

also in the private sector as a physician. President Bush nominated exactly the right person for this point in time.

I think the Medicare bill is a tremendous bill. It has tremendous potential to modernize Medicare, on a voluntary basis, where if people want to take advantage of this newer, more modern, more up-to-date Medicare, they can or they can keep exactly what they have.

The legislation was bipartisan. It was signed by the President of the United States last year. If you just back away from it, it does—bottom line—what we know we have needed to do for a long time; that is, to give seniors and individuals with disabilities better access to the most powerful tool in American medicine today: prescription drugs, at lower out-of-pocket costs. That is it. And it is voluntary.

Beginning in a few months—this is, in part, a segue from Dr. McClellan—seniors will be eligible for the savings of 10 to 25 percent, and low-income seniors will receive an additional \$600 in value in additional assistance through the Medicare-endorsed prescription drug cards.

I have had the opportunity to meet this week with a number of outside organizations, including the AARP, where we have talked about the importance of educating seniors appropriately so they can take advantage of these new expanded benefits.

There is a whole range of other benefits in this new, modernized Medicare Program—and we talked a lot about it on the floor—including disease management; chronic disease management; improving preventive care, so we can make the diagnosis of things such as hypertension for people who come of Medicare age; improving the efficiency and safety of Medicare through electronic prescribing, to eliminate the potential of so many errors that can be made through so many steps that currently the prescription of medicines travel; significant regulatory relief.

You put those two together—with Mark McClellan as the person who will be responsible for implementation, with what is a complex system but one that takes action now—and I think we will have a very effective laying out of the benefits so people can take advantage of it.

Mark McClellan's background as a physician, as a doctor, I think will be enormously helpful in translating these legislative reforms into lasting improvements that will give our seniors better health care security. That, again, is sort of the bottom line. You want to be able to look seniors in the eye and say: You will be more secure in terms of your health care with this bill. We know that is the case, but now it has to be implemented. So I look forward to working with Dr. McClellan as he works to implement this new Medicare law. We build on what truly was historic legislation to provide affordable, high-quality care to our seniors.

On the floor earlier today, and last night, and in some hearings with Dr.

McClellan yesterday, the whole issue of prescription drug reimportation has arisen, has been discussed, has been talked about. It is a very important issue, an issue that, as majority leader, I can tell you we will address. It deserves to be addressed.

We addressed it in the past by saying reimportation, under certain prescriptions and limitations. Reimportation is fine, but it is fine only if we can demonstrate and guarantee safety; that is, we can tell a senior, yes, you can have reimportation, say, from Canada, but you can say that and allow it to happen only if you can look that senior in the eye and say: You are going to be OK. The medicine you get will be exactly what is prescribed, with the same sort of safety certification, safety guarantees you get with medicines that are manufactured in the United States.

Some of it—in fact a lot of it—is being driven by the fact we have these skyrocketing costs in health care, which we have to address, we should address, and it is our responsibility to address because they cannot be tolerated long term—whether it is by an individual who is taking care of themselves or their children or their family members or a business with skyrocketing health care costs which are driving the cost of doing business so high they no longer are competitive against other businesses in this country or businesses in other countries.

In fact, it ties to other discussions we have about outsourcing and insourcing and jobs going overseas, because if the cost of doing business gets so high here, and it is not high in other countries, you simply are not going to be able to grow businesses here and people will shift businesses overseas. So we must address it. And we will address it.

Many people believe part of the skyrocketing costs can be addressed by addressing the reimportation of drugs. Indeed, in the Medicare law I was just speaking to, we began to address this issue head on. We, in that bill—a lot of people do not realize it—asked the administration to prepare a comprehensive report that would come back to us in the Congress to identify the myriad of critical issues that are raised by reimportation, including, first and foremost, patient safety.

As a physician, I am going to keep coming back to the patient's safety, because unless we can look people in the eye and guarantee they are going to be safe through obtaining drugs from overseas, we cannot—we just should not—proceed down that path.

Well, in response to the Medicare legislation, the administration has already set up a task force. That task force has begun the process. We look forward to receiving the findings from that task force.

Indeed, the public hearings will begin this coming week while we are in recess. I believe the first meetings are with outside consumer groups that will come in and report to that task force. Then the task force will report back to us.

I also believe the Senate can best—or should best—address this through the committee of jurisdiction. As majority leader, I have tried to focus on appropriate jurisdiction for the committees, and the committee for that is the committee that the Presiding Officer has taken such a leading role on; that is, the HELP Committee, the Health, Education, Labor, and Pensions Committee, that is led by Chairman JUDD GREGG.

Through that committee of jurisdiction, we will begin to examine what barriers do exist—and the safety barrier is one—to reimportation and determine, first, whether there are ways you can reduce those barriers, but how you can reduce those barriers, how we should address those in a legislative fashion, and then reduce those barriers legislatively, if we need to.

I look forward to working with Chairman JUDD GREGG, chairman of the HELP Committee, and to reaching out broadly to all my colleagues—Senator DORGAN, who has taken a real lead on this; Senator MCCAIN; Senator STABENOW; and Senator THAD COCHRAN, who has been the author of the amendment we have used and addressed on the Senate floor, has been a real leader in this field—on both sides of the aisle to address this very important issue.

#### S. CON. RES. 95

Mr. LEAHY. Mr. President, earlier this morning, an amendment offered by the senior Senator from Ohio was accepted by voice vote. At the time, I withheld from speaking on this amendment in order to expedite consideration of the budget resolution, but I would now like to take a moment to give my full statement.

This amendment addresses a serious shortfall in the President's foreign affairs budget: funding for international health programs.

I commend Senator DEWINE for his leadership on these key humanitarian issues. Compared to some of the other amendments offered today, it is not a large amount of money. But, it means life and death to literally millions of people.

This amendment provides \$330 million for the Child Survival and Health Programs Fund. It is fully offset by reducing the amount that the Federal Government spends on administrative expenses by \$330 million.

This reduction will not be painful. We do not micro-manage the process, and leave it to the administration to determine where to make these cuts. But, I can think of some places that the Administration might want to start.

For example, next year the administration plans to spend \$5.5 billion on "transportation of things"; \$21.1 billion on "supplies and materials" for federal agencies—not including the Department of Defense, Veterans Affairs, and Homeland Security; and about a billion dollars on printing costs.

If you want specifics on how to pay for this, one could come up with this scenario.

The administration is planning to increase the amount spent on "supplies and materials" for the Departments of Agriculture, Commerce, Education, Energy, and Interior and the FDIC. Simply maintaining the FY04 levels for these agencies yields \$158 million. Freezing certain non-defense agencies' budgets for printing costs at the FY04 levels, which would otherwise be increased, brings the total amount of offsets to \$173 million.

To get the remaining \$157 million, one can freeze a number of combinations of proposed FY04 increases for "other services" of non-defense agencies. This includes, but is not limited to, increases to the Departments of Commerce, Energy, the Judicial Branch, and the FDIC. The portions of the government that I just listed total \$365 million so this is more than enough. When added to the ones listed above, this is \$538 million in offsets.

The use of Function 920 to pay for these offsets, which are spread over a range of different functions, is appropriate in this case. This is the type of offset that Function 920 was established to accommodate.

These are not my numbers they are OMB's. I encourage my colleagues to read the Object Class Analysis documents for further information.

I could go on, but we get the point. There is enough flexibility in this budget to do a tiny bit of belt tightening in order to save lives overseas, build goodwill towards the United States, and reduce the conditions—poverty, sickness, and despair—that help terrorists gather fresh recruits.

It may mean a few less paper clips or a few less glossy brochures, but the savings will be well worth it.

The President's national security strategy recognizes the essential role of foreign aid. But while we read about the importance of foreign aid, we don't see it throughout the President's budget request.

Most of us have praised the President's budget for significant increases for the Millennium Challenge Account—MCA—and to combat HIV/AIDS. However, I have serious concerns because a portion of these increases are paid for by robbing other essential programs, like health care and food aid. Our amendment would restore some of these cuts.

Putting AIDS aside, the President's budget cuts essential international health programs by 11.4 percent.

It would cut programs to combat other infectious diseases like measles, which kills 1 million children—not 100,000 or 200,000—but 1 million children each year. Measles can be prevented with a simple vaccine that costs pennies. Yet in many poor countries they cannot get it.

The President's budget would cut programs to combat measles and other infectious diseases like SARS, ebola and malaria, by 24 percent.

The President's budget would cut programs for vulnerable children by 64 percent. These programs help provide the basic necessities of life to orphans, street children, and children whose lives have been turned upside down by war.

Child survival and maternal health programs are also cut. These are the programs that provide lifesaving child immunizations. They also help to reduce needless pregnancy-related deaths each year. Six hundred thousand women die from pregnancy related causes. Almost all of these deaths could be prevented.

We should be moving aggressively to increase funding for these successful programs—not reduce funding.

This is not a partisan issue. Over the past 6 years, Democrats and Republicans have worked side-by-side to increase funding for international health. Funding for AIDS is going up, but it is going up at the expense of programs to combat other diseases which also cause millions of deaths. Preventable deaths. And curable diseases. This is unacceptable.

We cannot save every life. Our international health budget is less than the health budget of my own tiny State of Vermont. The President's budget would cut it even more. Our amendment would at least protect these programs from further cuts.

Less than 1 percent of the Federal budget is used to combat the conditions that cause poverty around the world. This is woefully inadequate. It shortchanges America's future. It invites insecurity.

One would have thought that if September 11 taught us anything, it was that business as usual is no longer tolerable. As I have said before, the President deserves credit for the Millennium Challenge Account and for increasing funding for HIV/AIDS.

But, I ask Senators to look behind the curtain to see these are funded. Some is new money. Sadly, some is from cuts to other essential humanitarian programs.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. Leadership is good policy. Leadership means resources.

I yield the floor.

Mr. BAUCUS. Mr. President, securing this nation's borders and keeping Americans safe from terrorist threats is of the utmost importance to this body. That is why I support the men and women who serve this country. Thousands of men and women are currently deployed in Iraq, Afghanistan and other parts of the world. We count on so many of these brave men and women to protect our communities at a moment's notice and for that, too, we thank them. We want them to come home safe to their families, and to find good jobs and good healthcare waiting for them.

The State of Montana, known affectionately for its "big sky" and small

population, plays a key role in protecting this nation. At the core of this country's national defense is the ICBM program maintained by Malmstrom Air Force Base. This program must be fully modernized and I support Malmstrom's mission 100 percent.

Montana also shoulders a unique responsibility to protect this nation due to the 600-mile land border—the equivalent distance of Washington, DC, to Chicago—we share with Canada. This border is porous and topographically diverse and it constitutes the front line in the war on terrorism. We have to make sure we not only have enough agents at the border, but that we get them the equipment and technology they need to secure Montana's borders, and to head off any threats directed toward populations and infrastructure anywhere else in the country.

Though not every state has an international land border it must secure, every state has the sacred duty to protect the people who call it home. In the past 2½ years, the states, with federal assistance, have made strides in emergency planning and terrorism preparedness. We need to give our first responders the training, equipment, personnel and resources that they need. But we're not there yet and we've got to stay the course. That's why I joined 22 of my colleagues in the Senate in urging the Budget Committee to find a way to restore \$1 billion dollars to the State Homeland Security Grant program that was cut from the fiscal year 2005 budget. Montana's first responders rely almost entirely on this assistance for their terrorism preparedness efforts.

But that's not enough. We need to make sure that our state and local law enforcement get the funding they need if we expect them to protect our communities and prevent the threat of terrorism. How can we expect our communities to fight the war on terrorism if we aren't willing to fund it well enough to win?

The same people who prepare for the unthinkable terrorist plot must also plan for nature's devastation, which our state knows all too well. These brave people serve their communities and their nation without regard for the risks they take. We ought to be thanking them. We ought to get them the personnel and resources they need and I am committed to finding the way to do that. The money needs to be there for coordinated communications for state, local and federal agencies, for fire fighters and emergency managers, so that they can save time and save lives in the event of any disaster we'd rather not imagine.

Security in Montana is more than knowing our borders and communities are protected. It is also knowing that our children are receiving the top notch education we have come to expect. Montana schools have made do with too little for too long. It is access to affordable health care. Unfortunately, access to health care remains a

challenge for many, particularly Native Americans and Veterans. It is critical that the necessary resources are provided in Indian Health Services and Veterans Administration.

Unfortunately, it is commonplace for Native Americans seeking care from Indian Health Service to be denied essential services that most of us simply take for granted. This is a problem.

I believe we also owe it to our veterans to better attend to their medical needs. Surely the greatest nation in the world should be able to keep their promise to the veterans who have fought for and protected our nation.

There are many challenges that face us now. By working together, we will make America stronger.

This week throughout the Senate's debate on the budget several very good amendments, including several on issues I just mentioned, were offered that I, unfortunately, could not support. I do not believe that we need to roll back tax relief that Congress enacted in 2001 to fund this amendment. I supported those 2001 tax cuts. Congress enacted them in a time of massive surpluses. Returning some of those surpluses to the taxpayer was the right thing to do.

We can find other offsets to pay for the spending in this amendment. Offsets like the closing of corporate tax shelters currently pending in the JOBS bill come readily to mind. Before we start rolling back the tax relief that we enacted in 2001, we should ensure that we have taken all reasonable steps to obtain revenues through closing down abusive tax shelters.

I shall look forward to working with my colleagues to find other offsets for their amendments—offsets that as much as possible avoid rolling back the tax relief that we enacted in 2001.

Mr. FEINGOLD. Mr. President, first, I want to offer my congratulations to our Budget Committee Chairman, Senator DON NICKLES, for his efforts to craft a budget. He has announced that he will retire from this body at the end of his current term, and so this will be his last budget resolution, and his work on the Budget Committee and in this body deserve recognition. Though I oppose the budget resolution he produced in committee, and that was approved by this body, I have nothing but the greatest respect for the author of that document.

Let me also note that the resolution passed by the Senate is an improvement on the disastrous budget the President proposed, and I credit Chairman NICKLES with a great deal of that improvement. In particular, I want to commend him for including at least some of the expected cost of our military operations in Iraq and Afghanistan in his mark. Though it is still far short of what our best estimates tell us will be needed, it is a great improvement to the "head in the sand" approach adopted in the President's fiscal year 2005 budget proposal. I regret the committee did not support my amend-

ment to more adequately and honestly budget for our operations, and I very much hope that as it comes out of conference, the final version of the budget resolution will adopt the approach I have advocated—forthright budgeting that pays for our operations instead of shoving the cost onto future generations.

I regret that this theme of "buy now pay later" pervades this budget, as it has for the past 3 years. This resolution heads our budget in the wrong direction. As our distinguished Ranking Member, Senator CONRAD, has noted, when compared with current policies as represented in the CBO baseline and as adjusted by taking out last year's supplemental appropriation for our operations in Iraq and Afghanistan, this budget resolution further worsens the budget bottom line. Budget deficits will be greater, and Government debt will be larger under this budget.

That means that this budget further adds to the burden our children and grandchildren already bear because of the fiscal recklessness of the past three years.

In one important respect, this resolution is a significant improvement over the version reported out of committee, because it restores some of the budget enforcement we so desperately need as we face massive budget deficits for years to come. I was pleased that the Senate approved my amendment to reinstate the discipline of the PAYGO rule which requires that all new mandatory spending and all new tax cuts be offset or be subject to a point of order. As it came out of committee, this resolution maintained the far weaker rules embedded in last year's budget resolution, inviting further damage to the budget, and further debt to be heaped on the backs of future generations. With the adoption of my amendment, the Senate has taken an important step toward turning around the rapidly deteriorating budget position.

This resolution is also an improvement over the original mark offered by the chairman because of an amendment adopted in committee that facilitates the reimportation of FDA-approved prescription medicines that I was proud to join with Senator STABENOW in offering. Our amendment will not only save money for those who rely on those medicines, but it also will reduce our budget deficits and save taxpayers billions of dollars.

And I should note that this resolution does not rely on revenues raised by drilling for oil in the Alaska National Wildlife Reserve, and I want to express my thanks to the chairman for responding to the appeal a number of us made with respect to this issue. I was prepared to fight to remove such language, and I think the chairman was wise not to rely on revenue assumptions that have always been questionable, and that were at risk of being removed from the resolution.

The resolution was also improved on the floor when the body adopted an

amendment offered by Senator BAUCUS which stripped the reconciliation instruction that would have severely limited consideration of the issues surrounding the proposed significant reshaping of Medicaid. The President's proposed changes to that program would put thousands of Wisconsin's most vulnerable residents at risk, and the Baucus amendment will make it harder for Congress and the White House to gut this essential safety net.

I regret the body did not adopt amendments offered by the Senator from Maryland, Mr. SARBANES, and by the Senator from North Dakota, Mr. DORGAN, that would have provided needed support for our first responders, who are on the front lines in our fight against terrorism. The administration did not include adequate support in its budget, nor did the resolution as it came out of committee, and the Senate failed to correct that defect when it rejected those amendments. This is an area of funding as critical to the security of our country as any other, and while I was pleased to support another amendment in this area, offered by the Senator from Maine, Ms. COLLINS, and the Senator from Michigan, Mr. LEVIN, to provide a portion of the resources that are needed, I very much hope further improvement can be made before Congress takes final action on the resolution.

I was also disappointed that the Senate did not act to improve the measure by returning to the "polluter pays" policy that served us so well for many years. I was pleased to join with the Senator from New Jersey, Mr. LAUTENBERG, in offering an amendment to do just that, and I regret that this sensible policy was rejected.

While the Senate failed to add that provision, it did adopt an amendment I strongly supported, to increase funding to support state compliance with Federal clean water standards. The goal of that deficit neutral amendment is to provide \$3.2 billion for the Clean Water State Revolving Fund and \$2.0 billion for the Safe Drinking Water Act Revolving Fund, both vitally important programs that were not adequately funded by the President in his budget submission.

As I noted earlier, this budget heads us down the wrong fiscal path. If we are ever to climb out of the deficit ditch again, we need to start now. Unfortunately, this resolution, though an improvement on what the President proposed, still leaves us worse off than merely extending current policies.

We must do better than that if we are to avoid heaping even more debt onto the already enormous burden our children and grandchildren must bear.

#### NOMINATION OF NEIL WAKE

Mr. KYL. Mr. President, I support the nomination of Neil Wake to the Federal District Court for the District of Arizona.