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

S. 448

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

S. 457

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

S. 486

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

S. 486

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

S. 518

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

S. 593

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

S. 595

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

S. 598

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

S. 623

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

S. 646

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

S. 647

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

S. CON. RES. 11

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

S. CON. RES. 25

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

S. CON. RES. 26

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

AMENDMENT NO. 355

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

AMENDMENT NO. 389

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

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

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

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

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

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

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

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

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

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

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

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

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

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

S. 692

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

SECTION 1. SHORT TITLE.

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

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. FAIR DISCLOSURE OF TECHNOLOGICAL USE RESTRICTIONS.

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

(b) DISCLOSURE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. EFFECT ON OTHER LAWS.

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

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

SEC. 5. COMPETITION IN DISTRIBUTION CHANNELS.

It is the sense of Congress that—

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

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

By Mrs. BOXER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBMITTED RESOLUTIONS

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

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

S. CON. RES. 28

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

SECTION 1. AUTHORIZATION OF PRINTING.

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