

(B) Outlays, —\$54,856,000,000.

Fiscal year 2011:

(A) New budget authority, —\$57,007,000,000.

(B) Outlays, —\$57,007,000,000.

Fiscal year 2012:

(A) New budget authority, —\$61,585,000,000.

(B) Outlays, —\$61,585,000,000.

Fiscal year 2013:

(A) New budget authority, —\$63,783,000,000.

(B) Outlays, —\$63,783,000,000.

**SEC. 201. FIVE-YEAR EXTENSION OF SUPER-MAJORITY ENFORCEMENT OF POINTS OF ORDER AND SENATE PAY-AS-YOU-GO POINT OF ORDER.**

Sections 2(a)(1) and 2(b)(1)(B) of S. Res. 304 (107th Congress) are amended by striking "2003" and inserting "2008".

**SEC. 202. DISCRETIONARY SPENDING CAPS.**

(a) DEFINITION.—In this section, for the purposes of enforcement in the Senate the term "discretionary spending limit" means—

(1) for fiscal year 2004—

(A) for the discretionary category, \$796,428,000,000 in new budget authority and \$832,371,000,000 in outlays;

(B) for the highway category, \$31,598,000,000 in outlays; and

(C) for the mass transit category, \$6,754,000,000 in outlays; and

(2) for fiscal year 2005—

(A) for the discretionary category, \$828,285,000,000 in new budget authority and \$837,201,000,000 in outlays;

(B) for the highway category, \$33,374,000,000 in outlays; and

(C) for the mass transit category, \$7,197,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE—

(1) IN GENERAL.—Except as provided in subsection (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(3) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 1302(a); and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraph (1) shall be amounts provided and designated as an emergency requirement by Congress and the President.

**SEC. 203. RESERVE FUND FOR MEDICARE, PRESCRIPTION DRUGS, AND HEALTH CARE.**

(a) MEDICARE.—The Chairman of the Committee on the Budget of the Senate may re-

verse the allocations to the Committee on Finance for a bill, amendment, or conference report that provides a drug benefit for Medicare beneficiaries that is equitable, dependable, affordable, and protects beneficiary access to all medically necessary drugs, by the amounts provided in that legislation for those purposes, but not to exceed \$594,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2013 except as provided in subsection (d).

(b) DEFINITIONS.—

(1) "Equitable," as used in this section, shall be construed to mean that Medicare beneficiaries in traditional Medicare shall receive prescription drug coverage that is on an equal basis with regard to benefit level whether they remain in the traditional fee-for-service Medicare program or enroll in a private plan;

(2) "Dependable," as used in this section, shall be construed to mean that beneficiaries shall have access to a drug benefit that is administered through a stable and dependable delivery system so that beneficiaries will not lose coverage or face significant premium increases from one year to the next;

(3) "Affordable," as used in this section, shall be construed to mean that low-income beneficiaries shall receive assistance with premiums and cost sharing;

(4) "Protects beneficiary access," as used in this section, shall be construed to mean that the plan shall include measures that protect beneficiary access to medically necessary drugs with no financial penalty, and shall preserve access to local pharmacies.

(c) HEALTH CARE.—If the Committee on Finance reports legislation that would expand health insurance coverage to the uninsured (and build upon and strengthen public and private coverage), the Chairman of the Committee on the Budget of the Senate may revise the allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) and may revise the revenue aggregates and other appropriate budgetary aggregates and allocations in this resolution by the amount provided by that measure for that purpose, but not to exceed \$95,000,000,000 for the period of fiscal years 2004 through 2013 except as provided in subsection (d).

(d) TOTAL ADJUSTMENTS.—The total of adjustments allowed under subsections (a) and (c) shall not exceed \$594,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2013.

**SEC. 205. 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 Pension 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.

**SEC. 106. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purpose of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and

(2) the Chairman of that Committee may make any other necessary adjustments to such levels to carry out this resolution.

**TEXT OF AMENDMENTS**

**SA 428.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 23, 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; which was ordered to lie on the table; as follows:

On page 3, line 11, increase the amount by \$367,000,000.

On page 3, line 12, increase the amount by \$1,807,000,000.

On page 3, line 13, increase the amount by \$1,881,000,000.

On page 3, line 14, increase the amount by \$1,921,000,000.

On page 3, line 15, increase the amount by \$1,963,000,000.

On page 3, line 16, increase the amount by \$2,006,000,000.

On page 3, line 17, increase the amount by \$2,051,000,000.

On page 3, line 18, increase the amount by \$2,097,000,000.

On page 3, line 19, increase the amount by \$2,143,000,000.

On page 4, line 2, increase the amount by \$367,000,000.

On page 4, line 3, increase the amount by \$1,807,000,000.

On page 4, line 4, increase the amount by \$1,881,000,000.

On page 4, line 5, increase the amount by \$1,921,000,000.

On page 4, line 6, increase the amount by \$1,963,000,000.

On page 4, line 7, increase the amount by \$2,006,000,000.

On page 4, line 8, increase the amount by \$2,051,000,000.

On page 4, line 9, increase the amount by \$2,097,000,000.

On page 4, line 10, increase the amount by \$2,143,000,000.

On page 4, line 16, increase the amount by \$1,835,000,000.

On page 4, line 17, increase the amount by \$1,874,000,000.

On page 4, line 18, increase the amount by \$1,913,000,000.

On page 4, line 19, increase the amount by \$1,956,000,000.

On page 4, line 20, increase the amount by \$1,998,000,000.

On page 4, line 21, increase the amount by \$2,042,000,000.

On page 4, line 22, increase the amount by \$2,088,000,000.

On page 4, line 23, increase the amount by \$2,134,000,000.

On page 4, line 24, increase the amount by \$2,180,000,000.

On page 5, line 6, increase the amount by \$367,000,000.

On page 5, line 7, increase the amount by \$1,807,000,000.

On page 5, line 8, increase the amount by \$1,881,000,000.

On page 5, line 9, increase the amount by \$1,921,000,000.

On page 5, line 10, increase the amount by \$1,963,000,000.

On page 5, line 11, increase the amount by \$2,006,000,000.

On page 5, line 12, increase the amount by \$2,051,000,000.

On page 5, line 13, increase the amount by \$2,097,000,000.

On page 5, line 14, increase the amount by \$2,143,000,000.

On page 25, line 20, increase the amount by \$1,835,000,000.

On page 25, line 21, increase the amount by \$367,000,000.

On page 25, line 24, increase the amount by \$1,874,000,000.

On page 25, line 25, increase the amount by \$1,807,000,000.

On page 26, line 3, increase the amount by \$1,913,000,000.

On page 26, line 4, increase the amount by \$1,881,000,000.

On page 26, line 7, increase the amount by \$1,956,000,000.

On page 26, line 8, increase the amount by \$1,921,000,000.

On page 26, line 11, increase the amount by \$1,998,000,000.

On page 26, line 12, increase the amount by \$1,963,000,000.

On page 26, line 15, increase the amount by \$2,042,000,000.

On page 26, line 16, increase the amount by \$2,006,000,000.

On page 26, line 19, increase the amount by \$2,088,000,000.

On page 26, line 20, increase the amount by \$2,051,000,000.

On page 26, line 23, increase the amount by \$2,134,000,000.

On page 26, line 24, increase the amount by \$2,097,000,000.

On page 27, line 2, increase the amount by \$2,180,000,000.

On page 27, line 3, increase the amount by \$2,143,000,000.

On page 47, line 14, increase the amount by \$1,835,000,000.

On page 47, line 15, increase the amount by \$367,000,000.

**SA 429.** Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. STABENOW, Mrs. LINCOLN, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution S. Con. Res. 23, 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; as follows:

On page 8, line 23, increase the amount by \$3,000,000,000.

On page 8, line 24, increase the amount by \$3,000,000,000.

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

On page 46, line 21, increase the amount by \$3,000,000,000.

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

On page 5, line 4, increase the amount by \$3,000,000,000.

On page 5, line 17, decrease the amount by \$3,000,000,000.

**SA 430.** Ms. MURKOWSKI proposed an amendment to the concurrent resolution S. Con. Res. 23, 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; as follows:

On page 45, line 24, increase the amount by \$47,904,000,000.

On page 46, line 1, increase the amount by \$18,768,000,000.

**SA 431.** Mrs. LINCOLN proposed an amendment to the concurrent resolution S. Con. Res. 23, 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; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE ON THE \$1000 CHILD CREDIT**

It is the sense of the Senate that extending the \$1,000 child credit for three additional years (2011–2013) can be accommodated within the revenue totals and instructions of the resolution.

**SA 432.** Mr. NICKLES (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution S. Con. Res. 23, 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; as follows:

At the appropriate place, insert the following: "It is the sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom."

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON THE JUDICIARY**

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a judicial nominations hearing on Wednesday, March 26, 2003, at 2 p.m. in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Paul Sarbanes, United States Senator [D-MD]; The Honorable Barbara Mikulski, United States Senator [D-MD]; The Honorable Jeff Bingaman, United States Senator [D-NM]; The Honorable John Breaux, United States Senator [D-LA]; The Honorable Mary Lendrieu, United States Senator (D-LA); The Honorable Kay Bailey Hutchison, United States Senator [R-TX]; The Honorable John Cornyn, United States Senator [R-TX]; The Honorable

Blanche Lincoln United States Senator [D-AR]; The Honorable Mark Pryor, United States Senator [D-AR]; The Honorable George Allen, United States Senator [R-VA]; and The Honorable Billy Tauzin, United States Representative [R-LA-3rd District].

Panel II: Edward C. Prado to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard D. Bennett to be United States District Judge for the District of Maryland. Dee D. Drell to be United States District Judge for the Western District of Louisiana. J. Leon Holmes to be United States District Court Judge for the Eastern District of Arkansas. Susan G. Braden to be Judge for the Court of Federal Claims. Charles F. Lettow to be Judge for the Court of Federal Claims.

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

**PRIVILEGES OF THE FLOOR**

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Kevin Avery to be granted the privilege of the floor.

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

Mr. REID. Madam President, I ask unanimous consent that Ann Marie White, a legislative fellow in the office of Senator DODD, be granted the privilege of the floor for the duration of this debate on S. Con. Res. 23.

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

**DANIEL PATRICK MOYNIHAN**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 99 submitted earlier today.

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

The legislative clerk read as follows: A resolution (S. Res. 99) relative to the death of Daniel Patrick Moynihan, former United States Senator for the State of New York.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

**S. RES. 99.**

Whereas Daniel Patrick Moynihan served in the United States Navy from 1944 to 1947;

Whereas Daniel Patrick Moynihan held cabinet or sub-cabinet positions under Presidents John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford from 1961 to 1976;

Whereas Daniel Patrick Moynihan served as Ambassador to India from 1973 to 1975;