

agreement for the consideration of the first 10 amendments today. With the first 10 votes scripted, it will allow Members to review and prepare for the first couple of hours in the voting sequence.

I encourage Members who intend to offer amendments to notify the chairman or the ranking member so that their amendments can be placed in the sequence of votes. At this time, we are not encouraging further amendments. However, if Members feel compelled to offer them, I ask courtesy of that notification.

I remind all Senators that once the voting sequence begins at 10:45, Senators should remain in the Chamber or close by to avoid missing any votes. We will need to limit the votes in the sequence to 10 minutes each. We will stay until this resolution is completed. It may be a lengthy session today in order to conclude the process. I thank Members for their cooperation.

DEATH IN COMBAT

Mr. FRIST. In America this morning, there are several families who have awakened to the worst possible news: the death in combat of a father, a brother, or a son. In our thoughts and prayers today, I ask my colleagues to remember those who have sacrificed so much on the battlefields in the Persian Gulf. Every life is precious. Our mission goes on. Our military will complete the course our leaders have set. In the Senate and in everyday life, we should honor that sacrifice in how we comport ourselves.

Our service men and women are honorable, patriotic Americans, serving the cause of liberty, our liberty. I pray to God that we who have the honor to represent them continue to act in a manner worthy of them.

In this difficult time, I ask my colleagues to measure their words to remember those who are privileged to serve and to aspire to that same level of greatness. We will debate and we will disagree. We will differ in how we vote, but we are all Americans. The losses we have incurred will serve as a constant reminder for how fortunate we are for just that.

RESERVATION OF LEADER TIME

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

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2004

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. Con. Res. 23, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) setting forth the congressional budget for

the U.S. Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

Pending:

Schumer amendment No. 299, to provide immediate assistance to meet pressing homeland security needs by providing funding in 2003 for first responders, port security, bioterrorism preparedness and prevention, border security and transit security, the FBI; to restore the elimination of funding of the COPS program, firefighter equipment grants, Byrne Grants and Local Law enforcement grants; to provide a sustained commitment of resources for homeland security needs without reducing funding to other key domestic law enforcement and public safety priorities; and to reduce the deficit.

Brownback amendment No. 282, to express the sense of the Senate that a commission be established to review the efficiency of Federal agencies.

Conrad (for Feingold/Corzine) amendment No. 270, to set aside a reserve fund for possible military action and reconstruction in Iraq.

Breaux Amendment No. 339, to reduce tax cuts by \$375 billion and to reduce projected deficits by \$464 billion.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:45 will be equally divided between the chairman and the ranking member of the Budget Committee.

Who yields time?

Mr. REID. On behalf of Senator CONRAD, we yield time to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

AMENDMENT NO. 299

Mr. SCHUMER. Mr. President, the first vote will be on the amendment that I offered, along with many of my colleagues: Senator CLINTON, Senator DASCHLE, Senator BYRD, and Senator LIEBERMAN. It is the homeland security amendment that we debated. I remind my colleagues how important homeland security is, how we have to fight a good offense. Praise God, it seems as if that is going quite well in Iraq. It is also very important for us to fight defense and we have not been doing an adequate job.

I believe Senator COCHRAN will offer an alternative version later on today, but I would make two points about the Schumer amendment as opposed to the Cochran amendment. One is that the Cochran amendment is not as generous, as I understand it. I have just received it. It is even in this fiscal year, the 2003 fiscal year, when our police officers, our firefighters are hurting from one end of the country to the other, when our port security is not what it should be, when our rail security is not what it should be, the Cochran amendment is considerably lower.

I am sure if my colleagues go back and ask their police and fire departments which amendment they prefer, it is the Schumer amendment.

Second and more important, we have close to a \$700 billion tax cut. We also have programs on education, on health care, on transportation, the FBI and everything else. The alternative amendment cuts every one of those.

Are my colleagues going to tell their police departments that they are going to take away Byrne grants and COPS money to give them this money? Are they going to take away fire money to give them this money? Are they going to cut road building? Are they going to cut the FBI? Are they going to cut everything that is in function 920 to do homeland security? Just as we should not be pitting the defense and the money needed for our soldiers overseas against domestic needs like education, health care and transportation, we should not be pitting homeland security against that. I ask my colleagues to think about it. We have a huge tax cut. This amendment takes a very small amount—in a quick calculation—less than 1 or 2 percent of that tax cut.

Where should the money come from? I don't believe we are actually going to cut education any further, no matter what this budget resolution does. I don't believe we will cut health care any further. I don't think we will cut road building any further. They are stretched to the bone because of the necessities of the budget.

This amendment offers the real chance at homeland security. This is the amendment. To insist that every dollar of the tax cut must be sacrosanct while we sacrifice the rest of the Government—when your school boards come to you, when your hospitals come to you, when your construction companies come to you, and your Governors and mayors and, of course, your police chiefs and firefighters, are you going to say you let them down?

I urge, I hope, I pray; this is a time when we need unity. There is no problem, none whatever, with taking a small amount, a total over 10 years of \$38 billion, a total of over \$5 billion this fiscal year, 2003, and next year, 2004, getting to \$8 billion, out of that tax cut because that will fund homeland security.

I urge my colleagues to vote for this amendment and stand up for their local police, their local firefighters, their local schools.

Mr. REID. Mr. President, the two leaders have agreed the second vote should start at 10:30 and I ask unanimous consent that that be the case.

Mr. NICKLES. I have no objection.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we will have a vote to begin in a couple minutes on the Schumer amendment, and then the second vote will begin at 10:30 on the Cochran amendment that is also in relation to homeland security.

I urge my colleagues, with great respect, to oppose the Schumer amendment. His amendment would add \$88 billion over 10 years for a variety of homeland security programs, law enforcement assistance. I contacted the

Secretary of Homeland Security, Mr. Ridge, and asked for their position on this amendment. I ask unanimous consent to have printed in the RECORD a letter from Secretary Ridge: "The Administration opposes the pending Schumer amendment" in the second paragraph.

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

DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY,
Washington, DC, March 21, 2003.

Hon. WILLIAM FRIST,
Senate Majority Leader,
Washington, DC.

DEAR SENATOR FRIST: I appreciate your leadership as Congress deliberates the FY 2004 Budget Resolution. I am writing to urge you and your colleagues to maintain an appropriate balance between adequate funding provided for homeland security programs, program levels that can be spent responsibly, and fiscal discipline.

The Administration opposes the pending Schumer amendment. Substantial additional funding levels in the Budget resolution could be diverted away from terrorism preparedness and into activities that are traditionally funded by state and local governments. Defending our homeland is not just about spending more money. We need to ensure that funding provided for "homeland security" is truly directed to programs that help protect America against terrorism—the President's FY 2004 Budget support these programs as does the Senate Budget Resolution.

The FY 2004 budget represents a doubling of funding for non-defense homeland security since the September 11th terrorist attacks. This year, the President is requesting \$3,558 billion in First Responder funding for terrorism preparedness grants and training and assistance. The Budget also includes \$4.8 billion for the Transportation Security Agency—this level will fund a complete airport screener workforce, maintain nearly 10,000 pieces of TSA screening equipment, ensure coverage on commercial aircraft with additional Federal Air Marshals, and assess methods for improved screening of air cargo on commercial flights. More than \$1.6 billion is requested for biodefense research. Through this investment and the proposed BioShield initiative, the President is moving as quickly as possible to research, develop and procure bioterror countermeasures. The Budget also provides \$6.7 billion for DHS's Bureau of Customs and Border Protection—this level will support the continued development of the comprehensive Entry/Exit system, infrastructure and technology investments including remotely operated infrared cameras to monitor isolated border areas, radiation detection and x-ray machines for inspecting cargo containers, and \$62 million for the Container Security Initiative.

As I indicated on Wednesday, the President intends to send a supplemental appropriations request to Congress in the near future to support the homeland security efforts of state and local entities during this time of heightened threat.

Sincerely,

TOM RIDGE.

Mr. NICKLES. We have to decide, are we going to have individual Senators come here and say we know best, we ought to give the Secretary—this is a new Secretary, a new Department, where the funding for these items has more than doubled in the last 2 years—a very significant increase.

The increase we have this year over last year is 18.4 percent. In addition to that, when we vote on the Cochran amendment, we will be increasing funds for this function for fiscal year 2003, the year we are in, an additional \$3.5 billion. That is more than enough to make up for any deficiencies in first responders and also gives additional money for other necessary items in homeland security. Senator COCHRAN will explain that amendment when we vote at 10:30.

I urge our colleagues to vote no on the Schumer amendment.

This amendment will have a 15-minute vote, and possibly the next amendment will have 15 minutes, and then we will have a series of rollcall votes. We have 10 amendments in the queue, and today we will possibly vote on a lot of amendments. We urge colleagues, particularly on the second round, to stay on the floor and to be as attentive as possible because we will try to stay to the 10-minute timeframe to accommodate as many amendments as are necessary.

I yield the floor.

Mr. SARBANES. Mr. President, I rise in strong support of the amendment offered by Senator SCHUMER that would provide \$88 billion in desperately needed funding for homeland security efforts at the Federal, State, and local levels.

In the State of Maryland and across the Nation, State, local, and regional authorities have been called upon to meet the mounting challenges we face in strengthening our domestic security. Many of our local officials have accepted this challenge with great resolve, and there have been many improvements in protecting the American people against the increased dangers with which we now live.

Despite these efforts, homeland security enhancements remain woefully inadequate, and states, counties, and cities across the country are stretched to their financial limits. The U.S. Conference of Mayors and the National League of Cities estimate that over \$3 billion has been spent by our cities toward terrorism preparedness. An editorial in today's Baltimore Sun highlights the serious costs incurred by the City of Baltimore, which are estimated at \$12.5 million. Despite the City's best efforts, there remain serious concerns about its readiness for an attack. As the Sun asserts:

[a]mong them are the inability of Baltimore County, Baltimore City, and the Maryland State Police to communicate on a single radio system. Also, many police departments lack sufficient tools for coping with a disaster, such as equipment to detect radiation.

With the commencement of engagement by United States military forces in Iraq, we stand united as a country and will rally behind the men and women of our armed forces to give them the support they deserve. We must and will remain steadfast and resolute in our strong backing of the courageous men and women who are being

sent into harm's way. As we demonstrate our support for our troops overseas, however, we must not relent in our support for the men and women who stand ready to protect us each and every day on our own shores.

This past Monday evening, President Bush declared that "[j]ust as we are preparing to ensure victory in Iraq, we are taking further actions to protect our homeland." In conjunction with the President's address to the nation, Homeland Security Secretary Tom Ridge announced the administration's decision to raise our threat assessment again to Level Orange. This time, however, the rise in threat level was accompanied by a broad plan to increase security across the country, dubbed "Operation Liberty Shield." This call to our nation's domestic troops—our firefighters, policemen, and emergency medical personnel—will not go unheeded. As the events of September 11 so horribly demonstrated, these brave men and women place themselves in harm's way each and every day, and will continue to face any danger to protect the freedoms and the lives of innocent Americans. In a very real sense, our troops abroad and our first responders at home stand together to provide for our common defense.

Law enforcement agencies and fire departments across the nation have been stretched even further by Reserve call-ups. A study by the Department of Justice has estimated that 44 percent of law enforcement agencies have lost members to the war effort, and, according to estimates, 75 percent of the Nation's firehouses are home to reservists.

As we continue to ask more of our first responders, the administration has repeatedly undermined the critical efforts of these brave men and women by consistently refusing to provide the resources they need to do their jobs. Just as we have made a commitment to supporting our troops abroad and providing them with the most advanced equipment, we must make a more concrete Federal commitment to our first responders.

The Assistance to Firefighters Grant Program has been a highly successful effort to get much-needed Federal support directly to the nation's firehouses. The Republican budget proposal directs only \$500 million to this critical program. This represents a \$250 million cut from the amount enacted for the current fiscal year, and \$400 million less than has been authorized by the Congress.

The National Fire Protection Agency, NFPA, has found that a minimum of four firefighters are needed to safely attack an interior structure fire. The congressionally mandated "Needs Assessment of the U.S. Fire Service," published jointly by the Federal Emergency Management Agency and NFPA this past December, has shown that this personnel target is met in far too few cases. I have cosponsored legislation, introduced by Senator DODD, entitled the Staffing for Adequate Fire and

Emergency Response Act, or SAFER Act, which would create a grant program specifically for the hiring of new firefighters to address this need. Senator SCHUMER's amendment would provide \$11 billion over ten years toward the FIRE and SAFER Acts.

The Republican budget we have before us also cuts programs for state and local law enforcement by over \$1 billion. The Administration has proposed eliminating the Byrne Grant program, zero funding the COPS hiring program, ending the Local Law Enforcement Block Grant Program, canceling the COPS in Schools program, and slashing the COPS technology program. Senator SCHUMER's amendment would restore these unwise cuts.

This budget does little to address the inadequate safeguards to our Nation's 361 seaports. One frightening estimate suggests that, of the 6 million shipping containers that enter the country each year, only two percent are actually inspected. The Port of Baltimore, in my own State, is one of the busiest seaports in the nation, handling over 30 million tons of cargo each year.

Last November we took a significant first step in improving port security by passing the Maritime Transportation Security Act by an overwhelming margin. I joined 94 of my Senate colleagues in supporting the passage of this measure, and the bill was signed into law by President Bush soon thereafter. However, while the Administration and my Republican colleagues supported the mandates offered in this legislation, they have again failed in providing the funding to fulfill these commitments. The U.S. Coast Guard has estimated that the cost to the private sector for port security improvements called for in the legislation would total \$4.4 billion. This budget's entire allocation for port security is a meager \$200 million.

I want to turn for a moment to the security of our Nation's surface transportation systems. Roughly one-third of terrorist attacks worldwide target transportation systems. According to the Mineta Transportation Institute, surface transportation systems were the target of more than 195 terrorist attacks from 1997 to 2000. Clearly, there is an acute need to improve the security of our transportation infrastructure, and particularly our nation's transit systems—buses, subways, ferries and light rail—which carry 14 million Americans every workday. A recent GAO study identified significant security needs at our nation's transit agencies, where, according to the study, "insufficient funding is the most significant challenge in making their transit systems as safe and secure as possible." In fact, at only eight of the transit agencies they visited, the GAO found over \$700 million in identified security needs. And yet, the budget resolution demonstrates no commitment to helping transit systems become more secure. Despite the elevated risk levels we are currently experiencing, this budget provides only a minimal in-

crease in Federal transit spending and dedicates no resources within the budget of the Transportation Security Administration for transit security. We owe it to our nation's transit riders to do more.

This week, the administration again pledged its support for increased funding for state and local governments toward homeland security. We have heard many of these pledges over the past year, and, unfortunately, the administration has repeatedly fallen short on its promises. The rhetoric of support for our nation's first responders and upgrades to our homeland security will continue to ring hollow if not accompanied by the resources desperately needed for these critical efforts.

I urge my colleagues to support Senator SCHUMER's amendment. If the Congress and the administration are to enact legislation signaling our commitment to securing the homeland, we must provide the resources to provide even the most basic levels of protection. We must demonstrate steely resolve in our efforts to protect our citizens and critical infrastructure, and this will not be achieved if the resources committed to the task are inadequate.

The PRESIDING OFFICER (Mr. VOINOVICH). The question is on agreeing to the Schumer amendment No. 299.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

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

[Rollcall Vote No. 65 Leg.]

YEAS—45

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

NAYS—54

Alexander	Cochran	Graham (SC)
Allard	Coleman	Grassley
Allen	Collins	Gregg
Baucus	Cornyn	Hagel
Bennett	Craig	Hatch
Bond	Crapo	Hutchison
Breaux	DeWine	Inhofe
Brownback	Dole	Kyl
Bunning	Domenici	Lott
Burns	Ensign	Lugar
Campbell	Enzi	McCain
Chafee	Fitzgerald	McConnell
Chambliss	Frist	Murkowski

Nelson (NE)	Shelby	Sununu
Nickles	Smith	Talent
Roberts	Snowe	Thomas
Santorum	Specter	Voinovich
Sessions	Stevens	Warner

NOT VOTING—1

Miller

The amendment (No. 299) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. CHAFEE.) The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleagues. That is the first vote. We will probably have several votes. We have already entered consent that the next vote will begin at 10:30. For the information of my colleagues, that will be on the Cochran amendment.

We allowed this amendment time-frame to extend. We are going to be much closer to enforcing the time limit of 10 minutes on the following votes. The next amendment will have a 15-minute time limit, but after that we expect to enforce the 10-minute time limit.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, so we can alert colleagues to what we are faced with today, we have over 100 amendments that have been noticed to the managers. At three amendments an hour, maybe a little more than that, four amendments an hour would be 25 hours; three amendments an hour, 35 hours. So we will ask colleagues to call us and let us know if their amendments are that important to them or that they could wait for another day. I urge colleagues to talk with their staffs and alert us as to amendments that do not need to be offered today. That is No. 1.

No. 2, when we get into this, we will need to do these votes 10 minutes apiece, as the chairman has indicated. We will have to be very disciplined to do that. That is the only way we can get through these amendments in a way that will allow us to complete business on any reasonable schedule. We need to put colleagues on notice that that is the way the day will have to go if we are going to get done.

I yield the floor.

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. 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.

MEASURES PLACED ON CALENDAR—H.R. 5, H.R. 975, H.R. 1047, AND H.R. 1308

Mr. NICKLES. Mr. President, I understand there are four bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Mr. President, I ask unanimous consent that it be in order to read the titles of the bills en bloc.

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

The clerk will state the bills by title. The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

A bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

A bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the measures en bloc and object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

Mr. NICKLES. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

Mr. NICKLES. Mr. President, I believe the next amendment in order is the Cochran amendment.

I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 369

Mr. COCHRAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 369.

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

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

The amendment is as follows:

On page 23, line 15, increase the amount by \$3,500,000,000.

On page 23, line 16, increase the amount by \$1,575,000,000.

On page 23, line 20, increase the amount by \$875,000,000.

On page 23, line 24, increase the amount by \$525,000,000.

On page 24, line 3, increase the amount by \$350,000,000.

On page 24, line 7, increase the amount by \$175,000,000.

On page 4, line 14, increase the amount by \$3,500,000,000.

On page 5, line 4, increase the amount by \$1,575,000,000.

On page 5, line 5, increase the amount by \$875,000,000.

On page 5, line 6, increase the amount by \$525,000,000.

On page 5, line 7, increase the amount by \$350,000,000.

On page 5, line 8, increase the amount by \$175,000,000.

On page 5, line 17, decrease the amount by \$1,575,000,000.

On page 5, line 18, decrease the amount by \$875,000,000.

On page 5, line 19, decrease the amount by \$525,000,000.

On page 5, line 20, decrease the amount by \$350,000,000.

On page 5, line 21, decrease the amount by \$175,000,000.

On page 46, line 20, increase the amount by \$3,500,000,000.

On page 46, line 21, increase the amount by \$1,575,000,000.

On page 47, line 6, increase the amount by \$875,000,000.

On page 47, line 15, increase the amount by \$525,000,000.

Mr. COCHRAN. Mr. President, this amendment will increase the fiscal year 2003 totals in the budget resolution to provide an additional \$3.5 billion in funding for homeland security.

Based on information about possible terrorist attacks against U.S. interests, the Secretary of Homeland Security earlier this week raised the national threat alert level to orange, indicating a higher risk of terrorist attack. We must support the actions being taken across our country to mobilize Federal response assets, strengthen the protection of our transportation systems, tighten security at our borders and ports, increase public health preparedness, and improve the capabilities of first responders.

Secretary Ridge confirmed in a letter today that a supplemental appropriations request will be sent to Congress by the President in the near future to support homeland security efforts. This amendment will accommodate additional funding to meet these immediate homeland security needs, and I urge Senators to support it.

Mr. President, I ask unanimous consent that a copy of the letter I described addressed to the Honorable WILLIAM FRIST, Senate majority leader, from Tom Ridge be printed in the RECORD.

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

DEPARTMENT OF
HOMELAND SECURITY,

Washington, DC, March 21, 2003.

Hon. WILLIAM FRIST,
Senate Majority Leader,
Washington, DC.

DEAR SENATOR FRIST: I appreciate your leadership as Congress deliberates the FY 2004 Budget Resolution. I am writing to urge you and your colleagues to maintain an appropriate balance between adequate funding provided for homeland security programs, program levels that can be spent responsibly, and fiscal discipline.

The Administration opposes the pending Schumer amendment. Substantial additional funding levels in the Budget resolution could be diverted away from terrorism prepared-

ness and into activities that are traditionally funded by state and local governments. Defending our homeland is not just about spending more money. We need to ensure that funding provided for "homeland security" is truly directed to programs that help protect America against terrorism—the President's FY 2004 Budget supports these programs as does the Senate Budget Resolution.

The FY 2004 budget represents a doubling of funding for non-defense homeland security since the September 11th terrorist attacks. This year, the President is requesting \$3.558 billion in First Responder funding for terrorism preparedness grants and training and assistance. The Budget also includes \$4.8 billion for the Transportation Security Agency—this level will fund a complete airport screener workforce, maintain nearly 10,000 pieces of TSA screening equipment, ensure coverage on commercial aircraft of with additional Federal Air Marshals, and assess methods for improved screening of air cargo on commercial flights. More than \$1.6 billion is requested for biodefense research. Through this investment and the proposed BioShield initiative, the President is moving as quickly as possible to research, develop and procure bioterror countermeasures. The Budget also provides \$6.7 billion for DHS's Bureau of Customs and Border Protection—this level will support the continued development of the comprehensive Entry/Exit system, infrastructure and technology investments including remotely operated infrared cameras to monitor isolated border areas, radiation detection and x-ray machines for inspecting cargo containers, and \$62 million for the Container Security Initiative.

As I indicated on Wednesday, the President intends to send a supplemental appropriations request to Congress in the near future to support the homeland security efforts of state and local entities during this time of heightened threat.

Sincerely,

TOM RIDGE,
Secretary.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the two managers are listening, we do not yet have a unanimous consent agreement that there will be 1 minute for each side prior to a vote. I am going to ask unanimous consent that that be the case.

Also, the two managers want to make sure the Chair enforces the 1-minute rule. The only way that can be enforced is that the Chair, when the minute is up, stops the person from speaking; otherwise, it runs into a minute and a half, 2 minutes, and we waste a great deal of time.

I ask unanimous consent that prior to each vote there be 1 minute on each side, and that be strictly enforced.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I would like to modify that. This consent agreement will be for this group of votes we now have planned.

Mr. REID. Not this vote right now.

Mr. NICKLES. For the 10 votes we have ordered, not necessarily for every vote we might have today. We will probably do that later.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. REID. That is fine.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I believe the Senator from New York wants to speak on the amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am surprised at and happy to support the Cochran amendment. Unlike what I had been told last night, it does not take the money out of 920. It rather adds the cap. It is \$3.5 billion of homeland security money which we very much need.

I hasten to add, I do not think \$3.5 billion is enough. Our amendment had over \$5 billion, and it does not go into 2004 and the outyears. We have a long way to go on homeland security, but this is a good first step.

I am delighted to support the amendment, and I thank the Senator from Mississippi for helping us raise the amount of homeland security money.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, this will be a 15-minute vote. We plan on strictly enforcing this vote at 15 minutes. We plan on strictly enforcing the subsequent rollcall votes at 10 minutes.

The PRESIDING OFFICER. The question is on agreeing to the Cochran amendment No. 369.

Mr. NICKLES. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. FRIST) is necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—97

Akaka	Clinton	Fitzgerald
Alexander	Cochran	Graham (FL)
Allard	Coleman	Graham (SC)
Allen	Collins	Grassley
Baucus	Conrad	Gregg
Bayh	Cornyn	Hagel
Bennett	Corzine	Harkin
Biden	Craig	Hatch
Bingaman	Crapo	Hollings
Bond	Dayton	Hutchison
Boxer	DeWine	Inhofe
Breaux	Dodd	Inouye
Brownback	Dole	Jeffords
Bunning	Domenici	Johnson
Burns	Dorgan	Kennedy
Byrd	Durbin	Kerry
Campbell	Edwards	Kohl
Cantwell	Ensign	Kyl
Carper	Enzi	Landrieu
Chafee	Feingold	Lautenberg
Chambliss	Feinstein	Leahy

Levin	Nickles	Snowe
Lieberman	Pryor	Specter
Lincoln	Reed	Stabenow
Lott	Reid	Stevens
Lugar	Roberts	Sununu
McCain	Rockefeller	Talent
McConnell	Santorum	Thomas
Mikulski	Sarbanes	Voinovich
Murkowski	Schumer	Warner
Murray	Sessions	Wyden
Nelson (FL)	Shelby	
Nelson (NE)	Smith	

NOT VOTING—3

Daschle	Frist	Miller
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The amendment (No. 369) was agreed to.

Mr. COCHRAN. 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 inquire of the Parliamentarian how long that rollcall lasted.

The PRESIDING OFFICER. It lasted 21½ minutes.

Mr. NICKLES. For the information of colleagues, the majority leader and minority leader were cut off; in the next vote we are going to cut off a lot of people if they are not here and voting within 10 minutes. I forewarn our colleagues. I will be fair and bipartisan. We will cut off people if they are not here to vote. We will limit the votes to 10 minutes.

AMENDMENT NO. 270

The next amendment in order is the Feingold amendment.

Mr. FEINGOLD. This amendment, which I offer with Senators CORZINE, DURBIN, GRAHAM of Florida, and HOLLINGS, would create a reserve fund to set aside \$100 billion, an amount well within the range of available estimates, to fund military action and reconstruction in Iraq. We would pay for this by reducing the amount we would budget for tax cuts in the period covered by the budget resolution.

No one is certain how much the war with Iraq will actually cost, but we can be certain such a war will not be free. The Center for Strategic and Budgetary Assessments estimates that the total cost could range from \$129 billion to \$683 billion. Today's Wall Street Journal reports a supplemental appropriations request is expected shortly that will ask for \$80 billion and that will cover just the first 30 days of the war. The day before yesterday the President said the war may be longer and more difficult than some predict.

Plainly, we are talking about a major enterprise and one for which we should budget. We are in a war. The budget must reflect it. This is no time for business as usual. We should prepare responsibly for that which is right before our eyes. I urge my colleagues to support the amendment.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this amendment. We asked CRS to do a study on how we funded wars in the past, and did we do it in advance. Based on the examination of previous reviews, fronting for wars and other

major military operations, it appears that Presidents have not requested and Congress has not provided funding for wars in advance of the start of operations; rather, administrations have requested funding after operations have begun and Congress has subsequently appropriated money to meet specific, documented budget requirements.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER (Mr. SUNUNU). The question is on agreeing to the Feingold amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Miller

The amendment (No. 270) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the last vote.

The PRESIDING OFFICER. The motion is entered.

AMENDMENT NO. 300

The PRESIDING OFFICER. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. SCHUMER, proposes an amendment numbered 300.

The amendment is as follows:

(Purpose: To restore national security funding)

At the end of Subtitle B of Title II, insert the following:

"SEC. ____ . RESERVE FUND FOR NATIONAL SECURITY.

"In the Senate, the Chairman of the Committee on the Budget may increase aggregates, functional totals, allocations, and other appropriate levels in this resolution by up to \$103,500 billion in Budget Authority and \$88,036 billion in Outlays for fiscal years 2004 through 2013 for a bill, joint resolution, amendment, or conference report providing additional resources for defense or homeland security."

On page 45, line 24, decrease the amount by \$88,036,000,000.

On page 3, line 15, increase the amount by \$4,303,000,000.

On page 3, line 16, increase the amount by \$11,094,000,000.

On page 3, line 17, increase the amount by \$17,704,000,000.

On page 3, line 18, increase the amount by \$24,209,000,000.

On page 3, line 19, increase the amount by \$30,726,000,000.

On page 4, line 6, increase the amount by \$4,303,000,000.

On page 4, line 7, increase the amount by \$11,094,000,000.

On page 4, line 8, increase the amount by \$17,704,000,000.

On page 4, line 9, increase the amount by \$24,209,000,000.

On page 4, line 10, increase the amount by \$30,726,000,000.

On page 4, line 20, increase the amount by \$6,500,000,000.

On page 4, line 21, increase the amount by \$14,500,000,000.

On page 4, line 22, increase the amount by \$21,000,000,000.

On page 4, line 23, increase the amount by \$27,500,000,000.

On page 4, line 24, increase the amount by \$34,000,000,000.

On page 5, line 10, increase the amount by \$4,303,000,000.

On page 5, line 11, increase the amount by \$11,094,000,000.

On page 5, line 12, increase the amount by \$17,704,000,000.

On page 5, line 13, increase the amount by \$24,209,000,000.

On page 5, line 14, increase the amount by \$30,726,000,000.

On page 42, line 22, increase the amount by \$6,500,000,000.

On page 42, line 23, increase the amount by \$4,303,000,000.

On page 43, line 2, increase the amount by \$14,500,000,000.

On page 43, line 3, increase the amount by \$11,094,010,000.

On page 43, line 6, increase the amount by \$21,000,000,000.

On page 43, line 7, increase the amount by \$17,704,000,000.

On page 43, line 10, increase the amount by \$27,500,000,000.

On page 43, line 11, increase the amount by \$24,209,000,000.

On page 43, line 14, increase the amount by \$34,000,000,000.

On page 43, line 15, increase the amount by \$30,726,000,000.

The PRESIDING OFFICER. There are now 2 minutes evenly divided.

Mr. LAUTENBERG. Mr. President, my amendment establishes a reserve

fund for national defense and homeland security. The amendment is necessary because the budget resolution actually cuts defense spending by \$103 billion below the President's request over that 10-year window. That is according to CBO and SBC. From 2004 through 2008, the Republican budget assumes defense spending at the level requested by the President. But the last 5 years of the budget window, from 2009 through 2013, the Republican budget resolution cuts \$103 billion below the level CBO estimates.

I ask that my friends on the Republican side of the aisle be very careful when they look at the Republican message. It says the Lautenberg amendment reduces the growth package by \$103 billion in budget authority and \$88 billion in outlays. They don't say that the budget comes from the tax cuts.

Mr. LIEBERMAN. Mr. President, today, as the hearts and minds of all Americans are with our brave men and women in uniform who are embarking on the most perilous of journeys, I rise to speak in support of Senator LAUTENBERG's amendment and fulfill what I see as one of the most important duties of any Senator.

The Constitution of the United States invests the President with the authority of the Commander in Chief, but it also establishes the Congress as the guarantor of the quality and size of the Army, the Navy, the Air Force, and the Marines because it is the Congress that authorizes the expenditure of moneys to fund the military. As Senators we have a great responsibility to watch over those who man the walls of our Nation's defenses.

Along the Iraq-Kuwait border the U.S. military is striking. Our Armed Forces are engaged the world over in a fight against terror. Our uniformed commanders have testified before us that not since the Second World War has the U.S. military been so dispersed; not since that conflict have our Armed Forces been engaged with the enemy in so many locales and climes. My colleagues and I on the Senate Armed Services Committee are aware of the difficulties our soldiers, sailors, airmen, and marines and their families face as a result of these strenuous deployments. We have applauded the Department of Defense's efforts to address the quality of life of its troops. Following in the best traditions of this Chamber, we have worked together in a truly bipartisan fashion to increase military pay levels. We have addressed spousal benefits and we will, in the upcoming months of this Congress, debate, and I hope determine once and for all the issue of concurrent receipt. Year after year we strive to provide funding to equip our forces with the most advanced technology the world has ever seen.

Therefore, Mr. President, as a member of the Senate Armed Services Committee, as a strong supporter of our Armed Forces, as one who recognizes the strain of current operations upon

our force structure and the importance of maintaining funding levels for the Department presently and for the foreseeable future, I cannot agree with any proposal which will reverse the important gains that we have made.

I believe we must oppose any attempt to decrease essential funding for our national defense in order to paper over the fiscal havoc that the President's proposed tax cuts cause. It is irresponsible to, when we are at war, when the challenges that our men and women in uniform face are so omnipresent, contemplate slashing the future funds that will make it possible for them to maintain their dominance into the next decade.

I direct my colleagues' attention to the Senate Republican budget resolution, which cuts defense spending after 2009 by more than a \$100 billion—\$100 billion.

The resolution calls for a \$6.5 billion drawdown in 2009 from the funding level that the Congressional Budget Office estimates as required for the maintenance of the 2008 spending levels. In 2010 that shortfall would be \$15.5 billion. A year later it is a \$21.0 billion shortfall. A year later it grows to \$27.5 billion. By 2013 the amount is \$34.0 billion.

And why? To try to correct the fiscal damage the tax cuts have put us in. Now, I think we are all in agreement with Chairman NICKLES that the record-setting deficits that will be the bitter fruit of the President's tax cuts need to be dealt with. But to deal with them by cutting moneys that will fuel our planes, feed our marines, steam our ships, and arm our weapons is unfortunate indeed. I challenge the proponents of this plan to go out into the Kuwaiti desert and stand in front of a U.S. platoon, and tell them that the future funding that is to secure them better communications gear or more money to fund training or better body armor is being cut. Cut because the Senate majority refuses to take the President to task for pursuing fiscally irresponsible tax cuts on the eve of a war, and in the midst of an international campaign against terror.

The amendment that I rise in support of offers another way. Let's carve out a \$103.5 billion fund from the \$1.4 trillion tax cut and use it to create a designated fund for the defense of our Nation's security. In doing so we will serve to offset the proposed reductions in defense spending set forth in the Budget Resolution. By our actions we will prevent the diversion of cash from accounts that fund the defense of this country to an ill-considered, non-stimulative tax cut.

We are at war. Our military, the most powerful professional armed force ever arrayed on the face of the earth is shouldering a heavy burden. To discuss cutting the very funding that will keep them the preeminent military force is more than poor politics—it is irresponsible. I like to think that what Lincoln called "the better angels of our nature" still, in these troubled times,

hold sway over our baser instincts. I urge you to support this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator Oklahoma.

Mr. NICKLES. I urge my colleagues to vote no on the amendment. This is a good reason that maybe we should not have 10-year budgets. He assumes we should increase spending in some areas instead of defense, but there is not one line item that says 050. Nothing would increase money in defense under this resolution. It would increase taxes. It would increase spending, unspecified spending.

I urge my colleagues to vote no on the Lautenberg amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 300.

Mr. REID. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—46

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

NAYS—53

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

NOT VOTING—1

Miller

The amendment (No. 300) was rejected.

AMENDMENT NO. 265

(Purpose: To eliminate tax cuts)

The PRESIDING OFFICER. The clerk will report the amendment No. 265.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an amendment numbered 265.

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

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

(The amendment is printed in the RECORD of Tuesday, March 18, 2003, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

There will be 2 minutes of debate evenly divided.

Mr. HOLLINGS. Mr. President, if you turn to page 6 of the budget, you will see that for the fiscal year we are projecting going into the red \$484 billion; for 2004, \$582 billion; for 2005, \$556 billion. So for the 3-year period, that is \$1.5 trillion going into the red. That is \$1.5 trillion of stimulus.

If anybody wants to talk growth, you know dividends and the estate tax are not going to stimulate anything. This is \$1.5 trillion of stimulus. The only thing that grows in this budget is the debt. So for those who are responding to the needs of the country, trying to get us to sober up and get back on track and get ahold of ourselves and quit running these horrendous deficits and spending Social Security, vote aye; for those responding to the needs of the campaign, vote no.

Mr. NICKLES. Mr. President, I urge my colleagues to vote no on this amendment. This amendment says there will be no growth package. It implies a tax increase in 2011, 2012, and 2013. That means a 10-percent rate would go to 15 percent; the child credit that would be \$1,000 will fall back to \$500; the marriage penalty would be increased.

I urge my colleagues to vote no.

Mr. AKAKA. Mr. President, I rise today to voice my disagreement with the priorities set forth in the budget resolution we have been debating, and support for the amendments offered by my colleagues from South Carolina and New York, Senators HOLLINGS and SCHUMER. With our Nation at war, we must do all we can to support our troops, ensure that our homeland is secure, and continue our emphasis on significant domestic priorities, such as education and health care. This is why I believe it would be unwise to enact further tax cuts that would pit these priorities against each other for limited Federal dollars and lead us further down the path to fiscal irresponsibility.

We have commenced military operations against an enemy who has defied efforts at international diplomacy. Without a doubt, these efforts will come at substantial cost which is not reflected in this budget. Proponents must rely on budget tactics to show that we can allow additional tax cuts to be passed. I would like to associate my comments with those of my col-

league from North Dakota, Senator CONRAD, who rightfully attempted to enforce patriotic pause on this very point.

This budget repudiates our commitment to fight the evil of terrorism within our own borders. It fails to adequately fund homeland security, which is why I am a cosponsor of the amendment offered by my friend from New York, Senator SCHUMER, who has requested that \$88 billion be provided over 11 years for urgent homeland security needs, including immediate funding for those on the home front—first responders, firefighters, port, border and transportation security. I also applaud the provisions for bioterrorism preparedness and threat and critical infrastructure assessment. At a time when threats to U.S. civilians within our borders are very real, we must not abandon, for the sake of tax cuts, our resolve to ensure the peace of mind of families at home and individuals in their workplaces—many who are praying for loved ones fighting in our armed services abroad.

This resolution calls for tax cuts that will do nothing to stimulate the economy, but would worsen the progressivity of the Tax Code. It would also rob our most important investment of required resources, and that is the investment in the education of America's children. We should be sending the message to our children that we will do all we can to give them the knowledge and tools to be able to meet future challenges that will face this country, when we in this body are long gone. Instead, if we pass additional tax cuts, we are saying that we will place political gain over a solid start in life for young Americans. This is why I voted for the amendment proposed by my colleague from Washington State, Senator MURRAY, along with others, that would have provided an \$8.9 billion increase in education funding, as well as \$8.9 billion for deficit reduction out of funding designated for tax cuts. This funding increase sought to fully fund the No Child Left Behind Act. We only began to fulfill some of the promises we made in passing this sweeping education reform law through the fiscal year 2003 appropriations process. We cannot let this investment waver in fiscal year 2004.

Finally, I oppose efforts to decrease Federal revenues sorely needed to ensure that all Medicare beneficiaries have access to the comprehensive prescription drug program that they deserve. Far too many seniors are currently unable to afford the costs of the prescription drugs that their doctors prescribe. Seniors must be able to obtain meaningful prescription drug coverage through the traditional Medicare Program. I supported the amendment sponsored by my colleagues, Senators BOB GRAHAM, DORGAN, and STABENOW, which would have made sure that a Medicare prescription drug benefit is adequately funded, by increasing the Medicare reserve fund by approximately \$220 billion. The amendment

would also have guaranteed that participants in traditional Medicare receive the same prescription drug benefit as beneficiaries that enroll in private Medicare health plans. The funding should be included in the budget resolution to adequately protect our Nation's seniors against the increasing costs of prescription drugs instead of to accommodate additional tax cuts. The Graham-Dorgan-Stabenow amendment would have reduced the size of the tax cuts in the budget resolution by approximately \$400 billion and provided a clear choice between additional tax cuts or a meaningful prescription drug benefit.

The time has come to face our fiscal responsibilities honestly. Tax cuts are not the answer at this point in our Nation's history. I join with Senator HOLLINGS and other colleagues in opposition to the passage of additional tax cuts that would steal much needed revenues at a time of great need. I owe it to the people of Hawaii and we owe it to the people of America.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—22

Akaka	Durbin	Kennedy
Biden	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Byrd	Graham (FL)	Levin
Carper	Harkin	Rockefeller
Chafee	Hollings	Sarbanes
Corzine	Inouye	
Dodd	Jeffords	

NAYS—77

Alexander	Dole	Mikulski
Allard	Domenici	Murkowski
Allen	Dorgan	Murray
Baucus	Edwards	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bingaman	Fitzgerald	Pryor
Bond	Frist	Reed
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Santorum
Burns	Hagel	Schumer
Campbell	Hatch	Sessions
Cantwell	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Johnson	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lieberman	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Voinovich
Daschle	Lugar	Warner
Dayton	McCain	Wyden
DeWine	McConnell	

The amendment (No. 265) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the next two amendments that are in order

are the Sarbanes amendment and the Crapo amendment. I believe they have been able to work something out. I thank them for that. We will save considerable time. I yield to the Senator from Maryland for a comment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be very quick. Senator CRAPO and I have been in discussions. We have reached an accord which will enable the managers to accept the amendment. This is directed to providing additional funding for the State revolving fund dealing with clean water and safe drinking water. There is an overwhelming need. The Federal involvement is a leveraging involvement for State and local governments to help address this important issue.

I am pleased to work with Senator CRAPO. We have come to a positive conclusion.

Mr. NICKLES. Mr. President, I ask unanimous consent to withdraw the Sarbanes amendment.

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

Mr. NICKLES. Mr. President, I yield to the Senator from Idaho for his amendment.

AMENDMENT NO. 317

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. CRAPO. Mr. President, I also appreciate Senator SARBANES and the other Senators in the Chamber who are so involved in working on this critical issue. Our water infrastructure needs in this Nation are crying out for attention. This is one of those areas we have to address in the budget. We have the kind of need that requires us to be focused and unified.

I am very grateful we were able to come together on an amendment today that will help us begin the process of addressing the crying need in our Nation's infrastructure for water systems. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am not sure we called up the Crapo amendment. We withdraw the Sarbanes amendment. I do not believe we called up the Crapo amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself and Mr. SARBANES, proposes an amendment numbered 317.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Crapo-Sarbanes amendment be modified to include Senator SARBANES as a cosponsor. I thank my friend and colleague from Maryland for his leadership and willingness to work together. I am glad we can accept it, and I think we can have a voice vote.

Mr. BYRD. Mr. President, may we hear the reading of the amendment?

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BYRD. Or reading can be dispensed with. We have not heard the reading of the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 317.

Mr. CRAPO. 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 EPA for Clean Water State Revolving Fund and the Safe Drinking Water State Revolving Fund)

On page 16, line 11, increase the amount by \$3,009,000,000.

On page 16, line 12, increase the amount by \$150,000,000.

On page 16, line 16, increase the amount by \$451,000,000.

On page 16, line 20, increase the amount by \$903,000,000.

On page 16, line 24, increase the amount by \$903,000,000.

On page 17, line 3, increase the amount by \$451,000,000.

On page 42, line 2, decrease the amount by \$3,009,000,000.

On page 42, line 3, decrease the amount by \$150,000,000.

On page 42, line 7, decrease the amount by \$451,000,000.

On page 42, line 11, decrease the amount by \$903,000,000.

On page 42, line 15, decrease the amount by \$903,000,000.

On page 42, line 19, decrease the amount by \$451,000,000.

Mr. JEFFORDS. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senators from Maryland and the Senator from Florida.

Today, we know that our Nation's waters are at risk. We have made progress since the days of the early 1970s when textile mills in Vermont turned river water the "color of the day" that was being used in the mill. It is almost unimaginable that wastewater would move directly from homes and businesses, untreated, into our rivers and streams.

Our towns and cities, along with the Federal Government, have invested billions of dollars over the last 30 years to build the infrastructure to treat our wastewater and drinking water. However, even with those investments, we continue to fail to fully protect our waters from pollution.

The EPA estimates that over 40 percent of our Nation's waters are impaired. That is close to half of our Nation's waters. Lingering problems such as combined sewer overflows and ongoing challenges such as nonpoint source pollution continue to require our attention.

The progress we have made over the last 30 years stands on the brink of evaporation as the extensive water and wastewater infrastructure we have built is nears the end of its useful life. There are a number of estimates of the current funding gap in the areas of water and wastewater infrastructure.

The EPA estimates 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.

According to the Congressional Budget Office, the spending gap for clean water needs is estimated to be 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.

It is not solely the Federal Government's responsibility to fill this gap.

However, it is the Federal Government's responsibility to provide a reasonable investment in water infrastructure, given the size of the anticipated needs. The budget before us today fails to meet that responsibility. Those supporting the budget will say that it provides level funding for the Clean Water and the Drinking Water SRF.

They will say that the President's budget had such a low request for the Clean Water SRF in particular—one-half of traditional funding levels—that the funding level in this budget is an accomplishment.

The fact that the President failed to recognize our water infrastructure needs and requested such an inadequate amount of funding does not justify the same failure by the Congress.

I know that many Members of the Senate share this view. In December 2002, Senators SARBANES and VOINOVICH and 38 Members of the Senate from both sides of the aisle sent a letter to the President asking him to provide \$3.2 billion for the Clean Water SRF and \$2 billion for the Drinking Water SRF.

I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, December 10, 2002.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you prepare your fiscal 2004 budget, we urge you to make investment in clean water infrastructure a top environmental and public health priority. Specifically, we ask that you provide for at least a \$3.1 billion increase above the Fiscal 2003 request of \$2.1 billion in the Clean Water and Safe Drinking Water State Revolving Funds (SFR) to help states and local communities meet water quality standards and restore the health and safety of our nation's waters.

This year marks the 30th Anniversary of the landmark Clean Water Act. Despite important progress over the last three decades, 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. Today, maintaining clean, safe water remains one of our greatest national and global challenges.

On September 30, 2002, the Environmental Protection Agency (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. As Administrator Whitman pointed out, "(t)he magnitude of the challenge America faces is clearly beyond the ability of any one entity to address."

It is vital that the Federal government maintain a strong partnership with states and local governments in averting this massive projected funding gap and share in the burden of maintaining and improving the nation's water infrastructure. An increase in funding for the Clean Water SRF to \$3.2 billion and for the Drinking Water SRF to \$2 billion in fiscal 2004 is the first step necessary to meet the Federal government's longstanding commitment in this regard.

Thank you for your consideration. The Administration's leadership is needed to ensure that our communities' water resources are kept clean and safe.

Sincerely,

Paul S. Sarbanes; Jack Reed; Jim Jeffords; Carl Levin; John F. Kerry; George V. Voinovich; Susan Collins; Jeff Bingaman; Barbara A. Mikulski; Arlen Specter.

John Breaux; Debbie Stabenow; Tom Harkin; Jon S. Corzine; Evan Bayh; Lincoln Chafee; Gordon Smith; Blanch L. Lincoln; Ted Kennedy; Chris Dodd; Mike DeWine; Hillary Rodham Clinton. Ron Wyden; John Rockefeller; Barbara Boxer; Joe Biden; Maria Cantwell; J. Lieberman; Dick Durbin; Mark Dayton; Dianne Feinstein; Olympia Snowe.

Patrick Leahy; George Allen; Robert C. Byrd; Tom Daschle; Chuck Schumer; Tom Carper.

Mr. JEFFORDS. Mr. President, the President ignored this request.

On March 7, I joined Senators SARBANES, VOINOVICH, and thirty-seven Members from both sides of the aisle in sending a letter to the Budget Committee asking for these same funding levels.

I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, March 7, 2003.

Hon. DON NICKLES,

Chairman, Senate Budget Committee.

Hon. KENT CONRAD,

Ranking Member, Senate Budget Committee.

DEAR SENATORS NICKLES AND CONRAD: As you prepare the fiscal year 2004 budget, we urge you to make clean water and drinking water infrastructure a top environmental and health priority. Specifically, we ask that you provide for at least a \$3.5 billion increase above the fiscal year 2004 request of \$1.7 billion for the Clean Water and Safe Drinking Water Revolving Funds (SRF) to help states and local communities meet water quality standards and restore the health and safety of our nation's waters.

Despite important progress over the last three decades, the Environmental Protection Agency 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 also 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. Today, maintaining clean, safe water remains one of our greatest national and global challenges.

On September 30, 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. As Administrator Whitman pointed out, ". . . (t)he magnitude of the challenge America faces is clearly beyond the ability of any one entity to address."

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.

We are now writing to you asking that the Senate Budget Committee take the first steps needed to demonstrate leadership in helping our communities' keep our water resources clean and safe by increasing the budget allocation for Clean Water and Drinking Water SRFs to \$5.2 billion.

It is vital that the Federal government maintains a strong partnership with states and local governments in averting this massive projected funding gap and share in the burden of maintaining and improving the nation's water infrastructure. 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.

Thank you for your consideration.

Sincerely,

Jim Jeffords; George Voinovich; Tom Daschle; Ted Kennedy; John F. Kerry; George Allen; Carl Levin; Paul Sarbanes; Bob Graham; Lincoln Chafee; Olympia Snowe; Hillary Rodham Clinton; Patrick Leahy; Mike DeWine.

Jack Reed; Barbara A. Mikulski; John Breaux; Debbie Stabenow; Arlen Specter; Max Baucus; Barbara Boxer; Joe Biden; Daniel K. Akaka; Christopher Dodd; Charles Schumer; Joseph Lieberman; John Rockefeller; Jeff Bingaman; Blanche Lincoln; Dick Durbin; Susan Collins; Harry Reid; John Warner; Maria Cantwell.

Mr. JEFFORDS. Mr. President, the committee responded and provided a slight increase over the President's request. I thank the committee for that.

However, that slight increase comes nowhere close to meeting the huge water infrastructure funding gap. It comes nowhere close to meeting the funding levels that were endorsed twice by over one-third of the Senate.

Now is the time to increase funding for water infrastructure, not decrease it. We have the opportunity today to make an investment in our Nation's water infrastructure that will protect the gains we have made in the last 30 years. Without this investment, we run the risk of actually increasing the number of polluted waters in the country.

Before I close, I want to say a word about the economy. We must take action to prevent our economy from faltering. Investment in water infrastructure is estimated to create 40,000 jobs for every billion dollars invested. We are proposing to invest \$5.2 billion in the State revolving funds. The States will provide a 20 percent match of just over \$1 billion. This could create up over 200,000 jobs.

I urge my colleagues to support the amendment proposed by the Senator of Maryland.

By voting aye on this amendment, we can take direct action to improve both the State of our Nation's waters and the state of our Nation's economy.

Mr. BOND. Mr. President, I support my friend's amendment to increase Federal funding to \$5.2 billion next year to help local communities provide our families and businesses with safe drinking water and clean waste water.

Our water pipes are aging and falling into disrepair. New regulations to treat stormwater are placing a huge burden on localities. Growth across the country, especially in the South and West, requires additional water funding.

In my own State of Missouri, we have small communities such as Pickering of no more than 150 people that still lack sewer systems. Mid-size cities such as Lebanon have tripled water rates and still can't afford new EPA regulations. Even our large cities such as St. Louis face many of the problems our aging eastern urban areas face. A recent series of articles in the St. Louis Post Dispatch highlighted St. Louis still using sewer pipes more than 100 years old and made of wood.

This crisis is too great for local communities to bear alone. Experts estimate the funding gap between what we as a Nation contribute and what is needed to clean and provide safe water at \$500 billion over 20 years.

That's \$25 billion per year. The Federal Government can't close that gap alone, but we must provide more than the current paltry \$2.2 billion per year.

I urge my colleagues to support the Crapo amendment to increase vital water funds without depriving our citizens of their much deserved tax relief to spur economic growth, create jobs, and indirectly increase revenue for Government at all levels.

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

The question is on agreeing to amendment No. 317.

The amendment (No. 317) was agreed to.

Mr. SARBANES. 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 thank both our colleagues. We just saved at least 30 minutes. I thank them both very much for their cooperation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I, too, thank our colleagues. Maybe this serves as a good example of how we might proceed.

AMENDMENT NO. 376

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

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 376.

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 provide full funding for the Individuals with Disabilities Education Act (IDEA) part B grants over ten years by reducing tax breaks for the wealthiest taxpayers)

On page 3, line 10, increase the amount by \$35,000,000.

On page 3, line 11, increase the amount by \$1,173,000,000.

On page 3, line 12, increase the amount by \$2,835,000,000.

On page 3, line 13, increase the amount by \$4,585,000,000.

On page 3, line 14, increase the amount by \$6,335,000,000.

On page 3, line 15, increase the amount by \$8,085,000,000.

On page 3, line 16, increase the amount by \$9,835,000,000.

On page 3, line 17, increase the amount by \$11,585,000,000.

On page 3, line 18, increase the amount by \$13,335,000,000.

On page 3, line 19, increase the amount by \$15,078,000,000.

On page 4, line 1, increase the amount by \$35,000,000.

On page 4, line 2, increase the amount by \$1,173,000,000.

On page 4, line 3, increase the amount by \$2,835,000,000.

On page 4, line 4, increase the amount by \$4,585,000,000.

On page 4, line 5, increase the amount by \$6,335,000,000.

On page 4, line 6, increase the amount by \$8,085,000,000.

On page 4, line 7, increase the amount by \$9,835,000,000.

On page 4, line 8, increase the amount by \$11,585,000,000.

On page 4, line 9, increase the amount by \$13,335,000,000.

On page 4, line 10, increase the amount by \$15,078,000,000.

On page 4, line 15, increase the amount by \$1,750,000,000.

On page 4, line 16, increase the amount by \$3,500,000,000.

On page 4, line 17, increase the amount by \$5,250,000,000.

On page 4, line 18, increase the amount by \$7,000,000,000.

On page 4, line 19, increase the amount by \$8,750,000,000.

On page 4, line 20, increase the amount by \$10,500,000,000.

On page 4, line 21, increase the amount by \$12,250,000,000.

On page 4, line 22, increase the amount by \$14,000,000,000.

On page 4, line 23, increase the amount by \$15,750,000,000.

On page 4, line 24, increase the amount by \$17,131,000,000.

On page 5, line 5, increase the amount by \$35,000,000.

On page 5, line 6, increase the amount by \$1,173,000,000.

On page 5, line 7, increase the amount by \$2,835,000,000.

On page 5, line 8, increase the amount by \$4,585,000,000.

On page 5, line 9, increase the amount by \$6,335,000,000.

On page 5, line 10, increase the amount by \$8,085,000,000.

On page 5, line 11, increase the amount by \$9,835,000,000.

On page 5, line 12, increase the amount by \$11,585,000,000.

On page 5, line 13, increase the amount by \$13,335,000,000.

On page 5, line 14, increase the amount by \$15,078,000,000.

On page 25, line 16, increase the amount by \$1,750,000,000.

On page 25, line 17, increase the amount by \$35,000,000.

On page 25, line 20, increase the amount by \$3,500,000,000.

On page 25, line 21, increase the amount by \$1,173,000,000.

On page 25, line 24, increase the amount by \$5,250,000,000.

On page 25, line 25, increase the amount by \$2,835,000,000.

On page 26, line 3, increase the amount by \$7,000,000,000.

On page 26, line 4, increase the amount by \$4,585,000,000.

On page 26, line 7, increase the amount by \$8,750,000,000.

On page 26, line 8, increase the amount by \$6,335,000,000.

On page 26, line 11, increase the amount by \$10,500,000,000.

On page 26, line 12, increase the amount by \$8,085,000,000.

On page 26, line 15, increase the amount by \$12,250,000,000.

On page 26, line 16, increase the amount by \$9,835,000,000.

On page 26, line 19, increase the amount by \$14,000,000,000.

On page 26, line 20, increase the amount by \$11,585,000,000.

On page 26, line 23, increase the amount by \$15,750,000,000.

On page 26, line 24, increase the amount by \$13,335,000,000.

On page 27, line 2, increase the amount by \$17,131,000,000.

On page 27, line 3, increase the amount by \$15,078,000,000.

Strike Section 211 and insert in its place the following:

SEC. 211. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget 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 \$1,750,000,000 in new budget authority and \$35,000,000 in outlays for fiscal year 2004, \$26,250,000,000 in new budget authority and \$14,963,000,000 in outlays for the total of fiscal years 2004 through 2008, and \$95,881,000,000 in new budget authority and \$72,880,000,000 in outlays for the total of fiscal years 2004 through 2013, 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 in the tenth year.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. Mr. President, this amendment moves to keep the promise on IDEA. When the Federal Government enacted this program, it promised the States and the local jurisdictions that it would fund 40 percent of the expense.

We have never done that. We are at about half that amount. As a result, we have forced property tax increases all across America. This amendment says let's keep the promise on IDEA. We phase it in over 10 years. It costs \$73 billion in outlays. It is paid for by the nonreconciled tax cuts. Let me emphasize to my colleagues, the nonreconciled tax cuts.

I hope my colleagues will give serious consideration to this amendment. Let's keep the promise on IDEA. Let's help those local jurisdictions at a time of enormous financial stress meet the need.

Mr. BAUCUS. Mr. President, I rise to pledge my continued support for the Individuals with Disabilities Education Act. Fully funding the Federal Government's share of special education costs is one of the most important investments we can make in our children and our schools. Funding IDEA to the full 40 percent will lift the burden of rising special education costs off the backs of our schools and enhance their ability to deliver a quality education to all students.

I have consistently fought to make full funding of IDEA a reality, and I will continue to build on the progress we have made.

But I am forced to vote against this amendment because of another concern, my concern with mounting deficits.

The budget resolution brought before us includes tax cuts that total \$1.3 trillion. The budget also proposes that \$725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a \$1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues, or the deficits that followed.

This is not the time to reduce revenues by \$725 billion. It would hurt our budget and our economy.

Why is \$725 billion in tax cuts inappropriate at this time?

The most crucial problem is that it is not paid for. The budget resolution brought before us forecasts enormous deficits for almost the next decade. Reducing revenues by \$725 billion adds to the already mounting deficits.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

I joined three of my colleagues in a letter that laid out these concerns. We

pledged that we would not agree to tax cuts above \$350 billion. This is crucial. The Budget Committee approved \$725 billion in tax cuts, and brought it to the Senate floor. Along with my colleagues, I promised to vote to bring this number down by \$375 billion.

In a narrowly divided Senate, it is important that both parties work together to come up with the appropriate spending and revenue targets for the budget. That is why I worked with both Democrats and Republicans. Together, we came up with a target of \$350 billion for this tax cut, and we agreed that we would all stick to that number.

As part of our commitment to try to reduce the size of the tax cut approved by the Budget Committee, we also agreed that we would not try to reduce the size of the tax cut below \$350 billion. That means I am forced to make difficult decisions. In order to keep my commitment to a more responsible tax cut, I have to vote against funding priorities.

During tough times, we must make tough choices. I chose to commit to a responsible tax cut. A tax cut that will prevent worsening deficits that would hurt our economy.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, over the last 4 years, especially over the last 2 years President Bush has been in office, there has been a dramatic increase in IDEA funding. In fact, we have increased IDEA funding by almost 173 percent. Last year, we added \$1 billion. This year, we added \$1 billion. This budget will add \$1 billion on top of that—\$3 billion in 3 years. This has been a major commitment to IDEA. I will be following the amendment the Senator from North Dakota has proposed with another amendment which will add an additional \$3.2 billion into IDEA. It is inappropriate to take the course of action which the Senator from North Dakota has proposed. We believe we can do it in a much more thoughtful and appropriate way with the following amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 376.

Mr. CONRAD. 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 clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Miller

The amendment (No. 376) was rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. 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. 377

Mr. GREGG. Mr. President, I ask that my amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 377.

Mr. GREGG. 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 increase funding for Part B of the Individuals with Disabilities Education Act by reducing spending on other government programs by a commensurate amount)

On page 25, line 16, increase the amount by \$969,602,000.

On page 25, line 20, increase the amount by \$2,319,000,000.

On page 25, line 17, increase the amount by \$19,392,040.

On page 25, line 21, increase the amount by \$657,229,260.

On page 25, line 25, increase the amount by \$1,751,850,600.

On page 26, line 4, increase the amount by \$744,180,100.

On page 26, line 8, increase the amount by \$115,950,000.

On page 42, line 2, decrease the amount by \$969,602,000.

On page 42, line 6, decrease the amount by \$2,319,000,000.

On page 42, line 3, decrease the amount by \$19,392,040.

On page 42, line 7, decrease the amount by \$657,229,260.

On page 42, line 11, decrease the amount by \$1,751,850,600.

On page 42, line 15, decrease the amount by \$744,180,100.

On page 42, line 19, decrease the amount by \$115,950,000.

The PRESIDING OFFICER. The amendment will receive 2 minutes of debate evenly divided on each side.

Mr. GREGG. Mr. President, this amendment represents another significant increase in IDEA funding. It represents a \$3.2 billion increase over the next 2 years, which will mean that the total increase in IDEA funding over the next 2 years will be approximately \$6.7 billion. That is a very dramatic increase that puts us clearly on a path toward full funding of the IDEA accounts, on which many have worked for a long time. I hope the membership supports the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. CONRAD. I yield time to the Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment is as phony as a \$3 bill. It provides for 2 years of funding for the Individuals with Disabilities Education Act and then you drop off the face of the Earth. And it gets the money from—where? It gets it from nowhere. It is play money.

Later on, I will have an amendment that will really fund that. I have been working on an amendment with the Senator from Nebraska that will really put the money in there and get us fully funded for the Individuals with Disabilities Education Act by 2011. It will not be funny money, and it will not fall off the face of the Earth in 2 years like the Gregg amendment.

I ask for defeat of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Gregg amendment No. 377.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER), is necessarily absent.

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

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—89

Alexander	Bennett	Breaux
Allard	Biden	Brownback
Allen	Bingaman	Bunning
Baucus	Bond	Burns
Bayh	Boxer	Byrd

Campbell	Fitzgerald	Nelson (FL)
Cantwell	Frist	Nelson (NE)
Carper	Graham (FL)	Nickles
Chafee	Graham (SC)	Pryor
Chambliss	Grassley	Reed
Cochran	Gregg	Reid
Coleman	Hagel	Roberts
Collins	Hatch	Rockefeller
Conrad	Hutchison	Santorum
Cornyn	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Craig	Johnson	Sessions
Crapo	Kennedy	Shelby
Daschle	Kerry	Smith
DeWine	Landrieu	Snowe
Dodd	Leahy	Specter
Dole	Lieberman	Stabenow
Domenici	Lincoln	Stevens
Dorgan	Lott	Sununu
Durbin	Lugar	Talent
Edwards	McCain	Thomas
Ensign	McConnell	Voinovich
Enzi	Mikulski	Warner
Feingold	Murkowski	Wyden
Feinstein	Murray	

NAYS—10

Akaka	Hollings	Lautenberg
Clinton	Jeffords	Levin
Dayton	Kohl	
Harkin	Kyl	

NOT VOTING—1

Miller

The amendment (no. 377) was agreed to.

CHANGE OF VOTE

Mr. DORGAN. Mr. President, on roll-call vote No. 71, I voted nay. It was my intention to vote yea. I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. NICKLES. Mr. President, for the information of our colleagues, we will soon be voting on the Mikulski amendment. This will complete the first batch of amendments and Senator CONRAD and I will be working to put together a list of additional amendments. So I expect there will be some break, just for the information of our colleagues. We hope to begin—this vote will start in just a couple of minutes. I expect we will have another round of votes beginning probably close to 1:15.

Mr. SARBANES. A lunch break.

AMENDMENT NO. 349

The PRESIDING OFFICER. The clerk will report the next amendment.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI) proposed an amendment numbered 349.

Ms. MIKULSKI. 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 revise the resolution to accommodate in reconciliation legislation a partially refundable tax credit of up to \$5,000 for eligible expenses for individuals with long term or chronic care needs of their family caregivers who pay these expenses; in which "eligible expenses" shall include prescription drugs, medical bills, durable medical equipment, home health care, custodial care, respite care, adult day care, transportation to chronic care or medical facilities, specialized therapy (including occupational therapy, physical therapy, or rehabilitational therapy), other specialized services for children (including day care for children with special needs), and other long term care related expenses as defined by the Secretary of Health and Human Services; and in which "individuals with long term or chronic care needs" shall mean individuals with multiple chronic conditions, individuals unable to perform activities of daily living, individuals with severe cognitive impairment, individuals with complex medical conditions, and other individuals with similar levels of disability or need for care)

On page 3, line 10, increase the amount by \$246,000,000.

On page 3, line 11, increase the amount by \$256,000,000.

On page 3, line 12, increase the amount by \$267,000,000.

On page 3, line 13, increase the amount by \$552,000,000.

On page 3, line 14, increase the amount by \$578,000,000.

On page 3, line 15, increase the amount by \$908,000,000.

On page 3, line 16, increase the amount by \$941,000,000.

On page 3, line 17, increase the amount by \$1,313,000,000.

On page 3, line 18, increase the amount by \$1,375,000,000.

On page 3, line 19, increase the amount by \$1,799,000,000.

On page 4, line 1, increase the amount by \$246,000,000.

On page 4, line 2, increase the amount by \$256,000,000.

On page 4, line 3, increase the amount by \$267,000,000.

On page 4, line 4, increase the amount by \$552,000,000.

On page 4, line 5, increase the amount by \$578,000,000.

On page 4, line 6, increase the amount by \$908,000,000.

On page 4, line 7, increase the amount by \$941,000,000.

On page 4, line 8, increase the amount by \$1,313,000,000.

On page 4, line 9, increase the amount by \$1,375,000,000.

On page 4, line 10, increase the amount by \$1,799,000,000.

On page 4, line 15, increase the amount by \$246,000,000.

On page 4, line 16, increase the amount by \$256,000,000.

On page 4, line 17, increase the amount by \$267,000,000.

On page 4, line 18, increase the amount by \$552,000,000.

On page 4, line 19, increase the amount by \$578,000,000.

On page 4, line 20, increase the amount by \$908,000,000.

On page 4, line 21, increase the amount by \$941,000,000.

On page 4, line 22, increase the amount by \$1,313,000,000.

On page 4, line 23, increase the amount by \$1,375,000,000.

On page 4, line 24, increase the amount by \$1,799,000,000.

On page 5, line 5, increase the amount by \$246,000,000.

On page 5, line 6, increase the amount by \$256,000,000.

On page 5, line 7, increase the amount by \$267,000,000.

On page 5, line 8, increase the amount by \$552,000,000.

On page 5, line 9, increase the amount by \$578,000,000.

On page 5, line 10, increase the amount by \$908,000,000.

On page 5, line 11, increase the amount by \$941,000,000.

On page 5, line 12, increase the amount by \$1,313,000,000.

On page 5, line 13, increase the amount by \$1,375,000,000.

On page 5, line 14, increase the amount by \$1,799,000,000.

On page 27, line 11, increase the amount by \$246,000,000.

On page 27, line 12, increase the amount by \$246,000,000.

On page 27, line 15, increase the amount by \$256,000,000.

On page 27, line 16, increase the amount by \$256,000,000.

On page 27, line 19, increase the amount by \$267,000,000.

On page 27, line 20, increase the amount by \$267,000,000.

On page 27, line 23, increase the amount by \$552,000,000.

On page 27, line 24, increase the amount by \$552,000,000.

On page 28, line 2, increase the amount by \$578,000,000.

On page 28, line 3, increase the amount by \$578,000,000.

On page 28, line 6, increase the amount by \$908,000,000.

On page 28, line 7, increase the amount by \$908,000,000.

On page 28, line 10, increase the amount by \$941,000,000.

On page 28, line 11, increase the amount by \$941,000,000.

On page 28, line 14, increase the amount by \$1,313,000,000.

On page 28, line 15, increase the amount by \$1,313,000,000.

On page 28, line 18, increase the amount by \$1,375,000,000.

On page 28, line 19, increase the amount by \$1,375,000,000.

On page 28, line 22, increase the amount by \$1,799,000,000.

On page 28, line 23, increase the amount by \$1,799,000,000.

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on each side. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, my amendment would give a tax credit up to \$5,000 to family caregivers. My amendment would help a family dealing with juvenile diabetes, a spouse taking care of someone with Alzheimer's, a parent taking care of an adult son with Down's syndrome.

My tax credit would pay for prescription drugs, home health care, durable medical equipment—things that give help to those families practicing self-help. These families face a tremendous financial and emotional burden. Families will deal with their own emotional burden, but I believe America should step up and help them with their financial burden as they deal with caregiving in the United States of America.

Mr. President, 125 million Americans have chronic conditions; 18 million of those are children. Family caregivers are often stretched to the limit, often working two jobs. This amendment costs \$35 billion. We can afford it and we ought to do it.

The PRESIDING OFFICER. Who yields time? Who yields time in opposition?

Mr. NICKLES. Go ahead.

Mr. GRASSLEY. I yield myself time.

Mr. President, I rise in opposition to the amendment. I obviously do not rise in opposition to the goals the Senator from Maryland seeks, because I, along with Senator GRAHAM of Florida—the two of us are sponsors of an amendment that would provide a \$3,000 tax credit for family caregiving. But what we are involved with here is taking money from the tax reduction fund to put into another program. What we need to do is keep the tax reduction fund very strong because it is a growth package, it is a job package. We want to create jobs. We want an economic environment so when our men and women come home from Iraq there are jobs for our men and women. There is no job creation now. We want to create jobs. It is going to take a tax cut to create jobs.

The PRESIDING OFFICER. The question is on agreeing to the Mikulski amendment No. 349.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

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

[Rollcall Vote No. 72 Leg.]

YEAS—45

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

NAYS—54

Alexander	Coleman	Hagel
Allard	Collins	Hatch
Allen	Cornyn	Hutchison
Baucus	Craig	Inhofe
Bennett	Crapo	Kyl
Bingaman	DeWine	Lott
Bond	Dole	Lugar
Breaux	Domenici	McCain
Brownback	Ensign	McConnell
Bunning	Enzi	Murkowski
Burns	Fitzgerald	Nickles
Campbell	Frist	Roberts
Chafee	Graham (SC)	Santorum
Chambliss	Grassley	Sessions
Cochran	Gregg	Shelby

Smith	Stevens	Thomas
Snowe	Sununu	Voinovich
Specter	Talent	Warner

NOT VOTING—1

Miller

The amendment (No. 349) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. 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 Nevada.

Mr. REID. Mr. President, the managers of the bill asked that I maintain the floor until they return at approximately 1:15. They ask that there be no amendments offered or debate on amendments.

Senator BYRD is here. And he usually, each spring, gives us a speech on springtime.

Is the Senator ready to speak?

Mr. President, I ask unanimous consent that the Senator from West Virginia be allowed to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. And I thank my distinguished colleague, the Democratic whip, for his characteristic courtesy and attention to matters in the Senate, and his always readiness to help other Senators in getting recognition. I thank him very much.

SPRINGTIME

Mr. President, this is my 85th year, but it is my 86th coming of spring. I am 85 years old—85 years young—but this is my 86th first day of spring.

So, Mr. President, at long last spring has arrived. How sweet it is. How sweet it is. Spring has arrived.

After a long gray winter made darker by the specter of war, and with that conflict now upon us, it is heartening to be reminded of the great rhythm of the seasons and the renewal of the earth and the life upon it.

Now Nature hangs her mantle green

On every blooming tree,

And spreads her sheets o' daisies white

Out o'er the grassy lea

So wrote the poet Robert Burns.

On the world stage, war plays a leading role, demanding our attention with the strident clangor of steel and the tramp of marching troops. But in the wings, subtly repainting the background sets, spring softens the scenery and gives us hope for the rebirth of peace. Bright crocuses blanket the ground in a confetti of color and the green ink of new growth stains the tawny fields of winter. The rebuds cover the hillsides in a rosy blush as bare forests rush to cover themselves in verdant blankets of new leaves. Banks of nodding daffodils cheer the anxious hearts of families worrying over loved ones in uniform far from home.

Last year, a dry and mild winter caused spring bulbs to bloom in February. This year, as snowfall after snowfall piled up on lawns and roads, it seemed as if no flower could survive in the icy soil. Seed catalogs languished unread as we shoveled sidewalks and scraped windshields. We told ourselves that we needed the moisture and that the snow would replenish the groundwater, but these charitable thoughts faded as we faced another foot of new-fallen snow, another miserable commute, another slushy slog across parking lot melt. It was a long and wearing winter, and for those in the northern latitudes of the United States, it lingers on still. In Washington, and in West Virginia, however, we are emerging from our dens like bears—shaggy, lean, and hungry for spring.

Sweet is the breath of morn, her rising
Sweet
With charm of earliest birds; pleasant
The sun
When first on this delightful land he
Spreads
His orient beams on herb, tree, fruit
And flower.

The poet John Milton wrote those words.

I look forward to turning away from the incessant news coverage of war, and I look forward to spending a few precious moments outside listening instead to the spring peepers—those little frogs whose singing brings back boyhood memories of long ago, bubbling springs along Wolf Creek Hollow in Mercer County, WV. Their singing coincided with the arrival of warmer weather and with it, a welcome respite from those bitter early morning walks to school, cold hands wrapped around my lunch pail handle, coat collar turned up against the wind that transformed tender ears into red popsicles.

As I tend to the simple routines of springtime—cleaning up the sticks and leaves strewn across the yard by the winter winds, preparing my small garden, of four or five or six or seven tomato plants weeding and fertilizing the lawn—I shall look upon the spring flowers in all their finery. The forsythia, the lilac, the hyacinth, all are undaunted by the code oranges and the code reds. They care nothing for al-Qaida terrorists or Tomahawk missiles, for M1-A1 tanks or F-117 bombers, for sandy battlefields or military strikes. In their benevolence, they show the same cheerful faces to Presidents and dictators, to soldiers and to the loved ones those soldiers leave behind. In their camps in Kuwait and in their bivouacs in the desert, our brave troops will not see a daffodil this spring. But God's daffodil are there for them, just as we are, our support as eternal and dependable as the arrival of spring. I hope that they can take comfort in knowing that the daffodils still bloom and that spring has come at last. With my prayers for their safety and quick success, I wish them the energy and purpose of spring. May they soon be restored to their loved ones, to us, to enjoy a beautiful springtime at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, normally when there are speeches given not on the subject matter of the debate, we ask that they be put someplace else in the RECORD. I think this speech on springtime should stay just where it is. This has been a very difficult morning. It is going to be a much more difficult afternoon and evening. The speech on springtime should appear in the RECORD for all eternity to show that there are other things we do that have more meaning sometimes than the meaningless votes we take.

I ask unanimous consent that the Senator's wonderful statement about springtime stay where it is. As busy as we are here, sometimes we don't think about it, but because of the Senator from West Virginia, we are forced to—speeches he has given on Mother's Day and Father's Day, and other such speeches that I will long remember. This speech on springtime has caused me to focus on springtime that I would not have done otherwise.

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

Mr. BYRD. I thank the distinguished Senator from Nevada.

Mr. REID. Mr. President, we are going to be in a quorum call unless someone has a speech on a subject not related to the budget that they care to give. Senator NICKLES and Senator CONRAD asked that basically we be in a shutdown on the budget until they return, which should be in a matter of a few minutes. They wanted to come back around 1:15.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

Mr. NICKLES. Mr. President, we have tentatively agreed on an outline for amendments. I will read through these amendments. It is subject to change. I thank my colleague from North Dakota. We are working together and trying to accommodate Senators. Most of the amendment requests are coming from the minority side of the aisle, and that is the way it usually is on these resolutions. I understand that. We are going to try to move as expeditiously as possible. We are absolutely committed to finishing this bill. It is important we work together to try to complete it.

Some people are outside trying to rewrite amendments or write new amendments. I really discourage that. It is this Senator's intention to finish the bill. We have only been on it all week, and to have people in the drafting stage to see what they can come up with is not a good way to finish. We will be here until we finish.

I will not ask unanimous consent. I will list the order we expect just so Senators are notified and can be ready:

Senator CLINTON dealing with homeland security; Senator DORGAN dealing with veterans affairs; Senator BREAUX and others dealing with the \$350 billion growth package; Senator KENNEDY dealing with Pell grants; Senator GREGG dealing with Pell grants; Senator BYRD dealing with Amtrak; possibly Senator MCCAIN on Amtrak; Senator BIDEN dealing with COPS; Senator HOLLINGS on port security; Senator NICKLES on port security; Senator BOND on highways; and Senator NICKLES on highways.

That is our intention. It is not a unanimous consent request. It is just our intention, a list, an outline for our colleagues. This will be another 10 amendments. I suspect three or four of these amendments will drop.

Mr. REID. Will my friend yield?

Mr. NICKLES. I will be happy to yield.

Mr. REID. Mr. President, I think the two managers of this bill have been fair in doing their best to list these amendments and have an orderly process to dispose of them. Not in this tranche, but maybe the next, I hope the two managers will consider having part of a unanimous consent agreement that—everyone has been here on time—if someone is not here to offer their amendment, I am not sure we should hang around and wait for them.

Mr. NICKLES. I concur.

We are ready to do business. I believe Senator CLINTON has a modification of her amendment to send to the desk.

AMENDMENT NO. 381

Mrs. CLINTON. Mr. President, I have an amendment at 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 New York [Mrs. CLINTON] proposes an amendment numbered 381.

Mrs. CLINTON. 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 raise the 2003 caps by \$3.5 billion for homeland security funding through a Domestic Defense Fund at the Department of Homeland Security's Office of Domestic Preparedness in FY 2003 and to reduce the size of newly proposed tax cuts in the amount of \$7 billion to pay for this amendment and for the cost of previously passed homeland security funding)

On page 3, line 9, increase the amount by \$2,450,000,000.

On page 3, line 10, increase the amount by \$2,450,000,000.

On page 3, line 11, increase the amount by \$1,400,000,000.

On page 3, line 12, increase the amount by \$700,000,000.

On page 3, line 23, increase the amount by \$2,450,000,000.

On page 4, line 1, increase the amount by \$2,450,000,000.

On page 4, line 2, increase the amount by \$1,400,000,000.

On page 4, line 3, increase the amount by \$700,000,000.

On page 4, line 14, increase the amount by \$3,491,000,000.

On page 4, line 15, decrease the amount by \$575,000,000.

On page 4, line 16, decrease the amount by \$128,000,000.

On page 4, line 17, decrease the amount by \$174,500,000.

On page 4, line 18, decrease the amount by \$197,500,000.

On page 4, line 19, decrease the amount by \$211,000,000.

On page 4, line 20, decrease the amount by \$225,000,000.

On page 4, line 21, decrease the amount by \$238,500,000.

On page 4, line 22, decrease the amount by \$251,500,000.

On page 4, line 23, decrease the amount by \$265,000,000.

On page 4, line 24, decrease the amount by \$281,000,000.

On page 5, line 4, increase the amount by \$1,216,000,000.

On page 5, line 5, increase the amount by \$1,167,500,000.

On page 5, line 6, increase the amount by \$572,000,000.

On page 5, line 7, increase the amount by \$175,500,000.

On page 5, line 8, decrease the amount by \$197,500,000.

On page 5, line 9, decrease the amount by \$211,000,000.

On page 5, line 10, decrease the amount by \$225,000,000.

On page 5, line 11, decrease the amount by \$238,500,000.

On page 5, line 12, decrease the amount by \$251,500,000.

On page 5, line 13, decrease the amount by \$265,000,000.

On page 5, line 14, decrease the amount by \$281,000,000.

On page 5, line 17, increase the amount by \$1,234,000,000.

On page 5, line 18, increase the amount by \$1,282,500,000.

On page 5, line 19, increase the amount by \$828,000,000.

On page 5, line 20, increase the amount by \$524,500,000.

On page 5, line 21, increase the amount by \$197,500,000.

On page 5, line 22, increase the amount by \$211,000,000.

On page 5, line 23, increase the amount by \$225,000,000.

On page 5, line 24, increase the amount by \$238,500,000.

On page 5, line 25, increase the amount by \$251,500,000.

On page 6, line 1, increase the amount by \$265,000,000.

On page 6, line 2, increase the amount by \$281,000,000.

On page 23, line 15, increase the amount by \$3,500,000,000.

On page 23, line 16, increase the amount by \$1,225,000,000.

On page 23, line 20, increase the amount by \$1,225,000,000.

On page 23, line 24, increase the amount by \$700,000,000.

On page 24, line 3, increase the amount by \$350,000,000.

On page 46, line 20, increase the amount by \$3,500,000,000.

On page 46, line 21, increase the amount by \$1,225,000,000.

On page 47, line 6, increase the amount by \$1,225,000,000.

On page 47, line 15, increase the amount by \$700,000,000.

Mrs. CLINTON. Earlier today, the Senate passed an amendment offered by Senator COCHRAN—

The PRESIDING OFFICER. The Senator will suspend. There is no time for debate on the amendment.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for this list of amendments I have outlined, I ask unanimous consent that there be 2 minutes equally divided on each of these amendments.

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

The Senator from New York.

Mrs. CLINTON. Mr. President, earlier today, the Senate passed an amendment offered by Senator COCHRAN to increase homeland security funding by \$3.5 billion in the emergency supplemental bill we will consider in the coming weeks. This is an important first step, but it is not nearly enough and it should be paid for.

Our cities have already invested \$2.6 billion to protect the American home-front. This amendment adds \$3.5 billion to Senator COCHRAN's amendment and takes the fiscally responsible approach of paying for the full \$7 billion without reducing the reconciliation amount. I think we need to be much more vigorous in providing the funds that our police, our firefighters, and our cities need. This will help us move in that direction, and it will also be paid for, which is another important value that this budget should be trying to promote.

I ask for its approval and 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.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I do not know when we can say enough is enough. We have doubled the funding for homeland security in 2003 compared to 2002. That is a result of 9/11, and appropriately so. The budget we have before us increases it another 18.4 percent. We have already increased homeland security an additional \$3.5 billion as a result of passage of the Cochran amendment.

Senator CLINTON's amendment would just bump it up another \$3.5 billion. That would be an enormous percentage increase. Right now, we have funds for homeland security State by State that are not being spent, for whatever reason. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 381.

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

The assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—48

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

NAYS—52

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

The amendment (No. 381) was rejected.

AMENDMENT NO. 385

Mr. DORGAN. Mr. President, my understanding is that I am next on the list.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. My understanding is I am next on the list to offer an amendment. If that is the case, I am prepared to send an amendment to the desk on behalf of myself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN), for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. LEAHY, Mr. JEFFORDS, Mr. HARKIN, Ms. MIKULSKI, Mr. JOHNSON, and Mr. SARBANES, proposes an amendment numbered 385.

Mr. DORGAN. 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 FY 2004 funding for the discretionary programs of the Department of Veterans Affairs by \$1,019,000,000, so it matches the level proposed by a coalition of veterans groups in the Independent Budget; to decrease the deficit by a similar amount; and to use the unreconciled tax cut to pay for it)

On page 3, line 10, increase the amount by \$1,987,000,000.

On page 3, line 11, increase the amount by \$192,000,000.

On page 3, line 12, increase the amount by \$29,000,000.

On page 3, line 13, increase the amount by \$9,000,000.

On page 3, line 14, increase the amount by \$1,000,000.

On page 4, line 1, increase the amount by \$1,798,000,000.

On page 4, line 2, increase the amount by \$192,000,000.

On page 4, line 3, increase the amount by \$29,000,000.

On page 4, line 4, increase the amount by \$9,000,000.

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

On page 4, line 15, increase the amount by \$1,003,000,000.

On page 4, line 16, decrease the amount by \$43,000,000.

On page 4, line 17, decrease the amount by \$52,000,000.

On page 4, line 18, decrease the amount by \$58,000,000.

On page 4, line 19, decrease the amount by \$61,000,000.

On page 4, line 20, decrease the amount by \$65,000,000.

On page 4, line 21, decrease the amount by \$69,000,000.

On page 4, line 22, decrease the amount by \$73,000,000.

On page 4, line 23, decrease the amount by \$77,000,000.

On page 4, line 24, decrease the amount by \$81,000,000.

On page 5, line 5, increase the amount by \$883,000,000.

On page 5, line 6, increase the amount by \$53,000,000.

On page 5, line 7, decrease the amount by \$37,000,000.

On page 5, line 8, decrease the amount by \$54,000,000.

On page 5, line 9, decrease the amount by \$61,000,000.

On page 5, line 10, decrease the amount by \$65,000,000.

On page 5, line 11, decrease the amount by \$69,000,000.

On page 5, line 12, decrease the amount by \$73,000,000.

On page 5, line 13, decrease the amount by \$77,000,000.

On page 5, line 14, decrease the amount by \$81,000,000.

On page 5, line 18, increase the amount by \$915,000,000.

On page 5, line 19, increase the amount by \$139,000,000.

On page 5, line 20, increase the amount by \$66,000,000.

On page 5, line 21, increase the amount by \$63,000,000.

On page 5, line 22, increase the amount by \$62,000,000.

On page 5, line 23, increase the amount by \$65,000,000.

On page 5, line 24, increase the amount by \$69,000,000.

On page 5, line 25, increase the amount by \$73,000,000.

On page 6, line 1, increase the amount by \$77,000,000.

On page 6, line 2, increase the amount by \$81,000,000.

On page 6, line 6, decrease the amount by \$915,000,000.

On page 6, line 7, decrease the amount by \$1,054,000,000.

On page 6, line 8, decrease the amount by \$1,121,000,000.

On page 6, line 9, decrease the amount by \$1,183,000,000.

On page 6, line 10, decrease the amount by \$1,245,000,000.

On page 6, line 11, decrease the amount by \$1,311,000,000.

On page 6, line 12, decrease the amount by \$1,380,000,000.

On page 6, line 13, decrease the amount by \$1,453,000,000.

On page 6, line 14, decrease the amount by \$1,531,000,000.

On page 6, line 15, decrease the amount by \$1,612,000,000.

On page 6, line 19, decrease the amount by \$915,000,000.

On page 6, line 20, decrease the amount by \$1,054,000,000.

On page 6, line 21, decrease the amount by \$1,121,000,000.

On page 6, line 22, decrease the amount by \$1,183,000,000.

On page 6, line 23, decrease the amount by \$1,245,000,000.

On page 6, line 24, decrease the amount by \$1,311,000,000.

On page 6, line 25, decrease the amount by \$1,380,000,000.

On page 7, line 1, decrease the amount by \$1,453,000,000.

On page 7, line 2, decrease the amount by \$1,531,000,000.

On page 7, line 3, decrease the amount by \$1,612,000,000.

On page 34, line 19, increase the amount by \$1,019,000,000.

On page 34, line 20, increase the amount by \$899,000,000.

On page 34, line 24, increase the amount by \$96,000,000.

On page 35, line 3, increase the amount by \$15,000,000.

On page 35, line 7, increase the amount by \$4,000,000.

On page 40, line 6, decrease the amount by \$16,000,000.

On page 40, line 7, decrease the amount by \$16,000,000.

On page 40, line 10, decrease the amount by \$43,000,000.

On page 40, line 11, decrease the amount by \$43,000,000.

On page 40, line 14, decrease the amount by \$52,000,000.

On page 40, line 15, decrease the amount by \$52,000,000.

On page 40, line 18, decrease the amount by \$58,000,000.

On page 40, line 19, decrease the amount by \$58,000,000.

On page 40, line 22, decrease the amount by \$61,000,000.

On page 40, line 23, decrease the amount by \$61,000,000.

On page 41, line 2, decrease the amount by \$65,000,000.

On page 41, line 3, decrease the amount by \$65,000,000.

On page 41, line 6, decrease the amount by \$69,000,000.

On page 41, line 7, decrease the amount by \$69,000,000.

On page 41, line 10, decrease the amount by \$73,000,000.

On page 41, line 11, decrease the amount by \$73,000,000.

On page 41, line 14, decrease the amount by \$77,000,000.

On page 41, line 15, decrease the amount by \$77,000,000.

On page 41, line 18, decrease the amount by \$81,000,000.

On page 41, line 19, decrease the amount by \$81,000,000.

On page 47, line 5, increase the amount by \$1,019,000,000.

On page 47, line 6, increase the amount by \$899,000,000.

On page 47, line 15, increase the amount by \$96,000,000.

The PRESIDING OFFICER. Two minutes will be provided for debate, equally divided on each side.

The Senator from North Dakota.

Mr. DORGAN. This amendment adds \$1.019 billion to the total amount in the bill for veterans discretionary programs. The amendment is paid for by a

decrease in the tax cut in an equal amount, in addition to the additional spending on veterans programs that would be available to reduce the deficit.

With respect to veterans programs, let me say to the chairman and ranking member, I think they did some good work with respect to veterans medical care. They did actually add some money for veterans health care, veterans medical care. We all commend them for that.

We are still very short with respect to veterans programs dealing with research, with construction, with the administration that is needed in order to process the requests by veterans. There is a rather lengthy time lag in being able to process the request. The fact is, we need to provide sufficient moneys for this service.

At a time when veterans are in the field prosecuting this war, we ought to say we will keep our promise to veterans.

Mr. SPECTER. Mr. President, I am voting against Senator DORGAN's amendment, which proposes to add an additional \$1 billion to VA discretionary accounts. I so vote because the budget resolution, as reported by the Budget committee, already makes significant additions in funding for veterans benefits. It is, I think, already a fair and just allocation of funding for veterans.

It seems to be the case that no matter how much funding is made available in a budget resolution, someone will always propose additions. For veterans this year, the budget resolution, as reported, contains unprecedented increases in VA discretionary funding; it increases VA discretionary funding by \$3.4 billion over fiscal year 2003 levels, a 13 percent increase. The Budget Committee-reported resolution more than doubles the administration's proposed VA medical care funding increase of \$1.5 billion, adding an additional \$1.8 billion to this most critical budget account, as urged by Senators JOHNSON and ENSIGN in the Budget Committee's markup. In fairness, it is accurate to conclude that funding levels approved by the Budget committee do not short-change veterans.

Senator DORGAN's amendment would add funds to non-medical care-related accounts, such as construction, research, veterans cemetery administration, and veterans benefits processing. These are important accounts—and they have been increased significantly in recent years. Since 1997, Congress has provided funds to support a 40 percent increase in staffing for compensation claims processing. VA medical research funding has increased by 47 percent. Veterans cemetery administration funding has increased by 71 percent. Funding for the VA inspector general's office has almost doubled. And over 2.5 billion dollars' worth of major and minor construction projects have been funded. The present resolution will improve on this record by providing a 13

percent increase above 2003 enacted levels for such accounts. Construction funding alone will increase by 62 percent over the 2003 enacted levels.

I would like to see even greater increases; it would always be nice to add more funding for various worthwhile purposes. But, in fairness, veterans benefits must be considered along with proposed increases in education, health care, environmental protection, and many other worthwhile Federal programs. Viewed in this context, I think the proposed budget allocation is fair and just.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the amendment offered by my colleague Senator DORGAN, to increase the amount of discretionary funding for veterans programs. I am proud to be an original cosponsor of this amendment—one that will go a long way in ensuring that our Nation's veterans receive the benefits to which they are entitled.

As you know, every year a coalition of our Nation's veterans advocacy groups comes together to compile the Independent Budget. This document—written by veterans for veterans—offers guidance to the Congress on the projected needs of our Nation's veterans in the coming fiscal year. I am pleased that during last week's markup of the Budget Resolution, the Senate Budget Committee, with my support, adopted an amendment to match the amount included in the Independent Budget to adequately provide medical care for the 6.5 million veterans enrolled in the VA health care system. This represented a nearly \$2 billion increase over the funding level requested by the President.

Senator DORGAN's amendment will build upon this success by helping to provide additional resources to appropriately fund other key functions of the Department of Veterans Affairs. The Dorgan amendment adds \$1.019 billion to the total for veterans discretionary programs to match the amount identified as necessary by the Independent Budget. Among other things, these funds will be utilized to significantly boost VA medical and prosthetics research, improve the processing of veterans benefits, fund much needed construction, renovation and maintenance projects, and ensure that are veterans are buried with honor.

Mr. President, our Nation's veterans, like the men and women in Iraq today, answered the call of their nation—marching into harm's way to preserve the ideals of liberty and democracy which we, as Americans, hold so dear. In my view, making sure that our veterans receive adequate and timely health care and the other benefits to which they are entitled is a small price to pay to express our continued gratitude for their unwavering service to our nation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I urge my colleagues to vote no on this amendment. I think

this is another case where I said no matter what we do in committee, no matter how much we add, someone is going to come up and say it is not enough. We increased the veterans budget altogether over 12 percent, \$3.4 billion. We did 10 percent over the President's request, about \$3 billion. We did a 14.7 percent increase in veterans health care.

This amendment not only has more increases but, in addition, it also reduces the tax cut. We are taking care of our veterans in this proposal with enormous percentage increases. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 385.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—49

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

NAYS—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
Chambless	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

The amendment (No. 385) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote on the Dorgan amendment No. 385.

Mr. LEAHY. 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.

AMENDMENTS NOS. 328 AND 282, EN BLOC

Mr. NICKLES. Mr. President, I ask unanimous consent to call up and pass amendment No. 328, sponsored by Senators WYDEN and KYL, regarding the national fire plan; and amendment No.

282, by Senator BROWBACK, regarding a commission to review the efficiency of Federal agencies.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. WYDEN, for himself, Mr. KYL, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mrs. FEINSTEIN, proposes an amendment numbered 328.

The amendment is as follows:

(Purpose: To increase investments in implementation of the National Fire Plan to benefit national forests, the environment, local communities and local economies)

On page 16, line 11, increase the amount by \$500,000,000.

On page 16, line 12, increase the amount by \$325,000,000.

On page 16, line 16, increase the amount by \$85,000,000.

On page 16, line 20, increase the amount by \$50,000,000.

On page 16, line 24, increase the amount by \$25,000,000.

On page 17, line 3, increase the amount by \$15,000,000.

On page 42, line 2, decrease the amount by \$500,000,000.

On page 42, line 3, decrease the amount by \$325,000,000.

On page 42, line 7, decrease the amount by \$85,000,000.

On page 42, line 11, decrease the amount by \$50,000,000.

On page 42, line 15, decrease the amount by \$25,000,000.

On page 42, line 19, decrease the amount by \$15,000,000.

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

The Senator from Oregon.

Mr. WYDEN. Very briefly, amendment No. 328 is a bipartisan amendment that Senator KYL and I have cosponsored with Senator DOMENICI, Senator BINGAMAN, and others. It deals with the national fire plan. Suffice it to say, Senators know that the West over the last few summers has just been an inferno. We expect another very hot summer. This legislation is a bipartisan initiative which would allow us to set aside additional funds for forest restoration, hazardous fuels reduction and fire research, and real on-the-ground collaboration with States and localities to help them improve their environment and protect against catastrophic fire. It is backed by the timber industry and a host of environmental groups. I see my colleague from Arizona on the floor as well.

It is a bipartisan amendment on which Western Senators cooperated. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. KYL. Mr. Senator, let me add to the comments of my colleague from Oregon. I compliment him for the work he has done. This is a good example of bipartisanship in working to solve a

national problem. The people from the Appropriations Committee, the administration, and the Democratic and Republican Parties in the Senate have come together to restore some of these funds so we could help to create healthy forests for the benefit of all.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendments Nos. 328 and 282 en bloc.

The amendments (No. 328 and No. 282) were agreed to en bloc.

AMENDMENT NO. 339, AS MODIFIED

Mr. NICKLES. Mr. President, the next amendment we will have will be by the Senator from Louisiana, Mr. BREAU. There will be a 10-minute time limitation. It is a very large amendment. I ask that the Senator from Louisiana be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAU. Mr. President, I ask unanimous consent to modify the amendment and send the modification to the desk.

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

The amendment, as modified, is as follows:

On page 3, line 9, increase the amount by \$10,433,000,000.

On page 3, line 10, increase the amount by \$23,015,000,000.

On page 3, line 11, increase the amount by \$17,962,000,000.

On page 3, line 12, increase the amount by \$12,167,000,000.

On page 3, line 13, increase the amount by \$6,893,000,000.

On page 3, line 14, increase the amount by \$6,183,000,000.

On page 3, line 15, increase the amount by \$5,879,000,000.

On page 3, line 16, increase the amount by \$5,992,000,000.

On page 3, line 17, increase the amount by \$42,874,000,000.

On page 3, line 18, increase the amount by \$69,512,000,000.

On page 3, line 19, increase the amount by \$74,090,000,000.

On page 3, line 23, increase the amount by \$10,433,000,000.

On page 4, line 1, increase the amount by \$23,015,000,000.

On page 4, line 2, increase the amount by \$17,962,000,000.

On page 4, line 3, increase the amount by \$12,167,000,000.

On page 4, line 4, increase the amount by \$6,893,000,000.

On page 4, line 5, increase the amount by \$6,183,000,000.

On page 4, line 6, increase the amount by \$5,879,000,000.

On page 4, line 7, increase the amount by \$5,992,000,000.

On page 4, line 8, increase the amount by \$42,874,000,000.

On page 4, line 9, increase the amount by \$69,512,000,000.

On page 4, line 10, increase the amount by \$74,090,000,000.

On page 4, line 14, decrease the amount by \$77,000,000.

On page 4, line 15, decrease the amount by \$718,000,000.

On page 4, line 16, decrease the amount by \$1,974,000,000.

On page 4, line 17, decrease the amount by \$3,035,000,000.

On page 4, line 18, decrease the amount by \$3,789,000,000.

On page 4, line 19, decrease the amount by \$4,376,000,000.

On page 4, line 20, decrease the amount by \$4,974,000,000.

On page 4, line 21, decrease the amount by \$5,588,000,000.

On page 4, line 22, decrease the amount by \$7,219,000,000.

On page 4, line 23, decrease the amount by \$10,657,000,000.

On page 4, line 24, decrease the amount by \$15,140,000,000.

On page 5, line 4, decrease the amount by \$77,000,000.

On page 5, line 5, decrease the amount by \$718,000,000.

On page 5, line 6, decrease the amount by \$1,974,000,000.

On page 5, line 7, decrease the amount by \$3,035,000,000.

On page 5, line 8, decrease the amount by \$3,789,000,000.

On page 5, line 9, decrease the amount by \$4,376,000,000.

On page 5, line 10, decrease the amount by \$4,974,000,000.

On page 5, line 11, decrease the amount by \$5,588,000,000.

On page 5, line 12, decrease the amount by \$7,219,000,000.

On page 5, line 13, decrease the amount by \$10,657,000,000.

On page 5, line 14, decrease the amount by \$15,140,000,000.

On page 5, line 17, increase the amount by \$10,511,000,000.

On page 5, line 18, increase the amount by \$23,733,000,000.

On page 5, line 19, increase the amount by \$19,935,000,000.

On page 5, line 20, increase the amount by \$15,203,000,000.

On page 5, line 21, increase the amount by \$10,681,000,000.

On page 5, line 22, increase the amount by \$10,559,000,000.

On page 5, line 23, increase the amount by \$10,853,000,000.

On page 5, line 24, increase the amount by \$11,580,000,000.

On page 5, line 25, increase the amount by \$50,093,000,000.

On page 6, line 1, increase the amount by \$80,169,000,000.

On page 6, line 2, increase the amount by \$89,231,000,000.

On page 6, line 5, decrease the amount by \$10,511,000,000.

On page 6, line 6, decrease the amount by \$32,244,000,000.

On page 6, line 7, decrease the amount by \$54,179,000,000.

On page 6, line 8, decrease the amount by \$69,382,000,000.

On page 6, line 9, decrease the amount by \$80,063,000,000.

On page 6, line 10, decrease the amount by \$90,622,000,000.

On page 6, line 11, decrease the amount by \$101,476,000,000.

On page 6, line 12, decrease the amount by \$113,055,000,000.

On page 6, line 13, decrease the amount by \$163,148,000,000.

On page 6, line 14, decrease the amount by \$243,317,000,000.

On page 6, line 15, decrease the amount by \$332,548,000,000.

On page 6, line 18, decrease the amount by \$10,511,000,000.

On page 6, line 19, decrease the amount by \$34,244,000,000.

On page 6, line 20, decrease the amount by \$54,179,000,000.

On page 6, line 21, decrease the amount by \$69,382,000,000.

On page 6, line 22, decrease the amount by \$80,063,000,000.

On page 6, line 23, decrease the amount by \$90,622,000,000.

On page 6, line 24, decrease the amount by \$101,476,000,000.

On page 6, line 25, decrease the amount by \$133,055,000,000.

On page 7, line 1, decrease the amount by \$163,148,000,000.

On page 7, line 2, decrease the amount by \$243,317,000,000.

On page 7, line 3, decrease the amount by \$332,548,000,000.

On page 40, line 2, decrease the amount by \$77,000,000.

On page 40, line 3, decrease the amount by \$77,000,000.

On page 40, line 6, decrease the amount by \$718,000,000.

On page 40, line 7, decrease the amount by \$718,000,000.

On page 40, line 10, decrease the amount by \$1,974,000,000.

On page 40, line 11, decrease the amount by \$1,974,000,000.

On page 40, line 14, decrease the amount by \$3,035,000,000.

On page 40, line 15, decrease the amount by \$3,035,000,000.

On page 40, line 18, decrease the amount by \$3,789,000,000.

On page 40, line 19, decrease the amount by \$3,789,000,000.

On page 40, line 22, decrease the amount by \$4,376,000,000.

On page 40, line 23, decrease the amount by \$4,376,000,000.

On page 41, line 2, decrease the amount by \$4,974,000,000.

On page 41, line 3, decrease the amount by \$4,974,000,000.

On page 41, line 6, decrease the amount by \$5,588,000,000.

On page 41, line 7, decrease the amount by \$5,588,000,000.

On page 41, line 10, decrease the amount by \$7,219,000,000.

On page 41, line 11, decrease the amount by \$7,219,000,000.

On page 41, line 14, decrease the amount by \$10,657,000,000.

On page 41, line 15, decrease the amount by \$10,657,000,000.

On page 41, line 18, decrease the amount by \$15,140,000,000.

On page 41, line 19, decrease the amount by \$15,140,000,000.

On page 45, line 24, strike the amount and insert "\$323,284,000,000."

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAU. Mr. President, we have worked in a bipartisan fashion. This amendment is sponsored by myself, Senator VOINOVICH from Ohio, Senator BAUCUS, and also Senator SNOWE. We have believed there ought to be a way of reaching an agreement on the size of the tax cut that is reasonable and more balanced than the \$626 billion tax cut currently pending before the Senate.

There are some who have suggested that we would like to have no tax cut whatsoever. That would probably be the better course of action, if we could find the votes to do that, because conditions are dramatically different from what they were the last time we considered a major tax cut.

The last time we did a tax cut, we had a \$5.6 trillion surplus. We do not have that surplus. In fact, we have a \$300 billion deficit facing us. There is no pot of money to which we can go to have a large tax cut of that magnitude.

In addition to that, we are at war. We are not at peace.

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

Who yields time in opposition?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, it is my belief that if this amendment passed, we would take the growth out of the growth package. I call upon my colleague, the chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Oklahoma has claimed the 1 minute in opposition. The Senator from Oklahoma has 1 minute remaining.

Mr. BREAUX. Mr. President, I make a point of order. I understood that the Budget chairman asked that we have 10 minutes on this because of the importance of the amendment.

The PRESIDING OFFICER. The request was for 10 minutes on the vote. Amendments have been given 2 minutes on each side, equally divided.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that there be 5 minutes on each side for this amendment.

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

The Senator from Louisiana.

Mr. BREAUX. I thank the distinguished chairman. I apologize for the misunderstanding. I will ask the cosponsors if they would like to make a comment.

The point is that we are at war. Turn on the television. Our men and women are fighting in the deserts of Iraq right now. We are being asked to cut tax revenues by \$626 billion to pay for those functions. It would be one thing if we had a surplus out of which to take it. We do not. We are taking it out of a deficit. We are cutting taxes at a time of uncertainty while we are in the middle of a war. If we do need a tax cut of that magnitude, I would suggest we do it after the conflict is over, after we know how much it has cost, after we know how much we need to spend on programs such as Medicare and prescription drugs which are not included in this budget whatsoever.

The better course of action would be to adopt our amendment. It presents a \$350 billion tax cut, which is half of what is pending right now, and it uses the remainder of those savings, which would be \$275 billion, for deficit reduction.

Some may say, "That is not what I would like to do," but I think this is something that is politically possible to accomplish. We can always come back and increase the tax cut. That will be easy to do, if we know how much money we have to deal with. We simply do not know that now.

The wiser course of action would be to do what this amendment would do. I ask for a favorable vote for the bipartisan amendment.

I reserve any time I may have.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Ms. SNOWE. Mr. President, our amendment is straightforward, responsible and practical. It reflects the reality of the confluence of circumstances we face—a war on terrorism and in Iraq, a struggling economy, increased homeland security needs, and increased Federal deficits, with this year's projected deficit already having increased by more than 54 percent.

The amendment is a carefully calibrated, balanced approach to respond to two compelling needs—first, to provide immediate, short-term stimulus to an economy that has lost 2.3 million jobs and, second, to avoid driving up deficits over the long term which, in turn, lead to increased long-term interest rates that would stagnate our economy.

Our approach is simple—we differentiate between those aspects of the growth package that truly provide quick, short-term economic stimulus and those that do not. For those that don't, let's debate them later, and if they have merit, let's pay for them as we go, not with deficit spending that threatens our economy in the future as well as our ability to address pressing national priorities such as strengthening Social Security and Medicare as baby boomers begin to retire in 2008.

Mr. President, our measure provides a "right-sized" stimulus of \$350 billion while committing \$376 billion to deficit reduction. It deserves strong bipartisan support, and I hope my colleagues will vote for this amendment.

I yield the floor.

Mr. KOHL. Mr. President, I rise today in support of the Breaux amendment to S. Con. Res. 23, the budget resolution. This amendment directs the Finance Committee to limit the amount of tax cuts that could be passed through the fast track reconciliation procedure to \$350 billion over 11 years. The budget before us includes over twice that much in its so-called must pass economic stimulus package.

It is astounding to me that, on the eve of war, we are seriously contemplating \$725 billion in tax cuts in the same budget that does not include a dime for the war or its associated costs. Our budget is a statement of priorities. Do we really mean to say that giving a tax break primarily to upper income taxpayers is 725 billion times more important than adequately fighting the war, rebuilding Iraq, and protecting our communities for retaliatory terrorist attacks?

Of course not. No one thinks that. But I do believe that some are using the diversion of war to rush through a tax cut that is fiscally irresponsible. No one wants to return to the days of deficit as far as the eye can see and debt capable of dragging our country down for decades, but that is what we'll get when we add a \$725 billion tax cut to the necessary and massive costs of the war.

The Breaux amendment brings the fast-track tax cut down to \$350 billion. I would prefer it to go much lower than that. In fact, I would prefer delaying all tax cuts and spending increases until we can put together an honest budget that looks at what we can afford to do in light of what we must do. But if the choice is between \$725 billion for an ill-timed, ill-conceived idea and \$350 billion for an ill-timed, ill-conceived idea, I will pick the latter and urge my colleagues to do the same.

Mr. HATCH. Mr. President, I rise today to urge my colleagues to reject the Breaux amendment to the budget resolution that would reduce the size of the President's growth and jobs plan to \$350 billion. I think my colleagues all recognize that such a drastic reduction in the size of the growth package would make it most difficult for the Finance Committee to include the Bush proposal to eliminate the taxation on corporate dividends.

I know that a number of my colleagues have their doubts about the President's proposal to eliminate the double tax on dividends, and I would like to take a few moments to try to persuade them to support the President's proposal. Today, I will address two aspects of this important issue—how ending this double tax will help today's seniors, and how ending the double tax will impact our Nation's economic future.

First, let us talk about how the double taxation of dividends affects older Americans.

Our Nation's seniors have spent decades working long, hard hours, scrimping and saving for a well-deserved retirement, only to find that no matter how old they get, the tax man still has them in his sights. Age brings wisdom, but not tax relief.

Fifteen or 20 years ago, it was common tax-planning wisdom to defer one's income until the retirement years. Why? Because the tax rate faced by seniors was almost always lower than the tax rate paid during one's working years. Unfortunately, this is generally no longer the case. Millions of senior citizens are now paying taxes at as high or higher a rate in retirement than they did during their working years.

This year, I want to help President Bush change all that. The President has a plan for cutting taxes for seniors, and I intend to work with him to put his plan into law. We want to dramatically reduce the marriage penalty for seniors, we want to expand the 10-percent income tax bracket, and we want to speed up all of the rate cuts that are scheduled to be phased in over the next few years.

And on top of all that we want to eliminate the double tax on the dividends that seniors receive. This is the right plan for America's seniors.

All of the items in the President's plan are good ideas, but as I mentioned, today I would like to put particular focus on ending the double tax on dividends.

Over half of all income tax filers over 65 years of age pay tax on dividends, and over one-third of all filers between 55 and 64 have taxable dividends. People saving for retirement, and people close to retirement or working for an early retirement are paying a double tax.

Why do we call this tax on dividends a double tax? This is because under current law, a corporation hands over more than a third of its profits to the Federal Government in taxes, and then when investors get their share of those profits in the form of dividends, we demand that investors have to pay regular income tax on those very same dividends.

As President Bush keeps reminding us, taking income once is fair, but taxing it twice is not.

By the time State taxes are factored in, the combined Federal and State tax rate can exceed 71 percent. This is wrong, and it distorts the economy and correcting it will give many benefits to taxpayers and to the Nation as a whole.

We need to remember that this is not a question of rich versus poor. Older Americans with modest incomes receive substantial stock dividends. In fact, more than half of tax filers over the age of 65 earning between \$30,000 and \$40,000 per year receive taxable dividend income: 50.9 percent, to be exact. And because our Nation's senior citizens have been so thrifty during their lives, these dividend payments are very often sizable.

Elderly Americans who receive dividends and earn between \$30,000 and \$40,000 per year in total income receive an average of \$2,008 every year of that income as taxable dividends. Even retirees who earn \$15,000 to \$30,000 per year receive substantial dividends. Forth-four percent of the elderly in this category receive dividends, and these Americans have to pay a double tax on over \$1,400 a year in dividends.

Older Americans across the income spectrum pay a double tax on their dividends, and it is time to end it. This will be a great boon to our Nation's elderly who have worked and saved throughout their lives for their retirement.

Now, I would like to turn to our Nation's economic future. A few weeks ago, Chairman Greenspan came up to Capitol Hill and told us that ending the double tax dividends was good tax policy, but he wanted us to do it in a fiscally responsible manner. Now, think it is fiscally responsible to end the double tax on dividends. I have no doubt that the static revenue estimate for the President's proposal is far too high.

Over my 27 years in the Senate, I have seen time and time again that tax cuts turned out to cost a lot less than the official estimates. We saw it on the capital gains tax cut and we have seen it in other tax cuts too. And with a policy that is as good for the economy's long-run health as ending the double tax, I am confident that the official revenue estimates are going to be far

worse than usual. This tax cut is going to change the way America does business, and it will increase savings and capital formation.

This is not just my opinion. The Heritage Foundation has used a mainstream economic model to look at how ending the double tax is likely to help the economy. They conclude that ending the double tax will be revenue-neutral by year 9. So even if Congress lets spending grow at the projected rate, this proposal is an 8-year investment in our economy's longrun health, and then it starts to pay for itself.

Now I would like to see spending grow slower than the projected rate, so that we can balance the budget faster and so we can increase the size of the private sector, but even if Congress fails to slow down spending, this is still good longrun tax policy. If people think that ending the double tax on dividends will blow a permanent hole in the budget, they are living in a world of pure static-model fantasy.

In addition, I should point out that the Heritage economic model completely ignored the long-term structural reforms that this tax cut will bring about, reforms that will reduce the risk of future corporate bankruptcies. I am going to discuss those reforms in just a moment. So I believe that those 9-year-break-even estimates should be treated as a worst case scenario.

That is why I believe that ending the double tax on dividends is fiscally responsible. I have already addressed how this will help middle-income retirees. Now I would like to delve into why I am convinced this is good for our economy's future. On this issue, I would like to quote Chairman Greenspan. This is what the Federal Reserve Chairman said a few weeks ago:

I have always supported the elimination of the double taxation of dividends because I think it is a major factor restraining flexibility in our economy . . . and moving in the direction of improving flexibility has very large long-term payoffs.

Flexibility is an issue that Mr. Greenspan has emphasized a lot lately. He has reminded us, again and again, that our Government should do everything it can to make our economy as flexible as possible. Why does he want a flexible economy?

This is what he said, and I quote: "The more flexible an economy, the greater its ability to self-correct in response to inevitable . . . disturbances, thus reducing the size" of recessions. In plain English, he believes that if our economy is more flexible, then we will have smaller recessions, and less unemployment.

Further, Chairman Greenspan believes that Congress can do something about this. Congress can make the economy more flexible if we enact good policies, and we can make the economy less flexible if we enact bad policies. He said, and I quote, "We should be placing special emphasis on searching for policies that will engineer still greater

economic flexibility and [we should be] dismantling policies that contribute to unnecessary rigidity."

And as the Chairman said, the double tax on dividends is a source of rigidity.

You might ask: How is cutting taxes supposed to make our economy more flexible?

Ending the double tax on dividends helps in two major ways: It cuts the risk of bankruptcy and it helps to make sure that investment funds flow to the right companies. Let me address these in order.

Why is it America's corporations load up on debt financing, despite the fact that high debt levels increase the risk of bankruptcy? Because our Nation's tax laws have always given them massive financial incentives to do just that.

The reason is simple. When a corporation pays interest to bondholders, that payment is taxed once—at the shareholder level. But when it pays dividends to stockholders, that payment is taxed twice—to both the corporation and the shareholder.

As leading finance scholars Richard Brealey and Stewart Myers write: "[T]he . . . United States tax system clearly favors debt over equity financing." If you tax stock payments twice but you only tax debt payments once, it is clear what companies are going to do—they will finance most of their business by borrowing.

By loading up on tax deductible bonds and bank loans rather than issuing new shares of stock, corporations, increase their chance of going bankrupt. We have seen this play out with WorldCom, with US Air, and most recently United Airlines. The media's refrain is always the same: "Today, a Fortune 500 company, burdened with debt, filed for protection from its creditors."

Our Tax Code should not encourage this behavior.

When corporations load up on debt, they commit too much of their cash flow to making interest payments, and the threat of bankruptcy becomes all too real. Once we change this policy, businesses will find that they have people lined up out the door to buy stocks that pay dividends. When companies see the clamor for dividend-paying stocks, they will have a much stronger incentive to pay for new projects and new factories by issuing new shares of stock rather than running to the bank for a loan.

And then if times get tough, businesses will not be as likely to declare bankruptcy and head to Federal court for a painful reorganization. Instead, many companies will be able to cut their dividend to shareholders, and continue business more or less as usual. Lower dividends are bad news for shareholders, to be sure; but it will spare society the pain of bankruptcy.

Ending the double tax on dividends will not end the business cycle, but it will make it easier to recover from a recession. Bankruptcies spread the

pain of recession over months and years, and it can destroy sound companies that made the mistake of over-promising to banks and bondholders. This will not end bankruptcy, but it will prevent a few big ones now and then.

And this is not some untested pie-in-the-sky theory. All but two of our major trading partners give some kind of relief from the double tax on dividends. And the two countries that do not give relief—Ireland and Switzerland—already have much lower corporate tax rates than we do, so their double tax problem is not as bad as ours.

The mere fact that other countries are doing something does not prove that it is the right thing for the United States. What we want to know is, will our Nation get real, widespread benefits when we get rid of the double tax? Here we have to look at history.

New Zealand used to have a double tax on dividends, but they got rid of it in 1988. And what happened when they did that? When New Zealand completely eliminated the double tax on dividends, corporate debt levels fell, just as you would expect. Ending the double tax on dividends cut corporate debt levels in New Zealand, and ending the double tax on dividends will cut debt levels here, too. And our economy will be safer for it.

The Bush proposal to eliminate the double taxation of dividends will have a very positive effect on the economy, on seniors, on the tax system, and on taxpayers in general. I urge my colleagues to reject the Breaux amendment on the budget resolution, so that the Finance Committee can accommodate the dividends proposal in the tax bill we will be putting together in a few weeks.

Mr. KERRY. Mr. President, I rise to discuss an amendment offered by my good friend from Louisiana, Senator BREAUX. The amendment, which was No. 339 and has been described as the moderates tax amendment, would have reduced the size of the tax cut in the budget resolution from more than \$700 billion to \$350 billion. I would like the record to reflect exactly why it is that I voted for this amendment.

I voted for the amendment offered by Senator BREAUX because it presented our best chance to cut the size of the irresponsible tax cut in this budget. Let me be clear, Mr. President, I do not support a \$350 billion tax cut as part of this budget. Had the Breaux amendment passed, I would have sought further reductions in the tax cut.

Today, America is at war in Iraq. We have troops in Afghanistan and the Philippines. We are fighting to keep our homeland safe from terrorism. We have pressing needs in health care, education, and other areas. The Nation is running deficits. State and local governments are in fiscal crisis. The economy is slumping. For these reasons, a \$350 billion tax cut, just like a \$700 billion tax cut, is wrong. Both proposals

will dump debt on our children. And the President's plan is not only too big, but it unfairly favors the wealthiest among us over working families.

I have filed at the desk an amendment to this budget that I believe charts the right course. Consumer confidence is at its lowest level in 10 years. Some 300,000 Americans lost their jobs in February. State and local governments are in trouble. Families and businesses are hurting. We are running huge deficits, and we are at war.

Our economy needs help. Working families need help. But we shouldn't be burdening future generations with more debt. My amendment provides for a \$150 billion tax cut for all Americans this year and next and it is paid for in the outyears. It will stimulate our economy without sticking our kids with the bill.

Without taking a dime out of Social Security or Medicare, we can give every American worker a one-time payroll tax holiday of more than \$750 that is far more than President Bush's tax plan. We could pass a temporary job creation tax credit and help small businesses, all without adding to the "debt tax" on future generations.

If we pass the budget now before us—if we pass the President's plan—we will be spending our kids' money—and that is wrong. We need a tax cut that goes to working people who will spend the money—and we need a tax cut that is paid for. Let's do what is right and pass a real stimulus package, and let us do what average Americans do: Let's pay for it.

Mr. NICKLES. I yield 2½ minutes to the chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously we need to be very bold in our response to the flagging economy. It is our obligation to the folks who sent us here. We need to respond. Both sides agree on that need, as do the centrists led by Senators BREAUX and SNOWE. The question is a difference of the size of the tax cut. I say be bold. We want American businesses, small and large, to grow. We want every American who wants a job to be able to get a job. We don't want to take any chances.

I understand the concerns of my friends from the centrist coalition. They are worried about long-term deficits. I am as well. I am more worried, though, about the spending side of the ledger. Senators BREAUX and SNOWE have a long history of trying to secure bipartisan consensus. We need more than \$350 billion in tax relief to do the job the right way.

Don't get me wrong. If \$350 billion is the number, that is the number that, as chairman of the Senate Finance Committee, I will work with. The Finance Committee will develop the best package we can. My point is, the Finance Committee can do more growth incentives with a number above \$350 billion.

There is a war going on. When those men and women come home from the battlefield, we want a growing economy so that those folks will have jobs.

Mr. BREAUX. Mr. President, I yield the remainder of my time to the Senator from Ohio.

Mr. VOINOVICH. Mr. President, I want to share with my colleagues the fact that the budget deficit for 2003 and 2004, including Social Security and the cost of the war, is going to be over \$500 billion. Again, in 2003 and 2004, including Social Security, it will be a half trillion dollars.

This amendment basically says the tax package will be at \$350 billion. It also says if this Congress decides to go over \$350 billion, we ought to offset it either by cutting expenses or, in the alternative, increasing other taxes that are less stimulative to the economy, and paying for a tax reduction that is more stimulative to the economy. It makes sense.

We are on the edge of a fiscal crisis in this country if we keep going the way we are, particularly with the war that is hanging over us today.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes 18 seconds.

Mr. NICKLES. Mr. President, I urge my colleagues to vote no on this amendment. I have great respect for my colleagues from Louisiana and Ohio, and the others who have sponsored the amendment. But it would basically gut the President's growth package, cut it in half. The actual tax cut would be \$323 billion. We have an economy that is over \$10 trillion or \$11 trillion per year. Estimated revenues over this period of time are going to be \$27 billion. If you want to make some changes that really stimulate and grow the economy and create jobs, I think the President has the proposal to do so. I am afraid that the proposal that would have \$323 billion just would not do it. When we reduced the capital gains tax in 1997 from 28 to 20 percent, we created a lot of growth. That was a positive thing to do.

The President has a good proposal to grow the economy as well. I urge my colleagues to support the President and a real growth package that would really create jobs.

Then, on the concern for deficit reduction, I heard some people say it, but I don't see the votes showing the same conviction on deficit reduction with all the add-ons that we have been looking at in the last couple of days.

So I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. Who yields time? There are 2 minutes 20 seconds remaining.

Mr. BREAUX. Mr. President, I will conclude my comments on this amendment by saying I think those who are concerned about fiscal discipline should be concerned about the state of the economy of this country. We are at war. We are not at peace.

We do not have a surplus of \$5.6 trillion as we had the last time we did a major tax cut. We have no surplus at all. We are in deficit and we are increasing the deficit by a huge amount of money at a time of war and uncertainty in this country.

I think the conservative thing to do is be more careful with tax cuts. They are great things politically, but they are not free; we have to pay for them. We would be paying for it out of the deficit, and I think that is a serious mistake. We need to be responsible, and this amendment brings about a degree of responsibility that we all should be able to support.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma has 2 minutes and the Senator from Louisiana has—

Mr. BREAUX. I will not yield my time back. I have 2 other cosponsors who would like to be heard.

I yield to the Senator from Maine.

Ms. SNOWE. I want to make a couple of points. This amendment is straightforward, practical, prudent, proportional; it is a carefully calibrated approach in terms of whether we can afford a certain size growth plan. That is why we made the decision.

It wasn't a question of splitting the difference; it was a question of making a distinction in terms of what constitutes a stimulus, what we can afford to pay for, and what we cannot afford to pay for. That is how I approached this amendment.

I think it is important that we think carefully if we want to provide deficit financing for nonstimulative proposals. Finally, I should make the point that we see deficits way into the future, until the year 2013, at a time in which we have to address Social Security and Medicare. We cannot diminish our ability to address those critical programs and the challenges they face.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have two additional points: One, we have never reduced taxes in a time of war. That is not the American way. We do not reduce taxes in a time of war. I ask you to just look at the TV screens. We are going to be over there for quite a while, in one way or another.

Two, there are many ways to stimulate the economy, not only through tax reductions. It is also by spending. We are spending dollars on homeland security. I urge my colleagues to vote for this amendment.

Mr. NICKLES. Mr. President, most individuals in this body support some size of growth package. A few were at zero, a few at \$140 billion, some \$350 billion, and some are with the President's package, which is \$696 billion—\$725 billion if you add refundables.

I yield time to Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I compliment the chairman of the Budget Committee. He put together a very re-

sponsible budget that includes a sizable tax cut—much more than the \$350 billion that this amendment talks about. He eliminates the deficit within the 10-year period. It was a hard decision to make, but we need to cut taxes in order to stimulate the economy, if we really want to have the revenues as we move out in order to help pay for the war. We know that it is static scoring.

The President has come up with a plan that will truly stimulate the economy. I think the chairman of the Finance Committee has come up with an equally effective plan. We need to support the tax cut.

Mr. NICKLES. I yield the remainder of my time to the Senator from New Mexico.

Mr. DOMENICI. How much time is that, Mr. President?

The PRESIDING OFFICER. It is 40 seconds.

Mr. DOMENICI. I thank the Senator. First, I believe we have an excellent budget. Frankly, we are charged with a lot of things that we are going to try to do. Most important, we have to find something that will stimulate this economy. I, frankly, believe the President has come up with something very innovative, exciting, and it is apt to work; that is, to change the long-standing double taxation of dividends.

Frankly, I am not sure we know how to stimulate this economy with reference to tax cuts, but I do believe we know how to make this economy work far better if we change that part of our Tax Code. I think we should leave the tax numbers as they are and vote the amendment down.

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

AMENDMENT NO. 386 TO AMENDMENT NO. 339, AS MODIFIED

Mr. HARKIN. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 386 to amendment number 339, as modified.

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

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

The amendment is as follows:

(Purpose: To reduce the reconciliation instruction by \$375 billion, reduce the size of tax cuts allowed by \$980 billion, and to reduce deficits by \$1.1 Trillion)

Strike all of the words after the words "On Page 3," on page 1, line 1 of the amendment and insert the following:

On Page 3, line 9, increase the number by \$10,433,000,000.

On Page 3, line 10, increase the number by \$23,015,000,000.

On Page 3, line 11, increase the number by \$17,962,000,000.

On Page 3, line 12, increase the number by \$19,206,000,000.

On Page 3, line 13, increase the number by \$20,586,000,000.

On Page 3, line 14, increase the number by \$23,299,000,000.

On Page 3, line 15, increase the number by \$27,640,000,000.

On Page 3, line 16, increase the number by \$34,036,000,000.

On Page 3, line 17, increase the number by \$169,271,000,000.

On Page 3, line 18, increase the number by \$264,611,000,000.

On Page 3, line 19, increase the number by \$290,654,000,000.

On Page 3, line 23, increase the number by \$10,433,000,000.

On Page 4, line 1, increase the number by \$23,015,000,000.

On Page 4, line 2, increase the number by \$17,962,000,000.

On Page 4, line 3, increase the number by \$19,206,000,000.

On Page 4, line 4, increase the number by \$20,586,000,000.

On Page 4, line 5, increase the number by \$23,299,000,000.

On Page 4, line 6, increase the number by \$27,640,000,000.

On Page 4, line 7, increase the number by \$34,036,000,000.

On Page 4, line 8, increase the number by \$169,271,000,000.

On Page 4, line 9, increase the number by \$264,611,000,000.

On Page 4, line 10, increase the number by \$280,654,000,000.

On Page 4, line 14, decrease the number by \$77,000,000.

On Page 4, line 15, decrease the number by \$718,000,000.

On Page 4, line 16, decrease the number by \$1,974,000,000.

On Page 4, line 17, decrease the number by \$3,226,000,000.

On Page 4, line 18, decrease the number by \$4,552,000,000.

On Page 4, line 19, decrease the number by \$6,016,000,000.

On Page 4, line 20, decrease the number by \$8,757,000,000.

On Page 4, line 21, decrease the number by \$9,871,000,000.

On Page 4, line 22, decrease the number by \$15,921,000,000.

On Page 4, line 23, decrease the number by \$29,249,000,000.

On Page 4, line 24, decrease the number by \$44,298,000,000.

On Page 5, line 4, decrease the number by \$77,000,000.

On Page 5, line 5, decrease the number by \$718,000,000.

On Page 5, line 6, decrease the number by \$1,974,000,000.

On Page 5, line 7, decrease the number by \$3,226,000,000.

On Page 5, line 8, decrease the number by \$4,552,000,000.

On Page 5, line 9, decrease the number by \$6,016,000,000.

On Page 5, line 10, decrease the number by \$8,757,000,000.

On Page 5, line 11, decrease the number by \$9,871,000,000.

On Page 5, line 12, decrease the number by \$15,921,000,000.

On Page 5, line 13, decrease the number by \$29,249,000,000.

On Page 5, line 14, decrease the number by \$44,298,000,000.

On Page 5, line 17, increase the number by \$10,511,000,000.

On Page 5, line 18, increase the number by \$23,733,000,000.

On Page 5, line 19, increase the number by \$19,935,000,000.

On Page 5, line 20, increase the number by \$22,432,000,000.

On Page 5, line 21, increase the number by \$25,138,000,000.

On Page 5, line 22, increase the number by \$29,675,000,000.

On Page 5, line 23, increase the number by \$35,397,000,000.

On Page 5, line 24, increase the number by \$43,907,000,000.

On Page 5, line 25, increase the number by \$185,184,000,000.

On Page 6, line 1, increase the number by \$283,057,000,000.

On Page 6, line 2, increase the number by \$335,542,000,000.

On Page 6, line 5, decrease the number by \$10,511,000,000.

On Page 6, line 6, decrease the number by \$34,344,000,000.

On Page 6, line 7, decrease the number by \$55,179,000,000.

On Page 6, line 8, decrease the number by \$76,661,000,000.

On page 6, line 8, decrease the amount by \$101,849,000,000.

On page 6, line 9, decrease the amount by \$131,064,000,000.

On page 6, line 10, decrease the amount by \$131,069,000,000.

On page 6, line 11, decrease the amount by \$166,641,000,000.

On page 6, line 12, decrease the amount by \$210,368,000,000.

On page 6, line 13, decrease the amount by \$395,559,000,000.

On page 6, line 14, decrease the amount by \$788,716,000,000.

On page 6, line 15, decrease the amount by \$1,014,358,000,000.

On page 6, line 18, decrease the amount by \$10,511,000,000.

On page 6, line 19, decrease the amount by \$34,244,000,000.

On page 6, line 20, decrease the amount by \$54,179,000,000.

On page 6, line 21, decrease the amount by \$76,611,000,000.

On page 6, line 22, decrease the amount by \$101,749,000,000.

On page 6, line 23, decrease the amount by \$131,064,000,000.

On page 6, line 24, decrease the amount by \$176,461,000,000.

On page 6, line 25, decrease the amount by \$210,368,000,000.

On page 7, line 1, decrease the amount by \$395,589,000,000.

On page 7, line 2, decrease the amount by \$739,316,000,000.

On page 7, line 3, decrease the amount by \$1,014,258,000,000.

On page 40, line 2, decrease the amount by \$77,000,000.

On page 40, line 3, decrease the amount by \$77,000,000.

On page 40, line 6, decrease the amount by \$718,000,000.

On page 40, line 7, decrease the amount by \$718,000,000.

On page 40, line 10, decrease the amount by \$1,974,000,000.

On page 40, line 11, decrease the amount by \$1,974,000,000.

On page 40, line 14, decrease the amount by \$3,226,000,000.

On page 40, line 15, decrease the amount by \$3,226,000,000.

On page 40, line 18, decrease the amount by \$4,552,000,000.

On page 40, line 19, decrease the amount by \$4,552,000,000.

On page 40, line 22, decrease the amount by \$6,016,000,000.

On page 40, line 23, decrease the amount by \$6,016,000,000.

On page 41, line 2, decrease the amount by \$7,757,000,000.

On page 41, line 3, decrease the amount by \$7,757,000,000.

On page 41, line 6, decrease the amount by \$9,871,000,000.

On page 41, line 7, decrease the amount by \$9,871,000,000.

On page 41, line 10, decrease the amount by \$15,921,000,000.

On page 41, line 11, decrease the amount by \$15,921,000,000.

On page 41, line 14, decrease the amount by \$28,546,000,000.

On page 41, line 15, decrease the amount by \$28,546,000,000.

On page 41, line 18, decrease the amount by \$44,888,000,000.

On page 41, line 19, decrease the amount by \$44,888,000,000.

On page 45, line 24, strike the amount and insert \$373,284,000,000.

Mr. HARKIN. I ask for 1 minute.

The PRESIDING OFFICER. Is there objection?

The Senator is recognized for 1 minute.

Mr. HARKIN. Mr. President, my amendment simply holds the size of the tax cut to \$350 billion. Any tax cuts beyond \$350 billion would have to be offset under my amendment or they would face a budget point of order requiring 60 votes. Many colleagues may say, wait a minute, I thought that was what the underlying amendment does. The underlying amendment still allows for \$940 billion in tax cuts in the future. It does reduce down to \$350 billion the amount of tax cut under reconciliation, but it still allows for \$600 billion more in tax cuts.

My amendment says \$350 billion, and cap it at that. No more. Any tax breaks beyond that would either have to be offset or it would require 60 votes to overcome a point of order. It is very simple. It is a cap of \$350 billion on tax cuts.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak for 1 minute in opposition to the Harkin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, we have had great cooperation on this bill. We have not had second-degree amendments. We have tried to avoid them and be expeditious.

We have not seen this amendment. I do know the effect of this amendment would be in the outyears we would be taking a 10-percent rate and making it 15 percent. I do know in the outyears we would eliminate the marriage penalty relief. I do know the effect of it would be reduce the child tax credit from \$1,000 to \$500.

I urge my colleagues to vote in favor of a motion to table the Harkin amendment. I make that motion.

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

Mr. NICKLES. I make the motion to table the Harkin amendment.

The PRESIDING OFFICER. A motion has been made to table.

Mr. NICKLES. 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 the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—58

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

NAYS—42

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

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 339, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—38

Baucus	Edwards	Murray
Bayh	Feingold	Nelson (FL)
Biden	Graham (FL)	Nelson (NE)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reid
Breaux	Kerry	Rockefeller
Cantwell	Kohl	Sarbanes
Carper	Landrieu	Schumer
Conrad	Leahy	Snowe
Corzine	Levin	Stabenow
Daschle	Lieberman	Voinovich
Dayton	Lincoln	Wyden
Dorgan	Mikulski	

NAYS—62

Akaka	Cochran	Fitzgerald
Alexander	Coleman	Frist
Allard	Collins	Graham (SC)
Allen	Cornyn	Grassley
Bennett	Craig	Gregg
Bond	Crapo	Hagel
Brownback	DeWine	Harkin
Bunning	Dodd	Hatch
Burns	Dole	Hollings
Byrd	Domenici	Hutchison
Campbell	Durbin	Inhofe
Chafee	Ensign	Jeffords
Chambliss	Enzi	Kennedy
Clinton	Feinstein	Kyl

Lautenberg	Nickles	Specter
Lott	Reed	Stevens
Lugar	Roberts	Sununu
McCain	Santorum	Talent
McConnell	Sessions	Thomas
Miller	Shelby	Warner
Murkowski	Smith	

The amendment (No. 339), as modified, was rejected.

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

Mr. CRAIG. 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, in our list of amendments that we are working on, Senator KENNEDY is next. I believe we will be able to work that amendment out so we will not have to have a Gregg amendment as well. We will pass on both of those and probably accept Senator KENNEDY's amendment as modified in just a moment.

The next amendment on our list will be an amendment by the Senator from West Virginia, Senator BYRD.

Mr. President, can we have Senator BYRD's Amtrak amendment.

The PRESIDING OFFICER. It has not yet been sent to the desk.

Mr. NICKLES. Does the Senator from West Virginia have the amendment? If not, we will find a copy of it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 387

Mr. BYRD. Mr. President, I have an amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 387. (Purpose: To provide adequate funds for the National Railroad Passenger Corporation (Amtrak))

On page 3, line 10, increase the amount by \$912,000,000.

On page 4, line 1, increase the amount by \$912,000,000.

On page 4, line 15, increase the amount by \$912,000,000.

On page 5, line 5, increase the amount by \$912,000,000.

On page 21, line 23, increase the amount by \$912,000,000.

On page 21, line 24, increase the amount by \$912,000,000.

On page 47, line 5, increase the amount by \$912,000,000.

On page 47, line 6, increase the amount by \$912,000,000.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will come to order.

The Senator from West Virginia is recognized for 1 minute on his amendment.

Mr. BYRD. Mr. President, the budget resolution currently before the Senate cuts funding for Amtrak by almost 22 percent. There is no question that this funding level will put Amtrak into bankruptcy during the next fiscal year. We must not let that happen. The bipartisan Amtrak board of directors has stated that Amtrak needs \$1.8 billion next year to operate all its trains and make a minimum level of capital investment. That board includes several Republicans.

This amendment that I offer with Senator LAUTENBERG would fund Amtrak at that \$1.8 billion level. It is paid for by reducing the tax cut by just \$900 million for 1 year. We need to stop having our national passenger railroad service just survive from one financial crisis to the next. We need to allow the next president of Amtrak to continue to reform Amtrak, rather than oversee its liquidation.

I encourage all Senators to save rail service in this country and support this amendment.

Mr. SPECTER. Mr. President, I will vote in favor of the Byrd amendment to the fiscal year 2004 budget resolution to increase Amtrak's budget in fiscal year 2004 from \$900 million to \$1.8 billion because this level of funding is critical for Amtrak's continued operations next year. Without this additional funding, Amtrak would be forced to entirely shut down its operations.

This amendment does not take funding from the President's \$726 billion growth package. This additional \$900 million is offset from the \$600 billion in tax cuts over the 10 years just as the \$1.8 billion, accepted by Senator NICKLES, on the Kennedy amendment to add to the Pell Grants.

I am committed to the specified tax cuts over the next 10 years and there will be ample time to reallocate the \$900 million for Amtrak as well as the \$1.8 billion for the Pell Grants.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge our colleagues to vote no on this amendment. I have the greatest respect for Senator BYRD and his support of Amtrak. I happen to be a supporter of Amtrak. But the net essence of this amendment would be to double the amount of money we have for Amtrak. We proposed \$900 million. That happens to be what the Department of Transportation has requested. I remind our colleagues, a few years ago we were going to say that Amtrak would not need subsidies by this year.

If you look, this would more than double the amount of money. The largest subsidy it has ever received was last year and that was because of the supplemental, so to go from \$490 million to 1.8 is more than doubling the Federal subsidies to Amtrak. Right now the cost in some cases from city to city exceeds that of air passenger service. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 387.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—51

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

NAYS—49

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	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

The amendment (No. 387) was agreed to.

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

Mr. LAUTENBERG. 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 Massachusetts.

AMENDMENT NO. 311, AS MODIFIED

Mr. KENNEDY. Mr. President, I call up amendment No. 311. I send a modification to the desk and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. DODD, Mr. DASCHLE, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Ms. CANTWELL, and Ms. COLLINS, proposes an amendment numbered 311, as modified.

Mr. KENNEDY. 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, as modified, is as follows:

(Purpose: To increase the maximum Pell Grant from \$4,050 to \$4,500 at a cost of \$1.8 billion and reduce the public debt by an additional \$1.8 billion, both paid for by a reduction in the non-reconciliation tax cut)

On page 3, line 10, increase the amount by \$360,000,000.

On page 3, line 11, increase the amount by \$1,404,000,000.

On page 3, line 2, increase the amount by \$36,000,000.

On page 4, line 1, increase the amount by \$360,000,000.

On page 4, line 2, increase the amount by \$1,404,000,000.

On page 4, line 3, increase the amount by \$36,000,000.

On page 4, line 15, increase the amount by \$1,800,000,000.

On page 5, line 5, increase the amount by \$360,000,000.

On page 5, line 6, increase the amount by \$1,404,000,000.

On page 5, line 7, increase the amount by \$36,000,000.

On page 25, line 16, increase the amount by \$1,800,000,000.

On page 25, line 17, increase the amount by \$360,000,000.

On page 25, line 21, increase the amount by \$1,404,000,000.

On page 25, line 25, increase the amount by \$36,000,000.

On page 47, line 5, increase the amount by \$1,800,000,000.

On page 47, line 6, increase the amount by \$360,000,000.

On page 47, line 15, increase the amount by \$1,404,000,000.

Mr. KENNEDY. Mr. President, I have offered this amendment on behalf of myself, Senators DODD, DASCHLE, FEINGOLD, BINGAMAN, MURRAY, REED, CANTWELL, and COLLINS. This amendment increases the maximum Pell grant by \$500 at a total cost of \$1.8 billion. It pays for those changes by reducing the nonreconciliation tax cut by \$1.8 billion. If we do not accept this amendment, there will be 110,000 young people who are attending colleges who will lose their Pell grants. With the acceptance of this amendment, there will be more than 200,000 new Pell grant recipients, and it will help immeasurably the 4.9 million Pell grant recipients who come from families who average \$15,000 in income.

Among the education community and students, there is broad-based support for increasing the maximum Pell grant. The following groups have stated their support:

American Council on Education.
National Association of Independent Colleges and Universities.

American Association of State Colleges and Universities.

American Association of Community Colleges.

United Negro College Fund.

Coalition of Higher Education Organizations.

Unites States Public Interest Research Group.

United States Students' Association.

The National Association of State Universities and Land Grant Colleges.

National Association of Community College Trustees.

Student Aid Alliance—an umbrella group of over 60 higher education organizations which includes the groups I just mentioned, as well as: American Association of Colleges of Nursing, American Association of Colleges of Pharmacy, American Association of Col-

leges for Teacher Education, American Association of College Registrars and Admissions Officers, American Association for Higher Education, American Association of University Professors, American College Personnel Association, American College Testing, American Dental Education Association, American Indian Higher Education Consortium, American Jewish Congress, American Psychological Association, American Society for Engineering Education, American Student Association of Community Colleges, APPA: The Association of Higher Education Facilities Officers, Association of Academic Health Centers, Association of Advanced Rabbinical and Talmudic Schools, Association of American Law Schools, Association of American Medical Colleges, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Career College Association, Citizen's Scholarship Foundation of America, Coalition of Higher Education Assistance Organizations, College and University Personnel Association for Human Resources, College Board, College Parents of America, Council for Advancement and Support of Education, Council for Christian Colleges and Universities, Council on Government Relations, Council of Graduate Schools, Council for Higher Education Accreditation, Council of Independent Colleges, Council for Opportunity in Education, Educational Testing Service, Hispanic Association of Colleges and Universities, Lutheran Educational Conference of North America, NAFSA: Association of International Educators, National Association for College Admission Counseling, National Association of College and University Business Officers, National Association for Equal Opportunity in Higher Education, National Association of Graduate and Professional Students, National Association of State Student Grant and Aid Programs, National Association of Student Financial Aid Administrators, National Association of Student Personnel Administrators, National College Access Network, National Collegiate Athletic Association, National Council of University Research Administrators, National Education Association, NAWE: Advancing Women in Higher Education, University Continuing Education Association, and the Women's College Coalition.

Mr. President, I ask unanimous consent that some of the letters from these organizations in support of this amendment and in support of increasing the maximum Pell grant be printed in the RECORD.

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

COMMITTEE FOR
EDUCATION FUNDING,
Washington, DC, March 19, 2003.

MEMBER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The Committee for Education Funding, a nonpartisan coalition of 110 organizations reflecting the broad spectrum of the education community, strongly urges you to vote against passage of the House FY04 Budget Resolution, H. Con. Res. 95, reported out by the Budget Committee on March 12, 2003 and support amendments that restore cuts and increase education investment substantially. The Budget Resolution assumes a cut of 3 percent below the President's already low request for discretionary spending for education and related programs in Function 500, which includes vital funding for No Child Left Behind, students with disabilities, higher education, research, Head Start, and adult, vo-

ational and technical education, and libraries. It also assumes terminating 46 important education programs totaling \$1.6 billion. Moreover, it calls for a draconian cut of \$9.7 billion over ten years for mandatory education spending on critical programs such as school lunch and student loans.

The budget resolution is especially objectionable in light of the urgent fiscal crisis in education resources at the state level; the escalating costs of federal standards and accountability requirements on elementary and secondary schools; and the explosion of enrollments of low-income postsecondary students. The federal commitment to education is now more crucial than ever to carry out school reform and ensure access to higher education for millions of students.

Again, we urge you to vote against the House Budget Resolution and support amendments that restore education cuts and make substantial increased education investments to move education from the current 2.8 cents on the federal budget dollar toward at least five cents and strengthen our economic and national security and the quality of education for all of America's students. Finally, we ask you to oppose amendments that increase funding for one education program by cutting another education program. Thank you for your support of education.

Sincerely,

DAN FULLER,
President.
EDWARD R. KEALY,
Executive Director.

STUDENT AID ALLIANCE,
Washington, DC, March 19, 2003.

Re: support Kennedy-Dodd amendment on Pell grants.

DEAR SENATOR: On behalf of the Student Aid Alliance—a coalition of over 60 higher education organizations representing students, parents, college presidents, financial aid administrators and others—we write to urge you to support an amendment to the FY 2004 Budget Resolution that will increase the Federal Pell Grant maximum grant by \$450 to \$4,500.

Should the funding of the Pell Grants increase by \$1.8 billion, as proposed in the amendment, more low-income and first-generation students can pursue their higher education dreams. Many of these students are consumed with worry that the poor performance of the economy has seriously jeopardized their hope of college attendance. They are right to worry. Their concerns have a documented basis in fact: data from the Department of Education show that qualified low-income students are still only half as likely to enroll in a four-year institution.

The federal government's investment in student financial aid is less than one percent of federal spending, but as states continue to pull away from providing resources to the needy students, and as more students choose to pursue a college education, federal funding becomes even more essential.

Finally, the consequences of the Pell Grant amendment on the federal budget are negligible, but its consequences for the students in your state are significant. For them, it may mean the difference between going to college or not, or staying in college or not.

We strongly urge you to vote in favor of this important amendment.

Sincerely,

DAVID WARD,
Co-Chair.
DAVID WARREN,
Co-Chair.

ASSOCIATION OF JESUIT
COLLEGES & UNIVERSITIES,
Washington, DC, March 19, 2003.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC

DEAR SENATOR KENNEDY: On behalf of the Association of Jesuit Colleges and Universities (AJCU) and the twenty-eight institutions of higher education that we represent, I write in support of the Kennedy-Dodd Budget Amendment to increase the Pell grant maximum from \$4,050 to \$4,500 in FY04.

All of our Jesuit colleges and universities have been hard-pressed to meet the critical increase of over 25% in Pell eligible students over the past two years. Within one year, our 28 institutions had to increase the amount of institutional aid given to needy students by 10% to accommodate declining federal dollars. Institutional aid ranks as the highest funding category for our students at 47% on average, and federal aid dollars including Pell grants and campus-based aid programs totals 44%, while only 9% of aid originates from the states. Some of our institutions have been quite dependent upon state aid, but, because of the burgeoning state budget crisis, students have lost aid. For example, \$1 million was cut in grant aid from the Illinois Grant Aid program for Loyola Chicago University students. Given the combination of state budget crisis and limited federal dollars, students are increasing loan debts, while institutions are increasing institutional aid. For many small and medium-sized institutions these institutional increases are straining the very financial fiber and well being of these colleges.

The economy has played another factor not only in diminishing college and university endowments, but, also in trying to raise endowment funding. Parents are really hard pressed because their savings have declined and their contributions have diminished substantially. Thus, the recession not only has impacted federal and state budgets, but also college and university budgets and in particular, parent's and student's budgets.

The Pell grant program remains the foundation program for providing more access for more students of need to secure a postsecondary education. Pell grants serve the neediest students across the country and open doors for many first generation students to pursue their dreams. Given the complex times that we live in, our primary purpose should always be to educate the best-educated populace in the world. An America that offers equal opportunity to those who are less affluent than others and who desperately want to contribute back to society. Thank you for your leadership in introducing this critical amendment. Our students are counting on your continued advocacy.

CHARLES L. CURRIE, SJ,
President.

Mr. KENNEDY. I have talked to the floor manager of the bill, and I hope he will be willing to accept it.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I appreciate the modification that my friend and colleague, Senator KENNEDY, made to this amendment. We have no objection to it.

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

The question is on agreeing to amendment No. 311, as modified.

The amendment (No. 311), as modified, was agreed to.

Mr. KENNEDY. 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 senior assistant bill 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.

Mr. NICKLES. I believe under the order that was established, Senator BIDEN is next up to offer an amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I have a modified version of amendment No. 278 that I will send to the desk with a list of cosponsors.

Mr. NICKLES. If the Senator will yield, I don't know that I have seen that modification. We are trying to clear these first.

Mr. BIDEN. I believe the modification has been cleared by staff. I may be mistaken.

Mr. NICKLES. Mr. President, I inquire of the Senator, is it No. 278 or No. 273?

Mr. BIDEN. Amendment No. 278.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill 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.

Mr. NICKLES. Mr. President, I believe the Senator from Delaware has an amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: Is my modification at the desk?

The PRESIDING OFFICER. It is not.

AMENDMENT NO. 278, AS MODIFIED

Mr. BIDEN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. SCHUMER, Mrs. CLINTON, Mr. KERRY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. JOHNSON, Mr. LAUTENBERG, Mr. DAYTON, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. BAYH, Mr. CORZINE, Mr. BINGAMAN, Mr. PRYOR, Ms. CANTWELL, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. REID, Ms. STABENOW, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, and Mr. GRAHAM of Florida, proposes an amendment numbered 278, as modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 3, line 10, increase the amount by \$240,000,000.

On page 3, line 11, increase the amount by \$560,000,000.

On page 3, line 12, increase the amount by \$500,000,000.

On page 3, line 13, increase the amount by \$700,000,000.

On page 4, line 1, increase the amount by \$240,000,000.

On page 4, line 2, increase the amount by \$560,000,000.

On page 4, line 3, increase the amount by \$500,000,000.

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

On page 4, line 15, increase the amount by \$998,000,000.

On page 4, line 16, decrease the amount by \$13,000,000.

On page 4, line 17, decrease the amount by \$28,000,000.

On page 4, line 18, decrease the amount by \$46,000,000.

On page 4, line 19, decrease the amount by \$58,000,000.

On page 4, line 20, decrease the amount by \$62,000,000.

On page 4, line 21, decrease the amount by \$65,000,000.

On page 4, line 22, decrease the amount by \$69,000,000.

On page 4, line 23, decrease the amount by \$73,000,000.

On page 4, line 24, decrease the amount by \$76,000,000.

On page 5, line 5, increase the amount by \$118,000,000.

On page 5, line 6, increase the amount by \$267,000,000.

On page 5, line 7, increase the amount by \$222,000,000.

On page 5, line 8, increase the amount by \$304,000,000.

On page 5, line 9, decrease the amount by \$58,000,000.

On page 5, line 10, decrease the amount by \$62,000,000.

On page 5, line 11, decrease the amount by \$65,000,000.

On page 5, line 12, decrease the amount by \$69,000,000.

On page 54, line 13, decrease the amount by \$73,000,000.

On page 5, line 14, decrease the amount by \$76,000,000.

On page 5, line 18, increase the amount by \$122,000,000.

On page 5, line 19, increase the amount by \$293,000,000.

On page 5, line 20, increase the amount by \$278,000,000.

On page 5, line 21, increase the amount by \$396,000,000.

On page 5, line 22, increase the amount by \$58,000,000.

On page 5, line 23, increase the amount by \$62,000,000.

On page 5, line 24, increase the amount by \$65,000,000.

On page 5, line 25, increase the amount by \$69,000,000.

On page 6, line 1, increase the amount by \$73,000,000.

On page 6, line 2, increase the amount by \$76,000,000.

On page 6, line 6, decrease the amount by \$122,000,000.

On page 6, line 7, decrease the amount by \$415,000,000.

On page 6, line 8, decrease the amount by \$693,000,000.

On page 6, line 8, decrease the amount by \$1,089,000,000.

On page 6, line 10, decrease the amount by \$1,148,000,000.

On page 6, line 11, decrease the amount by \$1,210,000,000.

On page 6, line 12, decrease the amount by \$1,275,000,000.

On page 6, line 13, decrease the amount by \$1,344,000,000.

On page 6, line 14, decrease the amount by \$1,416,000,000.

On page 6, line 15, decrease the amount by \$1,493,000,000.

On page 6, line 19, decrease the amount by \$122,000,000.

On page 6, line 20, decrease the amount by \$415,000,000.

On page 6, line 21, decrease the amount by \$693,000,000.

On page 6, line 22, decrease the amount by \$1,089,000,000.

On page 6, line 23, decrease the amount by \$1,148,000,000.

On page 6, line 24, decrease the amount by \$1,210,000,000.

On page 6, line 25, decrease the amount by \$1,275,000,000.

On page 7, line 1, decrease the amount by \$1,344,000,000.

On page 7, line 2, decrease the amount by \$1,416,000,000.

On page 7, line 3, decrease the amount by \$1,493,000,000.

On page 36, line 15, increase the amount by \$1,000,000,000.

On page 36, line 16, increase the amount by \$120,000,000.

On page 36, line 20, increase the amount by \$280,000,000.

On page 36, line 24, increase the amount by \$250,000,000.

On page 37, line 3, increase the amount by \$350,000,000.

On page 40, line 6, decrease the amount by \$2,000,000.

On page 40, line 7, decrease the amount by \$2,000,000.

On page 40, line 10, decrease the amount by \$13,000,000.

On page 40, line 11, decrease the amount by \$13,000,000.

On page 40, line 14, decrease the amount by \$28,000,000.

On page 40, line 15, decrease the amount by \$28,000,000.

On page 40, line 18, decrease the amount by \$46,000,000.

On page 40, line 19, decrease the amount by \$46,000,000.

On page 40, line 22, decrease the amount by \$58,000,000.

On page 40, line 23, decrease the amount by \$58,000,000.

On page 41, line 2, decrease the amount by \$62,000,000.

On page 41, line 3, decrease the amount by \$62,000,000.

On page 41, line 6, decrease the amount by \$65,000,000.

On page 41, line 7, decrease the amount by \$65,000,000.

On page 41, line 10, decrease the amount by \$69,000,000.

On page 41, line 11, decrease the amount by \$69,000,000.

On page 41, line 14, decrease the amount by \$73,000,000.

On page 41, line 15, decrease the amount by \$73,000,000.

On page 41, line 18, decrease the amount by \$76,000,000.

On page 41, line 19, decrease the amount by \$76,000,000.

On page 47, line 5, increase the amount by \$1,000,000,000.

On page 47, line 6, increase the amount by \$120,000,000.

On page 47, line 15, increase the amount by \$280,000,000.

On page 79, after line 22, add the following:
SEC. 308. FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) the COPS program is the only program in the Federal government that provides homeland security resources directly to law enforcement first responders;

(4) on July 15, 2002, the Attorney General stated, "Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.";

(5) On February 26, 2002, the Attorney General stated, "The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.";

(6) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, "The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.";

(7) as a result of the COPS program, State and local law enforcement agencies have received funds for more than 117,000 officers, 87,300 of whom are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools;

(8) the COPS program has assisted in advancing community policing nationwide;

(9) 86 percent of the Nation is served by a law enforcement agency that has full-time officers engaged in community policing activities;

(10) the continuation and full funding of the COPS program through fiscal year 2009 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(12) Congress appropriated \$1,050,000,000 for the COPS program for fiscal year 2002 and \$928,900,000 for fiscal 2003; and

(13) the President requested \$164,000,000 for the COPS program for fiscal year 2004, \$886,000,000 less than the amount appropriated for fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of \$1,000,000,000 for fiscal year 2004 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

The PRESIDING OFFICER. There will be 2 minutes equally divided on each side. The Senator from Delaware.

Mr. BIDEN. Mr. President, the COPS Program: \$163 million. This amendment will take it up to what it has his-

torically been for the last 8 or 9 years, about \$1.16 billion. At the time we are cutting back FBI agents, we have cut the violent crime task forces, FBI agents no longer do interstate bank robbery, car thefts, et cetera. All local municipalities are in a hole. Everyone is in trouble. Deficits are high. We are worried about terrorism. The first guy who is going to run across a Bin Laden-type figure is not one wearing night vision goggles with the Special Forces. It could be a cop.

We are cutting back on homeland defense, local law enforcement. There has been an 83-percent cut from the COPS level we just approved in the omnibus bill just weeks ago. This will provide for 4,400 more cops at the very time—think about this—the entire FBI is 11,000 FBI agents. We are talking about adding 4,400 cops.

The COPS Program has worked. No one has a cogent argument as to why it has not worked. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time in opposition? The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in function 750, which includes a lot of programs for local law enforcement, we have a 29-percent increase. The Senator's amendment would add an additional \$1 billion on top of that.

I urge my colleagues to vote no. I yield to the Senator from New Hampshire the remainder of our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the COPS Program was designed to put 100,000 new police officers on the street. We have, in fact, put 110,000 new police officers on the street.

In addition, the program has been replaced in large part by the huge amount of increases that are going into the First Responder Program, into the Byrne grant, into the LEA grant, and into the local law enforcement effort overall. We are dramatically increasing money in these accounts.

To continue a program that was supposed to fade out is totally inappropriate when we are already expanding the spending in these accounts by significant amounts.

Mr. DOMENICI. Does the Senator have time to answer a question?

Mr. GREGG. I have no idea.

The PRESIDING OFFICER. Time has expired.

Mr. DOMENICI. I ask unanimous consent that the Senator from New Hampshire be permitted to answer one question.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object, if I can have equal time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. DOMENICI. Have the budget rules changed? Is there some way that the Senator from New Hampshire can offer an amendment that will, in fact, increase the budget so the COPS Program will be paid for?

Mr. GREGG. The Senator knows the budget rules much better than I do. I think his answer is rhetorical, and the answer is no.

Mr. DOMENICI. That is correct. This amendment would not add to COPS. It will add to the budget.

Mr. GREGG. That is correct.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 20 seconds.

Mr. BIDEN. Mr. President, this takes \$2 billion out of the tax cut. It provides \$1 billion for COPS, and \$1 billion for reduction of the deficit.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 278, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—48

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

NAYS—52

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

The amendment (No. 278), as modified, was rejected.

Mr. NICKLES. Mr. President, we are making progress. I inform our colleagues, Senator CONRAD and I have had members inquiring how much longer are we going to stay. We are staying until we complete the bill. I urge Members not to generate amendments. We are trying to deal with them and we are trying to accommodate Members as much as we can. Sometimes we have had three or four amend-

ments on one subject matter. I hope that does not continue.

The next amendment to be considered is the amendment from the Senator from South Carolina, the Hollings amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 343, AS MODIFIED

Mr. HOLLINGS. Mr. President, the amendment is at the desk as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mrs. BOXER, Mr. SARBANES, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. BYRD, Mr. LIEBERMAN, and Mr. CORZINE, proposes an amendment numbered 343, as modified.

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

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

The amendment (No. 343), as modified, as is follows:

On page 4, line 15, increase the amount by \$1,000,000,000.

On page 4, line 16, increase the amount by \$1,000,000,000.

On page 5, line 5, increase the amount by \$314,000,000.

On page 5, line 6, increase the amount by \$634,000,000.

On page 5, line 7, increase the amount by \$535,000,000.

On page 5, line 8, increase the amount by \$336,000,000.

On page 5, line 9, increase the amount by \$153,000,000.

On page 5, line 10, increase the amount by \$31,000,000.

On page 21, line 23, increase the amount by \$850,000,000.

On page 21, line 24, increase the amount by \$201,000,000.

On page 22, line 2, increase the amount by \$850,000,000.

On page 22, line 3, increase the amount by \$484,000,000.

On page 22, line 7, increase the amount by \$497,000,000.

On page 22, line 11, increase the amount by \$336,000,000.

On page 22, line 15, increase the amount by \$153,000,000.

On page 22, line 19, increase the amount by \$31,000,000.

On page 36, line 15, increase the amount by \$150,000,000.

On page 36, line 16, increase the amount by \$113,000,000.

On page 36, line 19, increase the amount by \$150,000,000.

On page 36, line 20, increase the amount by \$150,000,000.

On page 36, line 24, increase the amount by \$30,000,000.

On page 42, line 2, decrease the amount by \$1,000,000,000.

On page 42, line 3, decrease the amount by \$314,000,000.

On page 42, line 6, decrease the amount by \$1,000,000,000.

On page 42, line 7, decrease the amount by \$684,000,000.

On page 42, line 11, decrease the amount by \$535,000,000.

On page 42, line 15, decrease the amount by \$336,000,000.

On page 42, line 19, decrease the amount by \$133,000,000.

On page 42, line 23, decrease the amount by \$31,000,000.

Mr. HOLLINGS. On behalf of Senators GRAHAM of Florida and South Carolina, Senators BYRD, LIEBERMAN, CORZINE, SCHUMER, MURRAY, BIDEN, and others, this amendment is to fund the port security provisions that we passed unanimously through the Senate. We had funding at that time. The House would not agree and the law is there. The responsibility and the unfunded mandate is there upon the States. Now they have no emergency dollars and it is an emergency situation.

We have to have \$1 billion this year and \$1 billion next year. I wanted to first take the money from the tax cuts. That was not going to work, and then I was going to remove the caps and I retreated to the 920 offset. We are in a desperate situation. We have to have the money.

Last Congress, we passed the Maritime Transportation Security Act of 2002. This landmark bill reflects the first time that the federal government has imposed security requirements on U.S. ports since World War II.

People do not ordinarily think about what happens at our ports. They take for granted that goods from all over the world are transported through our ports at minimal cost. However, this system is in jeopardy because security has never been part of the equation, and for the first time, we are requiring shipments to not only be efficient, but efficient and secure. The current situation leaves us in jeopardy, because Al Qaeda could use one of the millions of marine containers that are shipped into the U.S. to carry a dirty bomb, they could also take over an oil tanker and use it as a weapon to attack our coastal cities.

The bill we passed last year, the Maritime Transportation Security Act, sets the stage for protecting our nation, and for protecting our homeland. Last year, when we were considering this measure, Senate conferees insisted that we needed a commitment to fund the important requirements and mandates of this act. But until now we have not agreed on how to fund this measure. We implored the administration to come up with their own plan to help us address the vital need to secure our ports and points inland from maritime attack, but they sat on the sidelines.

Faced with that inaction, we pushed our colleagues in the House to require user fees on cargo shippers, and on ships, in order to provide funds for security equipment and programs, and to help our first responders plan how they might counteract any attacks. But our friends in the House, primarily those at the Ways and Means Committee, said that it was not a user fee. When we convinced them that it was, they then said that revenues had to originate in the House. After that we said okay, you pass the bill on the House side, and then we will pass your bill in the Senate. Yet the goal post moved further away once again, when the house said that they couldn't agree on any user

fee at all, and that the federal government should pay for port security in the budget. In the end, it was more important to pass the maritime security bill, and to impose the security mandates, so we required the Administration to submit their plans for funding port security to Congress within 6 months. Well, this years' budget proposes not one penny for port security!

As required by the MTSA, the Coast Guard has begun to survey security at U.S. ports, and preliminary estimates are that we will need 4.8 billion dollars to comply with the mandates. According to a "Maritime Security Notice" in the Federal Register of December 30, 2002, the total costs of implementing security in our seaports will reach \$6 billion over the next ten years. The first year cost will be \$1.4 billion. The costs are broken down by USCG as follows:

Vessel security: \$1.1 billion over ten years,

Facility security: \$4.4 billion over ten years,

Port Security Plans and Committees: \$477 million over ten years.

This funding is crucial to the security of our homeland. A recent port security terrorism simulation was conducted by federal, state, and private sector experts to examine the consequences of a seaport attack. Their conclusions were stunning. The simulation indicated that within twenty days of an attack through U.S. seaports, the New York Stock Exchange would halt trading on the Exchange because of restated earnings estimates and shareholder panic. Retailers and manufacturers would be crippled by our inability to reopen U.S. ports so that their inventories could be replenished.

Last year, U.S. ports on the west coast were temporarily closed because of labor strikes, economists estimate that this closure cost our economy over two billion dollars a day. And, while we are spending billions of dollars each year to figure out how to shoot missiles out of the sky, we are spending practically nothing to protect against a weapon simply being put into a marine container, and shipped to the United States at a cost of less than three thousand dollars.

The economic impact of the closure of just the west coast ports pales in comparison to the economic devastation that would be the reaction to a dirty bomb imported in a container through the Port of Charleston or Philadelphia, or an intentional ship collision with an oil facility along the Houston ship channel, or the scuttling of a vessel blocking the Mississippi River maritime highway. Many Members are from States that would be directly impacted by a maritime terrorist event, and all will be effected by the economic fallout. As demonstrated by the port security simulation, a terrorist event will force the closure of every port in the country, potentially causing the destruction of our economic system before the ports could be

cleared and reopened. Currently, we are only inspecting two percent of containers entering the U.S. We need to do better. The consequences are just too great to not provide the badly needed funds to upgrade port security.

For example, Tuesday, with the existing military situation and homeland security threat level at "high," the State of South Carolina has been forced to supplement the existing security at the Port of Charleston, and at nuclear power plants, by deputizing and reassigning 400 probation and parole officers. This extra security should be available from security professionals trained in transportation security, but these professionals are not available because we are not doing what is needed to secure our ports.

A failure in securing our ports from attack, will result in a catastrophic attack on our economy, and ultimately on the strength of our nation. We currently do not have an adequate security system at our ports, and there has not been any sign from the Administration that they will secure our seaports in the future. The Coast Guard, Customs and Transportation Security Administration are doing their best, but unless they are given the tools and the funding to help our ports and cities employ the security that we need, we will be defenseless from a catastrophic attack. In order to provide this critical funding I am proposing an amendment to the Senate budget resolution.

The amendment would add \$1 billion annually, for seaport security needs, over the next two years. In order to pay for the amendment, the tax cut would be reduced by \$2 billion. The one billion, per year, could be spent consistent with the Maritime Transportation Security Act of 2002, as follows: Maritime Administration, \$610 million; \$450 million, for grants to ports and waterfront facilities to help ensure compliance with federally approved security plans; \$150 million; for grants to states, local municipalities and other entities to help comply with federal area security plans and to provide grants to responders for port security contingency response; \$10 million, to be used in conjunction with the Federal Law Enforcement Training Center to help develop a seaport security training curriculum to provide training to federal and state law enforcement personnel, and to certify private security personnel working at seaports.

Coast Guard, \$160 million; \$50 million, for port security assessments; \$50 million, for the establishment and operation of multi-agency task force to coordinate and evaluate maritime information in order to identify and respond to security threats; \$40 million, to help implement the Automated Identification System, AIS, and other tracking systems designed to actively track and monitor vessels operating in U.S. waters; \$20 million, for additional Coast Guard port security vessels.

The Border and Transportation Security Directorate, \$230 million, \$100 mil-

lion, to Customs for the installation of screening equipment, and to be used to help develop new technologies to help develop and prototype screening and detection equipment at U.S. ports; \$100 million, to TSA and Customs; \$50 million each, to evaluate and implement cargo security programs; \$30 million, for the Transportation Security Administration, TSA, to develop and implement the Transportation Worker ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

I thank the distinguished chairman for his agreement. We could voice-vote to save time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friends and colleagues, Senator HOLLINGS and Senator GRAHAM of South Carolina, for their willingness to work with us to modify the amendment. We are happy to accept the amendment. That will eliminate two rollcall votes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 343, as modified.

The amendment (No. 343), as modified, was agreed to.

Mr. HOLLINGS. 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.

AMENDMENT NO. 358

Mr. NICKLES. I believe the next amendment will be offered by the Senator from Missouri, Senator BOND.

Mr. BOND. Mr. President, I call up amendment numbered 358.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, and Mr. REID, Mr. INHOFE, Mr. JEFFORDS, Mr. SHELBY, Mr. SARBANES, Mr. BYRD, Mrs. MURRAY, Mr. CHAFEE, Mr. WARNER, Mr. SPECTER, Ms. MURKOWSKI, Mr. LOTT, Ms. COLLINS, Mr. REED, Mrs. FEINSTEIN, Mr. LEVIN, and Mr. BROWNBACK, proposed an amendment numbered 358.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BOND. Mr. President, there are stark needs for highways and transportation systems. The red column the President recommended, the green column across the chart shows what this budget proposes, and the budget before us proposes essentially flat funding for the next 6 years. The administration itself said the needs just to maintain highways are at this yellow line, which is way above.

Our amendment simply raises spending for highways over the 6 years to \$255 billion and mass transit to \$56.5,

using dollars previously paid into the highway trust fund by highway users, and other items that have been identified by the President and the Budget Committee, such as transferring 2.5 cents for ethanol into the highway user funds.

Investing in highways and transportation is the best immediate stimulus we can have to the economy, creating jobs, and lowering highway deaths. I urge the support of my colleagues.

Mr. KENNEDY. Mr. President, I commend my colleagues for their leadership on this bipartisan amendment to increase the level of Federal investment in transportation by over 40 percent in the next 6 years.

This amendment will enable the Environment and Public Works Committee and the Banking Committee to write their Transportation Equity Act for the 21st century, TEA-21, reauthorization proposals with adequate funding, and I urge my colleagues to support it.

Maintaining an integrated, efficient, and safe transportation system is one of the most important things we can do to get this faltering economy moving again. It is essential for maintaining the strength of our cities, and for promoting the growth of commerce and trade.

Of all the economic growth proposals that we will consider this year, few will produce a greater bang for the buck than increased Federal investment in the Nation's transit and highway system. According to the Department of Transportation, every \$1 billion in surface transportation investment creates 47,500 jobs. With an economy losing 300,000 jobs each month, we cannot afford to ignore the job-creating power of transportation investments and the other benefits that they bring.

According to a report by the American Public Transportation Association, Americans took 9.5 billion trips on mass transit in 2001—the highest number in over 40 years, and a figure 22 percent increase since 1996. Of those trips, 54 percent were work related. I cannot imagine what would happen in cities like Washington, Chicago, New York, and Boston if these commuters rushing to and from their jobs were to lose public transportation as a viable option.

Perhaps such a scenario is too grim to consider, but we do have some idea just what those commuters would confront if they got off the trains and buses and back into their cars. In 2000, the average highway traveler spent 62 hours mired in rush hour traffic—a 38-percent increase over 1994. In fact, it is estimated that traffic congestion now costs Americans \$67 billion each year—the cost of 3.67 billion hours in lost productivity and 5.7 billion gallons of wasted gasoline—wasted gasoline.

Unless we continue to build on the impressive investments made under ISTEA and TEA-21, I expect those congestion costs will rapidly multiply. How much they will increase is not

known, but the Federal Transit Administration estimates that public transportation now saves the Nation \$19.4 billion in congestion costs each year.

Unfortunately, this budget resolution does not provide room for building upon those two landmark transportation bills, and assumes a relatively flat level of funding for the next several years. These figures fall far short of what is needed simply to keep pace with the demands or exerted on our National Transportation System.

According to the American Association of State Highway and Transportation Officials, just to maintain the current conditions of our roads and bridges the Nation will need to invest approximately \$92 billion each year for the next 6 years, and \$19 billion for our transit systems. To actually improve these systems, the requirements are \$125 billion for highways and \$44 billion for transit respectively. Yet this budget provides only \$32 billion for highways and \$7.2 billion for transit this year.

By the end of the next 6-year reauthorization cycle, over 65 percent of the Nation's public transportation bus fleet and 54 percent of the country's subway cars, commuter rail cars, and light rail cars will be passed their useful lives, according to FTA.

If we don't replace the oldest vehicles in the fleet now, and repair those that can remain in revenue service for the foreseeable future, we will only be kicking our problems down the road. Ignoring these needs will only increase their expense, add additional financial burdens to State and local governments, and undermine the safety, security, and efficiency of our current transportation system.

It is also imperative that we boost funding for transportation investment now because of the new, post-September 11 security costs that States are facing to protect their bridges, tunnels, and subway stations.

A report by the Transportation Research Board, suggests that of the Nation's 600,000 bridges and tunnels, over 500 have been identified as critical links based on their size, traffic capacity, and strategic importance. If ever one of these bridges or tunnels should be compromised, the effect on commerce and trade in whole States and regions would be profound.

That same study, which was conducted with the input of the FTA and Federal Highway Administration, suggests that the cost of protecting these highway structures is approximately \$6.8 billion over the next 6 years, with an additional \$578 million required for ongoing security operations.

On the transit side, the security upgrades are expected to cost about \$6.2 billion over 6 years, with an additional \$500 million required for operating expenses.

Who is going to pay for these security requirements? The existing budget, which calls for essentially flat funding, does not anticipate a strong Fed-

eral role. At the same time, the States are in the midst of the worst fiscal crisis in nearly 50 years, and cannot afford these additional responsibilities.

Ultimately, the States will not be able to avoid this burden for the simple reason that they must protect their citizens. But with no additional revenues to pay for these costs, they will be forced to raid their long-term transportation budgets to pay for these new security responsibilities.

They are the ones who will have to finance additional State police details, construct physical barriers around the bases of bridges, install ventilation systems in tunnels, and create coordinated traffic monitoring and management computer systems. They will have no choice but to rob fund their immediate security needs at the expense of their long-term transportation improvement needs. And the cost of this may well be the long-term deterioration of their roads, bridges, tunnels, and public transportation services.

One final point I would like to make is that the terrorists of 9/11 closed our airports, and very nearly crippled the aviation industry permanently. However, because we had made critical investments in all modes of transportation during the past decade, intercity trains, the interstate system, and public transportation were able to fill the gap during those initial days following the tragedy. America did not stop moving.

We hope and pray that there will never be another major terrorist attack on our country, but cannot pretend that our bridges, tunnels, and train stations are not inviting targets.

Its essential, therefore, to provide the resources in this budget resolution to maintain a strong multimodal National Transportation System. With this amendment, which provides \$255 billion for highways and \$56.5 for transit over 6 years, we are taking a large step in the right direction.

I look forward to working with my colleagues to get a substantial reauthorization bill passed this year, as well as fully funding Amtrak and providing for increased aviation funding. We must meet all of these challenges, and meet them now.

Today's bipartisan highways and transit funding amendment is a critical step in that process. I urge all my colleagues to support it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have great respect for my colleagues from Missouri and Oklahoma and others who sponsor this amendment, but it is irresponsible to basically say 30 percent of highway funds will be funded out of general revenues. Highways have been built and paid for by and large by user fees, primarily gasoline taxes. This amendment says we have an increase in the deficit of about \$63 billion over the next 6 years, meaning funded by general revenue financing. That is a mistake.

The Federal Government pays 80 percent of the cost of these highways. If you have general fund financing of them, there is no limit on the demands where people are saying we want you to pay for our roads.

This is over a 30 percent increase in the highway program, and basically it is unfunded. I urge my colleagues to vote no.

Mr. BOND. 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 amendment No. 358.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—79

Akaka	Daschle	Levin
Alexander	Dayton	Lieberman
Allen	DeWine	Lincoln
Baucus	Dodd	Lott
Bayh	Dole	Mikulski
Bennett	Domenici	Murkowski
Biden	Dorgan	Murray
Bingaman	Durbin	Nelson (FL)
Bond	Edwards	Nelson (NE)
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Graham (FL)	Reid
Bunning	Graham (SC)	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Shelby
Carper	Inhofe	Smith
Chafee	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kerry	Kohl
Conrad	Kohl	Talent
Corzine	Landrieu	Warner
Craig	Lautenberg	Wyden
Crapo	Leahy	

NAYS—21

Allard	Grassley	Miller
Chambliss	Gregg	Nickles
Cornyn	Hutchison	Santorum
Ensign	Kyl	Sessions
Enzi	Lugar	Sununu
Feingold	McCain	Thomas
Frist	McConnell	Voinovich

The amendment (No. 358) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. REID. 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, for the information of all of our colleagues, we will now vote on the sense of the Senate offered by Senator STEVENS and myself, and then Senator CONRAD and I will work on an additional list of amendments. It is very much our intention to finish this bill tonight.

I urge our colleagues to be a little more disciplined as far as sending amendments to Senator CONRAD. I appreciate the cooperation of our colleagues.

AMENDMENT NO. 391

Mr. President, on behalf of Senator STEVENS and myself, I send—is the amendment at the desk?

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. STEVENS. Mr. President, I ask that the sense-of-the-Senate amendment be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. NICKLES, proposes an amendment numbered 391:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) FINDINGS.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed Resolution increases Highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA-21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, embedded in this amendment is a provision that really intends to lift the cap so that the outlays under this concept of increased highway spending will not be charged back against the discretionary spending.

It is the intent of this sense-of-the-Senate to state that it is the Senate's position, that we support this increase only on the basis that it will not be charged against outlays to the discretionary spending and therefore reduce the amount of money available to the Appropriations Committee under this resolution.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am assured by the staff, who are experts in this area, that will not reduce the money available for appropriations. I agree with most of the whereases in this amendment because it says that highways should be paid for by highway users. And, frankly, this returns to the highway trust fund almost \$50 billion that has been paid in by highway users over the last decade. It also lays out other areas where there should be additional funds that the Finance Committee has already agreed we should pay.

The PRESIDING OFFICER. All debate time has expired.

The question is on agreeing to the amendment.

The Senator from Nevada.

Mr. REID. Mr. President, as a co-sponsor of the Bond amendment, I recommend that we accept it.

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

The amendment (No. 391) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

Mr. REID. Mr. President, the two managers are going to work to come up with another list of amendments that we will work on. The chairman and ranking member said it will take about another 15 minutes for them to come up with another list. During the time they are gone, if somebody has some issue they want to talk about, Senator NICKLES and Senator CONRAD said they would have no objection to that—they can talk about anything they want.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me say to Members on our side who have amendments pending, we had over 105 amendments noticed. Not all of those have been filed at the desk. We are asking Senators, if you have provided notice of an amendment but it could be put off to another day, please come to us now and advise us of that. We need to reduce the number of amendments.

We know that typically amendments Members have indicated an interest in sometimes fall away. Many times many of the amendments fall away. That would be helpful. With that said, I also want to advise Members, I do not see any way that this bill gets completed tonight. There are simply too many amendments Members have indicated they are serious about taking to a vote.

That does not mean we should not bend every effort to reduce the number of amendments outstanding so we could complete this as nearly as possible today, and finish up at a reasonable time tomorrow.

So this is going to be a challenge to all of us. If we do not do this, let me just say, there are still 85 amendments pending here. We have been doing about three an hour. If we continue on this pace, we are going to be here for another several days.

So I implore my colleagues, if you have given notice of an amendment, but you really do not need a vote on it, please advise the staff of that so we can whittle down this list.

Mr. REID. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. REID. Mr. President, the two managers of this bill have worked very hard. Recognizing how hard they have

worked, the staff has worked even harder. I have relayed to the majority leader that in addition to the fact that it is Friday, and we have all had a hard week, we have to keep in proper perspective, whether people want to acknowledge it or not, that we have had a number of Senators who have recently had surgery and have been ill. Not a single one of those Senators has come to me asking that we cut them some slack. But we know that we should do that. Some of them came back to work earlier than they should have. They have violated doctors' instructions to be here.

Senator BYRD has talked to us. We recognize that his wife is very ill. Senator BYRD is doing everything he can to keep a watchful eye on his wife.

I hope we have proven during this week—we, the minority—that we are not trying to do anything to slow up this important piece of legislation. I have trouble understanding what is the magic of finishing this bill today. If there is magic there, it would take magic to complete it because we cannot complete the bill today. It would be my recommendation that we work for a reasonable time this evening. If the leader wants to come back tomorrow, come back sometime at a reasonable time tomorrow, do that. But I have to say we would be better served by completing our work early this evening and coming back next week and finishing this bill. It would give us all time to work to winnow down this list of amendments. I will bet if we had the weekend to do it, we could work it out so there would not be a lot of amendments. Our being pushed into saying you have to finish this bill today or tomorrow is not logical.

I know there is pressure from a lot of places to finish the bill, but it is not the Democrats preventing the legislation from passing. We are doing everything we can to cooperate. I know there are people here who have had far more experience than I. This, to me, would be logical and sensible.

Senator BYRD asked me today how long we are going. I would like him to express to the Senate how he feels about this.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there may be men and women dying right now in the Arabian desert. Here we are talking about a budget resolution which is required by law to be passed by April 15. The administration has not added one penny in this budget for the war. They have not added anything in this budget for the war.

If we were debating a war budget today, it might be different. But we are not debating a war budget. There is no money in this budget by the administration for the war. Yet we are fighting a war. Why the hurry, when the deadline is April 15? Why the hurry?

We have asked the administration, I have asked the administration and representatives of the administration

what is the cost of the war. How much is it going to cost. What is the cost of this war. The Secretary of Defense has answered it is not knowable. Here we are, the elected representatives of the people who want to know something about the cost of the war. The administration has said: It is not knowable. The administration has said, in essence, wait until you see the supplemental. We will send you the supplemental.

The answer to our questions have been rather contemptuous, in saying: Well, we don't know the cost. We will let you know when we send up the bill.

Why don't we wait and see what the supplemental is going to ask for? Why don't we wait and see what the administration asks for in the supplemental before we proceed with the budget? I cannot understand the hurry. We have at least two Members who have had serious operations. I don't mind staying a little while longer, but I have a responsibility also at home. If it were absolutely necessary that we complete this budget tonight, I would stay as long as I could, and if I had to go home, I would go home and let the Senate finish it. But this resolution doesn't have to be done tonight. This is not a war budget. The administration has nothing in this budget for the war. The administration has stiff-armed, as far as I am concerned, the Congress, those of us who have wanted to know something about what are the costs of this war. The administration has given us the back of their hand.

Here we are; we are being asked to rush through a budget that is not a war budget, no money in this budget for the war, and yet there is a war going on right now. Go look at your television sets and see the destruction that is being rained upon a capital city of a state that has not attacked the United States. Why can't we wait until we find out what the administration is going to request in a supplemental and then deal with the budget?

There is absolutely no necessity for dealing with this budget tonight. Suppose you lose a man here in the Senate because we continue to press for action on this budget tonight? You could lose a man. You could lose two. We have had plenty of time. We have had plenty of time. The administration should have told us how much they need in the supplemental. I have a feeling we are going to be asked for \$65 to \$80 billion, maybe \$100 billion for the war in that supplemental. Why not wait and see what the administration is asking for in the supplemental before we proceed with this budget?

We have a huge tax cut in this budget, \$1.3 trillion in tax cuts. So we want to pass the tax cuts before we find out how much the administration is going to request in a supplemental for fighting the war.

Men and women are dying. We ought not be on this budget today. We ought to at least show some respect for our own men and women. We are sending

our own men and women across the sea to a foreign land where they may die and their families here today are worrying and crying and praying about their loved ones. That is saying nothing about the Iraqi men and women, old women, young women, old men, young men, sick people, children, babies.

Mr. SANTORUM. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is no debate in order at this time.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I have been around here long enough to know what the regular order is. I also have been around here long enough to know that we are being asked to stay here and spend the rest of the evening. We may send some old men to their deaths by doing this. I have a sick wife. Sixty-nine days from now, if the Lord lets both of us live, we will celebrate our 66th wedding anniversary. My first duty is to her. There will be enough Senators left here to pass this bill if we want to stay that long. But I think it is unreasonable.

If there were a reason to stay here, I would say, let's stay here and do our duty. But there is no reason for that, except to get this resolution passed before we know what the administration is going to request in a supplemental to fight this war.

Now, call for the regular order if you want to. Mr. President, I say it is time that we agree on a few more amendments, act on a few more, and go over to next week. The administration, I understand, is going to fight me down at the White House to tell me about the supplemental next Tuesday as a ranking member of the Appropriations Committee. Let them tell us that first, and then let's complete action on this massive tax cut.

Mr. President, I hope reason will prevail today. There is time to pass this bill later. It doesn't have to be done today. Let's go home, at least out of respect for the men and the women who are being sent. They didn't ask to go to foreign lands, possibly to fight and die.

Mr. SANTORUM. Mr. President, I call for the regular order.

Mr. BYRD. Out of respect for those, Mr. President—

Mr. SANTORUM. I call for the regular order.

The PRESIDING OFFICER. Further debate would require unanimous consent.

Mr. BYRD. I ask unanimous consent to proceed for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Can we not at least respect the people who are being sent overseas to fight and die, possibly? Can't we, out of respect, at least shut down the Senate for today and go home? Why do we have to debate this while they are giving of their all? Remember, we are raining destruction

upon a city of a state that has not attacked this country. There are men and women, old people and young people, sick and dying people there. At least we should have enough respect to quit now. We have done a good day's work. We passed 15, 16, 17 amendments by rollcall votes. Why do we have to continue? We don't have to—not for the political reason of getting action completed on this resolution before we find out what the administration is going to ask for in the supplemental.

I hope Senators will insist on our going over to next week. Our staffs haven't had a chance to read the amendments. Senators don't know what is in these amendments. I don't.

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

Mr. BYRD. Let's take the weekend and have our clerks read them so they can better advise us next week. I ask Senators to think about that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I appreciate the concerns raised by my friend and colleague from West Virginia, who just doubled the subsidy for Amtrak over my opposition. The majority leader has asked me to finish this bill, and we are going to finish the bill. I regret it. I will tell you, I have been here 23 years. We usually spend 1 week on a budget. Undoubtedly, on that last day of the budget, we have a lot of votes. We didn't do a budget last year and we should have. Maybe I should have worked more with the chairman at that time to make that happen. The Congress didn't function because it didn't get the budget done. We are going to finish this budget this week—tonight or tomorrow.

I know there are a lot of amendments, but most of them are repetitive. We have dealt with almost every subject area in the budget. The budget is not an appropriations bill. The budget is not a tax bill. We have had people offer amendments as though this is going to micromanage section 750. We don't do that in the budget. We don't write tax bills in the budget. We have had umpteen amendments. Oh, this will finance this, or it will be that portion of a tax bill. That is not what a budget does. A budget says basically how much we are going to spend and how much we are going to take in.

We have a budget and we need to finish our work. I know it is unpleasant and painful, and I know people would rather be home with their families, but we have to finish. Two years ago, we had 34 votes—tons of votes. We eventually passed a budget. I congratulated Senator DOMENICI because it wasn't easy or pretty. That is the way we are right now.

I tell my colleague from North Dakota, we knew this was coming a couple of days ago. I know it will not be pleasant, and we are going to ask people, and some people have to catch planes, and that is unfortunate, but we are going to finish the budget.

All these amendments that are pending, for the most part, don't need to be offered. They can be offered if you want—we are going to set an amount for appropriations. Most of those amendments can be dealt with on an appropriations bill or on a tax bill. We are going to have both this year. So I urge my colleagues to show some restraint. I will work with my colleagues, and I think I have considered every amendment fairly. We have not postponed anybody's amendments. I think we have been as fair as possible to everybody. I might mention that 90 percent of the amendments offered on the other side—well, I will be happy to work with my colleagues, but I think it is important to finish our work, whether it is midnight tonight or tomorrow night. It is very much my intention to finish. I urge our colleagues to work together to complete our work.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me just say the chairman and I have worked together closely to try to move this agenda, to have amendments and do it in an efficient way. But I must say I don't see any earthly reason this bill has to be done today. The requirement is April 15. I think we are getting over the edge into unreasonableness. When one side gets unreasonable, that creates a reaction on the other side. I have tried to be reasonable, but I say to my colleagues, at some point it is going to be hard to feel that there is some rational reason for this press.

We can get this bill done, and get it done in a timely way, without going endlessly into the night. We went until midnight last night, the same the night before. I will tell you, I think we should press ahead, do additional amendments for a time, but I think we need to fold our tent and recognize that we need to come back tomorrow or Tuesday morning and finish.

I just ask my colleagues to think about that and, in the meantime, we can try to get an agreement on another tranche of amendments to work on.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I tell my colleague from North Dakota that I will let him know of this request.

I ask unanimous consent that the only amendments that be allowed to be considered be those filed and presently at the desk.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

AUTHORIZATION OF USE OF FORCE

Mr. STEVENS. Mr. President, as President pro tempore, I ask unani-

mous consent to have printed in the permanent RECORD a letter I have received from the President consistent with its requirements under the authorization for use of military force against Iraq, Public Law 107-243.

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

Hon. TED STEVENS,

President pro tempore of the U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: On March 18, 2003, I made available to you, consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), my determination that further diplomatic and other peaceful means alone will neither adequately protect the national security of the United States against the continuing threat posed by Iraq, nor lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq.

I have reluctantly concluded, along with other coalition leaders, that only the use of armed force will accomplish these objectives and restore international peace and security in the area. I have also determined that the use of armed force against Iraq is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001. United States objectives also support a transition to democracy in Iraq, as contemplated by the Iraq Liberation Act of 1998 (Public Law 105-338).

Consistent with the War Powers Resolution (Public Law 93-148), I now inform you that pursuant to my authority as Commander in Chief and consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq.

These military operations have been carefully planned to accomplish our goals with the minimum loss of life among coalition military forces and to innocent civilians. It is not possible to know at this time either the duration of active combat operations or the scope or duration of the deployment of U.S. Armed Forces necessary to accomplish our goals fully.

As we continue our united efforts to disarm Iraq in pursuit of peace, stability, and security both in the Gulf region and in the United States, I look forward to our continued consultation and cooperation.

Sincerely,

GEORGE W. BUSH

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

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

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

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