clash between civilizations, but within civilizations—especially within the Arab and Muslim worlds.

Today, violent radicals have turned their terror on us. But make no mistake: they regard the large majority of moderate Muslims as their enemies as well. Hundreds of Muslims were among the more than 3000 dead in the World Trade Center and the victims of attacks in Saudi Arabia, Turkey and Morocco. And if the radicals succeed, you will be their victims in another way as well, condemned to a future of hopelessness and despair.

I believe that the cause of hope and the tide of history is on the side of the moderates and modernizers—in this region, in my region and around the world. Our challenge is to reject their cynicism and hatred and to build an alliance of tolerance and progress.

We each have a job to do. Our job—America's job—is first and foremost to listen to you—to listen to your ideas, as well as your fears and concerns. And to do a much better job explaining our ideas and intentions.

But even if we do that well, human nature is the same world wide. It is rare to feel good about your neighbor's new car when you've just lost your job. America's military might, economic power and cultural reach make us present in people's lives on every continent, in every country. Sometimes we do not recognize the conflicting emotions this can produce: respect and admiration, but also envy, resentment and fear.

There will always be those who do not like specific policies we advocate or the way we pursue them. That is your right. The burden is on us to make our case . . . and to have faith in our power to persuade, not just coerce. It may surprise you that most Americans don't like the fact we're the world's sole superpower. They understand it thrusts upon them a responsibility they did not seek and would rather not bear. For example, the people I represent in Delaware understood but did not like the fact I voted to send their sons and daughters to Kosovo. They went to Kosovo to prevent the genocidal slaughter of hundreds of thousands of Muslim men, women and children by Milosevic.

For better or worse, one result of our standing is that people around the world think the U.S. is both the cause of, and answer to, their concerns.

I am proud that America is, more often than not, the solution rather than the problem. I am also proud of our generosity. Like your tradition of Zakat, we feel a moral obligation to share our good fortune. Every year, we send tens of billions of dollars far from our shores to help the impoverished . . . support economic development . . . combat AIDS. We should do more. We already do a lot. But it is also true that in the Middle East and North Africa, repressive political systems and closed economies generate deep anger, resentment, and extremism. I know that the United States has seemed, at best, indifferent to the plight of the oppressed and, at worst, complicit with corrupt and autocratic regimes—despite our generosity.

In the past, we've justified that support in different ways: the Cold War struggle against communism . . . the preference for stability over chaos . . . the need to ensure a steady supply of oil. the tragedy of 9–11 has taught America the hard way that we cannot afford such policies. As President Bush said recently: ''stability cannot be purchased at the expense of liberty.''

Americans of all political persuasions agree that our security requires us to more actively support your aspirations to choose your own leaders . . . to express your own opinions . . . to associate freely with others . . . to worship in peace . . . to be treated with dignity. In a word, our security requires us to more actively support your desire for liberal democracy. That is the right thing to do. And it is the surest path to realizing your potential and your dreams. Democracy is first and foremost about preventing the concentration of power into the hands of the few . . . or the one. Elections are necessary—but not enough. Democracy is about creating individual rights and building independent institutions: courts of law, political parties, a free press, transparent government, property ownership, a private sector, non-governmental organizations. It is about schools that teach tolerance to your children, and teach them to think for themselves. It is about making women genuine partners in building a modern society.

Nothing about democracy is incompatible with Islam. For example, since the days of the Prophet, the shura—a council where community leaders gather to make decisions through discussion—has been a Muslim concept.

I know many resist change because of the uncertainty it brings. I understand the tension people feel between holding on to traditions that are comfortable and embracing modernity. In my own country, people contend with that tension every day. For example, free trade means that Americans have more choice and pay less for the many things in our stores. But it also means American jobs are lost to countries where people are willing to work for lower pay. That has made millions of Americans—despite our prosperity—angry and afraid.

So each of us, in different ways, has to contend with powerful forces of change and the uncertainty they bring. Every nation must find its own way. Let me share with you, in all humility, the path my country has chosen and some lessons we have learned.

Many see the economic, cultural and military power of the United States. What they may not understand is that those strengths flow from our democratic system, not the other way around. They flow from the freedom we afford every American to think, to question and to create. There are other paths to prosperity. South Korea once enjoyed extraordinary growth without democracy. Now, so does China. But I am convinced that in the long run, the freedoms we enjoy are a tremendous advantage in competing with other countries in the information age.

Our strength also flows from the great diversity of our people. More than two centuries ago, our founders recognized that America's enduring mission would be ''to form a more perfect union''. In other words, they understood the challenge of forging a single nation from many different parts. But they were confident that in working to overcome our differences, Americans would constantly move forward.

They were right. My country was born in the midst of slavery; we still struggle to overcome the legacy of racism. But we can also say that African Americans have made great strides and are making great contributions to our society.

The rights we enjoy and the institutions we built give every American the power to shine a light on the mistakes we make, and to demand that they be corrected. And the rules we live by protect us from the excess of absolute power . . . and have helped us build a country where each individual has the opportunity, but not the guarantee, to achieve his or her potential.

Please do not misunderstand me. I mean no disrespect. But the nations of the Arab world could be doing so much more to harness the enormous potential of their people.

Consider this: the combined gross domestic product of all Arab countries in 1999 was less than that of a single European country—Spain. Think about that for a moment. And then think back a thousand years. Spain was part of a great Arab empire which encompassed most of the Mediterranean and the Middle East. Why did you thrive then? It was not your armies alone. It was your ideas, your civilization, your culture, your openness. Why has this one small territory—then called Al Andalus, now called Spain—outpaced the rest of the Arab world combined today?

Don't take the answer from me. Listen to the leading Arab scholars who recently completed a remarkable study of Arab Human Development, published by the United Nations. It speaks to the need across the Arab world to make progress in three critical areas: Empowering women, spreading knowledge, and expanding freedom. This is an incredibly difficult challenge—but also an extraordinary opportunity. 70% of your population is below the age of 30. Unlocking their minds and unleashing their talents can be a deep source of strength. Bringing women into the work place will boost your economies . . . just as women leaders past and present in Pakistan . . . in Bangladesh . . . in Turkey . . . and in Indonesia energized the Muslim world's politics. Giving your people

access to the internet will connect them to a vast supply of knowledge and power your progress.

The United States wants to help you seize these opportunities in a spirit of cooperation. We are ready to share our experiences . . . to make investments in your economies . . . to welcome you into the international community. We are prepared to build these partnerships because it is in our interest.

It is up to you to take the necessary, important, unavoidable risks. The choice is yours. You can merely survive, with an economy that generates just enough wealth to get by and a society that provides few freedoms and opportunities.

Or you can thrive. I am convinced you can thrive. My conviction follows from your history. At a time when Europeans were barely emerging from the Dark Ages, the light of civilization was shinning brightly in the Arab world. Scholars outpaced their European counterparts in math, science and other disciplines of modernity. Philosophers and poets, architects and artists enlightened the world from Cairo to Baghdad to Damascus to Granada.

I believe with all my heart that you can build a future as glorious as your past. And I am convinced that my country has a profound stake in your success.

Let me leave you with the words of a great Arab-American poet, Gibran Khalil Gibran, that speak powerfully to this time and this challenge: ''O land veiled to our sight from ages past

Which way to you? Which path? How long? How wide? What wasteland hems you in? What mountain range Enfolds your realm? Which one of us the guide? Are you our hope? Or are you a mirage? In hearts where none but fruitless quests reside . . .

''O source of knowledge where our forbears dwelt, Where truth they worshiped, beauty was their creed; Uncharted source, unknown, unreachable Whether by crested wave or racing steed, Neither in East nor West can you be found, In southern reaches nor in northern field, Not in the skies we find you, nor the seas, Nor pathless deserts which beguile our art; Deep in the soul you burst, like light, like fire, You are within my chest, my pounding heart.''

Thank you for listening.

CELEBRATING NATIONAL SAFE PLACE WEEK

Mr. CRAIG. I look forward to the U.S. Senate passing this resolution and designating the week of March 14–20, 2004, as National Safe Place Week. I would like to thank my colleague Senator FEINSTEIN for her work on this issue. I would also like to thank the other cosponsors of this resolution: Senator CAMPBELL, Senator BOXER, Senator FITZGERALD, Senator LANDRIEU, Senator INHOFE, Senator FEINGOLD, Senator COCHRAN, Senator JOHNSON, Senator LIEBERMAN, Senator MIKULSKI, Senator DURBIN, Senator KOHL, Senator LINCOLN, Senator SHELBY, and Senator MURKOWSKI. This action will recognize the importance of Project Safe Place and send a message that we will keep working to protect our children. In countless hours of selfless work, volunteers truly do make a difference every day, and in passing this resolution, the Senate will be applauding the tireless efforts of the thousands of dedicated volunteers across the Nation for their many contributions to the youth of our Nation through Project Safe Place.

Mr. President, events of the day may turn our attention overseas, but it is essential to remember those who are fighting an ongoing battle right here at home. This battle has been raging for generations and consists of fighting to protect this Nation's most valuable resource: our children. Young people are the future of this Nation; they need to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is threatened daily.

I come to the Senate floor today to talk about a tremendous initiative between the public and private sector that has been reaching out to youth for over twenty years. Project Safe Place is a program that was developed to assist our Nation's youth and families in crisis. This partnership creates a network of private businesses trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that people can easily recognize a ''safe place'' for them to go to receive help.

The goal of National Safe Place Week is to recognize the thousands of individuals who work to make Project Safe Place a reality. From trained volunteers to seasoned professionals, these dedicated individuals are working together with the resources in their local communities and through their ties across the Nation to serve young people. Because of Project Safe Place, this all happens under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are more likely to seek help in locations that are familiar and non-threatening to them. By creating a network of Safe Places across the Nation, all youth will have access to needed help, counseling, or a safe place to stay. However, though the program has already been established in 42 States, there are still too many communities that don't know about this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource so that young people who are abused, neglected, or whose futures are jeopardized by physical or emotional trauma will have access to immediate help and safety in your community. To create more Project Safe Place sites in Idaho, the staff in several of my State offices have completed the training to make them Safe Place sites, and now have the skills and ability to assist troubled youth. In the coming years, Project Safe Place hopes that every child in America will have the opportunity to connect with someone who can provide immediate help by easily recognizing the Safe Place sign.

Mr. President, I ask unanimous consent that a copy of this resolution be printed at this point in the RECORD.

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

(S. RES. 309)

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term ''safe places'' at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations uniting to reach youth in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas more than 700 communities in 42 states and more than 14,000 locations have established Safe Place programs;

Whereas more than 68,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exists;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 14 through March 20, 2004 as ''National Safe Place Week'' and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

MEDAL AWARDS FOR JERRY BREWER

Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the service of Mr. Jerry Brewer of Flatwoods, KY. It is wonderful to see him finally receiving the recognition for his service that he has deserved for so long.

On March 6, 2004, Mr. Brewer finally received decorations for his outstanding service in combat that he performed while in the army in Vietnam. A special thanks goes out to his daughter, Ms. Melissa Ashworth, for her hard work in correcting this oversight.

Mr. Brewer served in Vietnam in 1969 and 1970 as a member of the 478th Engineer Battalion of the 11th Infantry Brigade. He did receive a Purple Heart,

but his other medals were unfortunately delayed for over three decades. However, last Saturday Mr. Brewer finally received the medals that he had earned. He was awarded with the Bronze Star, another Purple Heart, the Vietnam Service medal, the National Defense Service medal, the Good Conduct medal, the Republic of Vietnam Campaign medal, the Vietnam Cross of Gallantry, and the Combat Infantryman's Badge.

As one of the U.S. Senators from Kentucky, I know that Mr. Jerry Brewer served as a fine example of what it means to be true patriot and an American of the highest caliber. We must remember that the American way of life has been made possible by the bravery of men and women like Mr. Brewer. When freedom has been challenged, many like him have answered the call to arms. We must never forget that.

ADDITIONAL STATEMENTS

NATIONAL EYE DONOR MONTH

● Mr. SESSIONS. Mr. President, I rise today to bring to the attention of my colleagues and all of our constituents across the Nation that March is National Eye Donor Month. The first eye bank opened in 1944 and since then, over half a million Americans have received the gift of sight. Now, Americans throughout the country have the power to help restore sight to thousands of people in need. Mrs. Jeanne Bross, 65, can return to college in South Carolina with restored sight after receiving a corneal transplant in a Birmingham, AL hospital. This amazing turn in her life would not have been easy without someone giving the precious gift of sight.

The purpose of Eye Donor Month is to educate each and every American family to the opportunity to give the gift of sight and to make a terrific difference in someone's life. This month marks an opportunity to celebrate the gift of sight, to raise public awareness and to honor past donors and their families. The process to become a donor takes just minutes. All a donor needs to do is sign a donor card and most importantly, discuss their donation wishes with their family.

Last year over 46,000 Americans had their sight restored through the miracle of corneal transplantation. This year, thousands of Americans will require a sight restoring cornea transplant due to the continual need for cornea and tissue. Our eye banks across the Nation, along with the Eye Bank Association of America, work to ensure that all of these Americans will receive the tissue they need. It is also important to note that there are ever changing strict standards, screening procedures and accreditation programs in place to ensure that each of the recipients receives safe tissue, achieving a success rate of over 90 percent.

As National Eye Donor Month proceeds, I encourage my colleagues to work with their local eye banks to increase public awareness of corneal transplantation and the continuous need for donors. I appreciate the opportunity to highlight Eye Donor Month and again, encourage all Americans to sign a donor card and speak with their families about their wishes.●

IN MEMORY OF MARC MIRINGOFF

● Mr. EDWARDS. Mr. President, every so often, someone comes along and changes the way we look at things. Marc Miringoff was such a person. We note his passing last week in New York at the age of 58.

Marc was a gifted social scientist who had the crucial insight that progress ought not be measured in economic terms alone. Gross national product, gross domestic product, net foreign investment, balance of payments, net savings rates—all of these thrown together, properly weighted and critically analyzed could certainly tell us much about the state of our economy. But Marc asked whether they would give us the true measure of our society. He concluded they did not.

In the 1980s, Marc sought to change that. He founded the Fordham Institute for Innovation in Social Policy in 1985, where he worked to develop an index to measure the Nation's social health. The index consisted of a number of measures that reflected the worlds of public health, education, the justice system, and violence. Marc burrowed beneath the numbers to find the underlying, often invisible, structures of poverty that undermined economic progress.

I was privileged to know Marc. I benefited from his counsel and was challenged by his insights. I know that Marc was no dry-as-dust academic. He relished the political arena as much as he enriched the academic forum. He was an evangelist for the concept of social health. His eyes sparkled when an elected official got hooked on his ideas. He worked hard, bringing others along, encouraging them to look more deeply at the fabric of American society and to work harder to make it a richer, stronger fabric.

I will miss Marc. We all will miss him. Right now, the country needs more people like him. I offer my condolences to his wife, Marque, and to his family.●

VOLUNTEERS OF AMERICA OF FLORIDA

● Mr. GRAHAM of Florida. Mr. President, as ranking member on the Committee on Veterans' Affairs, I rise to acknowledge an extraordinary charitable organization, which serves some of this country's most troubled and disadvantaged veterans. This organization is the Volunteers of America of Florida.

The Volunteers of America of Florida provides essential services to veterans such as supported employment, mental health care, job placement, basic living skills training, housing programs, and social support groups. One of the unique outreach tools owned and operated by Volunteers of America of Florida is their Florida Veterans Mobile Service Center. This is a specially designed 40-foot-long vehicle from which medical, dental, mental health, substance use and benefits counseling services are provided. It is also used to distribute food and clothing to the homeless wherever they are located. The Mobile Service Center is on the road 200 days per year and has traveled more than 30,000 miles, serving over 40 counties in Florida to reach over 3,000 homeless veterans per year. This includes outreach to rural encampments in areas such as the Florida Everglades, Ocala National Forest, and the Barrier Islands off of the Keys.

The Mobile Service Center is funded through a unique partnership of Government, corporate and not-for-profit organizations which includes the U.S. Department of Veterans' Affairs, Eli Lilly and Company, USAA, many veterans service organizations—including: DAV, VVA, AMVETS, VFW, PVA, American Legion, NCOA, Korean War Veterans, Jewish War Veterans, VietNow, Marine Corps League—and Volunteers of America of Florida.

In Florida alone, there are between 17,000 and 23,000 homeless veterans who are living on the streets on any given night. Nationally, there are about 300,000 homeless veterans on any given night. In a year, that number jumps to over half a million veterans who will experience homelessness.

As a new generation of veterans begin to return home, it has become increasingly important to cultivate safety net programs for our Nation's veterans. Volunteers of America of Florida is battling to break the cycle of homelessness and reintegrate these brave veterans back into society. It gives me great pleasure to honor the paid and volunteer staff that makes these programs possible throughout the great State of Florida.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

SBA EMERGENCY AUTHORIZATION EXTENSION ACT OF 2004

● Mr. KERRY. Mr. President, earlier this week I introduced a bill, S. 2186, to keep the SBA, its two largest lending programs, the 504 and 7(a) Loan Guarantee Programs, and the Women's Business Centers up and running through the remainder of this year, September 30, 2004. I ask that these letters of support be printed in the RECORD. One letter is from Mary Kay Hamm of Linden International based in Wayne, Pennsylvania, and the other is from Tjuana C. Byrd, an attorney in Little Rock, Arkansas, who is a member of the National Association of Women Business Owners. I thank them

and the many other small business associations that have helped us find solutions, demonstrating great cooperation in a difficult position, to help small businesses.

The letters follow:

LINDEN INTERNATIONAL,
Wayne, PA.

Hon. JOHN KERRY,
Ranking Member, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: I would greatly appreciate your support of the 7a program ''rescue''. I favor the following to help me and many other small businesses rebound and re-grow:

1. Allow piggyback loans, and charge a 0.50 percent lender fee.
2. Raise lender fees by 0.10 percent.
3. For loans under $150,000, have lenders pay the SBA the 0.25 percent fee that the lender now keeps for themselves.

We all are keening for help to re-establish ourselves and assure a firm foundation for the future of small businesses in the US.

Sincere thanks,

Very truly yours,

MARY KAY HAMM,
President and CEO.

MARCH 11, 2004.

Hon. JOHN KERRY,
Ranking Member, Senate Small Business Committee, Washington, DC.

DEAR SENATOR KERRY: I am a small business owner in North Little Rock, AR and a member of the National Association of Women Business Owners (NAWBO). I understand that a package is before the Senate Small Business Committee that may be brought up as early as next week in the whole Senate concerning the SBA 7(a) program.

Absent the SBA asking Congress for additional funding, NAWBO supports increasing fees on lenders as an approach to adequately funding the SBA 7(a) program and lifting restriction. Specifically, NAWBO would like the program to:

Allow piggyback loans, but charge a 0.50 percent lender fee for each.

Raise lender fees by 0.10 percent.

For loans that are under $150,000, have lenders pay the SBA the 0.25 percent fee that lenders currently keep for themselves. This only applies to these small loans.

Senator Kerry, we would appreciate your support of our position. Can we count on you? Thank you for your consideration.

Sincerely,

TJUANA C. BYRD,
Attorney at Law.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12957—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2003 (68 Fed. Reg. 12563).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2004.*

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 339. An act to prevent legislature and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a persons's weight gain, obesity, or any health condition associated with weight gain or obesity.

H.R. 2391. An act to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprises.

H.R. 2714. An act to reauthorize the State Justice Institute.

The message also announced that the House has passed the following bill, with an amendment:

S. 1881. An act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program and promotes literacy and should be encouraged.

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3717. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.

H.R. 3915. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 15. Concurrent resolution commending India on its celebration of Republic Day.

The message further announced that pursuant to section 7(b)(1) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606), and the order of the House of December 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the National Prison Rape Reduction Commission: Mr. Pat Nolan of Leesburg, Virginia.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

MEASURES REFERRED—MARCH 10, 2004

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

H.R. 3536. An act to designate the facility of the United States Postal Service located at 210 Main street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''; to the Committee on Governmental Affairs.

H.R. 3537. An act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''; to the Committee on Government Affairs.

MEASURES REFERRED

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

H.R. 2391. To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises; to the Committee on the Judiciary.

H.R. 2714. An act to reauthorize the State Justice Institute; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 15. Concurrent resolution commending India on its celebration of Republic Day; to the Committee on Foreign Relations.

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6645. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–6646. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–6647. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2004–24) received on March 8, 2004; to the Committee on Finance.

EC–6648. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Removal From Federal Tax System'' (Rev. Rul. 2004–31) received on March 8, 2004; to the Committee on Finance.

EC–6649. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Frivolous Home-Based Deductions'' (Rev. Rul. 2004–32) received on March 8, 2004; to the Committee on Finance.

EC–6650. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Tax Treatment of Benefits Received Under the Smallpox Emergency Personnel Protection Act of 2003 (SEPPA)'' (Notice 2004–17) received on March 8, 2004; to the Committee on Finance.

EC–6651. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Meritless Claims Under Section 861'' (Rev. Rul. 2004–30) received on March 8, 2004; to the Committee on Finance.

EC–6652. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Removal from Federal Tax System'' (Rev. Rul. 2004–31) received on March 8, 2004; to the Committee on Finance.

EC–6653. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Frivolous Reparations Tax Credit'' (Rev. Rul. 2004–33) received on March 8, 2004; to the Committee on Finance.

EC–6654. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Frivolous Zero Return'' (Rev. Rul. 2004–34) received on March 8, 2004; to the Committee on Finance.

EC–6655. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Meritless Claim of Right'' (Rev. Rul. 2004–29) received on March 8, 2004; to the Committee on Finance.

EC–6656. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Meritless Foreign Income Exclusion'' (Rev. Rul. 2004–28) received on March 8, 2004; to the Committee on Finance.

EC–6657. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Corporation Sole Entity'' (Rev. Rul. 2004–27) received on March 8, 2004; to the Committee on Finance.

EC–6658. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Frivolous Tax Returns'' (Notice 2004–22) received on March 8, 2004; to the Committee on Finance.

EC–6659. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Common Misperceptions About Income Taxes'' (Notice 2004–13) received on March 8, 2004; to the Committee on Finance.

EC–6660. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 1.856–4; Rents from Real Property'' (Rev. Rule 2004–24) received on March 8, 2004; to the Committee on Finance.

EC–6661. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''FLEP Cost Share Payments'' (Rev. Rule 2004–8) received on March 8, 2004; to the Committee on Finance.

EC–6662. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 35-Credit for Health Care'' (Rev. Proc. 2004–12) received on March 8, 2004; to the Committee on Finance.

EC–6663. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Determination of Interest Rates—April 1, 2004'' (Rev. Rule 2004–26) received on March 8, 2004; to the Committee on Finance.

EC–6664. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Temporary and Proposed Regulation: Depreciation Treatment of Property Acquired in a Like-Kind Exchange or Involuntary Conversion'' (TD9115) received on March 8, 2004; to the Committee on Finance.

EC–6665. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2002'' (Rev. Rul. 2002–36) received on March 8, 2004; to the Committee on Finance.

EC–6666. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Waiver of 60-Month Bar on Reconsolidation After Disaffiliation'' (Rev. Proc. 2002–32) received on March 8, 2004; to the Committee on Finance.

EC–6667. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Annual Report Concerning the Pre-Filing Agreement Program'' (Ann. 2002–54) received on March 8, 2004; to the Committee on Finance.

EC–6668. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 911 Waiver Rev. Proc-2003 Update'' (Rev. Proc. 2004–17) received on March 8, 2004; to the Committee on Finance.

EC–6669. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''January–March 2004 Bond Factor Amounts'' (Rev. Rule 2004–16) received on March 8, 2004; to the Committee on Finance.

EC–6670. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Lease In/Lease Out Transactions'' (UIL9307–07–00) received on March 8, 2004; to the Committee on Finance.

EC–6671. A communication from the Commissioner, Social Security Administration, transmitting, a draft of proposed legislation to make an amendment to the Supplemental Security Income program; to the Committee on Finance.

EC–6672. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas'' (Doc. No. 04–002–1) received on March 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6673. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense for Networks and Information Integration, Department of Defense, received on December 30, 2003; to the Committee on Armed Services.

EC–6674. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to changes to the Office of Management and Budget Circular; to the Committee on Armed Services.

EC–6675. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–6676. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2004; to the Committee on Armed Services.

EC–6677. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's Education Activity (DoDEA) 2000–01 Overview of Student Progress; to the Committee on Armed Services.

EC–6678. A communication from the Director, Procurement and Industrial Base Policy, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''48 CFR Part 5125, Foreign Acquisition'' (RIN0702–AA38) received on March 8, 2004; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services.

*Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

By Mr. HATCH for the Committee on the Judiciary.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

James L. Robart, of Washington, to be United States District Judge for the Western District of Washington.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 103–39 United Nations Convention on the Law of the Sea (Exec. Rept. No. 108–10)]

Section 1. Senate advice and consent subject to declarations and understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the ''Convention''), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the ''Agreement'') (Treaty Doc. 103–39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Sec. 2. Declarations under articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were ''military activities'' and that such determinations are not subject to review.

Sec. 3. Other declarations and understandings under article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to ''peaceful uses'' or ''peaceful purposes,'' impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their ''normal mode'';

(B) ''normal mode'' includes, inter alia—

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words ''strait'' and ''straits'' are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term ''used for international navigation'' includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that ''marine scientific research'' does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability

of a State to prohibit or restrict imports of goods into its territory in order to, inter alia, promote or require compliance with environmental and conservation laws, norms, and objectives.

(8) The United States understands that articles 220, 228, and 230 apply only to pollution from vessels (as referred to in article 211) and not, for example, to pollution from dumping.

(9) The United States understands, with respect to articles 220 and 226, that the ''clear grounds'' requirement set forth in those articles is equivalent to the ''reasonable suspicion'' standard under United States law.

(10) The United States understands, with respect to article 228(2), that—

(A) the ''proceedings'' referred to in that paragraph are the same as those referred to in article 228(1), namely those proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings; and

(B) fraudulent concealment from an officer of the United States of information concerning such pollution would extend the three-year period in which such proceedings may be instituted.

(11) The United States understands, with respect to article 230, that—

(A) it applies only to natural persons aboard the foreign vessels at the time of the act of pollution;

(B) the references to ''monetary penalties only'' exclude only imprisonment and corporal punishment;

(C) the requirement that an act of pollution be ''wilful'' in order to impose non-monetary penalties would not constrain the imposition of such penalties for pollution caused by gross negligence;

(D) in determining what constitutes a ''serious'' act of pollution, a State may consider, as appropriate, the cumulative or aggregate impact on the marine environment of repeated acts of pollution over time; and

(E) among the factors relevant to the determination whether an act of pollution is ''serious,'' a significant factor is non-compliance with a generally accepted international rule or standard.

(12) The United States understands that sections 6 and 7 of Part XII do not limit the authority of a State to impose penalties, monetary or nonmonetary, for, inter alia—

(A) non-pollution offenses, such as false statements, obstruction of justice, and obstruction of government or judicial proceedings, wherever they occur; or

(B) any violation of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment that occurs while a foreign vessel is in any of its ports, rivers, harbors, or offshore terminals.

(13) The United States understands that the Convention recognizes and does not constrain the long-standing sovereign right of a State to impose and enforce conditions for the entry of foreign vessels into its ports, rivers, harbors, or offshore terminals, such as a requirement that ships exchange ballast water beyond 200 nautical miles from shore or a requirement that tank vessels carrying oil be constructed with double hulls.

(14) The United States understands, with respect to article 21(2), that measures applying to the ''design, construction, equipment or manning'' do not include, inter alia, measures such as traffic separation schemes, ship routing measures, speed limits, quantitative restrictions on discharge of substances, restrictions on the discharge and/or uptake of ballast water, reporting requirements, and record-keeping requirements.

(15) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate discharges into the marine environment resulting from industrial operations on board a foreign vessel.

(16) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate the introduction into the marine environment of alien or new species.

(17) The United States understands that, with respect to articles 61 and 62, a coastal State has the exclusive right to determine the allowable catch of the living resources in its exclusive economic zone, whether it has the capacity to harvest the entire allowable catch, whether any surplus exists for allocation to other States, and to establish the terms and conditions under which access may be granted. The United States further understands that such determinations are, by virtue of article 297(3)(a), not subject to binding dispute resolution under the Convention.

(18) The United States understands that article 65 of the Convention lent direct support to the establishment of the moratorium on commercial whaling, supports the creation of sanctuaries and other conservation measures, and requires States to cooperate not only with respect to large whales, but with respect to all cetaceans.

(19) The United States understands that, with respect to article 33, the term ''sanitary laws and regulations'' includes laws and regulations to protect human health from, inter alia, pathogens being introduced into the territorial sea.

(20) The United States understands that decisions of the Council pursuant to procedures other than those set forth in article 161(8)(d) will involve administrative, institutional, or procedural matters and will not result in substantive obligations on the United States.

(21) The United States understands that decisions of the Assembly under article 160(2)(e) to assess the contributions of members are to be taken pursuant to section 3(7) of the Annex to the Agreement and that the United States will, pursuant to section 9(3) of the Annex to the Agreement, be guaranteed a seat on the Finance Committee established by section 9(1) of the Annex to the Agreement, so long as the Authority supports itself through assessed contributions.

(22) The United States declares, pursuant to article 39 of Annex VI, that decisions of the Seabed Disputes Chamber shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such decisions shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States.

(23) The United States—

(A) understands that article 161(8)(f) applies to the Council's approval of amendments to section 4 of Annex VI;

(B) declares that, under that article, it intends to accept only a procedure that requires consensus for the adoption of amendments to section 4 of Annex VI; and

(C) in the case of an amendment to section 4 of Annex VI that is adopted contrary to this understanding, that is, by a procedure other than consensus, will consider itself bound by such an amendment only if it subsequently ratifies such amendment pursuant to the advice and consent of the Senate.

(24) The United States declares that, with the exception of articles 177–183, article 13 of Annex IV, and article 10 of Annex VI, the provisions of the Convention and the Agreement, including amendments thereto and rules, regulations, and procedures thereunder, are not self-executing.

Sec. 4. Conditions.

(a) In General.—The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 15 days after the receipt by the Secretary of State of a written communication from the Secretary-General of the United Nations or the Secretary-General of the Authority transmitting a proposal to amend the Convention pursuant to article 312, 313, or 314, the President shall submit to the Committee on Foreign Relations of the Senate a copy of the proposed amendment.

(2) Prior to the convening of a Conference to consider amendments to the Convention proposed to be adopted pursuant to article 312 of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendments to be considered at the Conference. The President shall also consult with the Committee on Foreign Relations of the Senate on any amendment proposed to be adopted pursuant to article 313 of the Convention.

(3) Not later than 15 days prior to any meeting—

(A) of the Council of the International Seabed Authority to consider an amendment to the Convention proposed to be adopted pursuant to article 314 of the Convention, or

(B) of any other body under the Convention to consider an amendment that would enter into force pursuant to article 316(5) of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendment and on whether the United States should object to its adoption.

(4) All amendments to the Convention, other than amendments under article 316(5) of a technical or administrative nature, shall be submitted by the President to the Senate for its advice and consent.

(5) The United States declares that it shall take all necessary steps under the Convention to ensure that amendments under article 316(5) are adopted in conformity with the treaty clause in article 2, section 2 of the United States Constitution.

(b) Inclusion of Certain Conditions in Instrument of Ratification.—Conditions 4 and 5 shall be included in the United States instrument of ratification to the Convention.

Section 1. Senate advice and consent subject to declarations and understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the ''Convention''), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the ''Agreement'') (Treaty Doc. 103–39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Sec. 2. Declarations under articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4)

navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were ''military activities'' and that such determinations are not subject to review.

Sec. 3. Other declarations and understandings under article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to ''peaceful uses'' or ''peaceful purposes,'' impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their ''normal mode'';

(B) ''normal mode'' includes, inter alia—

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words ''strait'' and ''straits'' are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term ''used for international navigation'' includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that ''marine scientific research'' does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability of a State to prohibit or restrict imports of goods into its territory in order to, inter alia, promote or require compliance with environmental and conservation laws, norms, and objectives.

(8) The United States understands that articles 220, 228, and 230 apply only to pollution from vessels (as referred to in article 211) and not, for example, to pollution from dumping.

(9) The United States understands, with respect to articles 220 and 226, that the ''clear grounds'' requirement set forth in those articles is equivalent to the ''reasonable suspicion'' standard under United States law.

(10) The United States understands, with respect to article 228(2), that—

(A) the ''proceedings'' referred to in that paragraph are the same as those referred to in article 228(1), namely those proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings; and

(B) fraudulent concealment from an officer of the United States of information concerning such pollution would extend the three-year period in which such proceedings may be instituted.

(11) The United States understands, with respect to article 230, that—

(A) it applies only to natural persons aboard the foreign vessels at the time of the act of pollution;

(B) the references to ''monetary penalties only'' exclude only imprisonment and corporal punishment;

(C) the requirement that an act of pollution be ''wilful'' in order to impose non-monetary penalties would not constrain the imposition of such penalties for pollution caused by gross negligence;

(D) in determining what constitutes a ''serious'' act of pollution, a State may consider, as appropriate, the cumulative or aggregate impact on the marine environment of repeated acts of pollution over time; and

(E) among the factors relevant to the determination whether an act of pollution is ''serious,'' a significant factor is non-compliance with a generally accepted international rule or standard.

(12) The United States understands that sections 6 and 7 of Part XII do not limit the authority of a State to impose penalties, monetary or nonmonetary, for, inter alia—

(A) non-pollution offenses, such as false statements, obstruction of justice, and obstruction of government or judicial proceedings, wherever they occur; or

(B) any violation of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment that occurs while a foreign vessel is in any of its ports, rivers, harbors, or offshore terminals.

(13) The United States understands that the Convention recognizes and does not constrain the long-standing sovereign right of a State to impose and enforce conditions for the entry of foreign vessels into its ports, rivers, harbors, or offshore terminals, such as a requirement that ships exchange ballast water beyond 200 nautical miles from shore or a requirement that tank vessels carrying oil be constructed with double hulls.

(14) The United States understands, with respect to article 21(2), that measures applying to the ''design, construction, equipment or manning'' do not include, inter alia, measures such as traffic separation schemes, ship routing measures, speed limits, quantitative restrictions on discharge of substances, restrictions on the discharge and/or uptake of ballast water, reporting requirements, and record-keeping requirements.

(15) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate discharges into the marine environment resulting from industrial operations on board a foreign vessel.

(16) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate the introduction into the marine environment of alien or new species.

(17) The United States understands that, with respect to articles 61 and 62, a coastal State has the exclusive right to determine the allowable catch of the living resources in its exclusive economic zone, whether it has the capacity to harvest the entire allowable catch, whether any surplus exists for allocation to other States, and to establish the terms and conditions under which access may be granted. The United States further understands that such determinations are, by virtue of article 297(3)(a), not subject to binding dispute resolution under the Convention.

(18) The United States understands that article 65 of the Convention lent direct support to the establishment of the moratorium on commercial whaling, supports the creation of sanctuaries and other conservation measures, and requires States to cooperate not only with respect to large whales, but with respect to all cetaceans.

(19) The United States understands that, with respect to article 33, the term ''sanitary laws and regulations'' includes laws and regulations to protect human health from, inter alia, pathogens being introduced into the territorial sea.

(20) The United States understands that decisions of the Council pursuant to procedures other than those set forth in article

161(8)(d) will involve administrative, institutional, or procedural matters and will not result in substantive obligations on the United States.

(21) The United States understands that decisions of the Assembly under article 160(2)(e) to assess the contributions of members are to be taken pursuant to section 3(7) of the Annex to the Agreement and that the United States will, pursuant to section 9(3) of the Annex to the Agreement, be guaranteed a seat on the Finance Committee established by section 9(1) of the Annex to the Agreement, so long as the Authority supports itself through assessed contributions.

(22) The United States declares, pursuant to article 39 of Annex VI, that decisions of the Seabed Disputes Chamber shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such decisions shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States.

(23) The United States—

(A) understands that article 161(8)(f) applies to the Council's approval of amendments to section 4 of Annex VI;

(B) declares that, under that article, it intends to accept only a procedure that requires consensus for the adoption of amendments to section 4 of Annex VI; and

(C) in the case of an amendment to section 4 of Annex VI that is adopted contrary to this understanding, that is, by a procedure other than consensus, will consider itself bound by such an amendment only if it subsequently ratifies such amendment pursuant to the advice and consent of the Senate.

(24) The United States declares that, with the exception of articles 177–183, article 13 of Annex IV, and article 10 of Annex VI, the provisions of the Convention and the Agreement, including amendments thereto and rules, regulations, and procedures thereunder, are not self-executing.

Sec. 4. Conditions.

(a) In General.—The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 15 days after the receipt by the Secretary of State of a written communication from the Secretary-General of the United Nations or the Secretary-General of the Authority transmitting a proposal to amend the Convention pursuant to article 312, 313, or 314, the President shall submit to the Committee on Foreign Relations of the Senate a copy of the proposed amendment.

(2) Prior to the convening of a Conference to consider amendments to the Convention proposed to be adopted pursuant to article 312 of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendments to be considered at the Conference. The President shall also consult with the Committee on Foreign Relations of the Senate on any amendment proposed to be adopted pursuant to article 313 of the Convention.

(3) Not later than 15 days prior to any meeting—

(A) of the Council of the International Seabed Authority to consider an amendment to the Convention proposed to be adopted pursuant to article 314 of the Convention, or

(B) of any other body under the Convention to consider an amendment that would enter into force pursuant to article 316(5) of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendment and on whether the United States should object to its adoption.

(4) All amendments to the Convention, other than amendments under article 316(5) of a technical or administrative nature, shall be submitted by the President to the Senate for its advice and consent.

(5) The United States declares that it shall take all necessary steps under the Convention to ensure that amendments under article 316(5) are adopted in conformity with the treaty clause in article 2, section 2 of the United States Constitution.

(b) Inclusion of Certain Conditions in Instrument of Ratification.—Conditions 4 and 5 shall be included in the United States instrument of ratification to the Convention.

Section 1. Senate advice and consent subject to declarations and understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the ''Convention''), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the ''Agreement'') (Treaty Doc. 103–39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Sec. 2. Declarations under articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were ''military activities'' and that such determinations are not subject to review.

Sec. 3. Other declarations and understandings under article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to ''peaceful uses'' or ''peaceful purposes,'' impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their ''normal mode'';

(B) ''normal mode'' includes, inter alia

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words ''strait'' and ''straits'' are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term ''used for international navigation'' includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that ''marine scientific research'' does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement

made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability of a State to prohibit or restrict imports of goods into its territory in order to, inter alia, promote or require compliance with environmental and conservation laws, norms, and objectives.

(8) The United States understands that articles 220, 228, and 230 apply only to pollution from vessels (as referred to in article 211) and not, for example, to pollution from dumping.

(9) The United States understands, with respect to articles 220 and 226, that the ''clear grounds'' requirement set forth in those articles is equivalent to the ''reasonable suspicion'' standard under United States law.

(10) The United States understands, with respect to article 228(2), that—

(A) the ''proceedings'' referred to in that paragraph are the same as those referred to in article 228(1), namely those proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings; and

(B) fraudulent concealment from an officer of the United States of information concerning such pollution would extend the three-year period in which such proceedings may be instituted.

(11) The United States understands, with respect to article 230, that—

(A) it applies only to natural persons aboard the foreign vessels at the time of the act of pollution;

(B) the references to ''monetary penalties only'' exclude only imprisonment and corporal punishment;

(C) the requirement that an act of pollution be ''willful'' in order to impose nonmonetary penalties would not constrain the imposition of such penalties for pollution caused by gross negligence;

(D) in determining what constitutes a ''serious'' act of pollution, a State may consider, as appropriate, the cumulative or aggregate impact on the marine environment of repeated acts of pollution over time; and

(E) among the factors relevant to the determination whether an act of pollution is ''serious,'' a significant factor is non-compliance with a generally accepted international rule or standard.

(12) The United States understands that sections 6 and 7 of Part XII do not limit the authority of a State to impose penalties, monetary or nonmonetary, for, inter alia—

(A) non-pollution offenses, such as false statements, obstruction of justice, and obstruction of government or judicial proceedings, wherever they occur; or

(B) any violation of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment that occurs while a foreign vessel is in any of its ports, rivers, harbors, or offshore terminals.

(13) The United States understands that the Convention recognizes and does not constrain the long-standing sovereign right of a State to impose and enforce conditions for the entry of foreign vessels into its ports, rivers, harbors, or offshore terminals, such as a requirement that ships exchange ballast water beyond 200 nautical miles from shore or a requirement that tank vessels carrying oil be constructed with double hulls.

(14) The United States understands, with respect to article 21(2), that measures applying to the ''design, construction, equipment or manning'' do not include, inter alia, measures such as traffic separation schemes, ship routing measures, speed limits, quantitative restrictions on discharge of substances, restrictions on the discharge and/or uptake of ballast water, reporting requirements, and record-keeping requirements.

(15) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate discharges into the marine environment resulting from industrial operations on board a foreign vessel.

(16) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate the introduction into the marine environment of alien or new species.

(17) The United States understands that, with respect to articles 61 and 62, a coastal State has the exclusive right to determine the allowable catch of the living resources in its exclusive economic zone, whether it has the capacity to harvest the entire allowable catch, whether any surplus exists for allocation to other States, and to establish the terms and conditions under which access may be granted. The United States further understands that such determinations are, by virtue of article 297(3)(a), not subject to binding dispute resolution under the Convention.

(18) The United States understands that article 65 of the Convention lent direct support to the establishment of the moratorium on commercial whaling, supports the creation of sanctuaries and other conservation measures, and requires States to cooperate not only with respect to large whales, but with respect to all cetaceans.

(19) The United States understands that, with respect to article 33, the term ''sanitary laws and regulations'' includes laws and regulations to protect human health from, inter alia, pathogens being introduced into the territorial sea.

(20) The United States understands that decisions of the Council pursuant to procedures other than those set forth in article 161(8)(d) will involve administrative, institutional, or procedural matters and will not result in substantive obligations on the United States.

(21) The United States understands that decisions of the Assembly under article 160(2)(e) to assess the contributions of members are to be taken pursuant to section 3(7) of the Annex to the Agreement and that the United States will, pursuant to section 9(3) of the Annex to the Agreement, be guaranteed a seat on the Finance Committee established by section 9(1) of the Annex to the Agreement, so long as the Authority supports itself through assessed contributions.

(22) The United States declares, pursuant to article 39 of Annex VI, that decisions of the Seabed Disputes Chamber shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such decisions shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States.

(23) The United States—

(A) understands that article 161(8)(f) applies to the Council's approval of amendments to section 4 of Annex VI;

(B) declares that, under that article, it intends to accept only a procedure that requires consensus for the adoption of amendments to section 4 of Annex VI; and

(C) in the case of an amendment to section 4 of Annex VI that is adopted contrary to this understanding, that is, by a procedure other than consensus, will consider itself bound by such an amendment only if it subsequently ratifies such amendment pursuant to the advice and consent of the Senate.

(24) The United States declares that, with the exception of articles 177–183, article 13 of Annex IV, and article 10 of Annex VI, the provisions of the Convention and the Agreement, including amendments thereto and rules, regulations, and procedures thereunder, are not self-executing.

Sec. 4. Conditions.

(a) In General.—The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 15 days after the receipt by the Secretary of State of a written communication from the Secretary-General of the United Nations or the Secretary-General of the Authority transmitting a proposal to amend the Convention pursuant to article 312, 313, or 314, the President shall submit to the Committee on Foreign Relations of the Senate a copy of the proposed amendment.

(2) Prior to the convening of a Conference to consider amendments to the Convention proposed to be adopted pursuant to article 312 of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendments to be considered at the Conference. The President shall also consult with the Committee on Foreign Relations of the Senate on any amendment proposed to be adopted pursuant to article 313 of the Convention.

(3) Not later than 15 days prior to any meeting—

(A) of the Council of the International Seabed Authority to consider an amendment to the Convention proposed to be adopted pursuant to article 314 of the Convention, or

(B) of any other body under the Convention to consider an amendment that would enter into force pursuant to article 316(5) of the Convention,

the President shall consult with the Committee on Foreign Relations of the Senate on the amendment and on whether the United States should object to its adoption.

(4) All amendments to the Convention, other than amendments under article 316(5) of a technical or administrative nature, shall be submitted by the President to the Senate for its advice and consent.

(5) The United States declares that it shall take all necessary steps under the Convention to ensure that amendments under article 316(5) are adopted in conformity with the treaty clause in article 2, section 2 of the United States Constitution.

(b) Inclusion of Certain Conditions in Instrument of Ratification.—Conditions 4 and 5 shall be included in the United States instrument of ratification to the Convention.

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. CORNYN (for himself and Mr. LIEBERMAN):

S. 2194. A bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. HARKIN, Mr. STEVENS, Mr. MCCAIN, Mr. NELSON of Florida, Mrs. FEINSTEIN, Mr. ALLEN, and Ms. MURKOWSKI):

S. 2195. A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2196. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of veterans in state homes shall not be used to offset payments that are made under the medicaid program for the purpose of assisting veterans; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2197. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to clarify the status of certain communities in the western Alaska community development quota program; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 2198. A bill to provide for refinancing of consolidated student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Ms. SNOWE, Mr. FEINGOLD, and Mrs. LINCOLN):

S. 2199. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2200. A bill to extend nondiscriminatory treatment (normal trade relaitons treatment) to the products of Laos; to the Committee on Finance.

By Mrs. BOXER:

S. 2201. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN (for herself, Mr. FEINGOLD, and Mrs. LINCOLN):

S. 2202. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary.

By Mr. CORZINE:

S. 2203. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. SCHUMER, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 2204. A bill to provide criminal penalties for false information and hoaxes relating to terrorism; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 2205. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

By Mr. BUNNING:

S. 2206. A bill to provide enhanced Pell Grants for State Scholars; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. Res. 318. A resolution expressing the sense of the Senate that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Governmental Affairs.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDREIU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 319. A resolution expressing the sense of the Senate with respect to the deadly terrorist attacks against the people of Spain that occurred on March 11, 2004; considered and agreed to.

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

S. Con. Res. 98. A concurrent resolution providing for a conditional adjournment or recess of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 480

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 846

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1103

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1103, a bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

S. 1115

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1115, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products.

S. 1223

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1292

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1292, a bill to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1411

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that

Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1888

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1916

At the request of Ms. LANDRIEU, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1916, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 2035

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2035, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 2077

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2089

At the request of Mr. CHAMBLISS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2089, a bill to allow aliens who are eligible for diversity visas to be eligible beyond the fiscal year in which they applied.

S. 2099

At the request of Mr. MILLER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2099, a bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

S. 2100

At the request of Mr. MILLER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2100, a bill to amend title 10 United States Code, to increase the amounts of educational assistance for members of the Selected Reserve, and for other purposes.

S. 2152

At the request of Mr. MILLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2152, a bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes.

S. 2172

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2172, a bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, and for other purposes.

S. 2173

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2173, a bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

S. 2179

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2186

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2186, a bill to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958, through May 15, 2004, and for other purposes.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 2186, supra.

S. 2193

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2193, a bill to improve small business loan programs, and for other purposes.

S.J. RES. 28

At the request of Mr. CAMPBELL, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S.J. Res. 28, a joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 298

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 298, a resolution designating May 2004 as ''National Cystic Fibrosis Awareness Month''.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

AMENDMENT NO. 2695

At the request of Mr. KENNEDY, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 2695 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2697

At the request of Mr. DEWINE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2697 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2699

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of amendment No. 2699 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2703

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Ms. CANTWELL), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2703 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2708

At the request of Mr. LUGAR, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. BIDEN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 2708 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2709

At the request of Mr. PRYOR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2709 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2712

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 2712 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2715

At the request of Mr. DEWINE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2715 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2717

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 2717 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2725

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2725 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2733

At the request of Mr. SESSIONS, the names of the Senator from Florida (Mr. NELSON), the Senator from Alabama (Mr. SHELBY), the Senator from Florida (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 2733 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2734

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2734 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2740

At the request of Mr. SPECTER, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2740 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2741

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2741 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2741 proposed to S. Con. Res. 95, supra.

AMENDMENT NO. 2743

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 2743 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2753

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2753 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2761

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2761 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2762

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 2762 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2769

At the request of Mr. COCHRAN, his name was added as a cosponsor of amendment No. 2769 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2773

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 2773 intended to be proposed

to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2774

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2774 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2780

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2780 proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

AMENDMENT NO. 2782

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2782 intended to be proposed to S. Con. Res. 95, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2194. A bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise today to introduce a bill that is very close to my heart—the Child Support Improvement Act of 2004. I want to express my appreciation for the leadership of the Senator from Connecticut on these issues, and his willingness to co-sponsor this bill.

In my career, I have had the opportunity to see the significant problems facing our child support system from several different perspectives.

As a district judge in Texas, I ruled in divorce and custody cases. I saw the powerful emotions involved in these cases, where the best interests of children are fought over even as the relationships that brought them into this world fall apart.

And I had to make judgments in a large number of child support cases before Texas implemented the system for expediting these cases by establishing the masters program.

As a Supreme Court justice, I had the opportunity to write opinions that had a real and positive affect on child support.

As Attorney General, I saw the positive effects of enforced guidelines for child support, visitation, and income withholding. I worked to implement Federal mandates. And I saw that we had a deep hole to climb out of, a child support system that was in terrible shape.

My first priority was to improve customer service. I saw that more than $16 million in child support payments were collected but undistributed due to computer errors, leaving those most in need of assistance without their child support payments merely because of computer or administrative problems.

And the vast majority of the people calling the child support offices for assistance were automatically disconnected or received a busy signal. Only one in every seven phone calls was actually answered—one in seven.

We got to work fast. We focused on both the dead beat and the dead broke parents. We fixed the customer service system, establishing eight regional call centers and an interactive web site to provide case-specific information on a secure site for parents to access. We worked with community organizations to establish a dozen fatherhood programs. We got payments out the door more quickly, and we reduced undistributed collections. And I announced a top ten list of ''Texas' Most Wanted Child Support Evaders,'' those dead beat parents who willfully evaded arrest.

In the end, we collected more than $3 billion in child support. Some folks called it a miracle. I call it a good start.

I believe that this body has the responsibility to do more to help our child support system be more efficient, more responsive, and do more to improve the lives of children and families.

The proposal that I am introducing today, along with the distinguished Senator from Connecticut—who has a deep understanding of the issue and, like me, served his State as attorney general—features several long-needed reforms of our child support provisions.

It includes new distribution options for states to get more child support to families on TANF, and to pay more child support to families who were previously on TANF.

This bill also has several provisions based on my experience as Attorney General: 1. It encourages States to do more medical support enforcement, by giving states a funding incentive that will ultimately reduce our Federal Medicaid and S-CHIP costs. 2. It promotes early monitoring of child support orders, cutting red tape so that states have greater freedom to innovate and large arrearages never occur. 3. It focuses on reducing undistributed collections by directing more Federal resources toward finding solutions to this widespread problem. 4. It gets payments to custodial parents quickly, by urging States to use electronic payment methods. 5. And it allows States the option to send all non-IV-D child support payments to the State Disbursement Unit, reducing expenses, paperwork and confusion for employers and accelerating payments to families.

I believe that all of these reforms are necessary and important steps. They will lower costs, increase efficiency, and get children more of the help they need.

Even as we strive to improve our child support system, we cannot underestimate the social importance of the family as a component of our mission. As author Maggie Gallagher once wrote: ''When men and women fail to form stable marriages, the first result is a vast expansion of government attempts to cope with the terrible social needs that result. There is scarcely a dollar that state and federal government spends on social programs that is not driven in large part by family fragmentation: crime, poverty, drug abuse, teen pregnancy, school failure, and mental and physical health problems.''

I strongly believe that the family is the fundamental institution of our civilization. If fosters successful communities, happier homes, and healthier lives.

The family provides the foundation for raising each new generation of Americans. And when families are weakened, children suffer the most. Even the best child support system in the world cannot give the caring love and nurturing of family—which is why I believe we need to have a child support system that genuinely encourages parents to be an active part of their child's life.

We need a child support system that focuses on the dead beat and dead broke parents, that brings the worst evaders in, and that puts the family first. Let us in this body strive to do everything we can, as we hope for a brighter future for this nation and future generations of American children.

By Mr. CAMPBELL (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2196. A bill to amend title 38, United States Code, to clarify that per diem payments by the Department of Veterans Affairs for the care of Veterans in State homes shall not be used to offset payments that are made under the medicaid program for the purpose of assisting veterans; to the Committee on Finance.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by my colleagues Senators COLLINS and SNOWE to introduce legislation which will rectify a very serious problem affecting veterans in my State and around the Nation. The bill I am introducing will clarify the treatment of the per diem payments made by the Department of Veterans Affairs, VA, to

support State Veterans Homes across the country.

For several decades, Federal law has required that the VA pay a per diem amount to States to support quality care provided to eligible veterans at qualified State Veterans Homes. This VA per diem, currently about $56 per day for nursing home care and $27 per day for domiciliary care, is intended to assist States in providing the best possible care to those who served in our armed forces.

In Colorado and a number of other States, the availability of the VA per diem is threatened by interpretations of Medicaid rules by the Centers for Medicare and Medicaid Services, CMS. CMS would treat the VA per diem payments as third-party payments, requiring that the entire amount be offset against Medicaid payments. This interpretation would deny residents of State Veterans Homes who receive Medicaid in these states any benefit whatsoever of the VA per diem payments.

I believe this runs contrary to the intent of Congress in establishing the VA per diem payment system. State Veterans Homes are required to meet stringent and costly VA standards for care as a condition for receiving these per diem payments. These standards of care exceed those required by Medicaid, and the VA per diem makes it possible for State Veterans Homes to meet the higher VA standards. Most importantly, this per diem allows our veterans to receive high quality nursing care.

An insistence by CMS on its interpretation would jeopardize the funding balance for many Medicaid-certified State Veterans Homes across the country. The result of the CMS interpretation would be to force State Veterans Homes that do not currently offset the VA per diem payments against Medicaid funding to reduce their standard of care, defer construction of needed new facilities, and possibly close certain State Veterans Homes.

The legislation we are introducing today would simply clarify that the VA per diem payments cannot not be considered to be a third-party liability under Medicaid. It would build on other precedents where Congress wanted to make sure that benefits were received by their intentional recipients, not transferred to the Medicaid program. For example, federal law already includes exceptions for similar payments, such as those made under the Indian Health program.

Our legislation recognizes that the States fund their State Veterans Homes in a variety of different manners. It preserves their flexibility to do so in a way that best serves their veterans, and ensures that no state is forced to lose the benefit of the VA per diem.

I urge my colleagues to support this legislation and move forward with a plan that will enable our State Veterans Nursing Homes to provide the high quality care that our veterans deserve.

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

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

S. 2196

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

SECTION 1. TREATMENT UNDER MEDICAID PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS PER DIEM PAYMENTS TO STATE HOMES FOR VETERANS.

Section 1741 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e) Payments to States pursuant to this section shall not be considered a liability of a third party for any purpose under section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(25)).''.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2197. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to clarify the status of certain communities in the western Alaska community development quota program; to the Committee on Commerce, Science, and Transportation.

Ms. MURKOWSKI. Mr. President, as residents of sparsely populated State with great natural resources but severe poverty in many of its rural areas, Alaskans have engaged in a variety of social and economic exercises intended to improve the living standard and expand economic opportunities for our most challenged communities.

I rise today to introduce a bill to ensure that one of the most successful of those exercises is allowed to continue. I am pleased to say the measure is also cosponsored by Alaska's senior senator.

The CDQ Community Preservation Act is intended to maintain the participation of all currently eligible communities along the shore of the Bering Sea in Alaska's Community Development Quota program. It is necessary because inconsistencies in statutory and regulatory provisions may require a reassessment of eligibility and the exclusion of some communities from the program. This was not the intent of the original program, nor of any subsequent changes to it. In order to clarify that fact, a legislative remedy is needed.

The Community Development Quota Program began in 1992, at the recommendation of the North Pacific Fishery Management Council, one of the regional councils formed under the Magnuson-Stevens Fishery Conservation and Management Act. Congress gave the program permanent status in the 1996 reauthorization of the Act.

The program presently includes 65 communities within a 50 nautical-mile radius of the Bering Sea, which have formed six regional non-profit associations to participate in the program. The regional associations range in size from one to 20 communities. Under the program, a portion of the regulated annual harvests of pollock, halibut, sablefish, Atka mackerel, Pacific cod, and crab is assigned to each association, which operate under combined Federal and State agency oversight. Almost all of an association's earnings must be invested in fishing-related projects in order to encourage a sustainable economic base for the region.

Typically, each association sells its share of the annual harvest quotas to established fishing companies in return for cash and agreements to provide job training and employment opportunities for residents of the region. The program has been remarkably successful.

Since 1992, approximately 9,000 jobs have been created for western Alaska residents with wages totaling more than $60 million. The CDQ program has also contributed to fisheries infrastructure development in western Alaska, as well as providing vessel loan programs; education, training and other CDQ-related benefits.

The CDQ program has its roots in the amazing success story of how our offshore fishery resources were Americanized after the passage of the original Magnuson Act in 1976. At the time, vast foreign fishing fleets were almost the only ones operating in the U.S. 200-mile Exclusive Economic Zone. American fishermen simply did not have either the vessels or the expertise to participate.

The Magnuson Act changed all that. It led to the adoption of what we called a ''fish and chips'' policy that provided for an exchange of fish allocations for technological and practical expertise. Within the next few years, harvesting fell almost exclusively to American vessels. Within a few years after that, processing almost became Americanized. Today, there are no foreign fishing or processing vessels operating in the 200-mile zone off Alaska, and the industry is worth billions of dollars each year.

The CDQ program helps bring some of the benefits of that great industry to local residents in one of the most impoverished areas of the entire country. It is a vital element in the effort to create and maintain a lasting economic base for the region's many poor communities, and truly deserves the support of this body.

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

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

S. 2197

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 ''CDQ Community Preservation Act''.

SEC. 2. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) ELIGIBLE COMMUNITIES.—Section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is amended adding at the end the following:

''(E) A community shall be eligible to participate in the western Alaska community development quota program under subparagraph (A) if the community was—

''(i) listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on January 1, 2004; or

''(ii) approved by the National Marine Fisheries Service on April 19, 1999.''.

(b) CONFORMING AMENDMENT.—Such section is further amended, in paragraph (B), by striking ''To'' and inserting, ''Except as provided in subparagraph (E), to''.

By Mrs. BOXER:

S. 2198. A bill to provide for refinancing of consolidated student loans; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today, I am proud to introduce the Consolidated Student Loan Reduction Act of 2004.

A college education is becoming more and more crucial as American workers seek to compete in the global marketplace. Yet, the cost of a college education is rising each year, making it less accessible to low and moderate income individuals. While grants and scholarships are available, students have come to increasingly rely on student loans. Between 1992 and 2002, Federal student loans increased by 165 percent, and in 2003, $65 billion—or 70 percent of total Federal student aid—was in the form of loans. The average debt for a college graduate is $17,000, and it can exceed $100,000 for a graduate student.

Under Federal law, and in order to receive longer repayment terms, individuals may consolidate their student loans into one loan. The interest rate on the consolidated loan is fixed. So while current law gives individuals a longer time to repay their student debt, it does not allow them to take advantage of the low interest rates that prevail in the marketplace today. Graduates may refinance their houses at lower rates but cannot do the same with student loans.

My bill would change that and would permit individuals to refinance their consolidated Federal loans at the same interest rate as Federal Stafford loans, which fluctuate with the market and are generally below the prevailing market rate. Individuals could refinance anytime their consolidated loan rate exceeded 1 percent of the Stafford loan rate. And under my bill the borrower is not required to pay any fee or costs when they refinance.

There are many in Congress who have introduced legislation to make a college education more accessible and affordable to American students. I support many of those efforts. My modest bill is a step in this direction, and I encourage my colleagues to support this effort.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Ms. SNOWE, Mr. FEINGOLD, and Mrs. LINCOLN):

S. 2199. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today along with Senator HUTCHISON, Senator SNOWE, Senator FEINGOLD and Senator LINCOLN to introduce the ''Family Abduction Prevention Act of 2004,'' a bill to help the thousands of children who are abducted by a family member each year.

Family abductions are the most common form of abduction yet they receive little attention and law enforcement often doesn't treat them as the serious crimes that they are.

The Family Abduction prevention Act of 2004 would provide grants to states for costs associated with family abduction prevention. Specifically, it would assist States with: costs associated with the extradition of individuals suspected of committing the crime of family abduction; costs borne by State and local law enforcement agencies to investigate cases of missing children; training for local and State law enforcement agencies in responding to family abductions; outreach and media campaigns to educate parents on the dangers of family abductions; and assistance to public schools to help with costs associated with flagging school records.

Each year, over 200,000 children—78 percent of all abductions in the United States—are kidnapped by a family member, usually a non-custodial parent.

More than half of abducting parents have a history of domestic violence, substance abuse, or a criminal record.

Most State and local law enforcement agencies do not treat these abductions as serious crimes. Approximately 70 percent of law enforcement agencies do not have written guidelines on responding to family abduction and many are not informed about the Federal laws available to help in the search and recovery.

Many people believe that a child is not in grave danger if the abductor is a family member. Unfortunately, this is not true, and the assumptions can endanger a child's life. Research shows that the most common motive in family abduction cases is revenge against the other parent—not out of love for the child.

The effects of family abduction on children are very traumatic. Abducted children suffer from severe separation anxiety. To break emotional ties with the left-behind parent, some family abductors will coach a child into falsely ''disclosing'' abuse by the other parent to perpetuate their control during or after abduction. The child is often told that the other parent is dead or did not really love them.

As the child adapts to a fugitive's lifestyle, deception becomes a part of life. The child is taught to fear those that one would normally trust, such as police, doctors, teachers and counselors. Even after recovery, the child often has a difficult time into adulthood.

On Takeroot.org, a website devoted to victims of family abductions, Rebekah told the story of when her mother kidnapped her.

Her mother was diagnosed as manic and was verbally abusive to her children and husband. Rebekah's father was awarded full custody of her and her brothers. However, one weekend, when Rebekah was 4-years-old, her mother took her to Texas.

Her mother had all her moles and distinguishing marks removed from her body and she had fake birth certificates made for Rebekah and herself. As Rebekah grew up, she was told that her father didn't love her and that her siblings didn't want to see her. When the FBI finally found Rebekah, she didn't remember her father and felt very alone.

In addition, in many family abduction cases, children are given new identities at an age when they are still developing a sense of who they are. In extreme cases, the child's sexual identity is covered up to avoid detection.

Abducting parents often deprive their children of education and much-needed medical attention to avoid the risk of being tracked via school or medical records.

In extreme cases, the abducting parent leaves the child with strangers at an underground ''safe house'' where health, safety, and other basic needs are extremely compromised.

For example, in Lafayette, CA, two girls were abducted by their mother and moved from house to house under the control of a convicted child molester. Kelli Nunez absconded with her daughters, 6-year-old Anna and 4-year-old Emily in violation of court custody orders. Nunez drove her daughters cross-country, and then returned by plane to San Francisco, where she handed the children to someone holding a coded sign at the airport.

The person holding the sign belonged to an underground vigilante group called the California Family Law Center led by Florencio Maning, a convicted child molester. For six months, Maning orchestrated the concealment of the Nunez girls with help from other people. Luckily, police were able to track down the girls and they were successfully reunited with their father.

California has been the Nation's leader in fighting family abduction. In my State, we have a system that places the responsibility for the investigation and resolution of family abduction cases with the County District Attorney's Office. Each California County District Attorney's Office has an investigative unit that is focused on family abduction cases. Therefore, investigators only handle family abduction cases and become experts in the process.

However, most States lack the training and resources to effectively recover children who are kidnapped by a family

member. According to a study conducted by Plass, Finkelhor and Hotaling, 62 percent of parents surveyed said they were ''somewhat'' or ''very'' dissatisfied with police handling of their family abduction cases.

The ''Family Abduction Prevention Act of 2004'' would be an important first step in addressing this serious issue.

I urge my colleagues to quickly act on this important legislation.

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. 2199

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 ''Family Abduction Prevention Act of 2004''.

SEC. 2. FINDINGS.

Congress findings that—

(1) each year more than 203,000 children in the United States (approximately 78 percent of all abducted children) are abducted by a family member, usually a parent;

(2) more than half of the parents who abduct their children have a history of alcohol or substance abuse, a criminal record, or a history of violence;

(3) the most common motive for family abduction is revenge against the other parent, not protecting the child's safety;

(4) children who are abducted by family members suffer emotional, psychological, and often physical abuse at the hands of their abductors;

(5) children who are victims of family abductions are forced to leave behind family, friends, their homes, their neighborhoods, their schools, and all that is familiar to them;

(6) children who are victims of family abductions are often told that the parent who did not abduct the child has died, does not love them, or will harm them;

(7) children who are abducted by their parents or other family members are sometimes forced to live in fear of discovery and may be compelled to conceal their true identity, including their real names, family histories, and even their gender;

(8) children who are victims of family abductions are often denied the opportunity to attend school or to receive health and dental care;

(9) child psychologists and law enforcement authorities now classify family abduction as a form of child abuse;

(10) approximately 70 percent of local law enforcement agencies do not have written guidelines for what to do in the event of a family abduction or how to facilitate the recovery of an abducted child;

(11) the first few hours of a family abduction are crucial to recovering an abducted child, and valuable hours are lost when law enforcement is not prepared to employ the most effective techniques to locate and recover abducted children;

(12) when parents who may be inclined to abduct their own children receive counseling and education on the harm suffered by children under these circumstances, the incidence of family abductions is greatly reduced; and

(13) where practiced, the flagging of school records has proven to be an effective tool in assisting law enforcement authorities find abducted children.

SEC. 3. DEFINITIONS.

In this Act:

(1) FAMILY ABDUCTION.—The term ''family abduction'' means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) FLAGGING.—The term ''flagging'' means the process of notifying law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

SEC. 4. GRANTS TO STATES.

(a) MATCHING GRANTS.—The Attorney General shall make grants to States for projects involving—

(1) the extradition of individuals suspected of committing a family abduction back to the State from which the child was taken;

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abductions; and

(5) the flagging of school records.

(b) MATCHING REQUIREMENT.—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated to the Attorney General $500,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 and 2006.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2200. A bill to extend nondiscriminatory treatment (normal trade relations treatment) to the products of Laos; to the Committee on Finance.

Mr. BAUCUS. Mr. President, 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. 2200

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

SECTION 1. EXTENSION OF NORMAL TRADE RELATIONS TO LAOS.

(a) FINDINGS.—Congress finds that—

(1) the Lao People's Democratic Republic is pursuing a broad policy of adopting market-based reforms to enhance its economic competitiveness and achieve an attractive climate for investment;

(2) extension of normal trade relations treatment would assist the Lao People's Democratic Republic in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with the Lao People's Democratic Republic will promote United States exports to the rapidly growing southeast Asian region and expand opportunities for United States business and investment in the Lao People's Democratic Republic economy;

(4) United States and Laotian commercial interests would benefit from the bilateral trade agreement between the United States and the Lao People's Democratic Republic, signed in 2003, providing for market access and the protection of intellectual property rights;

(5) the Lao People's Democratic Republic has taken cooperative steps with the United States in the global war on terrorism, combating the trafficking of narcotics, and the accounting for American servicemen and civilians still missing from the Vietnam war; and

(6) expanding bilateral trade relations that include a commercial agreement may promote further progress by the Lao People's Democratic Republic on human rights, religious tolerance, democratic rule, and transparency, and assist that country in adopting regional and world trading rules and principles.

(b) EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.—

(1) HARMONIZED TARIFF SCHEDULE AMENDMENT.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking ''Laos''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective date of a notice published in the Federal Register by the United States Trade Representative that a trade agreement obligating reciprocal most-favored-nation treatment between the Lao People's Democratic Republic and the United States has entered into force.

By Mrs. BOXER:

S. 2201. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent methyl tertiary butyl ether and petroleum contamination; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to prevent chemicals that leak from underground storage tanks from causing environmental and public health damage. My colleague in the House of Representatives, Mr. DINGELL, is introducing companion legislation.

Underground storage tanks can hold extremely toxic chemicals that can move rapidly through soil, contaminating the ground, aquifers, streams and other bodies of water. Underground storage tanks are located in urban and rural areas. When they leak, they present substantial risks to groundwater quality, human health, environmental quality, and economic growth.

There are approximately 700,000 underground storage tanks in the United States, and more than 430,000 confirmed releases from these tanks as of

mid-2003. By and large, MTBE contamination has come from leaking underground storage tanks. MTBE has contaminated water supplies in 43 States. Twenty-nine States have drinking water contamination. Estimates indicate that it will cost at least $29 billion to clean up MTBE contamination nationwide. Currently, the leaking underground storage tanks program and other laws ensure that responsible parties pay to clean up the damage caused by these leaking spills.

However, the best solution to leaking underground storage tanks is to prevent them from leaking in the first place with the use of secondary containment, such as double walls. There is already widespread support for this throughout the country. Twenty-one States already require secondary containment, either for all new or replaced tanks—such as in California, or for all new or replaced tanks in sensitive areas. In addition, two States are awaiting final passage or approval of such requirements, and one State requires tertiary, such as triple walls, containment. According to figures from the Petroleum Equipment Institute, 57 percent of all tanks installed from 2000 through 2003 were double walled.

But this is not fast enough in the face of the threats to our drinking and groundwater. Approximately 50 percent of the population relies on groundwater for their drinking water. In 2000, 42 States had MTBE detected in soil or groundwater at gasoline-contaminated leaking underground storage tank sites. The time to prevent contamination is now.

We must ensure the environmental health and safety of our water. I encourage my colleagues to support this bill.

By Mrs. FEINSTEIN (for herself, Mr. FEINGOLD, and Mrs. LINCOLN):

S. 2202. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator FEINGOLD and Senator LINCOLN to introduce the ''Bring Our Children Home Act,'' a bill to help the thousands of children who are abducted by family members and taken to a foreign country each year.

Despite an increasingly high level of Congressional and public concern regarding international parental abduction and the wrongful retention of American children abroad, the situation facing American children and their left-behind parents in these cases has not improved and continues to be a serious problem.

The Bring Our Children Home Act would help prevent both domestic and international family abductions. Specifically, the bill would:

Establish a right of action in Federal court for resolution of child custody disputes;

Give law enforcement the authority to detain any child who has been entered into the FBI's National Crime Information Center's database under any category of the Missing Person File for 24 hours or until a disposition can be made;

Amend the Foreign Assistance Act of 1961 to require information on each country's efforts to prohibit international child abduction;

Require federally-funded supervised visitation centers to provide services in child custody cases wherein a State court finds that there is a risk of abduction and orders supervised visitation as a preventive measure; and

Most importantly, it would provide a national registry of custody orders which would allow law enforcement the confidence to intervene in situations and aid a custodial parent to be reunited with their child, or to stop an abduction in progress. The National Center for Missing and Exploited Children is aware of cases in which law enforcement felt unable to intervene because parents represented conflicting orders. Such conflict has lead to international abductions that could have been prevented.

As of May 31, 2003, the U.S. Department of State's Office of Children's Issues was aware of 1060 international abduction cases, 904 open abduction cases and 156 access cases, initiated by U.S.-based parents seeking a child's return or access to a child currently in a foreign country. The actual number of children being kept abroad is higher than this, as these are open cases, not numbers of children. And new cases are reported every week.

As international marriages have increased in recent decades, so have accusations of international child abduction according to Karolina Walkin, a U.S. State Department spokeswoman.

In a 2001 Contra Costa Times article, parents complained that the Justice Department has little interest in their international abduction cases and the State Department was unwilling to disrupt diplomatic relations over abducted children. Written policy directs consular officers to remain neutral, no matter the circumstances.

A 2000 General Accounting Office report noted that the FBI has made limited use of the 1993 International Parental Kidnapping Crime Act. Despite at least 1,000 international parental abductions from the United States annually, the Bureau has prosecuted only 62 cases in 7 years.

The Bring Our Children Home Act requires the Department of Justice and Department of State to report to Congress on International Parental Kidnapping Crime Act warrants and extradition. We must make sure that we are utilizing the tools that we have available to recover abducted children.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction is an international agreement among 54 nations, including the United States, that established civil procedures to follow when locating, accessing, or returning abducted children.

This legislation would provide additional support for left-behind parents and it would ease their ability to bring resolution to their case and their children home.

For countries that are not party to the Hague Convention, it is a case- and country-specific matter. For example, in Saudi Arabia, a wife or child of a Saudi man may not leave the country without his prior written permission. There have been many cases in which adult female American citizens have been unable to leave Saudi Arabia because they have not been able to obtain the written permission of their male guardian, regardless of their constitutionally guaranteed rights as a U.S. citizen.

This legislation would require that the Department of State report to Congress on their progress in negotiating with countries who are not part of the Hague Convention, such as Saudi Arabia.

The ''Bring Our Children Home Act'' would be an important step in helping these families reunite. It gives law enforcement the tools they need to identify children illegally abducted by family members and return them home.

I urge my colleagues to support this legislation.

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. 2202

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 ''Bring Our Children Home Act''.

SEC. 2. JURISDICTION OVER COMPETING STATE CUSTODY ORDERS.

Section 1738A of title 28, United States Code, is amended by adding at the end the following:

''(i) If a court of 1 State makes a child custody determination in accordance with subsection (c) and if that determination is in conflict with a determination made by another State in accordance with subsection (c), a contestant for whom such a determination was made may bring an action in the district court of the United States the district of which includes the resident of such contestant to determine, on the basis of the best interests of the child involved, which determination shall prevail.''.

SEC. 3. NATIONAL REGISTRY OF CUSTODY ORDERS.

(a) IN GENERAL.—The Attorney General shall establish a national child custody and visitation registry in which shall be entered—

(1) certified copies of custody and visitation determinations made by courts throughout the United States (and foreign custody orders concerning children temporarily or permanently resident in the United States);

(2) information identifying pending proceedings in courts throughout the United States for initial, modification, or enforcement orders; and

(3) information identifying proceedings filed in any court in the United States pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act, and resulting orders.

(b) COOPERATION.—The Attorney General shall seek the cooperation of Federal and State courts in each State, and the District of Columbia, in providing relevant information to the registry on an ongoing basis. The Attorney General shall provide such financial and technical assistance as necessary.

(c) ACCESS.—The registry shall be accessible to courts, law enforcement officials, custody contestants, and their legal representatives.

SEC. 4. DETENTION OF CHILDREN LISTED AS MISSING.

Law enforcement officers of any State or local government may hold, for not more than 24 hours or until a disposition can be made, any child listed under any category of the Missing Person File by the National Crime Information Center for the proper disposition of the child in accordance with the latest valid custody determination applicable to the child.

SEC. 5. INTERNATIONAL CHILD ABDUCTION REMEDIES.

(a) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL KIDNAPPING.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606) is amended by adding at the end the following:

''(f) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL KIDNAPPING GRANTS.—

''(1) FUNDING TO LEGAL SERVICES PROVIDERS.—The Central Authority shall establish a program to provide funding to legal services providers, including private attorneys, public officials acting pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, legal aid programs, and law school clinical programs, to provide direct legal or advocacy services on behalf of persons seeking remedies under the Convention, or other civil or criminal remedies in interstate or international parental kidnapping cases.

''(2) TRAINING AND TECHNICAL ASSISTANCE.—The Central Authority, directly or through grants, shall provide training and technical assistance to recipients of funds under paragraph (1) to improve their capacity to offer legal assistance described in paragraph (1).''.

(b) LEGAL SERVICES CORPORATION.—The Legal Services Corporation may use funds made available to the Corporation for programs to represent aliens in proceedings brought in the United States under the Convention—

(1) if the individuals to whom the representation is provided otherwise meet the criteria of the Corporation for eligible clients under the Legal Services Corporation Act; and

(2) whether or not such individuals are resident in the United States.

(c) EXEMPTION FROM COURT COSTS.—Section 8(b) of the International Child Abduction Remedies Act (42 U.S.C. 11607(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following: ''(1) No court costs may be assessed on a petitioner in connection with a petition seeking the return of, or rights of access to, a child located in the United States, pursuant to this Act.

''(2) Petitioners may be required to bear the costs of legal counsel or advisors, court costs incurred in connection with their petitions (other than petitions described in paragraph (1)) and travel costs for the return of the child involved and any accompanying persons, except as provided in paragraphs (3) and (4).''; and

(3) in paragraph (3), as so redesignated—

(A) by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(B) by inserting ''(other than in connection with a petition described in paragraph (1))'' after ''or court costs''.

(d) RESPONSIBILITIES OF UNITED STATES CENTRAL AUTHORITY.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606) is amended by adding at the end the following:

''(f) TECHNICAL ASSISTANCE.—The United States Central Authority shall encourage the Chief Justice of every State and the District of Columbia to designate a single court, or a limited number of courts, in which cases brought under the Convention may be heard. The Central Authority may provide technical assistance (including computers and Internet access) as necessary to foster consolidation of jurisdiction and implementation of the Convention, consistent with the purposes of the Convention.

''(g) TRAINING.—The United States Central Authority shall provide or promote training of State court judges, lawyers, and law students on the civil and criminal laws pertaining to interstate and international parental kidnapping. To carry out this subsection, the United States Central Authority may make available funds under subsection (e) to State judicial educators, national, State, and local bar associations, and law schools. The United States Central Authority shall require recipients of such funds to report on the training programs they present, including the number of participants.''.

(e) FEDERAL JUDICIAL CENTER.—Section 620 of title 28, United States Code, is amended by adding at the end the following:

''(c) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Center shall include in its continuing education and training programs, including the training programs for newly appointed judges, information on the Hague Convention on the Civil Aspects of International Child Abduction, the International Child Abduction Remedies Act, the International Parental Kidnapping Crime Act, and other Federal statutes pertaining to parental kidnapping within the jurisdiction of the Federal courts, and shall prepare materials necessary to carry out this subsection.''.

SEC. 6. REPORTS RELATING TO INTERNATIONAL CHILD ABDUCTION.

(a) REPORT ON PROGRESS IN NEGOTIATING BILATERAL TREATIES WITH NON-HAGUE CONVENTION COUNTRIES.—The Secretary of State shall prepare and submit to the Congress an annual report on progress made by the United States in negotiating and entering into bilateral treaties (or other international agreements) relating to international child abduction with countries that are not contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction.

(b) REPORT ON HUMAN RIGHTS PRACTICES.—(1) Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(A) in paragraph (7), by striking ''and'' at the end and inserting a semicolon;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) the status of efforts in each country to prohibit international child abduction, including—

''(A) efforts to expedite the return of children to the country of their habitual residence; and

''(B) the extent to which the country respects the rights of custody and of access under the laws of other countries.''.

(2) Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the sixth sentence the following: ''Each report under this section shall include information on the status of efforts in each country to prohibit international child abduction, including efforts to expedite the return of children to the country of their habitual residence and the extent to which the country respects the rights of custody and of access under the laws of other countries.''.

(c) REPORT ON ENFORCEMENT OF SECTION 1204 OF TITLE 18, UNITED STATES CODE.—The Attorney General, in consultation with the Secretary of State, shall prepare and submit to the Congress an annual report that contains a description of the status of each case involving a request during the preceding year for extradition to the United States of an individual alleged to have violated section 1204 of title 18, United States Code.

SEC. 7. SUPPORT FOR UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT.

From amounts made available to carry out this section, the Attorney General shall support, directly or through grants and contracts, the adoption and implementation by the States of the Uniform Child Custody Jurisdiction and Enforcement Act, as adopted by the National Conference of Commissioners on Uniform State Laws (in this section referred to as the ''UCCJEA''). The support provided under this section shall include the following activities:

(1) Activities to promote the adoption of the UCCJEA by States that have not yet adopted it.

(2) Activities to provide training to lawyers and to judges and other appropriate public officials to ensure that the UCCJEA is implemented effectively and uniformly throughout the United States.

(3) Activities to provide guidance and funding to States to facilitate and expedite the enforcement by those States of the custody and visitation provisions of the UCCJEA.

SEC. 8. FEDERAL JUDICIAL CENTER EDUCATION PROGRAMS ON PARENTAL KIDNAPPING.

The Federal Judicial Center, in fulfilling its function to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch of the Government and other persons (as specified in section 620(b)(3) of title 28, United States Code), shall ensure that those programs include education, training, and materials on the Hague Convention on the Civil Aspects of International Child Abduction, the International Child Abduction Remedies Act, the International Parental Kidnapping Crime Act, and such other international and Federal laws relating to parental kidnapping as are within the jurisdiction of the Federal courts.

SEC. 9. USE OF SUPERVISED VISITATION CENTERS UNDER THE SAFE HAVENS FOR CHILDREN PILOT PROGRAM IN SITUATIONS INVOLVING THE RISK OF PARENTAL KIDNAPPING.

Section 1301(a) of the Violence Against Women Act of 2000 (42 U.S.C. 10420(a)) is amended by striking ''or stalking'' and inserting ''stalking, or the risk of parental kidnapping''.

By Mr. CORZINE:

S. 2203. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

Mr. CORZINE. Mr. President, today I am introducing legislation to make India eligible for assistance under the Emergency Plan for AIDS Relief.

India is facing a critical moment. An estimated 4.58 million people are infected with the HIV virus in India and HIV/AIDS has been reported in almost all the states and union territories of the country. The epidemic is spreading rapidly from urban to rural areas and from high-risk groups to the general population. Given India's size and the mobility of its population, there is a serious threat of catastrophe.

India's political leaders, public health officials, non-governmental organizations, and medical and scientific communities have taken important steps to combat HIV/AIDS. India, the world's largest democracy, has skilled governmental and civil society actors who are committed to a new awareness of the AIDS crisis and strategic approaches to combating the disease. But significant gaps remain in the Indian health care system's ability to address the full scope of the crisis. These gaps require immediate and sustained U.S. engagement and contribution of resources.

We must continue to expand the list of eligible countries in recognition of the global nature of this pandemic. We must also accelerate assistance to African and Caribbean countries already included as focus countries. Finally, we must increase overall funding to combat HIV/AIDS. India is but one example of the enormity of the HIV/AIDS epidemic. But it is also an example of the opportunities for America to reach out and find partners in combating this scourge. It is not true that programs to fight AIDS cannot absorb more resources. There is critical and urgent work to be done and committed professionals ready to do it. They just need our help.

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. 2203

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Government of India has estimated that 4,580,000 people in India are infected with the human immunodeficiency virus (''HIV'') and cases of individuals with the acquired immune deficiency syndrome (''AIDS'') have been reported in almost all the states and union territories of India.

(2) The effort to combat the HIV and AIDS epidemic in India has reached a critical point, as the epidemic is spreading rapidly from urban to rural areas and from high-risk groups to the general population.

(3) Political leaders, public health officials, non-governmental organizations, and medical and scientific communities in India have taken important steps to combat HIV and AIDS in that country, but assistance from the United States is urgently needed to enhance such efforts.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the addition of India as a country for which the Coordinator of United States Government Activities to Combat HIV/AIDS Globally has responsibilities under section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) should not decrease the amount of funding the Coordinator makes available for assistance to any other such country;

(2) the United States should continue to increase the number of countries eligible to receive assistance from the United States to combat HIV and AIDS; and

(3) the United States should increase the total amount of assistance available to combat HIV and AIDS.

SEC. 3. ASSISTANCE TO COMBAT HIV/AIDS IN INDIA.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is further amended by inserting ''India,'' after ''Haiti,''.

By Mr. HATCH (for himself, Mr. SCHUMER, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 2204. A bill to provide criminal penalties for false information and hoaxes relating to terrorism; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, since the September 11th attacks against our Nation, each of us is more conscious of our individual safety and security. No example hit closer to home than when anthrax-infected letters made their way into Senators' offices. Senators, Representatives and staffers were forced to vacate offices, advised to take strong antibiotics, and faced with the uncertainty of whether they contracted a life-threatening disease.

In response to this vulnerability that is now inherent in our everyday lives, Congress has beefed up law enforcement and intelligence tools to combat terrorism better. The key to fighting terrorism is to target those planning terrorist acts and capture them before they can realize their horrific goals. Our law enforcement communities have utilized the new tools we have provided them to respond in a dedicated and professional way to these new challenges.

Unfortunately, we are beginning to see a number of instances where cruel and depraved individuals have engaged in terrorist hoaxes. For example, people have sent letters containing powder or sugar and a note stating that the recipient has now been infected by anthrax. These hoaxes are more than a bad joke. They require a substantial and costly response—evacuation of buildings, emergency medical tests or treatment, and laboratory action. Hoaxes like these, which mimic terrorist acts, undermine public confidence by spreading panic and fear, and drain valuable resources from Federal, State, and local government agencies which must respond to the hoax.

Under current Federal law, it is a felony to perpetrate certain hoaxes, such as saying there is a bomb on an airplane. It is also illegal to communicate a threat using the facilities of interstate commerce that could cause personal injury to someone. However, because hoaxes related to anthrax or other Federal crimes do not always contain specific threats, they may not be covered by current federal law. The Congressional Research Service has noted that this is a gap within the current Federal code.

Clearly, there is a need for tough legislation to reflect the seriousness of this type of crime. This is why Senators SCHUMER, CORNYN, FEINSTEIN and I are introducing the Stop Terrorist and Military Hoaxes Act of 2004. The legislation criminalizes conduct that conveys false or misleading information under circumstances where such information may reasonably be believed. The bill covers hoaxes related to biological, chemical, or nuclear weapons and other federal crimes that do not contain specific or express threats.

In addition, this bill criminalizes intentionally false statements concerning the death, injury, capture or disappearance of a member of the United States Armed Forces. During the recent liberation of Iraq, there were several cruel hoaxes played on family members of those who were risking their very lives in the service of our country. Family members sacrifice alongside service men and women who place their lives in danger in the service of our country. Those family members deserve to be treated with respect and should be free from these cruel deceptions. This bill makes sure that these malicious pranks can be punished appropriately.

America is engaged in a war on terrorisms. In addition to protecting our citizens from terrorist acts, we also need to take measures to ensure that our law enforcement resources are not needlessly wasted by responding to these offensive and expensive terrorist hoaxes. I urge my colleagues to support this measure.

By Mr. LEVIN:

S. 2205. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I introduce a bill to grant normal trade treatment to the products of Ukraine. My brother, Congressman SANDER LEVIN, has introduced an identical bill in the House. We introduced similar bills in the 107th Congress. It is our hope that enactment of this legislation, which builds upon and improves our previous legislative efforts, will help build stronger ties between the United States and Ukraine.

Roughly three decades ago, the Jackson-Vanik amendment was included in the Trade Act of 1974. While relatively small in number of words, this provision helped open up an entire society by exposing the repressive tactics of the Soviet Union. By focusing attention on the emigration restrictions that the Soviet Union placed on its

Jewish citizens, the Jackson-Vanik amendment reiterated American concern about the wide-scale human rights abuses occurring in the Soviet Union. In the process, the Jackson-Vanik amendment played a vital role in changing Soviet society.

The values that for nearly thirty years governed our relations with the Soviet Union, democracy, freedom and the rule of law, remain fundamental values to our nation. This bill seeks to address those concerns while recognizing the anachronistic nature of applying Jackson-Vanik to Ukraine. In addition, this bill provides Congress with a meaningful and effective tool to ensure that U.S. interests are fully addressed in World Trade Organization negotiations for Ukraine.

Ukraine does allow its citizens the right and opportunity to emigrate. Ukraine has been certified as meeting the Jackson-Vanik requirements on an annual basis since 1992 when a bilateral trade agreement went into effect. It is now time for the United States recognize this reality by eliminating the Jackson-Vanik restrictions and granting Ukraine normal trading status on a permanent basis. Our bill does this while addressing traditional Jackson-Vanik issues such as emigration, religious freedom, restoration of property, and human rights. These are the issues that led to the creation of the Jackson-Vanik amendment, and we should not ignore them at this time.

Ukraine has taken some steps toward the creation of democratic institutions and a free-market economy, but much more remains to be done. The way in which Ukraine's October 2004 presidential elections are conducted will go a long way toward determining the future path this important strategic partner and ally will take.

The world is closely watching the process and conduct of this year's presidential elections in Ukraine. Free and fair elections, regardless of their final outcome, will be an important step toward Ukraine's rapproachment with the community of nations. This election will be vital for the process by which it is conducted. Thus far, there remains reason for concern.

In Ukraine, there are many working to promote free and fair elections; however, the staff of many civic and nongovernmental organizations are being harassed, intimidated and even physically harmed. In addition, members of the media are facing similarly hostile and life threatening situations. Just this month, Ukrainian affiliates of Radio Free Europe and Radio Liberty have been taken off the air, arrested and had their stations raided. Such actions are inexcusable and not in keeping with the fundamental values of freedom, openness and the rule of law. It is my hope that the October 2004 elections will aid Ukraine's transformation from a nation where fear undermines public discourse into a nation where all facets of society can freely engage in the market-place of ideas without fear of recrimination. The Ukrainian people deserve no less.

Jackson-Vanik no longer applies to Ukraine and should be waived. But we need to utilize other ways to address the many problems facing Ukraine. I also hope that this legislation will remind Ukraine of the benefits it can and will accrue when it rightfully assumes its place among those nations that are guided by democracy, transparency and the rule of law.

By Mr. SHELBY:

S.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

Mr. SHELBY. Mr. President, as we continue to debate the Federal Government's fiscal year 2005 budget, I can think of no better time to discuss the need for a balanced budget amendment to the Constitution. It is for that reason that I stand before you today—to introduce a balanced budget amendment to the Constitution.

This is the same amendment that I have introduced in every Congress since the 97th Congress. Throughout my entire tenure in Congress, during the good economic times and the bad, I have devoted much time and attention to this idea because I believe that one of the most important things the Federal Government can do to enhance the lives of all Americans and future generations is to balance the Federal budget.

Our Founding Fathers, wise men indeed, had great concerns regarding the capability of those in government to operate within budgetary constraints. Alexander Hamilton once wrote that ". . . . . there is a general propensity in those who govern, founded in the constitution of man, to shift the burden from the present to a future day." Thomas Jefferson commented on the moral significance of this "shifting of the burden from the present to the future." He said: "the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves."

I completely agree with these sentiments. History has shown that Hamilton was correct. Those who govern have, in fact, saddled future generations with the responsibility of paying for their debts. Over the past 30 years, annual deficits have become routine and the Federal Government has built up massive debt. Furthermore, Jefferson's assessment of the significance of this is also correct: intergenerational debt shifting is morally wrong.

Over the years, we have witnessed countless "budget summits" and "bipartisan budget deals," and we have heard, time and again, the promises of "deficit reduction." But despite all of these charades, the Federal budget remains severely out of balance today. The truth is, it will never be balanced as long as the President and the Congress are allowed to shortchange the welfare of future generations to pay for current consumption. This is evidenced by the fact that I stood in this same place, introducing this same legislation during both the 106th and the 107th Congresses while the Federal budget was actually in balance. But alas, I stand here today with an enormous Federal deficit and a ballooning Federal debt.

A balanced budget amendment to the Constitution is the only certain mechanism to break the cycle of deficit spending and ensure that the Government does not continue to saddle our children and grandchildren with the current generation's debts.

A permanently balanced budget would have a considerable impact in the everyday lives of the American people. A balanced budget would dramatically lower interest rates thereby saving money for anyone with a home mortgage, a student loan, a car loan, credit card debt, or any other interest rate sensitive payment responsibility. Simply by balancing its books, the Federal Government would put real money into the hands of hard working people. Moreover, if the government demand for capital is reduced, more money would be available for private sector use, which in turn, would generate substantial economic growth and create thousands of new jobs.

More money in the pockets of Americans and more job creation by the economy can become a reality with a simple step—a balanced budget amendment.

On the other hand, without a balanced budget amendment, the Government will continue to waste the taxpayers' money on unnecessary interest payments. In fiscal year 2003, the Federal Government spent more than $318 billion just to pay the interest on the national debt. That is more than the amount spent on all education, job training, and crime programs combined.

We might as well be taking these hard-earned tax dollars and pouring them down the drain. I believe that this money could be better spent on improving education, developing new medical technologies, finding a cure for cancer, or even returning it to the people who earned it in the first place. But instead, about 15 percent of the Federal budget is being wasted on interest payments because advocates of big government continue to block all efforts to balance the budget.

A balanced budget amendment to the Constitution can be the solution to this perpetual problem. A balanced budget amendment will put us on a path to paying off our national debt, which is currently more than $7 trillion. This amendment will help ensure that taxpayers' money will no longer be wasted on interest payments.

Opponents of a balanced budget amendment treat it as if it is something extraordinary. They are right, a balanced Federal budget would be extraordinary. And I believe that adopting an amendment that would require the Federal Government to do what every American already has to do—balance their checkbook—is exactly what this country needs to prove that Washington is serious about accomplishing this extraordinary feat. A balanced budget amendment is simply a promise to the American people that the Government will spend their hard-earned tax dollars responsibly. I think that we owe our constituents and future generations of Americans that much.

We do not need any more budget deals or false promises from Washington to reduce the deficit. What we need is a hammer to force Congress and the President to agree on a balanced budget, not just this year, but forever. A constitutional amendment to balance the Federal budget is the only hammer forceful enough to make that happen.

I urge my colleagues to join with me in supporting this important legislation.

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.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within 7 years of the date of final passage of this joint resolution:

''ARTICLE—

''SECTION 1. The total amount of money expended by the United States in any fiscal year shall not exceed the total amount of revenue received by the United States during such fiscal year, except revenue received from the issuance of bonds, notes, or other obligations of the United States.

''SECTION 2. The total amount of money expended by the United States in any fiscal year shall not exceed the amount equal to 20 per centum of the gross national product of the United States during the last calendar year ending before the beginning of such fiscal year.

''SECTION 3. Sections 1 and 2 of this Article shall not apply during any fiscal year during any part of which the United States is at war as declared by the Congress under section 8 of Article I of the Constitution.

''SECTION 4. Sections 1 and 2 of this Article may be suspended by a concurrent resolution approved by a three-fifths vote of the Members of each House of the Congress. Any suspension of sections 1 and 2 of this Article under this section shall be effective only during the fiscal year during which such suspension is approved.

''SECTION 5. This Article shall take effect on the first day of the first fiscal year beginning after the date of the adoption of this Article.

''SECTION 6. The Congress shall have power to enforce this Article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 318—EXPRESSING THE SENSE OF THE SENATE THAT THE POSTAGE STAMP SHOULD BE ISSUED IN COMMEMORATION OF DIWALI, A FESTIVAL CELEBRATED BY PEOPLE OF INDIAN ORIGIN

Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Government Affairs:

Mr. LAUTENBERG. Mr. President, I rise today to submit a resolution expressing the Sense of the Senate that the Citizens' Stamp Advisory Commission should issue a postage stamp honoring Diwali.

Diwali, known colloquially as the ''festival of light,'' is celebrated annually in Indian communities worldwide. Diwali marks the beginning of the Hindu New Year and signifies the renewal of life for all. Traditionally lasting five days, it is common practice for celebrants to light small oil lamps, called diyas, and place them around the home and pray for health, knowledge, and peace. Light represents the triumph of good over evil, and signifies optimism for the future.

Christmas, Kwanzaa, Hanukkah, and Eid have already been recognized on United States postage stamps. It would be appropriate to add Diwali to this distinguished list. It is a holiday about community, family, and hope for the future—qualities the Senate should highlight and embrace.

S. RES. 318

Resolved, That it is the sense of the Senate that—

(1) a postage stamp should be issued by the United States Postal Service in commemoration of Diwali, a festival celebrated by people of Indian origin; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

SENATE RESOLUTION 319—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE DEADLY TERRORIST ATTACKS AGAINST THE PEOPLE OF SPAIN THAT OCCURRED ON MARCH 11, 2004

Mr. FRIST (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 319

Expressing the sense of the Senate with respect to the deadly terrorist attacks against the people of Spain that occurred on March 11, 2004.

Whereas on March 11, 2004, terrorists detonated a total of 10 bombs at 6 train stations in and around Madrid, Spain during morning rush hour, killing more than 190 people and injuring more than 1,200 others;

Whereas these attacks constitute the worst acts of terrorism ever experienced in Spain;

Whereas no organization has claimed responsibility for the terrorist attacks;

Whereas the terrorist organization known as ETA, which has been responsible for the deaths of more than 800 people during its decades long campaign to establish an independent Basque State, is a prime suspect as the perpetrator of these cowardly acts of terrorism against innocent people;

Whereas officials in Spain initiated another line of investigation to identify the perpetrators of the terrorist attacks after a van was found with detonators and an Arabic-language tape of Koranic verses;

Whereas President Jose Maria Aznar has stated that ''we shall not forget'', bravely declared that Spain would not change its policies because of terrorist pressure, and declared three days of national mourning;

Whereas the President of the European Parliament has stated that the terrorist attacks are ''a declaration of war on democracy'', Pope John Paul II has described the attacks as ''despicable'', and the United Nations Secretary General Kofi Annan expressed profound shock and indignation over this ''senseless killing of innocent people''; and

Whereas President George W. Bush has already called President Aznar to offer his condolences and to assure him that ''the United States stands resolutely with Spain in the fight against terrorism in all its forms and against the particular threat that Spain faces from the evil of ETA terrorism'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses the outrage and shock of the people of the United States over the terrorist attacks that occurred in and around Madrid, Spain on March 11, 2004;

(2) joins with President Bush in expressing its deepest condolences and pledges to remain shoulder to shoulder with the people of Spain in the war on terrorism;

(3) expresses its strong solidarity with the people of Spain during their difficult hour, and its deep condolences to the families of the victims of these despicable terrorist attacks;

(4) calls on all nations to join with the United States in condemning the monstrous attacks on the innocent people of Spain and in attempting to identify the perpetrators of the attacks and bring them to account;

(5) expresses its readiness to consult with representatives of King Juan Carlos, President Jose Maria Aznar, the Spanish government, the Spanish Cortes, and other public authorities about joint efforts to combat terrorism more effectively;

(6) commends the United States Embassy in Madrid for its prompt offers of assistance to the Government of Spain, and for its efforts to determine the welfare and whereabouts of United States citizens who may have been affected by the terrorist attacks; and

(7) urges the executive branch to continue to provide all possible assistance to Spain in order to identify and bring to account the perpetrators of the terrorist attacks that occurred on March 11, 2004, in Madrid and of other terrorist attacks against the people of Spain.

SENATE CONCURRENT RESOLUTION 98—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

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

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 11, or Friday, March 12, or Saturday, March 13, or Sunday, March 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, March 22, 2004, at 12 noon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2783. Mrs. BOXER (for herself, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Mr. KOHL, Mr. DURBIN, Mr. LEVIN, Mr. DODD, Ms. MIKULSKI, Mr. DORGAN, Mrs. MURRAY, Mr. ROCKEFELLER, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

SA 2784. Mr. CRAPO (for himself, Mr. SARBANES, Mr. JEFFORDS, Ms. COLLINS, Mr. REID, Mr. KERRY, Ms. MIKULSKI, Mrs. CLINTON, Mr. DOMENICI, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2785. Mr. LUGAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2786. Mr. DAYTON (for himself, Mr. AKAKA, Mr. CORZINE, Mr. DODD, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REID, Mr. DURBIN, Mr. JOHNSON, Ms. MIKULSKI, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2787. Mr. PRYOR (for himself, Mr. REED, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2788. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mrs. MURRAY, Mr. CORZINE, Mrs. CLINTON, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. KERRY, and Mr. KOHL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2789. Mr. SARBANES (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. HARKIN, Mr. DODD, Mr. JOHNSON, Mr. BIDEN, Mr. LEVIN, Ms. MIKULSKI, Mr. CORZINE, Mr. KERRY, Ms. STABENOW, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. LIEBERMAN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2790. Mr. REED (for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Ms. MIKULSKI, Mr. BINGAMAN, Mr. DODD, Mr. SCHUMER, Mrs. LINCOLN, Mr. CORZINE, Mr. PRYOR, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, Mr. NELSON of Nebraska, Mr. KOHL, Mr. LAUTENBERG, Mr. AKAKA, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2791. Ms. MIKULSKI (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2792. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2793. Mr. DORGAN (for himself, Mr. DASCHLE, Mr. DURBIN, Mr. AKAKA, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. KENNEDY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. CORZINE, Ms. STABENOW, Mr. HARKIN, Mrs. BOXER, Mr. KOHL, and Mr. DODD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2794. Mr. THOMAS (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. HAGEL, Mrs. MURRAY, Ms. COLLINS, Mr. FEINGOLD, Mrs. LINCOLN, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Ms. STABENOW, Mr. NELSON of Nebraska, Mr. BINGAMAN, and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2795. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2796. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2798. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2799. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUTENBERG, Mr. BINGAMAN, Ms. LANDRIEU, and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2800. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2801. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2802. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2803. Mrs. LINCOLN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mr. CORZINE, Mr. BINGAMAN, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, Mr. PRYOR, Mrs. CLINTON, Mr. JEFFORDS, and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2804. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2805. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2806. Mr. GRASSLEY (for himself, Mr. BUNNING, Mr. DOMENICI, Mr. BINGAMAN, Ms. CANTWELL, Mrs. MURRAY, Mr. VOINOVICH, Mrs. CLINTON, Mr. DEWINE, Ms. MURKOWSKI, Mr. REID, Mr. BOND, Mr. KENNEDY, Mr. TALENT, Mr. HARKIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2807. Mr. LIEBERMAN (for himself, Mr. SCHUMER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BIDEN, Mrs. MURRAY, Mr. KENNEDY, Mr. CORZINE, Mr. LEVIN, Mr. KOHL, Mrs. BOXER, Mr. DODD, Mr. JOHNSON, Mr. AKAKA, Mr. DURBIN, Mr. LEAHY, Mr. KERRY, and Mr. GRAHAM, of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2808. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2809. Mr. EDWARDS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2810. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2811. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2812. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

SA 2813. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 2814. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 2815. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 2816. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, supra; which was ordered to lie on the table.

SA 2817. Mr. LEVIN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

SA 2818. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2819. Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2820. Ms. MIKULSKI (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2821. Mr. COLEMAN (for himself and Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2822. Ms. MURKOWSKI (for herself, Mrs. MURRAY, and Mr. CAMPBELL) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2823. Mr. INHOFE (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. DORGAN, Ms. COLLINS, Mr. BAYH, Mr. ALEXANDER, Mr. AKAKA, Ms. CANTWELL, and Mr. JEFFORDS) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2824. Mr. INHOFE (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2825. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2826. Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. FEINGOLD, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2827. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2828. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2829. Mr. HAGEL (for himself, Mr. CRAIG, Mr. CRAPO, Ms. STABENOW, Mr. TALENT, Mr. BINGAMAN, Mr. BOND, Mr. FITZGERALD, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. BURNS, Mr. SMITH, Mr. BAUCUS, Mr. CAMPBELL, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2830. Mr. ENZI (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2831. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2832. Mr. ENZI (for himself and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2833. Mr. NICKLES (for Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2834. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2835. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2836. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2837. Mr. NICKLES (for Mrs. LINCOLN (for herself, Mr. BAUCUS, Ms. SNOWE, Mr. BREAUX, Mr. ROCKEFELLER, and Ms. COLLINS)) submitted an amendment intended to be proposed by Mr. NICKLES to the concurrent resolution S. Con. Res. 95, supra.

SA 2838. Mr. NICKLES (for Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. FEINGOLD, and Mr. SCHUMER)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2839. Mr. NICKLES (for Ms. SNOWE) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2840. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, supra.

SA 2841. Mr. NICKLES (for Mr. HAGEL (for himself, Mr. CRAIG, Mr. CRAPO, Ms. STABENOW, Mr. TALENT, Mr. BINGAMAN, Mr. BOND, Mr. FITZGERALD, Mrs. MURRAY, Mr. NELSON, of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. BURNS, Mr. SMITH, Mr. BAUCUS, Mr. CAMPBELL, and Ms. CANTWELL)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2842. Mr. NICKLES (for Mr. SANTORUM) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2843. Mr. NICKLES (for Mr. HATCH (for himself, Mr. BIDEN, and Mr. KOHL)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2844. Mr. NICKLES (for Mrs. DOLE (for herself and Mr. LEAHY)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2845. Mr. NICKLES (for Mr. LUGAR (for himself, Mr. CORZINE, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mrs. MURRAY, Mr. DURBIN, Mr. DEWINE, Mr. HAGEL, Mr. CHAFEE, Mr. JEFFORDS, Ms. CANTWELL, Mr. SMITH, Mr. SANTORUM, Mr. MCCAIN, Mr. BIDEN, and Mr. SUNUNU)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2846. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. BOND, Mr. ENSIGN, Mr. DEWINE, Mr. CORNYN, Mr. CAMPBELL, Mr. GRAHAM of South Carolina, Mr. ALLEN, Mr. STEVENS, and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2847. Mr. NICKLES (for Mr. GRASSLEY (for himself, Mr. BUNNING, Mr. DOMENICI, Mr. BINGAMAN, Ms. CANTWELL, Mrs. MURRAY, Mr. VOINOVICH, Mrs. CLINTON, Mr. DEWINE, Ms. MURKOWSKI, Mr. REID, Mr. BOND, Mr. KENNEDY, Mr. TALENT, and Mr. HARKIN)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2848. Mr. NICKLES (for Mr. BYRD (for himself and Mr. COCHRAN)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2849. Mr. KYL proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2850. Mr. NICKLES (for Mr. DORGAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2851. Mr. NICKLES (for Mr. SPECTER) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2852. Mr. NICKLES (for Ms. COLLINS (for herself and Mr. CARPER)) proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2853. Mr. SANTORUM proposed an amendment to the concurrent resolution S. Con. Res. 95, supra.

SA 2854. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, supra; which was ordered to lie on the table.

SA 2855. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2783. Mrs. BOXER (for herself, Mr. DASCHLE, Mr. SARBANES, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Mr. KOHL, Mr. DURBIN, Mr. LEVIN, Mr. DODD, Ms. MIKULSKI, Mr. DORGAN, Mrs. MURRAY, Mr. ROCKEFELLER, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $8,000,000,000.

On page 3, line 10, increase the amount by $8,000,000,000.

On page 3, line 11, increase the amount by $8,000,000,000.

On page 3, line 17, increase the amount by $8,000,000,000.

On page 3, line 18, increase the amount by $8,000,000,000.

On page 3, line 19, increase the amount by $8,000,000,000.

On page 4, line 20, increase the amount by $8,000,000,000.

On page 4, line 21, increase the amount by $8,000,000,000.

On page 4, line 22, increase the amount by $8,000,000,000.

On page 5, line 3, decrease the amount by $8,000,000,000.

On page 5, line 4, decrease the amount by $16,000,000,000.

On page 5, line 5, decrease the amount by $24,000,000,000.

On page 5, line 6, decrease the amount by $24,000,000,000.

On page 5, line 7, decrease the amount by $24,000,000,000.

On page 5, line 11, decrease the amount by $8,000,000,000.

On page 5, line 12, decrease the amount by $16,000,000,000.

On page 5, line 13, decrease the amount by $24,000,000,000.

On page 5, line 14, decrease the amount by $24,000,000,000.

On page 5, line 15, decrease the amount by $24,000,000,000.

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR JOB CREATION.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $24,000,000,000 over the total of fiscal years 2005 through 2009 for a bill, joint resolution, motion, amendment, or conference report that would provide resources for job creation, discourage outsourcing of jobs, provide a tax credit for the creation of new manufacturing jobs in the United States, provide small businesses with a tax credit for health care coverage, restore funding to the Manufacturing Extension Program and to the Advanced Technology Partnership, increase spending on federal science research

activities, prohibit the use of tax dollars to outsource non-defense and non-homeland security government contracts abroad, require employers to provide workers advance notice of any intention to move their jobs offshore, and expand Trade Adjustment Assistance to include service workers and improve access to affordable health care.

SA 2784. Mr. CRAPO (for himself, Mr. SARBANES, Mr. JEFFORDS, Ms. COLLINS, Mr. REID, Mr. KERRY, Ms. MIKULSKI, Mrs. CLINTON, Mr. DOMENICI, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 11, line 9, increase the amount by $3,000,000,000.

On page 11, line 10, increase the amount by $150,000,000.

On page 11, line 14, increase the amount by $450,000,000.

On page 11, line 18, increase the amount by $900,000,000.

On page 11, line 22, increase the amount by $900,000,000.

On page 12, line 1, increase the amount by $450,000,000.

On page 23, line 5, decrease the amount by $3,000,000,000.

On page 23, line 6, decrease the amount by $150,000,000.

On page 23, line 10, decrease the amount by $450,000,000.

On page 23, line 14, decrease the amount by $900,000,000.

On page 23, line 18, decrease the amount by $900,000,000.

On page 23, line 22, decrease the amount by $450,000,000.

SA 2785. Mr. LUGAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.

It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions in Function 600 (Income Security), the Senate supports the provision, to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture, of $15,000,000 for fiscal year 2005, and $127,000,000 for the period of fiscal years 2005 through 2009, to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

SA 2786. Mr. DAYTON (for himself, Mr. AKAKA, Mr. CORZINE, Mr. DODD, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. REID, Mr. DURBIN, Mr. JOHNSON, Ms. MIKULSKI, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $11,485,000,000.

On page 3, line 10, increase the amount by $11,136,000,000.

On page 3, line 11, increase the amount by $11,864,000,000.

On page 3, line 12, increase the amount by $12,629,000,000.

On page 3, line 13, increase the amount by $13,415,000,000.

On page 3, line 17, increase the amount by $11,485,000,000.

On page 3, line 18, increase the amount by $11,136,000,000.

On page 3, line 19, increase the amount by $11,864,000,000.

On page 3, line 20, increase the amount by $12,629,000,000.

On page 3, line 21, increase the amount by $13,415,000,000.

On page 4, line 4, increase the amount by $10,485,000,000.

On page 4, line 5, increase the amount by $10,136,000,000.

On page 4, line 6, increase the amount by $10,864,000,000.

On page 4, line 7, increase the amount by $11,629,000,000.

On page 4, line 8, increase the amount by $12,415,000,000.

On page 4, line 12, increase the amount by $210,000,000.

On page 4, line 13, increase the amount by $7,123,000,000.

On page 4, line 14, increase the amount by $10,052,000,000.

On page 4, line 15, increase the amount by $10,653,000,000.

On page 4, line 16, increase the amount by $11,385,000,000.

On page 4, line 20, decrease the amount by $11,275,000,000.

On page 4, line 21, decrease the amount by $4,013,000,000.

On page 4, line 22, decrease the amount by $1,812,000,000.

On page 4, line 23, decrease the amount by $1,976,000,000.

On page 4, line 24, decrease the amount by $2,030,000,000.

On page 5, line 3, decrease the amount by $11,275,000,000.

On page 5, line 4, decrease the amount by $15,288,000,000.

On page 5, line 5, decrease the amount by $17,100,000,000.

On page 5, line 6, decrease the amount by $19,076,000,000.

On page 5, line 7, decrease the amount by $21,106,000,000.

On page 5, line 11, decrease the amount by $11,275,000,000.

On page 5, line 12, decrease the amount by $15,288,000,000.

On page 5, line 13, decrease the amount by $17,100,000,000.

On page 5, line 14, decrease the amount by $19,076,000,000.

On page 5, line 15, decrease the amount by $21,106,000,000.

On page 15, line 16, increase the amount by $10,485,000,000.

On page 15, line 17, increase the amount by $210,000,000.

On page 15, line 20, increase the amount by $10,136,000,000.

On page 15, line 21, increase the amount by $7,123,000,000.

On page 15, line 24, increase the amount by $10,864,000,000.

On page 15, line 25, increase the amount by $10,052,000,000.

On page 16, line 3, increase the amount by $11,629,000,000.

On page 16, line 4, increase the amount by $10,653,000,000.

On page 16, line 7, increase the amount by $12,415,000,000.

On page 16, line 8, increase the amount by $11,385,000,000.

At the end of Section 303, insert the following:

SEC. 304. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget of the Senate shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $10,485,000,000 in new budget authority and $210,000,000 in outlays for fiscal year 2005, and $55,529,000,000 in new budget authority and $39,423,000,000 in outlays for the total of fiscal years 2005 through 2009, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

SA 2787. Mr. PRYOR (for himself, Mr. REED, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an authorization of $3,400,000,000 for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an authorization of $400,000,000 for fiscal year 2005 and $500,000,000 for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families, as well as the systemic shortfalls that have plagued the programs and the eligible individuals that the programs are designed to assist; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

SA 2788. Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mrs. MURRAY, Mr. CORZINE, Mrs. CLINTON, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. KERRY, and Mr. KOHL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $424,000,000.

On page 3, line 10, increase the amount by $344,000,000.

On page 3, line 11, increase the amount by $24,000,000.

On page 3, line 12, increase the amount by $8,000,000.

On page 3, line 17, increase the amount by $424,000,000.

On page 3, line 18, increase the amount by $344,000,000.

On page 3, line 19, increase the amount by $24,000,000.

On page 3, line 20, increase the amount by $8,000,000.

On page 4, line 4, increase the amount by $400,000,000.

On page 4, line 12, increase the amount by $212,000,000.

On page 4, line 13, increase the amount by $172,000,000.

On page 4, line 14, increase the amount by $12,000,000.

On page 4, line 15, increase the amount by $4,000,000.

On page 4, line 20, increase the amount by $212,000,000.

On page 4, line 21, increase the amount by $172,000,000.

On page 4, line 22, increase the amount by $12,000,000.

On page 4, line 23, increase the amount by $4,000,000.

On page 5, line 3, decrease the amount by $212,000,000.

On page 5, line 4, decrease the amount by $384,000,000.

On page 5, line 5, decrease the amount by $396,000,000.

On page 5, line 6, decrease the amount by $400,000,000.

On page 5, line 7, decrease the amount by $400,000,000.

On page 5, line 11, decrease the amount by $212,000,000.

On page 5, line 12, decrease the amount by $384,000,000.

On page 5, line 13, decrease the amount by $396,000,000.

On page 5, line 14, decrease the amount by $400,000,000.

On page 5, line 15, decrease the amount by $400,000,000.

On page 15, line 16, increase the amount by $400,000,000.

On page 15, line 17, increase the amount by $212,000,000.

On page 15, line 21, increase the amount by $172,000,000.

On page 15, line 25, increase the amount by $12,000,000.

On page 16, line 4, increase the amount by $4,000,000.

On page 39, line 18, increase the amount by $400,000,000.

On page 39, line 19, increase the amount by $212,000,000.

On page 40, line 2, increase the amount by $172,000,000.

SA 2789. Mr. SARBANES (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. HARKIN, Mr. DODD, Mr. JOHNSON, Mr. BIDEN, Mr. LEVIN, Ms. MIKULSKI, Mr. CORZINE, Mr. KERRY, Ms. STABENOW, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. LIEBERMAN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $429,000,000.

On page 3, line 10, increase the amount by $1,430,000,000.

On page 3, line 11, increase the amount by $858,000,000.

On page 3, line 12, increase the amount by $143,000,000.

On page 3, line 17, increase the amount by $429,000,000.

On page 3, line 18, increase the amount by $1,430,000,000.

On page 3, line 19, increase the amount by $858,000,000.

On page 3, line 20, increase the amount by $143,000,000.

On page 4, line 20, increase the amount by $429,000,000.

On page 4, line 21, increase the amount by $1,430,000,000.

On page 4, line 22, increase the amount by $858,000,000.

On page 4, line 23, increase the amount by $143,000,000.

On page 5, line 3, decrease the amount by $429,000,000.

On page 5, line 4, decrease the amount by $1,859,000,000.

On page 5, line 5, decrease the amount by $2,717,000,000.

On page 5, line 6, decrease the amount by $2,860,000,000.

On page 5, line 7, decrease the amount by $2,860,000,000.

On page 5, line 11, decrease the amount by $429,000,000.

On page 5, line 12, decrease the amount by $1,859,000,000.

On page 5, line 13, decrease the amount by $2,717,000,000.

On page 5, line 14, decrease the amount by $2,860,000,000.

On page 5, line 15, decrease the amount by $2,860,000,000.

SEC. . RESERVE FUND FOR FIRE ACT AND SAFER ACT PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,430,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for firefighter assistance grant programs such as those authorized by Title XVII of the FY 2001 National Defense Authorization Act (P.L. 106–398) and by Section 1057 of the FY 2004 National Defense Authorization Act (P.L. 108–136) and are administered by the Department of Homeland Security.

SA 2790. Mr. REED (for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Ms. MIKULSKI, Mr. BINGAMAN, Mr. DODD, Mr. SCHUMER, Mrs. LINCOLN, Mr. CORZINE, Mr. PRYOR, Mr. LEVIN, Mr. ROCKEFELLER, Mr. BIDEN, Mr. NELSON of Nebraska, Mr. KOHL, Mr. LAUTENBERG, Mr. AKAKA, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $1,332,000,000.

On page 3, line 10, increase the amount by $4,560,000,000.

On page 3, line 11, increase the amount by $220,000,000.

On page 3, line 12, increase the amount by $52,000,000.

On page 3, line 17, increase the amount by $1,332,000,000.

On page 3, line 18, increase the amount by $4,560,000,000.

On page 3, line 19, increase the amount by $220,000,000.

On page 3, line 20, increase the amount by $52,000,000.

On page 4, line 20, increase the amount by $1,332,000,000.

On page 4, line 21, increase the amount by $4,560,000,000.

On page 4, line 22, increase the amount by $220,000,000.

On page 4, line 23, increase the amount by $52,000,000.

On page 5, line 3, decrease the amount by $1,332,000,000.

On page 5, line 4, decrease the amount by $5,892,000,000.

On page 5, line 5, decrease the amount by $6,112,000,000.

On page 5, line 6, decrease the amount by $6,164,000,000.

On page 5, line 7, decrease the amount by $6,164,000,000.

On page 5, line 11, decrease the amount by $1,332,000,000.

On page 5, line 12, decrease the amount by $5,892,000,000.

On page 5, line 13, decrease the amount by $6,112,000,000.

On page 5, line 14, decrease the amount by $6,164,000,000.

On page 5, line 15, decrease the amount by $6,164,000,000.

At the end of Title III, insert the following:

SEC. . RESERVE FUND FOR COLLEGE AND STUDENT FINANCIAL AID PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the

Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $3,082,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for college and student financial aid programs in the Department of Education, including the Pell Grant program, campus-based assistance, Leveraging Educational Assistance Partnership, TRIO, GEAR UP, and graduate level programs.

SA 2791. Ms. MIKULSKI (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000, makes the credit available for 4 years, and makes the credit fully refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure includes offsets including legislation reducing tax benefits on taxpayers with incomes in the top tax bracket and would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 though 2009.

SA 2792. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $1,139,000,000.

On page 3 line 11, increase the amount by $1,139,000,000.

On page 3 line 12, increase the amount by $1,139,000,000.

On page 3 line 13, increase the amount by $1,139,000,000.

On page 3 line 18, increase the amount by $1,139,000,000.

On page 3 line 19, increase the amount by $1,139,000,000.

On page 3 line 20, increase the amount by $1,139,000,000.

On page 3 line 21, increase the amount by $1,139,000,000.

On page 4 line 5, increase the amount by $658,000,000.

On page 4, line 6, increase the amount by $742,000,000;

On page 4, line 7, increase the amount by $692,000,000;

On page 4, line 8, increase the amount by $727,000,000;

On page 4, line 13, increase the amount by $296,000,000;

On page 4, line 14, increase the amount by $597,000,000;

On page 4, line 15, increase the amount by $674,000,000;

On page 4, line 16, increase the amount by $711,000,000;

On page 4, line 21, increase the amount by $843,000,000;

On page 4, line 22, increase the amount by $542,000,000;

On page 4, line 23, increase the amount by $465,000,000;

On page 4, line 24, increase the amount by $428,000,000;

On page 5, line 4, decrease the amount by $843,000,000;

On page 5, line 5, decrease the amount by $1,385,000,000;

On page 5, line 6, decrease the amount by $1,850,000,000;

On page 5, line 7, decrease the amount by $2,278,000,000;

On page 5, line 12, decrease the amount by $843,000,000;

On page 5, line 13, decrease the amount by $1,385,000,000;

On page 5, line 14, decrease the amount by $1,850,000,000;

On page 5, line 15, decrease the amount by $2,278,000,000;

On page 10, line 17, increase the amount by $658,000,000;

On page 10, line 18, increase the amount by $296,000,000;

On page 10, line 21, increase the amount by $742,000,000;

On page 10, line 22, increase the amount by $597,000,000;

On page 10, line 25, increase the amount by $692,000,000;

On page 11, line 1, increase the amount by $674,000,000;

On page 11, line 4, increase the amount by $727,000,000;

On page 11, line 5, increase the amount by $711,000,000.

At the end of Section 303, insert:

SEC.___. RESERVE FUND FOR HYDROGEN FUEL CELL RESEARCH AND DEVELOPMENT.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $513,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for Hydrogen Fuel Cell Research and Development, included in this resolution for the Department of Energy.

On page 40, line 1, increase the amount by $658,000,000;

On page 40, line 2, increase the amount by $296,000,000.

SA 2793. Mr. DORGAN (for himself, Mr. DASCHLE, Mr DURBIN, Mr. AKAKA, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. KENNEDY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. CORZINE, Ms. STABENOW, Mr. HARKIN, Mrs. BOXER, Mr. KOHL, and Mr. DODD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $344,000,000.

On page 3, line 10, increase the amount by $632,000,000.

On page 3, line 11, increase the amount by $510,000,000.

On page 3, line 12, increase the amount by $610,000,000.

On page 3, line 13, increase the amount by $104,000,000.

On page 3, line 17, increase the amount by $344,000,000.

On page 3, line 18, increase the amount by $632,000,000.

On page 3, line 19, increase the amount by $510,000,000.

On page 3, line 20, increase the amount by $610,000,000.

On page 3, line 21, increase the amount by $104,000,000.

On page 4, line 20, increase the amount by $344,000,000.

On page 4, line 21, increase the amount by $632,000,000.

On page 4, line 22, increase the amount by $510,000,000.

On page 4, line 23, increase the amount by $610,000,000.

On page 4, line 24, increase the amount by $104,000,000.

On page 5, line 3, decrease the amount by $344,000,000.

On page 5, line 4, decrease the amount by $976,000,000.

On page 5, line 5, decrease the amount by $1,486,000,000.

On page 5, line 6, decrease the amount by $2,096,000,000.

On page 5, line 7, decrease the amount by $2,200,000,000.

On page 5, line 11, decrease the amount by $344,000,000.

On page 5, line 12, decrease the amount by $976,000,000.

On page 5, line 13, decrease the amount by $1,486,000,000.

On page 5, line 14, decrease the amount by $2,096,000,000.

On page 5, line 15, decrease the amount by $2,200,000,000.

SEC. . RESERVE FUND FOR COPS AND OTHER LAW ENFORCEMENT GRANT PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,100,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for the Community Oriented Policing Services (COPS) program, the Edward Byrne formula grant program, and the Local Law Enforcement Block Grant program at the Department of Justice.

SA 2794. Mr. THOMAS (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. HAGEL, Mrs. MURRAY, Ms. COLLINS, Mr. FEINGOLD, Mrs. LINCOLN, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Ms. STABENOW, Mr. NELSON of Nebraska, Mr. BINGAMAN, and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth

the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 16, line 12, increase the amount by $100,000,000.

On page 16, line 13, increase the amount by $100,000,000.

On page 23, line 5, decrease the amount by $100,000,000.

On page 23, line 6, decrease the amount by $100,000,000.

SA 2795. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, which was ordered to lie on the table; as follows:

On page 45, after line 13, insert the following:

SEC. ___. SENATE FIREWALL FOR DEFENSE AND NONDEFENSE SPENDING.

(a) DEFINITION.—In this section, for purposes of enforcement in the Senate for fiscal year 2005, the term ''discretionary spending limit'' means—

(1) for the defense category, $420,794,000,000 in new budget authority and $422,811,000,000 in outlays; and

(2) for the nondefense category, $398,879,000,000 in new budget authority and $400,883,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 2796. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the ''Fund'');

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute $1 for every $2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided $623,000,000 of the total contributions of $1,900,000,000 to the Fund, which represents approximately ⅓ of total contributions to the Fund;

(5) Congress has appropriated $547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of $994,000,000, and is slightly more than ⅓ of total pledges, with additional pledges expected; and

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that new budget authority and outlays for fiscal year 2005 within the major functional category entitled ''International Affairs (150)'' provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

SA 2797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 25, strike lines 4 through 8.

SA 2798. Mr. HARKIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 12, line 5, increase the amount by $4,000,000.

On page 12, line 6, increase the amount by $4,000,000.

On page 12, line 9, increase the amount by $4,000,000.

On page 12, line 10, increase the amount by $4,000,000.

On page 12, line 13, increase the amount by $4,000,000.

On page 12, line 14, increase the amount by $4,000,000.

On page 12, line 17, increase the amount by $4,000,000.

On page 12, line 18, increase the amount by $4,000,000.

On page 12, line 21, increase the amount by $4,000,000.

On page 12, line 22, increase the amount by $4,000,000.

On page 20, line 17, decrease the amount by $4,000,000.

On page 20, line 18, decrease the amount by $4,000,000.

On page 20, line 21, decrease the amount by $4,000,000.

On page 20, line 22, decrease the amount by $4,000,000.

On page 20, line 25, decrease the amount by $4,000,000.

On page 21, line 1, decrease the amount by $4,000,000.

On page 21, line 4, decrease the amount by $4,000,000.

On page 21, line 5, decrease the amount by $4,000,000.

SA 2799. Mr. HARKIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUTENBERG, Mr. BINGAMAN, Ms. LANDRIEU, and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $7,800,000,000.

On page 3, line 10, increase the amount by $7,800,000,000.

On page 3, line 11, increase the amount by $7,800,000,000.

On page 3, line 12, increase the amount by $7,800,000,000.

On page 3, line 13, increase the amount by $7,800,000,000.

On page 3, line 17, increase the amount by $7,800,000,000.

On page 3, line 18, increase the amount by $7,800,000,000.

On page 3, line 19, increase the amount by $7,800,000,000.

On page 3, line 20, increase the amount by $7,800,000,000.

On page 3, line 21, increase the amount by $7,800,000,000.

On page 4, line 20, increase the amount by $7,800,000,000.

On page 4, line 21, increase the amount by $7,800,000,000.

On page 4, line 22, increase the amount by $7,800,000,000.

On page 4, line 23, increase the amount by $7,800,000,000.

On page 4, line 24, increase the amount by $7,800,000,000.

On page 5, line 3, decrease the amount by $7,800,000,000.

On page 5, line 4, decrease the amount by $15,600,000,000.

On page 5, line 5, decrease the amount by $23,400,000,000.

On page 5, line 6, decrease the amount by $31,200,000,000.

On page 5, line 7, decrease the amount by $39,000,000,000.

On page 5, line 11, decrease the amount by $7,800,000,000.

On page 5, line 12, decrease the amount by $15,600,000,000.

On page 5, line 13, decrease the amount by $23,400,000,000.

On page 5, line 14, decrease the amount by $31,200,000,000.

On page 5, line 15, decrease the amount by $39,000,000,000.

At the end of Title III, insert the following:

SEC. . FUND FOR HEALTH.

If the Committee on Appropriations of the Senate reports legislation with a level of appropriations for function 550 discretionary programs without the use of this Fund that at least appropriates the sum appropriated for function 550 discretionary programs in fiscal year 2004, the Chairman of the Committee on the Budget of the Senate may revise aggregates, function totals and increase the allocations to the Committee on Appropriations up to $6,000,000,000 in new budget authority and $6,000,000,000 in new budget

outlays for fiscal year 2005 and $30,500,000,000 in new budget authority and $30,500,000,000 in budget outlays in fiscal years 2005 through 2009.

SA 2800. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $96,000,000.
On page 3, line 10, increase the amount by $495,000,000.
On page 3, line 11, increase the amount by $130,000,000.
On page 3, line 12, increase the amount by $16,000,000.
On page 3, line 13, increase the amount by $7,000,000.
On page 3, line 17 , increase the amount by $96,000,000.
On page 3, line 18, increase the amount by $495,000,000.
On page 3, line 19, increase the amount by $130,000,000.
On page 3, line 20, increase the amount by $16,000,000.
On page 3, line 21, increase the amount by $7,000,000.
On page 4, line 20, increase the amount by $96,000,000.
On page 4, line 21, increase the amount by $495,000,000.
On page 4, line 22, increase the amount by $130,000,000.
On page 4, line 23, increase the amount by $16,000,000.
On page 4, line 24, increase the amount by $7,000,000.
On page 5, line 3, decrease the amount by $96,000,000.
On page 5, line 4, decrease the amount by $592,000,000.
On page 5, line 5, decrease the amount by $722,000,000.
On page 5, line 6, decrease the amount by $738,000,000.
On page 5, line 7, decrease the amount by $745,000,000.
On page 5, line 11, decrease the amount by $96,000,000.
On page 5, line 12, decrease the amount by $592,000,000.
On page 5, line 13, decrease the amount by $722,000,000.
On page 5, line 14, decrease the amount by $738,000,000.
On page 5, line 15, decrease the amount by $745,000,000.
On page 15, line 16, increase the amount by $745,000,000.
On page 15, line 17, increase the amount by $96,000,000.
On page 15, line 21, increase the amount by $495,000,000.
On page 15, line 25, increase the amount by $130,000,000.
On page 16, line 4, increase the amount by $16,000,000.
On page 16, line 8, increase the amount by $7,000,000.
On page 23, line 5, decrease the amount by $745,000,000.
On page 23, line 6, decrease the amount by $96,000,000.
On page 23, line 10, decrease the amount by $495,000,000.
On page 23, line 14, decrease the amount by $130,000,000.
On page 23, line 18, decrease the amount by $16,000,000.
On page 23, line 22, decrease the amount by $7,000,000.

SA 2801. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 15, line 16, increase the amount by $745,000,000.
On page 15, line 17, increase the amount by $96,000,000.
On page 15, line 21, increase the amount by $495,000,000.
On page 15, line 25, increase the amount by $130,000,000.
On page 16, line 4, increase the amount by $16,000,000.
On page 16, line 8, increase the amount by $7,000,000.
On page 23, line 5, decrease the amount by $745,000,000.
On page 23, line 6, decrease the amount by $96,000,000.
On page 23, line 10, decrease the amount by $495,000,000.
On page 23, line 14, decrease the amount by $130,000,000.
On page 23, line 18, decrease the amount by $16,000,000.
On page 23, line 22, decrease the amount by $7,000,000.

SA 2802. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PRIORITIES FOR EDUCATION FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Education, 5,000 schools have been identified for school improvement, making 2,500,000 children eligible to transfer to a higher performing public school.

(2) Section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E)) requires a school that has failed to make adequate yearly progress for 2 consecutive years to provide an option for students to transfer to a higher performing public school.

(3) The overwhelming majority of parents who have tried to exercise their right to transfer their children to a higher performing public school have been denied the transfer due to a lack of capacity at these higher performing schools.

(4) Full funding for the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) (as amended by the No Child Left Behind Act of 2001) will enable public schools to address these capacity issues and will provide parents with meaningful school choice.

(5) Full funding for the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001) will enable low performing schools to improve by giving the schools the resources to serve an additional 2,000,000 disadvantaged students, hire an additional 100,000 highly qualified teachers, and provide after school tutoring for an additional 1,400,000 students.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary totals in this resolution assume that no funds will be made available for new programs aimed at transferring students into private schools until school improvement programs under part A of title I, part A of title II, part A of title IV, and parts A and B of title V, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6601 et seq., 7101 et seq., 7201 et seq., 7221 et seq.) (as amended by the No Child Left Behind Act of 2001) are funded at their authorized levels.

SA 2803. Mrs. LINCOLN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mr. CORZINE, Mr. BINGAMAN, Mr. KERRY, Mr. LAUTENBERG, Mr. JOHNSON, Mr. PRYOR, Mrs. CLINTON, Mr. JEFFORDS, and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $12,000,000,000.
On page 3, line 10, increase the amount by $12,000,000,000.
On page 3, line 11, increase the amount by $12,000,000,000.
On page 3, line 12, increase the amount by $12,000,000,000.
On page 3, line 13, increase the amount by $12,000,000,000.
On page 3, line 17, increase the amount by $12,000,000,000.
On page 3, line 18, increase the amount by $12,000,000,000.
On page 3, line 19, increase the amount by $12,000,000,000.
On page 3, line 20, increase the amount by $12,000,000,000.
On page 3, line 21, increase the amount by $12,000,000,000.
On page 4, line 4, increase the amount by $12,000,000,000.
On page 4, line 5, increase the amount by $12,000,000,000.
On page 4, line 6, increase the amount by $12,000,000,000.
On page 4, line 7, increase the amount by $12,000,000,000.
On page 4, line 8, increase the amount by $12,000,000,000.
On page 4, line 12, increase the amount by $12,000,000,000.
On page 4, line 13, increase the amount by $12,000,000,000.
On page 4, line 14, increase the amount by $12,000,000,000.
On page 4, line 15, increase the amount by $12,000,000,000.
On page 16, line 12, increase the amount $12,000,000,000.
On page 16, line 13, increase the amount by $12,000,000,000.
On page 16, line 16, increase the amount by $12,000,000,000.
On page 16, line 17, increase the amount by $12,000,000,000.
On page 16, line 20, increase the amount by $12,000,000,000.
On page 16, line 21, increase the amount by $12,000,000,000.
On page 16, line 24, increase the amount by $12,000,000,000.
On page 16, line 25, increase the amount by $12,000,000,000.
On page 17, line 3, increase the amount by $12,000,000,000.

On page 17, line 4, increase the amount by $12,000,000,000.

SA 2804. Mr. BYRD proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $5,656,000,000.

On page 3, line 10, increase the amount by $13,365,000,000.

On page 3, line 11, increase the amount by $3,596,000,000.

On page 3, line 12, increase the amount by $1,200,000,000.

On page 3, line 13, increase the amount by $429,000,000.

On page 3, line 17, increase the amount by $5,656,000,000.

On page 3, line 18, increase the amount by $13,365,000,000.

On page 3, line 19, increase the amount by $3,596,000,000.

On page 3, line 20, increase the amount by $1,200,000,000.

On page 3, line 21, increase the amount by $429,000,000.

On page 4, line 5, increase the amount by $7,361,000,000.

On page 4, line 13, increase the amount by $13,365,000,000.

On page 4, line 14, increase the amount by $3,596,000,000.

On page 4, line 15, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $429,000,000.

On page 4, line 20, increase the amount by $5,656,000,000.

On page 5, line 3, decrease the amount by $5,656,000,000.

On page 5, line 4, decrease the amount by $5,656,000,000.

On page 5, line 5, decrease the amount by $5,656,000,000.

On page 5, line 6, decrease the amount by $5,656,000,000.

On page 5, line 7, decrease the amount by $5,656,000,000.

On page 5, line 11, decrease the amount by $5,656,000,000.

On page 5, line 12, decrease the amount by $5,656,000,000.

On page 5, line 13, decrease the amount by $5,656,000,000.

On page 5, line 14, decrease the amount by $5,656,000,000.

On page 5, line 15, decrease the amount by $5,656,000,000.

On page 23, line 9, increase the amount by $7,361,000,000.

On page 23, line 10, increase the amount by $13,365,000,000.

On page 23, line 14, increase the amount by $3,596,000,000.

On page 23, line 18, increase the amount by $1,200,000,000.

On page 23, line 22, increase the amount by $429,000,000.

On page 40, line 1, increase the amount by $7,361,000,000.

On page 40, line 2, increase the amount by $13,365,000,000.

At the end of Title III, insert the following:

SEC. ___. RESERVE FUND FOR EDUCATION, VETERANS' MEDICAL CARE, GLOBAL HIV/AIDS, AMTRAK, HIGHWAYS, MASS TRANSIT, NATIONAL INSTITUTES OF HEALTH, FIRST RESPONDER GRANTS AND OTHER DEPARTMENT OF HOMELAND SECURITY PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $11,223,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in fiscal year 2004, for Department of Education programs in the No Child Left Behind Act (P.L. 107–110), Veterans' medical care programs, the Global HIV/AIDS Initiative, Amtrak, Federal-Aid Highways, Mass Transit Capital Investment Grants, the National Institutes of Health, and first responders (including High-Threat/High-Density Urban Area Grants, State Basic Formula Grants, Firefighter Assistance Grants, COPS, and State and Local Law Enforcement Assistance) and other Department of Homeland Security programs.

SA 2805. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF ETHANOL FUEL CREDIT IN DIRECT PAYMENTS LIMITATION.

Section 1001(b)(1) of the Farm Security Act of 1985 (7 U.S.C. 1308(b)(1)) is amended by inserting ''**,** and the value to the person of the applicable ethanol fuel credit under section 4081(c) of the Internal Revenue Code (as determined by the Secretary), '' after ''2002''.

SA 2806. Mr. GRASSLEY (for himself, Mr. BUNNING, Mr. DOMENICI, Mr. BINGAMAN, Ms. CANTWELL, Mrs. MURRAY, Mr. VOINOVICH, Mrs. CLINTON, Mr. DEWINE, Ms. MURKOWSKI, Mr. REID, Mr. BOND, Mr. KENNEDY, Mr. TALENT, Mr. HARKIN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—The Senate finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the ''EEOICPA'') is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

SA 2807. Mr. LIEBERMAN (for himself, Mr. SCHUMER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. BIDEN, Mrs. MURRAY, Mr. KENNEDY, Mr. CORZINE, Mr. LEVIN, Mr. KOHL, Mrs. BOXER, Mr. DODD, Mr. JOHNSON, Mr. AKAKA, Mr. DURBIN, Mr. LEAHY, Mr. KERRY, and Mr. GRAHAM of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $3,664,000,000.

On page 3, line 10, increase the amount by $4,533,000,000.

On page 3, line 11, increase the amount by $4,089,000,000.

On page 3, line 12, increase the amount by $1,160,000,000.

On page 3, line 13, increase the amount by $175,000,000.

On page 3, line 17, increase the amount by $3,664,000,000.

On page 3, line 18, increase the amount by $4,533,000,000.

On page 3, line 19, increase the amount by $4,089,000,000.

On page 3, line 20, increase the amount by $1,160,000,000.

On page 3, line 21, increase the amount by $175,000,000.

On page 4, line 20, increase the amount by $3,664,000,000.

On page 4, line 21, increase the amount by $4,533,000,000.

On page 4, line 22, increase the amount by $4,089,000,000.

On page 4, line 23, increase the amount by $1,160,000,000.

On page 4, line 24, increase the amount by $175,000,000.

On page 5, line 3, decrease the amount by $3,664,000,000.

On page 5, line 4, decrease the amount by $8,197,000,000.

On page 5, line 5, decrease the amount by $12,286,000,000.

On page 5, line 6, decrease the amount by $13,446,000,000.

On page 5, line 7, decrease the amount by $13,621,000,000.

On page 5, line 11, decrease the amount by $3,664,000,000.

On page 5, line 12, decrease the amount by $8,197,000,000.

On page 5, line 13, decrease the amount by $12,286,000,000.

On page 5, line 14, decrease the amount by $13,446,000,000.

On page 5, line 15, decrease the amount by $13,621,000,000.

SEC. . RESERVE FUND FOR HOMELAND SECURITY PROGRAMS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $6,800,000,000 in budget authority for fiscal year 2005, and by amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution for first responder grant programs, border security programs, port security grants, the Operation Safe Commerce program, the Coast Guard Deepwater program, and transportation security programs at the Department of Homeland Security; the Community Oriented Policing Services (COPS) program, the Edward Byrne grant program, and the Local Law Enforcement Block Grant program at the Department of Justice; and bioterror—related programs at the Department of Health and Human Services.

SA 2808. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the 108th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

SA 2809. Mr. EDWARDS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $3,000,000,000.

On page 3, line 10, increase the amount by $3,000,000,000.

On page 3, line 11, increase the amount by $3,000,000,000.

On page 3, line 12, increase the amount by $3,000,000,000.

On page 3, line 13, increase the amount by $3,000,000,000.

On page 3, line 17, increase the amount by $3,000,000,000.

On page 3, line 18, increase the amount by $3,000,000,000.

On page 3, line 19, increase the amount by $3,000,000,000.

On page 3, line 20, increase the amount by $3,000,000,000.

On page 3, line 21, increase the amount by $3,000,000,000.

On page 4, line 20, increase the amount by $3,000,000,000.

On page 4, line 21, increase the amount by $3,000,000,000.

On page 4, line 22, increase the amount by $3,000,000,000.

On page 4, line 23, increase the amount by $3,000,000,000.

On page 4, line 24, increase the amount by $3,000,000,000.

On page 5, line 3, decrease the amount by $3,000,000,000.

On page 5, line 4, decrease the amount by $6,000,000,000.

On page 5, line 5, decrease the amount by $9,000,000,000.

On page 5, line 6, decrease the amount by $12,000,000,000.

On page 5, line 7, decrease the amount by $15,000,000,000.

On page 5, line 11, decrease the amount by $3,000,000,000.

On page 5, line 12, decrease the amount by $6,000,000,000.

On page 5, line 13, decrease the amount by $9,000,000,000.

On page 5, line 14, decrease the amount by $12,000,000,000.

On page 5, line 15, decrease the amount by $15,000,000,000.

At the end of title III, insert the following:

SEC. . RESERVE FUND FOR FIGHTING POVERTY.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $15,000,000,000 over the total of fiscal years 2005 through 2009 for a bill, joint resolution, motion, amendment, or conference report that would help working families by strengthening and protecting the Earned Income Credit and to help low-income and moderate-income families save and build a better future for themselves.

SA 2810. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an authorization of $3,400,000,000 for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an authorization of $400,000,000 for fiscal year 2005 and $500,000,000 for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

SA 2811. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $1,418,000,000.

On page 3, line 10, increase the amount by $1,418,000,000.

On page 3, line 11, increase the amount by $1,418,000,000.

On page 3, line 12, increase the amount by $1,419,000,000.

On page 3, line 13, increase the amount by $1,419,000,000.

On page 3, line 17, increase the amount by $1,418,000,000.

On page 3, line 18, increase the amount by $1,418,000,000.

On page 3, line 19, increase the amount by $1,418,000,000

On page 3, line 20, increase the amount by $1,419,000,000.

On page 3, line 21, increase the amount by $1,419,000,000.

On page 4, line 4, decrease the amount by $261,000,000.

On page 4, line 5, decrease the amount by $374,000,000.

On page 4, line 6, decrease the amount by $427,000,000.

On page 4, line 7, decrease the amount by $236,000,000.

On page 4, line 8, decrease the amount by $167,000,000.

On page 4, line 12, decrease the amount by $221,000,000.

On page 4, line 13, decrease the amount by $394,000,000.

On page 4, line 14, decrease the amount by $407,000,000.

On page 4, line 15, decrease the amount by $256,000,000.

On page 4, line 16, decrease the amount by $187,000,000.

On page 4, line 20, increase the amount by $1,639,000,000.

On page 4, line 21, increase the amount by $1,812,000,000.

On page 4, line 22, increase the amount by $1,825,000,000.

On page 4, line 23, increase the amount by $1,675,000,000.

On page 4, line 24, increase the amount by $1,606,000,000.

On page 5, line 3, decrease the amount by $1,639,000,000.

On page 5, line 4, decrease the amount by $3,451,000,000.

On page 5, line 5, decrease the amount by $5,276,000,000.

On page 5, line 6, decrease the amount by $6,951,000,000.

On page 5, line 7, decrease the amount by $8,557,000,000.

On page 5, line 11, decrease the amount by $1,639,000,000.

On page 5, line 12, decrease the amount by $3,451,000,000.

On page 5, line 13, decrease the amount by $5,276,000,000.

On page 5, line 14, decrease the amount by $6,951,000,000.

On page 5, line 15, decrease the amount by $8,557,000,000.

On page 10, line 13, decrease the amount by $261,000,000.

On page 10, line 14, decrease the amount by $221,000,000.

On page 10, line 17, decrease the amount by $374,000,000.

On page 10, line 18, decrease the amount by $394,000,000.

On page 10, line 21, decrease the amount by $427,000,000.

On page 10, line 22, decrease the amount by $407,000,000.

On page 10, line 25, decrease the amount by $236,000,000.

On page 11, line 1, decrease the amount by $256,000,000.

On page 11, line 4, decrease the amount by $167,000,000.

On page 11, line 5, decrease the amount by $187,000,000.

On page 27, strike lines 15 through 25.

On page 28, strike lines 1 through 7.

SA 2812. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—HOT-ROLLED STEEL

SEC. 501. IMPLEMENTATION OF HOT-ROLLED STEEL RULING.

(a) IN GENERAL.—Section 735(c)(5) (A) and (B) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(5) (A) and (B)) are each amended by striking ''entirely''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to final determinations made on or after the date of enactment of this Act by the administering authority pursuant to section 735 of the Tariff Act of 1930.

SA 2813. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—REPEAL OF ANTI-DUMPING PROVISION OF REVENUE ACT OF 1916.

SEC. 501. REPEAL OF ANTIDUMPING PROVISION OF REVENUE ACT OF 1916.

(a) REPEAL.—Section 801 of the Act entitled ''An Act to increase the revenue, and for other purposes'', approved September 8, 1916 (15 U.S.C. 72), is repealed.

(b) EFFECT OF REPEAL.—The repeal made by subsection (a) shall not affect any action under section 801 of the Act referred to in subsection (a) that was commenced before the date of the enactment of this Act and is pending on such date.

SA 2814. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR AGRICULTURAL PRODUCTS

SEC. 501. SHORT TITLE.

This title may be cited as the ''United States Agricultural Products Market Access Act of 2004''.

SEC. 502. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The export of agricultural products is of vital importance to the economy of the United States.

(2) In 2002, agriculture was a large positive contributor to the United States merchandise trade balance with a trade surplus of $12,300,000,000.

(3) The growth of United States agricultural exports should continue to be an important factor in improving the United States merchandise trade balance.

(4) Increasing the volume of agricultural exports will increase farm income in the United States, thereby protecting family farms and contributing to the economic well-being of rural communities in the United States.

(5) Although the United States efficiently produces high-quality agricultural products, United States producers cannot realize their full export potential because many foreign countries deny fair and equitable market access to United States agricultural products.

(6) The Foreign Agricultural Service estimates that United States agricultural exports are reduced by $4,700,000,000 annually due to unjustifiable imposition of sanitary and phytosanitary measures that deny or limit market access to United States products.

(7) The denial of fair and equitable market access for United States agricultural products impedes the ability of United States farmers to export their products, thereby harming the economic interests of the United States.

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

(1) to reduce or eliminate foreign unfair trade practices and to remove constraints on fair and open trade in agricultural products;

(2) to ensure fair and equitable market access for exports of United States agricultural products; and

(3) to promote free and fair trade in agricultural products.

SEC. 503. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS.

(a) IDENTIFICATION REQUIRED.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 et seq.) is amended by adding at the end the following:

''SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the annual report is required to be submitted to Congressional committees under section 181(b), the United States Trade Representative (in this section referred to as the 'Trade Representative') shall identify—

''(1) those foreign countries that—

''(A) deny fair and equitable market access to United States agricultural products, or

''(B) apply sanitary or phytosanitary measures to the importation of agricultural products from the United States that are not based on scientific principles or sufficient scientific evidence, and

''(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

''(b) SPECIAL RULES FOR IDENTIFICATIONS.—

''(1) CRITERIA.—In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall only identify those foreign countries—

''(A) that engage in or have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States agricultural products,

''(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

''(C) that are not—

''(i) entering into good faith negotiations, or

''(ii) making significant progress in bilateral or multilateral negotiations,

to provide fair and equitable market access to United States agricultural products.

''(2) CONSULTATION AND CONSIDERATION REQUIREMENTS.—In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall—

''(A) consult with the Secretary of Agriculture and other appropriate officers of the Federal Government, and

''(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative by interested persons, including information contained in reports submitted under section 181(b) and petitions submitted under section 302.

''(3) FACTUAL BASIS REQUIREMENT.—The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or agreement, or the existence of barriers, referred to in subsection (d).

''(4) CONSIDERATION OF HISTORICAL FACTORS.—In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

''(A) the history of agricultural trade relations with the foreign country, including any previous identification under subsection (a)(2), and

''(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for United States agricultural products.

''(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

''(1) AUTHORITY TO ACT AT ANY TIME.—If information available to the Trade Representative indicates that such action is appropriate, the Trade Representative may at any time—

''(A) revoke the identification of any foreign country as a priority foreign country under this section, or

''(B) identify any foreign country as a priority foreign country under this section.

''(2) REVOCATION REPORTS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the reasons for the revocation under paragraph (1) of the identification of any foreign country as a priority foreign country under this section.

''(d) DENIAL OF FAIR AND EQUITABLE MARKET ACCESS DEFINED.—For purposes of this section, a foreign country denies fair and equitable market access if the foreign country effectively denies access to a market for a product through the use of laws, procedures, practices, or regulations which—

''(1) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

''(2) constitute discriminatory nontariff trade barriers.

''(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of the action under subsection (c).

''(f) ANNUAL REPORT.—The Trade Representative shall, not later than the date by which countries are identified under subsection (a), transmit to the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including a description of progress made in achieving fair and equitable market access for United States agricultural products.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

''Sec. 183. Identification of countries that deny market access for agricultural products.''.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT TRADE REPRESENTATIVE FOR AGRICULTURAL AFFAIRS AND OFFICE OF ASSISTANT TRADE REPRESENTATIVE FOR MONITORING AND ENFORCEMENT.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 for the salaries and expenses of 1 additional specialist employee position within the Office of the Assistant United States Trade Representative for Agricultural Affairs and 1 additional specialist employee position within the Office of the Assistant United States Trade Representative for Monitoring and Enforcement.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 504. INVESTIGATIONS.

(a) INVESTIGATION REQUIRED.—Subparagraph (A) of section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended by inserting ''or 183(a)(2)'' after ''section 182(a)(2)'' in the matter preceding clause (i).

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 302(b)(2) of such Act is amended by inserting ''concerning intellectual property rights that is'' after ''any investigation''.

SA 2815. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—AGRICULTURAL TRADE COMPLIANCE.

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mexican Agricultural Trade Compliance Act''.

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Section 301 of the Trade Act of 1974 provides that, if the United States Trade Representative determines that the rights of the United States under any trade agreement are being denied, the Trade Representative shall take action to enforce such rights.

(2) The Statement of Administrative Action accompanying the Uruguay Round Agreements Act provided that the United States Trade Representative would base any section 301 determination as to whether there has been a violation or denial of United States rights under the Uruguay Round Agreements on panel or Appellate Body findings adopted by the Dispute Settlement Body of the World Trade Organization.

(3) In a panel report adopted by the Dispute Settlement Body on January 27, 2000, the Dispute Settlement Body determined that section 301 of the Trade Act of 1974 is not inconsistent with United States obligations under the Uruguay Round Agreements, particularly in light of the decision of the United States to use section 301 only after exhausting its rights under the Dispute Settlement Understanding.

(4) On January 28, 2000, a panel of the World Trade Organization determined that Mexico's antidumping order on high fructose corn syrup imported from the United States violated Mexico's commitments under the Uruguay Round Agreements.

(5) On February 24, 2000, the Dispute Settlement Body adopted the report of the panel.

(6) On April 10, 2000, the United States and Mexico agreed to a September 22, 2000, deadline for Mexico to come into compliance with the panel report as adopted by the Dispute Settlement Body.

(7) On September 20, 2000, just 2 days prior to the date Mexico had agreed to come into compliance with the panel report, Mexico issued a revised antidumping threat determination in an obvious attempt to evade its commitment to come into compliance with the panel report adopted by the Dispute Settlement Body.

(8) On June 22, 2001, a panel, convened pursuant to Article 21.5 of the Dispute Settlement Understanding, found that Mexico's revised antidumping threat determination failed to bring Mexico into compliance with its commitments under the World Trade Organization.

(9) On October 22, 2001, the Appellate Body affirmed the ruling of the Article 21.5 panel and recommended that Mexico come into compliance with its obligations under the World Trade Organization.

(10) On November 21, 2001, the Dispute Settlement Body adopted the Appellate Body ruling that affirmed the findings of the Article 21.5 panel.

(11) On January 1, 2002, in a transparent attempt to evade the determinations of the Dispute Settlement Body regarding Mexico's antidumping order on high fructose corn syrup, and in an affront to the rules-based system of the World Trade Organization, Mexico imposed a de facto discriminatory 20 percent tax on soft drinks containing high fructose corn syrup, the intent and effect of which is to continue Mexico's antidumping order on United States high fructose corn syrup by other means by restricting access to the Mexican market.

(12) On April 20, 2002, with its discriminatory tax on soft drinks containing high fructose corn syrup now in place, and in a continuous event with the imposition of this tax, Mexico lifted its antidumping order on high fructose corn syrup. Importantly, Mexico lifted its antidumping order only after ensuring that imports of United States high fructose corn syrup would not enter the Mexican market due to the imposition of the tax on soft drinks. Mexico's lifting of its antidumping order enabled it to make the disingenuous claim that it had come into compliance with the findings adopted by the Dispute Settlement Body regarding Mexico's antidumping order.

(13) The imposition of the tax on soft drinks and the lifting of the antidumping order by Mexico are related aspects of a unified effort by Mexico to deny the rights of the United States with respect to the trade of high fructose corn syrup.

(14) The effects of the import restrictions of Mexico's antidumping order continue with even more egregious results through the imposition of a 20 percent tax on high fructose corn syrup. Imports of high fructose corn syrup from the United States dropped from 110,893 metric tons in 2001 (the year prior to the lifting of the antidumping order) to 4,868 metric tons in 2002 (the first year of the tax).

(15) The United States has exhausted proceedings under the Dispute Settlement Understanding, and the Dispute Settlement Body has on more than 1 occasion adopted findings adverse to Mexico.

SEC. 503. DEFINITIONS.

In this title:

(1) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(2) DISPUTE SETTLEMENT BODY.—The term ''Dispute Settlement Body'' has the meaning given that term in section 121(5) of the Uruguay Round Agreements Act (19 U.S.C. 3531(5)).

(3) DISPUTE SETTLEMENT PANEL; PANEL.—The terms ''dispute settlement panel'' and ''panel'' mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(5) GATT 1994.—The term ''GATT 1994'' has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B).

(6) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7).

(7) WORLD TRADE ORGANIZATION.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(8) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

SEC. 504. ENFORCEMENT OF UNITED STATES RIGHTS UNDER THE URUGUAY ROUND AGREEMENTS AND OTHER TRADE AGREEMENTS WITH RESPECT TO HIGH FRUCTOSE CORN SYRUP EXPORTED TO MEXICO.

(a) DETERMINATION.—Congress determines that—

(1) the rights of the United States under the Uruguay Round Agreements are being denied by Mexico in connection with the imposition by Mexico of a 20 percent tax on soft drinks containing high fructose corn syrup, an extension by other means of Mexico's unjustified antidumping order on high fructose corn syrup from the United States;

(2) the United States has exhausted proceedings under the Dispute Settlement Understanding;

(3) Mexico's imposition of a tax on high fructose corn syrup, an extension by other means of its unjustified antidumping order on high fructose corn syrup from the United States—

(A) constitutes an act, policy, or practice by Mexico that is unjustifiable and burdens or restricts United States commerce for purposes of section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)); and

(B) denies rights to which the United States is entitled under existing trade agreements with Mexico for purposes of such section 304; and

(4) unless, a certification described in subsection (b) is submitted, the United States Trade Representative shall take appropriate action under subsection (c).

(b) CERTIFICATION.—The certification described in this subsection means a certification from the United States Trade Representative submitted to Congress not later than 30 days after the date of enactment of this Act that states that Mexico has eliminated its tax on soft drinks containing high fructose corn syrup and is taking satisfactory measures to preserve the rights of the United States under all applicable trade agreements with respect to high fructose corn syrup.

(c) ACTION TO BE TAKEN BY USTR.—If a certification is not made under subsection (b), the United States Trade Representative, not later than 60 days after the date of enactment of this Act and after consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, shall, pursuant to section 301(c)(1) (A) and (B) of the Trade Act of 1974 (19 U.S.C. 2411(c)(1) (A) and (B))—

(1) suspend, withdraw, or prevent the application of, benefits of trade agreement concessions to carry out a trade agreement with Mexico; or

(2) impose duties or other import restrictions on the goods of Mexico, including agricultural products imported from Mexico, and notwithstanding any other provision of law, fees or restrictions on the services of, Mexico for such time as the Trade Representative determines appropriate.

SA 2816. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—MANUFACTURING AND WORKER ASSISTANCE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Enhanced Domestic Manufacturing and Worker Assistance Act of 2004''.

Subtitle A—Extension and Expansion of Trade Adjustment Assistance

SEC. 511. EXTENSION FOR WORKERS AND FIRMS.

(a) IN GENERAL.—Section 285(a) and (b)(1) and (2) of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) are amended by striking ''September 30, 2007'' each place it appears and inserting ''September 30, 2012''.

(b) AUTHORIZATION.—

(1) WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2012''.

(2) FIRMS.—

(A) IN GENERAL.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended—

(i) by striking ''$16,000,000'' and inserting ''$32,000,000''; and

(ii) by striking ''2007'' and inserting ''2012''.

(B) EXPANSION OF LOANS.—Section 255(h) of such Act (19 U.S.C. 2345) is amended—

(i) in paragraph (1), by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''.

(3) FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''2007'' and inserting ''2012''.

(c) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

SEC. 512. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''SEC. 271. DEFINITIONS.

''In this chapter:

''(1) AFFECTED DOMESTIC PRODUCER.—The term 'affected domestic producer' means any manufacturer, producer, farmer, rancher, fisherman or worker representative (including associations of such persons) that was affected by a finding under the Antidumping Act, 1921, or by an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

''(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)).

''(3) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

''(4) COMMUNITY NEGATIVELY IMPACTED BY TRADE.—A community negatively impacted by trade means a community with respect to which a determination has been made under section 273.

''(5) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community certified under section 273 for assistance under this chapter.

''(6) FISHERMAN.—

''(A) IN GENERAL.—The term 'fisherman' means any person who—

''(i) is engaged in commercial fishing; or

''(ii) is a United States fish processor.

''(B) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

''(7) JOB LOSS.—The term 'job loss' means the total or partial separation of an individual, as those terms are defined in section 247.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of the Enhanced Domestic Manufacturing and Worker Assistance Act of 2004, the Secretary shall establish a Trade Adjustment Assistance for Communities Program at the Department of Commerce.

''(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this chapter.

''(c) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall—

''(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

''(2) coordinate the Federal response to an eligible community—

''(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

''(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

''(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning economic adjustment for an eligible community; and

''(D) by identifying and strengthening existing agency mechanisms designed to assist eligible communities in their efforts to achieve economic adjustment and workforce reemployment;

''(3) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

''(A) identify serious economic problems in the community that are the result of negative impacts from trade;

''(B) integrate the major groups and organizations significantly affected by the economic adjustment;

''(C) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

''(D) diversify and strengthen the community economy; and

''(E) develop a community-based strategic plan to address economic development and workforce dislocation, including unemployment among agricultural commodity producers, and fishermen;

''(4) establish specific criteria for submission and evaluation of a strategic plan submitted under section 274(d);

''(5) establish specific criteria for submitting and evaluating applications for grants under section 275; and

''(6) administer the grant programs established under sections 274 and 275.

''SEC. 273. CERTIFICATION AND NOTIFICATION.

''(a) CERTIFICATION.—Not later than 45 days after an event described in subsection (c)(1), the Secretary of Commerce shall determine if a community described in subsection (b)(1) is negatively impacted by trade, and if a positive determination is made, shall certify the community for assistance under this chapter.

''(b) DETERMINATION THAT COMMUNITY IS ELIGIBLE.—

''(1) COMMUNITY DESCRIBED.—A community described in this paragraph means a community with respect to which—

''(A) the Secretary of Labor certifies a group of workers (or their authorized representative) in the community as eligible for assistance pursuant to section 223;

''(B) the Secretary of Commerce certifies a firm located in the community as eligible for adjustment assistance under section 251;

''(C) the Secretary of Agriculture certifies a group of agricultural commodity producers (or their authorized representative) in the community as eligible for adjustment assistance under section 293;

''(D) an affected domestic producer is located in the community; or

''(E) the Secretary of Commerce determines that a significant number of fishermen in the community is negatively impacted by trade.

''(2) NEGATIVELY IMPACTED BY TRADE.—The Secretary of Commerce shall determine that a community is negatively impacted by trade, after taking into consideration—

''(A) the number of jobs affected compared to the size of workforce in the community;

''(B) the severity of the rates of unemployment in the community and the duration of the unemployment in the community;

''(C) the income levels and the extent of underemployment in the community;

''(D) the outmigration of population from the community and the extent to which the outmigration is causing economic injury in the community; and

''(E) the unique problems and needs of the community.

''(c) DEFINITION AND SPECIAL RULES.—

''(1) EVENT DESCRIBED.—An event described in this paragraph means one of the following:

''(A) A notification described in paragraph (2).

''(B) A certification of a firm under section 251.

''(C) A finding under the Antidumping Act, 1921, or an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

''(D) A determination by the Secretary that a significant number of fishermen in a community have been negatively impacted by trade.

''(2) NOTIFICATION.—The Secretary of Labor, immediately upon making a determination that a group of workers is eligible for trade adjustment assistance under section 223, (or the Secretary of Agriculture, immediately upon making a determination that a group of agricultural commodity producers is eligible for adjustment assistance under section 293, as the case may be) shall notify the Secretary of Commerce of the determination.

''(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Immediately upon certification by the Secretary of Commerce that a community is eligible for assistance under subsection (b), the Secretary shall notify the community—

''(1) of the determination under subsection (b);

''(2) of the provisions of this chapter;

''(3) how to access the clearinghouse established by the Department of Commerce regarding available economic assistance;

''(4) how to obtain technical assistance provided under section 272(c)(3); and

''(5) how to obtain grants, tax credits, low income loans, and other appropriate economic assistance.

''SEC. 274. STRATEGIC PLANS.

''(a) IN GENERAL.—An eligible community may develop a strategic plan for community economic adjustment and diversification and shall be eligible for assistance as provided for under section 275.

''(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

''(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used.

''(2) A description of the commitment of the community to the strategic plan over the long term and the participation and input of groups affected by economic dislocation.

''(3) A description of the projects to be undertaken by the eligible community.

''(4) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

''(5) A description of how the plan will achieve economic adjustment and diversification.

''(6) A description of how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

''(7) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

''(8) A description of how the plan will address the occupational and workforce conditions in the eligible community.

''(9) A description of the educational programs available for workforce training and future employment needs.

''(10) A description of how the plan will adapt to changing markets and business cycles.

''(11) A description and justification for the cost and timing of the total funds required by the community for economic assistance.

''(12) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

''(c) GRANTS TO DEVELOP STRATEGIC PLANS.—The Secretary, upon receipt of an application from an eligible community, may award a grant to that community to be used to develop and implement the strategic plan.

''(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Secretary for evaluation and approval.

''SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.

''(a) IN GENERAL.—The Secretary, upon approval of a strategic plan from an eligible community, may award a grant to that community to carry out any project or program that is certified by the Secretary to be included in the strategic plan approved under section 274(d), or consistent with that plan.

''(b) ADDITIONAL GRANTS.—Subject to paragraph (2), in order to assist eligible communities to obtain funds under Federal grant programs, other than the grants provided for in subsection (a) or section 274(c) , the Secretary may, on the application of an eligible community, make a supplemental grant to the community if—

''(1) the purpose of the grant program from which the grant is to be made is to provide technical or other assistance for planning, constructing, or equipping public works facilities or to provide assistance for public service projects; and

''(2) the grant is one for which the community is eligible except for the community's inability to meet the non-Federal share requirements of the grant program.

''(c) RURAL COMMUNITY PREFERENCE.—The Secretary shall develop guidelines to ensure that rural communities receive preference in the allocation of resources.

''SEC. 276. GENERAL PROVISIONS.

''(a) APPROPRIATIONS.—In addition to any funds appropriated from the Community and Manufacturer Assistance Trust Fund (established by section 531 of the Enhanced Domestic Manufacturing and Worker Assistance Act of 2004), there are authorized to be appropriated $10,000,000 for each of fiscal years 2005 through 2012 to carry out the provisions of this chapter. Such sums shall remain available until expended.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds authorized under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter. The Secretary may not implement any regulation or guideline proposed with respect to this chapter until the expiration of the date that is 60 days after the date the Secretary submits the regulation or guideline to the Committee on Finance of the Senate and the

Committee on Ways and Means of the House of Representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION.—Section 285(b) of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended by adding at the end the following new paragraph:

''(3) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2015.''.

(2) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting after the items relating to chapter 3 the following new items:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Sec. 271. Definitions.
''Sec. 272. Community Trade Adjustment Assistance Program.
''Sec. 273. Certification and notification.
''Sec. 274. Strategic plans.
''Sec. 275. Grants for economic development.
''Sec. 276. General provisions.''.

(c) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking ''section 271'' and inserting ''section 273''.

Subtitle B—Reauthorization of Certain Department of Commerce Partnership Programs

SEC. 521. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.

(a) DEFINITION.—In this Act, the term ''Manufacturing Extension Partnership Program'' means the program of Manufacturing Extension Partnership carried out by the National Institute of Standards and Technology under section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278l), as provided in part 292 of title 15, Code of Federal Regulations.

(b) APPROPRIATIONS.—In addition to any funds made available to the Manufacturing Extension Partnership Program from the Community and Manufacturer Assistance Trust Fund, there are authorized to be appropriated, $40,000,000 for each of fiscal years 2005 through 2012 to carry out the Manufacturing Extension Partnership Program. Such sums shall remain available until expended.

SEC. 522. ADVANCED TECHNOLOGY PROGRAM.

There are authorized to be appropriated for the National Institute of Standards and Technology for carrying out the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), $200,000,000 for each of fiscal years 2005 through 2012.

Subtitle C—Creation of Community and Manufacturer Trust Fund

SEC. 531. REPEAL OF OFFSET PROGRAM AND ESTABLISHMENT OF COMMUNITY AND MANUFACTURER ASSISTANCE TRUST FUND.

(a) REPEAL OF OFFSET PROGRAM.—

(1) IN GENERAL.—Section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by striking the item relating to section 754.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act. Any funds remaining in the special accounts established pursuant section 754(e) of the Tariff Act of 1930 on the day before such date of enactment shall be transferred to the Community and Manufacturer Assistance Trust Fund for use in accordance with this section.

(b) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a Trust Fund to be known as the ''Community and Manufacturer Assistance Trust Fund'' (in this section referred to as the ''Trust Fund''), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section or otherwise appropriated to the Trust Fund.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund any funds remaining in the special accounts established pursuant section 754(e) of the Tariff Act of 1930 on the day before the date of enactment of this Act, and shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund on or after such date, that are attributable to the duties imposed pursuant to antidumping duty orders and countervailing duty orders under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or findings under the Antidumping Act, 1921.

(2) QUARTERLY TRANSFERS FROM THE TREASURY BASED ON ESTIMATES.—The amounts which are required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

(c) MANAGEMENT OF, AND REPORT ON, TRUST FUND.—

(1) TRUSTEE AND REPORT.—The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall submit an annual report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives—

(A) on the financial condition and the results of the operations of the Trust Fund during the fiscal year preceding the fiscal year in which such report is submitted, and

(B) on the expected condition and operations of the Trust Fund during the fiscal year in which such report is submitted and the 5 fiscal years succeeding such fiscal year.

(2) INVESTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price, or

(ii) by purchase of outstanding obligations at the market price.

(B) MARKET PRICE.—Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) INTEREST.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) USE OF FUNDS.—

(1) COMMUNITY ASSISTANCE.—Beginning on the date of enactment of this Act, one-half of the amounts in the Trust Fund shall be made available to the Secretary of Commerce on a quarterly basis to carry out the provisions of chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) for each of fiscal years 2005 through 2012 and shall remain available until expended.

(2) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—Beginning on the date of enactment of this Act, one-half of the amounts in the Trust Fund shall be made available to the Secretary of Commerce on a quarterly basis to carry out the Manufacturing Extension Partnership Program for each of fiscal years 2005 through 2012 and shall remain available until expended. Such amounts shall supplement and not supplant other Federal, State, and local public funds appropriated to carry the Program.

Subtitle D—Small Business Office

SEC. 541. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Chapter 4 of title I of the Trade Act of 1974 (19 U.S.C. 2171) is amended by adding after section 141, the following new section:

''SEC. 142. SMALL BUSINESS OFFICE.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Enhanced Domestic Manufacturing and Worker Assistance Act of 2004, there shall be established in the Office of the United States Trade Representative an Office of Small Business.

''(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the functions and responsibilities described in this section.

''(c) FUNCTIONS.—The Office shall—

''(1) assist the United States Trade Representative in carrying out the Trade Representative's responsibilities under this chapter; and

''(2) ensure that small business manufacturing issues are taken into consideration in carrying out those responsibilities.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 141, the following new item:

''Sec. 142. Office of Small Business.''.

SA 2817. Mr. LEVIN (for himself, Ms. COLLINS, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 4, line 4, decrease the amount by $1,700,000,000.

On page 4, line 12, decrease the amount by $1,700,000,000.

On page 4, line 20, increase the amount by $1,700,000,000.

On page 5, line 3, decrease the amount by $1,700,000,000.

On page 5, line 4, decrease the amount by $1,700,000,000.

On page 5, line 5, decrease the amount by $1,700,000,000.

On page 5, line 6, decrease the amount by $1,700,000,000.

On page 5, line 7, decrease the amount by $1,700,000,000.

On page 5, line 11, decrease the amount by $1,700,000,000.

On page 5, line 12, decrease the amount by $1,700,000,000.

On page 5, line 13, decrease the amount by $1,700,000,000.

On page 5, line 14, decrease the amount by $1,700,000,000.

On page 5, line 15, decrease the amount by $1,700,000,000.

On page 10, line 13, decrease the amount by $1,700,000,000.

On page 10, line 14, decrease the amount by $1,700,000,000.

SEC. . RESERVE FUND FOR HOMELAND SECURITY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTER GRANTS, AND PORT SECURITY GRANTS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the

Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,545,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution, for the programs at the Department of Homeland Security.

SEC. . STATE HOMELAND SECURITY GRANT PROGRAM.

It is the sense of the Senate that, of the funds for the Department of Homeland Security, $800,000,000 shall be allocated for the State Homeland Security Grant program; $250,000,000 for the Assistance to Firefighters Grant program; and $275,000,000 for Port Security Grants. It is further the sense of the Senate that the State Homeland Security Grant Program shall be increased by $220,000,000 in order to provide for a more equitable formula for distributing funds.

SEC. . STRATEGIC PETROLEUM RESERVE.

It is the sense of the Senate that the increased funding for the Homeland Security Department programs shall come from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve.

SA 2818. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3___. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SA 2819. Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $278,000,000.

On page 3, line 10, increase the amount by $64,000,000.

On page 3, line 17, increase the amount by $278,000,000.

On page 3, line 18, increase the amount by $64,000,000.

On page 4, line 4, increase the amount by $171,000,000.

On page 4, line 12, increase the amount by $139,000,000.

On page 4, line 13, increase the amount by $32,000,000.

On page 4, line 20, increase the amount by $139,000,000.

On page 4, line 21, increase the amount by $32,000,000.

On page 5, line 3, decrease the amount by $139,000,000.

On page 5, line 4, decrease the amount by $171,000,000.

On page 5, line 5, decrease the amount by $171,000,000.

On page 5, line 6, decrease the amount by $171,000,000.

On page 5, line 7, decrease the amount by $171,000,000.

On page 5, line 11, decrease the amount by $139,000,000.

On page 5, line 12, decrease the amount by $171,000,000.

On page 5, line 13, decrease the amount by $171,000,000.

On page 5, line 14, decrease the amount by $171,000,000.

On page 5, line 15, decrease the amount by $171,000,000.

On page 13, line 2, increase the amount by $171,000,000.

On page 13, line 3, increase the amount by $139,000,000.

On page 13, line 7, increase the amount by $32,000,000.

On page 39, line 18, increase the amount by $171,000,000.

On page 39, line 19, increase the amount by $139,000,000.

On page 40, line 2, increase the amount by $32,000,000.

SA 2820. Ms. MIKULSKI (for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 though 2009.

SA 2821. Mr. COLEMAN (for himself and Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 15, line 16, increase the amount by $1,884,000,000.

On page 15, line 17, increase the amount by $452,000,000.

On page 15, line 21, increase the amount by $1,394,000,000.

On page 15, line 25, increase the amount by $38,000,000.

On page 23, line 5, decrease the amount by $1,884,000,000.

On page 23, line 6, decrease the amount by $452,000,000.

On page 23, line 10, decrease the amount by $1,394,000,000.

On page 23, line 14, decrease the amount by $38,000,000.

SA 2822. Ms. MURKOWSKI (for herself, Mrs. MURRAY, and Mr. CAMPBELL) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 16, line 12, increase the amount by $282,000,000.

On page 16, line 13, increase the amount by $251,000,000.

On page 16, line 17, increase the amount by $28,000,000.

On page 16, line 21, increase the amount by $2,000,000.

On page 23, line 5, decrease the amount by $282,000,000.

On page 23, line 6, decrease the amount by $251,000,000.

On page 23, line 10, decrease the amount by $28,000,000.

On page 23, line 14, decrease the amount by $2,000,000.

SA 2823. Mr. INHOFE (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. DORGAN, Ms. COLLINS, Mr. BAYH, Mr. ALEXANDER, Mr. AKAKA, Ms. CANTWELL, and Mr. JEFFORDS) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 43, between lines 20 and 21, insert the following:

(c) ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.—In recognition that the energy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

SA 2824. Mr. INHOFE (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009;

which was ordered to lie on the table; as follows:

On page 43, between lines 20 and 21, insert the following:

(c) ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.—In recognition that the energy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

SA 2825. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 23, line 5, decrease the amount by $8,196,000,000.

On page 23, line 6, decrease the amount by $8,236,000,000.

On page 39, line 18, decrease the amount by $8,196,000,000.

On page 39, line 19, decrease the amount by $8,236,000,000.

On page 4, line 4, decrease the amount by $8,343,000,000.

On page 4, line 5, decrease the amount by $343,000,000.

On page 4, line 6, decrease the amount by $408,000,000.

On page 4, line 7, decrease the amount by $446,000,000.

On page 4, line 8, decrease the amount by $470,000,000.

On page 4, line 12, decrease the amount by $8,383,000,000.

On page 4, line 13, decrease the amount by $343,000,000.

On page 4, line 14, decrease the amount by $408,000,000.

On page 4, line 15, decrease the amount by $446,000,000.

On page 4, line 16, decrease the amount by $470,000,000.

On page 4, line 20, decrease the amount by $8,383,000,000.

On page 4, line 21, decrease the amount by $343,000,000.

On page 4, line 22, decrease the amount by $408,000,000.

On page 4, line 23, decrease the amount by $446,000,000.

On page 4, line 24, decrease the amount by $470,000,000.

On page 5, line 3, decrease the amount by $8,383,000,000.

On page 5, line 4, decrease the amount by $8,727,000,000.

On page 5, line 5, decrease the amount by $9,135,000,000.

On page 5, line 6, decrease the amount by $9,581,000,000.

On page 5, line 7, decrease the amount by $10,051,000,000.

On page 5, line 11, decrease the amount by $8,383,000,000.

On page 5, line 12, decrease the amount by $8,727,000,000.

On page 5, line 13, decrease the amount by $9,135,000,000.

On page 5, line 14, decrease the amount by $9,581,000,000.

On page 5, line 15, decrease the amount by $10,051,000,000.

On page 22, line 9, decrease the amount by $147,000,000.

On page 22, line 10, decrease the amount by $147,000,000.

On page 22, line 10, decrease the amount by $147,000,000.

On page 22, line 13, decrease the amount by $343,000,000.

On page 22, line 14, decrease the amount by $343,000,000.

On page 22, line 17, decrease the amount by $408,000,000.

On page 22, line 18, decrease the amount by $408,000,000.

On page 22, line 21, decrease the amount by $446,000,000.

On page 22, line 22, decrease the amount by $446,000,000.

On page 22, line 25, decrease the amount by $470,000,000.

On page 23, line 1, decrease the amount by $470,000,000.

SA 2826. Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. FEINGOLD, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5___. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

SA 2827. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE REGARDING MEDICARE REWARDING EFFICIENCY AND QUALITY IN MEDICARE.

(a) FINDINGS.—The Senate finds that—

(1) Regional differences in Medicare spending exist across the country, and that Medicare enrollees in higher-spending regions receive more health care than those in lower-spending regions but do not have better health outcomes or satisfaction with care;

(2) Although Medicare as a health care payment system is working to improve quality, current reimbursements are largely neutral or negative toward quality;

(3) Medicare as a payment system does not recognize health care professional who provide high-quality care at low costs through differential reimbursements;

(4) The Centers for Medicare and Medicaid Services, the Medicare Payment Advisory Commission, and Congress have affirmed recently their commitment to using financial incentives to improve quality in the Medicare program;

(5) The Centers for Medicare and Medicaid Services has demonstrations underway for dialysis patients, physician group practices, and hospitals to test pay-for-performance strategies;

(6) The Medicare Payment Advisory Commission, the independent federal body that advises Congress on issues affecting the Medicare program, recently concluded in its June 2003 report that Medicare should take a lead role in adopting pay-for-performance strategies;

(7) First the first time in the history, Congress passed legislation, now law, that provides financial incentive to Medicare participating hospitals that publicly report information on ten measures of high-quality health care;

(8) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 requires that for fiscal years 2005 through 2007 hospitals will receive a full market basket inflationary payment update only if they submit data reflecting ten hospital quality indicators the Secretary has established as of November 1, 2003. Hospitals that do not submit performance data on these ten hospital quality measures will receive 0.4 percent smaller Medicare payments in fiscal

year 2005 than hospitals that do report quality data;

(9) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 also provides for a five-year demonstration program that examines health delivery factors which encourage the delivery of improved patient care quality including incentives to improve safety, quality, and efficiency;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that changes need to be made to the Medicare payment system that recognize clinically effective, patient-centered and efficient care.

SA 2828. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. . RESERVE FUND FOR REWARDING EFFICIENCY AND QUALITY IN MEDICARE.

''A Deficit-neutral reserve fund for Medicare. The Chairman of the Senate Budget Committee may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $3,000,000,000 in budget authority and $3,000,000,000 in outlays for fiscal years 2005–2009 for a bill, amendment, or conference report that would provide financial incentives within the Medicare program to improve quality and efficiency in delivering Medicare services so long as such legislation would not increase net Medicare spending in fiscal year 2005 or over the total of fiscal years 2005–2009. The adjustment may be made only if the Committee on Finance reports a bill that provides financial incentives for health care providers who improve efficiency and quality provided that any such measures do not result in cuts in benefits or services or reductions in provider payments.

SA 2829. Mr. HAGEL (for himself, Mr. CRAIG, Mr. CRAPO, Ms. STABENOW, Mr. TALENT, Mr. BINGAMAN, Mr. BOND, Mr. FITZGERALD, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. BURNS, Mr. SMITH, Mr. BAUCUS, Mr. CAMPBELL, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

SA 2830. Mr. ENZI (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 15, line 16, increase the amount by $250,000,000.

On page 15, line 17, increase the amount by $32,000,000.

On page 15, line 21, increase the amount by $166,000,000.

On page 15, line 25, increase the amount by $44,000,000.

On page 16, line 4, increase the amount by $5,000,000.

On page 23, line 5, decrease the amount by $250,000,000.

On page 23, line 6, decrease the amount by $32,000,000.

On page 23, line 10, decrease the amount by $166,000,000.

On page 23, line 14, decrease the amount by $44,000,000.

On page 23, line 18, decrease the amount by $5,000,000.

SA 2831. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the end of the resolution, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from 250 federally recognized tribes nationwide attend tribal colleges and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation, yet they are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or ''Tribal College Act'' provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(3) While Congress has been increasing annual appropriations for tribal colleges in recent years, the President's fiscal year 2005 budget recommends a $5,500,000 decrease in institutional operating funds. This represents the third consecutive year that the President's budget proposed decreases that Congress must restore.

(4) Because of congressional budget restorations, the tribal colleges funded through titles I and II of the Tribally Controlled College or University Assistance Act are within $19,000,000 of full funding at their authorized level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and universities and assumes that priority consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects the intent of Congress to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

SA 2832. Mr. ENZI (for himself and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 15, line 16, increase the amount by $250,000,000.

On page 15, line 17, increase the amount by $32,000,000.

On page 15, line 21, increase the amount by $166,000,000.

On page 15, line 25, increase the amount by $44,000,000.

On page 16, line 4, increase the amount by $5,000,000.

On page 23, line 5, decrease the amount by $250,000,000.

On page 23, line 6, decrease the amount by $32,000,000.

On page 23, line 10, decrease the amount by $166,000,000.

On page 23, line 14, decrease the amount by $44,000,000.

On page 23, line 18, decrease the amount by $5,000,000.

SA 2833. Mr. NICKLES (for Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the end of subtitle A of title III, add the following:

SEC. 3___. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SA 2834. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $179,000,000.

On page 3, line 10, increase the amount by $45,000,000.

On page 3, line 17, increase the amount by $179,000,000.

On page 3, line 18, increase the amount by $45,000,000.

On page 4, line 4, increase the amount by $112,000,000.

On page 4, line 12, increase the amount by $90,000,000.

On page 4, line 13, increase the amount by $22,000,000.

On page 4, line 20, increase the amount by $90,000,000.

On page 4, line 21, increase the amount by $22,000,000.

On page 5, line 3, decrease the amount by $90,000,000

On page 5, line 4, decrease the amount by $112,000,000.

On page 5, line 11, decrease the amount by $90,000,000.

On page 5, line 12, decrease the amount by $112,000,000.

On page 13, line 23, increase the amount by $112,000,000.

On page 13, line 24, increase the amount by $90,000,000.

On page 14, line 3, increase the amount by $22,000,000.

On page 39, line 18, increase the amount by $112,000,000.

On page 39, line 19, increase the amount by $90,000,000.

On page 40, line 2, increase the amount by $22,000,000.

SA 2835. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 3, line 9, increase the amount by $407,000,000.

On page 3, line 10, increase the amount by $378,000,000.

On page 3, line 11, increase the amount by $95,000,000.

On page 3, line 12, increase the amount by $47,000,000.

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 17, increase the amount by $407,000,000.

On page 3, line 18, increase the amount by $378,000,000.

On page 3, line 19, increase the amount by $95,000,000.

On page 3, line 20, increase the amount by $47,000,000.

On page 3, line 21, increase the amount by $9,000,000.

On page 4, line 4, increase the amount by $473,000,000.

On page 4, line 12, increase the amount by $203,000,000.

On page 4, line 13, increase the amount by $189,000,000.

On page 4, line 14, increase the amount by $47,000,000.

On page 4, line 15, increase the amount by $24,000,000.

On page 4, line 16, increase the amount by $5,000,000.

On page 4, line 20, increase the amount by $203,000,000.

On page 4, line 21, increase the amount by $189,000,000.

On page 4, line 22, increase the amount by $47,000,000.

On page 4, line 23, increase the amount by $24,000,000.

On page 4, line 24, increase the amount by $5,000,000.

On page 5, line 3, decrease the amount by $203,000,000.

On page 5, line 4, decrease the amount by $393,000,000.

On page 5, line 5, decrease the amount by $440,000,000.

On page 5, line 6, decrease the amount by $464,000,000.

On page 5, line 7, decrease the amount by $468,000,000.

On page 5, line 11, decrease the amount by $203,000,000.

On page 5, line 12, decrease the amount by $393,000,000.

On page 5, line 13, decrease the amount by $440,000,000.

On page 5, line 14, decrease the amount by $464,000,000.

On page 5, line 15, decrease the amount by $468,000,000.

On page 13, line 23, increase the amount by $473,000,000.

On page 13, line 24, increase the amount by $203,000,000.

On page 14, line 3, increase the amount by $189,000,000.

On page 14, line 7, increase the amount by $47,000,000.

On page 14, line 11, increase the amount by $24,000,000.

On page 14, line 15, increase the amount by $5,000,000.

On page 39, line 18, increase the amount by $473,000,000.

On page 39, line 19, increase the amount by $203,000,000.

On page 40, line 2, increase the amount by $189,000,000.

SA 2836. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE ON IRAQ FOOD PURCHASES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its coalition partners liberated the people of Iraq from the oppressive regime of Saddam Hussein.

(2) The United States and its coalition partners continue to provide the resources for the reconstruction and development of Iraq.

(3) The people of Iraq have long relied on the United Nations Oil for Food Programme for their annual food supplies.

(4) The United Nations Oil for Food Programme is now terminated, and the Iraq Coalition Provisional Authority is purchasing buffer stocks to help transition Iraq to a commercial market.

(5) We welcome additional U.N. and international support for the Iraq reconstruction effort, however, until countries provide physical or financial resources we feel that food and rebuilding contract should be consistent and limited to coalition member.

(6) Additional tenders for rice and other commodities are imminent as buffer stocks are being created.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary totals in this resolution assume that only countries that have contributed resources to liberate the people of Iraq and assisted in Iraq reconstruction efforts should be eligible to compete for food tenders for the people of Iraq.

SA 2837. Mr. NICKLES (for Mrs. LINCOLN (for herself, Mr. BAUCUS, MS. SNOWE, Mr. BREAUX, Mr. ROCKEFELLER, and Ms. COLLINS)) submitted an amendment intended to be proposed by Mr. NICKLES to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 25, line 3, after ''2009'', insert '', and to increase outlays by not more than $2,000,000,000 for the period of fiscal years 2005 through 2009''.

SA 2838. Mr. NICKLES (for Mr. GRASSLEY (for himself, Mr. LUGAR, Mr. FEINGOLD, and Mr. SCHUMER) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the end of title V, add the following:

SEC. 5___. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

SA 2839. Mr. NICKLES (for Ms. SNOWE) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 13, line 2, increase the amount by $121,000,000.

On page 13, line 3, increase the amount by $68,000,000.

On page 13, line 7, increase the amount by $40,000,000.

On page 13, line 11, increase the amount by $7,000,000.

On page 23, line 5, decrease the amount by $121,000,000.

On page 23, line 6, decrease the amount by $68,000,000.

On page 23, line 10, decrease the amount by $40,000,000

On page 23, line 14, decrease the amount by $7,000,000.

SA 2840. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the appropriate place, insert the following:

SEC. . PROTECTION OF SMALL BUSINESSES FROM TAX HIKES ON "THE RICH" POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, amendment, resolution or conference reports that would—

(1) raise federal income taxes on upper incomes households, and

(2) fail to exempt small businesses that bear most of the burden of the top marginal tax rates.

(b) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provisions of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by the appellant and the manager of the bill, joint resolution or as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION.—For purposes of this section, a small business shall be any individual or enterprise that files federal individual income tax returns as a partnership, sole proprietor or subchapter S corporation.

(5) DETERMINATION OF IMPACT ON SMALL BUSINESSES.—For purposes of this section, the impact of any income tax legislation on small businesses shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SA 2841. Mr. NICKLES (for Mr. HAGEL (for himself, Mr. CRAIG, Mr. CRAPO, Ms. STABENOW Mr. TALENT, Mr. BINGAMAN, Mr. BOND, Mr. FITZGERALD, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. BURNS, Mr. SMITH, Mr. BAUCUS, Mr. CAMPBELL, and Ms. CANTWELL proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

SA 2805. Mr. NICKLES (for Mr. SANTORUM) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the ''Fund'');

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute $1 for every $2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided $623,000,000 of the total contributions of $1,900,000,000 to the Fund, which represents approximately ⅓ of total contributions to the Fund;

(5) Congress has appropriated $547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of $994,000,000, and is slightly more than ⅓ of total pledges, with additional pledges expected; and

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis; and

(7) transparency and accountability are critical to Fund grant-making and the U.S. should work with foreign government and international organizations to support the Fund efforts to use its contributions most effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this concurrent resolution and subsequent appropriations acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

SA 2843. Mr. NICKLES (for Mr. HATCH (for himself, Mr. BIDEN, and Mr. KOHL)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 20, line 17, increase the amount by $600,000,000.

On page 20, line 18, increase the amount by $132,000,000.

On page 20, line 22, increase the amount by $180,000,000.

On page 21, line 1, increase the amount by $120,000,000.

On page 21, line 5, increase the amount by $90,000,000.

On page 21, line 9, increase the amount by $78,000,000.

On page 21, line 13, decrease the amount by $600,000,000.

On page 21, line 14, decrease the amount by $132,000,000.

On page 21, line 18, deerease the amount by $180,000,000.

On page 21, line 22, decrease the amount by $120,000,000.

On page 22, line 1, increase the amount by $90,000,000.

On page 22, line 5, decrease the amount by $78,000,000.

SA 2844. Mr. NICKLES (for Mrs. DOLE (for herself and Mr. LEAHY)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 18, line 4, increase the amount by $156,000,000.

On page 18, line 5, increase the amount by $135,000,000.

On page 18, line 8, increase the amount by $162,000,000.

On page 18, line 9, increase the amount by $160,000,000.

On page 18, line 12, increase the amount by $169,000,000.

On page 18, line 13, increase the amount by $170,000,000.

On page 18, line 16, increase the amount by $175,000,000.

On page 18, line 17, increase the amount by $175,000,000.

On page 18, line 20, increase the amount by $180,000,000.

On page 18, line 21, increase the amount by $180,000,000.

On page 23, line 5, decrease the amount by $156,000,000.

On page 23, line 6, decrease the amount by $135,000,000.

On page 23, line 9, decrease the amount by $162,000,000.

On page 23, line 10, decrease the amount by $160,000,000.

On page 23, line 13, decrease the amount by $169,000,000.

On page 23, line 14, decrease the amount by $170,000,000.

On page 23, line 17, decrease the amount by $175,000,000.

On page 23, line 18, decrease the amount by $175,000,000.

On page 23, line 21, decrease the amount by $180,000,000.

On page 23, line 22, decrease the amount by $180,000,000.

SEC. . SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

(a) FINDINGS.—The Senate finds that

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value—of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the 108th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

SA 2845. Mr. NICKLES (for Mr. LUGAR (for himself, Mr. CORZINE, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mrs. MURRAY, Mr. DURBIN, Mr. DEWINE, Mr. HAGEL, Mr. CHAFEE, Mr. JEFFORDS, Ms. CANTWELL, Mr. SMITH, Mr. SANTORUM, Mr. MCCAIN, Mr. BIDEN, and Mr. SUNUNU)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 8, line 21, increase the amount by $1,400,000,000.

On page 8, line 22, increase the amount by $153,000,000.

On page 8, line 25, increase the amount by $97,000,000.

On page 9, line 1, increase the amount by $621,000,000.

On page 9, line 4, increase the amount by $98,000,000.

On page 9, line 5, increase the amount by $359,000,000.

On page 9, line 8, increase the amount by $98,000,000.

On page 9, line 9, increase the amount by $237,000,000.

On page 9, line 12, increase the amount by $98,000,000.

On page 9, line 13, increase the amount by $154,000,000.

On page 23, line 5, decrease the amount by $1,400,000,000.

On page 23, line 6, decrease the amount by $153,000,000.

On page 23, line 9, decrease the amount by $97,000,000.

On page 23, line 10, decrease the amount by $621,000,000.

On page 23, line 13, decrease the amount by $98,000,000.

On page 23, line 14, decrease the amount by $359,000,000.

On page 23, line 17, decrease the amount by $98,000,000.

On page 23, line 18, decrease the amount by $237,000,000.

On page 23, line 21, decrease the amount by $98,000,000.

On page 23, line 22, decrease the amount by $154,000,000.

SA 2846. Ms. MURKOWSKI (for herself, Mr. SPECTER, Mr. BOND, Mr. ENSIGN, Mr. DEWINE, Mr. CORNYN, Mr. CAMPBELL, Mr. GRAHAM of South Carolina, Mr. ALLEN, Mr. STEVENS, and Ms. MIKULSKI) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 19, line 21, increase the amount by $1,200,000,000.

On page 19, line 22, increase the amount by $1,080,000,000.

On page 20, line 1, increase the amount by $108,000,000.

On page 20, line 5, increase the amount by $5,000,000.

On page 20, line 9, increase the amount by $1,000,000.

On page 23, line 5, decrease the amount by $1,200,000,000.

On page 23, line 6, decrease the amount by $1,080,000,000.

On page 23, line 10, decrease the amount by $108,000,000.

On page 23, line 14, decrease the amount by $5,000,000.

On page 23, line 18, decrease the amount by $1,000,000.

SA 2847. Mr. NICKLES (for Mr. GRASSLEY (for himself, Mr. BUNNING, Mr. DOMENICI, Mr. BINGAMAN, Ms. CANTWELL, Mrs. MURRAY, Mr. VOINOVICH, Mrs. CLINTON, Mr. DEWINE, Ms. MURKOWSKI, Mr. REID, Mr. BOND, Mr. KENNEDY, Mr. TALENT, and Mr. HARKIN)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—The Senate finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the ''EEOICPA'') is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at

Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

SA 2848. Mr. NICKLES (for Mr. BYRD (for himself and Mr. COCHRAN)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On Page 43, strike lines 11 through 20, and insert the following:

(b) FUNDING FOR BIOSHIELD.—The chairman of the Committee on Budget of the Senate shall revise the aggregates, functional totals, and allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by $2,528,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in fiscal year 2005 and subsequent years for Project Bioshield, for a bill, joint resolution, amendment, or conference report that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

SA 2849. Mr. KYL proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR VETERANS' MEDICAL CARE.

If the Committee on Finance or the Committee on Veterans' Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that (1) provides an increase in veterans' medical program funding and (2) is fully offset by an assessment on lawyer fees paid under the tobacco settlement, the Chairman of the Committee on the Budget of the Senate may revise the allocations of new budget authority, outlays, the revenue aggregates and other appropriate aggregates by not more than $1.7 billion for the period fiscal year 2005 to 2009 to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SA 2850. Mr. NICKLES (for Mr. DORGAN) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 14, line 19, increase the amount by $260,000,000.

On page 14, line 20, increase the amount by $18,000,000.

On page 14, line 23, increase the amount by $260,000,000.

On page 14, line 24, increase the amount by $226,000,000.

On page 15, line 2, increase the amount by $260,000,000.

On page 15, line 3, increase the amount by $260,000,000.

On page 15, line 6, increase the amount by $260,000,000.

On page 15, line 7, increase the amount by $260,000,000.

On page 15, line 10, increase the amount by $260,000,000.

On page 15, line 11, increase the amount by $260,000,000.

On page 15, line 16, increase the amount by $660,000,000.

On page 15, line 17, increase the amount by $561,000,000.

On page 15, line 20, increase the amount by $60,000,000.

On page 15, line 21, increase the amount by $150,000,000.

On page 15, line 24, increase the amount by $60,000,000.

On page 15, line 25, increase the amount by $60,000,000.

On page 16, line 3, increase the amount by $60,000,000.

On page 16, line 4, increase the amount by $60,000,000.

On page 16, line 7, increase the amount by $60,000,000.

On page 16, line 8, increase the amount by $60,000,000.

On page 23, line 5, decrease the amount by $920,000,000.

On page 23, line 6, decrease the amount by $579,000,000.

On page 23, line 9, decrease the amount by $320,000,000.

On page 23, line 10, decrease the amount by $376,000,000.

On page 23, line 13, decrease the amount by $320,000,000.

On page 23, line 14, decrease the amount by $320,000,000.

On page 23, line 17, decrease the amount by $320,000,000.

On page 23, line 18, decrease the amount by $320,000,000.

On page 23, line 21, decrease the amount by $320,000,000.

On page 23, line 22, decrease the amount by $320,000,000.

On page 54, after line 22, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in this resolution in this session of Congress, such legislation should include—

(1) tax and other financial incentives, similar to those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving such communities the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas, and

(2) revenue provisions which fully offset the cost of such tax and other financial incentives.

SA 2851. Mr. NICKLES (for Mr. SPECTER) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

Strike section 404(a).

SA 2852. Mr. NICKLES (for Ms. COLLINS (for herself and Mr. CARPER)) proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR POSTAL SERVICE REFORM.

If the Committee on Governmental Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that reforms the United States Postal Service to improve its economic viability, the Chairman of the Committee on the Budget may revise committee allocations for the Committee on Governmental Affairs and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 though 2009.

SA 2853. Mr. SANTORUM proposed an amendment to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; as follows:

On page 3, line 9, increase the amount by $38,296,000,000.

On page 3, line 10, increase the amount by $79,080,000,000.

On page 3, line 11, increase the amount by $69,123,000,000.

On page 3, line 12, increase the amount by $76,240,000,000.

On page 3, line 13, increase the amount by $88,626,000,000.

On page 3, line 17, increase the amount by $38,296,000,000.

On page 3, line 18, increase the amount by $79,080,000,000.

On page 3, line 19, increase the amount by $69,123,000,000.

On page 3, line 20, increase the amount by $76,240,000,000.
On page 3, line 21, increase the amount by $88,626,000,000.
On page 4, line 4, increase the amount by $151,052,136,000.
On page 4, line 5, increase the amount by $221,280,576,000.
On page 4, line 6, increase the amount by $223,955,256,000.
On page 4, line 7, increase the amount by $252,798,059,000.
On page 4, line 8, increase the amount by $276,318,737,000.
On page 4, line 12, increase the amount by $145,439,136,000.
On page 4, line 13, increase the amount by $215,107,576,000.
On page 4, line 14, increase the amount by $216,217,256,000.
On page 4, line 15, increase the amount by $244,706,059,000.
On page 4, line 16, increase the amount by $267,907,737,000.
On page 4, line 20, decrease the amount by $407,143,136,000.
On page 4, line 21, decrease the amount by $136,027,576,000.
On page 4, line 22, decrease the amount by $147,094,256,000.
On page 4, line 23, decrease the amount by $168,466,059,000.
On page 4, line 24, decrease the amount by $179,281,737,000.
On page 5, line 3, increase the amount by $107,143,136,000.
On page 5, line 4, increase the amount by $243,170,712,000.
On page 5, line 5, increase the amount by $390,264,968,000.
On page 5, line 6, increase the amount by $558,731,027,000.
On page 5, line 7, increase the amount by $738,012,764,000.
On page 5, line 11, increase the amount by $107,143,136,000.
On page 5, line 12, increase the amount by $243,170,712,000.
On page 5, line 13, increase the amount by $390,264,968,000.
On page 5, line 14, increase the amount by $558,731,027,000.
On page 5, line 15, increase the amount by $738,012,764,000.
On page 8, line 21, increase the amount by $7,500,000,000.
On page 8, line 22, increase the amount by $7,500,000,000.
On page 8, line 25, increase the amount by $7,500,000,000.
On page 9, line 1, increase the amount by $7,500,000,000.
On page 9, line 4, increase the amount by $7,500,000,000.
On page 9, line 5, increase the amount by $7,500,000,000.
On page 9, line 8, increase the amount by $7,500,000,000.
On page 9, line 9, increase the amount by $7,500,000,000.
On page 11, line 13, increase the amount by $3,500,000,000.
On page 11, line 14, increase the amount by $3,500,000,000.
On page 11, line 17, increase the amount by $3,500,000,000.
On page 11, line 18, increase the amount by $3,500,000,000.
On page 11, line 21, increase the amount by $3,500,000,000.
On page 11, line 22, increase the amount by $3,500,000,000.
On page 11, line 25, increase the amount by $3,500,000,000.
On page 12, line 1, increase the amount by $3,500,000,000.
On page 14, line 2, increase the amount by $7,000,000,000.
On page 14, line 3, increase the amount by $7,000,000,000.
On page 14, line 6, increase the amount by $8,000,000,000.
On page 14, line 7, increase the amount by $8,000,000,000.
On page 14, line 10, increase the amount by $8,000,000,000.
On page 14, line 11, increase the amount by $8,000,000,000.
On page 14, line 14, increase the amount by $8,000,000,000.
On page 14, line 15, increase the amount by $8,000,000,000.
On page 14, line 23, increase the amount by $5,000,000,000.
On page 14, line 24, increase the amount by $5,000,000,000.
On page 15, line 2, increase the amount by $5,000,000,000.
On page 15, line 3, increase the amount by $5,000,000,000.
On page 15, line 6, increase the amount by $5,000,000,000.
On page 15, line 7, increase the amount by $5,000,000,000.
On page 15, line 10, increase the amount by $5,000,000,000.
On page 15, line 11, increase the amount by $5,000,000,000.
On page 15, line 20, increase the amount by $33,500,000,000.
On page 15, line 21, increase the amount by $33,500,000,000.
On page 15, line 24, increase the amount by $33,500,000,000.
On page 15, line 25, increase the amount by $33,500,000,000.
On page 16, line 3, increase the amount by $33,500,000,000.
On page 16, line 4, increase the amount by $33,500,000,000.
On page 16, line 7, increase the amount by $33,500,000,000.
On page 16, line 8, increase the amount by $33,500,000,000.
On page 16, line 12, increase the amount by $89,500,000,000.
On page 16, line 13, increase the amount by $89,500,000,000.
On page 16, line 16, increase the amount by $89,500,000,000.
On page 16, line 17, increase the amount by $89,500,000,000.
On page 16, line 20, increase the amount by $89,500,000,000.
On page 16, line 21, increase the amount by $89,500,000,000.
On page 16, line 24, increase the amount by $89,500,000,000.
On page 16, line 25, increase the amount by $89,500,000,000.
On page 17, line 3, increase the amount by $89,500,000,000.
On page 17, line 4, increase the amount by $89,500,000,000.
On page 18, line 8, increase the amount by $1,000,000,000.
On page 18, line 9, increase the amount by $1,000,000,000.
On page 18, line 12, increase the amount by $1,000,000,000.
On page 18, line 13, increase the amount by $1,000,000,000.
On page 18, line 16, increase the amount by $1,000,000,000.
On page 18, line 17, increase the amount by $1,000,000,000.
On page 18, line 20, increase the amount by $1,000,000,000.
On page 18, line 21, increase the amount by $1,000,000,000.
On page 19, line 21, increase the amount by $8,200,000,000.
On page 19, line 22, increase the amount by $8,200,000,000.
On page 19, line 25, increase the amount by $8,200,000,000.
On page 20, line 1, increase the amount by $8,200,000,000.
On page 20, line 4, increase the amount by $8,200,000,000.
On page 20, line 5, increase the amount by $8,200,000,000.
On page 8, line 8, increase the amount by $8,200,000,000.
On page 8, line 9, increase the amount by $8,200,000,000.
On page 8, line 12, increase the amount by $8,200,000,000.
On page 8, line 13, increase the amount by $8,200,000,000.
On page 22, line 9, increase the amount by $1,884,136,000.
On page 22, line 10, increase the amount by $1,884,136,000.
On page 22, line 13, increase the amount by $7,298,576,000.
On page 22, line 14, increase the amount by $7,298,576,000.
On page 22, line 17, increase the amount by $14,926,256,000.
On page 22, line 18, increase the amount by $14,926,256,000.
On page 22, line 21, increase the amount by $23,145,059,000.
On page 22, line 22, increase the amount by $23,145,059,000.
On page 22, line 25, increase the amount by $31,897,737,000.
On page 23, line 1, increase the amount by $31,897,737,000.
On page 23, line 5, increase the amount by $43,968,737,000.
On page 23, line 6, increase the amount by $38,355,000,000.
On page 23, line 9, increase the amount by $58,782,000,000.
On page 23, line 10, increase the amount by $52,609,000,000.
On page 23, line 13, increase the amount by $52,829,000,000.
On page 23, line 14, increase the amount by $45,091,000,000.
On page 23, line 17, increase the amount by $73,453,000,000.
On page 23, line 18, increase the amount by $65,361,000,000.
On page 23, line 21, increase the amount by $95,721,000,000.
On page 23, line 22, increase the amount by $87,310,000,000.
On page 39, line 18, increase the amount by $26,468,000,000.
On page 39, line 19, increase the amount by $20,855,000,000.
On page 40, line 1, increase the amount by $91,282,000,000.
On page 40, line 2, increase the amount by $117,109,000,000.

SA 2854. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; which was ordered to lie on the table; as follows:

On page 13, line 2, increase the amount by $121,000,000.
On page 13, line 3, increase the amount by $68,000,000.
On page 13, line 7, increase the amount by $40,000,000.
On page 13, line 11, increase the amount by $7,000,000.
On page 23, line 5, decrease the amount by $121,000,000.
On page 23, line 6, decrease the amount by $68,000,000.
On page 23, line 10, decrease the amount by $40,000,000.

On page 23, line 14, decrease the amount by $7,000,000.

SA 2855. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, strike lines 1 through 23.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental affairs will hold a hearing entitled ''Profiteering In a Non-Profit Industry: Abusive Practices in Credit Counseling.'' The subcommittee intends to hold this hearing to address the problems facing the credit counseling industry. Once community-based and consumer-friendly, the credit counseling industry has undergone significant transformation during the past several years. New and aggressive profit-driven participants have entered the market, causing a rash of consumer complaints about high fees, misleading advertising, and poor service. The proliferation of for-profit, ''back-office'' servicing companies is threatening to change the industry into a debt collection mill instead of an industry whose focus should be on consumer counseling and education. The subcommittee's March 24 hearing will review the most egregious cases for misconduct among credit counseling agencies and their for-profit service providers and examine what solutions may be available to repair the industry.

The hearings will take place on Wednesday, March 24, 2004, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 24, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 433, a bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; S. 2180, a bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; and H.R. 1964, a bill to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 11, 2004, at 9:30 a.m., in open session to receive testimony on missile defense, in review of the Defense Authorization Request for Fiscal Year 2005.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 11, 2004, at 10 a.m., on prescription drug importation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 11, at 10 a.m.

The purpose of the hearing is to receive testimony on the following bills: S. 2086, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; S. 2049, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural resources be authorized to meet during the session of the Senate on Thursday, March 11, at 2:30 p.m. to consider the nomination of Sue Ellen Woolridge to be Solicitor of the Department of the Interior.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 11, 2004, at 9:30 a.m., for a hearing titled ''Postal Reform: Sustaining the 9 Million Jobs in the $900 Billion Mailing Industry (Day Two).''

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 11, 2004, at 9:30 a.m., in Dirksen Senate Building Room 226.

Agenda

I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William James Haynes II to be U.S. Circuit Judge for the Fourth Circuit; Diane S. Sykes to be U.S. Circuit Judge for the Seventh Circuit; William Gerry Myers III to be U.S. Circuit Judge for the Ninth Circuit; James L. Robart to be U.S. District Judge for the Western District of Washington; Juan R. Sanchez to be U.S. District Judge for the Eastern District of Pennsylvania; and Lawrence F. Stengel to be U.S. District Judge for the Eastern District of Pennsylvania.

II. Executive Session

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 11, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AIRLAND

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 11, 2004, at 2 p.m., in open session to receive testimony on Army transformation in review of the Defense Authorization Request for Fiscal Year 2005 and the future years Defense Program.

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

PRIVILEGE OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent to allow my staff member, Derrick Freeman, the privilege of the floor.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108–176, Section 411(b)(1)(B), appoints the following individual to serve as a member of the National Commission of Small Community Air Service: Mayor Bob Corker of Chattanooga, Tennessee.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 572, 573, 574, 575, 576, 577, 578, 579, 580, 586, 587, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

Glyn T. Davies, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Political Director for the United States Presidency of the G–8.

Richard S. Williamson, of Illinois, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

BROADCASTING BOARD OF GOVERNORS

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

EXECUTIVE OFFICE OF THE PRESIDENT

Feliciano Foyo, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring August 12, 2004.

Robert Hurley McKinney, of Indiana, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sandford Gottesman, of Texas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

Diane M. Ruebling, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

C. William Swank, of Ohio, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2005.

DEPARTMENT OF THE TREASURY

Mark J. Warshawsky, of Maryland, to be an Assistant Secretary to the Treasury.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

Mark B. McClellan, of the District of Columbia, to be Administrator of the Centers for Medicare and Medicaid Services.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

Coast Guard nomination of Larry L. Jones, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

Coast Guard nominations (3) beginning Susan J. Blood, and ending Heather L. Morrison, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

Coast Guard nominations (3) beginning MICHAEL P. GULDIN, and ending FELICIA K. RAYBON, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2003.

Coast Guard nominations (218) beginning Catherine A. Abella, and ending Bradly G. Winans, which nominations were received by the Senate and appeared in Congressional Record of February 5, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, MARCH 12, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, March 12. I further ask that following the prayer and 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 begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. There will be no rollcall votes tomorrow, but we will be working to clear several items for passage. It has been a long day and a late night and will be an early morning, but it was a worthy effort, as we were able to complete our work on the budget. I thank everyone again.

I will make further announcements tomorrow on schedule when we return from recess.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, those of us who have spent this long day on the floor recognize that there has been an absence in our caucus—and I think both of our caucuses have noted his absence—and that is the distinguished assistant Democratic leader. Normally, he would have been moving around the floor for the last several hours, working with the managers and making sure things were done in an orderly way. Our dear friend Senator REID has attended a funeral of one of his very close friends today.

I want the RECORD to show the only reason he missed the votes and was not here to help orchestrate our successful conclusion of the budget is because of his need to be in Nevada. I thought it was important we make note of that in the RECORD.

I appreciate the majority leader yielding for that purpose.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:44 a.m., adjourned until Friday, March 12, 2004, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 2004:

DEPARTMENT OF DEFENSE

TINA WESTBY JONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER), VICE DOV S. ZAKHEIM, RESIGNING.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROMOLO A. BERNARDI, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALPHONSO R. JACKSON.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2002. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

JUAN CARLOS ZARATE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE KENNETH LAWSON, RESIGNED.

DEPARTMENT OF STATE

LEWIS W. LUCKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

EARLE I. MACK, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

JOHN M. ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAN K. MCNEILL, 4203

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JAMES J. BISSON, 6236
BRIGADIER GENERAL RONALD G. CROWDER, 6091
BRIGADIER GENERAL WILLIAM W. GOODWIN, 8895
BRIGADIER GENERAL MICHAEL A. GORMAN, 3651
BRIGADIER GENERAL ROBERT G.F. LEE, 0590
BRIGADIER GENERAL ROBERTO MARRERRO-CORLETTO, 1485
BRIGADIER GENERAL ROBLEY S. RIGDON, 7740
BRIGADIER GENERAL JOSEPH J. TALUTO, 0598

BRIGADIER GENERAL ARTHUR H. WYMAN, 0312

To be brigadier general

COLONEL FLOYD E. BELL JR., 4755
COLONEL JAMES A. BRUNSON, 2895
COLONEL JOSEPH J. CHAVES, 4075
COLONEL JOSEPH L. CULVER, 8597
COLONEL PAUL C. GENEREUX JR., 5128
COLONEL MARTIN L. GRABER, 3495
COLONEL MARK W. HAMPTON, 2917
COLONEL YAROPOLK R. HLADKYJ, 9285
COLONEL GEORGE E. IRVIN SR., 5367
COLONEL JAMES A. KRUECK, 5915
COLONEL ROGER A. LALICH, 3130
COLONEL JACK E. LEE, 4916
COLONEL RICHARD B. MOORHEAD, 6302
COLONEL JAMES W. NUTTALL, 3643
COLONEL BILLY L. PIERCE, 1657
COLONEL STEVER D. SAUNDERS, 3328
COLONEL LINWOOD M. SAWYER, 2075
COLONEL WILLIAM D. SCHNEIDER, 5870
COLONEL KING E. SIDWELL, 5791
COLONEL MICHAEL C. SWEZEY, 0174
COLONEL OMER C. TOOLEY, 2212

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANA D. BATEY, 5013

IN THE MARINE CORPS

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

To be major general

BRIG. GEN. ROBERT C. DICKERSON JR., 2458
BRIG. GEN. TIMOTHY F. GHORMLEY, 8863
BRIG. GEN. SAMUEL T. HELLAND, 6309
BRIG. GEN. RICHARD S. KRAMLICH, 9829
BRIG. GEN. RICHARD F. NATONSKI, 9548

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., SECTION 624:

To be major

CHRISTINE R. GUNDEL, 6103

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

BOIKAI B. BRAGGS, 8028
CHRISTOPHER S. BROCKMAN, 5242
CHARLES W. FOX, 6168

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

DAVID R. AGLE, 9804

CONFIRMATIONS

Executive nominations confirmed by the senate March 11, 2004:

DEPARTMENT OF STATE

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE POLITICAL DIRECTOR FOR THE UNITED STATES PRESIDENCY OF THE G–8.

RICHARD S. WILLIAMSON, OF ILLINOIS, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006.

EXECUTIVE OFFICE OF THE PRESIDENT

FELICIANO FOYO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING AUGUST 12, 2004.

ROBERT HURLEY MCKINNEY, OF INDIANA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SANFORD GOTTESMAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005.

DIANE M. RUEBLING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005.

C. WILLIAM SWANK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005.

DEPARTMENT OF THE TREASURY

MARK J. WARSHAWSKY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

MARK B. MCCLELLAN, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

LOUIS GUIROLA, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

NEIL VINCENT WAKE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

COAST GUARD NOMINATIONS BEGINNING MICHAEL P. GULDIN AND ENDING FELICIA K. RAYBON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2003.

COAST GUARD NOMINATION OF LARRY L. JONES.

COAST GUARD NOMINATIONS BEGINNING CATHERINE A ABELLA AND ENDING BRADLY G WINANS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2004.

COAST GUARD NOMINATIONS BEGINNING SUSAN J. BLOOD AND ENDING HEATHER L. MORRISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2004.