

NAYS—55

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

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2793) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we still have several rollcall votes to make just on this list. Senator CONRAD and I also are going through the list of other amendments that people want us to consider. We urge Senators not to push us to votes on these amendments. If we vote on all the amendments, we are going to be here not only very late tonight but very late tomorrow night.

I do not think most of these amendments and the amendments on our side require rollcall votes. We are going to work to see if we can accept some amendments, and we are going to work to see some amendments be dropped. I urge the cooperation of our colleagues.

We will go now to the Lautenberg amendment, after my colleague makes some comments. I urge the clerks, we are going to move these votes. We have another six votes. We are going to try to adhere to the time limits as closely as possible. All remaining rollcalls will be 10 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I am advised that we have eight more votes still on this list. There may be some variance between us.

Mr. NICKLES. Seven.

Mr. CONRAD. Seven more votes on this list, and then I have in my hand, after having gone Member to Member, 34 more amendments on which Members are insisting a rollcall vote. Seven votes will take us about 2½ hours. Thirty-four more votes would take us another 11 hours, and that does not count the votes on the other side. That is 11 hours straight of voting in addition to the 2½ hours now.

I say to our colleagues, we are masters of our own fate. If everybody insists on having rollcall votes on all of their amendments, we will be here until 2 or 3 o'clock in the morning, and then we will be here until late tomorrow night. That is where we are at the moment.

Hopefully, people will relent and agree to try to get amendments accepted or dispatch with them.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I believe the Senator from New Jersey has an amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2703

Mr. LAUTENBERG. Mr. President, I have an amendment to reinstate the Superfund tax that was in place for so many years and produced a very successful program.

It has been said that I want to tax people. Don't believe that this is a tax-free exchange, as we heard from the Senator from Oklahoma before when he accused me of loving taxes. He loves taxes, but he wants to put it on the average citizen. He does not want the polluters to pay. He said that very directly.

He raised a question rhetorically, I guess, that asked: Who among those who are accused of polluting did not pay their fair share? I will tell you one. Halliburton. Halliburton never pays their fair share where they can get it and owes the Defense Department \$61 million in overcharges; Halliburton which manages to put their business offshore so they escape taxes.

Is that the example we want to look at, not whether the people who have been paying the taxes, the average working person, will pay two-tenths of a cent more per gallon?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is very important everyone knows this is nothing but a huge tax increase on businesses, on industries. Many of them are very frail at this time. They have nothing to do with pollution. Polluters-pay is happening right now.

Since the inception of this program, 70 percent of the sites have been cleaned up and paid for by people who polluted. Last year, it was 87 percent. Where there is a polluter that can be found, that polluter pays. That system is working.

If you have to have an \$8.5 billion tax increase on various businesses—and right now we have businesses going out of business—then this is your opportunity to do it. This is a huge tax increase, \$8.5 billion. We do not need it, and it is unfair.

By the way, we resoundingly defeated this amendment several times before. The last vote was 57 to 43. Many Democrats voted with us in voting against this tax increase. I encourage them to do the same now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, 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 question is on agreeing to amendment No. 2703. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—43

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

NAYS—52

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

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2703) was rejected.

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on rollcall vote 45, I voted "nay." It was my intention to vote "yea." Therefore I ask unanimous consent that I be able to change my vote since it will not affect the outcome.

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

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

AMENDMENT NO. 2799

Mr. NICKLES. I believe the amendment of the Senator from Iowa, Senator HARKIN, amendment No. 2799, would be next?

The PRESIDING OFFICER. That is correct. Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment does what 400 public health organizations around the country say is vitally needed. It increases function 550 health spending by 12 percent. That is \$6 billion in the next fiscal year and \$30 billion over 5 years. It also provides for \$9 billion in deficit reduction over the same 5 years.

The amendment pays for this needed investment with a revenue measure that delivers more public health benefits. We raise the current Federal tax on cigarettes by 61 cents a pack, from 39 cents to \$1 a pack. This would provide \$30 billion for public health over 5 years, and \$9 billion of deficit reduction.

I showed this chart earlier. If you think \$1 a pack is a lot of money, I point out in much of the history of the Federal excise tax on cigarettes we were as high as 49 percent of the average wholesale price on a pack of cigarettes. We are now down to 14 percent. This amendment would only raise it to 30 percent of the average wholesale price.

I ask unanimous consent a letter supporting this amendment be printed in the RECORD.

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

JANUARY 29, 2004.

IT'S TIME TO MAKE PUBLIC HEALTH FUNDING
A NATIONAL PRIORITY

DEAR PRESIDENT BUSH AND MEMBERS OF CONGRESS: The health of all Americans is at risk from an unprecedented range of threats, including: chronic diseases and disabilities, infectious and food borne illnesses, biological and chemical terrorism, mental disorders and substance abuse, catastrophic injuries, and a shortage of healthcare providers and trained public health workers.

Our nation's public health system will not be able to respond adequately to these threats without additional resources for the continuum of medical research, prevention, treatment and training programs. We urge you to increase discretionary funding for public health through the Function 550 budget allocation in Fiscal Year 2005 by 12 percent. This investment is critical to improving the health, safety and security of our nation.

Sincerely,

AAHP-HIAA, and others.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment would do one thing. It would increase taxes by \$39 billion over 5 years. That is really half of what we are assuming we are going to do to help American families. So this is going to cut the tax cut. That will mean, to preserve present law, it is going to cost about \$80 billion. This is going to take half of that away. My colleague might hope it is going to be used to raise tobacco taxes, and so on, but that doesn't mean that would happen. This tells the Finance Committee to raise \$39 billion.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2799.

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

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

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

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—32

Akaka	Dodd	Levin
Biden	Durbin	Lieberman
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Inouye	Pryor
Carper	Jeffords	Reed
Chafee	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Lautenberg	Wyden
DeWine	Leahy	

NAYS—64

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Dorgan	Murkowski
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Breaux	Graham (FL)	Schumer
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hollings	Stabenow
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Daschle	Lugar	
Dayton	McCain	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2799) was rejected.

Mr. HAGEL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2803

The PRESIDING OFFICER. We now move to the amendment of the Senator from Arkansas. There will be 2 minutes equally divided. The Senator from Arkansas is recognized for 1 minute.

Mrs. LINCOLN. Mr. President, I draw my colleagues' attention to the amendment offered earlier today by myself and many others. I cannot think of anything that could help us in this Nation redirect our economy, rebuild the fabric of our country, help our families, our working families, our military families, our children across this Na-

tion, than looking at what we can do for the uninsured in this country. The number of uninsured in our country is alarming. It should be a priority in this budget debate.

As we look at the budget debate we are dealing with, we should think about priorities and the choices we have to make and the consequences down the road if we do not make the right priorities and the right choices.

I encourage all of my colleagues to take a look at what we are doing. We are providing for the uninsured. We are making sure it is not paid for by increasing taxes, but cutting loopholes, cutting corporate loopholes that have existed, which we have all agreed are wrong. We need to do something about it. Redirecting those resources to the uninsured is the correct thing to do.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. The Lincoln amendment increases taxes by \$60 billion over the next 5 years while purporting to help the uninsured. The budget resolution already contains a reserve fund for the uninsured. The resolution reserve fund is budget neutral and allows the chairman to change allocations for both the Health, Education, Labor, and Pensions Committee and the Finance Committee.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2803.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

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

NAYS—53

Alexander	Burns	Cornyn
Allard	Campbell	Craig
Allen	Chafee	Crapo
Bennett	Chambliss	DeWine
Bond	Cochran	Dole
Brownback	Coleman	Domenici
Bunning	Collins	Ensign

Enzi	Lott	Shelby
Fitzgerald	Lugar	Smith
Frist	McCain	Snowe
Graham (SC)	McConnell	Specter
Grassley	Miller	Stevens
Gregg	Murkowski	Sununu
Hagel	Nelson (NE)	Talent
Hatch	Nickles	Thomas
Hutchison	Roberts	Voinovich
Inhofe	Santorum	Warner
Kyl	Sessions	

NOT VOTING—4

Edwards	Kerry
Johnson	Reid

The amendment (No. 2803) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we have four additional rollcalls in this sequence. The next amendment, I believe, is from the Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 2804

Mr. President, the Senate should ensure that delinquent taxpayers pay their fair share of taxes before we cut vital domestic investments for citizens who actually pay their taxes.

With that savings, we can restore the spending for our schools, veterans, and homeland security that is cut by this budget resolution.

The Senate should adopt a budget resolution that will permit the enactment of the 13 fiscally disciplined appropriations bills without forcing the Congress to use gimmicks to meet unrealistic spending targets.

This amendment sets responsible limits on discretionary spending for fiscal years 2005 and 2006, just enough to fund the levels, adjusted for inflation, that were approved by the Congress earlier this year.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from West Virginia. This amendment increases taxes by \$24.5 billion over the next 2 years. That basically is going to wipe out the continuation of present law that we have scheduled for low-income, middle-income families. I hope our colleagues will not support the amendment.

It also spends most of the money, or it purports to spend the money, maybe, if the appropriators get it and it is re-allocated, and so on. It basically is an amendment that would greatly increase taxes by \$24 billion. I urge my colleagues to vote no on the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 2804. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHN-SON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—43

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

NAYS—53

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

NOT VOTING—4

Crapo	Kerry
Johnson	Reid

The amendment (No. 2804) was rejected.

Mr. NICKLES. Mr. President, if we can have order, I believe Senator BINGAMAN has the next amendment.

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided. Who seeks time?

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is straightforward. It would create a 60-vote point of order against tax legislation that would have the effect of forcing more taxpayers into having to pay the alternative minimum tax. The point of order would not lie against tax legislation that extends the expiring marriage penalty relief, the 10-percent tax bracket, or the child tax credit, but it would lie against other tax legislation.

We have about 3 million people who paid the alternative minimum tax last year. It is expected to go up over \$30 million by 2010. This amendment doesn't fix that, but this amendment would keep the situation from getting worse by us passing legislation that adds more taxpayers to that group.

I think this is a very meritorious amendment and I urge support for it.

Mr. NICKLES. Mr. President, Senator BINGAMAN's amendment creates a new point of order against specific policies that might be reported to the Finance Committee. It is not at all related to the budgetary effects of such legislation and is not appropriate for inclusion in the budget resolution. It is not germane.

I raise a point of order against the amendment pursuant to section 305 of the Budget Act because the amendment is not germane.

Mr. BINGAMAN. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable section of the act for the purpose of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHN-SON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—43

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

NAYS—53

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

NOT VOTING—4

Johnson	Reid
Kerry	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Oklahoma.

AMENDMENT NO. 2807

Mr. NICKLES. Mr. President I believe the next amendment to be voted on was offered by Senator LIEBERMAN.

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided. Who seeks time?

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, we are a Nation at war. It is a war against terrorism. It is a war that is being fought abroad and at home. A day or two ago, this Senate overwhelmingly restored \$7 billion to the Department of Defense budget, in part to assist our military in fighting the war against terrorism overseas. At home, we have not adequately funded the homeland side of the war against terrorism. We have not adequately funded the Department of Homeland Security. This amendment would do that: \$6.8 billion, \$4.4 billion of which would go to first responders.

It is outrageous that at this time of conflict, there are police and fire departments all over America that are letting firefighters and police officers go, just when we need those first responders. That is about as foolish as an army laying off soldiers in the middle of the war.

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

Mr. LIEBERMAN. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

Mr. NICKLES. Just to inform our colleagues, we are going to have a vote on the Lieberman amendment and then on the Kennedy amendment. Then we are going to try to organize a bunch of other votes. So we are making progress.

I thank the minority leader and also my colleague Senator CONRAD. We are making good progress. We have amendments on both sides. I know a lot of people want to get some of these considered. We are going to move as quickly as possible. Let's get through these next two votes and then we will see where we go. I urge our colleagues to expect a late night tonight. We have a lot of work today. It is possible we could even finish tonight if we all cooperate.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Very briefly, if we could ask all colleagues who have amendments that they still want considered, it would be enormously helpful to us if we could get copies of those amendments. We are trying to work out as many amendments as we can. We need to have the actual amendment to be able to do that.

One other thing we should say, we have been asked if there is going to be

a window. We do not intend to have a window. We intend to keep pressing ahead and those who are next in line should expect that they would only have 2 minutes a side to do their amendments. So when they are preparing their presentations, if they would understand they would have no more than 2 minutes, so we are not going back after we finish this round to some longer explanations of amendments.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will comment on the amendment of my good friend Senator LIEBERMAN. This amendment would increase taxes by \$13.7 billion over the next 5 years. It spends \$6.8 billion, or presumes to spend \$6.8 billion on homeland security. That would be a 40-percent increase over this year. We have already provided in the budget a 15-percent increase over last year.

My colleague mentioned defense. We just increased defense spending 7 percent over last year. Homeland security is 15 percent. I don't think, frankly, we can afford 40 percent. I urge my colleagues to vote no on the Lieberman amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2807. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

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

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

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—40

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

NAYS—57

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

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

NOT VOTING—3

Johnson Kerry Reid

The amendment (No. 2807) was rejected.

Mr. NICKLES. Mr. President, I inform our colleagues that we are making great progress. I thank Senator CONRAD and Senator DASCHLE for their assistance. The next and last amendment we have in the original list of amendments is offered by Senator KENNEDY.

I also want to repeat what Senator CONRAD said a moment ago. It is our intention to keep plowing ahead. We are making good progress. We are accepting some amendments. We may have to have a few more rollcall votes but I hope not too many.

Senator KENNEDY will be the next in the order.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2725

Mr. KENNEDY. Mr. President, in higher education, with children from families earning \$15,000, 4.8 million children receive Pell grants. That makes up one-quarter of all the children attending higher education in this country. What we have seen in the last 3 years is the cost of public education has increased 26 percent. This amendment takes the Pell grants from \$4,050 to \$5,100; average increase, \$600; average increase, 27 percent, just for the increase on the tuition for public colleges.

I refer to the statement made by President Bush in New Hampshire where he said:

It is a known fact that Pell grant aid significantly affects the ability of children to attend college. I am going to ask Congress to bolster the Pell grants to \$5,100.

That is what this amendment does. It is a \$5 billion cost offset in terms of the deficit reduction paid for by the highest taxpayers in the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield to my colleague from New Hampshire.

Mr. GREGG. Mr. President, I certainly appreciate the Senator from Massachusetts repeating what was said in New Hampshire. One thing I said in New Hampshire was I don't believe we should be increasing taxes on the American public disproportionately. This amendment increases taxes by \$9.8 billion. It does not necessarily fund the Pell grant program, but in this bill, under the leadership of Senator NICKLES, we have funded the Pell grant. We have increased it by almost \$1 billion, and we continue a large commitment to this program, which is very appropriate and which is being undertaken in an aggressive way in the budget as

presented. So I would vote against this tax increase, and mention to the people in New Hampshire that I continue to oppose taxes.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 2725. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DASCHLE. I announce that the Senator from South Dakota (Mr. JOHN-SON) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

Johnson	Kerry	Reid
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The amendment (No. 2725) was rejected.

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

Mr. SANTORUM. 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, we now have two or three sense-of-the-Senates. I will just tell everybody, Senator CONRAD and I have decided we are not going to have any rollcalls on sense-of-the-senates, at least that is not our intention. We are willing to agree to a couple as long as they will keep debate

to the sense-of-the-Senates very brief, like 1 minute.

I believe Senator FEINSTEIN or Senator MIKULSKI has one. Senator MIKULSKI has one, I believe, and we would be happy to consider it.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I say to the chairman, mine is not a sense of the Senate. Mine is a regular amendment.

Mr. NICKLES. Mr. President, I apologize to my colleague. Yours is a regular amendment, but we made it deficit-neutral, so we are willing to accept your amendment. So if you send it to the desk, we will accept it.

Ms. MIKULSKI. Thank you very much. Why don't I just get busy to do that?

AMENDMENT NO. 2820

Mr. President, it is with enthusiasm that I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. LEVIN, Mrs. MURRAY, Mr. SCHUMER, Mr. REED, Mr. DODD, Mr. LAUTENBERG, Mr. DURBIN, and Mr. BIDEN, proposes an amendment numbered 2820.

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

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

The amendment is as follows:

(Purpose: To provide a deficit neutral reserve fund to provide a \$4,000 tuition tax credit)

On page 28, between lines 7 and 8, insert the following:

SEC. 304. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to \$4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 through 2009.

Ms. MIKULSKI. Mr. President, my amendment is very straightforward. It helps middle-class families continue to pursue the American dream. My amendment provides for a tuition tax credit of up to \$4,000 to help pay for college.

Our colleagues know our middle-class families are stressed and stretched. They do not know how they can afford to send their kids to college. College tuition is on the rise, but financial aid is not keeping up. Our students are graduating with so much debt that it is like their first mortgage.

We believe the benefits of education accrue to the individual. We believe that college is important to families. But it is also important to our economy.

If our country is going to be safer, if we are going to have a stronger economy, we need to be smarter. This means public investments in giving families the opportunity to go to college will also accrue to our society.

We need to invest in human capital. My amendment will make college affordable to middle-class families. It will give help to those who practice self-help.

Mr. President, I urge my colleagues to accept my amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Maryland. There is no objection to the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2820.

The amendment (No. 2820) was agreed to.

Mr. NICKLES. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I believe the Senator from Minnesota, Mr. COLEMAN, has an amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 2821

Mr. COLEMAN. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN], for himself and Ms. COLLINS, proposes an amendment numbered 2821.

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

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

The amendment is as follows:

(Purpose: To provide \$1.9 billion to increase the maximum Pell Grant from \$4,050 to \$4,500 by reducing spending in other Federal government programs, except education programs, by a commensurate amount)

On page 15, line 16, increase the amount by \$1,884,000,000.

On page 15, line 17, increase the amount by \$452,000,000.

On page 15, line 21, increase the amount by \$1,394,000,000.

On page 15, line 25, increase the amount by \$38,000,000.

On page 23, line 5, decrease the amount by \$1,884,000,000.

On page 23, line 6, decrease the amount by \$452,000,000.

On page 23, line 10, decrease the amount by \$1,394,000,000.

On page 23, line 14, decrease the amount by \$38,000,000.

Mr. COLEMAN. Mr. President, I want to associate myself with the comments of my colleague from Maryland regarding higher education, and my colleague from Massachusetts in regard to Pell grants.

We need to support our students. Pell grants are now at \$4,050. This amendment will move the maximum grant to \$4,500.

The cost of this amendment is \$1.9 billion. It is paid for by reducing spending in other Federal programs, except education, by a commensurate amount.

This is the kind of investment we have to make. This is good for our country. It is good for our young people. It is good for our future. I urge my colleagues to accept the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are going to accept this amendment on this side, but I do want to indicate, there is no new money here. This is cutting other programs across the board to fund this priority. It is important to understand there is no new money here. But with that, we accept the amendment on our side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 2821.

The amendment (No. 2821) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe the Senator from California, Mrs. FEINSTEIN, has a sense-of-the-Senate resolution.

Mr. CONRAD. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

AMENDMENT NO. 2753

Mrs. FEINSTEIN. Mr. President, this is amendment No. 2753, on behalf of Senators HOLLINGS, BREAUX, DODD, CORZINE, SCHUMER, BIDEN, MIKULSKI, MURRAY, GRAHAM of Florida, and COLINS.

This amendment does not cost. It is a sense of the Senate, and it essentially would allow large ports that need to produce security to do this through multiyear contracting or letters of intent. There is a real problem in going year by year with budget funds for port security. The port of Los Angeles-Long Beach is 15 miles long. They are the second and third largest ports in the Nation. It simply cannot do what is necessary to be done to secure the port unless there is some form of multiyear funding agreement. This amendment would allow that to take place, at least in terms of voicing the Senate's view.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we think this is an excellent amendment that will enhance port security. We know we have a problem with port security. The Senator has come up with a creative contribution. We urge our colleagues on both sides to accept this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. HOLLINGS, Mr. CORZINE, Mr. BREAUX, Mr. SCHUMER, Mr. DODD, Mr. BIDEN, Ms. MIKULSKI, Mrs. MURRAY, Mr. GRAHAM of Florida, and Ms. COLINS, proposes an amendment numbered 2753.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding funding for port security)

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

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR PORT SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the United States, the system of maritime commerce, including seaports and other ports, is a critical element of the United States economic, social, and environmental infrastructure.

(2) In 2001, ports in the United States handled approximately 5,400 ships, the majority of which were owned by foreign persons and crewed by nationals of foreign countries, that made a total of more than 60,000 calls at such ports.

(3) In a typical year, more than 17,000,000 cargo containers are handled at ports in the United States.

(4) Maritime commerce is the primary mode of transportation for international trade, with ships carrying more than 80 percent of such trade, by volume.

(5) Disruption of trade flowing through United States ports could have a catastrophic impact on both the United States and the world economies.

(6) In addition to the economic importance of United States ports, such ports form a critical link in the United States national security structure, and are necessary to ensure that United States military material can be effectively and quickly shipped to any location where such material is needed.

(7) Terrorist groups, including extremist groups such as al Qaeda, are likely to consider, formulate, and execute plans to conduct a terrorist strike against one or more of the ports in the United States.

(8) Terrorists have conducted attacks against maritime commerce in the past, including the October 2002 attack on the French oil tanker LIMBERG and the October 2000 attack on the USS COLE in Yemen.

(9) It is critical that port security be enhanced and improved through the adoption of better formulated security procedures, the adoption of new regulations and law, and investment in long-term capital improvements to the structure of the United States most critical ports.

(10) Effective funding to provide adequate security at United States ports requires a commitment to provide Federal funds over multiple years to fund long-term capital improvement projects.

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

(1) the budget of the United States should provide adequate funding for port security projects and not less than the amount of such funding that is adequate to implement an effective port security plan;

(2) the implementation of the budget of the United States should permit the provision of Federal funds over multiple years to fund long-term security improvement projects at ports in the United States; and

(3) the Secretary of Homeland Security should, as soon as practicable, develop a

funding plan for port security that permits funding over multiple years for such projects.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to amendment No. 2753.

The amendment (No. 2753) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is an amendment by Senator DASCHLE on the Indian Health Service.

AMENDMENT NO. 2774

Mr. DASCHLE. Mr. President, I have an amendment No. 2774.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. DORGAN, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. WYDEN, Ms. STABENOW, Mr. AKAKA, Ms. CANTWELL, Mr. INOUE, and Mr. REID, proposes an amendment numbered 2774.

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

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

The amendment is as follows:

(Purpose: To create a reserve fund to allow for an increase in Indian Health Service Clinical Services by \$3.44 billion and lower the national debt by eliminating abusive tax loopholes or reducing tax breaks for individuals with incomes in excess of \$1 million per year)

On page 3, line 9, increase the amount by \$6,123,000,000.

On page 3, line 10, increase the amount by \$688,000,000.

On page 3, line 11, increase the amount by \$69,000,000.

On page 3, line 17, increase the amount by \$6,123,000,000.

On page 3, line 18, increase the amount by \$688,000,000.

On page 3, line 19, increase the amount by \$69,000,000.

On page 4, line 20, increase the amount by \$6,123,000,000.

On page 4, line 21, increase the amount by \$688,000,000.

On page 4, line 22, increase the amount by \$69,000,000.

On page 5, line 3, decrease the amount by \$6,123,000,000.

On page 5, line 4, decrease the amount by \$6,811,000,000.

On page 5, line 5, decrease the amount by \$6,880,000,000.

On page 5, line 6, decrease the amount by \$6,880,000,000.

On page 5, line 7, decrease the amount by \$6,880,000,000.

On page 5, line 11, decrease the amount by \$6,123,000,000.

On page 5, line 12, decrease the amount by \$6,811,000,000.

On page 5, line 13, decrease the amount by \$6,880,000,000.

On page 5, line 14, decrease the amount by \$6,880,000,000.

On page 5, line 15, decrease the amount by \$6,880,000,000.

At the end of Title III, insert the following:
SEC. . RESERVE FUND FOR INDIAN HEALTH SERVICE CLINICAL SERVICES.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the

Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to \$3,440,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, joint resolution, motion, amendment, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of levels provided in this resolution, for Indian Health Service clinical services, included in this resolution for the Department of Health and Human Services.

Mr. DASCHLE. Mr. President, last week's Congress Daily included a story that still troubles me deeply and gets at the heart of why I am offering this amendment.

HHS Secretary Tommy Thompson, in response to a question about why the Bush administration is providing funding for universal health care in Iraq, but not in America, replied:

Even if you don't have health insurance in America, you get taken care of. That could be defined as universal health care.

I don't think Secretary Thompson is callous, so he must be desperately out of touch. Either way, it's shocking to hear the nation's top health care official claim that America has universal health care.

More than 43 million Americans are uninsured. According to the National Institute of Medicine, uninsured Americans who access emergency rooms or free clinics get about half the medical care of those with health insurance—they live sicker and die sooner than those with insurance. Approximately 18,000 Americans die unnecessarily each year because of lack of health care. And the problem isn't just uninsured Americans. Millions more Americans are under-insured.

There are 2.5 million Native Americans in this country who—theoretically—have insurance. All too often, they get abysmal health care—or none at all. America is obligated—by law and by treaty—to provide free health care for American Indians—a commitment we made to Indian people when the U.S. Government took their lands. America is not honoring that commitment. Native Americans suffer higher rates of many serious illnesses—including diabetes, heart disease, and Sudden Infant Death Syndrome—than the rest of the population. Yet Indian Health Service funding is wholly inadequate.

The Indian Health Service makes up only one-half of one percent of the HHS

budget. Its budget has consistently grown at a far slower rate than the rest of the HHS budget. That means that the health system with the sickest people and the greatest need gets the smallest increases. That just doesn't add up.

In per capita terms, the United States spends about \$5000 per year on health care for the general U.S. population. Contrast that with what the Indian Health Service spends per capita on health services for Native American men, women, and children: about \$1900 per year. To put that in further perspective, you should know that's one-half of what the Government spends per capita on Federal prisoners' health care—\$3800. The U.S. Government spends twice as much on Federal prisoners' health care as it spends on Native Americans' health care.

The result: American Indians live sicker and die younger than every other ethnic group. This has created what the U.S. Commission on Civil Rights calls a "quiet crisis." Care is rationed in Indian Country through the use of a literal "life or limb" test. In many cases, you are denied care, or care is delayed, unless you are at risk of immediate loss of your life or a limb.

Secretary Thompson should come to Indian Country to hear some of the stories I hear when I talk to people on the Cheyenne River Indian Reservation or in Pine Ridge or at the Sioux San Hospital in Rapid City. Secretary Thompson, there is no universal health care in Indian Country. Just ask anyone who lives there. Secretary Thompson should apologize to Native Americans for his comments. More than that, he should make a commitment to fight for the funds the Indian Health Service needs to meet its obligations.

Democrats tried repeatedly last year to persuade our colleagues to fully fund at least one part of the Indian Health Service budget: clinical services. They refused, repeatedly. Last year, several of my Republican colleagues came to the floor to say: "You're right—the health care situation in Indian country is abysmal, and it's unfair. Indian people do deserve better, but we just can't afford it. We can afford tax cuts for the wealthy elite, and we can afford billions on Iraq, but we can't afford to give Native Americans the health care we've promised them."

Mr. President, that is just not acceptable. My friends on the other side may be willing to offer that excuse, but I am not. And they can no longer claim that they "didn't know" how bad Indian Country's health care crisis truly is. So we are trying again this year. We are offering the Senate a chance to finally right this indefensible wrong.

Our amendment would create a reserve fund to allow a \$3.44 billion increase in IHS clinical services. This is not enough to provide health care services to every eligible American Indian and Alaska Native. It would, however, provide sufficient funds to serve the current IHS user population—the people who currently depend on the Indian Health Service for their care.

The cost of this amendment, along with additional deficit reduction, is fully offset by eliminating abusive tax loopholes or reducing tax breaks for individuals with incomes over \$1 million per year. And don't be fooled by promises made in a competing amendment to make unspecified cuts in domestic discretionary spending.

That amendment does nothing to raise the Appropriations Committee's budget allocation, and does nothing to put additional money in the IHS clinical services account. That funding isn't real, and those promises are empty. At best, it would rob Peter to pay Paul.

If America can afford to spend billions of dollars building hospitals and providing health care in Iraq, we can afford to honor our treaty obligation to provide health care for American Indians.

I realize we have obligations around the world. But we also have obligations here at home. Millions of Americans want to know, when is it their turn? When do we start paying attention to their needs? When do we take care of our own? We don't have universal health care in America, despite what Secretary Thompson thinks. And we certainly don't have universal health care in Indian Country. This amendment gives us the chance to offer Indian people the bare minimum of services that most of us take for granted and would consider essential. I hope we don't waste it.

I yield the floor.

NOTICE

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.