

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.

Neil Wake is an Arizona native and has practiced law for 29 years in Phoenix as a partner in several law firms and most recently as the sole proprietor of his own firm. Mr. Wake received a bachelor's degree with honors from Arizona State University in 1971 and a law degree, cum laude, from Harvard University, in 1974, where he was a member of the Harvard Civil Liberties Law Review.

His law practice has focused almost entirely on civil litigation. He has handled a wide range of business litigation, administrative and public law litigation, and constitutional litigation under the federal and state constitutions. He has practiced extensively in both state and federal courts, in trial courts and appellate courts, including the Supreme Court of the United States.

Mr. Wake has spoken often at continuing legal education programs on civil procedure, administrative law and judicial review of government action, appellate practice and procedure, and other subjects. He has published articles in the fields of administrative law and appellate procedure.

Mr. Wake has received high recognition from his peers at the bar. Since 1989 he has been listed in *The Best Lawyers in America* for business and appellate litigation upon recommendation of other lawyers so listed. Less than 1 percent of attorneys are so recognized. Since 1993 he has been a Fellow of the American Academy of Appellate Lawyers, a professional society of fewer than 300 members nationwide who are admitted by invitation only and after careful investigation. The American Bar Association's standing committee on Federal Judiciary unanimously gave Mr. Wake its highest evaluation of well qualified for appointment as a Judge of the United States District Court.

He has given many years of service to the bar, to the courts, and to the community. He has served for nearly 20 years on the Arizona State Bar's Committee on Civil Practice and Procedure and for over 20 years on the State Bar's Appellate Handbook Committee. He is a founding member of the State Bar's Indian Law Section and its Appellate Practice Section, of which he is now the Chairman. He has served five times as a judge pro tempore of the Arizona Court of Appeals and is a Member of the National Board of Visitors of The University of Arizona College of Law. He and his wife Shari and other parents founded ICU Care Parents, a support group for parents of critically ill newborns.

Mr. Wake and his wife Shari are the parents of three sons, ages 21, 18, and 10.

Neil Wake will be an outstanding addition to the bench.

THE PROBE INTO THE IMPROPER ACCESS OF JUDICIARY COMMITTEE COMPUTER FILES

Mr. LEAHY. Mr. President, yesterday the Judiciary Committee met in public session to discuss how best to proceed with the investigation into the theft and dissemination of confidential Judiciary Committee computer files. Over the last several weeks and months Democratic Senators have shown great patience with the process.

Last week, the chairman of our committee made the report of the Sergeant at Arms into this matter publicly available. For days, Senators have been consulting about the follow-up investigation that is now needed. Over the last few weeks a number of Senators, Republicans and Democrats, have acknowledged that these matters, now documented in the report of the Senate Sergeant at Arms, warrant further consideration by law enforcement officials. Along with other Senators, I have reached across the aisle to urge all Senators to now join us in a request for a special counsel to conduct the investigation necessary to complete action and assure accountability for this unprecedented partisan espionage within the Senate. Yesterday I renewed that invitation to join in our request for the appointment of a special counsel of the highest integrity and independence to follow up on this matter.

I had hoped that we could move forward together, and yesterday we did achieve a bipartisan majority of the Judiciary, which has now joined in requesting a criminal investigation by an independent prosecutor.

On Wednesday, March 10, nine Senators on the committee sent a letter to the Justice Department seeking the appointment of special counsel in this matter. Thursday morning, March 11, nine Republican Senators wrote to Chairman HATCH and noted:

[We are now certain that only a determination by a professional prosecutor as to whether any laws were violated will bring this matter to a just and timely resolution.

Yesterday all members on the Judiciary Committee endorsed having a professional prosecutor free from politics consider these matters without regard to partisanship.

Last night Republicans and Democrats joined in another letter to the Justice Department to request "appointment of a prosecutor of the highest integrity and independence to investigate and, if appropriate, prosecute all potential crimes related to the access and dissemination of Judiciary Committee staff files" outlined in the report by the Senate Sergeant at Arms.

Someone who is removed from politics is essential. As we outline in our March 10 letter, many of us are concerned that it be special counsel and that the Attorney General recuse himself from the process for a number of reasons. In the March 12 letter from Senators SCHUMER, GRAHAM, DURBIN, CHAMBLISS, KENNEDY and DEWINE, they likewise note that the prosecutor han-

dling the matter must be "free from all conflicts and appearances of conflict." They suggest that Patrick Fitzgerald, who has been given responsibility for the investigation of the lead of CIA operative Valerie Plame's identity, would be an "ideal candidate" and that his mandate is a good model for that of the prosecutor to whom is assigned responsibility for investigation of the matter of the Judiciary Committee computer files.

With respect to the Sergeant at Arms' report, I, again, thank him and his staff for operating in a nonpartisan way and in the best tradition of the Senate. The report shows, without question, that the secret surveillance and stealing of confidential computer files was calculated, systematic and sweeping in its scope. After reading the report, there is a lot more that we do know: We know that more than 4,000 computer files were stolen. We know that the stealing of Democratic computer files occurred over an extended period of time, from at least 2001 into 2003. We know that numerous staff members of Republican Senators and Republican Senate leadership were aware of this activity. We know that what was done was improper, unethical and likely criminal.

However, after reading the report, there is still a lot that we do not know. We do not know how the computer files and the information contained therein were exploited. We do not know whether the stolen computer files or the information in them were shared with the Department of Justice directly or indirectly. We do not know whether they were shared with the White House directly or indirectly. We do not know whether they were shared with any of the nominees. We do not know what stolen files or information contained therein was shared with partisan advocacy groups on the right. Those are among the questions that a special counsel with the tools to conduct a criminal investigation and compel testimony and information may discern. Indeed, the Sergeant-at-Arms report acknowledges many of its limitations and those on the authority of that office to get all the facts.

I hope Senators who care about accountability and the rule of law, and those interested in repairing the damage by this unprecedented spying campaign will support our request for the prompt appointment of a special prosecutor to conduct the criminal investigation into the theft of our computer files that is still needed. I hope the Justice Department will move quickly, properly assign this matter, and conduct an investigation to get to the bottom of the unprecedented wrongdoing that we have suffered.

I ask unanimous consent that copies of the letters of March 10, March 11 and March 12 be printed in the RECORD.

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