House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:


I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT, Speaker of the House of Representatives.

PRAYER
The Reverend Cindy Baskin, Pastor, St. James Episcopal Church, Potomac, Maryland, offered the following prayer:

Almighty and everlasting God:

You are the source of all wisdom and understanding, the source of all justice and righteousness. By Your gracious will, You have instituted governing bodies on Earth and granted them authority to rule.

We therefore beseech You, as this legislative body gathers this day, to guide and direct these elected representatives, enable them to seek first Your honor and glory in all their deliberations. Keep them ever-mindful of their calling to serve this Nation. Guide them in the ways of righteousness, that they may enact such laws for the welfare of our country, as shall please You.

Help each one, as they struggle for justice and truth, to confront one another without hostility or bitterness. Foster among them a spirit of mutual forbearance and respect. Take away any arrogance, anger, or self-interest, which inflicting human hearts creates unnecessary divisions. Break down all walls that separate and empower this House to work together through any struggles and confusion so that Your purposes on Earth may be accomplished. Guide, we pray, each of these Representatives to perceive what is right and grant each one both the courage to pursue it and the grace to accomplish it.

We now commend this body and this Nation into Your merciful care, O Lord, that being guided by Your providence we may dwell secure in Your peace and live to Your honor and glory. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2443. An act to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes. "

requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. McCaul, Mr. Sessions, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Hollings, Mr. Inouye, Mr. Breaux, and Mr. Wyden, and from the Committee on Environment and Public Works: Mr. Inhofe, and Mr. Jeffords; to be the conferees on the part of the Senate.

The message also announced that pursuant to title VI, section 637 of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Michael A. Ledeen of Maryland.

The message also announced that pursuant to Public Law 108–199, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Eric G. Postel of Wisconsin.

The message also announced that pursuant to section 104(c)(1)(A) of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program:

William E. Troutt of Tennessee.

WELCOMING THE REVEREND CINDY BASKIN

(Mr. VAN HOLLEN asked and was given permission to address the House for 1 minute.)

Mr. VAN HOLLEN. Mr. Speaker, I am very pleased to welcome here today
Reverend Cindy Baskin from my congressional district, and I want to thank her for delivering a beautiful prayer.

Today, March 31, is the last day of Women’s History Month; and I think it is especially fitting that we end this month with a prayer from a woman guest chaplain. I also want to note that our House attending physician, Dr. John Eisold, is a member of Reverend Baskin’s congregation; and I thank him for suggesting that Reverend Baskin be here this morning for our opening prayer.

Let me read what members of Reverend Baskin’s congregation have said about her: “Cindy serves with strong leadership, inspired vision, and endless energy. She encourages us to use our talents in service to the community, while ministering to the congregation as pastor, priest, and friend.”

I thank Reverend Baskin for inspiring us here this morning through her praying to serve our Nation, our community, and reach out to others in the world. Thank you, Reverend Baskin for being here this morning and opening the House of Representatives.

DEMOCRACY DEMANDS FREEDOM OF SPEECH AND FAIR MEDIA COVERAGE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, all citizens should be aware that the Democratic nominee has two opponents in his reelection effort: the Democratic nominee and the national media.

Most of the national media minimize or ignore the good news for President Bush, like last week’s CBS poll showing him ahead, and magnify every criticism.

That is no surprise. TV coverage of the President is mostly negative. Negative articles are often slanted, and three of the largest newspapers in America have endorsed a Republican for President in 50 years.

A recent survey shows that over half of the American people believe that “media stories and reports are often inaccurate.”

Voters should insist on getting objective news reports so they can make good decisions. Democracy demands not only freedom of speech but also fair media coverage.

CELEBRATING THE LIFE AND WORK OF CESAR E. CHAVEZ

(Ms. LINDA T. SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, our Nation’s history is filled with heroes who, through personal sacrifice and a strong commitment to their cause, have left a mark upon society.

Today, I am proud to honor the life and accomplishments of the late, talented union organizer and human rights advocate, Cesar E. Chavez. Born on March 31, 1927, to a farming family in Yuma, Arizona, Chavez learned early that life is filled with challenges, particularly for those who work the fruit and vegetable fields of this great country.

Those fields nurtured Chavez’s desire to create a farm workers union, which we know today as the UFW. Chavez brought dignity and respect to the farm workers and became an inspiration and a resource to other people engaged in human rights struggles throughout the world. From 1965 to the 1980s, Chavez worked tirelessly to increase wages as well as public awareness of the plight of migrant workers. Chavez defended the rights of farm workers until his death on April 23, 1993.

Chavez’s courage and perseverance continue to be a source of inspiration for me and many others dedicated to the interests of America’s working families.

Today, Chavez would have celebrated his 77th birthday. I am proud to celebrate his life and his work. May his spirit and dedication continue to be an inspiration to those engaged in human rights struggles throughout the world.

PUNDITS WEARING POLITICAL BLINDERS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, there is no doubt that we are in the midst of an election year. As a matter of fact, judging from the intensity of the campaign so far, one might think that we are at the end of October instead of the end of March.

Part of the reason for this intensity is the news organizations who are captivated not by the issues at hand but by the horse race, who is ahead and who is behind; and reporters and pundit are the ones calling the race. But, clearly, some of these pundits are wearing political blinders, suggesting nothing less than partisan bias.

In mid February, CBS News and The New York Times conducted a poll. That night, Dan Rather rather gleefully reported the results, that the Democratic nominee held a five-point lead over President Bush, on the CBS evening news.

The next CBS News/New York Times poll was conducted and again Dan Rather reported that the Democratic nominee had a one-point lead.

Two weeks after that, a third CBS poll showed President Bush leading the Democratic nominee by three percent—now what did Dan Rather report on this poll? Nothing. Not a mention.

I would say that is not quite fair and certainly not balanced.

CELEBRATING THE 87TH ANNIVERSARY OF THE TRANSFER OF SOVEREIGNTY OF VIRGIN ISLANDS FROM DENMARK TO U.S.

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise today as my beloved U.S. Virgin Islands celebrates the 87th anniversary of the transfer of sovereignty from Denmark to the United States of America.

On March 31, 1917, our American journey began when Denmark became an official part of the American family. While that journey was predated by a friendship with the United States that began during the Revolutionary War, we are told by our grandmothers that on that spring day long ago there were tears of joy and sadness as they said good-bye to the old and welcomed the new.

Today, we are proud Americans serving in all of its wars, rejoicing at its accomplishments, and working with our brothers and sisters to meet its challenges in health care, education, and social justice.

We have not forgotten, however, our shared history of over 250 years with Denmark as we welcome tourists seeking Caribbean roots, apprentice our children to learn of shared craftsmanship, and share the archival materials we have in common.

Mr. Speaker, the uniqueness of the U.S. Virgin Islands can be found in its relationship to many nations, as it has been a cultural crossroads for people the world over.

Today, on March 31, 2004, we celebrate the roots of our diversity as we celebrate yet another Transfer Day.

LIFETIME SAVINGS ACCOUNTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, only in America is a penny saved a penny taxed. Perhaps that is why we have single-digit savings rates in this country. That is just wrong.

To get America back on the road to savings, today Senator CRAIG THOMAS of Wyoming and I will introduce legislation to create lifetime savings accounts.

In a lifetime savings account, people could save up to $5,000 a year free from tax on interest earned. Money could be spent for any reason, with no minimum holding period. The idea is to save this money for a new transmission, school, kids’ braces, home improvements, rainy day, or any of their needs, wants, and dreams. You name it. The point is, people will not be taxed for saving.

I am proud to say that the Deputy Secretary of the Treasury Bodman will join us at the press conference to share the administration’s support of this new proposal. We will be working as a
ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 590) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590
Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Chandler (to rank immediately after Mr. Marshall)
(2) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Chandler.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALLOWING REIMPORTATION OF PRESCRIPTION DRUGS MEANS LOWER PRICES FOR AMERICANS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, before the House voted on the Medicare bill, the public was told it would cost $400 billion. Later, we found out that the administration knew all along it would cost $550 billion.

Congress was misled by an administration that hid the numbers from the public and Members of Congress because of the perceived political benefits of the new law, saying that the end would justify the means.

But according to today's Chicago Tribune, Instead of a political bonanza, the Medicare drug benefit is fast becoming an albatross around the administration's neck. Not a single new benefit has gone to a senior citizen, and the taxpayers got stuck with another $50 billion bill.

Mr. Speaker, the administration wants to talk about the benefit that comes with a discount card. With the way prescription drug costs have skyrocketed over the past several years, this discount card will not accomplish anything. It is like a sale at Nieman Marcus. They jack up the prices right before the sale.

In 2001, drug costs increased by 16.9 percent; in 2002, 18.4 percent; in 2003, a projected 19.5 percent, and going on to another 15 percent.

Instead of depending on a flawed Medicare bill, we must literally drive prices down by allowing reimportation, allowing us to get our drugs in Canada and in Europe where prices are cheaper.

MANUFACTURING JOBS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to bring attention to the current status of manufacturing jobs in this country.

Last week, there was an article in the Boston Globe entitled, What the Jobless Statistics Do Not Reveal, written by Paul E. Harrington and Andrew Sum. The article focused on the debate of when job creation will begin and why there is a huge difference in the report of job growth between two surveys, the payroll survey and the household survey.

The payroll survey is the corporate survey, which indicates a decreased loss of 620,000 jobs. However, the household survey says there is a 2.3 million increase in employment during this same period of time. Why the disparity? Well, the household survey counts self-employed and contractors. If you are self-employed like a farmer in my district, you are not counted as being an employee under the payroll survey reports. The authors point out that the disparity is due to the fact that it has become so expensive to add new workers to payroll due to high cost of health insurance, unemployment insurance, worker compensation, payroll taxes, and it is easier and cheaper to hire and pay overtime.

If we were to see the loss of manufacturing in the corporate sector, our legislative response is clear. We are going to have to address these issues of high cost.

REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, this House over the next 2 days is going to be debating the single most important environmental and jobs bill of the session, the reauthorization of the Surface Transportation Act. It is unfortunate that we are not going to have the opportunity to deal with a bill that is right-sized for America's needs.

The administration's own Department of Transportation has concluded that we need $375 billion to meet America's needs over the next 6 years; yet the administration has threatened to use its first veto of any bill if we have the temerity to approve anything over $256 billion, which will be a 10 percent cut in transportation funding over the next 6 years.

Nobody in this Chamber feels that we should be cutting our investment in the future. It is time for Members on both sides of the aisle to support the bipartisan committee leadership to at least appropriate the $275 billion bill, keep the basic structure in place, and make sure that we are giving America the transportation infrastructure it needs for the future.

MEDICARE DISCOUNT DRUG CARDS

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute.)

Mr. CHOCOLA. Mr. Speaker, during the next 3 months, Medicare beneficiaries will begin to see real savings on the cost of their prescription drugs with the help of voluntary Medicare-approved discount drug cards.

Starting in April, Medicare beneficiaries will be notified by mail of their discount card eligibility, discount card offerings, and enrollment procedures by June. Medicare beneficiaries, except those who already have Medicaid drug coverage, will be able to buy a card for about $30 and take it to their local pharmacy and receive 10 to 25 percent off of the regular cost of their drugs.

People with incomes below 135 percent of poverty who sign up for the card will be eligible for an additional $600 of additional assistance per year to help further reduce the cost of their prescription drugs in 2004 and 2005. This low-income assistance will benefit over 12,000 Indiana Hoosiers in my district, the second district of Indiana, and almost 200,000 Hoosiers statewide.

Mr. Speaker, I applaud my colleagues who voted to support the bipartisan Medicare bill and the creation of a discount drug card program that will reduce the cost of prescriptions for our seniors and provide additional relief to low-income Medicare beneficiaries.

HONORING CESAR CHAVEZ'S BIRTHDAY

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, today on his birthday, we recognize the courageous leadership of Cesar Chavez, a man who inspired hope, pride, and strength and provided a voice for thousands of farm workers across California and the entire country.

My district encompasses San Jose, home to Cesar Chavez for many years. It is in San Jose that Chavez began to fulfill his dream of empowering farm workers to demand basic human rights and protections from the abuses of farm owners.

Chavez experienced employer abuses firsthand and saw it happen to thousands of farm workers from childhood through his adult years. And it was he who courageously organized his fellow workers to believe in their own dignity and power to gain equal rights, fair pay, and decent working conditions.

So on this day, I honor the memory of Cesar Chavez. I congratulate his wonderful family who still lives in San Jose. We all know that he is the symbol of inspiration to many, especially the children. May they live on and may we always remember his phrase to all of us, "Si se puede."
Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. WILSON of South Carolina. Mr. Speaker, on Monday there was a historic ceremony at the White House when President George W. Bush welcomed Bulgaria, Romania, Lithuania, Slovakia, Slovenia, Estonia, and Latvia into NATO, the North Atlantic Treaty Organization.

I am particularly pleased of Bulgaria's entry as they are rapidly rising from the scourge of totalitarianism, which I have seen firsthand since my first visit to Sofia in June 1990. Bulgaria has been one of America's most courageous allies in the war on terrorism, providing troops for the liberation campaigns in Afghanistan and Iraq.

I want to particularly thank the visionary Bulgarian patriots who have worked so hard to make today possible, from President George W. Bush, Prime Minister Simeon Saxe-Coburg, Foreign Minister Georgi Parvanov, Ambassador Elena Poptodorova, Foreign Minister Solomon Pasi, Defense Minister Nikolai Svinarov, Speaker Noigal Gerdjikov, Deputy Chief of Mission Emil Yalnanzov, Ambassador Stefan Stoynov, and Congressional Liaison Officer Zlatin Kraske.

In conclusion, may God bless our troops, and we will never forget September 11.

HONORING THE LIFE AND LEGACY OF CESAR CHAVEZ

Mr. GRIJAVU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. GRIJAVU. Mr. Speaker, today I rise to take a moment to commemorate and celebrate the life of Cesar Chavez, a life that was a life with inspiration to all of us in this country because it meant the very best for all of us.

Cesar Chavez had a vision for this country, and his legacy is a living legacy because of that vision; and the realization of that vision continues to be a work in progress and a work that we must all undertake. His vision was about equality, that all of us in this country deserve a place at the table and deserve to be treated with respect and with the humanity we all deserve. His vision was about fairness.

This country is about all people regardless of who they are, where they came from, what they look like, what language they speak, that we all be treated fairly and equally. And his vision was the dignity of each person, that we are all entitled, all born with a dignity and a self-respect that merits the respect of living to that legacy.

And that is the living legacy of Cesar Chavez, and we commemorate his life today as a legacy that we must all continue to strive for and to make a reality in this country.

ADDRESSING OUR OUTDATED IMMIGRATION LAWS AND POLICIES

Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to thank President Bush for recognizing the need to address our outdated immigration laws and policies, as well as to urge Congress to make this issue a top priority.

First, let me start by making it clear that I believe America should always honor its immigration tradition and legally admit a reasonable number of new immigrants every year. But the tragic events of September 11 awakened most Americans to the fact that our immigration system is not only seriously flawed; it also poses a danger to our national security. The SAFER Act would strengthen our borders with increased screening and tracking of aliens, enhanced enforcement of the Immigration and Nationality Act, expedited removal proceedings, and reduced excessive immigration.

I also support H.R. 775, the bill of the gentleman from Virginia (Mr. Goodlatte), which would end the visa lottery system.

Our Nation is out of control. Immigration policies expose us to an increased risk of another terrorist attack, something I cannot sit back and allow to happen. It is time for Congress to act now to protect America's interests.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote was ordered. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote was ordered.

Record votes on postponed questions will be taken later in the day.

TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

The Clerk read as follows:

H.R. 4062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
"(G) COMPLETION OF APPLICATION PROCESSING.—The Administrator shall complete processing of an application for combination financing under this paragraph pursuant to the time period established by this subsection as it was operating on October 1, 2003.

(H) BUSINESS LOAN ELIGIBILITY.—Any standards prescribed by the Administrator relating to the eligibility of small businesses to obtain combination financing under this subsection which are in effect on the date of the enactment of this paragraph shall continue to be used with respect to combination financings made under this paragraph. Any modifications to such standards by the Administrator after such date shall not unreasonably restrict the availability of combination financing under this paragraph relative to the availability of such financing before such modifications.

SEC. 5. LOAN GUARANTEE FEES.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2004, subparagraph (A) of paragraph (2) of subsection (a) of section 7 of the Small Business Act (15 U.S.C. 636(a)(23)(A)) shall be applied as if that subparagraph consisted of the language referred to in subsection (b).

(b) LANGUAGE SPECIFIED.—The language referred to in subsection (a) is as follows:

"(A) PERCENTAGE.—""

(i) IN GENERAL.—With respect to each loan guaranteed under this subsection, the Administrator shall, in accordance with such terms and procedures as the Administrator shall establish by regulation, assess, and collect an annual fee in an amount equal to 0.5 percent of the outstanding balance of the deferred participation share of the loan.

(ii) PERCENTAGE.—With respect to loans approved during the period beginning on the date of enactment of this Act and ending on September 30, 2004, the annual fee assessed and collected under clause (i) shall be equal to 0.36 percent of the outstanding balance of the deferred participation share of the loan.”

(c) RETENTION OF CERTAIN FEES.—Subparagraph (B) of paragraph (18) of subsection (a) of section 7 of the Small Business Act (15 U.S.C. 636(a)(18)(B)) shall not be effective during the period beginning on the date of the enactment of this Act and ending on September 30, 2004.

SEC. 6. EXPRESS LOAN PROVISIONS.

(a) Definitions.—For the purposes of this section:

(1) The term "express lender" shall mean any lender authorized by the Administrator to participate in the Express Loan Pilot Program.

(2) The term "Express Loan" shall mean any loan made pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636(a)) in which a lender utilizes to the maximum extent practicable its own loan analyses, procedures, and documentation.

(b) Express Loan Program.—The term "Express Loan Pilot Program" shall mean the program established by the Administrator prior to the date of enactment of this section under the authority granted in section 7(a)(25)(B) of the Small Business Act (15 U.S.C. 636(a)(25)(B)) with a guaranty rate not to exceed 50 percent.

(c) Administrator.—The term "Administrator" means the Administrator of the Small Business Administration.

(d) Small business concern.—The term "small business concern" has the same meaning given such term under section (a) of the Small Business Act (15 U.S.C. 632(a)).

(e) Restriction to Express Lender.—The authority to make an Express Loan shall be limited to express lenders authorized by the Administrator to make such loans by the Administrator. Designation as an express lender for purposes of making an Express Loan shall not prohibit such lender from taking any other action authorized by the Administrator for that lender pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(f) Grandfathering of Existing Lenders.—Any express lender shall retain such designation unless the Administrator determines that the express lender has violated the law or regulations promulgated by the Administrator or modifies the requirements that a lender shall meet in order to be an express lender, and no longer satisfies those requirements.

SEC. 7. FISCAL YEAR 2004 DEFERRED PARTICIPATION LOAN GUARANTEE FEES.

Deferred participation loans made during the period beginning on the date of the enactment of this Act and ending on September 30, 2004, under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall have the same terms and conditions, including maximum gross loan amounts and collateral requirements, assignable to loans made under such section on October 1, 2003, except as otherwise provided in this Act. This section shall not preclude the Administrator of the Small Business Administration from taking such action as necessary to maintain the loan program carried out under such section, subject to appropriations.

SEC. 8. TEMPORARY INCREASE IN LOAN LIMIT UNDER BUSINESS LOAN AND INVESTMENT CORPORATION GUARANTEED AND ASSOCIATED GUARANTEE FEES.

(a) Temporary Increase in Amount Permitted to Be Outstretched.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2004, section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) shall be applied as if the first dollar figure were $1,500,000.

(b) Temporary Guarantee Fee on Deferred Participation Share Over $1,000,000.—With respect to loans made during the period referred to in subsection (a) to which section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) applies, the Administrator of the Small Business Administration shall collect an additional guarantee fee equal to 0.25 percent of the amount (if any) in excess of $1,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. ELAZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members be counted as present during legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. MANZULLO)?

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a bipartisan work product between the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. ELAZQUEZ) and me and is a result of the commitment made on the House floor earlier this month to provide a fix to the problem in the main flagship guaranteed lending program of the Small Business Administration.

This legislation would not only restore the overall 7(a) program to full strength, but also expand its outreach to help more small businesses grow and create more jobs.

Earlier this year, a funding shortfall unfortunately required the SBA to temporarily suspend the program for a week, reduce the maximum loan size to $750,000, and prohibit combination or piggyback loans.

In this compromise, the annual lender ongoing fee on 7(a) loans would increase from 0.25 percent to 0.36 percent. The lender would also pay a 0.70 percent up-front fee for combination or piggyback loans. For loans under $150,000, the lender would no longer pay a 0.70 percent up-front fee for combination or piggyback loans.

Unfortunately, required the SBA to temporarily leave its main flagship guaranteed lending program at a partial strength, but also expand its outreach to help more small businesses grow and create more jobs.

Earlier this year, a funding shortfall unfortunately required the SBA to temporarily suspend the program for a week, reduce the maximum loan size to $750,000, and prohibit combination or piggyback loans.

In this compromise, the annual lender ongoing fee on 7(a) loans would increase from 0.25 percent to 0.36 percent. The lender would also pay a 0.70 percent up-front fee for combination or piggyback loans. For loans under $150,000, the lender would no longer pay a 0.70 percent up-front fee for combination or piggyback loans.
H.R. 4062 raises the 7(a) guaranteed limit from $1 million to $1.5 million with an additional risk premium fee of 0.25 percent imposed on the borrower over and above the 3.5 percent fee they currently pay on loan amounts over $1 million.

Finally, H.R. 4062 allows lenders the option to make loans up to $2 million under the SBA Express program, which has a 50 percent guarantee rate; but bank can use their own paperwork. Currently lenders can only make loans up to $250,000 under the SBA Express program. I want to make it clear, however, that I intend that this provision must be truly optional on the part of the lender. The SBA should not do anything in its internal policies or procedures that tilts this rule in favor of SBA Express at the expense of the rest of the 7(a) lending program.

All together, these provisions will provide an additional $3 billion in lending to small businesses for the rest of fiscal year 2004 to reach a total of 7(a) program level of $12.35 billion without requiring any additional appropriations or borrowing funds from other key areas within the SBA.

When this bill is passed by Congress and signed into law, SBA assures me it will provide enough lending authority for the SBA to remove the current loan cap of $750,000 and also allow combination or piggyback loans. By increasing the 7(a) programs lending authority, SBA estimates that through their lending partners they will be able to offer 30,000 additional guaranteed loans, which could create or retain as many as a half million jobs by the end of September.

In addition to fixing the 7(a) program, the bill authorizes the SBA to charge fees under the 504 Certified Development Company program and the Small Business Investment Company program until the end of the fiscal year or September. Both these programs operate solely on the basis of user fees and do not require an annual appropriation. Currently, the authority to charge these fees expires on May 21.

Finally, the general extension of SBA programs by an authorization such as the surety bond program, SBA’s cosponsorship authority, and several very small procurement assistance programs, will move from the current deadline of April 2 to June 4 of 2004. This bipartisan bill has the support of both the minority and majority sides of the Committee on Small Business. It has the support of the administration. And finally, it represents the consensus position of those who use the 7(a) program, both borrowers and lenders.

I urge my colleagues to support H.R. 4062.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, first I would like to thank the chairman and the House leadership for their commitment and willingness to resolve this program in a bipartisan manner.

In today’s jobless recovery, small businesses are more important than ever. That is because small businesses are this country’s main economic driver. They are this country’s main job creator, and they are this country’s number one employer. They are the backbone of the American economy.

One of the most vital things businesses is access to capital. Studies have shown that too many entrepreneurs finance their great ideas with credit cards. And this puts them into debt even before they get their businesses off the ground.

That is exactly why the SBA loan programs are so critical. These programs fill a financing gap for small firms, making loans on great ideas that may not have been looked at twice or invested in it at all. In fact, last year, the SBA’s 7(a) flagship loan program provided hundreds of thousands of small businesses with billions of dollars that was then pumped back into the U.S. economy.

Yet, for all the good the 7(a) program has done, it recently fell on tough times. The program was shut down at the end of 1999 was later re-opened but with severe restrictions in place. Just after the program hit these bad times, so did the small business owners that were trying to secure loans. Suddenly, their plans to hire employees, expand their operations or purchase new equipment were put on hold; and, as a result, job creation was put on hold for the American economy overall.

I am happy to say to all those small business owners out there who have suffered under the 7(a) loan program since 2001. As a result, I would like to thank Kiki Kless and Julie Sullivan. From the chairman’s office, Barry Pineles, Matthew Szymanski and Phil Eskeland. From the Democratic Committee on Small Business staff, I would like to thank the staff director Michael Day, Adam Minehardt and Jordan Haas. Mr. Speaker, I yield as much time as I may consume.

If my colleagues support our Nation’s economy, if they support job creation, then I urge my colleagues to support H.R. 4062.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no further speakers. I would ask the gentlewoman if she has any further speakers.

Ms. VELÁZQUEZ. Mr. Speaker, I do not have any other speakers.

Mr. MANZULLO. Mr. Speaker, I yield the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

By passing this bill, we will show small businesses just how important they are to the U.S. economy. We will show them that we want to make it easier for them to invest capital back into the businesses where it belongs; and, Mr. Speaker, I would like to take a moment to thank all the staff who worked hard on this solution.

I would like to thank from the administration, the staff, Jenny Mayne, Anne Bedell and Charles Rowe. From the House leadership, I would like to thank Kiki Kless and Julie Sullivan. From the chairman’s office, Barry Pineles, Matthew Szymanski and Phil Eskeland. From the Democratic Committee on Small Business staff, I would like to thank the staff director Michael Day, Adam Minehardt and Jordan Haas.

Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. MILLENDE-MCDONALD).

Ms. MILLENDE-MCDONALD. Mr. Speaker, I would like to thank the chairman and the ranking member for their leadership. They have fought long and hard to make sure that they heard the cry of small businesses.

Small businesses have been crying throughout this country, saying that they needed the 7(a) loan programs so that they can do business; and we all recognize that small businesses are the backbone of the American economy, and small firms will be able to create more jobs.

This fix will support our small businesses that create good-paying jobs right here in the United States, unlike the large multinational corporations that move jobs overseas in search of cheap labor and lax environmental standards without even thinking twice.

Our solution will especially help small manufacturers that have been hard hit, like Elliot Moses, a small businessman from Sandy, Utah, who was left on the edge of financial ruin when the 7(a) program was closed. Now he and thousands of other manufacturers can get the loans they need to stay competitive, strengthen their operations here in the U.S. and hire more American workers.

With H.R. 4062, we pave the way to support job creation for manufacturers and small businesses everywhere. With this bill, we make sure small businesses have access to capital. With this bill, we make sure small businesses can invest in their ventures, purchase new equipment, expand and create jobs. With this bill, we will be giving our economy the shot in the arm that it needs right now; and with this bill, we also give new hope to the 8.2 million unemployed Americans that something is being done to transform the current jobless environment into one of work and prosperity.

If my colleagues support our Nation’s economy, if they support job creation, then I urge my colleagues to support H.R. 4062.
Member VELAZQUEZ, I thank them so much for bringing this to the floor and all of the staff members who have worked so hard.

Mr. Speaker, this critical measure will help reopen the Small Business Administration’s 7(a) loan program, which is the 7(a) loan program, and it will provide funding for the agency through June 4. While we grapple with the budget, we recognize that there are shortcomings in terms of it, but at least it will begin to address those applications that have come to us from those small businesses that critically need the financing through the 7(a) loan program.

This bill also makes a number of important changes to the program, including lifting the $750,000 cap on loans and gets the program running at an adequate level. It removes the regulatory restriction, also known as the “piggybacking,” on SBA loans being part of larger financing packages. This bill also creates a new financing tool by increasing the size of the loan guarantee to $1.5 million, which provides more options for lenders providing these loans.

Finally, Mr. Speaker, this bill extends the 7(a) loan program and the SBIC program through the end of this year.

We cannot thank the ranking member and the chair for the hard work that they have done, because these are important loan programs for small businesses.

As the ranking member on the Subcommittee on Tax, Finance, and Exports, I have long understood the critical role this program plays in keeping our Nation’s economy vibrant and strong. These loans are the only source of affordable, long-term financing for many of our Nation’s small businesses, and loans spur economic development in underserved areas.

In addition, the 7(a) loan program can be used for long-term working capital, including accounts payable, just allowing small businesses to do business.

Mr. Speaker, I urge all of my colleagues to pass this very important piece of legislation, H.R. 4062.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

I urge the adoption of H.R. 4062 and call upon my colleagues to act quickly on this measure so that small businesses across the country can benefit.

Mr. BACA. Mr. Speaker, I rise in support of American small businesses and the 7(a) loan program.

President Bush has stood by while a record 2.9 million private sector jobs disappeared. The overall unemployment rate has stalled at 5.6 percent. It would be even higher if it included 1.7 million Americans who are no longer searching for employment.

As a former small business owner, I know the benefits they provide to our economy. Small businesses generate three-fourths of all new jobs. They represent 99 percent of all employers and create more than half of our GDP. If we want our economy to grow, we need to support small businesses.

But that’s not what the Administration has done. At every step they have cut programs and decreased funds. The Administration’s FY2005 budget devastates small businesses. The 7(a) loan program will be terminated and 14 will see their budgets cut.

The microloan program, which provides small businesses with loans of up to $35,000, will be terminated, while the Manufacturing Extension Program’s small business manufacturers solve business problems, has been cut by $66 million over the last two years. The 7(a) loan program has been repeatedly cut and dismantled. They’ve done everything they could think of in order to kill it. They reorganized it. They closed it down. They capped the loans.

If the 7(a) program is shut down or the amount of loans is capped, then small businesses will suffer. They will not have access to affordable capital. And they will be forced to lay off workers. In January 2004, due to the lack of funding, the SBA was forced to temporarily suspend the 7(a) loan program, thus cutting off a major funding resource for thousands of potential new small businesses. While the SBA was able to have the program up and running again in a relatively short time, it was still forced to scale back on the size and scope of the 7(a) program.

I am pleased that the legislation before us today not only extends the 7(a) program, but also restores the robust nature of the program by reinstating the maximum loan amount to $2 million. Additionally, H.R. 4026 would allow for piggyback loans, allowing businesses to seek out additional financial assistance to help grow their business. Equally important for our Nation’s economic health, this legislation would increase the loan guarantee to $1.5 million. Lastly, Mr. Speaker, plans put forth this morning will create at least $12.5 billion in lending authority for the SBA in Fiscal Year 2004 and will allow for SBA to add an additional 30,000 loans which in turn could create thousands of new jobs.

In conclusion, I want to extend my thanks to our Chairman DON MANZULLO and Ranking Member NYDIA VELAZQUEZ for their hard work and leadership on this issue. Today’s action will allow the SBA to continue providing financial assistance to our Nation’s small businesses and keep our economy growing. I urge my colleagues to support this measure.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 4062, which will temporarily resolve the funding shortage for the Small Business Administration’s 7(a) Loan Guarantee Program and ease the resulting financial burden that has been placed on small businesses. H.R. 4062 is a bipartisan solution, and I commend Chairman MANZULLO and Ranking Member VELAZQUEZ for working together to create a sound public policy response to this crisis for small businesses. I also thank the House Leadership on both sides of the aisle for responding promptly and positively.

The 7(a) Loan Guarantee Program is the Small Business Administration’s flagship financing program, which accounts for 30 percent of all small business long-term loans in the United States.

On February 11th of this year, the Small Business Committee held a hearing on the Administration’s proposed Fiscal Year 2005 Budget for the Small Business Administration. At that hearing, small business owners from a diverse array of geographic areas and engaged in a variety of different industries testified that the financial crisis at the SBA 7(a) Loan Guarantee Program caused them undue hardship. Most indicated that the failure to allocate the 7(a) loan program increased the amount of loans small businesses would have to secure for their company’s proposed project, the mayor of the city in which the company’s site would be built accompanied him to Washington. The mayor spelled out exactly what was at stake for his economically distressed community: the opportunity to revive the local economy and provide new jobs, or the prospect of further decay and desperation.

H.R. 4062 lifts temporary caps on 7(a) loans that were instituted in order to respond to its financial crisis. It will again allow for 7(a) loans to be included in larger financial packages, and provide working capital for export activity. This bipartisan measure responds to the calls that small businesses made in the right direction, and I hope that Congress will follow the model of H.R. 4062 in addressing the long-term health of a 7(a) program that is so important to small businesses, which are incubators of economic and job growth in our communities.

I urge my colleagues to support H.R. 4062.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 4062, and I am pleased that this legislation reopens the 7(a) loan program and ensures that small businesses will once again be able to benefit from its lending power.

As a former small business owner, I understand the frustrations and worries small business owners have had as this program has sat in limbo. Small businesses are one of our Nation’s leading employment opportunities, but few businesses can afford to start up or expand without the help of loans.

Renewing our commitment to the Small Business Administration’s 7(a) loan program will not only bolster our Nation’s workforce but also the economy as a whole.

Mr. Speaker, I want to urge all my colleagues to join me in supporting this vital piece of legislation.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of H.R. 4062, and I am pleased that this legislation reopens the 7(a) loan program and ensures that small businesses will once again be able to benefit from its lending power. As a former small business owner, I understand the frustrations and worries small business owners have had as this program has sat in limbo. Small businesses are one of our Nation’s leading employment opportunities, but few businesses can afford to start up or expand without the help of loans. Renewing our commitment to the Small Business Administration’s 7(a) loan program will not only bolster our Nation’s workforce but also the economy as a whole.

Mr. Speaker, I want to urge all my colleagues to join me in supporting this vital piece of legislation.

Mr. PRICE of North Carolina. Mr. Speaker, I would like to congratulate my colleagues on the Small Business Committee for their bipartisan effort, which allowed this bill to be voted
on just in the nick of time. I would like to espe-
cially congratulate Congressman Velázquez, who has worked tirelessly to bring
about this victory for small business.

H.R. 4062 restores the 7(a) program to its
former strength by lifting the caps on 7(a)
loans. It also takes the important step of
removing regulatory limitations that had pre-
vented SBA loans from being a part of larger
financing packages.

7(a) loans account for nearly 30 percent of
all long-term loans for small businesses in
America, businesses that are the number one
job creator in this country. So it is essential
that we get this program back up and running
again. This bill would do that, and it would
also extend the important 504 loan program
and SBIC programs through the end of this
year.

The next step is to make sure that these au-
thorized programs in SBA are fully funded.
The President's budget provided zero funding
for 7(a) and a number of other important SBA
programs. Furthermore, it is important that we
put safeguards in place to prevent last-minute
shutdowns like those we experienced this past
January.

I am working with my colleagues to restore
7(a) funds and to ensure that in the future
there are not caps or program shutdowns that
deny small businesses access to critically
needed resources.

This is the vital next step to the authoriza-
tion we are passing today, and I urge my col-
teagues to make certain that we provide the
resources to make good on the commitment
this bill makes to small businesses.

Mr. Velázquez. Mr. Speaker, I yield back the
balance of my time.

The SPEAKER pro tempore (Mr. Linder). The question was taken; and (two-
thirds having voted in favor thereof) the
rules were suspended and the bill
H.R. 4062 was passed.

Mr. Linder. Mr. Speaker, by direc-
tion of the Committee on Rules, I call
up House Resolution 581 and ask for its
immediate consideration.

The Clerk read the resolution, as fol-
ows:

H. RES. 581

Resolved. That upon the adoption of this
resolution it shall be in order to consider in
the House the resolution (H. Res. 581) ex-
pressing the sense of the House of Represen-
tatives regarding rates of compensation for
civilian employees and members of the uni-
formed services of the United States. The
resolution shall be considered as read for
amendment. The previous question shall be
considered as ordered on the resolution and
preamble to final adoption without inter-
vening (1) one hour of debate; (2) one motion
equally divided and controlled by the chair-
man and ranking minority member of the
Committee on Government Reform; and (2)
one motion to recommit which may not con-
tain instructions.

The SPEAKER pro tempore. The gentle-
tman from Georgia (Mr. Linder) is recognized for 1 hour.

Mr. Linder. Mr. Speaker, for the purpose of
debate only, I yield the cus-
tomary 30 minutes to the gentleman from Florida (Mr. Hastings), pending
which I yield myself such time as I
may consume. During consideration of
this resolution, a time field is
for the purpose of debate only.

Mr. Speaker. H. Res. 581 is a closed
rule that provides for the consideration
of H. Res. 581, expressing the sense of
the House regarding rates of compensation
for civilian employees and members
of the uniformed services of the
United States.

The rule provides for 1 hour of debate
in the House equally divided and con-
trolled by the chairman and ranking
minority member of the Committee on
Government Reform, which I yield myself
such time as I may.

Mr. Speaker, with respect to H. Res.
581, the underlying resolution, I want to
come to the gentleman from Vir-
ginia (Mr. Tom Davis), chairman of the
Committee on Government Reform,
who has spent significant time working
on this important issue for this Na-
tion's Federal civilian employees and
military personnel.

The Committee on Government Re-
form has held several hearings on the
state of the Federal workforce. At the
conclusion of those hearings, it deter-
mined that some managers may not be
able to attract or retain skilled em-
ployees to the Federal workforce due
to a pay gap between Federal civilian
employees and their private sector
counterparts.

The concept of pay parity is based on
two factors: first, an acknowledgment
that the pay of Federal civilian em-
ployees and military personnel has not
kept pace with the private sector; and,
second, a belief that there is a need to
reduce the disparity in pay between ci-
vilian Federal employees and military
personnel.

The pay parity issue was not ad-
dressed in the House-passed fiscal year
2005 budget resolution. Therefore, H.
Res. 581 offers every Member of the
House the opportunity to express their
opinion on whether or not they believe
that pay for civilian Federal employees
should be adjusted at the same time
and in the same proportion as pay for
the members of the uniformed services.

Mr. Speaker. I urge my colleagues to
support this rule so that we may pro-
cceed to debate H. Res. 581.

Mr. Speaker, I reserve the balance of
my time.

Mr. Hastings of Florida. Mr. Speaker, I
yield myself such time as I may.

Mr. Speaker. I rise today in support of
the Military and Civilian Employees
Pay Parity Resolution and the rule
providing for its consideration. This
underlying resolution is imperative for
it expresses the sense of Congress that
the government should provide fair compensation for Federal employees in
order to encourage citizens to pursue a
life of public service.

Federal employees consistently dem-
strate the best that our government has
to offer, and their contributions di-
rectly improve the lives of all Ameri-
cans.

When we speak of Federal employees,
we speak not only of the brave men and
women of the Armed Forces but also of
the men and women of literally hun-
dreds of agencies dealing with thou-
sands of issues. With nearly 1 million
employees, the Federal Government is
the largest employer in the United
States. Thirty-two thousand Federal
employees live in and around my
south Florida district alone.

Employees of the Central Intel-
ligence Agency work in oftentimes
arduous conditions to safeguard our
country from those who mean to do us
harm.

Federal Emergency Management
Agency employees provide disaster re-
lied assistance, supplying shelter, food
and funds to victims of natural disas-
ters.

Customs agents and Transportation
Security Administration officials pro-
ect our borders and our skies, and fire-
fighters and other Federal law enforce-
ment personnel across the Nation are on
first responders to a range of haz-
ards that can affect entire cities or sin-
gle homes.

These are just a few of those Federal
employees, including the fine people
that do the work here transcribing our
words, the clerks that work with us,
the Capitol Police, the security guards,
all are Federal employees; and, in my
judgment, many of them do not receive
fair compensation for their hard work.

Mr. Speaker, much of the world
comes to know the face of America
from our dedicated employees living
in this country and working abroad.

[1045]

All of these hard-working employees
deserve the unequivocal support of this
body. Even more, they deserve just and
fair compensation that competes with
the private sector and rises to meet the
living standards enjoyed by many Ameri-
cans.

Increases in the pay of military and
Federal civilian employees have not
kept pace with the overall pay levels of
private sector employees. There cur-
tently exists a gap of 32 percent be-
tween compensation levels of Federal
civilian employees and those of private
sector workers and an estimated 5.7
percent gap between compensation lev-
els of members of the uniformed serv-
ces and those of private sector work-
ers. The pay disparity greatly hampers
the ability of Federal employers to
recruit and retain quality employees.

To run efficiently and effectively,
and to provide necessary services to
the American people, the Federal Government needs to attract skilled, educated, and motivated people. We must provide Federal employees with an appropriate level of salary and benefits to encourage people to pursue a career of Federal service, whether civilian or military. Potential Federal employees must be made to understand that choosing a career of public service is not akin to taking a vow of poverty. The contributions one can make within the Federal service are lasting, desirable, and beneficial to the entire country.

I stand with my Democratic colleagues today as we point out that instead of debating a resolution expressing the sense of Congress, we should be debating a bill that actually establishes just compensation as public policy. It is shameful that while the administration and this body insist on providing a 1 percent flat rate cut for the wealthiest among us, the Republican-passed budget leaves Federal employees to cope with rising health care and education costs without adequate compensation for their jobs.

The body’s failure to ensure just compensation is yet another sad example of enriching the wealthy at the expense of middle-class America. I look forward to a day when this Congress will act to provide an equitable living standard for the middle class instead of simply raising the idea.

Mr. Speaker, let me conclude by again expressing my support for this legislation and encouraging my colleagues to support it. As the old saying goes, though, talk is cheap. It is now time for this body to put its money where our mouths are and include real pay parity in the budget resolution.

Mr. Speaker, I do have additional comments unrelated to the pay parity issue. Because I do serve with my colleague on the Committee on Rules, I also feel the need to make a comment on recent issues which have taken place in the Committee on Rules.

We are experiencing a greater and greater breakdown of comity within the Committee on Rules that has me very troubled. The minority no longer receives timely notice of when the majority intends to make announcements. We no longer receive materials or even a notice that materials are available on a timely basis.

We should, for example, receive notice from the majority that the chairman of the Committee on Rules was going to make a unanimous consent agreement last night on transportation. Although we knew from our leadership that this was going to take place, there was no common courtesy between the majority and the minority of a committee that the minority be notified before the chairman makes announcements on the floor. Similarly, the manager’s amendment for the transportation bill was apparently made available to the majority last night, but Democrats received it this morning.

I raise these issues here, Mr. Speaker, not in derogation of the issue before us, but because this is just the tip of the iceberg. No one in the minority disputes that the majority of the committee, in conjunction with the Republican leadership, controls what happens on the floor. But there are rules for each committee, rules which the majority is supposed to follow. And the frequency with which the majority on the Committee on Rules has taken to violating those rules and practices is increasing; and it needs to stop, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to House Resolution 585, I call up the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 581 is as follows:

H. Res. 581

Whereas civilian employees and members of the uniformed services of the United States provide critical services and protection for our citizens and taxpayers, and are the envy of their counterparts in the public and private sectors;

Whereas Federal employees make many important contributions to the general welfare of the Nation;

Whereas the ability of the Federal Government to provide a competitive salary plays a critical role in the Federal Government’s ability to recruit and retain individuals possessing the skills necessary to provide government services effectively and efficiently to the American people;

Whereas the current pay system hampers the ability of the Federal Government to achieve the goals referred to in the preceding clause;

Whereas the Federal Employees Pay Comparability Act of 1990, commonly referred to as "FEPCA", sought to achieve comparability between Federal and non-Federal pay rates through annual pay adjustments based upon changes in private sector wages and salaries;

Whereas increases in the pay of members of the uniformed services of the United States and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there currently exists an estimated 32 percent gap between compensation levels of Federal civilian employees and those of private sector workers, and an estimated 5.7 percent gap between compensation levels of members of the uniformed services and those of private sector workers; and

Whereas, in almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) compensation for civilian employees and members of the uniformed services of the United States must be sufficient to support competitive efforts to recruit, retain, and reward quality people in Government service; and

(2) to help achieve this objective, in fiscal year 2005, compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services of the United States.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 585, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 30 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that I be allowed to control 20 minutes, the gentleman from Illinois (Mr. DAVIS) would control 20 minutes, and the gentleman from Oklahoma (Mr. ISTOOK) would control 20 minutes.

The SPEAKER pro tempore. Without objection, the unanimous consent request is agreed to.

There was no objection.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue today is of the utmost importance to our Federal employees, the Federal Government, and the American taxpayer. The Federal Employees Pay Comparability Act, FEPCA, of 1990, Public Law 101-509, sought to help achieve comparability through annual pay adjustments based upon the change in private sector wages and salaries. Despite our efforts, the Bureau of Labor Statistics currently estimates a 32 percent pay gap and a 10 percent gap between the military and the private sector.

In order to deliver what was promised, the Federal Salary Council recommends a 25 percent locality pay for 2005. There is clearly much work to do to fulfill the intent of Congress, and the situation here before us is a step in the right direction.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), my colleague and coauthor of this resolution, along with the gentleman from Maryland (Mr. HOVOR) and myself.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.
Mr. Speaker, I would ask Members to think about the following thing: the first person that was killed in Afghanistan fighting the war on terror was a constituent of mine, a CIA agent in Afghanistan. The FBI agents who are working in Afghanistan and Iraq are living under the same conditions. The first person that everyone in this body would call if they were to find out that a loved one had been kidnapped sometime today would be the FBI. We would call an FBI agent.

The nurses, the doctors, and other important diseases would be affected by this resolution. Those that are guarding our borders under very difficult conditions along the northern border and the southern border would be helped and impacted by this resolution.

We hear a lot of people talking about how bad drugs are and we want to do everything we can to keep drugs out of our country. That is the mission of the DEA agents, some of whom have been killed in the line of duty, who are working full time to keep drugs out of our schools, are Federal employees and would be affected and impacted by this resolution.

The people in the fire service, that summer as we are listening and hearing about forest fires taking place around the country, are all Federal employees who would be impacted by this resolution.

The nurses and the doctors that are working in VA hospitals that are taking care of our veterans are all Federal employees who would be impacted by this resolution.

The secretaries that are guarding the President. Secret Service Agent Timothy McCarthy, who stopped the bullet that would have killed the President of the United States, Ronald Reagan, was a Federal employee.

The resolution is very, very important. I commend the gentlemen on both sides of the aisle and ask Members for an “aye” vote to send the message to the CIA, to the FBI, to the NIH and the border control, to DEA agents, to the Forest Service, the Park Service, VA nurses, the Secret Service agents, and Social Security and other people who are working very, very hard that this is an important issue. I strongly urge Members to support it.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 581. For the last 3 years, we have been hearing the right things being said about Federal employees coming from the White House but doing just the opposite. In the July 10, 2002, speech we heard the administration say, and I quote, “The important thing for the American people is to know that our public servants are working longer hours and working harder and working smarter to defend the American people.” The White House went on to say that “public service in America today is not just another job, it is an important act of citizenship. It is a way to fulfill our obligation to those who have gone before us and those who will follow after us, those who have sacrificed and died for us.”

That is all correct. One thing that we all know is that public service is not just another job. But unfortunately, those who will follow, unless we make some changes, will have less pay, less job security, and no right to collectively bargain. Indeed, there will be no civil service because jobs will be contracted out. Is that the way we want to say thanks to our Federal employees for working longer hours and working harder?

Then if that is the case, we certainly would not be doing our employees any favor. There are plenty of accolades and platitudes for the civilian Federal employees who perished or were severely hurt in these attacks, but now we hear that Federal employees are a lesser priority than military employees. How many Federal civilian workers have died beside their military counterparts in Afghanistan or Iraq? What about the Federal civilian workers who died in the Murrah Federal Building in downtown Oklahoma City? Can we tell their families that they are a lesser priority? How quickly we forget.

Mr. Speaker, I have not forgotten the arguments this administration and some of my colleagues used to justify rolling back Federal employees’ collective bargaining rights. At that time, Federal employees were critical to homeland security at the Transportation Security Agency, at the Department of Defense, and at the Department of Homeland Security. Now we hear that there is a significant difference in the demands we place upon those in the Armed Forces and those in the civilian workforce.

Historically, Congress has expressed strong bipartisan support for parity in pay between our military and Federal civilian sectors in recognition of their important roles in our Nation’s defense and general service to the American people. So I join with those who say, Stop the rhetoric and platitudes. It is time that we put our money where our mouths are. We have to stop this attack, this misuse and abuse of civilian Federal employees, and grant them equal status and equal pay.

Mr. Speaker, I reserve the balance of my time.

[1100]

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution. Certainly everybody always wants to be better paid. I do not know anybody that is an exception to that particular rule. So there is always tension between what people would like to be paid and what an employer can afford to be able to pay. The employer in this case is the taxpayers of the United States of America.

This is not necessary to give what this resolution proposes, that would be supersized raises, jumbo COLAs, to the Federal workforce. We have been very generous with the force.

In the last 7 years, for every $1 increase in the cost of living index, or for that matter in the cost of living adjustments to Social Security, for every $1 that the cost of living has gone up, Federal workers have gotten a raise of $1. That has to end. Those will have two-thirds higher than the actual inflation rate. In fact, in the past 4 years, Federal workers have gotten raises at twice the rate of inflation.

The President’s budget proposes that the across-the-board raise for the Federal civil service should be 1.5 percent, consistent with the actual cost-of-living adjustment. This resolution, however, says that they should get 3.5 percent.

Why? Well, they say it is because we are going to give the military a larger raise and therefore we have to give the Federal civil service a larger raise, too. I do not think that is accurate. People that work at civil service jobs are not taking the same risks of their country as people that are working in our Armed Forces. We do not have the personnel problems in the service sector as we do in the Armed Forces.

There is a letter that has been submitted by the administration, by the Office of Management and Budget, opposing this resolution and points out that we are almost at a record low on the turnover in the Federal civil service. About 1.5 percent a year, that is the whole turnover of people in Federal civil service jobs.

This is not a matter of retaining people. This is a matter of giving extra raises to people that, frankly, the taxpayers do not have to afford. This would cost us $2.2 billion this year and a similar amount next year and the year after and in perpetuity to give these extra large raises rather than holding the line as we should.

For State workers, the average pay raises in the last 4 years have been only about a third of what the pay raises have been for the Federal workers. The private sector is significantly behind what we have already done for Federal workers. This is the time when we have record deficits to begin giving more than a cost-of-living adjustment to the Federal civil service.

Mr. Speaker, we have been overly generous. It is not needed to retain people, and, frankly, the taxpayers are the ones that are being asked to foot this multi-billion dollars of expenses. This is the taxpayers’ money. We are being fair. We should stay that way.

The supposed pay gap, people say Federal workers are not being adequately paid. Actually, that particular survey does not calculate all the factors. It does not calculate the locality pay that boosts Federal civil service workers,
which cuts that gap in half; and it does not cover the benefits they receive under which that gap evaporates.

We are being fair, and we should oppose this resolution on behalf of the taxpayers of the United States of America.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I think the gentleman is aware that the Federal Employee Pay Comparability Act calls on the Federal Salary Council every year to make recommendations in terms of what the Federal employees would make. We could put a chart up here that would show that every year we have failed to come close to what the Federal Salary Council has recommended under the existing law of the land which is FEPCA, the Federal Employee Pay Comparability Act. This year, they have recommended a 25.73 locality rate for 2005.

Congress has a long history on this issue. This resolution merely reiterates the sense of the House. Annual pay adjustments for civil employees and military retirees provided through the appropriations process have been identical in nearly every year over the last two decades. In addition, language to this end was included in the budget resolution for fiscal years 2002, 2003 and 2004.

In 1999, the last time the Senate held a freestanding vote on this issue, the Senate voted 94-6 in favor of an amendment expressing the same sense of Congress that we do here today.

I used to work for a billion-dollar company out in Fairfax, Virginia. Our greatest asset was not our building. It was not our computers. It was not the land. It was our employees. They walked out the door every night, and we did what we had to do to make sure they came back the next day. In an information age, people are the number one asset of any organization.

The same is true with the Federal Government. We are in danger of losing in the procurement force over 60 percent of our qualified workers over the next 5 years. These are people that can walk across the street to the private sector and make more money than they are making for the Federal Government with their full retirement. These kind of minor incentives in a 3.5 percent pay raise that I do not think anybody except maybe the gentleman opposing this resolution would call a gargantuan pay raise or a huge pay raise, this is in line with what we are offering in many cases in the private sector and in State and local governments and in my own counties that I represent in Congress.

We have to be able to recruit and retain America’s best and brightest to fulfill the policies that this Congress passes and sends on. To do that, pay comparability is important, and we continue to lag significantly in that respect. The Federal Government may never be able to compete with the private sector dollar for dollar, but we have to ensure that we do not fall further behind in the war for talent.

While wages are not the only factor in our retention efforts, what employer can hope to succeed in a labor market where it is offering salaries so far below the average? This is not a cost-of-living allowance as some have argued, saying it is too generous. The purpose is to assist the Federal Government in providing salaries comparable to those in the private sector. This is achieved through annual pay adjustments based on the change in private sector wages and salaries, not the cost of living. That is the fundamental precept behind the Federal Pay Comparability Act. This is achieved through our annual pay adjustments.

The fact remains that Federal pay is not competitive. It is also important to note that the prior annual adjustment would not result in any budgetary increase. As they have over the last two decades, agencies pay for all their salaries, including these annual adjustments, with discretionary funds from their agency accounts. This does not score under CBO.

I think we can all agree that both armed services and the Federal civilian workforce are integral to fulfilling the role of government in America and both must be compensated accordingly. In the coming fiscal year, parity and pay adjustments remain the vehicle to help achieve comparability between the public and the private sectors on the issue of pay so that the government can continue to perform. This resolution is integral to this effort. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. I thank my friend from Illinois for yielding me this time.

Mr. Speaker, number one, I was the sponsor of the Federal Employee Pay Comparability Act back in 1990. We included it in the Treasury-Postal bill. It was signed by President George Bush. It was signed on the theory that we needed to pay Federal workers comparable to their counterparts. In other words, if you are a scientist at NIH or if you are an FBI agent or you are a defense analyst, a civilian in the Defense Department, you would get paid comparably what your training and responsibilities required in the private sector. That was the whole theory. It was passed overwhelmingly in a bipartisan fashion. In fact, it is the law today.

My friend from Oklahoma has always opposed this adjustment. Always. This is not a new posture for my friend from Oklahoma. He simply does not believe in the comparability act and does not believe in compensating Federal employees fairly.

He talks about ECI. I wish my friend from Oklahoma would listen to these figures because I think he will find them interesting because he misrepresents what the facts are. I know he would be very interested.

Using 1999 as a base year of Federal service pay, average annual wage adjustments and CPI, which are all different figures, we used those wages because that is what we are competing with, not CPI. We are competing with wages in the Federal sector. Listen to this and I think you will be shocked.

Since 1999, if you take wages as the base, they are now at 63.4 percent. If you take CPI, it is at 509 percent over those 44 years. If you take civil service wages, they are 371.8 percent. So they are still about 100 points behind the CPI adjustment. We are not going to put Federal employees and public sector wages have been adjusted. That is what this is about.

The Federal Salary Council under the law makes findings. They are in the Department of Labor. They make findings. Let me read their findings of this past year:

Based on calculations provided by the Office of Personnel Management, taking a weighted average of two sets of pay gaps, et cetera, the overall gap between base general schedule average salaries locality and non-Federal average salaries surveyed by BLS, the difference between private sector salaries and public sector salaries was 31.8 percent. In other words, for comparable responsibilities, Federal employees were making 31 percent less than their private sector counterparts.

The law said back in 1990 we get to 95 percent of private sector, saying that Federal em- ployees on a par per se with the private sector but the objective is to get to 95 percent of what the private sector makes. We are not there.

The Federal council goes on to say that the overall average pay gap in 2003, including a current average locality rate of 12.12 percent, which of course we do not do, is 17.57 percent. This is the Federal pay council, out of OPM. Therefore, we recommend an overall average locality rate adjustment of 25.54 percent. That is in addition to the ECI.

Let us say the ECI was 1.5 percent which is not, of course, it is higher than that, substantially, almost twice as much as that. But if we did that, then we would be talking about a 27 percent adjustment in Federal pay pursuant to the law which we have voted for, which the President signed.

This is what is wrong with his head. He is inaccurate in shaking his head.

I will tell the gentleman further, to show him that he is inaccurate, the President of the United States last year what down across in his recommendation 2 percent. The Congress gave 4.1 percent. Bush claimed last August he was saving taxpayers 14 billion, not from the 4.1 percent but from
the 25 percent. In other words, the President of the United States adopted the premise that the law, in fact, said that the adjustment ought to be $13 billion additional to what the President recommended.

We cannot start here arguing for that proposition, but we are standing here for the proposition, as this Congress has done 17 out of the last 19 years, saying, look, we know we can't get there, but let us not send a message to those civilian employees arrayed in Afghanistan, civilian employees arrayed in Iraq, civilian employees arrayed in Colombia, at risk, NIH researchers, critically important to the health of this Nation, people working at NASA, let us not send them a message that they are second-rate citizens. Let us pay them comparably with what we want to do to adjust the military. And we ought to adjust the military. I am for that.

So I ask my friends, follow the law. But you do not have to follow all of the law, because if you followed all of the law we would break the bank. What we have said we are going to do is get to comparability. What we want to do in this resolution is to at least get to fairness. Support the Davis-Wolf-Hoyer resolution.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I disagree with the gentleman from Maryland's characterization of Federal civilian employees as second-rate citizens.

Mr. HOYER. Mr. Speaker, the gentleman is not characterizing me as having said that.

Mr. BUYER. I have the time. Do I have the time?

Mr. HOYER. Personal privilege.

The SPEAKER pro tempore (Mr. LaHood). The gentleman from Indiana has the time.

Mr. HOYER. I ask for personal privilege.

The SPEAKER pro tempore. A point of personal privilege is not in order.

The gentleman from Indiana has the time. The gentleman may proceed.

Mr. HOYER. Parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. BUYER. No, I do not.

The SPEAKER pro tempore. The gentleman from Indiana has the time and may proceed.

I do not agree with the characterization of Federal civilian employees as second-rate citizens. This should not be an argument about similarities without a difference between the military and the civilian. I just want the gentleman to know I disagree with that.

Today, hundreds of thousands in our Nation and around the world in the name of freedom. Unfortunately, some in this body insist that we should not give these uniformed service personnel a raise unless we give the same raises to everyone else in the Federal Government. I disagree because I know that there is a significant difference in the demands that we place upon those in the Armed Forces and those within the regular Federal workforce.

The pay increases for civilian Federal employees and members of the uniformed services should not be designed primarily to address the "spending power" or the "standard-of-living" issues that the gentleman from Maryland has raised. Instead, the amount of such pay increase should be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly both in the civilian workforce and the uniformed military services.

Our civilian and military forces work under very different circumstances, and their personnel systems reflect that fact. The military is an up-or-out system, which forces members to exit the force if they are not promoted, whereas the Federal workers can remain at a particular grade level indefinitely.

The matching of military pay and rank and the general schedule grades are for protocol purposes only, not for pay equivalency. The pay systems and underlying personnel systems should not be confused. The fact is that the Federal workers are not fleeing for the private sector. The President's budget puts it in a proper distinction between the clear need for the raise of the military pay, which he proposes at 3.5 percent, and a lesser priority of the Federal civilian workers at 1.5 percent.

So over the years that I have been here trying to close the pay gap with regard to the military, it has been very difficult. The gentleman from Maryland (Mr. HOYER) has been a very strong advocate with regard to the civilian pay and increasing that over the years, and I do not want to mischaracterize him.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Maryland for clarification.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me. I simply wanted to make the point, what I said was treating them disparately implied that they were second-class citizens. In the gentleman's comments was that he disagreed with the implication that they were second class. There was no implication of that, clearly.

Mr. BUYER. Mr. Speaker, I accept the correction, and I thank the gentleman.

Just the point I want to make to the gentleman from Maryland (Mr. HOYER), I know he is a very strong advocate, along with my other colleague for the Federal workforce, Mr. Shadegg. I stand here an advocate of the military, and there is a tremendous pay gap; and every time we try to close that pay gap for the military, it has been hard because we come here to the floor, in the 12 years I have been here, and he says he agrees with me, but we have got to move the Federal civilian at the same time. And I just want him to know it is very hard.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I include in the Record a letter addressed to me from Steven Strobridge, who is a colonel, U.S. Air Force, retired, and director of Government Relations for the Military Officers Association of America, supporting this.

MILITARY OFFICERS ASSOCIATION OF AMERICA,

Hon. TOM DAVIS, Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

Dear Mr. Chairman: On behalf of the nearly 300,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's support of the principle of pay raise parity for the federal civilian workforce.

Pay comparability with private sector workers is a fundamental statutory requirement for both federal civilians and the uniformed services. To the extent such comparability is not sustained, our government will not be able to attract and retain the kinds and numbers of personnel it needs for a professional, highly qualified career work force.

Improved military pay raises in recent years have been aimed at restoring long-term comparability with private sector pay after decades of military pay caps. Those in the federal civilian workforce also have had their raises capped below comparability for many years.

Improved military pay raises in recent years have been aimed at restoring long-term comparability with private sector pay after decades of military pay caps. Those in the federal civilian workforce also have had their raises capped below comparability for many years.

While MOAA would not presume to recommend a particular civilian pay standard for the long term, we believe the resolution you propose, along with Representatives Davis, Wolf and Hoyer, represents a reasonable step in the right direction, given the well-documented years of federal pay raise caps.

Sincerely,

STEVEN P. STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a strong advocate for military and Federal employees.

Mr. COLE. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

I rise in support of H. Res. 581, not simply because I have the great honor to represent 15,000 civilian employees at Tinker Air Force Base and 6,000 at Ft. Sill Army Post and thousands of others throughout the district; not just because my own father, who had a distinguished 20-year career in the United States Air Force, followed that with, I think, an equally distinguished 20-year career as a civilian employee at Tinker Air Force Base, but because I think H. Res. 581 expresses our management, smart personnel policy, and, frankly, is also an asset to our national defense.
Opponents of the idea of equal pay for military and civilian personnel often point to the inflation issue as something that they focus on. Frankly, I think the real question is the 32 percent wage gap between private public sector employees, something that this House and this government has historically tried to address over time. I think we should continue on that path.

I also think it is one of the utmost importance that we retain qualified personnel. Civilian service. Over 50 percent of that workforce is now within 5 years of retirement at Tinker Air Force Base. It is an extraordinarily skilled force. It needs to be encouraged; and, frankly, we need to have the incentives to recruit equally qualified people in the future.

I think the end, Mr. Speaker, is simply a matter of good policy. I have good friends on both sides of this issue. I think the motives are very good. Right now is when we need a first-rate military. We know we need to pay for that. We need a first-rate civilian personnel force to back them up when we are in conflict and, frankly, when we are not. So I am very proud to support this particular resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his previous statement, as well as the gentleman from Virginia (Mr. DAVIS) for his statement and his initiative in introducing this with the gentleman from Virginia (Mr. WOLF), and I thank the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I also want to congratulate the gentleman from Virginia (Mr. MORAN) for his extraordinary leadership in the Committee on the Budget which has led to the past years of this very provision being included in the budget.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and the leader of our caucus.

This is a very important issue, not just to those who represent large numbers of Federal employees but to the entire American people. We are talking about adequately compensating those who serve, who serve our country and are all of the interests of all the American public.

At no time when we introduced this resolution or in the budget resolution have we ever suggested that the military should only get their pay increase if civilian get their pay increase. That is a characteristic of the gentleman from Indiana (Mr. BUYER). That is not the case. But we do want to make the case that there are a great many civilian employees serving their country in a dedicated, brave way as well.

Just a couple of weeks ago, two DOD civilian employees were killed in what the Coalition Provisional Authority in Baghdad called the act of terrorism. There were hundreds of Federal civilian employees killed in a targeted act of terrorism in Oklahoma. The FBI, the CIA, the whole Department of Homeland Security, we can name just a few people who are willing to put their lives on the line; but we can also point to all those clerks and managers and accountants and all the people who make the government work.

It is so easy to take it for granted because we have always had the most professional civil service with the highest integrity of any civil service in the world, and we take it for granted. But we are about to go to be able to do if we do not act responsively here.

Health insurance premiums have been going up by double digits for the last several years. If we restrict Federal civilian employees to 1/2 percent, their take-home pay likely to be even less than it was last year.

We heard from the assistant secretary for Army Acquisitions. This is not a function that clearly should be contracted out. Army Acquisitions. He told us about the fact that in the last 10 years, the number of civilian employees working for the Army has declined from 100,000 to 50,000; and they have doubled their workload. They have much work to do. But he has shared with us his very deep concern, his very deep concern, that over the next 2 years half of that workforce is eligible for retirement. What happens then? These are dedicated professional employees.

This is a very important issue for all the people of this country. We are as the people that the executive branch works for, we make the laws. We tell them what their priorities are. And the people who manage them for us, they are appreciated, they are respected. And how do we do that? More than words. We have to do that by giving them the level of compensation they are entitled to. That is what this is about. It is not a matter of talking the talk. We walk the walk by showing them that we appreciate what they do day in and day out.

I appreciate the gentleman for introducing this resolution, and let us get it passed.

Mr. ISTOOK. Mr. Speaker, I yield myself 15 seconds.

I include the Record a copy of the letter from the Executive Office of the President of the Office of Management and Budget in opposition to this resolution.

We hear people say, well, we have Federal civil service workers that go in harm’s way. The vast majority do. But for those who do, what we have to do is avoid this across-the-board increase that consumes $2.2 billion so that we can target the extra assistance where it is needed.


Hon. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR Mr. SPEAKER: As the House of Representatives begins consideration of a resolution on Federal pay policy, I strongly urge you to support the employee pay policy reflected in the President’s FY 2005 Budget. The Administration believes this approach, rather than the one reflected in the proposed resolution, to be the most effective way to achieve the desired result: to recruit, retain, and reward quality employees.

The President’s Budget proposes to increase compensation for civilian employees by 2 percent, or by over $2 billion, targeted to address specific needs and opportunities. This proposal includes a 1.3 percent across-the-board pay increase to maintain civilian employee buying power; $200 million spread across the agencies budgets for use in addressing recruitment, competitive pay needs; and, $300 million for the Human Capital Performance Fund, which agencies can use to attract and retain their highest performing employees. The Administration believes it would instead support the same across-the-board increases for civilian workers that the President has proposed for military personnel.

The Administration strongly supports the proposed resolution’s goal of providing sufficient compensation for civilian and military personnel to support recruiting, retain, and reward quality employees effectively and responsibly. The Administration, however, does not believe that proposals for the across-the-board pay increase for civilian workers that the President has proposed for military personnel will help us achieve this goal.

If added to the President’s proposal for $2 billion in pay increases for civilian employees, the additional cost of providing every civilian employee with the same across-the-board raise as is being proposed for the military would be about $2.2 billion. Because Congress cannot provide this funding without exceeding current budget limits or moving away from higher priorities, this increase essentially acts as an “unfunded mandate” that agencies must cover within existing funds.

Civilian employees have received cumulative annual pay increases of 45.1 percent since 1993. For the last five years, Federal employees have received raises that exceed overall private sector wage growth. State governments, by contrast, have provided smaller increases for their employees when faced with similar resource constraints. In the past four years, many States have frozen pay completely at various points in time, and we are not aware of any State that gave its employees an across-the-board raise as is being proposed for Federal workers this year.

In addition, Federal employees receive other types of pay increases. In 2005, we estimate the value of within grade and quality step increases as 1.3 percent, the value of promotions as 1.2 percent, and the value of cash awards as 1.3 percent of civilian payrolls. While not everyone will receive these increases, with the 3.5 percent across-the-board pay increase, the Administration’s compensation supports, overall Federal employee compensation in 2005 would increase by about $5 billion.

Federal employee benefits are also increasingly more attractive relative to those available in the private sector. These include a
defined benefit annuity and lifetime health benefits for as little as five years of service, as well as transit subsidies, long-term care insurance, preferential tax treatment of health insurance premiums, and more spending accounts for dependent and healthcare expenses. The Federal civilian benefits package increasingly stands out as one of the most comprehensive available anywhere.

Both civilian and military employees perform crucial missions on behalf of the American public. The Administration believes, however, that giving every civilian employee the identical raise proposed for the military does not support the need to modernize compensation to effectively and responsibly recruit, retain, and reward quality employees. Advocates for providing identical pay raises to civilian and military employees cite recruitment and retention problems, but we have no evidence that the Federal Government has widespread recruitment and retention problems, but we have no evidence that the Federal Government has widespread recruitment and retention problems. With respect to retention, the voluntary attrition rate is at a near historic low of 1.6 percent. Only in relatively few occupations are recruitment and retention problems. The President’s pay policy gives agencies the tools and resources to address these concerns.

The President’s proposal provides sufficient pay not only to recruit and retain needed workers, but also to reward the government’s highest performing employees. The Administration is implementing better agency performance appraisal systems that will be able to distinguish superior performance. Such systems will enable agencies to reward employees with funds from the Human Capital Performance Fund. These incentives will produce improved performance and results for the American people.

Our civilian and military employees are vital to the success of the Federal government in meeting its commitments to the American people. Our workers should be rewarded with a pay policy that most effectively recruits, retains, and rewards quality employees. The Administration believes the pay policy included in the FY 2005 Budget supports those goals. While we recognize that the proposed Sense of the House resolution has no binding effect on either the budget or appropriations processes, we urge Members to oppose the resolution.

Sincerely,

Joshua B. Bolten
Director

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Hunter), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I reluctantly rise to oppose this measure. I know the gentleman from Virginia (Mr. Tom Davis), the author of the resolution, is one of the great advocates of the military, and I have spoken, of our folks who are in civil service who support not only domestic operations but also military operations, and I appreciate his advocacy for these great Americans.

And also on behalf of the gentleman from Virginia (Mr. Wolf), the cosponsor, perhaps a guy that I feel is to some degree the conscience of this body and a great leader of this civil service constituency in his district, and also all the others who have spoken on behalf of the resolution.

The problem I have with the resolution is this: we have a limited amount of money to operate national defense with this year; and, according to CBO, we are some $30 billion a year behind in modernization. That means new equipment for our forces. That means replacing those 18-year-old helicopters and the 20-year-old aircraft and making up that 8 to $10 billion shortfall in munitions. And we pledged this year, and I pledged, to try to make sure that we shape the defense budget this year in such a way that we try to shift basing into the theater, into the fighting theater where our soldiers and Marines are right now fighting against a very deadly enemy in the theaters in Iraq and Afghanistan.

And that means coming up with extra money for force protection; that means armor for vehicles; new sensor capability to be able to see the battlefield, tell where the enemy is at, and work surgically against him; and also munitions, which are in short supply. We need to recharge our munitions stockpiles because we have expended a great many of them.

For that reason, I hate to see that, if this action in a appropriations shift that takes money from the operational military, and we have calculated roughly $1 billion would come from the operational military, to move it over to accommodate the pay increase above the President’s proposal, that means we take $1 billion away from the accounts that do fund the force protection and the munitions and the extra surveillance and sensor capability that we are trying to direct and focus in the Afghan and Iraq battlefields this year. So for that reason, I reluctantly oppose this very well-intentioned motion. I think we need to focus on the task at hand. The emergency at hand is this shooting war that we are in.

Mr. Davis of Illinois. Mr. Speaker, I yield 3½ minutes to the gentleman from the District of Columbia (Ms. Norton).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time, and thank my good friend, the gentleman from Virginia (Mr. Tom Davis), and my other colleagues who have exercised leadership on this resolution.

This is an unusual procedure, because we are facing an unprecedented denial. In war, you always have been pay parity. This is not the time to set up invidious comparisons between people who do the same kind of jobs, sometimes on the front home, sometimes overseas.

It has never been considered a reflection on the military for there to be pay parity, and we ought not inject that into this debate now. We take nothing from their sacrifice now, as we have taken none in the past. We know we have a volunteer army. We know most of our troops are support troops. We know that almost all of them do the same things that we do in civilian life. There are very few, in fact, in combat.

This is no time to break with pay parity, because if you think this will be remembered as the era of war, I tell you, this will always be remembered as the era of homeland and security. This will be remembered as the era when we in fact called Federal employees to do a lot more than they have before, and that is to protect the homeland. The homeland is not being protected by the military. The homeland is being protected by civil servants here during alerts, by civil servants who in fact are doing fighting jobs, doing work that is not at risk right here. The last thing we need to do is to tell them that we are going to break pay parity, right when we expect more from them, right when we are counting on them to save us from risks that none of us know about today.

Indeed, these employees are being asked to do much more. The great bulk of them who are in DOD and Homeland Security are having their lives turned upside down with all the changes being proposed that are revolutionary in the way you would pay them, evaluate them, involve them in collective bargaining; and now we want to say we are going to deny you, as well, as the pay parity you were entitled to when none of this was going on.

You want to do comparisons between Federal workers and the private sector? I do not think you want to go there. That has been one of the most controversial issues for decades, and we are still not at pay comparability. Indeed, for many years Federal service has been uncompetitive.

Young people for many years now have been going far more into the private sector than the Federal sector, and the quality of the Federal workforce is going to suffer for it. Both the House and Senate have had hearings and joint hearings on, of all things, recruitment and retention in the Federal civil service, because half of these folks could go out the door tomorrow or shortly after tomorrow.

They are greatly unappreciated as it is. Do not make it worse. Do not break the precedent of pay parity right when we are asking more from civilian employees of the civil service.

Mr. Tom Davis of Virginia. Mr. Speaker, I yield myself such time as I may consume.

We have heard discussions about how the vast majority of Federal employees do not go in harm’s way. Let me make a comparison.

The gentleman from the District of Columbia (Ms. Norton) has just raised an important point, and that is in the war on terrorism and protecting the homeland we are relying on our Federal employee workforce, and many of these people were drafted into this.

We look at the Oklahoma City bombing in my friend’s home State, over 160 people died. Most of our troops are support troops. We know that almost all of them do the same things that we do in civilian life. There are very few, in fact, in combat.
Mr. Speaker, let me assure the gentleman, and maybe I can talk him into supporting this resolution when I ask him to read it here, the language of the resolution itself makes it clear this is not across the board. It says: “Compensation for civilian employees and members of the uniform services must be sufficient to support our critical efforts to recruit, retain and reward quality people in government service, and to help achieve this objective, compensation for civilian employees should be adjusted at the same time and at the same proportion as our rates of compensation for members of the uniform services.”

Nothing in there mandates across-the-board. This language, in fact, was changed from previous years to accommodate some of OMB’s concerns.

But I have got to tell you, where I get the most concerned is that last year on this floor I put an amendment on this floor to add $500 million for a Highway Capital Compensation Fund and so we could give out bonuses and award people on the basis of merit, and the gentleman’s subcommittee did not fund it.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, with all due respect to the chairman of my committee, Mr. Chairman, that is inaccurate. It is inaccurate, because, as you know, you did not fund that in subcommittee. In subcommittee, the proposal of which you refer had not been added.

So you are inaccurate. You had the money available. And, by the way, as you know, I supported that $500 million so that we could give additional compensation above and beyond what the law requires. The law requires that we give special compensation to high performers. I agree with that premise, as does the gentleman from Virginia (Mr. TOM DAVIS).

Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, reclaiming my time, no, I am not aware of that.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, were we to adopt this policy of across-the-board raises, we would have the obligation to prioritize for those people who do put their lives at risk and put themselves in harm’s way. I have worked in local government, I have worked in the Federal Government. Typically we make a distinction between those who put themselves in harm’s way when we consider what we need to do in employment.

But if all the resources are consumed on saying, no, we have got to give everybody an across-the-board increase, then we cannot target our efforts towards those people who do put themselves in harm’s way. That is what the President’s proposal seeks to do, have an adequate across-the-board cost-of-living adjustment. I therefore believe we should retain the resources to target the additional assistance where it is most justified. This resolution wipes out that approach. This resolution says, no, somebody that works at a desk, and maybe is living across the street from that desk, has to be given the same increase as someone who puts their life in harm’s way. That is a wrong approach.

The people that we have a challenge retaining are those who do put their lives in harm’s way. But across-the-board, they virtually never had as little a retention problem as they do now in the Federal Government. A 1.6 percent attrition rate. That is it.

This is not a matter of keeping the Federal employees in general. This is a matter of conserving the resources so that we can target them, as the President’s budget proposal wants to do, to where it is most needed.

I wanted to cite from the letter that the President sent over: “If added to the President’s proposal for $2 billion in pay increases for civilian employees, the additional cost of providing every civilian employee with the identical across-the-board raise that the military would be about $2.2 billion dollars. Because Congress cannot provide this funding without exceeding budget limits or shifting money away from higher priorities, this increase essentially acts as an unfunded mandate.”

The letter goes on to state: “The President’s proposal is for targeting resources to where it is most needed, rather than taking this across-the-board approach that prevents us from making sure that we retain the people who have the specialties that are in highest demand and for whom we must compete with the private sector.”

This is a proposal I also wanted to treat everyone the same because perhaps they are part of the same employee organization. That is not what we need to do.

We go to great measures to protect Federal employees. As the Representative of most of Oklahoma City, come out and see the new Federal building that is being dedicated in about a month’s time and look at the extraordinary security measures that we have put into place to protect our Federal civilian workforce, because we know their value, we know their importance. But that does not mean that we treat everyone as though they were putting their lives in harm’s way and therefore, undercut what we do to keep the good people that do put their lives in harm’s way on behalf of the citizens of this country.

We do have the extra $2 billion for the across-the-board increase this resolution seeks to do. We have got enough problems with the deficit already.

I ask people to oppose this resolution.
up-or-down vote. Unfortunately, we called on the appropriators to fund it, the money was there, as the gentleman noted, earlier on before the additional money was appropriated; and it still was not funded. So it is easy to talk one way, but we have to look at consistency and action.

All we are asking the House to do today is do what we did last year, the year before, the year before, what the Senate did in their budget resolution. This is 20 percent below what the Federal Salary Council has recommended this year.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to be an original cosponsor of this resolution. However, it is regrettable that this resolution even needs to be offered. In my opinion, it should be a well-settled principle that Federal civilian employees will receive the same annual pay raises as military personnel. Unfortunately, we are faced with an administration that does not appreciate the importance of the Federal workforce.

We have seen countless examples of Federal employees coming under attack from this administration. Over the past 2 years, 800,000 civilian employees at the Departments of Homeland Security and Defense have seen the revocation of their collective bargaining rights, due process rights and appeal rights. We have seen an ideologically driven campaign to privatize Federal jobs.

This administration wants to use arbitrary numerical goals for converting Federal jobs; and when there are competitions between Federal employees and the private sector, the administration wants employees to compete with one arm tied behind their backs.

Now we see the continuation of efforts to shortchange Federal employees. In this year’s budget, the President has proposed giving civilian employees a 1.5 percent raise, less than half, less than half the raise that military personnel will receive. That is unfair to the hard-working Federal workers who make personal and financial sacrifices to serve their country.

Much has been made of the enormous sacrifices of the military personnel serving in Iraq and Afghanistan. These brave men and women deserve our deepest gratitude. However, we should not forget that civilian employees at the Defense Department and other agencies are playing an instrumental role in supporting both the war effort abroad and the war on terrorism at home.

Ironically, while the administration cannot seem to find enough money to give raises to civilian employees, it has no problem awarding financial bonuses to its political appointees. In some agencies, the average bonus to political employees has exceeded $11,000. That is outrageous.

Mr. Speaker, I have heard this is a matter of priorities. The priority for this administration is to give tax cuts to billionaires, not to adequately pay for civilian employees of the Federal Government.

I am pleased to be part of a bipartisan coalition of Members who value the contributions of Federal civil servants and believe they should not be treated as second-class employees. I strongly urge my colleagues to support this resolution. It is the only fair thing to do to keep faith with those who are working for us and deserve a pay raise and should not be excluded because of priorities for billionaires getting tax cuts while our civilian employees do not get the parity that they deserve. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we had some interesting discussion about, well, why have we not gone to this system of saying let us reward people based upon their performance. Let us target our funds, as the President wants to do. And the gentleman asked, well, why was it not done in the appropriations bill last year?

That program has not been created. There is no program to fund. We could not put it in the subcommittee mark. The gentleman from Virginia chairs the committee that has the ability to bring the legislation to the floor, to promote what the President wants to do. Let us not undercut.

If the gentleman agrees it is a good idea, I agree it is a good idea, if the gentleman from Virginia (Mr. Tom Davis) agrees it is a good idea, and certainly the White House promotes it, then let us target our resources, divide all across the board, why do we not support the President’s proposal and bring that Human Capital Performance Fund, that is what he calls it, why do we not bring that legislation to the floor? But, for goodness sakes, do not pass this resolution soaking up the resources that would have to go to pay for performance.

The ball is in the court of the committee of the gentleman from Virginia. I know that is sympathetic toward the President’s approach, but I am sure he would not want to adopt a resolution that defeats his ability to move the Federal Government to be more responsible, to say, we know that not all employees perform equally, not all are placing themselves in the same level of risk as others are, and we ought to be able to make distinctions.

Do the cost-of-living adjustment, the 1.5 percent that is proposed, that is already in place, do that not pass this resolution to take away the ability of pay for performance. Do not say that just because we have retention problems in the military and they are so poorly underfunded that, therefore, we have to do the same for the Federal civil service.

The Federal civil service, in the last 7 years, for every dollar increase in the cost of living, has already gotten $1.66 more, faster than anybody else. It is time to have a year where we say, let us hold back. Let us only do the cost of living adjustments, but, at the same time, put the pay for performance in place.

We do not need this. The turnover rate for Federal employees is at virtually an all-time low. There are spots where we need to be able to keep people with specific skill sets, and the President’s proposal would let us address those. But we do not do it by giving a pay raise to the people that we do not have a problem retaining and then not be able to retain the people that do have the special skills.

Do not pass this resolution. Do not try to handcuff us and prevent us from rewarding the Federal civil service process. We are being more than fair with the 1.5 percent. We do not need to go overboard.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Virginia for yielding me the time, as well as for his leadership on this issue.

Mr. Speaker, the concepts of equality, equal justice, equal opportunity, and equal pay have undergirded and guided the development of this Nation. One of the things that Americans have always been able to think ahead for is the idea that they are going to be treated equally, they are going to be treated fairly, and they are going to be compensated fairly. We are simply talking about fair compensation. We are talking about the fact that we have an aging workforce in the civilian sector.

Recruitment is not as easy as one might think. Individuals are about to retire in large numbers, and there is a great deal of concern about our human capital, individuals to carry on the work of this great Nation.

So, again, I commend and compliment the gentleman from Virginia (Mr. Tom Davis) for initiating this resolution, I urge its strong passage, and suggest that it is not a slight in any way. We do not undervalue the importance of our military, but equally important are those in the civilian sector.

Mr. Speaker, I yield back the balance of my time.

Mr. Tom Davis of Virginia. Mr. Speaker, I yield myself 1 minute, and then allow the gentleman from Oklahoma (Mr. Istook) to respond and close, and then I will make a very brief closure.

I think it is important to note again that this resolution does not mandate
across the board. We took any language here that mandates that out. In fact, we have agencies right now where pay for performance is the rule. They are working under it at DHS. DOD passed a performance review last year. The 1.5 percent already has gone out. I am talking about the provisions of pay for performance in there. Before this last Congress, GAO came and asked for it. They have it. These are agencies that our committee and other committees in the House, working together, are already working to pay for performance.

But if we do not pass this legislation, there can be no pay for performance. There will be no pay for performance without pay comparability. Otherwise, they do not even get the 1.5 percent, Federal employees. So this is a natural precursor to get what the gentleman from Oklahoma, what the administration, and what we all want. This has got to be there first.

So I think maybe we have a chicken-and-egg situation, but we have to have the money, I say to my friend from Oklahoma, before we can do the other kinds of things. And we took the mandatory, across-the-board language out of this resolution exactly for that purpose, to give us all an opportunity to work together, to give Federal employees pay comparability, but to do it in an appropriate fashion.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I do not think that people should vote for this resolution based upon someone’s claim that, well, it really does not do anything, because the language, the very last phrase, makes it clear that it calls for the compensation for the civilian employees of the United States to be adjusted at the same time and in the same proportion as the rates of compensation for members of the Armed Forces of the Armed Forces, as is proposed and as we know is going to happen, get 3.5 percent, then the Federal civil service would have to get 3.5 percent as well, rather than the 1.5 percent that is proposed.

Again, this has been looked at by the Office of Management and Budget, and I quote once more from their record—

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself the remaining time.

The world has changed. It might have been a decade ago when you looked at the Federal worker being uninvolved in and in a different light from our men and women in uniform somewhere else across the world. But, today, the battleground has shifted here to the Pentagon, to Oklahoma City, to Manhattan, to our embassies abroad, and it has seen in each instance Federal employees dying on the front lines, just performing their day-to-day duties as targets of terrorists. We see that the first individual killed in the Afghan war was a Federal civil servant. Every Federal employee now, as they go to work, is a potential target of a terrorist.

In addition to that, OMB’s opposition to this is nothing new. We saw this under the previous administration. That is traditionally the line they take. That is why Congress passed and President Bush won, signed the Federal Employee Pay Comparability Act. In 1990, to have an independent body review what it would take to get pay comparability. Because the American taxpayer does not want an underfunded rocket scientist, a cancer researcher at NIH that we are not paying appropriately. We do not get top talent on the cheap, and that is not what they want.

So the Federal Salary Council appointed by President Bush made the recommendation. They recommended a 25 percent increase; and the administration said, no, we want 11 percent. All we are saying today is comparability says this ought to be at 3.5 percent, the same as military, and how we spend that money we can debate through the process as we move forward in the appropriations process.

This resolution does not even mandate it across the board. In fact, in some agencies, those have gone by the wayside as we formed the pay schedules there.

This is an important issue for this Congress. It is an important issue to our Federal workforce and our military workforce, of which we have shown support to some of those groups as well.

I urge my colleagues to vote for this. Let us send a message to our Federal employees and our military personnel that we honor what they do, we value what they do, and we are going to pay them appropriately. I ask for support of this resolution.

Mr. EVANS. Mr. Speaker, I rise in favor of H. Res. 581, which urges this administration to provide pay parity to civilian government workers and uniformed government workers.

I was greatly disappointed at the President’s meager pay raise for Federal workers and feel it should be closer in line to the raise our uniformed service members received. I represent the Rock Island Arsenal, which employs about 6,000 civilian Department of Defense workers. Many of these employees are directly supporting our uniformed personnel in the war on terror. This includes many working around the clock to produce an urgent order of armored kits for our Humvees and trucks being sent to Iraq. Hundreds of other workers are either deployed or recently deployed from service in the Middle East to support our service members. Yet, unlike their uniformed counterparts, they only received modest pay increases.

Not only are Defense Department civilian workers serving in the war on terror, but Federal fire fighters, police, marshals, and armed agents of the FBI, DEA, ATF, Amtrak, Postal Service, and numerous other agents.

This administration wants to outsource our Federal employees, rewrite their labor rules, and ask them to do more with less. And then they hit them in their pocket book. We need to support our Federal workers and this resolution sends a strong message.

I urge my colleagues to support this bill and let the President know our Federal workers deserve his respect.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore (Mr. TERRY). The resolution is considered read for amendment. Pursuant to House Resolution 585, the previous question is ordered on the resolution and on the preamble.

The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
CONGRESSIONAL RECORD — HOUSE
March 31, 2004

The Speaker pro tempore, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills during the recess today:

H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes;

S. 2231, to reauthorize the Temporary Assistance for Needy Families Block Grant Program through June 30, 2004;

S. 2241, to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

SPECIAL ORDERS

The Speaker pro tempore, under the Speaker’s announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The Speaker pro tempore, under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

ORDER OF BUSINESS

Mrs. J. JOHNSON of Connecticut. Madam Speaker, I ask unanimous consent to take my special order at this time.

The Speaker pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT

The Speaker pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mrs. J. JOHNSON) is recognized for 5 minutes.
Mrs. JOHNSON of Connecticut. Madam Speaker, I rise tonight to talk about the Medicare Prescription Drug and Modernization Act. The goal of this legislation is to create a Medicare program that can provide for our seniors the quality health care in the future that Medicare has been able to provide in the past.

Without the Medicare Prescription Drug and Modernization Act we passed and the President signed, the quality of the health care Medicare could provide would be with modern medical science, period. This bill was not and is not primarily about prescription drugs, though I believe we were morally and medically obliged to make prescription drugs a part of Medicare for all seniors.

The modernization of Medicare was more significantly about two facts. With seniors living longer, chronic illness has become a major fact of life for our seniors; and Medicare, through its old-fashioned structure, literally cannot pay for the preventive programs that can help seniors with chronic illnesses maximize their health and well-being and minimize their visits to the emergency room and the hospital.

Programs integrated into Medicare for seniors with chronic illness can both reduce costs and improve the quality of care available to our seniors. This must be done for the quality of life of our seniors but also for the sheer economics of Medicare.

One-third of our seniors have five or more chronic illnesses, and this third uses 80 percent of the resources. In every other sector of the population, we are seeing disease management programs increase the quality of care, increase the wellbeing of patients and reduce the costs of health care. We must do no less for our seniors.

We are morally, medically and financially bound to integrate disease management into Medicare, both into the plans that Medicare offers to our seniors and into the fee-for-service system that has long been historically the primary means for Medicare to deliver health care services to our seniors.

Only the House bill offered disease management as a new program under Medicare; and through the conference committee we strengthened this program, we broadened it, and we actually gave to those who manage Medicare the right to manage the various disease management programs and then simply roll them out to benefit all seniors and all Medicare programs without coming back to Congress. We delay things. We make them difficult. This is a matter of life for our seniors. It is a matter of quality health care for our seniors.

The Medicare Prescription Drug and Modernization Act is just that. It is about prescription drugs and modernizing what it will make Medicare a well-prepared and capable of delivering cutting-edge, state-of-the-art health care to our seniors and particularly to those seniors with chronic illness.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Brown) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of remarks.)
THE BUDGET AND PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Madam Speaker, being a member of the Committee on the Budget, I have to say that the budget that we passed in the House I do not believe is a fraud at all. It does two things that are very important. One, it restrains spending, which we need to do in order to get our deficit under control; and it also helps the economy to keep the government’s spending down. For the first time really since 1995, when Republicans took control of the House, we actually are going to be freezing spending in many accounts. In fact, other than the security accounts and domestic discretionary spending, we will be getting spending under control and restraining spending, which I think is what we should be doing. Second is that it puts in place measures to ensure that the economic growth that has begun continues. The gentleman may not have seen that in his district in Washington State, but we have certainly seen it around the country.

In fact, during the last 6 months, our economy grew faster than it has grown in the last 20 years, and jobs are coming back. Every month, over the last 6 months, we have seen job increases. Not as much as we would like to see, and all of us would like to see more, but the way to do that, obviously, is not to raise taxes on the American people, particularly some of those people the gentleman talked about, who he described as the wealthy. These are people who are businesses. Because a lot of small businesses in this country, in fact most small businesses are not incorporated, they are subchapter S, or partnerships, or sole proprietors; and they pay taxes at the individual level. Those are the people who are creating most of the jobs, our small businesses; and so we do not want to tax them at this point just as the economy is getting back on its feet.

So I think it is a good budget. I wish we could reduce the deficit even more, but it reduces the deficit in half by 4 years; the Senate version reduces it in half by 3 years.

Madam Speaker, I am actually here tonight to talk about another part of the budget, and that is the part that levied provide for a new benefit under the Medicare program for prescription drug coverage.

After years and years of talking about this in this House, over in the other House, around the country, politicians on the Committee on Aging seniors we are going to give you prescription drug coverage, it is going to be great; but we have not delivered. Finally, late last year, this House voted on a bipartisan basis to provide prescription drug coverage, and I am very proud of that.

Is it perfect? No, it is not what anybody would think would be the perfect bill based on their situation. Is it a benefit? Absolutely, yes. And it is a substantial commitment by this Congress to be sure we modernize Medicare. As the gentlewoman from Connecticut (Mrs. JOHNSON) said earlier, we need to make sure the program is strong and will provide the important element of prescription drug coverage, which was not a part of anybody’s care back in the 1960s. Now it is a huge part of seniors’ care. And seniors back home in Ohio, where I am from, are delighted they are going to get some help with their prescription drug coverage, because they rely more and more on prescription drugs, and people rely on prescription drugs to stay out of hospitals and not to have to have procedures. Instead of having a very expensive hospital stay, you can take Lipitor and keep your cholesterol down, and that should be covered by Medicare. And it will be now.

The Medicare bill does involve some trade-offs. We had limited resources. We spent $400 billion over a 10-year period, which is a lot of money, given the deficit that we have. But we thought it was so important to do it. But it does not provide 100 percent coverage. What it does provide is a real benefit, though; and let me talk about what it does and does not do.

A lot of what I have seen in the national media and what opponents of the law have said just is not accurate. Some have said that seniors will be forced into this new prescription drug plan and forced to pay premiums they may not want to pay. That is not true. It is entirely voluntary. If seniors do not want to sign up for it, they do not have to. It will be roughly $35 a month for most Americans. But for about 35 percent of Americans, those who are under 150 percent or 135 percent of poverty, there will be no premium at all. But for those Americans who will pay a premium, it is about $35 a month.

The Department of Health and Human Services, the nonpartisan experts there, the Congressional Budget Office, again nonpartisan group, think the vast majority of Americans will sign up. But they do not have to. It is a voluntary program.

Opponents are also saying that this new voluntary benefit will cause employers to drop retiree coverage for those fortunate enough to have it. Well, there are seniors, maybe a third of seniors, who have coverage from their spouse or from themselves working for an employer. We want to be sure those people continue to get coverage, and this legislation absolute has just the opposite effect. It will not increase it from what it is. In fact, it will give people the ability to keep that coverage because it provides an incentive for employers to keep people covered. We have never done that before, including the other Medicare bills that just about everybody in this Chamber has voted for in one way or another.

That is extremely important, because we need to encourage people to continue to have coverage. Over 20 percent of the cost of the bill, $85 billion, is set aside just for that purpose. AARP supports this bill. And one reason they support it is this provision was important to them, and it is in the bill.

Some opponents are also saying that the legislation would have been less costly if it had focused on those who really need it. That is exactly what it does. Most of the benefit goes to low-income seniors and those who have high drug costs. As I said earlier, those who are low-income seniors, under 135 percent of poverty, do not pay a premium, do not pay any copays, and are able to get prescription drugs with only $1 or $5 at the prescription drug counter.

This is a good bill focusing on those who need the coverage the most.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. Norton) is recognized for 5 minutes.

Ms. Norton. Madam Speaker, yes—

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Woolsey) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, yesterday, the Bush White House finally succumbed to intense and well-deserved pressure and agreed to allow National Security Adviser Condoleezza Rice to testify under oath before the independent commission investigating the 9/11 terror attacks.

I am glad that Dr. Rice will publicly testify before the commission. This is an important step towards learning about the events surrounding the terrible attacks that occurred in New York and Washington, D.C. on September 11. Now we can prevent such events from ever happening again if we get the information that has been withheld.

But why is it that the Bush administration agreed to do the right thing only after receiving intense pressure from the public and from Republican appointees on the 9/11 Commission? Why does the White House time and again fail to quickly and transparently disclose what transpires behind its closed doors? After all, who could possibly provide better information in the fight against terrorism than those top White House officials, those who served the administration during that fateful day on September 11?

Remember, and we cannot forget, that the Bush administration initially
Speaker, this is a good budget we recognized for 5 minutes. To me, it seems like the White House is less than enthusiastic about getting to the bottom of these catastrophic events. As part of the deal struck for allowing Dr. Rice to testify, the 9/11 Commission had to agree in writing not to require additional public testimony from any White House officials, including Dr. Rice. The 9/11 Commission agreed to these terms, but this deal means that regardless of what the commission may learn, in the future and in the months, no other White House official will be allowed to publicly testify under oath.

That is like an attorney asking a judge if half of the witnesses to a crime can skip the trial. It is a ridiculous concept.

President Bush and Vice President Cheney will meet with the commission, although privately, and from what I understand, will read their remarks without taking questions. This is very disappointing. I think the American people, and especially the families of the victims of September 11, deserve to know what their leaders knew and when they knew it.

I remember when the country rallied together in September and October of 2001. These episodes of unity begin and end with the President. Tough times call for strong leadership. It is once again time for President Bush to lead this country, towards future and reconciliation. He should help us grow as a people by being the very first to the bottom of these catastrophic events.

The Social Security and Medicare trustees have calculated that these programs have $73.5 trillion in unfunded liabilities. Now, if you divide the population of the United States, which is roughly 290 million, into that $73.5 trillion, you end up with over a quarter of a million dollars for every man, woman and child that somehow is going to be responsible for paying for these benefits over and above what we have promised because the money coming in from the FICA tax, and that FICA tax supports Social Security and Medicare. The money coming in from revenues that tax, we are still short $73.5 trillion.

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Medicare part A is short $21.8 trillion; Medicare part B, $23.2 trillion; Medicare part D, the drug program that we passed 4 months ago, $16.6 trillion.

It is interesting on the prescription drug bill that Tom Savings, one of the actuaries, estimated at the time it was passed that the unfunded liability would be $7 trillion. His estimate now is $15.6 trillion.

The danger, of course, is that what we are doing in effect is acting like our problems are so important today that it justifies taking the money of our kids and our grandkids that they have not even earned yet. The unfunded liabilities, in addition to the debt that we are accumulating, now over $7 trillion, is a huge liability to leave to our kids.

I am a farmer from Michigan. What we have traditionally tried to do is pay off the farm so that our kids had a little better chance than what we did. Instead, we are now faced with a situation, and here is my political take on it. Right now roughly 50 percent of the working population pays less than 1 percent of the total income tax in this country. What we have done is become more and more progressive with the easy flow of language and justification to tax the rich, but here is 50 percent of the population that has little stake but to ask candidates that are running for Congress to slash government services rather than less, and politically it has seemed to be to the advantage of politicians to make more and more promises. This represents how many promises we have made over and above our ability to pay for it.

I did this chart, this was also with Tom Savings’ help, just to show that in 16 years it is going to take 28 percent of our general fund budget to pay for the makeup difference in Medicare and Social Security. So the budget is going to take almost 53 percent of the total budget.

So what do we do? How do we deal with this? Here is what this Congress, the House and the Senate and the White House has done in the past. This is when we run short of funds in Social Security.

It started out with 2 percent in 1940, 2 percent of the first $3,000. It ran short of money, so in 1960 we raised it to 6 percent of the first $4,800. In 1980, we ran short again, so we raised it to 10.16 percent of the first $26,000; and then in 2000, 12.4 percent of the first $76,000. In 2004, now, today, 12.4 percent of the first $89,000. So what we have done is either reduced benefits, increased taxes or a combination of both. That is what we did in 1983.

I just call on my colleagues and I call on the American people, Madam Speaker, to ask their Members of Congress what bill have you written, what bill have you signed on to to make sure that we keep Social Security and Medicare solvent and not leave the total bill up to our kids?

The SPEAKER pro tempore (Ms. GINNY BROWN-WAITE of Florida). Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

(Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**EXCHANGE OF SPECIAL ORDER**

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent to replace the gentleman from Oregon (Mr. DeFazio) on the list.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

**THE BUDGET**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Speaker, what would your nightmare budget look like? Can you imagine a budget that would cut support for homeland security and small business development, that would do virtually nothing to improve one of the most sluggish economic recoveries in American history, that would break the Contract with America by raising the debt ceiling under cover of a budget resolution, that would balloon the debt and the deficit to previously unimaginable dimensions, and that would do all of...
this less than 5 years before the first of the baby boom generation begins to retire?

Unfortunately, Madam Speaker, that nightmare is a reality; and this reality has been created by the President and the House Republican leadership.

In the face of the worst fiscal reversal in this Nation's history, almost $10 trillion since President Bush took office, the Republican response has been to propose more and more of the same failed policies. Finding themselves in a hole, their motto is, just keep digging. There is no clearer example of this than the phony pay-as-you-go proposal in the Republican budget that requires offsets for entitlement spending but not for tax cuts.

Yesterday, Democrats and moderate Republicans came together and voted to instruct the House-Senate budget conference to institute a real pay-as-you-go proposal, akin to the one that brought us out of deficits and into surpluses in the 1990s. But, as has been the standard operating procedure around the House lately, when the vote did not turn out the way the Republican leadership liked, they kept that vote open and began the arm-twisting; and after 28 minutes they had twisted enough arms to bring the vote to a tie and to defeat this effort at sound budget policy.

So now we are left with a budget in conference that provides the worst of both worlds. It sends us over the cliff fiscally while at the same time radically reducing funding for education, the environment, transportation, health care and law enforcement.

Let me focus, Madam Speaker, for a moment on what may come as a surprise to many Americans who have listened to the Republican leadership and the President spend a lot of time talking about homeland security and the importance of first responders. This budget shows that talking is about all they are willing to do for our first responders, our police, our fire departments, our medical personnel.

The Republican budget makes significant cuts in Homeland Security and Department of Justice funding for first responders that results in an overall reduction in funding for our police of 33 percent, with a 50 percent reduction in funding for police in smaller cities and rural areas. They also cut funding for firefighters by one-third at a time when the Federal Emergency Management Agency is reporting that over two-thirds of fire departments in this country operate with staffing levels that do not meet even the minimum safe staffing levels required by OSHA and the National Fire Protection Association.

The Speaker yesterday concluded the debate on the budget resolution by saying that congressional leadership that cut taxes for millionaires was because millionaires are the small business owners who are creating all the jobs in this country. Our friend, the gentleman from Ohio, just repeated that argument on this floor tonight.

Some of those millionaires are small business owners, but again the Republican budget shows the true motivation of our friends on the other side of the aisle. The Republicans and the Republican leadership have fought to zero out funding, in fact, for the Small Business Administration's flagship 7(a) loan program that provides close to 30 percent of the long-term loans for small businesses; and they zero out critical programs like Microloans and others geared toward minority businesses. If, as the Speaker implied, the reason for tax cuts for millionaires was really to help small businesses, why did it take an extended press and letter-writing campaign orchestrated by the gentlewoman from New York (Ms. VELAZQUEZ), the ranking Democrat on the Committee on Small Business, to get the Republican leadership to finally back off of some of these cuts in the Small Business Administration funding?

The answer, I afraid, is obvious. The tax cuts were not meant to help small businesses or to spur the economy. They were meant to provide a windfall for the most fortunate among us.

Governing is about getting our priorities straight and taking the public trust seriously. Through the Spratt alternative budget resolution, fiscally responsible Democrats have made our priorities clear: fund the programs America needs like education, health care, housing, homeland security and safety net programs, balance our budget, by freezing scheduled tax reductions for those making over $500,000 a year, and target tax cuts in ways that benefit ordinary Americans and stimulate our economy.

There is still time, Madam Speaker, for our colleagues to wake up and reject the Republican nightmare budget and to pass a budget that points to a brighter future. House-Senate conferees could start by adopting real pay-as-you-go rules. I urge them to gauge the House's true sentiment and do just that.  

IN HONOR OF SOCIAL WORK MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in observance of Social Work Month. Since 1984, March has officially been designated as a month to acknowledge and recognize that social workers make meaningful and humanitarian differences and contributions to people in communities all over the world.

According to government health statistics, 60 percent of the Nation's mental health services are delivered by social workers. Trained social workers provide more than 40 percent of disaster-related mental health services for the American Red Cross. Roughly 600,000 social workers are dedicated to ensuring that people of all ages, creeds, sexual orientations and nationalities have access to information and services. They often make all the difference in the world to individuals and families who might otherwise fall through the cracks into hopelessness and despair. Social workers measure success by helping other small business owners and individuals to achieve their goals on their own terms.

Often working behind the scenes, social workers are trained to address problems that some cannot see or issues that others hope will simply go away, drug addiction, family violence, joblessness, homelessness, mental illness, prejudice and many other conditions which affect millions of people every day, leaving them with little hope and few options.

According to the National Association of Social Workers, social workers help to open the doors of access and opportunity to those in greatest need through training and education. Moreover, social workers also actively advocate for changes in policy and legislation that strengthen the social safety nets that make a critical difference to so many.

Social workers have been at the forefront of many social movements. Some of the pioneers who were actively involved in creating social change include Dr. Dorothy Height, Jane Addams and Whitney Young.

Dr. Height was not only a giant in the civil rights movement, she also developed several model programs to combat teenage pregnancy, to address hunger in rural areas, worked as a proponent for AIDS education, implemented a project to expand business ownership by women and to provide funds for vocational training, and much more. She received a Congressional Gold Medal last week in recognition of these works by the preeminent social and civil rights activists of her time. In addition, she was awarded the Medal of Freedom, the Nation's highest civilian distinction, by President Bill Clinton in 1994. In fact, she has been acknowledged for her leadership by every President since Franklin Delano Roosevelt.

Jane Addams, another great social worker who built Hull House, which is in Chicago in my district; Whitney Young, formerly president of the National Urban League, and the list goes on and on.

In addition, there are several social workers who serve in our body, individuals who were elected to Congress before being elected to Congress: Representatives SUSAN DAVIS, BARBARA LEE, CIRO RODRIGUEZ and ED TOWNS, as well as Senators BARBARA MIKULSKI and DEBBIE STABENOW. All of these individuals have made tremendous differences.

I simply come, Madam Speaker, to commend those who engage themselves
in the profession of social work, recognize the great achievements and accomplishments that they have made and urge we recognize their importance to our society.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATIONAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Case) is recognized for 5 minutes.

Mr. CASE. Madam Speaker, here we go again. Here we are to talk about a subject our majority colleagues and our administration do not want to talk about. They are hoping it will just go away. That subject is our national budget or, more directly, the conspicuous lack thereof.

Madam Speaker, my constituents ask me all the time, what do I think is the most important challenge facing our country? What is the one thing that we have to work on more than anything else? I can reply to them, in all honesty and candor and directness, that it is the very solvency of their Federal Government.

Why should that be? Why is it not the economy? Why is it not education? Why is it not reforming our deteriorating relationship with the rest of the world? Why is it not Social Security?

The reason is simple. Without a strong fiscal underpinning, we cannot do everything or anything else. We can have a great old talk, we can have a great old debate, but unless the fiscal solvency of our country is strong, we are not going anywhere. Put another way, unless we take care of today, our children will not be able to take care of tomorrow.

We think we all know now, do we not, that we are in pretty bad shape? In fact, we are in real bad shape; and we are going downhill fast. The largest deficits we have ever seen, no end in sight, debt going up, irresponsible budgeting, like going up only 5 years of a budget when we know that the big expenses come in the sixth year.

And we all know that the budget passed by this House just a week ago by a mere three-vote margin is not going to solve that problem. In fact, it is going to worsen it.

How did we get here? How did we ever allow ourselves to come to this place?

Just 3, 4 years ago we were on the right track. We had spending under control. We had revenues coming in. We had budgets that were heading towards balance. We had debt ceilings that were low relative to GDP.

How did we arrive here? Well, the first thing we did is pretty obvious. We consistently reduced revenues while increasing expenses. What do we expect when we do that over a period of years? Second, though, we did not have basic rules to live by. When we are talking about whether to increase this particular program or increase this particular tax or reduce this particular tax or reduce this particular program, we can talk about that program or that tax all we want, but it has got to fit into a big picture. And those are rules to live by; and if we live within those rules within that box, we end up with balanced budgets because we make decisions that are related to each other.

And, third, the rules that we did have, we ignored. We talked at length about the first consequence. We have talked about that for many years now. I think it is finally sinking in. We cannot both slash revenues and increase expenses and expect everything to be okay; and yet that is what the budget we just passed and sent into a conference with the Senate does.

Yesterday we went back and forth about the second part of it, rules that have worked in the past and that we no longer have, PAYGO. PAYGO, a very simple concept that we pay as we go. That as we reduce in one area, we have to increase in another area. We talked about consequences that when we reduce over here, there is a consequence that has to be addressed over here. That is what balance is. This is balance. Those rules set the boundaries for what we call PAYGO, that is what this House just rejected yesterday on a vote of 209 to 200. That is what the Senate has done. I support the Senate and praise the Senate for its actions to institute PAYGO, and I beg those conferees going in on behalf of the House to do the right thing.

But today I want to address the third part of it, rules that exist today that are not followed. We have under our system a debt ceiling. It is designed as a check and balance. It is designed to make sure we live within a budget and say that no matter how much debt we accumulate because of the decisions, no matter how reckless, no matter how irresponsible, for that matter, we have to vote separately to increase the total debt that we collectively carry through our U.S. Government. And that is what we are doing. We are carrying debt. When we run deficits year after year after year, the money does not just grow out of nowhere. It does not grow on trees. It is not found in a stash. We borrow it. We issue notes, bonds. We take it out of trust funds. We borrow it. And the total amount is supposed to be limited, and we have that on the books; but we are ignoring it. In 2001, when this administration started, there was a debt limit substantially lower than where it is.

I want to say one thing in conclusion. A vote for the budget is a vote to increase the debt limit. We have voted to increase the debt limit. We have not taken a separate vote. So when people ask their Member of Congress, did he or she vote for the budget resolution, if the answer is yes, they voted for a substantial increase in the debt limit. Do not hide it. Let us be frank in our budgeting. Let us do this right.

The SPEAKER pro tempore. (Ms. GINNY BROWN-WAITE of Florida.) Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. POMEROY. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

OUR NATIONAL DEBT

Mr. POMEROY. Madam Speaker, I want to follow up on comments recently advanced by my colleague from Hawaii, someone who has so quickly thrown himself, tried to make some sense of them, and I appreciate very much the gentleman’s conclusions.

We have got a runaway debt. We have got a very serious financial situation facing this country.

We are all familiar with the concept of credit card limits. Maybe we get pretty little limits. Maybe we get even generous limits. But somewhere there is a limit on how much money we can run up on our credit card.

The Nation, similarly, Congress establishes the limit, the credit card limit, for the Federal Government. We do that by a vote of Congress, how much money we are allowed to borrow as a country. And our current limit is a limit of $7,384 trillion, $7,384 trillion. We are allowed to borrow that much as a Nation.

That might give one pause. One might wonder how in the world are we going to get that off before we all leave the workforce, retire, and turn the country over to our children. Surely it would not be fair to leave our children with this debt.
As bad as this credit card limit is, as troubling as it ought to be to all of us, $7.384 trillion, I have got very bad news for the Members. In the budget conference presently underway in the bowels of the Capitol, there will be an additional hole in the balancing of this country. The bill, the budget bill, to come out of conference to be voted on by the House of Representatives, will raise the credit card limit for our Nation. We do not know how much because no one is talking about this in public. No one wants the American people to realize that $7.384 trillion is not enough, that we are going to raise it even more by $1 trillion, more by $2 trillion. One projection that we have seen from the majority would take the credit card limit of this Nation over $10 trillion.

One of the things I think that is lost in financial debates is these numbers get too big and one really does not know what they mean. They are just enormous. I use recently an introduction course on how to teach mathematics. And the presenter said 1 trillion, do we know how many seconds are in 1 trillion? If we took 1 trillion seconds, we would go back in time 16,000 years. So 1 trillion is a staggering number, and we are now finding that, under the budget plans of the majority party and the administration that drive this national debt ever higher, $7.384 trillion is not enough. I think the American people had better say it is enough.

We do not as families, we do not as families plan our financial affairs where mom and dad run up the credit cards, happily thinking the kids will pay them off. I know of families that I represent much like the family that raised me, just an awful lot of sacrifice in the mom and dad to leave things better for the kids, not tipping it on its head where we really do not care what happens afterwards, after we are gone. If we operate as families, as moms and dads worrying about making things better for our children, why should this Nation representing all the moms and dads in this country be running it a way so significantly different? Why should this Nation run up a debt like there is no tomorrow? Because there is a tomorrow, and it will be our children's tomorrow, and our children's tomorrow will be diminished by the fact that this generation is refusing to pay its way.

I am going to vote against the budget that comes out of conference because I believe it is wrong, absolutely wrong, to raise the borrowing limit for this country, leaving more debt for our children, when there is no plan anywhere in terms of how we ever get out of this mess.

The minority advanced a plan that would take the credit card limit of this Nation over $10 trillion. One projection that we have seen from the majority would take the credit card limit of this Nation over $10 trillion.

And that is why they want to raise the debt, and that is why their budget should be rejected. We owe it to our children to get our Nation's finances back on track.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Pearce) is recognized for 5 minutes.

(Mr. Pearce addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Emanuel) is recognized for 5 minutes.

(Ms. Kaptur addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Davis) is recognized for 5 minutes.

(Mr. Davis of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Baca) is recognized for 5 minutes.

(Mr. Baca addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Strickland) is recognized for 5 minutes.

(Mr. Strickland addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. Eddie Bernice Johnson) is recognized for 5 minutes.

(Ms. Eddie Bernice Johnson of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Wynn) is recognized for 5 minutes.

(Mr. Wynn addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ AND SADDAM HUSSEIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. Hoekstra) is recognized for 60 minutes as the designee of the majority leader. Mr. HOEKSTRA. Madam Speaker, tonight I would like to spend a few minutes talking about the situation on the various inquiries as to what happened before 9-11. Most importantly, the work that they are doing is taking a look at putting together a series of recommendations that will enable us to improve our intelligence capabilities and improve our response capabilities in the future.

As I was listening to some of the earlier speakers, someone said when that happens and these inquiries present their work and they make their recommendations and then Congress, of course, will have the opportunity to review those recommendations and we may or may not implement them, the comment then was made: and then we know that an event like 9-11 will never happen again.

As much as I would like to endorse that comment, I do not believe it is accurate. On 9-11 we, as a Nation, were surprised; and I believe that in the future, regardless of the recommendations that come forward, regardless of how effectively we implement them, we will be surprised again.

Let me just lead up to 9-11 and outline some of the things. What do we know today? We know that in March of 2003, the United States, we led a coalition of over 30 countries in Operation Iraqi Freedom. The action was undertaken as a last resort. Iraq had been in noncompliance or material breach of 16 U.N. Security Council resolutions spanning a period of 12 years to remove the threat posed by Saddam to his people, the Gulf region, and the world.

A couple of things I really want to point out here is that some have said that we operate as in an initiative by the Bush administration, and later on I will go through some of the quotes by the previous administrations and also the documentation and the data that shows that throughout the 1990s, the administration, Congress, and others saw Saddam Hussein and Iraq as a threatening menace to his own people, to the region, and to the world. A consistent pattern.

Saddam Hussein's Iraq was a constant and immediate threat to his neighbors in the Gulf region. And what did Saddam do in the Gulf region? Under Saddam, Iraq fought a decade-long war against Iran and launched an unprovoked invasion of Kuwait. After Iraq's defeat in the Gulf War in 1991, Iraq rebuilt its military strength and continued to use the threat of military action in attempts to intimidate neighboring countries.

The pattern is pretty clear. In the region Saddam Hussein treated his neighbors brutally. With his own people we know that Saddam Hussein was a mass murderer. We removed that capability from him. The day we hauled him out back on track.
of that spider hole, he no longer had the capability to again be a mass murderer. He was a mass murderer and will be held accountable for the crimes against his neighbors and the crimes against his own people.

It is estimated that somewhere between at least 400,000 and perhaps 1.2 million Iraqis were killed by his brutal regime. His security service is responsible for the disappearance of thousands of Iraqis, hundreds of thousands of Iraqis, perhaps millions, who ended up in mass graves. And his military used chemical weapons not only against Iraq, but also against Iraqi citizens. For over a decade prior to Operation Iraqi Freedom, Iraq was on the U.S. State Department's list of state sponsors of terrorism. Saddam's regime attempted to assassinate former President Bush in 1993.

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His security intelligence services maintained strong links to international terrorist groups. Prior to the Gulf War, Iraq amassed an arsenal of chemical and biological weapons, and it possessed an advanced nuclear weapons program. After the Gulf War, however, despite the U.N. inspections that continued through 1998, the United States, along with the United Nations and many individual countries, such as Germany and France, assessed that Iraq had dismantled its weapons of mass destruction programs and had a clear goal to rebuild these programs.

It is clear: Iraq and Saddam Hussein proved an evil menace to his own people, to the Gulf and to the peace and security of the rest of the world. It is not brand new. We are here today to affirm that we and the American people stand with the President and the international community in an effort to end Iraq's weapons of mass destruction programs and preserve our vital international interests.

The rules of the House prohibit me from mentioning the names of those individuals who made those quotes, but it is very interesting to see exactly who they are and compare their words with the lens of 9/11, and decide it was necessary to take a much stronger position.

Post-Operation Iraqi Freedom, the evidence shows that Saddam, in contravention of Iraq's responsibilities under multiple United Nations Security Council resolutions, continued to maintain elements of his weapons of mass destruction programs and had a clear goal to rebuild these programs.

It is clear: Iraq and Saddam Hussein proved an evil menace to his own people, to the Gulf and to the peace and security of the rest of the world. It is not brand new.

As we go through this, there is a bipartisan consensus as to what this looked like. February 17, 1998: this is a speech that President Bill Clinton gave. Iraqi agents have underminded and undercut U.N. inspectors. They have harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the backdoors. And talking about the different types of predators of the 21st century: "They will be all the more likely to allow us to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There should be no doubt, Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the security of the world. If Saddam were to succeed in his attempt to squander his country's resources to maintain his capacity to produce and stockpile chemical and biological weapons. If we bomb Iraq again, he will be right back at it, claiming victory for standing up to the U.S., but no longer under the watchful eye of UNSCOM's cameras.

Another quote from the other body: "Saddam Hussein's weapons of mass destruction programs and the means to deliver them are a menace to international peace and security. They pose a threat to Iraq's neighbors, to U.S. forces in the Gulf region, to the world's energy supplies and to the integrity and credibility of the United Nations Security Council." 1998.

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Trade Center in 1993, but the Clinton Administration looked the other way.

Al Qaeda and terrorist organizations had already attacked our embassies in Africa, but the Clinton Administration looked the other way.

Al Qaeda and terrorist organizations were deeply involved in the effort to attack our barracks in Saudi Arabia. The Clinton Administration knew it, but they looked the other way.

They knew that al Qaeda or terrorist organizations were involved in the attack on the USS Cole, but they looked the other way.

Al Qaeda, bin Laden, their intentions were perfectly clear, but can it be said that the Clinton administration just looked the other way? I am not sure that that is a fair characterization.

As I said, the attacks on 9/11 were a surprise. But if you take the language that was used against then-President George Bush in 1992 and apply it short-ly after 9/11 to what happened during the 1990s and the statements that were made and the inconsistencies, you wonder why there was not more action taken.

You have heard the quotes from various Members in the other body. You have heard the quotes of then-President Bill Clinton, of candidate Al Gore.

Madeleine Albright, November 16, 1997: “Hussein’s weapons will not discriminate if and when they are used, and therefore it is important for the region to understand that it is a threat. Our adversaries are unlikely to avoid,” and here she is talking about understanding the threat of terrorism, “our adversaries are likely to avoid traditional battlefield situations because there American dominance is well established. We must be concerned instead of weapons of mass destruction and by the cowardly instruments of sabotage and hidden bombs. These unconventional threats endanger not only our armed forces, but all Americans and America’s friends everywhere.”

Here is a very clear statement. Again, some folks are trying to rewrite history saying everything was done during the 1990s. I am not sure it was. We will talk about that a little more. They are also saying the strategy to eliminate Saddam Hussein was recent, that it was not policy of the United States.

Mr. 23 remarks by Vice President Gore.

“Despite our swift victory and our effort since the Gulf War, there is no doubt in my mind that Saddam Hussein still seeks to amass weapons of mass destruction.”

People talk about the intelligence being cooked up. The intelligence maybe, and we know, was not everything we wanted it to be; but it was not cooked up. “Saddam Hussein still seeks to amass weapons of mass destruction.”

You know as well as I do, what a statement you know as well as I do, that as long as Saddam Hussein stays in power, there can be no comprehensive peace for the people of Israel or the people of the Middle East.” This is Vice President Gore, May 23, the year 2000.

They hear us talking about what the policy was, and I think it was established a couple of years earlier. But here is what the then Vice President says about the policy of the Clinton administration. We have made it clear that it is our policy to see Saddam Hussein marginalized. That is not the word that is used. Contained? No. Reformed? No. We have made it clear, that is, the Clinton administration has made it clear, that is our policy to see Saddam Hussein gone. That was the policy of the United States prior to a new administration coming into office, prior to 9/11, because it was stated during the Clinton administration.

It goes on: We have maintained sanctions in the face of rising criticism while improving the Oil For Food program to help the Iraqi people directly. And just as a sidebar, while improving the Oil For Food program, we found out now, as the details have come back, that that was one of the greatest rip-offs ever. It was used to fund weapons acquisition programs to fund palaces and to build runways in the middle of nowhere in Iraq.

Going on with this quote: We have used force when necessary, and that has been frequently, and we will not let up in efforts. We will not let up. We will not let in our efforts to free Iraq from Saddam’s rule. Should he think of challenging us, I would strongly advise against it. As a Senator, I voted for the use of force. As Vice President, I supported the use of force. If entrusted with the presidency, my resolve will never waiver.

Madam Speaker, the statements go on. Those are the statements in the 1990s. What about in 2002?

Again, some colleagues, and here is a quote from the presumed Democratic nominee for President: I believe the record of Saddam Hussein’s ruthless, reckless breach of international values and standards of behavior, which is at the core of the cease-fire agreement, with no reach, no stretch is cause enough, is cause enough for the world community to hold him accountable by use of force, if necessary. Senator J ohn Kerry, Octo-ber 9, 2002.

Here is another quote from one of his colleagues: But that isn’t just a future threat. Saddam’s existing biological and chemical weapons capabilities pose real threats to America today, tomorrow. Saddam has used chemical weap-ons before, both against Iraq’s enemies and against his own people. He is working to develop delivery systems like missiles and unmanned aerial vehicles that could bring these deadly weapons against U.S. forces and U.S. facilities in the Middle East. He could make us responsible for manipulating terror-ist groups, third parties which have contact with his government. Those groups in turn could bring those weap-
Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for joining me, because he talked about exactly that, and I feel fine going there.

Because, as the gentleman may remember, a couple of weeks ago, maybe a couple of months ago, we got this Dear Colleague memo talking about the new strategy and I would just highlight it tonight. Because what we saw today, and it is tragic, the loss of American lives, the loss of the foreign civilians in Iraq and what they did with the bodies. But we should have known. Again that phrase, “we should have known.”

Because here is what Zarkawi said. “Someone may say that in this matter we are being hasty,” remember, this is their document outlining the strategy of the terrorists against our forces and again, what they want to move forward in Iraq, “that we are being hasty and rash in leading the Islamic nation into a battle for which it is not ready, a battle that will be revolting.” I mean the acts of today, dragging the bodies and hanging the bodies is revolting. I mean the acts of today, dragging the bodies is revolting. But we should have known. Again that phrase, “we should have known.”

Oh, and to the news media and everybody as bombs, who blow up innocent civilians and kill people, and they are not going to go away.

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Predator, and they are never going to see it coming.

We saw that a war on terrorism can be won. I mean, who would have thought that our colleague, the gentleman from Pennsylvania (Mr. Wu), and his colleagues in the General People's Congress of Libya? Who would have thought that 3 months ago I think that happened within the last 4 years that our colleague was over there.

I was in Libya about four or five weeks ago. I think within the last month we have picked up, what, 500 tons of mustard gas and chemicals and equipment. Who would have thought that that amount of progress could have been made in that short time? This is a win for the good guys.

Mr. BURTON of Indiana. The gentleman makes a very good point. That is the kind of thing that the media should focus on. Here is a terrorist state, a know-how terrorist state that has said, okay, we are going to reject terrorism. And the reason was because they saw what we did in Iraq and Afghanistan. We sent a very strong signal.

We had had 500 troops die there in Iraq. I do not want one of those troops to have died in vain. They sent a very strong signal around the world. If the media continues on the path, and I am not talking about all the media now, but if the more liberal media continues on the path that it is on saying why should we not bring our troops home, why are we letting these sorts of things happen, they send a signal, as my colleague said before, to the terrorists that this sort of thing is working. That should not be the signal we send.

It was not the signal we sent in World War I or World War II. We should not send it now. Because this is a world war that the United States and the free world cannot afford to lose. And we cannot afford to send signals that encourage the terrorist network.

Mr. HOEKSTRA. Madam Speaker, reclaiming my time, maybe my colleague heard the quote that I read from candidate for Vice President Al Gore talking about the first Bush administration where he said, "He had already launched poison gas attacks repeatedly. Bush looked the other way. He had already conducted extensive terrorism activities and Bush had looked the other way. Can one imagine what would happen if we pulled out of Iraq and pulled out of the war on terrorism and the next terrorist attack occurred and somebody would come to us and say excuse me, they attacked the World Trade Centers, you looked the other way. They attacked our barracks, you looked the other way. They attacked the Cole, you looked the other way. They attacked our embassy, you looked the other way. They attacked our commercial time and took them down, they attacked the Pentagon and you guys looked the other way. What were you guys thinking?"

I think that we were all in this together. We recognized the risk during the 1990s; and Congress and the executive branch, I think, did not take enough direct action. And so we can go back. But I think the leadership should be the same. We should be doing earlier against bin Laden and against these threats in a more decisive way? Because the pieces were out there that said these folks are a threat, and it is only a matter of time before they try something big in the United States. I will yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say that back in the mid-90s I knew from intelligence reports that there were terrorist training camps in and around Khartoum in the Sudan. We knew that. We knew Usama bin Laden was in Khartoum, and we knew of the terrorist attacks like the ones that my colleague cited a few minutes ago; and we really did not go after him, although we had that time. Now, I am not saying there is not enough blame to go around. Any time you get into a military conflict, especially one this extensive, there are going to be mistakes made. But the one thing that I am concerned with is the stance of our President. He has done the right thing in taking the mantle of leadership and moving forward. He is going after the terrorists wherever they hide in Afghanistan, in Iraq, wherever they are. And I commend that.

And this country, and the media in particular, if they are paying any attention tonight, the media in particular ought to think about the ramifications of trying to get us to pull out in our horns when we are fighting a war against terrorism. They should be supporting the effort to rid the world of terrorists and the terrorist network instead of pointing out all the deficiencies.

We are in a war against terrorism, one we cannot afford to lose. We have a man at the helm right now who is doing the right things. And, by golly, he ought to be supported not just by my colleague and me, but by the entire country and, in particular, those in the media because they have such a tremendous influence on public policy.

Mr. HOEKSTRA. Madam Speaker, reclaiming my time, I am not looking for the media to support the President, it might not be the right thing. I am not looking for the country or to support the direction or support our troops. It would just be nice if they presented a balanced approach, fair and balanced approach to what needs to get done.

And it is when, when I go home it is good to take a look at the local papers because the local papers will cover the stories of our soldiers that come home. The soldier that I talked to today said he has been in Iraq for 11, 12 months. He is home with his family for the first time. One would think he would say, man, I am just going to sit back on the couch and I am going to vegetate and just enjoy this. He is going to the schools, he is going all over his community telling them about what he did and what America did in Iraq. He is proud of it. He says, I am doing it because nobody else is. We are not getting any help from the media. I am going out and I am telling the story because I was there.

And has my colleague been to Iraq? Mr. BURTON of Indiana. Madam Speaker, yes, I was there about 3 weeks ago.

Mr. HOEKSTRA. We have looked into the eyes of the Iraqi people. We have shaken their hands. We have heard them speak. We have seen the sincerity. I always say this is not easy. And there are going to be other ugly days and other ugly events. We are not going to fix this all in one day. We are not going to fix it in 24 months. This takes work. These people are experimenting with a free press, representative government, free markets. They are doing this for the first time after 30 years of a brutal regime.

Mr. BURTON of Indiana. Madam Speaker, if the gentleman would yield. When I was over there, I am sure my colleague found the same thing, they had found 400,000 unmarked graves. They estimated between 1 and 1.3 million people that are unaccounted for. They were putting people in wood chippers, they were raping women. It was horrible what was going on, the terror and everything else.

Mr. HOEKSTRA. Madam Speaker, if the gentleman would yield, one point, he is right, it is going to be somewhere over a million people probably, in a country of 27 million. That means 4 percent of the folks in that country were brutally murdered. In our country that would be about 11, 12 million people.

Mr. BURTON of Indiana. Madam Speaker, if we did not do anything but free that country, that would be a great thing. But what we have done is we have sent a very strong signal to the terrorist network al Qaeda, the Taliban, the Baath Party in Iraq, and the terrorists around the world; and what bothers me now is because the media is focusing only on the negatives and not the positives, not on what we have accomplished but what we have not yet accomplished and, I believe, maybe inadvertently, they are giving aid and comfort to the enemy, the terrorist network, and that is something they should not do.

They may not agree with everything President Bush has done, but they have to admit that we have gotten rid of Saddam Hussein. We are on the heels of Usama bin Laden. We have knocked out an awful lot of the terrorist network, and there have been no more attacks on the United States of America. That does not mean we will not have them. But there have been no more attacks that is because of General Bush, homeland security, and Tom Ridge, and because they are doing the right things. I just wish the media would focus on them.
I normally do not come down here and vent my spleen like this. I try to be a little bit more moderate, if one wants to say that; but right now I am very, very angry because all we are seeing on the screen right now is should we but, we should not; I am just livid. No matter what our colleague said a moment ago. He was talking about, in essence, we cannot look back and talk about the shortcomings. We have to look forward and say what are we doing now to deal with the problem; what are we going to do with it in the future.

Bobby Jones, one of the greatest golfers of all time, will use this as an analogy, he said. You play the ball where it lies. When he was hurt, when he was dying and was physically impaired, people said, do you not feel bad about that? He said, That is life. You play the ball where it lies.

I just want to say to my colleague, because I agree with my colleague, this President has shown the leadership that is necessary to fight this war on terrorism, not only is there blame to go around in Congress, but there is also a certain responsibility of the American people.

But that is not where the President was. He took a look at 9/11, he went back and took a look at what capabilities we had and the threats that were out there, but never went back to try to assess blame on something that happened 5 or 6 years ago or the Deutsch Doctrine that gutted our human intelligence gathering that they had potential terrorists on those planes that were going to make them into bombs to blow up more buildings in the United States.

Mr. BURTON of Indiana. One of the issues that was reported on briefly but could have been reported on in more detail was after 9/11 and the World Trade Center was taken down by the planes, and the Pentagon was attacked, and they were going to attack the Capitol had it not been for those heroic people in Pennsylvania that died, but the fact of the matter is planes coming from Paris, France, and from Europe were stopped from coming over here because they found out through intelligence gathering that they had potential terrorists on those planes that were going to make them into bombs to blow up more buildings in the United States.

Mr. HOEKSTRA. Madam Speaker, I thank my colleague; and I hope Congress in a bipartisan way, stay focused on the threat that is out there and put in place a strategy to fix it.

So our intelligence-gathering capability has increased dramatically since President Bush took office and since Tom Ridge took over homeland security.

Things are getting better, and we are stopping terrorist attacks, but those are the things that ought to be reported upon, the things that we have stopped from happening in the United States.

Mr. BURTON of Indiana. I thank my colleague for taking this time. We appreciate you very, very much for taking this time. We ought to have a whole host of our colleagues down here talking about this tonight, but you are the guy that did it, and I want to thank you for carrying the mantle of leadership tonight. You are to be congratulated.

Mr. HOEKSTRA. Madam Speaker, I thank my colleague; and I hope he recovers his voice soon. We would miss it if he lost his voice.

There is a lot of stuff that has happened in what we have talked about. There are a couple of other documents that I just want to talk about, and we have talked a little bit about rewriting history.

There was some testimony just from the last couple of days in front of the joint inquiry; and it really I think in many ways, from my perspective, boils down to partisan politics, partisan politics at its worst. Because national security is too important an issue to take down into the partisan battleground, and it is one of the very positive things about serving on the Permanent Select Committee on Intelligence.
There have been a couple of things in the last few weeks that have been dis-appointing, but, by and large, the com-mitment by members of the Permanent Select Committee on Intelligence is to do their work aggressively, effectively, but to get the bipartisan labels at the door and to recognize that the issues that we are working on are too impor-tant to drag down into a short-term, partisan, political game because, at the end, the country loses.

Here is what Dick Clarke said. The Bush administration decided in late January to do two things: one, vigorously pursue the existing policy, including all of the lethal covert action findings. That part is, while this story review was going on, the lethal findings were still in effect. The second thing the administration decided to do was to initiate a process to look at those issues which had been on the table for a couple of years and Pakistanis troops, and that is in August of 2002.

In the spring of 2001, the Bush adminis-tration began to change Pakistani policy by a dialogue that said we would be willing to lift sanctions. So we began to do things which made it possible for Pakistanis. I think to begin to think that they could go down another path, which was to join us and break away from the Taliban. So that is really how it started.

A few minutes ago, we talked about the victory and the progress we have made in Libya. Back in 2001, the Bush administra-tion, before 9/11, was talking about changing the policy in Pakistan to forsake what they had been doing, and they did, and also did a review almost di-rectly after 9/11, provided full support and access to the joint House-Senate inquiry and now to the independent Commission. This is a statement that the Commission made on March 30.

"The Commission recognizes what is going on and that the President's support has been unprecedented, and we have got to remember that this is not looking back in history and saying, well, what happened during the war on terrorism that has engaged the war on terrorism. We are still in the middle of fighting that war, and what is unprecedented about this President's cooperation is that there have already been 100 witnesses from the executive branch in front of the Commission.

Now Dr. Condoleezza Rice has already testified in private, will now testify in public, but the public nature of this reviewing the decision-making process at the very time we are still conducting the war, not when it is done, but at the very time, digging into the inner reaches of an administration and asking about how they are con-ducting policy, how they are making decisions, and it is one thing to do it in private. It is another to do it fully in public.

Someone asked me earlier this week and said in some ways I think the ad-ministration has gone almost too far. We are at war and the information is provided in private or secret session to those folks who are entrusted to make the decisions and the recommendations that enable this country to move for-ward responsibly, aggressively and ef-fectively, but I sometimes worry about the war we are in today that take comfort and believe that they are being successful in their efforts to de-feat us in this war on terrorism when they see the partisanship that we sometimes are engaged in. This issue is too big to move down into partisan-ship.

The last comment that I wanted to make is today I talked with one of our soldiers today who was back from Iraq. I have met with the family of one of our soldiers who were killed in Iraq. I have met with the family of one of our soldiers who was very badly wounded in an incident. In each of those cases, they have said, make sure that we win this war on terrorism, that we dedicate the resources to this war on terrorism. But they also said, do not forget the sacrifices of the families that have been asked to sacrifice, the families that have seen a son and husband gone for a year, the family that has seen a family. A husband killed on a battlefield in Iraq and the family of the son and the husband of a soldier who has been badly wounded and will live with that for the rest of his life.

But I think we need to remember all of these folks and the sacrifices that are still serving over there, and I hope that we as a Nation, that we as a Congress, continue to remember these families and these individuals in our prayers.

THE 9/11 COMMISSION

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Mr. PALLONE. Madam Speaker, this evening I want to discuss the serious and increasing concern that I have about the effectiveness of the Bush administration's counterterrorism chief Dick Clarke has levied at President Bush over the last week. I would also like to discuss my concern over the administration's attempts, attempts that have now been joined several congressmen on the House Intelligence Committee, to draw attention away from the serious accusations by instead viciously attacking the messenger; and, finally, I come to the floor to highlight inconsistencies in the statements that Condoleezza Rice has made over the last week, inconsistencies that will undoubtedly be addressed when she testi-fies as early as next week under oath in front of the 9/11 Commission.

Madam Speaker, it is nice to see that after months of stalling the Bush adminis-tration has finally made an agreement with the 9/11 Commission to have the President, Vice President and National Security Adviser all appear before the entire 9/11 Commission. The announcement was a complete retreat from the Bush administration's previous belief that Condoleezza Rice should not testify in public.

Last evening, the President went be-fore reporters and said that he had or-dered this level of cooperation because, as he put it, the President de-sider it necessary to gaining a com-plete picture of the months and years that preceded the murder of our fellow citizens on September 11, 2001.

Madam Speaker, I think it is great that the Bush administration finally came to and will allow Condoleezza Rice to testify, but it is somewhat dis-ingenuous for the President to say that he has cooperated with the Commission in the past. In fact, President Bush has staled the Commission for months on end, and the recent reque-

Up until yesterday, the President said that he would only testify before the Commission's chair and vice chair;
and now President Bush and Vice President Cheney will testify together but not under oath and only one member of the Commission will be allowed to take notes. Allowing one person in the room to take notes, in my opinion, is not a document tribunal. I have prepared my testimony from the President and the Vice President, and I am also interested in why the President and the Vice President insist on testifying together.

Mr. President, thank you for finally.caving in to political pressure and allowing Condoleezza Rice to testify, but do not try to spin your way out of this by making it appear that you have been cooperating with the 9/11 Commission from the very beginning, because that is simply not the case.

By delaying, the Bush administration has made it extremely difficult for the 9/11 Commission to finish its work in a timely fashion, and the Commission should not be expected to complete its work and finish a report from all the principals involved in the events leading up to and coming after 9/11.

Public testimony from Condoleezza Rice is perhaps even more important now that we have heard from Richard Clarke. Last week, Richard Clarke raised eyebrows all over the Nation when he appeared on 60 Minutes, released a book critical of the Bush administration’s policy on fighting terrorism, and then testified before the 9/11 Commission where he personally apologized to the victims’ families and told them that they had failed them or that he had failed them.

Richard Clarke raises some serious questions, questions that Condoleezza Rice should attempt to answer before the 9/11 Commission, and I would like to mention some of those questions, Madam Speaker.

Question number one: Did the Bush administration, as Richard Clarke claims, and I quote, ignore terrorism for months when maybe we could have done something to stop 9/11? You do not have to take Richard Clarke’s word for it, President Bush bluntly acknowledged as much during an interview with Bob Woodward for Woodward’s book titled Bush At War.

Despite repeated warnings of an imminent al Qaeda attack before 9/11 President Bush admitted to Woodward, and I quote again, we did not see it. That is what the President said. If he did not realize the sense of urgency, one has to really wonder what kind of advice he was receiving from his National Security Adviser and others.

According to Richard Clarke, he tried repeatedly to get the administration to pay serious attention to the issue of terrorism.

On January 24, 2001, just days after President Bush took the oath of office, Richard Clarke wrote an urgent memo to Condoleezza Rice, asking for an urgent Cabinet-level meeting to deal with an impending al Qaeda attack.

Clarke claims this request was never acted upon. Three months later, in place of a Cabinet-level meeting, Richard Clarke was finally able to schedule a meeting with Deputy Secretary of Defense Paul Wolfowitz. Clarke said he started the meeting by stating his belief to the Deputy Secretary of Defense that we needed to deal with bin Laden.

AndWolfowitz’s response? “No, no, no, we don’t have to deal with al Qaeda. Why are we talking about that little guy? We have to talk about Iraqi terrorism against the United States.” That’s what he said.

Again, meetings like this are critical because people like Wolfowitz, Cheney, Rumsfeld and Rice were the very people advising the President. If Wolfowitz was describing Osama bin Laden as a little guy, then he was describing Osama bin Laden as a little guy to Richard Clarke, one has to really appeal more attention to that. 

That is what the President said, again I quote, “I did not feel the sense of urgency. That is why I did not feel the sense of urgency any greater than the one we had would have caused us to do anything differently. I don’t know how we could have done more. I would like very much to know what more we could have done.”

The salient answer to this question, Madam Speaker, is a lot more could have been done. First, the administration could have held more than two national security meetings on the issue. Based on the major intelligence spike that started the meeting by stating his belief to the Deputy Secretary of Defense that we needed to deal with bin Laden.

Furthermore, CBS News reported in 2002 that 5 hours after the 9/11 attacks, Defense Secretary Rumsfeld was telling his aids to come up with plans for striking Iraq. That is also consistent with Clarke’s own statements in which he says that “Rumsfeld told him on September 12 that they needed to bomb Iraq.”

On September 12, he went home for a brief period of time to eat and take a shower and return to the White House.” Clarke writes, and I quote, “I expected to go back to round of meetings that I was hoping would amount to whatacks could be, what our vulnerabilities were.

Instead, I walked into a series of discussions about Iraq. At first, I was incredulous. We were talking about something other than getting al Qaeda. I then realized that this was a sharp physical pain, that Rumsfeld and Wolfowitz were going to try to take advantage of this national tragedy to promote their agenda on Iraq. Clearly, the administration continued to have its eyes set on going to war with Iraq.”

Now, Madam Speaker, I ask: Was the war on terrorism a convenient, yet flawed, justification for going to war against Iraq? That is what Richard Clarke believes. It is also supported by another former high-ranking Bush administration official, Paul O’Neill.

The former Treasury Secretary stated in his book that “Vice President Cheney strongly suggested U.S. intervention in Iraq well before the terrorist attacks of September 11.” This is another question Condoleezza Rice should answer in front of the American people.

Another question raised by Richard Clarke about the Iran-al Qaeda link, experts have concluded that Iraq did not have weapons that posed an immediate threat to the United States. CIA Director George Tenet recently admitted that the intelligence agencies who advised the White House that Iraq posed an imminent threat. And former chief U.N. weapons inspector Hans Blix stated that the Bush administration made up its mind.
that Iraq had weapons of mass destruction and it was not interested in evidence to the contrary.

Madam Speaker, when the President signed the law creating the commission in November 2002, he urged the panel to, and I quote, ‘fully examine and follow all the evidence and follow all the facts wherever they lead.’ But, clearly, the Bush administration did not mean following it to the President’s National Security Adviser. And while the administration charged the panel to follow the facts wherever they may lead, they and some congressional Republicans are attempting to minimize some of those possible facts by attacking the character of Richard Clarke.

Last week, the majority leader in the other Chamber implied that Richard Clarke had perjured himself either during his testimony before the 9/11 Commission last week or during his testimony before the Senate Intelligence panel 2 years ago.

Now, this past Sunday, Clarke said he would support the declassification of his testimony before the joint congressional intelligence committees if the administration also declassifies the National Security Adviser’s testimony before the 9/11 Commission and the declassification of the January 25, 2001, memo that Clarke sent to Rice laying out a terrorism strategy, a strategy that was not approved until months later.

Madam Speaker, House Democrats really want a full accounting of the events leading up to the September 11 attacks, including the extent to which a pre-9/11 declaration of war in Iraq affected efforts to deal with the threat posed by al Qaeda. It is nice to see the White House has finally stopped stonewalling the commission and now says that it will provide the public testimony the commission is requesting. But Americans need to be able to fully evaluate the decisions of government leaders, especially when it comes to the life and death decisions of war and peace.

Madam Speaker, there are others that would yield my time to tonight; but I just wanted to say before we go on that I have been to the floor many times over the last few months talking about the Republican abuse of power and the Bush administration’s abuse of power. Yesterday, there was an op-ed column in the New York Times by Paul Krugman that was entitled, ‘This Isn’t America.’ And it kind of sums up my concern about the abuse of power.

I want to mention it tonight in the context of Richard Clarke and the 9/11 Commission and the National Security Adviser, but Krugman pretty much sums up how this abuse of power is rampant with the Bush administration and the Republicans in Washington. And I am not going to read the whole thing, but I just wanted to read a couple of parts of it, where Krugman says, ‘Last week an opinion piece in the Israeli newspaper Haaretz about the killing of Yasser Arafat made clear that Israel isn’t America; the government did not invent intelligence material nor exaggerate the description of the threat to justify their attack.’ So even in Israel, George Bush’s America has become a byword for pseudo-intelligence and for the use of power. And the administration’s reaction to Richard Clarke’s ‘Against All Enemies’ provides more evidence that something is rotten in the State of our government.”

Krugman goes on to say that not only in the case of Richard Clarke, but in many other cases there is abuse of power by the administration and the congressional Republicans: ‘A few examples: according to the Hill, Republican lawmakers threatened to cut off funds for the General Accounting Office unless it dropped its lawsuit against Dick Cheney. The Washington Post says Representative Michael Oxley told lobbyists that a congressional probe might ease if it replaced its Democratic lobbyist with a Republican.’

Tom DeLay used the Homeland Security Department to track Democrats trying to prevent redistricting in Texas. And Medicare is spending millions of dollars on misleading ads for the new drug benefit, ads that look like news reports and also serve as commercials for the Bush campaign.”

Krugman ends and he says, and I quote, ‘Where will it end?’ In his new book, ‘Worse Than Watergate,’ John Dean of Watergate fame, says ‘I’ve been watching all the elements fall into place for two possible political catastrophes; one that will take the air out of the Bush-Cheney balloon, and the other far more concerning that will take the air out of democracy.’

The reason that many Democrats, including myself, come down here on a regular basis now to talk about the Republican abuse of power is exactly for the reason that John Dean quotes in his book, and that is we are very concerned about the future of democracy and where we are going with these kinds of abuses of power by the Bush administration and the Republican majority.

I see my colleague from California is here, and I probably took up too much, and so I want to yield to her.

Ms. LEE. Madam Speaker, I want to thank the gentleman for yielding to me and for continuing to speak the truth, and for making sure that our country understands the type of abuses that are taking place here in Washington, D.C. I believe that democracy is at a crossroads, and I think the gentleman has made that point tonight. So I want to thank the gentleman for his continuing to speak truth to power, as we say.
The administration also, mind you, disguised the cost of the war, which of course taxpayers are paying for. When economic adviser Larry Lindsey said in 2002 that war in Iraq could cost between $100 billion and $200 billion, well, he was right; but you know what, he was fired.

When asked about the possible consequences of the war, the administration presented a portrait of a country that would be uniformly grateful to its American invaders. This week’s Nation says, and I quote: ‘The idiotic and arrogant statements by Defense Secretary Donald Rumsfeld and others that policing Iraq would be a simple matter that could be quickly cleaned up by all those flowers they were going to throw.”

The many distortions, deceptions and omissions amounted to, as I was actually taught like many of us were taught as a child, lying. I was also taught that this is really wrong. This deception was clearly and deliberately escalated. The very impressive and thought-provoking report by the Carnegie Foundation for International Peace found a very dramatic shift in the fall of 2002 as the administration sought to rally support for its unnecessary war. Let me just read what the Carnegie Foundation indicates:

Advisers systematically misrepresented the threat from Iraq’s WMD and ballistic missile programs, beyond the intelligence failures noted above by, one, treating nuclear, chemical, and biological weapons as a single WMD threat. The conflation of these distinct threats, very different in the danger they pose, distorted the cost-benefit analysis of the war.

Secondly, insisting without evidence, yet treating as a given truth, that Saddam Hussein would give whatever WMD he possessed to terrorists.

Thirdly, routinely dropping caveats, probabilities, and expressions of uncertainty present in intelligence assessments from public statements.

Next, misrepresenting inspectors’ findings in ways that turned threats from minor to dire.

The Carnegie Endowment for International Peace is a world-renowned institution. I suggest that if Members have not read this report, they should read it. In fact, it lays out the facts, the reality and what actually went down prior to this war.

The gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform, has presented a comprehensive examination of the statements and misstatements by the President, the Vice President, the Secretary of State, the Secretary of Defense and the National Security Adviser. The gentleman from California has compiled a database of deception about alleged weapons of mass destruction, allegations to al Qaeda and the allegedly urgent threat to the United States posed by Iraq. That database shows just how far-reaching these distortions were, and they do not stop with Iraq, and they do not stop with foreign policy. But let me just read a couple of the gentleman from California’s quotes which have been recorded in this document.

One is from Vice President Dick CHEY. He said, “We know he’s got chemical and biological weapons.” But, rather, the truth is the statement failed to acknowledge that the Defense Intelligence Agency was, indeed, correct: “There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or where Iraq has—or will—establish its chemical warfare agent production facilities.”

President Bush: “We’ve also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas. We are concerned that Iraq is developing platforms for the use of these UAVs for missions targeting the United States.”

The explanation of this tale is this was misleading because it claimed that Iraq’s UAVs were intended and able to spread chemical or biological weapons, including over the United States, but this failed and the President failed to mention that the United States Government agency most knowledgeable about UAVs and their potential applications, the Air Force’s National Air and Space Intelligence Center, had the following view: “The U.S. Air Force does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological agents.”

Another President Bush quote: “We found the weapons of mass destruction. We found biological laboratories. You remember when Colin Powell stood up in front of the world, and he said, Iraq was building facilities to build biological weapons, they’re illegal. They’re against the United Nations resolutions, and we’ve so far discovered two. And we’ll find more weapons as time goes on. But for those who say we haven’t found the banned manufacturing devices or banned weapons, they’re wrong. We found them.”

What this really was, according to the Defense Intelligence Agency, was that these trailers which the President and Secretary of Defense said contained weapons did not disclose the fact that the engineers at the DIA examined the trailers and concluded that they were most likely to produce hydrogen for artillery weapon balloons. That is what the DIA concluded.

We could go on and on tonight about this, but I think the public is beginning to get the picture. Let us look at Haiti for a minute where the administration claimed it was helping the regime’s holdover in fact it was conspiring to undermine and to overthrow the duly elected President of Haiti. That is why we need an independent commission to investigate the role of the administration in the overthrow of the Aristide government.

That is also why we still need a truly independent commission to investigate the use and the misuse of intelligence in the war in Iraq.

Of course, the same deceptions permeate our domestic policies as well. Look at the administration’s track record on its domestic policies.

Example. He said that his tax cuts for the rich would create jobs. Instead, we have seen 3 million jobs disappear since Bush took office. He said the vast majority of those tax cuts would go to those at the bottom end of the economic spectrum. Instead, the top 1 percent of earners reap over a third of the tax benefits by themselves. Only the top 1 percent. The President said that our schools will have greater resources to help meet the goals of Leave No Child Behind. But for the third year in a row the President’s budget falls billions of dollars short of fully funding Leave No Child Behind.

The deficit. The President says our budget will run a deficit that will be small and short-term, but the fact is that the 10-year deficit projection by the Congressional Budget Office, assuming extending the tax provisions, is $4.7 trillion. In just 2 years, there has been an almost $12 trillion swing in the deficit outlook. The $5.6 trillion 10-year surplus projected when the President took office has been replaced by deficits as far as the eye can see. For 2004, the President’s budget proposes a record deficit of $521 billion, $146 billion more than the 2003 deficit, which was also a historic record. Yet the President said on January 7, 2003, “Our budget will run a deficit that will be small and short-term.”

We have to really get our administration to begin to understand the value of telling the truth, because in both the domestic and foreign policies of this administration, this administration has deceived the American people about their national security, their economy, their children’s education and their future. We should be leading the world, not misleading it. That is exactly what we are doing.

Finally, let me just say one of the biggest farces which the President said and indicated he wanted to do was to unite the country. I believe that this country is more divided tonight than ever.
Ms. LEE. Madam Speaker, I am referring to statements of fact and information which has been documented and quoted which have been published already.

I thank the Speaker for reminding us of the rules of the House.

The SPEAKER pro tempore. The gentleman from Maryland, but I just want to point out that again, going back to what I said before, and I was referencing this New York Times article about the future of democracy, in order for us to make fair and accurate decisions in the way we vote on the floor, whether it is to go to war in Iraq or it is to provide funding for various programs, we need to have accurate information. I think what the gentlewoman is pointing out is that, whether it is foreign policy or domestic policy, with the kind of deception that we are getting, we cannot rely on the information that is being provided by the administration many times is distorted or it is not accurate. That is, I think, the real problem here.

I voted against the war but many of our colleagues, both Democrats and Republicans, voted for it because they relied on representations that were being made by the White House that there were weapons of mass destruction, that there was an imminent threat, so many of the things that she pointed out. So, ultimately, they made the wrong decision, many of whom now regret that decision, because they did not get accurate information. They relied on the White House to make a decision that was the wrong decision.

The whole point is that we cannot make fair decisions, we cannot figure out what to do here if we continue to get this inaccurate information from the White House. What ultimately is going to happen is we are not going to believe anything we get. We are just going to have to come find some other source and assume that whatever comes from the White House is not accurate and cannot be relied on. I think the gentlewoman pointed that out so many times.

Ms. LEE. I want to just like to say, I think it is very important for us, as the leader of the free world, the greatest superpower in the world, to be credible, to be credible as we move forward in this 21st century in terms of how we view the world in terms of our strategic position, in terms of our quest to have a peaceful world, a secure world and in terms of our efforts to eliminate terrorism.

There is no way we should sweep under the rug the facts that are here, that are published, we know what who said when. I hope that the American people understand that we come to this floor to try to present the facts because oftentimes the media does not do that. We have it right here, and we are urging people to read what has been said over the last few years.

We have lost over 560 young men and women in the military. Their lives are lost, their families’ lives are shattered. We have a result at the end of this deceit which led us to war.

I believe it is our duty and our responsibility to put these facts out and to make sure that the American people know what was said, what was the basis for that decision, that the outcome, unfortunately, has been.

Mr. PALLONE. I mentioned before about this op-ed with Krugman where he was quoting the Israeli newspaper Haaretz, a major publication in Israeli. I just want to read that quote again in their editorial where they said, “This isn’t America; the government did not invent intelligence material nor exaggerate the description of the threat to justify their attack.”

We tend to think of this country and I have always felt it as the country that stood up right, what is just, what is honest, and to think that an Israeli newspaper is now saying, we’re not like the government of the United States, we don’t make up things, we don’t lie, we don’t exaggerate, as if that is the norm for us, is a pretty sad state of affairs.

Mr. Speaker, I yield to the gentleman from Maryland.

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I want to thank the gentleman for his vigilance and for consistently standing up for what is right.

I have often said that I would like to see my children and grandchildren have a better country, inherit a better country than the one that existed on January 18, 1951, when I was born.

I must say that when I listened to my colleagues speak and I look at the very subject that we are talking about tonight, I am very much concerned that they will not inherit a better country.

As a matter of fact, the kinds of things that we are talking about tonight, where words of this administration are distorted or it is not accurate.

This tendency towards strategically bending the truth is the rationale provided for the Iraq War. What disturbs me most about the faulty reasoning provided by our rush to war is the fact that not only was our Nation’s credit at stake, but most importantly human lives were at stake. Recent remarks by the Spanish Prime Minister in which he called the United States’ occupation of Iraq a fiasco, and most important, make it increasingly evident that international goodwill is beginning to turn against the United States.

Madam Speaker, it is clear that one of the very first casualties of this war was international respect for the United States of America. Although terrorists may be jailed or killed on the battlefield, the war against terrorism will be fought and won in the hearts and minds of the world’s people.

One striking example of this tendency, which has been published already, is the statement made by Neill, a former National Security Advisor who was at stake. Recent remarks by Spanish Prime Minister in which he called the United States’ occupation of Iraq a fiasco, and most important, make it increasingly evident that international goodwill is beginning to turn against the United States.

Madam Speaker, it is clear that one of the very first casualties of this war was international respect for the United States of America. Although terrorists may be jailed or killed on the battlefield, the war against terrorism will be fought and won in the hearts and minds of the world’s people.

By advancing unilateral policies that isolate the rest of the world without concrete proof of imminent threat, we have endangered not only our national security, but also our national identity.

The Bible says, “Therefore whosoever ye have spoken in darkness shall be heard in the light and that which ye have spoken in the ear in closets shall be proclaimed upon the housetops.”

It is the President’s and the Administration’s penchant for light as of late that seem to indicate that the administration’s reasoning for war was flawed and the information provided to the public as justification for the war was misleading. First, we had Secretary Paul O’Neill, a former member of President Bush’s Cabinet, saying that invading Iraq was a top priority of this administration only 10 days after the inauguration of this administration. That happened January 31, 2001, long before September 11, the administration had already had its sights on Iraq.

Then to add insult to injury, former U.S. weapons inspector David Kay testified before the Senate Armed Services Committee that “we were almost all wrong” as it relates to our prewar intelligence. And Richard Clarke, the President’s former counterterrorism advisor, who was testifying that, although he has credible evidence pointing to al Qaeda as being responsible for September 11, the administration still insisted on finding a link to Iraq.
And now, Madam Speaker, we have this report entitled “Iraq on the Record: The Bush Administration’s Public Statements on, Iraq” issued by the special investigations division of the Committee on Government Reform approved last week which was referred to by the gentlewoman from California (Ms. Lee) just a moment ago. This startling report, which I submit for the RECORD, chronicles over 200 misleading statements about the war in Iraq that were made by the administration.

This chart, which was included within the report, graphs the occurrence and timing of these misleading statements. Madam Speaker, the Members may notice this sharp spike between August, 2002, and October, 2002. I am sure the Members will recall that this happens to be around the same time Congress was considering the resolution authorizing the use of force in Iraq.

Madam Speaker, I am sure that it is far more than a coincidence that just as Congress was debating whether or not force was necessary in Iraq, President Bush and his National Security Adviser Condoleezza Rice, the administration, made 64 misleading statements in 16 public appearances. Madam Speaker, that amounts to more than two misleading statements per day during the 30-day period between September 8, 2002, and October 8, 2002.

I am sure that some of my colleagues across the aisle will object to this information, but in advance let me assure my critics that this report only contains statements that were misleading at the time that they were made. I am not referencing statements that the administration thought to be true at the time that they were proved false in hindsight. I am talking about statements that were not accurate reflections of the views of intelligence officials at the time they were made.

Madam Speaker, as a Member of Congress, I am outraged by this purposeful twisting of the truth, and every American who believes in truth and justice should be outraged also.

Madam Speaker, unfortunately, the argument made for war in Iraq was not the only case wherein the administration has knowingly misled the Congress and the American public. In December of 2003, the administration sent Congress its National Healthcare Disparities Report. Madam Speaker, two months later, after public pressure, the administration submitted to Congress, instead of joining the Members of Congress in our effort to eradicate health disparities, the Bush administration has chosen to delude Members of Congress as to the extent and nature of the problem.

The report that the Department of Health and Human Services provided to Congress was shameful. The Special Investigations Unit of the Committee on Government Reform has found that the Department of Health and Human Services altered conclusions of its scientists on health care disparities in order to mask the appearance of a national problem which is literally costing human lives.

A congressional investigation released in January entitled “A Case Study in Politics and Science: Changes to the National Healthcare Disparities Report,” which I will submit for the record, made some startling findings which I want to share with the American people tonight, Madam Speaker.

The investigation revealed that the Department of Health and Human Services’s scientists “found significant inequality in health care in the United States, called health care disparities ‘national problems,’ emphasized that these disparities are pervasive in our health care system and that the disparities carry a significant ‘personal and societal price’ in its initial report.”

However, the final version of the disparities report, that is the version the administration submitted to Congress, contained none, none, of these conclusions and instead minimized the importance and scope of the disparities in health care.

Madam Speaker, not only did the administration mislead all 535 Members of Congress by rewriting a scientific report required by law, but the administration officials were dishonest with me personally when I asked about the changes made to the report.

Dr. Carolyn Clancy, director of the Department of Health and Human Services Agency for Healthcare Research and Quality, wrote a letter to me that began: “I am writing in partial response to your letter to Secretary Thompson expressing my concern that these changes were made to scientific facts and findings in the National Healthcare Disparities Report.” She goes on to say, as we will see on this chart, the very next sentence of the letter read: “At the outset I want to make it clear that no data or statistics in the report were altered in any way whatsoever.”

This is a letter that she sent to me. However, Madam Speaker, if one were to visit the Agency for Healthcare Research and Quality’s Web site right now, they would find another letter from Dr. Clancy which reads: “Over the course of the summer and fall, changes which I concurred in the very next day the President appointed Judge Charles Pickering over the objection of United States Senators, the Congressional Black Caucus, and all of these civil rights organizations. I find it rather ironic that 1 day after the photo-op with Dr. King’s widow, Coretta Scott King, and after saying that the Nation should honor what Dr. King stood for, that President Bush would have appointed a judicial nominee that was vigorously opposed by nearly every single civil rights group in the entire Nation.

Finally, Madam Speaker, I ask how is it that Dr. Clancy has not come before this Committee to explain to the Members her reasons for making these changes, for recommending these changes to the President, or is this the truth? No matter what, there is an inconsistency that goes to the heart of a major issue on health care disparities.

Furthermore, Madam Speaker, not only did the administration deliberately mislead Members of Congress, they also deliberately misled the American public. In December of 2003, the administration sent Congress its National Healthcare Disparities Report. Madam Speaker, the administration submitted to Congress, instead of joining the Members of Congress in our effort to eradicate health disparities, the Bush administration has chosen to delude Members of Congress as to the extent and nature of the problem.

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CONGRESSIONAL RECORD — HOUSE
Madam Speaker, for over 6 months this administration has been fighting tooth and nail against all of the facts being laid out in public before this commission investigating 9/11 and what happened. It is not just the 3,000-plus people that died that day, and it is not just the 3,000-plus people now that have died in Iraq and their families that are suffering, presumably because we were fighting terrorism, and some of us question the rationale for that war. But all Americans deserve to know the truth. The White House’s strategy over the last 6 months has battled against the commission over access to documents and witnesses.

The panel has issued two subpoenas to the Federal Government for aviation and military records, and twice had to threaten to do the same for access to presidential briefing materials. The panel fought the White House over an extension of its statutory deadline for issuing a report which was originally foreseen for May 2003. The Administration does its job. There has been pressure on this commission not to explore fully and readily exactly what happened on 9/11. Now, fortunately, under tremendous pressure right now, we are going to hear much more. The retired Marine general who was Bush’s Middle East mediator had the audacity to anger the White House when he told a public policy forum in October that “Bush had far more pressing business than Iraq, and suggested there could be a prolonged, difficult aftermath to the war. He was not re-appointed as Mideast envoy.” The source, and that is a quote, was the Associated Press in July of 2003.

The troops fighting in Iraq were threatened for telling the truth about combat in Iraq. After soldiers in Iraq raised questions about the Bush administration’s deceptive WMD comments, General John Abizaid said no soldiers “are free to say anything disparaging about the Secretary of Defense, or the President of the United States. Whatever action may be taken, whether it is a verbal reprimand or something more stringent, is up to the commander on the scene.” The source, and that is a quote, was the Associated Press.

No, we are not even going to let those who are putting their lives on the line publicly raise questions.

The CIA was blamed for telling the truth about bogus Iraq nuclear claims. Despite the CIA having made advance objections to the White House about false Iraq nuclear claims, “President Bush and his National Security Advisor yesterday placed full responsibility on the Central Intelligence Agency for the inclusion in this year’s State of the Union Address of allegations that Iraq’s Saddam Hussein was trying to buy nuclear weapons.”

So much for taking personal responsibility for words that come out of one’s own mouth. Let us blame someone else.

But even before I get to him, the Secretary of Commerce the other day, in a speech to a group of workers who were concerned about losing their jobs, because jobs are being exported overseas, said that basically this kind of outsourcing is really a good thing for the economy.
“People who are out of work because of outsourcing, who said, no, they think maybe we ought to try and keep jobs at home, he called them economic isolationists, and he said economic isolationists wave the flag of surrender, rather than the American flag.” That is a quote.

So, in other words, people who are out of work because their jobs have gone overseas and have the audacity to complain about our policies that do that are said to wave the flag of surrender, not the American flag.

What does that mean? They are not patriots? These people, whose children every day go to school and say the pledge to the flag while dad or mom is looking for a job?

THE CHALLENGING QUESTION OF JOBS LEAVING AMERICA

The SPEAKER pro tempore (Ms. GINNIE BROWN-WAITE of Florida). Under the Speaker’s announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, I appreciate the opportunity to address the House.

It is appropriate, I suppose, that we continue with the discussion we are having about jobs. It is an interesting one, it is a challenging one. It is certainly an issue that will be with us for quite some time, certainly during the next several months as we approach the election.

We know that there is a great deal of anxiety in the Nation, there is a great deal of concern about the degree to which the exportation of jobs from the United States, the outsourcing, as it is referred to, has affected our economy, has affected the unemployment statistics and affected Americans in ways that are quite alarming sometimes.

We wonder about exactly how it is that we can treat this issue. Number one, is it real? The outsourcing of jobs has sometimes been described as a good thing from an economic standpoint. I heard my colleagues on the other side of the aisle talk about that and suggest that someone was being disingenuous in that description.

Well, Madam Speaker, I do not know whether or not the outsourcing of jobs from the United States does in fact cause the loss in jobs. I have a sneaky feeling it may. I am concerned about the possibility that it does.

We recognize that there is a phenomena, a world economy that challenges us as never before in terms of trying to figure out how exactly to address the issue of jobs, how to protect them.

In the past, and for the last actually 150 or so years, a lot of people have been wedded to the concept of free trade by various economists, from Ricardo and Adam Smith, and we adhere, most of us, to the concept that free trade is good in the long run and produces in fact a more viable economy. That has been the mantra many people have chanted.

I do not hear, even from the other side, however, a resolution to this. I do not hear anybody saying, well, we should not have free trade, that we should establish some sort of economic barrier to free trade, we should establish tariffs.

They can and do rail about the fact that we are maybe losing jobs in this new economy, in this new-world economy, and that it is, of course, therefore the President’s fault. No one has in fact, that I know of, come up with a plan that would suggest a protectionist policy be implemented, that in fact we should begin to look at things like tariffs to protect American jobs. That is a hard case to make, and it is one alternative, of course, to the present course of free trade.

We can begin to restrict America’s trade policies. We can begin to erect barriers. We can begin to say to other countries, not only if they do not react in what we would call a fair way to our trade policies that we will in fact impose some sort of penalty, we will raise a tariff barrier.

We can in fact even adopt policies or tax laws, for example, that are designed to prevent companies from or punish companies for offshoring jobs, for moving jobs from the United States to other countries.

Those are policy options. Now, would they stop the offshoring of jobs? Would people then say, okay, because I have to pay an extra tax for doing that, I will not do that. It is both logical and it is, in fact, the responsible thing to do.

But we will never hear, Madam Speaker, we will never hear our opponents, ever, suggest what I am going to suggest as a way of protecting American jobs. Their purpose is to make political points. Their purpose is to make Americans, who are fearful of their own jobs and those who have lost jobs, vote for them, as opposed to the Republicans, just out of the fear. But there is never a solution that they propose, and certainly not the one that I am going to suggest tonight.

Madam Speaker, in this country today there are between 13 million and 15 million people who are here illegally. That is to say, they have come across the border of the United States without our permission. For the most part, they have come for the purpose of taking jobs. We hear this all the time, even from people on our side of the aisle, that the people who are coming here illegally are coming here simply to take the jobs that no one else will take.

Well, I do not know how it is in the districts of my colleagues or anywhere else in the country, but I will tell my colleagues that in my district there are many people who are out of work and who are looking for any job. They will take a job in the high-tech sector from which they were fired because someone came in to work for less money, or their job was outsourced, or they will take a job, many people, who do not have the kinds of skills that would allow them to even think about a job in the high tech industry, they will take a job as roofers or as drywall hangers or as bricklayers or as yes, even, believe it or not, who would clean our houses or cut our lawns. They are people who are in desperate need of a job.

But we are importing millions of people to take those jobs. Why? Because they will take them for less money.
than the previous person was willing to take. It is a constant series of someone undercutting the person who was there for their job.

Now, this importation of cheap labor has an effect on our economy. And, yes, it is on the commodities that we can make our goods less expensive and that we can probably get our lawns cut, our laundry done, our houses cleaned, and any one of a variety of other things for less money because there are so many people who are willing to work for very little, and they have displaced the person who was doing that job for a little more. So to that extent it benefits a certain segment of our society. In the long run, however, I think it is a detriment to all of us.

So if we really wanted to address the issue of jobs, why would we not say that one way to do it is to, in fact, limit the number of people who are coming into this country illegally, why would we not say that we are going to defend our borders, stop the importation of cheap labor illegally into this country and even reverse the flow by levying fines against people, which is the law, of course. The law today allows us to levy fines against people who are here illegally. And if we do that, we will, in fact, be able to reverse this flow.

People who are here illegally, if they are not able to obtain jobs and the social and economic benefits that we so liberally provide, they will return to their country of origin. We do not have to round them up in cattle cars and send them out or anything of that nature. These are the pictures that our opponents try to portray all the time of this horrid experience. But, in fact, we could simply enforce the law and secure the border and achieve the goal of reducing the number of people who are here illegally.

But those people who do not go home under any circumstances should, in fact, be deported, because that is the law. We may not like the law. There are a number of people on the other side who, of course, despise the law, but it is the law, and it is something that we must deal with. We can try to ignore it. We can try to pretend these laws do not exist. We can try to pretend the laws about immigration are nothing more than the selections on a Chinese restaurant menu: We will take one order of this, two orders of that, no rice, and be particular about which laws we will, in fact, enforce and which laws we will not. But that is not the way our society is built.

Madam Speaker, we are supposed to be a nation based on the rule of law and the respect for the law; and the law says if you are here illegally, you should be deported. The law says that if you hire someone who is here illegally, you should be fined; and if you continue to hire them, you could actually go to jail. That is the law. In the very place where we make law, this is supposed to be the place where we have the ultimate respect for the law.

Yet the members of the other side and even members of our own party would rather ignore the law, would rather suggest it does not exist and that we will look the other way. Because, on the one side, they are concerned about the flow and that we would be losing if we stopped the flow of immigration, both legal and illegal, or reduced it; and on our side, oftentimes because we are fearful that we will stop the flow of cheap labor. In any case, the border patrol people, the various and the numbers begin to overwhelm us.

Let me point out something that I find absolutely incredible. First of all, let me say, Madam Speaker, that when I go down and visit the border and talk to our Border Patrol people, which I do often on both the southern and northern borders, one of the things I hear most often is an admonition from them, and it goes something like this: Congressman, when you go back up there, please, please tell your colleagues, do not ever mention the word "amnesty" for the people who are here illegally. Because they say every time that happens up there, meaning here, the flood we are trying to stop on the border becomes a tidal wave, a natural disaster that people are coming to obtain this "amnesty." If they can sneak in under the radar screen, if they can sneak in in time, they will get an amnesty. That is what they think. So the numbers become overwhelmingly large.

Let me tell my colleagues what has happened in one sector, one portion of our border, the Tucson sector, which, of course, as my colleagues know, is just one spot along a 3,000-mile border, north and south. Since October 1 of last year, which is the beginning of our fiscal year, to date, about 6 months, the number of people interdicted, the number of people stopped at the Tucson sector in the last 6 months has reached 211,450. That is a few days ago. They are stopping about 3,000 or 4,000 a night. Almost a quarter of a million people by now in 6 months have been stopped at the Tucson sector, on the Tucson sector of the border.

Madam Speaker, for every single person that comes into this country, I mean every single person that we stop at the border, 2 or 3, 5 or 10, we do not know for sure how many, but certainly a majority of us say 2, for every one we catch, we catch one. It is probably far more than that, but a minimum of 2. That means that in the last 6 months, a half a million people have entered this country illegally just in the Tucson sector, and successfully entered the country. Madam Speaker, a half a million people in 6 months in one sector. This is, by the way, a 46 percent increase from this time last year.

In the month of March, apprehensions, with at this point 3 days still remaining, at the beginning of the month of February and March, there is 34,100 from last year, an increase of 85 percent. Madam Speaker, 3,067 when this report was done, which was 3 days ago, 3,067 were caught yesterday, according to the Border Patrol. By the way, April and May are typically the peak months ahead of a hot summer. Madam Speaker, a half a million people came into this country illegally in 6 months in one sector.

Where do they go? Now if, in fact, they are just coming for the jobs Americans will not take, which is what we hear all the time, right? What are the 500,000 jobs those people are going to take when they get here that are just waiting for the labor? Because, of course, that is what we are told is the case, that there are millions and millions of jobs going begging. Madam Speaker, I ask my colleagues, in my colleagues’ districts, are there thousands and thousands of jobs that we cannot fill? I tell my colleagues it is not the case in my district.

I do not know of a district where what ads are running without response. Nobody wants the job. Thousands and thousands. 500,000 in the last 6 months. Where are they going? Where are they working? Are they, in fact, just taking jobs Americans do not want? Or are they, in fact, displacing American and/or immigrant labor who came here before them and doing so because they will work for less?

The President said in his speech that he wants to match every willing worker with every willing employer. But I ask the President to please think about that statement. I ask him to determine whether or not he really means that, matching every willing worker with every willing employer.

Well, I would suggest that there are billions of willing workers all over the world looking for the opportunity to come here and, in fact, undercut someone, undercut someone who is presently here for their job. Do we really believe the President, why do we have immigration policy? If, in fact, our purpose is to simply let markets determine the flow of goods, services, and labor, why do we have immigration policies? Why do we say here is how many people can come into this country legally? Why do we not just say the border is meaningless, but if you get here, however you get here, you are here. You are a resident. You can apply for any job, you can obtain any benefit, you can even vote.

What is the purpose of a border if we are really and truly going to say whatever person is willing to work should be matched with any person willing to employ them? At that point in time it truly is a world economy, is it not? What sense does a border make under those conditions?

Why should we impose any restrictions? Why should we hand out visas? Because it does not matter, you see. If people are coming here to work, why are the employers willing to hire them and they are willing to work for even less than that employer is paying at the present time, why should we
interfere? It is just markets. It is just the way of the market and the world economy.

Well, Madam Speaker, I do not know whether we can begin to control the flow of jobs offshore, being exported offshore. I do not know because technology today, of course, makes it incredibly difficult to control the flow of work to worker. And you can push, you can move work to worker anywhere in the world because of technology. It is true.

I do not know whether there is any law we can pass, which is one reason our friends on the other side do not suggest them, because they do not know what they are getting. But, saying something like we will actually impose a tariff. They will not say it because they are afraid of the ramifications of it also. So they simply scream about jobs.

Well, whining and screaming and complaining will not change a thing. It may get more of them elected, it may get more people to vote against the President and against Republicans, that is not what we care about, that is all they care about. But it will not change the job situation in this country. But I suggest that everyone in this body, and the President could do something tomorrow to improve the jobs situation in our country without imposing a tariff, without taking one protectionist step, but they could begin to enforce the law, the law that is presently on the books, that says you cannot hire people who are here illegally, the law that says you cannot hire them if you intend to ignore them.

And I want the President of the United States to take a position on whether or not borders matter. Because if they do, then there are decisions that you have to make. If borders matter, then you have to defend them. You have to secure them. If they are of importance, then you have to defend them. You have to defend them.

And, Madam Speaker, I dare use the word—impose a tariff. They will not say it because they are afraid of the ramifications of it also. So they simply scream about jobs.

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them to have any attachment to Western Civilization or to the American experience; and we tell immigrants the same thing that they should keep their language, that we will actually teach them in the language that they have when they come here, teach their children in that language other than English, when we encourage them to stay separate, when we encourage them to actually keep their political allegiances to the country of origin. This becomes extremely problematic, and it goes even beyond the other issues of economy, jobs, health care issues, social issues.

This goes to really the core of our society and whether we are going to be able to remain a Nation at all.

And this is happening, this cult of multiculturalism, certainly does permeate our society. We see signs of it all over the place. As an example: at Los Angeles Roosevelt High School, an 11th grade teacher told a nationally syndicated radio program that she dislikes the textbooks she has been told to use.

Angeles Roosevelt High School, an 11th grade teacher sub- stituted the word Christmas with the word winter in a carol to be sung in a school program so as not to appear to be favoring one faith over another.

In a school district in New Mexico, the introduction to a textbook called “500 Years of Chicano History in Pictures,” written in response to the bicentennial celebration of the 1776 American Revolution. Not a bad idea. This is an interesting thing. But it was written “in response to the bicentennial celebration of the American Revolution.” What is the book was written for. Its stated purpose is to celebrate “our resistance to being colonized and absorbed by racist empire builders.”

The book describes defenders of the Alamo as slave owners, land speculators, and Indian killers. Davey Crockett is described as a cannibal. The 1847 war on Mexico is described as an unprovoked U.S. invasion. The chapter headings include, Death to the Invader, U.S. Conquest and Betrayal, We Are Now a U.S. Colony, In Conspiracy We Stole the Land. This is a textbook used in New Mexico.

There are literally hundreds of examples that I could give of this cult of multiculturalism, this attempt to destroy our nation, destroy our culture by degrading our own. This is the concept that we live in this world where I am okay, you are okay cultures and civilizations; that everyone is the same as everyone else and that, instead of regretting such things, if we condemn or look down upon or criticize any other nation, culture, or civilization.

Well, this has seeped into the fabric of our society to the point where about a month ago I went to a high school in my district. It was recently built and in one of the wealthiest counties in America. It was a beautiful school, with all the finest trappings, and bright-eyed bushy-tailed kids who certainly mastered the skills in a variety of areas. They came in to talk to me. We had about 200 of them. And at the end of the conversation, they sent up several questions. One of them was, What do you think is the most serious problem we face as a Nation?

I said, Well, before I answer that question, I am going to ask you a question. Remember, 200 high school students. I said, How many of you believe that you live in the greatest country on Earth? Take a guess, Madam Speaker, as to how many raised their hand. Out of 200 students, and the question was, Do you believe you live in the greatest country on Earth, about two dozen said yes. About two dozen actually raised their hands.

All of them, Madam Speaker, I do not think for a moment were saying I hate America. Most of them simply could not feel comfortable about raising their hand because they may have been asked to actually defend the proposition, and that is what made them uncomfortable. I taught for many years, and I could see that look in their eyes: if I raise my hand, you might call on me, and I do not know if I can actually answer this, that America is the greatest. What if you ask me to prove it? What if you ask me why I believe that it is? So it is best I just do not even raise my hand.

Who are we, is a great question. What is our purpose? What is the thing that we should all be gathering around? Are there any ideas or ideals that all of us, regardless of where we come from — Azerbaijan or Zimbabwe, whoever we are, when we come here to the United States, is there nothing at all that we should establish as being the primary thing people should adhere to; some ideas that are of value and that separate us from all the rest of the world; things like the concept of the rule of law; all of those things that are identified in the Bill of Rights, especially in the first amendment?

Who are we, are uniquely Western ideas. This Nation, as opposed to all other nations, was founded on ideas. No other nation has that claim. In that respect, we are unique and wonderful. But we are also vulnerable. I mean, it is in fact ideas that we need to hold us together. It is not ethnicity. We do not all look the same and have the same background. We did not come here speaking the same languages or even worshipping the same God. So what other nations have to hold them together, the culture that they share in common, we do not have.

All we have, Madam Speaker, is ideas that made this country, and they are articulated in the Constitution and especially in the Bill of Rights. And it is imperative we teach our children in high school about them and that we transmit those values and ideas and ideals to them. It is imperative that we ask, in fact demand from people who are coming in to this country, that they also adhere to them.

That is not too much to ask. We are not asking people to change their religion. We are not asking them to
change their cultural identity. We are asking them to rally around a set of ideas. We should be asking, and we used to ask that. We asked it of my grandparents. But we do not ask it any more. In fact, we attempt to stop it. I believe it is a death wish for the country, in a way, that continues to push us in this direction, this radical multiculturalist path. There are certain ideas that supercede others, and I suggest that diversity be one of them. I mean, the one thing that we supposedly all have in common should not be our love of diversity. There are other things that are more important. There are ideas that are more important, and we should teach our children about them, and we should teach immigrants to respect and adhere to them. We do not do this, I think, to our peril.

So when I talk about the issue of immigration and immigration reform, it is not simply because I am concerned about jobs, which of course I am, and I believe it is a significant factor and something we should talk about when we talk about jobs. It is not just because I am concerned about the impact on our economy in terms of the health care and Social Security benefits that massive immigration imposes on us, although I am concerned about that. And it is certainly a concern about the costs we have to incarcerate. Twenty-five percent of the population of our prisons, 25 percent, are people who are noncitizens of the United States. These are huge costs we incur.

Cheap labor is not cheap. Or I should say it is only cheap to the employer. It is not cheap to the rest of us. It costs a fortune. And those things we should talk about. But those things are not even the most dangerous aspects of massive immigration, both legal and illegal, until it combines with this cult of multiculturalism. That is the dangerous thing.

And this is a tough subject. It is very difficult sometimes, I know, to make this case because its requires us to really think about this in depth. You can make bumper stickers out of a chunk of this discussion, but you really have a hard time conveying this in a 30-second commercial. It is so much easier to use slogans and demagogy, as our opponents are so able to do and so very well.

I do hope that we will think about this. I introduced a resolution a couple of weeks ago; and it simply states that all people, all children graduating from our schools, it is a sense of the Congress, should be able to articulate an appreciation for Western Civilization. What is so tough about that? And yet I do not know whether we are even going to get it on the floor of this House for fear someone will be offended by the discussion of whether or not our children should be able to articulate an appreciation for Western Civilization.

Now, you may say, well, who could be against that? How could anybody be against it? Why should we not be able to do that? Well, because, of course, we may be offending someone else.

We are not saying that anybody should condemn any other civilization, should criticize any other civilization. We are just saying they should be able to articulate an appreciation of western civilization, which is what started this. I mean, you are here from Azerbaijan or Zimbabwe. Anybody coming here should eventually be able to articulate that appreciation. It is important because it does in fact establish a canon of ideas, around which we should all gather.

I have introduced that resolution. I have also asked other State legislators all over the country to do the same thing. I think to date we have 15 or 20 State legislators who have agreed to do so in their individual States. I have several hundred people who have gone to our Web site, www.house.gov/tancredo, and gone to Our Heritage Our Hope page and there they can sign up, that they will pass a model resolution that they can take to their school board and have them pass it saying that their children will be able to articulate this.

I hope people will do that. I hope people will actually go to our Web site, take that resolution, go to their school board and ask them to adopt it. If nothing else but to hear the debate that will ensue. If nothing else but to hear somebody say, oh, no, he couldn’t, not absolutely could not ask a student or demand that of our students, that they be able to articulate an appreciation for western civilization. Would that not be an interesting debate? I hope they will do it.

Once again, it is www.house.gov/tancredo, go to Our Heritage Our Hope. I hope they do it, Madam Speaker; and I hope all over this country we will begin this debate as to whether or not this is an important requirement and whether it is meaningful and whether our children and the people who come into this country should be able to rally around a set of ideas that separate us from all other places.

Because, Madam Speaker, I have absolutely no doubt about it, this is the greatest nation on the face of the earth. There is plenty of empirical evidence to prove it. Because when the gates are opened all over the world, which way do people go? You just do not see that many fleeing from the West to say, Pakistan or Zimbabwe or anywhere else, but you see millions flowing here. People do speak and vote with their feet; and to the extent that they can get here, they will come, or to western Europe, because it offers something that they do not have. It offers hope. I do not blame them for trying to come. It is the hope and desire I think of having and wanting to improve the quality of their life economically.

But all I am saying is that, when you get here, there is more to being an American than just getting a job. At least there should be. It should mean more than that. Or else we are just a place of residence, that is all, not citizens. We are just a place of residence, people who reside here, not people who have an affinity for the ideas and ideals that make America what it is. This is my fear. It is one that is sometimes difficult to encapsulate, even in an hour-long speech, although I appreciate the ability that the House provides for us to come here on the floor and opine like this.

It is I think a very serious issue, and I hope and I pray that we will as a Nation begin to grapple with it and that even in this House we will begin to debate what it means to be an American and what we have to do in terms of our own domestic policy and our immigration policy to enhance that concept. It will determine not just what kind of a nation we are in the future that is balkanized, united or divided, it will determine whether we are a nation at all, and that is why we absolutely must enter into this debate.

RECESS

The Speaker pro tempore (Ms. GINNY BROWN-WAITE of Florida), pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o’clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows: A letter from the Assistant Secretary, Department of Defense, transmitting the Department’s final rule — Farm Loan Programs Account Servicing Policies—Elimination of 30-Day Past-Due Period (RIN: 0560-AG50) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7351. A letter from the Assistant Secretary, Department of Defense, transmitting the Department’s Evaluation of the TRICARE Program FY 2004 Report to Congress, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

7352. A letter from the Secretary of the Navy, Department of Defense, transmitting a proposal to transfer the historic harbor tug ex-HOGA (YTM 146) to the Arkansas Inland Maritime Museum, North Little Rock, Arkansas, a non-profit organization, pursuant to 10 U.S.C. 7306 to the Committee on Armed Services.

7353. A letter from the Secretary, Federal Trade Commission, transmitting the Commission’s final rule — Prohibiting Against Circumventing Treatment as a Nationwide Consumer Reporting Agency (RIN: 3084-AT) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7354. A letter from the Assistant Secretary, Director of Corporate Finance, Securities and Exchange Commission, transmitting the Commission’s final rule — Additional Form
B2 and A300 B4 Series Airplanes; A300 B4-600, Airworthiness Directives; Airbus Model A300

cialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 Helicopters; Boeing Model 737-700, -700C, -800, and -900 Series Airplanes; Model Otter DHC-3 Airplanes; and Model A340 Series Airplanes; and Model A320, and A321 Series Airplanes; and Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340 Series Airplanes [Docket No. 2003-NE-56-AD; Amendment 39-13527; AD 2004-05-23] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7360. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes [Docket No. 2000-CE-73-AD; Amendment 39-13493; AD 2004-05-01] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7361. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2004-NE-03-AD; Amendment 39-13490; AD 2001-13-18 R1] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7362. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Raytheon Aircraft Corporation Beech Models 45 (YT-45), AS4 (T-34A, 8-45), and D45 (T-34B) Airplanes [Docket No. 2000-CE-09-AD; Amendment 39-13496; AD 2001-13-18 R1] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7363. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; General Electric Aircraft Engines Model F100 (T-400-A), F110 (T-400-B), F136 (T-400-C), F141 (T-400-D), F130 (T-400-E), and F119 (T-400-F) Airplanes [Docket No. 2003-NE-60-AD; Amendment 39-13485; AD 2004-04-04] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7364. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 Helicopters [Docket No. 2003-5W-11-AD; Amendment 39-13523; AD 2004-05-28] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7365. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2004-NE-04-AD; Amendment 39-13491; AD 2004-04-10] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7366. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4-600, C4-605R, Variant F, and F4-600R (Collectively Called A300-600); and A310 Series Airplanes [Docket No. 2002-NE-04-AD; Amendment 39-13490; AD 2004-04-10] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7367. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2004-16990; Airspace Docket No. 04-ACE-8] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7374. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of Class E Airspace; Neodesha, KS [Docket No. FAA-2004-16988; Airspace Docket No. 04-ACE-4] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7375. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of Class E Airspace; Laredo, KS [Docket No. FAA-2004-16990; Airspace Docket No. 04-ACE-8] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.


7368. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 B-600 Series Airplanes (Collectively Called A300-600); Model A310 Series Airplanes; Model A320, and A321 Series Airplanes; Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340 Series Airplanes [Docket No. 2001-NE-134-AD; Amendment 39-13477; AD 2004-03-33] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.

7369. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; General Electric Aircraft Engines Model F100 (T-400-A), F110 (T-400-B), F136 (T-400-C), F141 (T-400-D), F130 (T-400-E), and F119 (T-400-F) Airplanes [Docket No. 2003-NE-60-AD; Amendment 39-13485; AD 2004-04-04] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infra-structure.
transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2001-NM-301-AD; Amendment 39-13468; AD 2004-05-04] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2004-17144; Airspace Docket No. 04-ACE-10] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738A. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2X-3C, B4-2X, B4-103, and B4-203 Series Airplanes; Model A300 B4-600, B4-600R, and B4-600R (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes [Docket No. 2002-NM-113-AD; Amendment 39-13499; AD 2004-05-05] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738B. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Boeing Model 737-200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT [Docket No. 2002-NM-238-AD; Amendment 39-13521; AD 2004-05-26] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738C. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Modification of Class E Airspace; Des Moines, IA [Docket No. FAA-2004-17145; Airspace Docket No. 04-ACE-11] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738D. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87) and MD-88 Airplanes [Docket No. 2001-NM-170-AD; Amendment 39-13503; AD 2004-05-09] (RIN: 2120-AA64) Received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


739A. A letter from the Director, NIST, Department of Commerce, transmitting the Department’s final rule — Summer Undergraduate Research Fellowships (SURF) Gainesville and Boulder Programs; Availability of Funds [Docket No. 040108008-4008-01] (RIN: 0693-ZA53) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.


739C. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service’s final rule — Summer Undergraduate Research Fellowships (SURF) Gainesville and Boulder Programs; Availability of Funds [Docket No. 040108008-4008-01] (RIN: 0693-ZA53) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.


N O T I C E

Incomplete record of House proceedings.

Today’s House proceedings will be continued in the next issue of the Record.
The Senate met at 9:30 a.m. and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, source of the light that never dims and of the love that never fails, light of our life, empower us to live blameless and upright, so that we will have a future of peace. Thank You for both joys and sorrows, for they lead us nearer to You. Thank You also for the signs of Your presence in our world and for the coming day when Your will shall be done on Earth, even as it is done in Heaven. Remember our Senators. Strengthen and encourage them. Give them a faith that can overcome all obstacles. May they never cast away their confidence in You. Fill each of us with the joy and peace that comes from believing in You. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable NORM COLEMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable NORM COLEMAN, a Senator from the State of Minnesota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. COLEMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE
Mr. FRIST. Mr. President, this morning, the Senate will conduct a period of morning business until 10 a.m., with the first half of the time under the control of the majority leader and the second half of the time under the control of the Democratic leader.

At 10 a.m., the Senate will conduct 90 minutes of debate prior to appointing conferees with respect to the budget resolution. Following that action, the Senate will resume consideration of the welfare reauthorization bill.

Last night, we were compelled to file cloture on the committee substitute to that bill. That cloture vote will occur tomorrow. We hope cloture will be invoked to allow us to finish this very important piece of legislation, the welfare reauthorization bill. I do hope we will be able to move forward today with germane amendments to the welfare reauthorization bill and make progress over the course of the day. Rolcall votes are possible. Senators will be notified when the first vote is scheduled.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m. The first half of the time will be under the control of the majority leader or his designee. The final time will be under the control of the Democratic leader or his designee.

Mr. FRIST. Mr. President, on leader time, I would like to just make a couple comments on two events that took place last Wednesday.

On that day, two organizations made decisions that were very disappointing to me. One of those organizations was the European Union and the other was the Senate Democrats. I was disappointed by the Senate Democrats because they chose to filibuster a very important piece of legislation that is critical to our jobs base, to our manufacturing jobs base. That bill is called “Jumpstart Our Business Strength, (JOBS) Act,” which is an important bill. In fact, the title itself—“Jumpstart Our Business Strength”—underscores the importance of this manufacturing jobs bill.

I was also disappointed by the European Union's action to impose a record fine of $610 million against a company, Microsoft, because it, frankly, demonstrates arrogance. I think—arrogance—requiring Microsoft to sell a version of Windows that we are all familiar with without the built-in ability to play audio files or video files.

I mention both of these incidents really almost in the same breath because they occurred on the very same day last week, and they are illustrative of the choice that is facing America and Americans today.

I released a statement last week and pointed out these overreaching attempts to register e-commerce. They
include trade barriers against American beef and other agricultural products, and they all demonstrate the European Union relentlessly pursuing these protectionist policies that disproportionately harm America’s workers.

The JOBS Act is a bill that is absolutely critical for us to address. As I said, the fact that the Democrats chose to filibuster that bill has been very disheartening to me. It was developed in a strong bipartisan fashion, coming through the Finance Committee with every single Democrat on the committee voting in favor of the bill, including the Democratic leader and the juniorSenator from Massachusetts.

It is absolutely essential that we address this bill and that we pass this bill in order to accelerate job creation in this country. The purpose of it is to bring our trade laws in compliance with our trade agreements and at the same time provide some of the badly needed reforms to further stimulate manufacturing growth. I mention both of these issues because I think both need to continue to be addressed. I hope we can work out an appropriate arrangement to address the JOBS bill in the very near future.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore.
The Senator from Virginia.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, parliamentary inquiry. What is the current order? The ACTING PRESIDENT pro tempore. The Senate is in morning business. The majority controls 9 minutes.

Mr. WARNER. Fine. Thank you. Mr. President, I desire to speak, say, for 7 minutes, and then I would be happy to engage in a colloquy or otherwise with my colleague.

The ACTING PRESIDENT pro tempore.
The Senator from Nevada.

Mr. REID. If the Chair would allow me to respond to the Senator from Virginia, the majority has 9 minutes and we have 9 minutes; is that correct?

The ACTING PRESIDENT pro tempore.
The minority has 13½ minutes.

Mr. REID. The minority has what?

The ACTING PRESIDENT pro tempore.
The majority has 13½ minutes.

Mr. REID. So the majority leader used morning business time?

The ACTING PRESIDENT pro tempore. And the majority’s time is currently running.

Mr. REID. Mr. President, I say to the distinguished Senator from Virginia, you are to go first today under the order that has been entered, and then we would go next.

The ACTING PRESIDENT pro tempore. The majority has 8 minutes.

Mr. WARNER. I thank the Chair. Mr. LOTT. If the President, if the Senator will yield for a moment. How much time do we have on the majority side?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. WARNER. Shall I divide it with my distinguished colleague?

Mr. LOTT. I see Senator ALLARD may wish to speak, too.

Mr. ALLARD. If the President, if I may enter into the colloquy, I was asked to make some comments this morning, and I will be glad to do that, but my time is flexible and I can speak just briefly on what has happened to the economy.

The ACTING PRESIDENT pro tempore. The majority has 7 minutes 30 seconds.

The Senator from Virginia.

Mr. WARNER. Mr. President, I will just take 3 minutes, and then I will yield to my colleague, the distinguished Senator from Colorado.

Mr. ALLARD. I thank the Senator.

U.S. AND COALITION EFFORTS IN IRAQ

Mr. WARNER. Mr. President, with enormous enthusiasm and pride I rise today to commend President Bush and his national security team for the continuing unflinching steps they are providing in the ongoing global war on terrorism, and particularly as they assist the Iraqi people in their imminent transition to sovereignty.

Almost 1 year ago, a coalition of nations, led by the United States, and, indeed, those from Great Britain, liberated the Iraqi people from decades of repressive, tyrannical rule at the hands of Saddam Hussein. That day, April 9, will long be celebrated in the history of Iraq.

Our President did the right thing—he did the right thing—in gathering a coalition of nations to rid Iraq of a leader who had used weapons of mass destruction against his own people, who had a regime of over 30 years of tyrannical oppression that was applied indiscriminately. This individual simply had to be brought to the terms of accountability, accountability to his own people. That orderly process is now under way. He defied international law for over 12 years and he is now in a process to trial, and trial is expected, but we must not be afraid to continue that journey. Symbolically, much will change on June 30, Iraq is a better country, and the world is safer today, and Iraq is a better place with a hopeful future as a result.

Tragically, the effort to make America and the world safer and to defend freedom around the world is not without an enormous cost to this Nation in terms primarily of lost lives and those who bear the scars and the wounds of war, and their families who must bear these losses. They have our deepest compassion. I extend my heartfelt sympathy to the families of the loved ones of those who have died and those who bear the wounds of combat. We are fortune as a Nation to have dedicated citizens who willingly volunteer to make such great sacrifices to defend this Nation’s liberty. And to encourage that they have a long memory. The moment has arrived for the Iraqi people to take control of their government, the Coalition Provisional Authority and all the powers possessed by the Coalition Provisional Authority will cease to exist on July 1, 2004. Mr. President, I yield the floor.
spirit of our men and women in uniform, and that of the Iraqi people, was reassuring and inspiring.

While the progress made in Iraq is substantial, it must be viewed in the context of the entire Middle East. Iraq can serve as an example and a beacon of hope for other regions. More complex issues must be addressed.

During my recent trip to the region for consultation with both U.S. and foreign leaders, there was a consistent expression of concern about the continuing conflict between Israel and the Palestinians. The lack of progress toward a peaceful resolution continues to fan the flames of discontent across the entire region. The continuing violence breeds more violence that will undermine positive developments anywhere else in the region. We must redouble our efforts to find common ground on this difficult issue, if we are ever to achieve a peaceful world and triumph over terror and violence.

The challenges ahead, and there will be disappointments. That is clear. It is equally clear that President Bush and his national security team are up to the challenge. President Bush has provided steady, strong leadership in troubled times and will lead us to a safer, more secure future.

I yield the floor.

THE 9/11 COMMISSION

Mr. LOTT. Mr. President, how much time remaining?

The ACTING PRESIDENT pro tempore. Six minutes 40 seconds.

Mr. LOTT. Mr. President, I ask Senator ALLARD if I could proceed for 3 minutes and then he could finish the balance of the time.

Mr. ALLARD. That would be fine.

Mr. LOTT. I ask unanimous consent that that be so.

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

Mr. LOTT. Mr. President, I stood in this general area a couple years ago and spoke out against the need for the 9/11 Commission. I am not generally an advocate of commissions. I think it is an abdication of our responsibility when we do it repeatedly. As a matter of fact, we in the Senate should do the job of investigating what happened or what didn’t happen that perhaps should have been leading up to the events of 9/11 and in the aftermath, as we went into Iraq. That is why we have the Armed Services Committee. That is what Senator WARNER, the chairman, is working on. That is why we have the Intelligence Committee. I serve on that committee. We work assiduously to take a good look at the intelligence, to see where the problems have been and see what the answers are.

Having said that, I think this Commission has shown a great deal of calm and maturity. The leadership of the two senior members, former Governor Kean and former Congressman Hamilton, has been thoughtful. Members on both sides of the Commission have asked good and tough questions. I may regret saying this when their final report comes out, but I think they have been doing a good job. It is not an easy job because you are trying to deal with hundreds of witnesses and thousands of pages of evidence.

That leads me to the real point. I have had occasion to watch a number of national security advisers to Presidents over my 32 years in Congress, seven different Presidents and their national security advisers. There have been some good ones of both parties but none better than Condoleezza Rice. This is an outstanding individual with a brilliant mind, tremendous insight into what is going on in the world. I could give some anecdotes of why I believe that. For that reason, I am pleased she is going to come before the Commission. She is going to take every question on and give a thoughtful, complete, thorough, and convincing argument. She will do fine. I think it is unnecessary. Maybe this whole process of whether she would testify has been unnecessary.

From a public relations standpoint, yes, she should have gone from the very beginning. But there are some important separation-of-powers principles involved. Executive privilege is not insignificant. It is something that is woven in the very fabric of this country. We cannot have a process where it is slow but surely, in President after President after President, executive privilege and separation of powers have been eroded. I have watched it. Yes, former national security advisers have waived their executive privilege and gone before Congress. I thought it was a mistake, regardless of party. I have always spoken out against that. So I do think it is important we say this is not a precedent. It should not and cannot be a precedent, or you are not going to have men and women willing to give in confidence the best advice to the President or to give him the information he needs to hear without concern that some day some congressional person will have that person before them testifying.

This is not an insignificant matter. It is very significant. Under these extraordinary circumstances, we need to have everybody we can testify in full, not so we can blame somebody but so we can plan for the future and do a better job next time. Condoleezza Rice will be the key to that effort.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Colorado.

THE ECONOMY

Mr. ALLARD. Mr. President, I thank the Senators from Virginia and Mississippi for their comments. I want to talk a little bit about the economy.

First of all, I want to point out this President inherited a bad economy. When he inherited this bad economy, he could have taken the old solution to all of our problems: You increase taxes and spending and somehow the other things are going to be better.

He took a new approach. The new concept was you need to cut taxes. By cutting taxes, you are going to stimulate productivity and the economy is going to grow. So the President courageously stepped forward, got his tax package passed out of the House and the Senate. The major tax packages were in 2001 and 2003. We did some in other years. We did a little dribbling and working to reduce taxes. The fact is, by reducing taxes during a time when we had taxes at an all-time high, we have helped the economy.

There is a lot of talk on the floor about how bad the economy has been, but that reaches back into the bad economy this President inherited when he moved into the Presidency.

The President’s tax package is now beginning to work. Look at the economic indicators put out by the Joint Economic Committee in February of 2004. We talk about the unemployment rate, and that is going down. Employment is going up. Wages are going up. We have a chart that shows real gross domestic investment going up. Corporate profits are going up. We have another chart here that shows farm income. We’ve been going up, and we did some of personal income. That is going up. Total output, income and spending, those are going up. Production and business activity is now going up. Common stocks, prices, and yields are all going up in response to the President’s economic package.

I went on the Internet this morning to see what was being said there: Consumer spending strong, and business investment rebounding. It had a chart showing how those factors were coming together. That is this morning. Then we see another chart that shows jobless claims continuing to trend downward. It shows an increase in the jobless rate but the President inherited this economy, and now we see, as his tax package has had an opportunity to go into effect, the jobless rate is going down.

The President’s package for stimulating our economy has worked. It would be a shame if we walked away from that and went back to the old solutions which were to increase spending and raise taxes. That is the wrong solution at the wrong time.

The right solution is what the President has talked about. We need to cut taxes and spending in order that this economy continues to prosper, as we have seen in the figures from the last several months.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Nevada.
Mr. REED. Mr. President, I rise to discuss my concerns about the course of our military operations in Iraq.

I returned about 10 days ago from a trip to Iraq. My trip was to Baghdad and I had the opportunity to meet with our troops. We saw some of the destruction and devastation that they are facing. It is a very challenging situation for our soldiers.

The administration has not responded appropriately to the needs of our troops. The soldiers need to have the proper equipment to carry out their mission. They need body armor, helmets, and other protective gear to keep them safe.

I believe that the administration needs to take immediate action to ensure that our troops have the necessary resources. They need the funding for their operations. I urge the administration to provide the necessary funding to keep our soldiers safe.

Thank you for your attention.
but we will not have the ordinary budget authority they need to continue to be funding when we run out of this supplemental.

Those are examples of some of the failures on our part, but they are failures multiplied with the situation with respect to Iraqi security forces. Our plan is to transfer, we hope one day, security operations to the Iraqis. Yet we have not provided sufficient equipment for these forces.

Senior commanders in Iraq have commented persistently about the lack of adequate equipment for the security forces, and a March 22 New York Times article stated:

Senior American commanders in Iraq are publicly complaining that delays in delivering radios, body armor and other equipment have hobbled their ability to build an effective Iraqi security force that can ultimately replace United States troops here.

MG Charles Swannack, commander of the 22nd Airborne Division, has returned from Iraq and his frustrations on this point are extremely significant. He said, in retrospect, if he knew the equipment was not coming, he would have used his own resources to buy body armor, and vehicles for these Iraqi security forces. We are not doing enough to provide replacement for our own forces, and we are not adequately funding our present forces in the field.

Those points are examples, I believe, of the failings in terms of occupation planning and military occupation of Iraq. But there are also political failings. We are less than 100 days away from transferring authority to an interim government and yet no one can tell us what that interim government will look like. Will it be an increased governing council with 20, 30, 40 more people? Is it going to be a three-person presidency with a prime minister? We are 30 days or less away from that transfer of authority. We have yet to have a nominee to be the new ambassador to Iraq. Mr. Bremer leaves on June 30, but we have yet to have a name submitted to us for consideration and confirmation for someone who will have extraordinary challenges, extraordinary responsibilities. And yet we are 100 days or less away from the new ambassador of the United States to Iraq taking his or her post.

Probably most emblematic, most symbolic of the political difficulties is the de-Baathification program. One of the key problems of this program is it is being run by Chalabi. Chalabi is an individual in the Iraqi National Congress who provided most of the misinformation to the administration as they made their judgments about the imminence of a threat in Iraq. He has been on our payroll to the tune of about $300,000 a month funneled through the Iraqi National Congress for many years. He is still on the payroll. All the security files of the former Iraqi security agency which perhaps are a treasure trove of names of people who collaborated both inside Iraq and outside Iraq with the Saddam Hussein regime. But most importantly for the moment, he is in charge of vetting former Baathists to take positions in this new government.

He is sitting at the crossroads of billions of dollars of cash from his position on the Iraqi Governing Council. He is also an individual who has the right to deny people their civil rights, if you will, in Iraq, and he is someone whose record does not, I think, suggest he is capable of discharging those responsibilities in the interest of Iraq or in the interest of the United States. The key to Mr. Chalabi is self-interest and always has been.

As a result, we are giving this individual inordinate power. This is not just a theoretical political argument. When I was in Iraq last November, I spoke to the division commander, and he complained to me he had 1,000 schoolteachers who could not teach because they had been nominal members of the Baath Party in the days of Saddam Hussein. In order to have a job in Iraq of any consequence, you had to have a Baath affiliation. These people cannot work. Schools cannot open. And so this new Iraq we are desperately trying to build based upon not just security, but also economic development and education, has not yet taken off.

This is just one example of the political miscalculation I believe in which the provisional authority, Ambassador Bremer, has engaged in Iraq.

All of this is very important. We are, again, weeks away from transferring authority to some form of government of which we know not the exact details. We are also in a situation where each day we see the cost in terms of American lives.

Let me make one final point. When I was in Iraq talking with American soldiers about 10 days ago, the palpable concern they had with these explosive devices was obvious. We have soldiers who are paying Iraqis to put some type of armor on their doors because canvas doors do not stop a lot of small arms rounds or anything else.

We owe much more to those troops. We owe a budget that is real and timely, and we owe leadership here that will respond to their needs.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tem. Morning business is closed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Chair lays before the Senate a message from the House to accompany S. Con. Res. 95.

The Acting President pro tempore laid before the Senate a message from the House of Representatives, as follows:

S. CON. RES. 95

Resolved, That the resolution from the Senate (S. Con. Res. 95) entitled “Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009”, do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Title 1—Recommended Levels and Amounts
Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

Title II—Reconciliation and Report Submission
Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for security operations of the Armed Forces in Iraq and Afghanistan.

Title III—Reserve Funds and Contingency Procedure
Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates
Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 303. Deficit-neutral reserve fund for Military Survivors’ Benefit Plan.
Sec. 304. Reserve fund for pending legislation.
Subtitle B—Contingency Procedure
Sec. 311. Contingency procedure for surface transportation.

Title IV—Budget Enforcement
Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Compliance with section 1201 of the Budget Enforcement Act of 1990.
Sec. 404. Application and effect of changes in allocations and aggregates.

Title V—Sense of the House
Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.

Title I—Recommended Levels and Amounts
Sec. 101. Recommended levels and amounts.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2009:

(1) Federal Revenues—For purposes of the enforcement of this resolution:
    (A) The recommended levels of Federal revenues are as follows:
    Fiscal year 2004: $1,272,966,000,000.
    Fiscal year 2005: $1,457,215,000,000.
    Fiscal year 2006: $1,619,835,000,000.
    Fiscal year 2007: $1,721,568,000,000.
    Fiscal year 2008: $1,818,539,000,000.
    Fiscal year 2009: $1,922,133,000,000.
    (B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:
    Fiscal year 2004: – $179,000,000.
    Fiscal year 2005: – $19,919,000,000.
    Fiscal year 2006: – $34,346,000,000.

Resolved, That the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2006 through 2009 are set forth.

The table of contents for this concurrent resolution is as follows:

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for security operations of the Armed Forces in Iraq and Afghanistan.

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates
Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 303. Deficit-neutral reserve fund for Military Survivors’ Benefit Plan.
Sec. 304. Reserve fund for pending legislation.

Subtitle B—Contingency Procedure
Sec. 311. Contingency procedure for surface transportation.

Title IV—Budget Enforcement
Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Compliance with section 1201 of the Budget Enforcement Act of 1990.
Sec. 404. Application and effect of changes in allocations and aggregates.

Title V—Sense of the House
Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Fiscal year 2007: $33,375,000,000.
Fiscal year 2008: $27,231,000,000.
Fiscal year 2009: $30,927,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of new budget authority are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>New Budget Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$1,952,700,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$2,071,186,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$2,193,395,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$2,311,770,000,000</td>
</tr>
<tr>
<td>2008</td>
<td>$2,431,782,000,000</td>
</tr>
</tbody>
</table>

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of budget outlays are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Budget Outlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$2,311,770,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$2,193,395,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$2,311,770,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$2,431,782,000,000</td>
</tr>
</tbody>
</table>

Fiscal year 2008: $9,823,000,000,000.
Fiscal year 2007: $9,705,000,000,000.
Fiscal year 2006: $9,580,000,000,000.
Fiscal year 2005: $9,450,000,000,000.
Fiscal year 2004: $9,320,000,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the appropriate levels of budget deficits are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Budget Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$35,635,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$32,848,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$31,911,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$31,683,000,000</td>
</tr>
</tbody>
</table>

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 310(k) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Public Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$7,436,000,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$8,087,000,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$8,675,000,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$9,244,000,000,000</td>
</tr>
<tr>
<td>2008</td>
<td>$9,823,000,000,000</td>
</tr>
</tbody>
</table>

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Debt Held by Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$4,385,000,000,000</td>
</tr>
<tr>
<td>2005</td>
<td>$4,775,000,000,000</td>
</tr>
<tr>
<td>2006</td>
<td>$5,060,000,000,000</td>
</tr>
<tr>
<td>2007</td>
<td>$5,312,000,000,000</td>
</tr>
<tr>
<td>2008</td>
<td>$5,560,000,000,000</td>
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</table>

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2004 through 2009 for each major functional category are:

<table>
<thead>
<tr>
<th>Functional Category</th>
<th>New Budget Authority</th>
<th>Budget Outlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) National Defense (050)</td>
<td>$61,988,000,000</td>
<td>$65,021,000,000</td>
</tr>
<tr>
<td>(2) Homeland Security (190)</td>
<td>$50,000,000,000</td>
<td>$52,213,000,000</td>
</tr>
<tr>
<td>(4) Transportation (200)</td>
<td>$24,045,000,000</td>
<td>$26,521,000,000</td>
</tr>
<tr>
<td>(5) Energy (270)</td>
<td>$23,042,000,000</td>
<td>$22,743,000,000</td>
</tr>
<tr>
<td>(6) Natural Resources and Environment (300)</td>
<td>$2,863,000,000</td>
<td>$2,629,000,000</td>
</tr>
<tr>
<td>(7) Agriculture (350)</td>
<td>$1,397,000,000</td>
<td>$1,201,000,000</td>
</tr>
<tr>
<td>(8) Commerce and Housing Credit (370)</td>
<td>$11,715,000,000</td>
<td>$11,752,000,000</td>
</tr>
<tr>
<td>(9) Community and Regional Development (400)</td>
<td>$11,612,000,000</td>
<td>$11,655,000,000</td>
</tr>
<tr>
<td>(11) Education, Training, Employment, and Social Services (500)</td>
<td>$11,715,000,000</td>
<td>$11,752,000,000</td>
</tr>
<tr>
<td>(12) General Science, Space, and Technology (520)</td>
<td>$1,201,000,000</td>
<td>$1,201,000,000</td>
</tr>
<tr>
<td>(15) International Affairs (550)</td>
<td>$2,863,000,000</td>
<td>$2,629,000,000</td>
</tr>
<tr>
<td>(24) Small Business (570)</td>
<td>$2,863,000,000</td>
<td>$2,629,000,000</td>
</tr>
</tbody>
</table>

(10) Commerce and Housing Credit (370)
Fiscal year 2006:

(B) Outlays, $68,563,000,000.

Fiscal year 2007:

(A) New budget authority, $68,501,000,000.
(B) Outlays, $67,597,000,000.

Fiscal year 2008:

(A) New budget authority, $66,621,000,000.
(B) Outlays, $65,007,000,000.

Fiscal year 2009:

(A) New budget authority, $69,842,000,000.
(B) Outlays, $69,459,000,000.

Fiscal year 2010:

(A) New budget authority, $70,506,000,000.
(B) Outlays, $70,106,000,000.

(17) Administration of Justice (750):

Fiscal year 2004:

(A) New budget authority, $29,932,000,000.
(B) Outlays, $30,103,000,000.

Fiscal year 2005:

(A) New budget authority, $30,139,000,000.
(B) Outlays, $30,025,000,000.

Fiscal year 2006:

(A) New budget authority, $27,430,000,000.
(B) Outlays, $28,036,000,000.

Fiscal year 2007:

(A) New budget authority, $27,480,000,000.
(B) Outlays, $27,744,000,000.

Fiscal year 2008:

(A) New budget authority, $27,616,000,000.
(B) Outlays, $27,540,000,000.

Fiscal year 2009:

(A) New budget authority, $27,755,000,000.
(B) Outlays, $27,621,000,000.

(16) General Government (809):

Fiscal year 2004:

(A) New budget authority, $17,198,000,000.
(B) Outlays, $17,916,000,000.

Fiscal year 2006:

(A) New budget authority, $17,419,000,000.
(B) Outlays, $17,392,000,000.

Fiscal year 2007:

(A) New budget authority, $17,573,000,000.
(B) Outlays, $17,401,000,000.

Fiscal year 2008:

(A) New budget authority, $17,230,000,000.
(B) Outlays, $17,075,000,000.

Fiscal year 2009:

(A) New budget authority, $17,383,000,000.
(B) Outlays, $17,044,000,000.

(19) Net Interest (900):

Fiscal year 2004:

(A) New budget authority, $20,471,000,000.
(B) Outlays, $20,471,000,000.

Fiscal year 2005:

(A) New budget authority, $20,709,000,000.
(B) Outlays, $20,698,000,000.

Fiscal year 2006:

(A) New budget authority, $21,368,000,000.
(B) Outlays, $21,368,000,000.

Fiscal year 2007:

(A) New budget authority, $21,988,000,000.
(B) Outlays, $19,988,000,000.

Fiscal year 2008:

(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.

Fiscal year 2009:

(A) New budget authority, $21,989,000,000.
(B) Outlays, $21,989,000,000.

(16) Veterans Benefits and Services (700):

Fiscal year 2004:

(A) New budget authority, $61,179,000,000.
(B) Outlays, $59,858,000,000.

Fiscal year 2005:

(A) New budget authority, $70,536,000,000.
(B) Outlays, $68,563,000,000.

Fiscal year 2006:

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(B) Outlays, $67,597,000,000.

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Fiscal year 2006:
years 2005 through 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit such increases in allocations that have increased the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make necessary changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE PLAN.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense.

The amounts identified should be reallocoted to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces, with an emphasis on protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be submitted to the Committee on the Budget not later than May 21, 2004.

TITIE III—RESERVE FUNDS AND BUDGET ENFORCEMENT

SUBTITLE A—RESERVE FUNDS FOR LEGISLATION

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the safe importation of FDA-regulated devices reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the medicaid insurance for the uninsured, the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if a bill or joint resolution is reported, if an amendment thereto is offered or a conference report thereon is submitted, that provides for the Family Opportunity Act, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal years 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS’ BENEFIT PLAN.

In the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the military survivors’ benefits under the Military Survivors’ Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill, including a bill that provides for the safe importation of FDA-approved prescription drugs or places limits on medical malpractice litigation, that has been reported for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates to reflect any resulting savings from any such measure.

SUBTITLE B—CONTINGENCY PROCEDURE

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—The Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the Federal Highway Administration, that provides for the appropriate adjustments in the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

- for fiscal year 2004: $41,569,000,000
- for fiscal year 2005: $43,635,000,000
- for fiscal year 2006: $45,709,000,000
- for fiscal year 2007: $46,945,000,000
- for fiscal year 2008: $47,732,000,000

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereon is offered or a conference report thereon is submitted, that provides for the Federal Highway Administration, such that the total limitations in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if such legislation is to be considered by the House without being reported, then the explanation to be published in the Congressional Record in advance of floor consideration.

(a) GENERAL.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the explanation to be published in the Congressional Record in advance of floor consideration.

(ii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iii) not permanent, temporary in nature.

(b) DETERMINATION.—In an emergency requirement if the underlying situation poses a threat to life, property, national security and is (i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

SEC. 403. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any appropriation or an amendment on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays produced by a measure shall include any discretionary administrative expenses provided for the Social Security Administration.

SEC. 404. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

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

1. apply while that measure is under consideration;

2. take effect upon the enactment of that measure; and

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

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.
SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) plans and reports submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be included in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those measures egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule with national policy;

(5) Congress should make every effort to offset non-user-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, non-means-tested, non-retirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means-tested entitlement programs to understand their cumulative costs and collective benefits.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRADD. I thank the chairman for his patience yesterday. I appreciate the chairman's efforts to bring the budget conference agreement up for final debate and a vote on Thursday next.

Mr. NICKLES. That is correct, a week from Thursday.

Mr. CONRADD. A week from Thursday?

Mr. NICKLES. Correct.

Mr. CONRADD. Mr. NICKLES. Correct.

Mr. NICKLES. The Senate from North Dakota.

Mr. CONRADD. Mr. President, for the information of our colleagues, I believe we are going to have debate that will last at least a week and a half. My colleague from North Dakota will be in control of an hour and myself or Senator GREGG will be in control of 30 minutes. At the conclusion of that debate, we expect to appoint conferees. The House has already appointed conferees. They appointed conferees on Monday. We expect to appoint conferees at the conclusion of our debate time. And for the information of our colleagues, hopefully they have been notified—we will have a conference this afternoon beginning at 2:30. We will go as long as necessary to hear everybody's viewpoints on both the House and Senate proposals and any constructive suggestions they might have to improve them. I look forward to that discussion.

I would love to see us come out of conference with a bipartisan budget. That usually has not happened in the recent past, but I would love for it to happen in this case.

Again, we look forward to going to conference and resolving the differences between the House and the Senate. There are not a lot of differences. The numbers are pretty close on the outlay side, and the numbers are pretty close on the revenue side. There are some differences, and we will have to work those out. There are some language differences. We will work those out. That is what conferences are for. They are compromises between the House and the Senate.

I compliment our colleagues in the House for passing a budget. We actually passed the budget the week before last. I thank all of our colleagues. We actually ended up passing the budget after 4 days. The last day was a fairly long day. It lasted into Friday morning, about 1:30 in the morning. We did it with 25 votes. That was half the number of votes we had the previous year. The previous year we had 51 votes. Those votes dealt with a lot of different issues. Hundreds of billions of dollars in new spending were proposed, and hundreds of billions of dollars in new spending were proposed, most of which were defeated. We accepted some amendments, and we will work through those amendments.

We have other issues. I will tell my colleague, and he is well aware of it. My colleague from North Dakota is very familiar with the budget. There is a reserve fund, and there are a lot of different issues. The House has some, and we have some. We have to work through those. That is what budgets are for.

The House intends to pass this bill this week. That means we have to do a lot of work. Some work has already happened behind the scenes. Chairman Nussle and I have been trying to resolve issues and lay the groundwork, but a lot of major decisions have yet to be made. Again, that is what conferences are for.

So I look forward to working with all of our colleagues in the Senate, especially the conferees, to come up with a budget resolution that will significantly reduce the deficit. I say significantly reduce the deficit, the budget we passed in the Senate would reduce the deficit, which is far too high, by half in 3 years.

I hope we can meet that goal coming out of the conference committee. That is not easy. It is not easy in any way, shape, or form. So I want to make sure everyone is aware of that.

Again, I thank our colleagues for their cooperation. I thank my colleague from North Dakota for his cooperation today because we will get conferees appointed, we will go to conference, and, frankly, we will meet as long as necessary to get this job done. That certainly is our intention.

I had hoped that possibly the Senate could pass the budget resolution on Friday. I believe it is the majority leader's intention, if the conference agreement is reached and the House passes it this week, that we would take it up on the Senate floor next Thursday. That is certainly acceptable with this Senator, and I will be happy to work with all of our colleagues to make that happen.

For the information of our colleagues, once a conference agreement is reached, the rule of the Senate provides for 10 hours of debate and a vote on the budget resolution. Unless things change, I expect that would be sometime next Thursday.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.
threaten the economic security of this country for a long period of time. So this morning when I read the New York Times and I saw that Republican Congressmember DeLay of Texas, the majority leader in the House, ‘‘ . . . restated a view that has been cited by other Republicans: How does one tax cut pay for itself? With more economic growth, that is what generates tax revenues. This, in turn, is how we can tax ourselves and spend more revenue at the same time. We are a country made up of people who believe in economic growth. We believe that growth is the key to fiscal solvency. . . .’’

Mr. DeLay went on to say:

‘‘We, as a matter of philosophy, understand that taxes have a dual role: they generate revenue and they regulate behavior. One of the things that we believe in tax policy is that taxes are less likely to be paid if we have too many taxes. If we have too many taxes, people will not work as hard. If they do not work as hard, the government does not receive as much revenue from them. The more revenue we receive, the more we can spend. Therefore, we believe that lowering taxes is the key to economic growth. . . .’’

I am a lot less interested in philosophy than I am in what works in the real world. The philosophy that Mr. DeLay has espoused, and others have as well, that somehow taxes are cut and that produces more revenue, the problem is that it has not worked. Let’s be direct. Let’s go back to what the Congressional Budget Office told us back in 2001. Looking forward, they said there was a range of possible outcomes with respect to the budget surpluses. Remember then they were telling us we were going to have these massive budget surpluses, but they said there was a range of possible outcomes expressed. By this chart, I call it the fan chart, the forecasts that were adopted was right in the middle of this range of possible outcomes.

Now, this is how this is relevant to what Mr. DeLay is telling us. I was told by a Republican colleague, a Senator: You are being much too conservative. Do you not understand that these surpluses are going to be bigger than CBO is forecasting because of the tax cuts? I was told repeatedly by my Republican friends that the economic growth would make up for the tax cuts. I was told: Well, that is a nice theory but I was told: We would get more revenue and bigger surpluses did not work out. Instead, we got a massive increase in deficits and a massive increase in debt. Some of our friends on the other side say not to worry, that as a share of our Nation’s income, this deficit is the second highest it has been since World War II, only exceeded by 1983. Interestingly enough, I would say to my colleagues, in 1983 the Social Security surplus was only several hundred million dollars. Mr. SARBAFES, Million? Mr. CONRAD. Million. Now the Social Security surplus is $100 billion, and under the President’s plan, they are taking every dime of Social Security money and using it to pay for tax cuts and using it to pay for other expenditures. Mr. NELSON of Florida. Will the Senator yield? Mr. CONRAD. I will be happy to yield. Mr. NELSON of Florida. Isn’t it interesting, if you will put the other chart up there—Mr. President, I thank the Senator for yielding for a question—how the old labels don’t mean anything anymore—what is conservative and what is liberal. We are now looking at record deficits, and they say this is a conservative budget? It seems to me it is exactly the opposite, that the reckless spending and tax policies that end up with fiscal policy that is running the country into debt are exactly the opposite of conservative fiscal policy. To the contrary, it is reckless liberal policy that is driving our country into economic doldrums. Does the Senator agree? Mr. CONRAD. I say to the Senator, who looks at each of the budget proposals from the other side, and under any one of them, they are going to add $3 trillion to the national debt over the next 5 years. And the next 5 years is the good times. After that, the baby boomers retire and the full cost of the President’s tax cuts explode. Then you see the real effect of these policies.

Frankly, I am less concerned about the deficits we face in the near term. I
am much more concerned that under the President's plan we don't see any end to these deficits. In fact, the additions to the debt absolutely explode and at the worst possible time, right before the baby boomers retire.

The President has said it is the slowdown in the economy that is the problem. The Congressional Budget Office issued a report just the other day. This is the New York Times report on the CBO research. It says:

"When President Bush and his advisers talk about how they will cut the federal budget deficit, they usually place part of the blame on economic shocks ranging from the recession of 2001 to the terrorist attacks that year. But a report released on Monday by the non-partisan Congressional Budget Office estimated that economic weakness would account for only 6 percent of a budget shortfall that could reach a record $500 billion this year.

The new numbers confirm what many analysts have predicted for some time: that budget deficits in the decade ahead will stem less from the lingering effects of the downturn and much more from the rising Government spending and progressively deeper tax cuts.

Our friends on the other side of the aisle don't want to talk about the effect of the tax cuts. That is missing in action as part of the contributor to these massive deficits. The fact is, deficits are the creation of the relationship between spending and revenue. It is the two of them that have to be focused on if we are going to deal with these deficits. We are hearing from the other side that the President says he is going to cut the deficit in half over the next 5 years.

Here is what we see. He does that by just leaving out things. He leaves out any war costs past September 30 and he leaves out the alternative minimum tax, which will cost $280 billion. The fact is, deficits are the creation of the relationship between spending and revenue. It is the two of them that have to be focused on if we are going to deal with these deficits. We are hearing from the other side that the President says he is going to cut the deficit in half over the next 5 years.

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The fact is, if you connect everything, what is happening in effect is, in order to give tax cuts to the elite, to the very wealthy, we are borrowing money, and we end up borrowing money from all of these sources in order—finance the deficit that runs from the Treasury and saddling the next generation with the responsibility of paying on this debt out into the future.

It is incredible when you stop and think about it; that in order to finance tax cuts, we are borrowing money from over there in order to do that.

Mr. CONRAD. I don’t think the American people have yet had a chance to fully focus on where this is all head- ed. That is the thing that is most alarming. I am less concerned about the current deficits even though they are a record and they are appalling. I am much more concerned about where the President’s plan takes us. Even when he sees economic growth reviving, the massive deficits will run. President Bush has run up the debt in a dynamic way— meaning more borrowing and more bor- rowing and more borrowing.

Let me conclude. The result is we are seeing the effect on the value of our own dollars. The dollar has declined in value almost 30 percent against the euro in just the last 2 years.

Let me conclude with this: Economists are worried about the long-term effects of this weakening dollar and this heavy U.S. borrowing because not only are we borrowing to finance the budget deficit, we are also borrowing because we are running massive trade deficits. This was in the Washington Post on January 26 of this year:

Currency traders fretting over that de- pendency have been selling dollars fast and buying euros furiously. The fear is that fore- igners who tire of financing America’s ap- petites, will invest their money instead in U.S. assets, especially stocks and bonds, sending financial markets plummeting. Interest rates will shoot up to entice them back. Heavy U.S. borrowing will not be able to keep up with rising interest payments. In- flation, bankruptcies, and economic malaise will follow.

This is a warning that is being sent to us about the recklessness of the course that we are on.

If we need to have a reality check, 3 weeks ago, in the Wall Street Journal, they indicated Asian central banks have made a decision to diversify out of dollar-denominated securities.

Warren Buffett, the second wealthiest man in this country, is reported, 2 weeks ago, as having made a $12 billion bet against the value of U.S. currency.

In article after article, we are seeing the danger and the warning signs of the reckless course the President is taking us on.

Mr. DORGAN. Mr. President, if the President will yield, is it the case that the former Secretary of the Treasury, Paul O’Neill, was fired for saying essentially that the Secretary from North Dakota is saying on the floor today, talking about a fiscal policy that doesn’t add up, about proposals to in- crease spending on defense, homeland security, and then cut taxes mostly for wealthy Americans, saying that it would result in balance; is it not the case the Treasury Secretary under this administration was fired for believing that this is irresponsible fiscal policy?

Mr. CONRAD. I think it is very clear that the Secretary of the Treasury was fired because he resisted additional tax cuts.

I think in the short term, all of us supported tax cuts to give lift to the economy. We supported a much different package of tax cuts than the President did because we thought it ought to go more toward middle-in- come people and less to the high-end people to give more lift to the economy.

If you put it in the hands of middle- income people, they are more likely to spend it and give lift to the economy. In the short term, we proposed tax cuts that are actually larger than the Presi- dential proposal to give lift to the economy. For the long term, we proposed about half as much in tax cuts because we were worried about sending this country into a tailspin created by exploding deficits and debt.

Mr. DORGAN. If the Senator will yield for a further question, to clarify what the Senator from Maryland asked and the question about borrowing money from South Korea, in fact the ferver is we actually borrow money from South Korea so we can recon- struct Iraq. It is not even money to in- vest in the strength of this country.

Aside from that, President Reagan talked about $1 trillion in debt when he took office. He said $1 trillion in debt is $1,000 bills stacked 67 miles high. As I look at what this President is pro- posing, he is proposing a fiscal policy that says let us have another stack of $1,000 bills that goes 335 miles high. Is there that President can be not that this is irresponsible fiscal policy?

Mr. CONRAD. It is incredible when you stop and think about the recklessness of the President’s plan takes us right over the cliff into deficits that dwarf the ones we are having now, which are of record size.

What could be more clear than we are on a course that is utterly unsustainable?

Mr. SARBANES. If the Senator will yield, do those projected deficits rise into double figures as a percent of the GDP? Am I correct in reading that chart? It is well up where the deficit of GDP would be in deficit? Is that cor- rect?

Mr. CONRAD. It is actually over 12 percent of GDP. Economists say it is more unsustainable. As the course the President is taking us on. The President’s plan is not conserva- tive. This is a reckless plan. It is a radical plan. It is a plan that cannot be allowed to continue.

This plan will jeopardize not only So- cial Security and Medicare, but most of the rest of what the U.S. Govern- ment does, including our ability to de- fend ourselves.

One does not need to take my word for it. We have been alerted by the head of the Federal Reserve, who has told us we ought to now consider cut- ting Social Security benefits because we are, in his words, “overcommitted.” And it is not just him. We can go to other groups that are responsible on budget issues that are saying: Look, you are on a course that is utterly reckless.

The President told us on the issue of Social Security: None of the Social Se- curity supplements will fund other spending initiatives or tax relief.

That is what he told us in his 2002 budget. But what we see is something
quite different. In fact, he is taking every penny of Social Security surplus—again, it is really not surplus; it is surplus for the moment because when the baby boomers retire, all that money is going to be needed—he is taking every penny, $2.4 trillion over the next decade, and using it to fund primarily tax cuts.

It is very interesting, when you do the analysis, the cost of his tax cut proposals over the same period is almost exactly the same—$2.5 trillion of income tax cuts, being funded by $2.4 trillion of Social Security money.

So you have the specter of taking money from payroll taxes and using it to fund income tax cuts that overwhelmingly go to the wealthiest 1 percent in this country.

Mr. NELSON of Florida. Will the Senator yield?

Mr. CONRAD. Yes, I am happy to.

Mr. NELSON of Florida. Mr. President, if the Senator will yield for a question, I ask our leader on the Budget Committee: How in the world could we have placed our faith in themselves conservative, vote for anything but a conservative budget such as this that, as the Senator from North Dakota has characterized it, is radical?

How could our friends, who claim they want to protect the Social Security surplus, vote for a budget that raid all of that surplus to finance tax cuts, primarily for the more well-to-do?

How could our friends, who call themselves conservative, vote for a budget that raids all of that surplus to finance tax cuts, primarily for the more well-to-do?

Mr. CONRAD. I do not know. But I know we will not treat them kindly. When people have a chance to look back and see the decisions that were made here and now, and where it is leading, history will not treat them kindly.

On this question of spending and revenue, here is the historical chart on spending, again, as a share of gross domestic product. You can see it goes back to 1981. In the 1980s, spending, as a share of GDP, got to 25.5 percent. At the end of the Clinton years, spending was down to 10.4 percent of GDP. It is very interesting. Spending, as a share of gross domestic product, went down each and every year of the Clinton administration.

Now we have had a significant bump up. Ninety-one percent of that increase in defense, homeland security, rebuilding New York, and the airline bailout. That is where the money has gone. But even with that increase, you can see spending is well below where it was in the 1980s and 1990s as a share of GDP.

The revenue side of the equation, however, which our friends never want to talk about—and I started this morning by quoting Mr. DELAY, who said: You cut taxes, you get more revenue.

Well, that is a theory. It is a philosophy. It is an ideology. The problem is, it does not work in the real world.

Here is the revenue. Revenue has collapsed to the lowest level as a share of national income since 1950. So their theories are not working in the real world, and the result is, we have a weakening economy.

I ask the Chair, how much time is remaining?

The ACTING PRESIDENT pro tempore. Twenty-three minutes.

Mr. CONRAD. I have 23 minutes. The other side has?

The ACTING PRESIDENT pro tempore. Twenty-six minutes.

Mr. CONRAD. Twenty-six. Mr. President, I will just move through this quickly, and ask others to comment if they would like the opportunity, and give time to the other side to respond. I see Senator Gregg here and Senator Grassley is here.

We see a job loss that is very unusual. The pattern of this job loss, in comparison to every other recession since World War II, is interesting. The dotted red line on this chart is the average of every recession since World War II. You can see, 17 months after the business cycle peaked, of all the other recessions, you saw us pulling out of job loss. Jobs were being created in a very favorable way in each of the other nine recessions.

But look at this downturn. We still do not see job recovery occurring, and we are 35 months past the business cycle peak. Something is wrong. Something is not working. We are now 5.4 million jobs short of the typical recovery. We have all seen this chart. For private sector jobs, 3 million have been lost since January of 2001.

Now we turn to the budget our friends on the other side. They say they are going to cut the deficit in half over the next 3 years. Well, I say to our friends, I look at what is being added to the debt under their plan: $612 billion this year, and every year thereafter over $550 billion being added to the debt. I do not see any big improvement here in terms of what is being added to the debt. In fact, I see almost no change under the proposal by our Senate Republicans.

I hear colleagues that are reducing the deficit, cutting it in half over the next 3 years. The fact is, if you put this thing on automatic pilot and we made no policy changes, the deficit would decline more rapidly. They are actually increasing the deficit with this plan by $178 billion over the next 5 years, compared to doing nothing.

If you look at the priorities, you have to question those as well. Those who are the wealthiest 1 percent, earning over $337,000 a year, paid a tax cut for this coming year is $45 billion. On the other hand, to restore the cuts of the education program No Child Left Behind would cost $8.6 billion. So we are saying it is more important that the top 1 percent, those earning over $337,000, get every penny of their tax cut than to restore the money for No Child Left Behind.

The same is true with other important priorities: The firefighters, $256 million to restore them compared to $45 billion for the cost of the tax cuts for the wealthiest 1 percent, those earning over $337,000 a year.

If we look at the House budget resolution, we see the same thing in terms of additions to the debt, only it is even worse. I don't see any big improvement here. They say they are going to cut the deficit in half. But if you look at increases to the debt, what you see is they are going to be adding $600 billion to the debt year after year of the entire budget window. Just like our Senate colleagues add to the deficit, they add $301 billion to the deficit over the next 5 years, in comparison to doing nothing.

Interestingly enough, when I look at the discretionary spending limit that was set in the Senate a year ago, the budget the Republican House has sent us exceeds that limit, that self-imposed limit that was put on here. They are going to spend $871 billion under their plan. A year ago they put a spending limit of $814 billion.

The other point that needs to be made is, additions to the debt. There is almost no difference between the Bush budget. He is adding $3 trillion to the debt in the next 5 years, the Senate budget, $2.9 trillion; the House, $3 trillion. So there is very little difference.

Finally, on the issue of PAYGO—this is the procedure to make it harder to spend the money and to pass tax cuts given our fiscal condition—Mr. Greenspan has said:

I would, first, Mr. Chairman, restore PAYGO and discretionary caps. Without a process for evaluating various tradeoffs, I see no way that any group such as Congress can come to set priorities which will effectively reflect the will of the American people.

We restored the provisions to make it more difficult to spend new money for past tax cuts in the Senate. The House did not. They failed on a tie vote of 209 to 209. This is going to be the critical test in conference. For those who say they are fiscally conservative, this is their chance to prove it. Because if we don't put in place the budget discipline that has worked in the past to eliminate deficits and to get us on a more firm financial footing, we will have failed the American people.

I ask the Chair how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. Seventeen minutes.

Mr. CONRAD. And the Senator has 26 minutes.

The ACTING PRESIDENT pro tempore. Twenty-six minutes, that is correct.

Mr. CONRAD. Senator Gregg has been waiting patiently. I think it is probably more useful that they would take some of their time at this point.
The ACTING PRESIDENT pro tempore. Who yields time? The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself such time as I may consume.

I am always impressed by the Senator from North Dakota, although there is a darkness to his presentation. There is a sense of doom he puts forward I am not necessarily a subscriber to. But he certainly is a person who has committed himself to understanding the numbers and trying to present them in a form that most adequately and appropriately reflects his view of where we are as a Nation fiscally.

It is hard to guess, but I suspect it was in the range of 50 different charts. There were a lot of charts. Some of them were charts that were charts on top of charts which restated the chart that came before the chart, but they were good charts. They were excellent charts—very colorful and nicely presented.

What we did not see was a chart that presented the Democratic budget. Where is it? Where is the budget from the other side of the aisle that addresses all these concerns which have been raised by the other side of the aisle about the Republican budget? It does not exist. No budget has been offered. No budget was offered in the committee, and no budget is going to be offered here in the Chamber. Why is that? Because if you look at the substance of what is being presented by the other side, they are basically saying, in order to address this problem, they are going to raise taxes. That is the only logical conclusion you can reach by looking at their position.

What does a tax increase in the middle of a recovering economy do? It stifles it. It creates a compression of that economic recovery, causes it to retrace itself, and it will cost jobs. The worst fiscal policy we could pursue would be to raise taxes. Maybe that isn’t their proposal, but we don’t have a proposal from them to reflect what it would be. No responsibility is put forward for actually answering the questions which have been raised, assuming they are even legitimate questions, from the other side of the aisle.

So let’s turn to the nominee of their party to see if that individual has maybe put forward his concepts on how we address the fiscal policies of the United States. Yes, he has. In his campaign through New Hampshire—where he spent a considerable amount of time, and we very much appreciated it because he spent a considerable amount of money—he presented programs which totaled $1.7 trillion of new spending over the next 10 years. That is a budget proposal—a budget bust, but a budget proposal. He offset that with tax increases of approximately $700 billion during that same time. So he is going to add to the deficit, which has been the other side of the aisle in very colorful terms, an additional trillion dollars over the next 10 years.

I can understand why they don’t want to bring their budget forward. If their nominee, who is a Member of this body, is proposing he is going to increase the deficit by a trillion dollars, by increasing spending by $1.7 trillion and taxes by $700 billion, such a budget could be appropriately called a tax-and-spend budget.

Let’s look at the substance of what the practical effect of the proposal would be that has been brought forward by the Senator from Massachusetts, his $700 billion tax increase, for example. What would that effect be? If you are going to look at the Senator’s charts over the next 4 years, where he claims if we went on under current law, the deficit would go down by another $135 billion, which is essentially a tax increase, because what he is saying is under current law, taxes will go back up because taxes expire, what taxes are they talking about increasing on that side of the aisle under that theory? They are talking about increasing our current law, expansion of the 10-percent bracket so the people in the low-income areas would have a 10-percent bracket. That would be repealed. They are talking about repealing our increase in the child tax credit of $1,000 credit to a $700 credit.

They are talking about repealing our efforts to reform the marriage tax penalty so when you get married, you don’t get hit with an extra tax. All of those taxes would be repealed to meet the Senator’s proposal relative to reducing the budget over the next few years by $135 billion, because those are the ones that expire.

If you look at the proposals of the Senator from Massachusetts, the same effect would occur. His proposal for $700 billion of new taxes is a proposal to repeal, as a practical matter, the child tax credit, to restart the marriage penalty, and to make it difficult for people in low brackets, in the 10-percent area, to get a 10-percent tax burden versus kicking it back up to 15 percent.

Now, all these initiatives, under the leadership of the Senator from Iowa, which are targeted to low-income Americans, were taken as an attempt to address those legitimate concerns about people who are in the middle- and low-income brackets and want to have a fair tax rate. We passed those initiatives, but it is clear the position of the other side of the aisle that those expirations should be allowed to occur, and therefore the taxes should go back up. That appears to be the core of their budget. It is coupled, of course, with this spending initiative.

We had debate on the budget on the floor of the Senate. During the budget debate, the other side of the aisle, which never brought forward a budget, proposed spending increases of $379 billion. They proposed tax increases of $276 billion. I believe those are the numbers, but they may not be exact. Those were the amendments brought forward from the other side of the aisle—massive tax increases, massive spending increases. They have now been confirmed by the policies of the nominee of their party—or the presumptive nominee—who has proposed $1.7 trillion of new spending, $700 billion of additional tax increases, for a $1 trillion add-on to our deficit.

So I don’t think, when the other side of the aisle comes forward and presents—very expansively and very well, obviously, because the Senator from North Dakota is a well-spoken individual who understands how to make a good presentation, and he always has—I don’t think they can do that in good conscience if they don’t also present their budget at the same time, their answers to this problem. If they are going to be fair about it, they have to bring forward the answers of their candidate for President, because they keep referring to our President, President Bush, who happens to be everybody’s right wing. They will have a budget for the next 4 years. But they have to present it in juxtaposition to what their candidate for President is talking about. If he had a budget on the floor today, it would be a $1.7 trillion increase in spending, increase in taxes, and $1 trillion of new debt and a lot of people who don’t deserve to have their tax increased—people in the 10-percent bracket, married people, people who have children going to college—would be stuck with a brand new tax bill.

That is a brief response. There is a much more extensive response, but my time is limited. The Senator from Iowa wishes to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. There are 17 minutes remaining.

Mr. GRASSLEY. I yield myself 10 minutes.

Mr. President, we heard testimony from the other side on the fiscal condition of the United States, how bad it is and they are sounding alarms. I think all that is very legitimate. I am not here to dispute specific figures. I am not here to say that the other side has been intellectually wrong, but at least to say they have left some aspects of this budget. I will start with the chart shown about borrowing from foreign countries.

The U.S. Government does not go to other countries and say, hat in hand: Will you lend us X number of dollars? What the U.S. Government does is say to the 270 million Americans, and anybody else in the world: We have X amount of debt that we have to refinance, or finance, and people come to bid on that. The market determines who gets the debt.

Now, we do have a lot of foreigners that own American debt. Why do they want to invest in America’s national
debts? Because they have confidence in America and because they want a return on their money. It ought to be somewhat satisfying to the American people that the rest of the world thinks so well of the American economy and the soundness of our Government that they are willing to invest in national debt, just as American citizens invest in the national debt, because they want the return; they want the certainty of it.

The President was left that we go, in hand, to a lot of foreign countries to beg for money. We don't do that. It is our policy, through the Secretary of the Treasury, to say that we are offering so much investment, and you can come and make your claim to it under these conditions.

The other misimpression is that something different is happening to the Social Security surplus. Why is that being said? Because people want to get seniors concerned about what Congress might be doing to ruin their Social Security. I say to the seniors of America—and people on the other side of the aisle, if they don't know it—that nothing has changed since 1936 as far as the way the Social Security surplus is handled. Starting in 1936 and for every year since then except 1981 and 1982, there has always been a positive cashflow coming in from the payroll tax to what was paid out. We decided in 1936 to invest that surplus in Treasury bonds. Why? Because it is a good, safe investment for seniors, for their retirement. It is the way the Federal Government can show to the seniors of America and to all of the people of America that we are going to make sure your Social Security surplus is safe and that the obligations in the future are met. Except for in 1981 and 1982, when there was a negative cashflow, that has been done. We made it up by borrowing to keep the cashflow going.

As far as the Social Security surplus is concerned, today, yesterday, and tomorrow—at least until 2018, as best we can project—there will be a positive cashflow, and that money is going to be invested in Treasury notes that are obligations to keep Social Security benefits at 100 percent at least through 2042, until all that surplus is used up. So for the seniors of America, nothing has changed.

I think we also ought to remember that we dealt with dozens of amendments on the other side of the aisle when the budget was up. Every one of those amendments was for spending more money. They will say, yes, they wanted to raise taxes; they had tax offsets to spend that money. But they were not interested in raising taxes to lower the national debt; they were interested in raising taxes to spend more money. So just the tax cut cannot be considered for the debt. In fact, if you want to know why we have a debt, we have a debt of 25 percent because of tax cuts, 25 percent because of increased spending for the war as well as homeland security, and 50 percent because of the downturn in the economy.

When did that downturn in the economy start? In the year 2000, not in the year 2001. The manufacturing index started down in March of 2000. Do you know NASDAQ lost half of its value in 2000? President Bush saw that economic situation and, hence, the tax cut of 2001 to turn the economy around, and it has worked. But that is only 25 percent of the deficit.

The other is just the downturn in the economy and what happened on September 11 and a recovery that was delayed because of attacks by terrorists on America, the second time only since the War of 1812 that Americans have been attacked and it had an impact on the economy. And it was a negative impact on the economy that led to 3 years of downturn of income coming into the Federal Government for the first time since the 1930s; in other words, less income coming in the year before, than the year before.

That has never happened, even when we had tax cuts in the past. We have to go back to the 1930s. I hope the other side is willing to admit these are very unusual times. I am not saying unusual since 1936. I am saying unusual since 1936 as far as the Social Security financing. That is not true. In 1936 nothing has changed with respect to Social Security. The people deserve better.
every dime of Social Security surplus this year to pay for tax cuts, he is doing it for the whole next decade—every dime, something he pledged not to do.

The Senator also said we had a policy of spending 17 to 19 percent of GDP and having taxes of that same amount. I don’t know what he is talking about. That is not the fact. The fact is, spending as a share of GDP in 1928 was 23.5 percent. During this whole period of the eighties, it was above 21.5 percent. During the Clinton years that we brought spending down to 18 percent of GDP. Now we are back up to a little over 20 percent of GDP. If we want to have balanced budgets, we have to have that amount of revenue. Hello. Deficits are a function of spending and revenue, not just of spending.

When we look at the revenue side of the equation, revenue has collapsed. Of course, we are talking about needing more revenue. We have the lowest revenue we have had at 15.5 percent of GDP in over 100 years. Revenue as a share of the gross domestic product, and spending is 20 percent. That is why we have a deficit.

Obviously, we need more revenue. I would say the first place to look is not a tax cut. But when you are going after the deficit gap, the difference between what is owed and what is being paid because we know for 2001, that difference was over $250 billion.

Now we ought to go to those who are not paying what they owe, that small share of the American people, that small share of companies, and say, look, you ought to pay what you owe.

The Senator from New Hampshire, where is our budget? We offered amendment after amendment in the committee and on the floor to alter this budget plan. That was our strategy, to try to alter the outcome, and we were defeated.

When the Senator from Iowa says we did nothing to reduce the deficit in our amendments, please, that is not true. Go back and look. Virtually every amendment we offered was to reduce the deficit, and that is a fact. I challenge the Senator to come up with a list of the amendments we offered and show we did not repeatedly offer amendments to reduce the deficit.

The Senator from New Hampshire attacked Senator KERRY, said Senator KERRY had a trillion-dollar hole in his budget. First, Senator KERRY, as the Senator knows, has not presented a budget. They have fabricated a budget in his name. It is not Senator KERRY’s budget. We all know it is not Senator KERRY’s budget.

They have double-counted Senator KERRY’s proposals. They have included things he did not include. So claiming that is Senator KERRY’s budget is a fiction. It is a fabrication. Senator KERRY has not yet presented his budget proposals.

In the analysis the Senator from New Hampshire provided, he included programs Senator KERRY has never proposed, including a multibillion-dollar, high-speed rail network. He excluded savings Senator KERRY has specifically proposed, like hundreds of billions of dollars in health care savings, closing corporate loopholes, and eliminating corporate welfare. They double-counted some of his proposals, for example, double-counted every proposal Senator KERRY has made.

Interestingly enough, he says there is a trillion-dollar hole in a Kerry budget Senator KERRY has not even presented. We know the budget this President has presented in 5 years adds $3 trillion to the debt. They are talking about a $1 trillion hole in a nonexistent Kerry budget over 10 years. They ought to be up here explaining the $3 trillion this President adds to the national debt in just 5 years.

If we applied the same rationale to the President’s proposals he applied to Senator KERRY’s proposals, we would see there is a $1.5 trillion hole in the President’s plan compared to their allegations of his plan compared to their alleged $1 trillion difference in Senator KERRY’s plan.

Is the Senator from Delaware seeking time?

Mr. CARPER. He sure is.

Mr. CONRAD. I yield 2 minutes to the Senator from Delaware.

The ACTING PRESIDENT pro tempore, the Senator from Delaware.

Mr. CARPER. I thank the Senator for yielding.

I spoke several weeks ago as we were taking up the budget resolution. I quoted a fellow from Great Britain, Dennis Healey, who used to be the Chancellor of the Exchequer. Dennis Healey used to talk about the theory of holes. The theory of holes is pretty simple. It says, when you find yourself in a hole, stop digging.

In 1990, we as a country were in a pretty big hole with respect to our budget deficit. Some people in the House and the Senate, the White House, Democrats and Republicans, decided to stop digging. What they decided to do was to adopt a common-sense approach to budgeting, which we call “pay as you go.”

The idea is if Senator COLEMAN, our Presiding Officer, were to come to the Senate and propose new spending, he would have to come up with an offset, either cut spending some place else or raise revenue to offset it. Or if Senator CARPER came up with a tax cut, I would have to come up with an offset. The idea was to make sure we did not make the hole any deeper. For about 12 years, it was the law of the land.

During those 12 years, from 1990 to 2002, we actually were able to reduce the deficit and for the first time in 30 years we actually balanced the Federal budget for several years in the late 1990s and the beginning of this decade.

That law lapsed in 2002. We voted in the Senate that it should be reinstated. They very nearly passed it in the House. I think the House yesterday, kept the vote open over an extended period of time so they could twist some arms on the other side in order to defeat the effort to structur
to try to make sure at least for the Senate we adopt those rules that served us so well for 12 years.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we had another one of our colleagues in the Senate assert support for the PAYGO provisions means one is opposed to the middle-class tax cuts. I would ask my colleague from Delaware, does he believe support for the budget disciplines that require new spending or new tax cuts to be paid for means he opposes the extension of middle-income tax cuts?

Mr. CARPER. If I could respond, the answer is absolutely no.

My dad used to say something to my sister and me when we were kids growing up. The Senator’s father and mother probably did the same thing. Senator NICKLES’ mom and dad probably did the same thing, as well as Senator COLEMAN’s. They harp on something over and over again. When my sister or I used to pull some boneheaded stunt, my dad would always turn to us and say, just use some common sense. He must have said that to us, because we pulled a lot of boneheaded stunts, day after day, week after week, year after year. Finally, it worked and internalized.

Whenever we approach an issue in the Senate or when I was Governor of Delaware, I would oftentimes say to my cabinet, just use some common sense.

Pay as you go is common sense. It is flat in-your-face common sense. It works in State governments. Frankly, it worked here for about 12 years and it will work again. It is not the only thing we need to do but, by golly, it is a big part of it.

Mr. CONRAD. I thank the Senator.

I say in response to our colleague who suggested those of us who favor the reenactment of the budget disciplines that worked so well in the 1990s. I also favor extension of the middle-class tax cuts, but I am willing to pay for them. I am willing to pay for extension of the 10-percent rate. I am willing to pay for extension of the marriage penalty relief. I am willing to pay for the child tax credit. I am prepared to vote to do precisely that. That is what we need to do.

The other fact is, under PAYGO, if we get a supermajority, tax relief can be extended or have new spending of an emergency nature. There has to be a supermajority vote. That is what the budget discipline is about. It is to make it more difficult to enact new spending or new tax cuts that are not paid for. It can be done, but there has to be a supermajority.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NICKLES. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 5 minutes.

Mr. NICKLES. How much on the other side?

The ACTING PRESIDENT pro tempore. Three minutes 30 seconds.

Mr. NICKLES. Mr. President, I compliment my colleague from North Dakota. I appreciate the cooperation. We will soon be appointing conferees. That is my objective.

I want to thank Senator Gregg and Senator Grassley for their remarks. A couple of things. It is important we pass a budget. We will appoint conferees and then we will go to work out the differences between the House and the Senate. But in my 24 years in the Senate we are probably closer with the House in the 2 budget resolutions—the Senate resolution is probably closer to the House resolution than most times in the past. In the past, we had had cases where the House resolution was 5 years, our resolution was 10, and we never reconciled that difference, or we had a hard time reconciling it. We had 1 year we didn’t pass a budget in the Senate. They did in the House. This year the numbers are pretty close.

I have a couple of comments. I heard a statement in the budget debate on the floor. I would say, my staff has compiled the amount of spending that was in the amendments that were debated on the floor. Our Democrat colleagues offered amendments that would have 1-year tax increases of $86 billion and 1-year spending increases of $81 billion for 2006. For 5 years, that figure would be tax increases of $443 billion, and 5-year spending increases, $382 billion. That is assuming no inflation. If you take the first year and extrapolate, some said we only spend for 1 year, but there are programs which would obviously be spent further. I have a chart that extrapolates and continues those. That is how I came up with those figures. I ask unanimous consent to have those printed in the RECORD.

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

SENATE BUDGET COMMITTEE TALLIES DEMOCRAT AMENDMENTS OFFERED DURING BUDGET DEBAT

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Sponsor</th>
<th>Party</th>
<th>Adopt</th>
<th>Tax/</th>
<th>M/spending</th>
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<th>Revenue</th>
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<td>2081</td>
<td>Health security</td>
<td>Lincoln</td>
<td>D</td>
<td>N</td>
<td>Tax</td>
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SPOENDING INCREASES

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<td>8,000</td>
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Mr. NICKLES. I want my colleagues to know we keep tally and keep measures of how much some of these amendments cost. This is an accurate portrayal. We had amendments that would increase taxes and spending by hundreds of billions of dollars. Those are now entered in the Record.

I also heard some comments on pay-go. I might mention for our colleagues, last week Senator MURRAY had an amendment. I raised a point of order on it that most all of our colleagues on the Democrat side said, let’s waive pay-go. Let’s spend an extra $18 billion. I ask unanimous consent to have the record extended.

We offered an amendment, it would be acceptable. It seems a lot of people who are now pro pay-go are trying to make sure the tax cuts that are presently law are not extended. I hope that will not be successful.

I just make those comments. I think I would much prefer to have the debate, whether it is on pay-go, the amount of money we spend for defense or the amount of money we spend on nondefense, or new budget rules—Incidentally, these rules apply only to the Senate—but I think it would be appropriate for us to have those in conference.

For the information of all our colleagues, the Budget House and Senate conferees will be meeting at 2:30 this afternoon in the Senate budget room on the sixth floor of the Dirksen Building. We tried to find a room in the Capitol and were not successful.

For the information of our colleagues, I think we had a good debate today. I look forward to a constructive, positive conference, one in which we will hear all sides and all viewpoints and consider constructive suggestions for making improvements. It is my hope we can conclude the budget conference in a very short period of time. The House would like to vote on it Thursday or Friday. I think that is possible. I think it would be important for us to actually pass a budget that will show we can get the deficit down, in half, in 3 or 4 years. I expect that will be our result. That is my objective. I hope to do that and I hope we can accomplish that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Oklahoma and the chairmen of the Budget Committee will not be present and I completely disagree with his characterization of the amendments offered on our side during the budget fight. We did not offer a package of amendments, so you can’t total the spending of each individual proposal. We would offer an amendment, but in each case we would pay for the amendment. We were not adding to the deficit.

If you take our proposals in total—which you cannot do because they were not offered as a package, they were offered individually. We are just going to be intellectually honest here. You can’t cumulate something that was not offered as a cumulative amendment. We offered an amendment, it would be defeated, but in each of the amendments offered, package, offsets.

I ask unanimous consent to have that chart printed in the Record as well.
Mr. CONRAD. What it shows is if you do cumulate the spending over 5 years, it was $222 billion, but the deficit reduction was $231 billion. That is a fact.

On the other side, they increased by $28 billion, and added to the deficit by $9.3 billion. So the only folks who had cumulative totals here on the floor that added to the deficit were our friends on the other side of the aisle. That is a fact.

We have been very careful to insist amendments on our side be paid for and reduce the deficit. We insisted that not only amendments offered on this side be deficit neutral, but they actually reduced the deficit in addition to any change in funding priorities.

The Senator once again says the budget before us will reduce the deficit in half in 3 years. The problem is, if you look at increases to the debt in each of those years, you don’t see a reduction. It continues to be increased between $500 and $600 billion a year in every year of this budget proposal—$3 trillion. On the Senate budget, in fairness, $2.9 trillion added to the debt in just the next 5 years.

The plan adds $3 trillion to the national debt in just the next 5 years. That is a mistake. That is a mistake because it is coming at a critical time, right before the baby boomers start to retire. That will happen in the fifth year of this 5-year budget plan.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senate has 30 seconds.

Mr. CONRAD. To conclude by thanking the chairman. We have had differences on budget policy; we have had differences in how we should proceed; but we have done it, I think, in a way that should be done in the Senate. We have done it in a way where there is respect and a serious listening to both sides in order to achieve a result and a rational process for this body.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time for the Senator with a 3 to 4 ratio.

The Acting President pro tempore appointed Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES conferees on the part of the Senate.

PERSONAL RESPONSIBILITY AND INDIVIDUAL DEVELOPMENT FOR EVERYONE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4, which the clerk will report.

The assistant journal clerk read as follows:

A bill (H.R. 4) to reauthorize and improve the program of block grants to the States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

Pending:

Boxer/Kennedy amendment No. 2945, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I again thank my colleague from North Dakota for his cooperation and I look forward to the conference.

I see my good friend from Massachusetts is here. I know he offered an amendment on minimum wage. I know
he would be disappointed if I didn’t re-
spond to his proposal. While he is here,
I want to make a couple of comments
about the amendment which I believe is
pending before the Senate. It may have
been set aside, but I believe it is
pending. Senator KENNEDY’s amend-
ment which increased the minimum
wage from $5.15 to $7 an hour is that the
pending amendment?

The ACTING PRESIDENT pro tem-
pore. The Senator is correct.

Mr. NICKLES, Mr. President, I have
great respect for my colleague from
Massachusetts. If the State of Massa-
chetts wants to increase the mini-
num wage to $7, or $8, let them do it.
What my work in Boston probably
does not work in my hometown of
Ponca City, OK, or maybe in Sallisaw,
OK.

I used to work for minimum wage. I
made minimum wage when it was $1.60
an hour in 1966. My wife and I made
that.

That was our first job when we mar-
ried. And by having a job, we could
start climbing the ladder.

I am afraid Senator KENNEDY’s amend-
ment which says let us increase the
minimum wage from $5.15 to $7 an
hour is going to hurt some of the peo-
ple he professes to help. I heard his
comment yesterday that this is going to
take a lot of people out of poverty, or
help them. If that is the case, let us
not stop at $7. Let’s make it $10 or $20.
If you can lift people out of poverty by
mandating a higher wage, why in the
world would we stop at $7 an hour? I
frankly want people to make more
than $7 an hour. Why in the world
would we set this level? If you are ac-
tually going to be eliminating poverty
or lifting people out of poverty, let us
increase it dramatically more. Let us
make it $20 an hour.

I do not know if a second-degree
amendment is in order. Maybe we
should have an amendment to make it
$10 an hour. I would like for everybody in
America to make at least $10 an
hour. My daughter who works close
to minimum wage and is a college student
would love to have $10 an hour. But I
am not sure she would have a job.

Maybe in Boston they could pay a
student $10 an hour working part time
in a clothing store on weekends. Maybe
they could pay that much, and maybe
they can’t. But I know one thing: In
some rural areas they cannot. That
student who may be working not in
Boston, working at maybe a Big League
school, but maybe going to a
vo-tech school in rural South Dakota
where they can’t pay $7 an hour, would be
out of luck. Maybe it is a minority
student in New York City, or maybe in
southwestern Oklahoma who can’t get a job
at $7 an hour. Maybe that job is flip-
ping hamburgers. People always make
fun of working at one of those fast-food
places, how terrible that is. It is a job.

Maybe McDonalds can afford to pay for
it, but a lot of places can’t. Maybe it is
pumping gas or sacking groceries.

They may have a job now, let us say,
making $5.15, or maybe $5.50, or $6. But
if we pass this amendment, we are say-
ing if you don’t make $7, we would
rather you be unemployed. It is against
the Federal law. Even though it is to
your mutual benefit and the benefit of
whoever is hiring you to make $6.50 an
hour, we are going to say no because of
Senator KENNEDY’s amendment. If you
do not make $7 an hour, you are unem-
ployed.

I find that to be a bad economic argu-
ment. I am afraid it would hurt a lot of
people. I am afraid a lot of lower in-
icome people might not start climbing
the ladder.

My wife and I worked for minimum
wage. We worked for a janitor service
in Stillwater, OK for minimum wage.
We did that for a couple of months. I
asked for a raise. We got a very small
raise. As a matter of fact, we quit and
started our own janitor service. We
learned enough to start our own jan-
tor service.

My point being not to lift this eco-
nomic ladder so high that some people
can’t get on. By saying if you make
less than $7 an hour, if the job can’t
pay $7 an hour, we don’t want you to
have that job, maybe as a result of that
we don’t have people pumping gas.
Al-
though they might all agree it is not to
their advantage, they would say no, it
should not be against the law for anybody
to work for less than $7 an hour, even
though they might all agree it is not to
their advantage to work for less than
that, they would say no, it should not
be against the law. That is what this
amendment will do to those towns.

Maybe they are not making any money.
We are just hanging on. They re-
alize they can’t lose money forever. I
am afraid they will have to close the
doors.

How many rural communities have
you seen where in downtowns they are
really struggling? I wonder what this
amendment will do to those towns.
Some of those towns are trying to hang
on. Some of those towns are trying to
turn around.

Again, maybe some Members in this
body think it is a living wage, or it is
getting people out of poverty. That is
good. But it may be putting some peo-
lies in poverty. It may be denying the
opportunity for a young student who
might be working part time to help pay
for school, or maybe work part time
so they can get through college, or to
come a secretary, or you name it.

We are just arbitrarily going to say
no. If you can’t make $7 an hour, we
have decided it is against the law for
you to have a job. That is what this
amendment would do.

If you ask the question in a poll if
you support an increase in the mini-
num, a lot of people used to say yes.
If you ask the question whether it
makes sense to have a $7 a hour wage,
for a young student who might be work-
ing part time to help pay school,
or maybe work part time so they can
get through college, or to
come a secretary, or you name it.

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I think this would do it. Clearly, it would do it in some parts of the country.

One other comment: It was alluded to. We haven’t raised this in several years. So now is the time. Why won’t these senators do this?

The Democrats ran the Senate from June 2001 throughout 2002. They could have offered minimum wage. I heard it hasn’t been increased since 1997. It has been 7 years and we want to increase it now. They ran the Senate most of 2001 and all of 2002, 4 and 5 years after the last increase. How many votes did we have in 2001 and 2002 when Tom Daschle was the majority leader? Senator Kennedy was chairman of the Labor Committee. How many votes did we have?

We did not have any votes. They controlled the floor. They could have offered an amendment. They could have had a bill reported out of committee and sent it to the Senate floor, and we could have debated it. I would have debated it. But we did not have it. We did not have one during that timeframe.

So, I will mention, this is kind of interesting; they had plenty of chances to debate this when they were in the majority. They passed the majority leader. They had control of the Senate. They could have offered the bill at any time during that period of time.

So I mention those issues. I do not want us to make a mistake. I do not want us to pass a bill that will probably cost hundreds of thousands of people jobs, and particularly hundreds of thousands of people who are at the low end of the economic scale. Let’s give them a chance to climb that economic ladder. We do not do that by passing laws that say it is against the law for them to work for less than $7 an hour.

I would urge our colleagues, if and when we vote on the Kennedy amendment, to vote no on the Kennedy amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, the great British Prime Minister William Gladstone called the U.S. Senate “the most remarkable of all the inventions of modern politics.” If you stop and think about that, a little bit, in the political process there is probably no greater truth.

The Senate is a remarkable institution. It is unique. There is no other body, no other political body, no other democratic legislature in the world quite like the U.S. Senate. We have our unique rules and our unique procedures, which I think make it special, and which have stood the test of time, and made this body the institution it is. I think it has added significantly to our country’s well-being and has helped make the United States the best country in the world.

What are some of those distinctions? What are some of those qualities? One, clearly, is the right to debate. Once the Chair recognizes a Senator, that Senator can stand and talk as long as he or she wants, as long as he or she is physically able. That is a rule of the Senate. It means that if a Senator has something to say, that Senator cannot be denied the right to say whatever he or she wants to say, unless or until that Senator has physical reasons, has to stop talking.

I think the record for standing and addressing the Senate is held by the late Senator from South Carolina, Strom Thurmond. My recollection is it was better than the 70 people he had. He had something to say, and, my gosh, he said it. That is a distinct right in the U.S. Senate.

I do not know of any other body in the world where legislators are accorded that right, certainly not in the other body. As you know, in the other body, the standard rule is 5 minutes; that is, when any amendment or bill is up, even assuming their rules a House Member has the opportunity to stand and talk. He has the right to something to say, and, my gosh, he said it. That is a distinct right in the U.S. Senate.

What is another unique right of the U.S. Senate? One other right is the right to offer any amendment on any bill that is up. I believe that is the right of the minority. One of the unique rights of the minority is the right to offer an amendment protects the minority interest; it protects an interest of a Senator who is representing some part of the country to be able to present his or her point of view, and to bring it up and have Senators act on it, to debate it, vote on it, and take action. It is very unique. It is very important. Those are two extremely important qualities that distinguish the U.S. Senate from any other legislature in the world.

In a sense, it is that unique quality that is at the heart of this debate; that is, whether the Senate should vote on an amendment offered by the Senators from California and Massachusetts to raise the minimum wage. Senators have that right. They have the right to offer amendments. They have the right to stand up and be recognized and speak on their amendments. Senators who are opposed to the amendment have a right to stand up and oppose the amendment.

I believe that one of the best attributes—and I hope I am not “misattributing,” if that is a correct word, the source of this to John Locke—is the “marketplace of ideas.” That is, the more people debate and, in good faith, talk about a subject, the more likely it is the best result will be achieved; the more likely it is we will find the truth; we will find the right result.

It is pretty hard to find the right result to a controversial issue. Certainly raising the minimum wage has some controversy with it, without debating it. If we cannot debate it, it is fairly difficult—it is kind of hard—to know what the right result should be.

My guess is—and, frankly, I believe strongly—if we have a full and open debate on the underlying bill, the TANF bill, that Senators want to legitimately offer, even if some of them may not be strictly germane, we are going to end up with a much better result, and we are going to be serving our country much better than we would if we just do not have debate on amendments or if the amendments are precluded from being brought up.

I strongly urge Senators, therefore, to think about what we are doing. It is not only the narrow subject of whether there should be a vote on the minimum wage or whether we are going to allow Senator Kennedy to have a vote on his amendment. It is a broader question: What are we all about as an institution? What are we all about as a U.S. Senate? Why do we seek these offices in the first place? Why are we here?

I think I can speak for every Senator, saying that he or she ran for the Senate because we want to help make this our country a better place, that can help our States and help America. We profoundly believe in the democratic process. We sought election to the U.S. Senate because we knew, either directly or intuitively, it is a special place. It is a place where one does have the ability to have a voice in reaching a result, and, clearly, a result that we think is better than the status quo. So I remind all my colleagues that the nature of this Senate is somewhat at stake. It is in question.

My next point is a bit difficult, perhaps, but there are some Senators who have not been here very many years, and who only know the Senate as they have seen it and have experienced it. I have been here a few terms. I am in my fifth term. I have seen the Senate operate in lots of different ways.

I saw the Senate operate, a few years ago, where we had votes. We voted on subjects. We voted on amendments. We voted on amendments according to what each thought was correct. And guess what happened. Most people hailed the 1996 bill as being a great step forward in welfare reform. Everyone talks about the great strides and advances this country took as a consequence of that bill that passed, in 1996, the Welfare Reform Act. We have had a 50-percent reduction in caseloads all across the country; and in some States more than that, up to a 70 percent reduction in welfare caseloads.
the former welfare system as we knew it. I forget exactly what the quotes were, but it happened. And I suggest it happened in part because we so solidly and so comprehensively debated welfare and welfare reform. We had 43 separate rolcall votes on that bill when we first debated it.

Contrast that with where we are today. We have had one vote. A cloture motion was filed yesterday. The point of that cloture motion clearly is to prevent a vote on the amendment offered by the Senator from Massachusetts; to prevent a vote. I do not see why we should prevent votes.

The amendment raises the minimum wage. Clearly that is related. I can’t think of anything that is more related to the underlying bill. We are talking about getting people off welfare into work. Clearly, it is much easier to work if the wage that a person is paid is a wage that can allow a person to stay off of welfare.

I have spoken to people personally who have told me they want to get off of welfare, but they can’t because the minimum wage—this was several years ago—was so low. One single mother told me she couldn’t because she realized she was taking up almost all of her income. It wouldn’t work. So she had to go back on welfare, and it bothered her so much.

Clearly, this amendment is related. Clearly, Senators have the intelligence to determine this. The amendment is germane. Senators have the intelligence to know if they favor or do not favor it. Clearly, it is directly related. Even more clearly, if we respect the nature of the Senate, Senators should have a right to vote on it.

I urge all my colleagues to vote no on the cloture motion when we vote on cloture tomorrow because a “yes” vote would deprive Senators of the right to vote on a very significant amendment to the underlying bill. It would deprive Senators the opportunity of debating and trying to find the best solution to a complex question; that is, what are the best changes we think should pass in welfare reform.

If that is not bad enough—that is, a cloture motion which is successful prevents us from voting on the Kennedy amendment—there was a proposal by the majority yesterday. Yesterday, on behalf of the majority, the Senator from Massachusetts—Senator Kennedy—a unanimous consent request on this bill. I will take a moment to explain the consequences of that proposal and how that proposed unanimous consent request would further undermine the fundamental rights of Senators to debate and to amend.

The proposed request had four parts:

1. The proposed request had four parts:
   - That the Senate request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.
   - I welcome the prospect of having side-by-side votes on the Republican minimum wage amendment and the Boxer-Kennedy minimum wage amendment. We have done that in the Senate. That is a fair way to proceed. We want to get to amendments and we want to have votes.
   - But the other three parts of the proposed unanimous consent request raise real problems. First, limiting amendments to only germane amendments is a very tight constraint. Senators often seek to offer amendments to a bill that are very relevant to the bill at hand but do not meet the strict standard of germaneness. Under previous majority leaders, the Senate often chose to limit amendments to relevant amendments but did not go further in limiting amendments to germane amendments. Limiting amendments to the more narrow standard of germaneness is unduly restrictive.
   - The proposed request sought to set a definite time to vote on passage of the bill. Setting a time for certain package cloture pale by comparison. At least under cloture you get a right to vote on the amendments that are germane. But under this proposed agreement, a Senator could delay, could stand up and talk. He could use all the kinds of dilatory, delaying tactics one could use. That would prevent votes on amendments and more strict than cloture where you are entitled to a vote.
   - It is even more strict than reconciliation. In reconciliation, Senators can always offer amendments. Often there is not time to debate them, but they can still offer them. We then have a vote-a-thon. It is not the most illuminating practice, I grant you, but nevertheless, Senators have the right to vote.
   - Under this proposed consent request, Senators would not even get a right to vote on amendments that may have been brought up or to even bring up amendments.

Finally, the proposed consent agreement would seek to have the Senate go to conference on the bill. This raises probably the most problematic concern of all. If we went to conference and if we were to require amendments to be adopted, which would require the appointment of conferees and seeking a conference with the House, we would have to ask ourselves, what is in the House-passed bill?

Let me point out some of the provisions in the House-passed welfare reform bill. First, the House bill would impose unrealistically high work requirements on TANF recipients, much higher than under either the Senate bill or current law. Next, the House bill would provide minimum resources for childcare funding. We all know that the Senate passed an amendment which would increase childcare funding by an appropriate amount. The House has levels that are so low, according to CBO, childcare is underfunded by about $4.5 to $5 billion. We would have to work out that one, which would not be easy, particularly where the White House has issued a so-called statement that says not one thin dime for childcare. That would make it even more difficult for Senate conferees to work out a reasonable childcare amount, if we were to go to conference.

The House would not allow TANF recipients to continue education; that is, education they need to get and keep a good job beyond 1 year. That restrictive provision is in the House bill. Moreover, the House would provide what is called a superwaiver which would give the States extremely unprecedented broad authority to combine food stamps, Medicaid, childcare, and other programs, and use that money however they see fit, under very restrictive and low-income standards that low-income families have to rely on in their time of need.

It would also mandate full family sanctions, not just partial family. That is putting families of assistance if they do not comply with the rules, risking real harm to children in the absence of any fault of their own.

Finally, the House bill does not provide for legal immigrants. The House-passed TANF bill raises serious concerns. Going to conference on such a measure would not be a simple thing. It is the position of the Democratic leader that we would have to have a number of assurances before Democrats would agree to going to conference on a matter that raised such serious concerns. That is extremely important. That is because a conference report is not subject to amendment. Let’s not forget, we are in this situation not because of political party controls not only the White House but both bodies of Congress. Where the majority runs the conference process without substantial input from the minority, the conference process can substantially limit the rights of Senators in the minority.

Thus, the unanimous consent agreement proposed by the majority yesterday undercuts the basic rights of Senators. It would severely limit Senators’ rights to propose even relevant amendments. It would seriously limit Senators’ right to debate; that is, cutting off debate abruptly at a certain time no matter how many amendments we had by then considered.

We on this side of the aisle do not wish to delay this bill. There is no way we want to delay it. We want votes. We will agree to time limits. Let’s get this bill up and amendments up and let the Senate vote it’s will. We are willing to do that. We are willing to work to get to conference. We are willing to enter into time agreements on amendments. We are not asking for anything out of the ordinary.
During the 13-day period over which the Senate considered the 1995 welfare reform bill, September 7 to September 19, 1995, the Senate conducted 43 roll-call votes on amendments. So far this year we have conducted just one. So we are not asking for anything new. We ask on a bill the Democrats agreed ought to be in the legislation that encourages charitable giving. Another one is the Workforce Investment Act. These are two pieces of legislation that have been sitting around this for a long time. It seems to me the issue isn’t a whole lot different now than it was 2 years ago. The only difference is the Republicans were in the minority, then and the Democrats were in the majority. At that particular time, we saw an Energy bill that the Finance Committee brought to the floor. That bill never became law. We saw a prescription drug bill taken over by the leadership on the floor of the Senate, with the committee effectively cut out. Then we had an Energy bill but nothing happened. There was not a budget adopted that year.

We Republicans referred to the leadership at that time as having a graveyard in the Senate because they wanted to drop these issues for election as opposed to products. We Republicans said to the electorate at that time that we want products, not issues. So when we took over the majority in 2003, the committee system was allowed to work, develop bipartisanship. Nothing gets done in the Senate without bipartisanship. We could bring the issues to the floor and work the will of the Senate and get things through the Senate. That is what we are elected to do—get things through the Senate and let the process work.

So there is nothing that my colleague from Montana said that I disagree with, except we ought to see that at the end of the tunnel. Is there anything wrong with saying: Are you up for anything new. We have not dealt with minimum wage. I and the majority tried to accommodate the minority members who signed this letter and put the things in this legislation.

Other priorities, as stated by the Democrats, included some additional funding for childcare, and we passed that overwhelmingly yesterday. It wasn’t something I could get done in time. I didn’t try with that approach because I voted for it yesterday.

We also had a request from the Democrats in this letter to increase vocational education eligibility for legal immigrants. We have not dealt with that, but that is going to be an amendment before the Senate.

What we have tried to do in this whole process of Republicans gaining control of the Senate and letting the committee system work, as opposed to 2002 when very major legislation, such as prescription drugs and the Energy bill, was taken away from the committees and brought to the floor—we do not develop bipartisanship on the floor, we try to put them in the legislation and accommodate them so that we have a product instead of an issue.

The other side ought to tell us if we are going down the same road we went down in 2002 to have the Senate become a graveyard for important legislation. I think it is the duty of the Senate to move forward with a cloture vote, particularly when we made overtures to the other side to make this place work, and I know Senator Baucus, my ranking Democrat, is committed to making this place work. There should be any reason we have to have a cloture vote, particularly when we made overtures to the other side to make this place work.
which they want to vote. All we want to know is that we are going to get an opportunity to develop a product. This Senate is not the only body that passes legislation that goes to the President; it also takes the House of Representatives. We do not get to finality until there is a conference committee. If there is a difference between the House and the Senate, and in most major pieces of legislation, we have to have a conference committee.

I do not understand why we can't get to conference on the CARE Act, a bill to encourage charitable giving by people who fill out the short form of the income tax by giving above-the-line deductions, or having the tax-free rollover IRAs for people who want to give some of their lifetime savings to charitable giving. There are a lot of other good provisions in that legislation as well.

Do you know what is wrong with that, Madam President? What is probably wrong with that legislation is it is one of the policies of the President of the United States, and maybe the other side can't let him have a victory. Yet in the scheme of what the President of the United States has to do, it may be a No. 1 goal of his, but it is a very small piece of the agenda that this President has of leading this Nation and being the Chief Executive Officer for our Government.

What is wrong with the Workforce Investment Act? One would think that with the administration crying all the time about outsourcing—forgetting about insourcing; we have a $58 billion favorable balance of trade on insourcing versus outsourcing—but we all ought to be concerned about outsourcing. What does Senator Kerry, as a Democratic candidate for President, say we need to do about outsourcing? Educate our workforce. And we have opportunities to move legislation that does that, and we cannot get to conference. What is the case?

We have offered to the other side votes on important legislation they want. Can they let us see light at the end of the tunnel so we know there are not games being played? I would hope there are people on the other side of the body who want this place to work, and there are. I would hope people who want product instead of issues will rise to the top, as cream does, and as cream of the crop remind their leadership of what happened in the last election, and do their job less significantly to the minority than we presently are because I think what is good about the Senate is that it keeps the extremes from governing in America—the extreme on the left and the extreme on the right.

This Senate, since it cooperates and gets things done, governs from the center. Whether that is 60 votes or 70 votes or 80 votes, we govern from the center.

This is a body that is going to make sure that Nazis do not take over America or Communists take over America and there are none of them in the Congress. But when you do not have the center rule, as Germany learned or as Korinsky learned and tried to show the people of Russia in 1917, when the extremes take over, democratic values are lost.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as the cosponsor of this amendment with my friend and colleague, Senator Boxer, I do want to clarify for the record where we are and the view those who are sponsoring the amendment have with regard to proceeding on the TANF reauthorization legislation, which is before us.

Because what we had characterizations made about our amendment, I wish to clarify for the benefit of the Senate and, more importantly, for the American people exactly what the current situation is before the Senate.

Before the Senate, we have what we call the TANF legislation, to move people off welfare into employment. As has been mentioned on a number of occasions—I have a copy of the report—the point is that Republican floor manager that this amendment to increase the minimum wage is not pertinent to this legislation and, therefore, because of the fact we are offering it, what we are delaying the whole process even though we indicated to the floor manager we were eager to enter into a very short time agreement, a 20-minute time agreement, time to be evenly divided, a time certain, and then move on to another time.

We want to make very clear, speaking for the supporters of the amendment, we are interested in coming to a resolution. The answer on the other side is, well, since this is not relevant to the subject at hand, we are not going to let a vote occur. That is a rather unusual process and procedure. As to amendments on legislation, unlike appropriations, the Senate rules permit a vote on legislation, but the majority does not choose to do so. Therefore, they refuse to let us get a vote on this and then criticize us for delaying the process even though we are prepared to vote this afternoon. It is 12:30 now; we can vote at 1, or whatever time agreement, time to be evenly divided. That is exactly what we are trying to do, to have a vote on this amendment.

I mention once again how ridiculous I think the argument is from the other side that this is a relevant amendment. If one looks at the legislation itself dealing with TANF and looks through the report, as I have said previously, they can look under "strengthens work," that is what this legislation is all about. If we take the statement of the Secretary of HHS, Tommy Thompson—listen to this—regarding the TANF reauthorization requirements:

"This administration recognizes that the effective way to end poverty is through work and that is why we have made work and jobs that will pay at least the minimum wage the centerpiece of the reauthorization proposal and the TANF reauthorization for Needy Families (TANF) program."

Here it is, the administration spokesman talking about the centerpiece of the TANF will pay a minimum wage. That is exactly what we are trying to do. How is it possible that the floor manager can say this is not relevant when the Secretary of HHS specifically refers to a minimum wage? How can they possibly take that position? How can we possibly say okay it will be half a minimum wage when we are prepared to go ahead with a short time limit?

The American people must be greatly confused. Here it is, the Secretary of HHS, the President's representative on this issue, saying this administration recognizes the only way out of poverty is through work and that is why we have made work and jobs that will pay at least the minimum wage the centerpiece of the reauthorization proposal for the Temporary Assistance for Needy Families program. That is the statement he had at that time on March 6, 2002.

As the report goes on, the other references I have talked about, "reasons for change," to move welfare recipients into good jobs, good jobs obviously suggested they are going to be halfway decent.

The committee refers to the reasons for the change, that the committee wants to build by increasing work and reducing the welfare and talking about good jobs. That is the reference all the way through. That is what the Secretary has said. We have indicated we are prepared to move ahead and move immediately, but we are denied the opportunity to do so. And that is with regard to procedure.

I listened earlier to my friend and colleague from Oklahoma saying we really do not need a minimum wage; we ought to let the market decide and make these judgments and decisions. Well, we have heard that. I have heard that since I arrived in the Senate, not only every time we are prepared to debate the minimum wage. Then he talks about the challenges we are facing in rural areas are not the same challenges as they face in urban areas, which we have understood. That is why we have an exclusion for agricultural workers. We have a different kind of a financial situation for mom-and-pop stores rather than the large stores in many urban areas. That is why we have a cap and say if you have approxi- mately $600,000 or less gross earnings, you do not have to observe the minimum wage provisions. We responded to these rifleshot ideas that have been constantly brought up during the debates on the minimum wage.

I would like to go back to the general kinds of themes that were brought out. As we understand, this is a minimum wage, not a maximum wage. We are talking about a minimum wage to meet minimum kinds of standards in this country. Hopefully we have gone beyond the debate about whether we are going to have barons or the monopolists in this society have individuals who are in the workforce so thoroughly and completely exploited.
Many in the Senate have been up to visit the old mill towns of Massachusetts, and one can still travel up to Lowell and visit many of those old textile and they will see the letters from children who are 7 and 8 years old who were writing about how they were working in the mill a 12 to 18 hour a day, seven days a week, instances 7 days a week. Some of the most moving of those letters are by those children who write looking outside the windows and seeing other children playing outside and dreaming of the time that they might be able to do so.

In the old days when we did not have any kind of protections for any workers, we had extraordinary exploitation of children in the workforce. Well, that goes back to the time where the Government was not involved. In 1938, after a great deal of struggle, sweat, and bloodshed, all that changed with the very important child labor laws. Some had been passed before. Basically, we established the minimum wage, the time and a half for overtime, and the Fair Labor Standards Act, even though the overtime issue in question is now threatened by this administration that wants to abolish overtime for some of our million workers, mostly firefighters, policemen and nurses who in many instances are our first responders. All one has to do is go to any hospital and talk to some of those nurses and find out how in many instances they are required to work overtime and how they tell about their views about quality of care.

Now imagine if overtime is eliminated and there is that kind of requirement. We have a shortage of nurses today. One can imagine what is going to happen tomorrow if that particular recommendation by the administration is put into effect. So basically we are talking about a minimum wage.

We can hear on the other side, as we hear from the Senator from Oklahoma, well, it is important to get on the bottom rung of the ladder because if one gets on the bottom rung of the ladder, they develop certain kinds of skills and attitudes and will be able to move ahead and have a successful life.

Well, there are certain truths to getting on a bottom rung of the ladder if the bottom rung of the ladder is not so low it actually submerges a person and they cannot move from the bottom rung of the ladder because they are so overwhelmed by the challenges of life, of being able to survive. That is what we are talking about, having the bottom rung of the ladder so that at least one can make a living wage, they are going to at least be treated with some sense of dignity in this country of ours, which is the richest country in the world.

There are people who are struggling. It does not appear, by those who are opposed to the minimum wage, there is some dismissiveness about the individuals who are receiving it. I do not buy that. The minimum wage workers in the workforce I have met are among some of the most courageous and dignified men and women one will ever want to meet.

I am going to mention who are really talking about. Who are these people who are earning the minimum wage, those who are struggling? Let's put some human faces on these individuals. Shreveport, LA: It was early April, and 46-year-old Mrs. Williams was dressed in the dark blue uniform she wears at her first job caring for seniors at a nursing home. On top there was a gray apron she dons for her second job cleaning offices at night. The place where she works as a nursing assistant, Harmony House, was paying her $5.50 an hour, barely above the minimum wage, even though she had been there for 10 years as a union member and completed college courses to become certified. The cleaning job which she took up because she could not make ends meet pays right at the Federally mandated $5.15 an hour.

"You think you are moving forward," adds Ms. Williams, "but you're just moving backwards.

Mr. Valles earns his living serving hamburgers at a McDonald's restaurant in downtown Los Angeles. He's a family man. He and his wife, Lily, have two children.

"I make $5.75 an hour. That's about $240 a week. One hundred ninety dollars after taxes. You can't really live on that. Lily works full time in fast food. She makes the same as me. Two weeks of my pay and two weeks of her pay every month goes for rent. Then you have to pay the fare to go back and forth to work, you have to pay for your food. You have bills. We're still paying on the sofa..."

I asked if they ever went on vacation. He looked at me as if I asked if his children could fly. "No," said Mr. Valles quietly. "There is no money for vacation."

"It's difficult to work at a grocery store all day, looking at all the food I can't buy," Mrs. Payne said. "So I imagine filling up my cart with one of those big orders and bringing home enough for all my kids."

Instead, she said that she and her husband, Michael, a factory worker, routinely go without dinner to make sure their four children have enough to eat. The family relies on Medicaid. She works full time, 30 to 35 hours a week. Deborah has no health coverage for herself or her kids. Her earnings are spread thin to cover child care expenses, transportation, food, and $50 a month for her bedroom at her aunt's. An increase in the minimum wage would help Deborah catch up on lagging bills, come closer to making ends meet. She has three doctor appointments for her children at a pay-for-service clinic, and purchase clothing for her children, who lost everything in the eviction and the escape from domestic violence.

Pat Rodriguez lives in Washington, has worked at a laundry and dry-cleaning in Washington for 8 years. She earns $6.15 an hour, the minimum wage for the District of Columbia. Currently she and her colleagues are on strike over low wages and other issues. The money she earns working full time is not enough to pay the rent, pay for the basic necessities for her family. She has a 2-year-old child and is expecting a second child. She has no pension, no access to affordable health care, and relies on Medicaid. She works full time and still does not make enough to be able to save for the children's education. Pat says, "I support raising the minimum wage, but I also want workers to be treated with respect, and for their work to be valued accordingly."

Hornsby lives in New York, New York. Her children, 16, 11 and 6, recently moved to Newburgh, NY, from Oregon. Mrs. Murphy is a teacher's aide and special
needs bus aide in the local elementary school. Every morning she is in the bus yard at 6:30, waiting to escort handicapped children on the bus. Then she works in the school offices and in classrooms until around 3, when she gets back on the bus and escorts the handicapped children in the special education classes. After work, she made $10 an hour doing similar work, but in the new job, she is paid the minimum wage.

The job suits her needs as a mother of three. She gets to be home in the afternoon to look after her 6-year-old, who is autistic and needs the kind of close supervision the school’s after school program is not able to provide. There are daycare centers that could care for their son, but the cost is prohibitive. Her 16-year-old son is athletic, and after school she is able to drive him to practices and games.

Despite the fact that Elaine works full time, she is paid so little that she qualifies for food stamps and her children receive care through Medicaid. This bothers Elaine. She doesn’t want Government assistance. She wants to work hard and provide for her family. In the school district where she works, janitors and others are paid enough so that their families have enough to provide for their children while Elaine has little choice but to turn to the Government for assistance. She perceives the problem as this: The assumption is that women who work as teachers’ aides or do similar work are not supporting their families but rather, working to supplement the household income. In her case, this is not true. Elaine is the sole provider for her three children.

For Elaine and her family, a higher minimum wage would mean a greater degree of self-sufficiency. Getting a second job is out of the question given her responsibilities at home. At the present rate of pay, making ends meet is impossible without Government subsidies. Elaine knows that working 40 hours a week is not enough to support her family, and that through hard work, she should be able to provide for her children.

This is it. These are the real faces of people who are out there, trying to make ends meet. Our proposal was to increase the minimum wage just to $7. That will still put it below where it was for a period of 12 or 14 years, but at least it gets it much closer to a living wage.

That is what this amendment is all about. We should understand it. This amendment affects real people. I gave some examples of why the Secretary of Health and Human Services believes a minimum wage job is relevant to this bill. We have indicated that we are prepared to vote on it. We dare say it is those on the other side, who do not want to do nothing, who are actually filibustering.

I want to come to this issue and talk a little bit about the impact on families, and particularly the impact on children in terms of hunger, the problems of hunger.

In 1938, we had the child labor law. We had minimum wage, and we put time and a half for overtime pay in there so workers would be considered. What we have looked at in more recent times, as hunger has been a defining aspect of poverty, is how the Government has tried to take a look at what the impact is on hunger, what the impact would be.

First of all, this chart: Hunger is increasing for minimum wage families. The Agriculture Department reported more than 300,000 more families are hungry today than when President Bush first took office. More than 12 million American households are worried that they would not have enough to eat, and nearly 4 million households had someone in them who tried to eat one meal a day. We tried to take a look at what the impact is on hunger, what the impact would be.

In 1998, there were 14 million children who were living in families where there was a real problem in terms of food security, and then that went down in 1999 to 12 million.

In the year 2000, it is 12 million. Then we see in 2001 that it began to turn around. In 2002, it is 14 million going right back up again. We were seeing the decline in the terms of the impact of hunger on children in the country. Now we see as a result of the economic policies and failure to increase the minimum wage the fact that hunger is again taking off in these minimum wage households.

This is an excellent report done by the Department of Agriculture, shows very clearly what is happening to families, and particularly families with minimum wage, what you find out is that in 1998, there were 14 million children who were living in families where there was a real problem in terms of food security, and then that went down in 1999 to 12 million.

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This is an excellent report done by the State of Massachusetts. It is called “Walk for Hunger. Project Bread.” I will include in the RECORD the appropriate parts of the study.

According to the U.S. Department of Agriculture, more than $250,000 people in Massachusetts lack access to adequate food. In low-income communities, one in five of our households cannot afford to buy enough food to meet the basic nutritional needs of household members. The prevalence of hunger is highest among families with children. Today, 13 million children in the United States are undernourished in some way.

Our State is one of the most prosperous, fortunately, in the country. This is what is happening in house-
They are used to a higher degree than food stamps, but, nonetheless, that happens.

These are men and women of pride. It is a real problem. These families, as I mentioned—23 million, Second Harvest—do not afford balanced diets. Parents are skipping meals so their children can eat. Nationwide, soup kitchens and food pantries and homeless shelters are increasingly serving the working poor—not just the unemployed.

Both the U.S. Conference of Mayors and Catholic Charities report witnessing sharp increases in the use of emergency services offered by the cities and the Catholic Charity agencies.

In 2003, the survey by the U.S. Conference of Mayors that looks at hunger found 39 percent of adults requesting food assistance were employed.

Effectively, 40 percent of people who are trying to get some additional food assistance are employed and work hard.

This is the conclusion of the U.S. Conference of Mayors, as well as Catholic Charities—a leading cause of hunger is low-paying jobs.

How much more evidence do you need? Do we think the U.S. Conference of Mayors is a tool of just the Democratic side of the Senate when Republican and Democrat mayors alike across this country are talking about the increasing problems they are facing and what families and their communities are facing when they say one of the principal reasons there is explosion in the hunger needs of children in this country is because of low-paying jobs?

That is what this amendment is about—to do something about low-paying jobs.

We have a chance to do something about it. We have done it in the past. We are denied the chance to do something about it now. That is what is wrong.

If cloture is successful, we ought to say it as it is. It will defeat this amendment. Evidently, the Republican leadership fears voting on this amendment, for reasons I can't possibly fathom, so much they are delaying the Senate a whole day. Here we are on Wednesday at 1 o'clock, and we are not going to be permitted to vote. We could vote on this in half an hour. No, you can't vote on it. We are going to make sure the Senate doesn't do any work this afternoon because we feel so intensely about increasing the minimum wage. We are against it going to $7 an hour over a 2-year period. We are going to insist on cloture—the unusual step of cloture in the Senate—in order to bring that amendment that makes families and their families and communities not even have to vote on it even though the Secretary of HHS has indicated minimum wage is essential to the success of this program.

Is there anything more ludicrous? Is there anything that makes less sense?

It is absolutely out of our imagination that Republicans feel so intensely in opposition they will refuse to let this institution vote on this measure which can make a difference in terms of children in poverty, families in poverty, proud men and women who are trying to provide for their children, a step that we have taken 11 different times since the minimum wage was passed with Republicans and Democrats alike. But what it is about is this Republican leadership that says: No, we are not even going to let you vote on it.

We had difficulties other times trying to get a vote on it. I will certainly admit that. And the record will show that. But eventually we were able to do that, and eventually we were able to get it passed. But the ferocity of opposition this time is mind-boggling to this Senator.

Listen to this, again from the U.S. Conference of Mayors: Emergency food assistance increased by 14 percent. This is just in 1 year. These are the 2003 figures. Fifty-nine percent of those requesting emergency food assistance were members of families, children.

And then: City officials recommend raising the Federal minimum wage as a way the Federal Government can help alleviate hunger.

Here it is. The Conference of Mayors—Democrat, Republican, mayors from all over this country; North, South, East, West; Republican and Democrat—talking about hunger, talking about the particular hunger needs of children, talking about the problems of the growth of hunger for working families, and they make one single recommendation: increase the minimum wage. And we cannot even get a vote on it in the Senate.

Can you imagine people watching the Senate and hearing: Well, no, we can't vote on that. We can't vote on that. We are just not going to vote. And they say: Why? It looks as if those who are proposing it are ready to vote on it.

We are. When are you ready to vote on it? In 20 minutes, half an hour? We are prepared. We have offered time limitations. They say: You are?

What is wrong with the other side? They say it is not relevant to the underlying bill. They say it is not relevant.

Let's see. Is that the way the Senate works?

Let me help you figure out why it is relevant because I have a statement from the President's representative on this bill. This is what the President says: The President says: This administration recognizes that the only way to escape poverty—

He is talking now about the underlying bill. He is talking now about the underlying bill.

is through work, and that is why we have made work and jobs that will pay at least the minimum wage the centerpiece of the reauthorization proposal for the Temporary Assistance for Needy Families (TANF) program.

Well, then they say: Wait a minute. I thought the Republicans said your amendment is not relevant. And now you are saying the Secretary of HHS says you should have a good job that pays an adequate minimum wage? Yes. And they say: It would seem to me it would be relevant.

It does to me. That should be understandable to any third grader or fourth grader, but it is not to the Republican leadership because they do not want to pass it because they have powerful interest groups that do not want to pass it. That is the reason for special interest groups that refuse to let this pass. That is it. That is what this is about. You cannot get around it.

So we have taken a few examples of who the people who are affected, what kind of lives they are living, and what has been happening in one State that is a pretty prosperous State, my own State of Massachusetts, that has done a very detailed study. I will include that, as I mentioned, as a fierce probate to the record this afternoon because we feel so intensely about one third grader or fourth grader, but it is not to the Republican leadership because they do not want to pass it because they have powerful interest groups that do not want to pass it. That is the reason for special interest groups that refuse to let this pass. That is it. That is what this is about. You cannot get around it.

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increase teen unemployment, and minority unemployment. It does not do so.

Another factor is the issue about whether this is going to be an inflator. As I mentioned, if you look it over—for those who take the time—it is not very difficult to do—but if you take the increase, the total number of people who are going to be affected by the increase in the minimum wage, and take the total payroll, you will find out that it is not.

We know increasing the minimum wage by $1.85, as I have pointed out, is vital to workers but a drop in the bucket to the national payroll. All Americans combined earn $5.7 trillion.

And a $1.85 minimum wage increase would be less than one-fifth of 1 percent of the total national payroll. So spare us—spare us—the arguments about the adverse impact of an increase in the minimum wage on unemployment and on minorities and on teenagers, and spare us the argument that this is going to add to the issues of inflation because it does not do that. What it will do is, it will help some extremely hard-working families. It will help many workers who work hard clearing out the buildings at night-time, being assistants to our teachers in our high schools and elementary schools in our country, working in nursing homes as assistants. These are minimum wage workers, and they are men and women of dignity. They are not looking for Government handouts. They want to be able to work hard and raise their children and live with the respect of their children and spend time with their children.

That is why this is a women’s issue because the great majority of those who receive the minimum wage are women. It is a children’s issue because so many of those women have children. It is a family issue because the relationship between, primarily, single mothers—not always but primarily single mothers—and their children is dictated by whether they have time with their children or two or even sometimes three minimum wage jobs. The time, or lack of time, they are able to spend with their children, obviously, is enormously important.

This minimum wage is also a civil rights issue because so many of the men and women who receive the minimum wage are men and women of color.

It is a civil rights issue, a children’s issue, a family issue, a women’s issue. Basically, it is a fairness issue because these men and women in this country believe if you work hard—you work hard—40 hours a week, 52 weeks of the year, you should not have to live in poverty.

If you look, after all is said and done, at where the poverty level is for a family of three, it will be something under $15,000. And even with our increase in the minimum wage, they are going to be well below that.

We are prepared to vote early this afternoon. We don’t need more time.

We can take more time, but we are prepared to vote at any particular time. This side has made its case. People in this body know what the issue is all about. It is not enormously complicated. They understand it. We are prepared to vote. It is a very simple vote. If the Federal income taxes owed on this—60 days after enactment, the first phase of it will begin to give some new hope to some of the hardest working men and women in the country.

I suggest the absence of a quorum.

Mr. HAGEL. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, we are involved on a non-nongermane amendment the Democrats have offered on which we Republicans have said we are willing to vote, assuming we can have finality on this legislation and make sure we get to confer.

In the meantime, while those procedural issues are being worked out, I wish to express some views on the subject of minimum wage.

The proponents of this legislation claim they want to make sure that workers are able to earn a livable wage. Who doesn’t know that is necessary for people to get along in this world? It is not very clear to me what the term “livable wage” means. But those who use the term seem to believe going it alone, working enough minimum wage ought to earn more than the poverty level.

So let us consider that goal for a moment. Although there is more than one way to define poverty, the Department of Health and Human Services publishes the poverty guidelines each year. These guidelines are used to determine eligibility for low-income programs like food stamps. For a single individual, the poverty guideline then would be $10,000. Under current law, any job subject to the Federal minimum wage must pay at least $5.15 an hour. Assuming a person worked 40 hours a week, 52 weeks a year at a minimum wage, they would earn over $10,000 a year. Even after deducting Federal income taxes owed on this amount, a minimum wage worker is left with more money than the poverty guidelines.

I would like to repeat that a full-time minimum wage worker already earns more than the poverty level.

Now, is that a livable wage? The answer is that it depends. Even in my State of Iowa not very many people would say that is very ideal; in fact, just the opposite. Most people would look for much higher than that. According to the Census Bureau, more than 2 million workers have hourly wages at or below the minimum wage. More than one-fourth of these workers are women. For those workers and women in the country. So is $5.15 an hour a livable wage? If one is a teenager living at home with their parents, they probably feel like they are making a lot of money. But what about other minimum wage workers? According to the Census Bureau, 85 percent of the people earning the minimum wage live with their parents, have a working spouse or live alone. Only 15 percent of the minimum wage workers are trying to support a family.

For those few who are trying to support a family, $5.15 an hour is obviously not enough income. Fortunately, these families do not have to get by on $5.15 an hour because under current law these families are eligible for Federal earned income tax credits and the food stamp program, two programs that are meant to encourage people into the workforce in a way that there is good return on it.

A single mom with two children working full-time at minimum wage would qualify for more than $4,000 in refundable tax credits and more than $2,000 in food stamps. On an hourly basis, that works out to more than $8 an hour.

Even after earnings are withheld, a single mom with two children is left with more than $15,670, which is the poverty guideline for a family of three. Thus, the debate cannot really be about getting people out of poverty.

Some people might say that these workers should not have to rely on Government programs to escape poverty, and those people working would look for a day in the future when they were making enough to not qualify for the earned income tax credit or quality for food stamps. But other people might say that employers should not be so cheap, that they ought to pay their employees more than the poverty level wages.

As I have just explained, the poverty level varies by the size of the families. Employers cannot pay their workers based on the size of their families. I do not know that they ever have. When I was a lawyer at a law firm, they did not charge $5 on Tuesday when the cashier is a teenager living at home with his parents and then charge $7 on Thursday when the cashier is a single mom raising two children. That is not the way the real world works or the way the laws of the real world work. Any business that tried to do things that way would no longer be in business.

The wages earned by workers are determined by the value that consumers place on the goods and services produced by the workers. Employers cannot pay their employees more than customers are willing to pay. In fact, in most cases, customers do have
choices of where to buy their goods and services. They do not have to stop at the local donut shop. If they want to, they can eat at home, or some may just decide to do without.

Those who support raising the minimum wage claim that they are helping workers to be able to survive. But if Congress could wave a magic wand and Congress would raise wages by legislative decree, why would they stop at $7 an hour? Why not $70? Why not $700? Then everybody could be a millionaire.

The argument is that raising the minimum wage will be a lollipop and demand. It cannot repeal the law of supply and demand. Those who support the raising of a minimum wage argue that the minimum wage will raise the income of workers and food stamps that provide help to families and help workers earn a livable wage, but if Congress would raise wages by legislative decree, why would they stop at $7 an hour? Why not $70? Why not $700? Then everybody could be a millionaire.

Proof? There is plenty of proof. It is very evident by the fact that no one has proposed raising the minimum wage to $70 or $700 an hour. Raising the minimum wage to $7 or $70 or $700 all have ensuing ill effects. The only difference is the increase in prices of goods and services. The price increases and the job losses will be small enough that no one will complain too loudly.

Minimizing the damage will not stop the damage. Raising the minimum wage to $7 an hour is going to cost employers $6 billion a year. That is a $6 billion tax increase on a small segment of our economy, particularly the small business sector of the economy. Ironically, out of those costs of $6 billion, roughly $5 billion will go to workers who are not supporting a family while $1 billion is going to go to workers who are supporting a family.

In other words, raising the minimum wage for everyone means only $1 out of every $6 goes to those who are most in need and particularly those we are trying to help with this bill to move people from welfare to work. That is a very expensive way to help low-income families.

One might try to justify this costly and inefficient policy if it were the only way to help those in need, but as I have already discussed raising the minimum wage is not about getting people out of poverty. A single mom working full-time at the minimum wage, with one or two children, is already out of poverty, thanks to the earned income tax credit. That supports the earned income tax credit and food stamps that provide help to those who need it the most.

Congress does not have a magic wand and it cannot repeal the law of supply and demand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: We are under a cloture motion that has been filed on this amendment?

The PRESIDING OFFICER. The cloture motion has been filed on this amendment.

Mr. HARKIN. Since I have been recognized and I have the floor, is there a time limit on how long this Senator can speak?

The PRESIDING OFFICER. There is no time limit at this point.

Mr. HARKIN. I thank the Presiding Officer.

Mr. President, first I ask unanimous consent I be added as a cosponsor on this amendment to raise the minimum wage. I strongly support the amendment offered by the distinguished Senator from California, Mrs. Boxer, and Senator Kennedy.

Let’s be clear at the outset. The current level of $5.15 an hour as a minimum wage is a poverty wage—actually less than a poverty wage, which I will show in a minute. It is a wage that does not respect the dignity of work, including the most humble work in this country. That is wrong. I say the President of the United States ought to be ashamed of himself, this Senate ought to be ashamed, the House of Representatives ought to be ashamed of itself, that we would let the minimum wage get as low as it has gotten, forcing more and more families into poverty and on food stamps.

The economic policies of this administration are simply not working as advertised. It is still way too soon for the recovery remains fragile. The President has assured us again and again that tax cuts overwhelmingly for the wealthy will stimulate the economy and create more jobs and get this country moving. Over the last 3 years we have had nearly $2 trillion in tax cuts, but we have lost more than 2 million jobs. The President’s economic policies, including tax cuts, outsourcing of jobs, not increasing the minimum wage, refusing to extend unemployment benefits, are not working. Trickle-down economics simply, again, is not working.

You don’t have to be from Iowa or Nebraska to know you don’t fertilize a tree from the treetops. You utilize the roots, and that is how we need to stimulate the American economy, by applying stimulus to the roots, not to the treetops.

There are obvious ways to do this. No. 1, instead of the tax cuts for the wealthy, you focus tax cuts on working people who need the money and who will actually spend the extra money here in America.

No. 2, you increase the minimum wage. You put more money in the pockets of people who will spend the money because they have to, out of necessity.

No. 3, you extend benefits for the long-term unemployed. Today, March 31, a record 1.1 million Americans will lose their unemployment benefits—this quarter. This is unfair. It is indecent. It is foolish, because it will create more drag on the economy. Again, we are asked to be ashamed for not extending the unemployment benefits to all these people who have now lost them.

I strongly support the Boxer amendment as one step we need to take in addressing the fact we have too many people out of work, and that people on the bottom of the economic ladder are falling further and further behind.
No one in America who works for a living should live in poverty. Yet for the millions of hard-working Americans with minimum wage jobs, that is exactly what is happening. In fact, if you look at what has happened over the last few years, you can see that this is the poverty line right here for a family of three, going back here to 1971, 1974, 1977, the minimum wage was pretty darned close to the poverty line. Then during the Reagan years it started coming down. During the Clinton years it went up a little bit. Now we are back down again. Look at this gap compared to where we were before, or even before 1970 when the minimum wage was actually above the poverty line. When you look at that, it’s no wonder our society has problems.

No wonder we are being torn apart in this country. We have more people working, yet falling further below the poverty line because we don’t increase the minimum wage.

This administration has filed a cloture motion, I understand. I asked the Presiding Officer. He said a cloture motion has been filed on this amendment. This bill we have before us is TANF, the Temporary Assistance to Needy Families. The other side is saying, when we don’t increase the minimum wage, saying an increase in the minimum wage is not germane, it is not pertinent to the TANF bill, to Temporary Assistance for Needy Families. They are saying it is not pertinent because if the one company is successful tomorrow, this amendment will fall. So they say it is not pertinent.

Why don’t they tell that to Secretary Thompson? Here is what he said regarding TANF reauthorization:

This administration recognizes that the only way to escape poverty is through work and that is why we have made work and jobs that will pay at least the minimum wage the centerpiece of the reauthorization proposal for the Temporary Assistance for Needy Families Program.

It is the centerpiece. And they say it is not pertinent. Somebody better get hold of them. You better start getting your story straight. He says it is the centerpiece.

If minimum wage is the centerpiece for TANF reauthorization, then we ought to be about discussing how much of a minimum wage—not whether it is pertinent but how much.

Bear in mind again, I heard some talk about teenagers. I keep hearing about teenagers making minimum wage jobs and that at home, we have this and that. Teenagers, teenagers, teenagers, I hear that all the time. But you have to look at the facts. Facts are stubborn. Sometimes facts get in the way of stories. The fact is, 7 million workers would directly benefit from a minimum wage increase; 35 percent are the sole earners in their families—35 percent. Maybe some of them are teenagers. Maybe they are married and out of school, maybe they are 18, 19 years old. Mr. President, 61 percent of those affected are women and one-third of them are raising children; 15 percent are African American and 19 percent are Hispanic Americans.

What is this all about teenagers? This is not about teenagers. This is about Americans who go to work every day. As I said, they do some of the most humble work in America.

I think I heard my colleague from Iowa saying something about if you raise the minimum wage, it is bad for business because people will shop elsewhere because they will raise the price of goods and people still have choices. We are not putting the minimum wage on one company and not another, one employer and not another. This is across the board. So if all of them go up, then there is still competition out there. Maybe through the competitive urges of the free marketplace they will find other places to cut costs, be more productive. But don’t take it out of the hides of those who work for a minimum wage.

That is what we are basically saying. That is what Congress is saying. That is what this President is saying, when we don’t increase the minimum wage. They are saying to businesses all over America: If you want to cut costs, if you want to increase your profit margins, we will help you by keeping your minimum wage as low as possible.

If we raise the minimum wage, maybe businesses will find some other ways of cutting costs and being more productive.

I also heard that if you increase the minimum wage to $7 an hour, it is a drain on business. It doesn’t help the family that much. There would be more help with food stamps, for example. An increase to $7 an hour for full-time year-round workers would add about $3,800 to their income.

Maybe for Senators and Congressmen who make $150,000 a year—I assume most of us have stocks and different investments—when you look at the net worth of the Members of the House and the Senate, what is it? Is it 500 times more than the average American? Maybe $3,800 doesn’t seem like a lot to people here, but to a family on minimum wage, a one-income family, $3,800 would be more than a year of groceries. It would pay 9 months of rent, a year and a half of heat or electricity, or full tuition at a community college for one of the kids. That is nothing to scoff at.

People say, Well, it will impact business. Again, facts are stubborn things. History clearly shows that raising the minimum wage has never had an impact on jobs or inflation. In the 4 years after the last minimum wage increase passed, the economy experienced the strongest growth in over three decades. Nearly 11 million new jobs were added at a pace of 218,000 per month. This happened in every sector of the economy.

In service industry jobs, including more than 112 million retail jobs of which nearly 600,000 were restaurant jobs.

This was after we raised the minimum wage last time. It sure made a bad impact on this country, didn’t it? It is long overdue. We should be ashamed of ourselves for letting it fall so low.

Now we are being told we can’t have a vote on the TANF bill because it is not germane. That is exactly what Secretary Thompson said.

Work and jobs that will pay at least a minimum wage is the centerpiece to the reauthorization of TANF.

Those are Secretary Thompson’s words.

We also have to keep in mind that a great majority—61 percent, as I have pointed out—who would be affected are single parents, mostly women with children. Unfortunately, the kind of jobs that women who leave welfare find are minimum wage jobs, which makes it difficult, if not impossible, to sustain families and meet the demands of raising children. For these people, survival is a daily goal. They work hard enough. Their hours are long enough to make ends meet, but only barely.

What this means is they don’t have time for their families. They cannot participate in activities with their children, especially school-related activities that most of us take for granted.

I would like to do a survey in the Senate of everyone here. I wonder how many Senators know someone or a family living on minimum wage. I wonder how many Senators would actually have some friends who are families on the minimum wage. I bet you would not find very many who would actually know anyone. They read about them, but I don’t know them or maybe have them as neighbors or friends and meet with them and talk with them about how they are living on a minimum wage. That would be an interesting survey to take.

For these people, as I said, survival is their daily goal.

Bear in mind the real value of the minimum wage has fallen dramatically over the past 30 years. Here is the real value of the minimum wage shown early March 31, 2004. Here is the real value of the minimum wage shown early March 31, 2004.
March 31, 2004

CONGRESSIONAL RECORD—SENATE

S3419

That is why there is unrest in America. That is why low-wage people are saying there is nothing in the system for them because it is so skewed against them. They work hard and never can get ahead because the minimum wage backs the rent.

The minimum wage employee working 40 hours a week, 52 weeks a year, earns $10,700 a year. That is $5,000 a year below the poverty line for a family of three.

According to the poverty line, the red line is for a family of three. Here is where we were in the past. Before 1970, the minimum wage was above the poverty line. Now look at the gap. Look how far down it is.

Poll after poll after poll taken of low-income Americans show that they don't believe the system is fair. You can read the polls. Look at what happened to them. You add on to that they don't have health insurance. You add on to that they do not have any retirement benefits. You add on to that their pay goes for high heating bills this last winter. You add on to that many of these people earning the minimum wage are paying one-third to one-half of their paychecks just for rent.

How many of us pay one-half of our paycheck for rent?

As I said earlier, the minimum wage—I stand corrected. It is not a poverty wage; it is less than a subsistence wage. And we can't ignore it any longer.

Three million more Americans are in poverty today than when President Bush first took office.

I am not saying that to blame it all on the President. I am not going to say that. Of course not. I am just saying it is a fact.

Today, more than 34 million people live in poverty including 12 million children.

I am not blaming it on the President, or anybody else. I am just stating a fact.

Among full-time, year-round workers, poverty has doubled since the late 1970s—from about 1.3 million to 2.6 million in 2002. Poverty has doubled since the late 1970s.

There is a lot of blame to go around. Rather than blaming anybody, let's fix it. The best way to fix it is to raise the minimum wage. That is at the heart of this problem.

An increase to $7 an hour would affect nearly 7 million workers.

I just saw the figures as to what it would mean in Iowa. I have the figures here as to an increase in the minimum wage in Iowa. If we were to increase this minimum wage, there would be 104,000 workers in my State of Iowa who would be making more money—104,000 workers. Do you know what? They will spend that money. They will spend that money because they have to spend it, because their rent is high, their food is high, their bills are high: if they do not have any health insurance at all, that is skyrocketing. They are paying for food, paying for the kids. That money gets spun around in the economy. It would be a shock of stimulus for the economy.

I am proud to cosponsor the amendment. To say it again, at the heart of this problem is the fact we are just not paying people what they do. Why do people who do the dirtiest kind of work, the humblest kind of work—the kind of people you walk by, and you never notice them; you go into a restaurant, you go in to eat, and then you walk out, you don't notice them; a lot of times you go into stores, they are there, but you kind of walk by them—well, it is time we noticed them. They deserve to be noticed. They are Americans, and they are working hard. They are trying to raise their families and do the right thing, and what do we say to them? Forget it.

I almost hear echoes from some of the comments I have heard on this floor. I have heard echoes there should not even be a minimum wage. Now, I did not say that, but I am saying it. I said so on the Senate floor. I have heard echoes of that: Well, if we cut the minimum wage at $7, why can't we set it at $70 an hour or $700 an hour or $7,000 an hour or something like that? Well, that is sort of scoffing at these people working. We are working because it is almost like saying maybe we should not have a minimum wage at all.

There are a lot of countries that do not have the minimum wage. I suppose we could be like them. I always tell people: When it comes to things like having a minimum wage, just keep in mind, there is always someone poorer than you, more desperate than you, lower down on the ladder than you, who will work for less than you are going to work for because they need it. There is always someone poorer, more needy, more desperate.

Is that what our society says: The law of the jungle? Turn the clock back? Do we not want to be part of the world we live in? Or do we say to them—well, it is time we noticed them.

We are talking about Temporary Assistance to Needy Families. The bill on the floor is food assistance.

Listen to this. A 2003 survey by the U.S. Conference of Mayors—these are not Democrats—looked at the hunger issue, and here is what they found: 39 percent of the adults requesting food assistance were employed. Thirty-nine percent seeking food assistance were employed. That is from the Conference of Mayors.

They found a leading cause of hunger was low-paying jobs. The Conference of Mayors found emergency food assistance increased by an average of 14 percent. Fifty-nine percent of those requesting emergency food assistance were members of families—children and their parents. Fifty-nine percent of those who sought emergency food assistance—what means they were at wits end; they had no money, and they had no other place to go, so they requested emergency food assistance—59 percent were members of families—children and their parents.

What did the mayors recommend? What did the Conference of Mayors recommend? They recommended raising the Federal minimum wage as a way the Federal Government could help alleviate hunger. And we cannot do that; we cannot add it to this bill; we cannot even vote on it.

We saw the same thing on overtime: No, we can't vote on that. Put it someplace else. No, we can't vote on minimum wage either.

What is the Senate coming to? Why don't we do as the House of Representatives did, where we used to serve—have a rule where you can't do anything, just pass it. That is why the Senate is different than the House. That is why the Senate is supposed to have open and free-form debate and be able to vote on these issues. But these parliamentary tactics keeping us from
energy. Today if the Senator from Iowa or the Senator from Idaho gassed their car up in this city or in Idaho or in Des Moines, we would have paid the highest price for gas ever paid in our history. Does that have impact on poor people or others who have been caught up in this rising price for gas? It does. They spend more of their total percentage of their income for energy than does someone who makes more money, who is in the upper class of society.

When we talk about the minimum wage and welfare reform and the economy, should we not be concerned about the price of energy as it relates to that minimum wage employee who drives to work and drives home and spends a higher percentage of the amount of money they get from the minimum wage on energy than any other segment of the economy? We ought to. This Senate has denied us the right to speak to that. Now the other side is going to have to go through multiples of amendments if we bring up an energy bill, even though we debated it a year ago and even though we debated it the year before that, and even though we passed it out of the Senate with a high percentage of time. And tens of plus amendments later, we have to go through that again, when this country is hurting more on energy and energy costs than it ever has. If I think the American people expect more of us than just an endless debating society that never produces anything. What have I heard in the Chamber, as I have been speaking about energy the last several days? It is big oil’s fault or it is the President’s fault. It is somebody other than the Congress.

Let me suggest to my fellow Senators: No, it is not the President’s fault and, no, it is not big oil’s fault. It is the Senate’s fault for denying the American people a modernized, contemporary energy policy.

The House passed a policy. The House passed the conference. But not the Senate. No, the Senate couldn’t get there because too many of us had too many different ideas. We are here now sitting as Senators while the American consumer is spending more today for gas at the pump or gas that goes to the home for heating than ever in our history. Shame on us. Shame on us for denying a contemporary, modern energy policy. We have not touched energy policy on this country for the last 14 years. As a result of that, our policy is obsolete. It doesn’t fit modern America.

As I said yesterday and the day before: Consumption overall as a part of our economy is going up very rapidly. We have had all these cute ideas over the last several years about how we can conserve our way out of this one or we can deny the consumer the right to have more energy in one form or another and that will solve the problem. It didn’t solve the problem. When we talk about the unprecedented economic growth in our country, we used up all of the surpluses that had been built into the system. Whether it be gas supply for space heating or gas supply at the pump, whether it was commercial, we needed it all up. At the end of the decade, we were beginning to experience blackouts in California. We were beginning to experience shortages. But most importantly, that supply/demand equation had begun to work and prices were edging up very rapidly.

Here we are, with a 14-year-old policy, and we haven’t recognized the rest of the world has also grown. One of the great growth giants today in the world is China. China’s imports grew 30 percent last year, from the same supplier that is supplying 60 percent of our crude oil, the crude oil market of the world.

What is happening out there is this very rapid acceleration. We all want the economy to come back. We want our economy to come back. We want the world economy to come back so it can buy our goods and services. And as that economy comes back along with ours, they will demand more energy.

We know the facts for high gas prices. The price of crude oil yesterday was $36.25 a barrel. That is why we have high gas prices. Inventory stocks are down. Fragmented gas markets are different today, and the introduction of new fuels is phenomenal. We know those are the realities of what we are doing and what we are dealing with. I don’t know that you can deny it in any other way, unless you want to play raw politics.

We also know what the situation is in our country today. We import 62 percent of our crude. So the same people supplying that phenomenal growth in China are also supplying us with our crude. Our refineries are now operating at record high rates. Gas production is running at record levels all over the country. Throughout the year, demand continues to be strong, as we try to get the economy going again. It is going, it is growing, and it is going up very rapidly. Let’s talk a little bit about big oil. Let’s talk about the collusion some suggest might be out there. The attorney general of the State of California did exactly what you would expect. We better go out and investigate big oil again because gas prices are over $2.30 in California. Investigate, if you will, but I offer the following for the record; that is, the reality of all of the investigations we have had. We have had 29 Inspector General reports over the last several decades. Most recently, the U.S. Department of Energy looked at it and said: Demand exceeds supply.
What happens when demand exceeds supply? The price goes up.

California Energy Commission—I guess the attorney general out in California ought to listen to the energy commission. What drove increases were unusually high costs for crude in a world market. Is that collusion, or is that supply and demand?

California, listen up. There is your problem. It is called not enough supply to meet demand of the drivers of California today.

Connecticut Department of Consumer Protection—while numerous factors contributed to sharp increases in gasoline prices this summer, wholesalers and retailers were not hiking prices to pad their profits. Again, a marvelous thing is happening out there. The marketplace, supply and demand.

I ask unanimous consent to print in the Record a list, starting in May of 1973 and going through this past year of 2003, of literally almost 30 different investigations, State and Federal, as it relates to big oil. Every one of them found there was no collusion.

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

**Committed Investigations of Oil Industry Pricing**

<table>
<thead>
<tr>
<th>Date of investigation</th>
<th>Investigating body</th>
<th>Description of probe</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 1973</td>
<td>FTC</td>
<td>investigation of competition in the industry is incomplete and no decision about any antitrust action has been made. New York Times.</td>
</tr>
<tr>
<td>1976-1983</td>
<td>DOJ</td>
<td>The Justice Department yesterday ended a six-year investigation it said produced scant evidence that the major oil companies had conspired to raise the price of Iraqi oil in the late 1970s. Los Angeles Times.</td>
</tr>
<tr>
<td>1985</td>
<td>DOJ</td>
<td>Over half the states...have launched investigations of possible price-gouging...Thirty-seven state attorneys general write to Justice department requesting an investigation of 200 price increases...St. Petersburg Times.</td>
</tr>
<tr>
<td>January 1990</td>
<td>DOJ</td>
<td>...again looks into home heating oil and propane prices after prices spiked during a particularly bitter cold snap in December 1990.—Houston Chronicle, May 29, 1996.</td>
</tr>
<tr>
<td>August 1990</td>
<td>DOJ</td>
<td>The antitrust division began the investigation on Aug. 8, to get to the nearly immediate increase in gasoline prices after the invasion of Kuwait.—New York Times.</td>
</tr>
<tr>
<td>September 1990</td>
<td>DOJ</td>
<td>The investigation is called oil prices—Houston Chronicle, May 29, 1996.</td>
</tr>
<tr>
<td>1994-1998</td>
<td>Arizona</td>
<td>Gas prices in Arizona are high, but don’t blame hush-hush price-fixing meetings in corporate boardrooms, the attorney general’s office concluded in a report released Monday after a four-year investigation.—Arizona Republic.</td>
</tr>
<tr>
<td>May 1996-May 1997</td>
<td>DOJ</td>
<td>Bingham has set up a five-member panel of attorneys and economists within the division ‘to study recent increases of gasoline prices. If this task force finds that market forces are not responsible...it will investigate to determine whether there is any evidence of collusion within the industry.—BNA Antitrust &amp; Trade Regulation Daily.</td>
</tr>
<tr>
<td>October 1997</td>
<td>Connecticut</td>
<td>...the investigation was ordered to be printed in the Connecticut Register of Newspapers.</td>
</tr>
<tr>
<td>May 1998</td>
<td>FTC</td>
<td>After an almost three year investigation, the Commission found no evidence of conduct by the refiners (in the Western States) that violated federal antitrust laws.—FTC press release, May 1998.</td>
</tr>
<tr>
<td>May 1998</td>
<td>Iowa</td>
<td>Investigation of Midwest Price Increases Initiated Summer of 1998—FTC.</td>
</tr>
<tr>
<td>GAO Study of California Prices Initiated 1999</td>
<td>GAO</td>
<td>Investigation of gasoline prices in California.—BNA Antitrust &amp; Trade Regulation Daily.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 1999</td>
<td>California</td>
<td>Preliminary investigation reveals no evidence of wrongdoing; high gas prices may be the result of low competition in the market.—Arizona Republic.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 1999</td>
<td>Alaska</td>
<td>...the investigation was initiated in 1999 in response to public complaints about the high price of gasoline in Alaska in comparison to other states, [AG] Betebele said. I am closing the investigation because there is insufficient evidence indicating a violation of the antitrust laws.—Governor’s Press Release.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 2000</td>
<td>Iowa</td>
<td>Investigation of Midwest Prices Initiated Summer of 2000—FTC.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 2000</td>
<td>Missouri</td>
<td>Investigation of Midwest Price Increases; Initiated Summer of 1999—FTC.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 2000</td>
<td>Indiana</td>
<td>Investigation of Midwest Price Increases; Initiated Summer of 1999—FTC.</td>
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<tr>
<td>AG Investigation Initiated Summer of 2000</td>
<td>New York</td>
<td>Investigation of Midwest Price Increases; Initiated Summer of 2000—FTC.</td>
</tr>
<tr>
<td>AG Investigation Initiated Summer of 2000</td>
<td>Kentucky</td>
<td>Investigation of Midwest Price Increases; Initiated Summer of 2000—FTC.</td>
</tr>
<tr>
<td>Impact of Mergers on Gas prices; Initiated Summer of 2002</td>
<td>GAO</td>
<td>No evidence of wrongdoing, investigation closed.</td>
</tr>
<tr>
<td>AG Investigations Initiated Summer of 2001</td>
<td>Minnesota</td>
<td>Investigation of Midwest Price Increases; Initiated Summer of 2000—FTC.</td>
</tr>
<tr>
<td>DOE</td>
<td>Investigation of Gasoline Price Increases; Initiated September 2001—DOE.</td>
<td></td>
</tr>
<tr>
<td>Department of Consumer Protection</td>
<td>Connecticut</td>
<td>No evidence of wrongdoing, investigation closed.</td>
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Well, if they are not polluting, out there conspiring to fix the market, they are profiteering. They have got to be making huge amounts of money today. As a statistic, $2.35 a gallon in California, or $1.80 in my state.

Look at last year on this chart. This is from BusinessWeek magazine. Let’s talk about the most profitable businesses in the economic sector of the United States. It is not profitable to own an oil company. You ought to own a bank. You ought to own diversified finances, real estate, semiconductor equipment, pharmaceuticals, and biotech. That is where the returns are: 19 percent, 17, 16, 14, and 12 percent. Let’s go find big oil. Where is big oil? Well, let’s see. Big oil is all the way down at the bottom in the utility area.

I believe it is something like a return on investment of 1.4 percent. Oh, my goodness. Is that profiteering? I don’t think it is profiteering. I think it is called return on investment versus competition versus price of input product. And the price of crude oil is $36. That is the reality of what we are dealing with.
Here is a problem out in California. Let’s go to the next chart because California worries me. I am glad I don’t live there at the moment. I am glad I am not paying $2.35 or $2.40 a gallon. I am sorry that Californians are. This is a very interesting chart. It depends on what we call U.S. gasoline requirements under the Clean Air Act. We know we have air problems in heavily congested areas where air is stagnant, and it doesn’t move as rapidly as in some other states. That is certainly true in the State of California.

Every one of these different colors on this map represents a requirement for the refining industry to produce a unique kind of product. We see in the State of California one, two, three—possibly four types of what we call boutique fuels, or certain blends of fuel. Every refinery has to shut down and re-adjust before they can produce that kind of fuel, and that kind of fuel costs more money than a standardized kind of fuel. It does drive prices up, and we know that to be a reality.

That is part of the problem we face when we look at our clean air standards in the Clean Air Act. I am not arguing we should not have the Clean Air Act. At times when reasonable flexibility ought to be offered when consumers are paying unprecedented prices, or maybe we ought to be concerned about refinery capability and capacity. We have lost numerous oil refineries in the United States over the last good number of years. Many of our companies today are saying it is better that we—here is that bad old word—outsources if we want to keep prices low in this country because Federal regulations and certain State standards are costing us a great deal of money.

In the area of gasoline, to understand the reason it is $1.80 in Idaho and $2.35 in California, look at the map. There is part of the reason. It is not all of the reason, but a substantial part of the reason that we are dealing with energy in a way that is very frustrating. Here is the most frustrating thing to do, along with not being able to pass an Energy bill. When we talk about the economy and jobs and job creation—this is the investor thinking at this moment—the average investor who puts money in the business that creates jobs—here is investor attitude this month, said investor attitude in line in a Gallup poll survey. It says: “Overall investors’ optimism declines for the second month in a row in March.” The No. 1 reason for the decline in investor attitude was the price of energy because an investor looking at a company knows that company is going to have to pay for energy as a part of the output of that company, and it is going up dramatically. Sixty-four percent said high energy costs are hurting the economy a lot.

If you listen to the rhetoric on the floor of the Senate for the last several days, you would not have gained one inkling of that. Nobody has talked about passing an Energy bill and developing a national energy policy that gets us back into production. Yes, there is a Senator over there from Nebraska who agrees with me. We are talking about things that make for good political ads but don’t help the economy at this moment. I don’t blame the American consumer, and now the American investor who drives the economy of our country, for saying high energy costs are going to hurt us and are hurting the economy a lot. Hurting the economy a lot.

I mentioned on the floor of the Senate yesterday that I talked with a banker in Idaho who does a lot of operating lines for farmers—not big farmers but medium-size and small farmers. He called all of his branch bank managers and said: See if that farmer can afford a 20- to 30-percent cost in doing business this year because that is where the energy costs are going to take them on the fertilizer and hydrous ammonia, a direct result of gas gone up 80 percent. We keep saying we are not allowing an abundant, safe, high-quality food supply if we are going to cause farmers to produce less because they cannot afford to produce more.

Now, all of our chemical companies are hesitating to order cheaper gasoline because we are too busy locking up the public lands of the West and denying exploration, all in the name of the environment. We are now talking about raising the minimum wage, and we are still thinking about raising the minimum wage categories because we will not allow the investment. One of the great competitive characteristics of our country is the tremendous ingenuity and initiative of the American workforce and low energy costs. Historically, our great wealth was driven by low energy costs. Now, we are no longer in that category. We are competing in a much tighter world market because somehow in the decades of the 1980s and 1990s, we forgot the important fact you couldn’t produce it before you could use it. As a result, now we are 60-percent dependent upon foreign oil—60-percent dependent upon someone other than an American for determining the price of gasoline at the pump. Well, blame on us. It is a very real world we live in, and that is the consequence we are dealing with.

So why are we not debating an Energy bill on the floor of the Senate? Our President, when he came to office, Monday, January 20, he said: “The No. 1 priority in this country was to develop a national energy policy. He acted quickly, put a team together under the Vice President. They recommended a variety of ideas to us in their policy. That was 3 years ago, or more, and we are still sitting around debating it and saying we cannot get there. Now the American consumer is paying at the highest price ever.

Doesn’t the Senate get it? I don’t think so. I think the political economy is so sweet that somehow we deny the reality at hand. I think it is time to cease denying that reality. Here are the facts. The investment community is saying: Wait a minute, energy prices are high and getting higher, and they are hurting the economy. It is time that we do something about it.

Here is the only thing I can do about it, and I am willing to help my fellow Americans. Go to my Web site if you would, craig.senate.gov. There are all the facts and statistics on energy. Anybody listening can go there, too, and they can see who voted for it and against it and their phone numbers. I don’t think Senators ought to call Senators. They ought to call them on the floor and say that is the thing to do. There are Senators in this body who deserve a phone call and deserve to be asked why they voted against the conference report on energy, why they are denying the American consumer—the minimum wage person, along with the millionaire—a reasonable energy policy for this country, which sustains our economy and creates jobs, and that allows us that competitive force we have always had in the world market. We were not allowing it. The Senate is not allowing it.

There is a sole reason today why this country does not have a modern energy policy that involves production, that involves conservation, that involves new technologies, that involves new resources. The reason is the Senate is denying that. They have denied it now for 2 years, and it is time we ante up, we get honest with ourselves and have a vote. Go to my Web site if you want, I say to my fellow Senators. There it is: Craig.senate.gov. All the facts and figures are there. The voting records are there. It is time we get honest with ourselves. It is time we drop the price at the pump instead of breaking the piggy bank from which we all live.

That is my priority, and I think as American consumers pay the bill, it will become their priority. I wish it was the Senate’s priority. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I agree with much of what my colleague from Idaho said with respect to passing the Energy bill. I think it is important we find ways to become far more energy independent, rather than dependent, on foreign sources of oil. In addition to looking for ways to become more energy independent, inasmuch as we need to look to the Western Hemisphere for a Western Hemisphere energy policy to bring together the countries in this hemisphere to work jointly for our energy needs. I will have more on this in the future. I commend my colleague for his comments about the importance of getting an Energy bill. We need to look at renewable sources of energy.

I know my colleague from Iowa will agree that soy diesels and ethanol would be just a few of the kinds of things we could do as an alternative energy policy, and they are all included in the Energy bill the Senate has passed on a
couple of occasions and hopefully the White House will work with the House of Representatives to fashion their version of a bill that will mesh with ours so we can ultimately pass in the very near future an Energy bill for the United States so 60 percent reliance on foreign energy be reduced dramatically as we possibly can do it, as quickly as possible as well, so we can become self-sustaining with our energy needs.

I wish to also talk today about the effort that has been undertaken since at least 1996 by Congress and the previous administration, and that is the fundamental reform of the welfare system. This system, while seeking to prevent hardship among those hurt by economic deprivation by providing a safety net, had unfortunately become a spider web. Too many families were caught in the cycle of poverty, and the system that was supposed to help them became instead complicit in maintaining that cycle.

Chief among those reforms was providing more flexibility to States. As a Governor at the time, I saw firsthand the results of giving those closest to the unique challenges of the system, the ability to implement changes to the welfare system.

In Nebraska, we instituted a program called Employment First. This was a fundamental change to the way welfare worked. No longer would a person automatically be entitled to benefits if able-bodied. He or she had to sign a contract which laid out a plan for becoming self-sufficient. The maximum period of being eligible for benefits was 2 years barring extraordinary circumstances. Yet Employment First also recognized some persons, especially single women with children, needed additional help with family matters such as childcare and transportation.

We provided transitional aid for these challenges, even after they found employment; if you will, a bridge from welfare to work, a bridge that was put in place to help people become self-sufficient in the process of finding employment and leaving welfare.

Public officials were encouraged to consider a new view of the measurement of assistance. Instead of focusing on how many were added to the rolls, they looked at how many entered employment, in which instance produced dramatic results. The total Nebraska caseload dropped 11 percent by 1998, the lowest number in 18 years. Average monthly caseload fell 30 percent from 1993 levels. A family’s time on assistance had been cut almost two-thirds to 13 months from the time under the old system, and Nebraska taxpayers saved $14 million moving families from dependence to independence, from welfare to work.

That is important to note. Nebraska saved $14 million under the new system. It is important because States, including Nebraska, are now facing serious budget shortages. In fact, today’s Lincoln Journal Star reports Nebraska leaders had to borrow from the State’s cash reserve fund to make payroll and pay its bills this week. In fact, $58.2 million, which is the exact amount Nebraska received in additional Federal funds this year, was borrowed from the reserve fund. That has occurred and, indeed, is occurring throughout the State.

The Federal funds stored in the State’s reserve have helped States during this recession period. Those funds came from a State fiscal relief measure sponsored by Senator Susan Collins of Maine, Senator JAY ROCKEFELLER of West Virginia, Senator GORDON SMITH of Oregon, and myself. This is exactly what that State fiscal relief effort intended: to provide fiscal assistance to help States, such as Nebraska, that are facing chronic budget shortfalls and help them meet their obligations.

It is important to remember this welfare reform bill will also help States continue to obligations. For example, the State of Nebraska sharply cut back eligibility for childcare assistance from 185 percent of poverty to 120 percent of poverty. As a result, about 1,600 Nebraska children lost childcare assistance from the State.

Yesterday the Senate adopted an amendment to add $6 billion for childcare services to this bill. Under that amendment, Nebraska would receive $40.8 million of that money if it can do more. The amendment was that entirely as we look at legislation. It was worth pointing out this amendment is sponsored by four former Governors.

We understand the role of the States in making welfare reform a success because we have all been there. States can do more. They want to do more. The amendment was that States would have the unique needs of their citizens by tailoring their programs to address the needs of recipients in their States.

I recall the times when it was necessary to come to Washington to get the approval of Health and Human Services to take a unique approach. This was time consuming, expensive, and delayed the process. What we want to do is give the Governors the opportunity, through their legislatures, to address the needs of recipients in their own respective States, under the theory of the States as the laboratories of democracy as envisioned by Thomas Jefferson. We want to give them the opportunity to make those changes and meet the needs of their respective citizens.

I thank my colleagues, Senator ALEXANDER, who has arrived on the floor, Senator CARPER, and Senator VOINOVICH for their hard work on behalf of welfare recipients and their efforts on this amendment. I urge my colleagues to support this amendment and help the States help their residents.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I simply wanted to congratulate the Senator from Nebraska on his comments. His comments were very important. I am sure that the people of Nebraska are very pleased that he is supporting the amendment. He and I served as Governors, as he said. We may not have gotten over that entirely as we look at legislation. We strongly support the revolutionary change in American life the welfare reform bill has brought since 1996. Half of those on the welfare rolls are off. The hardest cases remain.

What we are attempting to do with this amendment is to suggest that we want to try, with up to 10 States, to give the Secretary some flexibility in the budgeting the best way to get from dependence to independence. If State plans use a combination of work and removal of barriers to work their own paths to success and assures they will have the institutional assistance they need to follow it.

Our amendment would also include targets for increasing the State’s performance, not just increasing employment and job retention, but in tracking earnings and, most importantly, child well-being. This is vital because reducing the welfare rolls will mean little if it comes at the expense of children. The amendment would institute penalties for States that fail to meet targets because it means little if it is not accompanied by results.

This proposal will expand upon existing reform measures and will help strengthen States’ abilities to assist those most in need while giving them the tools they need to succeed. It is vital because reducing the welfare rolls will mean little if it comes at the expense of children. The amendment would institute penalties for States that fail to meet targets because it means little if it is not accompanied by results.

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and a variety of other factors can do that according to measurable results, then that will give us some successes now and information we can use when we consider this bill in the future.

I congratulate the Senator from Nebraska on his leadership and look forward to working with him on the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to very briefly speak about some of the issues my colleague from Idaho raised related to the high price of gasoline at the pump. I am afraid the impression was created by my colleague that if the Senate were just to go ahead and pass the energy bill that is now on the Senate calendar, that would solve the problem of high gas prices for the American consumer. I think we need to dispel that notion that if that was the impression that some people had.

There are three big issues I heard referred to. One is clearly production of oil is not what it needs to be relative to demand today to bring prices down, and the world market is indicating that. We received the very unfortunate news this morning that OPEC had decided to go ahead with the cut in production they had earlier talked about. That is unfortunate. Some of the media has speculated that would result in $40 per barrel of oil in the near future. If that is the case, then we will see very high prices for gasoline in this summer driving season.

In a letter I sent to the President last week on March 24, I had urged the administration to do all it could to dissuade the OPEC nations from going ahead with that proposed cut in production. I do not know what actions the administration took. Clearly, if they did take actions they were not effective, because the amount of oil being produced by OPEC nations will decrease and that will add to the problem of high prices of gasoline at the pump.

A second item mentioned by my colleague from Idaho was that there is inadequate refining capacity. That is clearly true. I recognize that. It is one of the items we deal with in this letter I sent to the President last week. In that letter, I have urged that the President take the necessary steps to bring the parties together and to identify what the barriers are to the construction of additional refining capacity in this country.

That is not something we are proposing to legislate in an energy bill. There is nothing in the energy bill that deals with expanding refining capacity. I do not want anyone who has been watching this debate to think by passing an energy bill the problem of refining capacity will be solved.

The President asked the Energy Information Administration to do a report as to the effect of the pending energy legislation on prices, production, and availability of fuel in the future, and essentially the conclusion was the effect of that legislation would be negligible. Let's not give people the impression the problem of high prices at the pump is going to be solved by the Senate going ahead and passing a particular energy bill.

I would also point out what we all know, which is that we have passed an energy bill in this Senate in this Congress. We passed an energy bill in this Senate in the last Congress. So it is not that the Senate has been unwilling to act on responsible energy legislation.

The third item I wanted to talk about is this whole issue of boutique fuels. My colleague from Idaho correctly pointed out that one of the problems we have and one of the reasons why prices stay higher than they should is there is not enough what is called product flexibility, that we do not allow refiners to produce product from the shipments that are shipped to enough parts of the country. We have too many different types of boutique fuels and too many formulations for these boutique fuels around the country. There are estimated now to be 110 formulations of these boutique fuels.

What I recommended to the President is what the Cheney energy task force recommended nearly 3 years ago, and that is the Administrator of the EPA be directed by the President to work with the technical staff from the Secretary of Energy, to require revisions of State implementation plans to reduce the overall number of fuel specifications by at least a factor of 5, and preferably closer to a factor of 10. This is not something that requires legislation. This did not require legislation when the Cheney task force recommended it; it does not require legislation now.

In fact, when people go back and look at the Cheney recommendations, there were 105 recommendations listed. They are all detailed in the appendix to that report. By the administration's own calculation, 76 of the 105 do not require legislative action; they are recommendations for administrative action.

This recommendation to the Director of the EPA to deal with this boutique fuels problem is one of those actions that can be taken by the administration without any legislation in this Congress. Again, it is one of the items I included in the letter we sent to the President last week urging that they move ahead with this. As far as I am informed, there has been no action taken on this since May of 2001, when the Cheney task force report was released.

These are things that could be done. None of them, in and of itself, is going to dramatically affect the price of gasoline at the pump, but together they would help moderate the prices of gasoline as we move into the summer driving season. For that reason, I think there are actions that should be taken.

These are 3 of the 13 different recommendations contained in the letter. None of those recommendations requires legislation to be passed.

Clearly, there are provisions of law that I favor enacting and I think we should try to enact before the end of this Congress, and I hope we are able to do so. To leave the impression that inaction in dealing with the price of gasoline is purely a failure of the Congress is just misleading.

For that reason, I urge everyone to review that letter I sent last week. I hope we will have more debate in the coming days about those steps that can be taken in the near term to deal with the very high price of gasoline and to deal with the very high price of natural gas, which, of course, we are seeing in the utility and heating bills we all have to pay.

I know my colleagues are waiting to speak. This is why I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I know we are here today to talk about the Temporarily Extended Needy Families program. That program is a safety net for the American public.

I want to talk about another safety net program—the safety net for American workers—that will provide its last benefit today. March 31 is the last day any American worker will receive benefits from the Temporary Emergency Unemployment Compensation program, which has been providing the last of the Federal unemployment benefits.

Today is the last day any American worker needs to pay for their work. That means Americans who have exhausted their State benefit without any Federal program to pick them up.

This is more than a dozen times that I have been to the floor to talk about this program and the need to reinstate the Federal unemployment benefits program. I think my colleagues clearly understand why I am here today. We have had a majority of my colleagues in the Senate and a majority of my colleagues in the House support a reinstatement of this Federal program for unemployment benefits. The reason they have supported this program is that our economy has not recovered from the recession and has not created enough jobs to get America back to work. That means Americans who have been unemployed through no fault of their own, who are going out, hitting the pavement, trying to find jobs, can't find work.

The Federal program for unemployment benefits was created to take care of Americans during times like this. That is why we have, in the past 2 years, supported a Federal program that provides 13 weeks of Federal unemployment benefits to all states and 13 additional weeks for other States that have unemployment rates significantly higher than the national average.

I have come to the floor today because today we are leaving that last
person in America, who today is receiving his or her last bit of federal help, out in the cold. And we are going to continue to see thousands more Americans left out in the cold every week.

I met with many of my constituents who voted for me on their pensions, or who have had to withdraw from long-term savings meant for college tuition, or who have had to take all sorts of extraordinary measures to make sure they can continue to pay their bills. They have lost all these measures because we have not owned up to our obligation, which is to help individuals and the economy in a time of recession.

Let’s recap this issue and how we got to this point. Many people look at this debate and see what amounts to fairly minor job growth and conclude that the economy is getting better. I am all for the economy getting better. I actually believe in the potential of many sectors in the American economy to lead our country to a strong recovery. I believe in aviation and biotech and nanotechnology and software. Someday jobs are going to grow in America.

Right now, however, we are still feeling the aftershocks of a recession. Back in 2002, the Bush administration projected that the economy would lose about 100,000. What happened in 2002, however, was that we actually lost 1.5 million jobs in America. The Administration did not have a handle on what was going on with the economy which resulted in job projection that were way off.

In 2003, the Bush administration tried again. They projected that the economy was actually going to pick up. A lot of us, while we might not have agreed with the President’s economic policies, wanted to hope for the best and wanted to see economic growth. We wanted those Americans who were without jobs to actually find employment. But this economy in the States certainly didn’t perform the way we thought it was going to perform. Even though the White House projected 1.7 million new jobs, the economy actually lost 406,000 jobs.

That leads us to 2004. The President and his economic advisers have projected that the economy will grow by 2.6 million jobs this year. And by God, this Member of the Senate would sit down and not say another word about unemployment benefits if this administration would say that they actually believe in their projection. I would sit down and not say another word about unemployment benefits, even though they were wrong in 2002 and 2003. But, in fact, three Cabinet Secretaries of the administration came to my State, and when asked about the projection of 2.6 million number jobs—their own projection—they basically said: Well, we don’t really believe those numbers. It is kind of a rounding error.

I can tell you that the constituents of my State and across America are not a rounding error. They are people who are counting on a Federal program to help them. Their employers paid into this program for this very circumstance, when the economy is suffering from the aftershocks of a recession and there are no jobs to be had. That is why we want to help these individuals. We don’t even want tostate the unemployment benefits program.

Let’s take a look at the rest of the country because some of my colleagues seem to think that apart from a few states with high unemployment, things aren’t so bad. I know what I know. I have been hit hard. In fact, the Northwest as a region has topped the unemployment rate spectrum for some time. So, there are those who say this is a Washington state problem, or a Northwest problem.

In a way, we are deeply affected by it. Washington is heavily dependent on aviation. Yes, there was a huge downturn in the aviation industry. There is no surprise that people don’t want to fly when you have an international recession. I wonder people don’t want to travel. That has started to recover now, after almost 2 years. But this is not only a problem for the Northwest.

Look at these numbers throughout the country: In Ohio, 168,000 manufacturing jobs lost since 2001; in Texas, 175,000; my State, 66,000 jobs; California, 350,000; Pennsylvania, 154,000.

Practically all across America, save Nevada—maybe the Senators from Nevada could tell me why—and Alaska, every state has lost manufacturing jobs since Bush took office. This is only manufacturing jobs. In the Northwest we have lost jobs in software and in energy industries. But this chart proves it is a nationwide problem. Everywhere in America, everywhere, we have lost manufacturing jobs. That has been a challenge to the American workers.

Let’s talk about this as an economic issue because, having been in business, I want my colleagues to understand that this is a complex problem. We ought to celebrate the high productivity growth down means the economic pie is getting bigger but all that extra money in Gross Domestic Product has actually gone to corporate profits.

Note: It is not a bad thing for companies to be profitable. They need to be. They want to give a return to investors. There is nothing wrong with that, in and of itself. But what is wrong is when we fail to recognize that investors are winning, but laid-off workers are not. Our economy is not behaving the same way it did in the past. We are seeing a growth in productivity growth, but that has not actually helped us produce jobs.

In the Northwest, and some job loss, but we also had tremendous job growth. People don’t think about that. They think in the 1990s it was probably just go-go-go and everything was very nice for America.

We actually had a lot of job loss in the 1990s.

The point is we had more job growth than we had job loss. So, unlike today, the people who lost their jobs in the 1990s were actually able to go somewhere else and get a new job. Today, people don’t have that same opportunity once they have lost a job to find other employment.

Business Week article came out just a few weeks ago entitled “Where Are The Jobs?” I recommend it to all my colleagues. It goes through each of these issues and greatly amplifies the problems we are facing and why it is imperative for us to do something about jobs and unemployment.

We see executive salaries have gone up and corporate profits have gone up, but then number of jobs has actually gone down.

Again, I am not saying it is horrible that we have had productivity increases—not at all. I’m just saying that if we only look at Gross Domestic Product, we miss a key part of the story. Everything isn’t fine if you are not creating jobs.

Let’s take a look at a cartoon from one of my favorite cartoonists from the Seattle paper. I thought this cartoon depicted the problem best. While the CEO compensation is going up, middle-class wages and the number of workers with health insurance is going down. These workers are the people who are barely holding on in this difficult economy.

That is what we have to recognize—millions of Americans are barely holding on and some colleagues are totally heartless about this. But when you know that there are 1.1 million people without a paycheck or an unemployment check, and you know that you have the power to do something about that and you don’t, I start to wonder whether either there is some heartlessness, or whether it is just a fundamental misunderstanding about what is going on with the economy. You can’t just simplistic say everything is great because gross domestic product and productivity are up. It doesn’t work that way. We have to get serious about this.

As the Business Week article pointed out, because of technology, cost pressures, the price of health care and political and economic problems the link between strong growth and job creation appears to be broken. We don’t know what is wrong.

That is a quote from Business Week. They are not talking to businesses, reports on businesses, reports on profitability. So when Business Week asked where the jobs are, they answered that the link between strong growth and job creation appears to be broken.

This article chronicles those pressures, which are quite obvious if you think about it, how technology is increasing productivity, how we have increased global competition, how we have skyrocketing health care costs, and numerous other things. So, employers aren’t hiring, but then why hasn’t the unemployment rate increased?
Some of my colleagues have pointed out that the unemployment rate is holding at 5.6 percent. They say that we don’t have to do anything about the unemployment insurance at the Federal level. Well, we cannot hang our hat on the 5.6 number because that number hides what is really going on with jobs in America; chiefly, that people are dropping out of the labor force.

If we count the 392,000 people who gave up looking for jobs, we find the unemployment rate would be more like 7.4 percent.

But, my colleagues want to say all is fine at 5.6 percent. That is a great number. We should be happy with it. Don’t worry. Let us all go home. We have jobs. We can pay our mortgage payments, but not everybody in America can. We have 1.8 percent of the labor force totally out of the picture. If we look at the unemployment rate, it would be more like 7.4 percent.

The question is whether we are going to keep hiding behind these economic indicators and claim the economy is rosy for American workers. It may be rosy for corporate America and for shareholders, but it is not so rosy for the American worker. We have to come to terms with whether we are going to do our job, or reinstate the Federal program or not.

Is that such a bad idea? I don’t think it is such a bad idea. I think it is pretty simple.

I asked kind of amazed it isn’t more clear to my colleagues how unemployment insurance fits in with a constructive economic plan. My support for this program is not because it as a social program. As a former businessperson I view it as economic stimulus. With these benefits, laid-off workers continue to put money into the local economy and pay the mortgage and everything else. That is helpful.

When Alan Greenspan testified before a committee this month, he said, “Extending unemployment insurance is not a bad idea.” In fact, he said, “At times like this, I support extension of unemployment insurance.”

I wasn’t surprised when later I heard that Treasury Secretary Snow last week at a hearing said, “If Congress acts, the President will sign the legislation.”

Well, there is one hat in the hat trick gone of those who oppose this legislation. As of February 2004, 35 states have failed to create enough jobs to keep up with the natural levels. Furthermore, 49 states have not created enough jobs to keep up with the natural growth in the number of potential workers, as job growth has lagged in working-age population since March 2001. As for the unemployment rates, 43 states have unemployment rates than when the recession began.

And, lastly, they go in and point out a projected job creation of 306,000 jobs per month. Obviously, we are way off those numbers.

According to the Bureau of Labor Statistics, which does not have a political ax to grind at all—national job creation has fallen over two million jobs short of that pace. . . . job growth projected for the Bush Administration’s economic plan has fallen short in 49 of the 50 states as of February 2004. Thirteen states have actually lost jobs since the Administration’s tax cut was supposed to start creating job growth.

This Business Week article didn’t give a knee-jerk reaction to our problem. There are probably 40 pages in this publication about this issue—why we have the unemployment rate, what our economy’s illenesses are, and what we can do to recover. It is a very thoughtful piece. They conclude that Government action will act as a bridge and will help the economy cross over the extended valley of almost nonexistent hiring.

I think they have said it best. It is time for us to do something on this issue.

Mr. DODD. Mr. President, will my colleague yield before she yields the floor?

Ms. CANTWELL. Yes.

Mr. DODD. I commend my colleague from Washington. She has talked about this legislation. After-all, she has very eloquently laid out a very thoughtful argument about exactly how the problems which exist across the country when it comes to job creation. As someone who has spent an earlier part of her life in the private sector—very knowledgeable, well-informed and aware of the very special knowledge and awareness to these issues and this debate and discussion.

I wonder if my colleague has any statement on that?

Ms. CANTWELL. I thank the Senator for his question.

I had not seen those specific numbers, but for the year 2004, the estimate was for 2.6 million jobs. And if you take that by a monthly basis, our pace should be more at 250,000 jobs. We have now seen the January and February numbers, and they are nowhere close to that. In fact, December and January were actually revised down from their original projections.

Now, we will either see this Friday or the following Friday, what the numbers are for March. I do not expect them to be anywhere near close to the 250,000 range that would keep us on pace for the original 2.6 million projection.

But the Senator is correct in saying the job growth is not happening, which is the point I was trying to make. I see the other side of the aisle has objected to my unanimous consent request. I have made my point on this issue.

Does the Senator have another question?

Mr. DODD. If my colleague will yield for one additional question. I heard the objection expressed by the distinguished chairman of the Finance Committee. Does my colleague from Washington have any indication when we might get a chance to actually vote on this matter? I think there have been 90,000 people a week, if I am not mistaken. I think they are voting on unemployment benefits—90,000 of our fellow citizens. Yet we cannot even get a vote on whether or not we can extend these benefits.

Is there any indication my colleague has received or heard from the Republican leadership that we might get a chance to vote on whether we could extend these benefits?
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Ms. CANTWELL. Again, I appreciate the comments of the Senator from Connecticut, and his question, because I think this must be about the 15th time or 16th time we have been to the floor to ask for unanimous consent to bring this issue up. It is a priority, we believe in America, and it should be brought up.

As to your question, I have heard rumblings from House Members in positions of leadership from the other side that they, too, want a vote on it. They would like in having us send them something. So I think the hat trick needs to stop. We need to tell America who is holding up this bill. We need to go forward in giving the American people the kind of security and support they need in this economic downturn.

I yield the floor.

Mr. DODD. I thank my colleague. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. If she is yielding the floor, then I want the floor.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. DODD. Will my colleague from Iowa yield—maybe we can work out a sequence of speaking so we know the Senator from Iowa has some comments. I presume others do, too—

Mr. GRASSLEY. Would it be OK if I take 5 minutes?

Mr. DODD. Absolutely. Even more.

Mr. GRASSLEY. Or even 6 or 7 minutes.

Mr. DODD. Even 10.

Mr. GRASSLEY. That is what I would like to do.

First of all, the Senator from Connecticut asks a legitimate question of the Senator from Washington about when this might come up. There is an orderly way of doing things around here. And usually in the Senate, the leader—and that is not me; that is Senator from Tennessee—sets the agenda for the Senate.

It is my understanding that right now we are working on it. I do not know whether the Senator from Washington or the Senator from Connecticut has been in contact with the leadership of the Senate so we can do things in an orderly way or whether they want to make political points. But I hope they want to do it in an orderly way because that is the way things get done around here. So it is not with pleasure that I object right now, and look like a bad person to the Senator from Washington—because she has always treated me very fairly in her service in the Senate—and to object particularly when we are probably, in a matter of hours or a few days, going to pass this legislation. I am sure it is going to be passed in a way so that the unemployment compensation is seamless for those who are otherwise entitled.

This is all I can do to answer the question of the Senator from Connecticut. It is my firm conviction it is going to happen.

Now, maybe I think things are going to happen, but they might not because of something beyond what I know now. But I think they are going to happen. I know there have already been suggestions made between the two leaders of the Senate to discuss your respective caucuses—to move some of these important issues along.

But do the members of the Democratic Party in the Senate think only of Democratic issues they want to bring up? Don’t they think there might be a few Republicans who have something they want to bring up? So you work these accommodations out. That is what I think we ought to do.

But what I would like to do, for just a few minutes, is speak to—not to challenge anything the Senator from Washington said about unemployment because, factually, I do not think you can do that—but there are other thoughts that need to be put on the table at the same time.

I made a presentation here 2 weeks ago to try to bring into this debate points of view that are viable by the intellectual wing of the Democratic Party to offset what we have just heard from the political wing of the Democratic Party. And I quoted a former Democratic Secretary of Labor in the Clinton administration, Robert Reich, I want to quote him again because he writes very eloquently about job changes going on in America and about job loss in America.

I will quote this long paragraph:

It’s true that U.S. manufacturing employment has been dropping for many years, but that’s not primarily due to foreigners taking these jobs. Factory jobs are vanishing all over the world. Economists at Alliance Capital Management took a look at employment trends in 20 large economies and found that between 1985 and 2002, 22 million factory jobs had disappeared.

Now get this:
The U.S. wasn’t even the biggest loser. We lost about 11 percent of our manufacturing jobs in that period... and the Japanese lost 16 percent of theirs. Even developing nations lost factory jobs: Brazil suffered a 20 percent decline, China a 15 percent drop. What happened to factory jobs? In two words, higher productivity.

He says:

I recently toured a U.S. factory containing two employees and 400 computerized robots. The two live people sat in front of computer screens and instructed the robots. In a few years this factory won’t have a single employee on site, except for an occasional visiting technician who repairs and upgrades the robots, like the gas man changing your meter.

The points about productivity she brings up are made very well, I believe. But here is the other side of that. You can create jobs and not have productivity. You can be inefficient, be uncompetitive, and not have a business after a while. Or you can be productive because enhancing productivity in America is what it takes to raise wages. If you want to increase the standard of living in America, you have to raise wages. To raise wages, you have to enhance productivity.

So are they suggesting we ought to turn the clock back and forget about productivity, forget about raising the standard of living in America? Do they want us to become some Third World economy over the period of the next 50 years, if you went down that road, or do they want to do that? If they want to do that than do best, the other things Secretary Reich is referring to? We have a knowledge base in America. Take advantage of that knowledge base. Create jobs that are more productive and, in the process, raise wages and standard of living. Those are the choices we have.

America is a dynamic economy. Every month 7 million jobs go out of existence, and 7 million jobs come into existence. It would be ideal if it were more than 7 million jobs coming on board. That hasn’t happened, and that is why we have the 2.3 million jobs that are referred to all the time.

Do you think it is always going to be this way in America? Absolutely not, because of the dynamic economy we have. It is because we are always enhancing productivity that we are going to do better.

You don’t have to be a defeatist when it comes to the economy. We have gone through tougher times. We have gone through tougher times when unemployment was 25 percent, not 5.6 percent. We got through it. America is stronger today. Don’t lose faith in America.

Ms. CANTWELL. Again, I appreciate the Senator’s comments about the changes that are going on in America and about job loss in America.

I yield for a question.

Mr. GRASSLEY. Yes, I will yield for a question.

Ms. CANTWELL. Again, I appreciate the Senator’s comments about the changes that are going on in America and about job loss in America.

I want to quote him again because he writes very eloquently about job loss in America. He says:

The question is, what do we do in this particular recession when things haven’t been so positive? I certainly respect the challenge the Senator has posed in bringing this legislation and moving it through the process. I have found him one of the most cooperative Members with whom to work.

But I feel compelled to ask: Is it possible, then, if we cannot pass this bill by Unanimous Consent, can we bring it up in the Senate? No. 2940 for an up-or-down vote which is a vote on the unemployment benefits and do that as part of the TANF legislation?

Mr. GRASSLEY. The Senator asks a very legitimate question. For my part, eventually we have to face this. I don’t care how we face it, as a separate bill or as an amendment. I think she has to ask somebody just one step above my
pay grade to get an answer to that. I am not prepared to answer that. I do not have an answer from the people that give it because, as I said, the leader sets the schedule. I respect the leader, and I don't want to put him in a position. I might be able to say, but I don't have an answer to that. So I don't want to put him in a bad position.

Ms. CANTWELL. I thank the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator from Iowa yield the floor?

Mr. GRASSLEY. Mr. President, there are three of us here. Maybe we should make a unanimous consent request, I plan on talking about 15 minutes. I would ask unanimous consent that I be allowed to proceed for 15 minutes. My colleague from Texas was next on the floor. I don't know how much time he would request, and then I know that colleagues from Wisconsin and from Delaware are here as well. Maybe we could set up a process so we will have predictability to proceed. May I ask my colleague how much time he would like?

Mr. CORNYN. Fifteen minutes.

Mr. DODD. And the Senator from Wisconsin?

Mr. FEINGOLD. Twenty minutes.

Mr. DODD. And my colleague from Delaware?

Mr. CARPER. Ten minutes.

Mr. DODD. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Texas be recognized for 15 minutes, the Senator from Wisconsin be recognized for 20 minutes, and the Senator from Delaware for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, I don't think I need to object, but I think there ought to be some consideration that if other Republicans come to the Chamber, we don't have Democrats hanging up on us to give one point of view. There ought to be some accommodation to Republicans if they would come over here. I don't expect anybody beyond the Senator from Texas to come over and speak, but if they do, I would hope you will be a gentleman and try to work them in so we let America know there are two sides to every story.

Mr. DODD. I have no objection to that.

Mr. GRASSLEY. With that consideration, I do not object.

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

The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from Iowa leaves the floor, I want to express my gratitude to the Senator from Iowa, as I did yesterday, for his support of the amendment offered by the Senator from Maine, Ms. SOWE, and me on the childcare provisions. It was a significant vote: 78 to 20 was the final vote.

Certainly, the chairman of the Finance Committee, the Senator from Iowa, was tremendously helpful in that regard. I wouldn't want him to leave without once again expressing my sincere appreciation for his support. I have always been treated well by him. He has worked with us for almost three decades in the Congress, and we have always had a strong and good relationship with each other.

I was disappointed by the position of the administration. To quote them from the record, "Strongly oppose" is an indication of how they fail to understand what I think the Senator from Iowa pointed out—certainly the Senator from Maine did—the critical transition that is necessary from welfare to work, particularly considering the jobs these people are able to take up are very low-wage jobs. Having a strong childcare component is the lifeboat that will get them from one side of the shore of this raging river to the other, the side of the shore from welfare dependence.

If you cannot get across that gulf because you have young children, as many of these people do who are presently on welfare—trying to get to work, or those who work today barely holding on to childhood they are going to succeed is very small.

There was a strong vote in this Chamber yesterday to support the effort to provide the assistance for literally thousands of young children who are on waiting lists in 24 States that we know about, some 600,000 who will need that kind of assistance.

I am terribly disappointed the administration strongly opposes childcare assistance. My hope is the position of this body will prevail in the conference, if we get there.

I also want to comment briefly on the issue of the minimum wage. I thank our colleagues from California and Massachusetts who have raised it. The better description of this might be called a livable wage. We talk about the minimum wage, but what we are really looking for is a livable wage. It is a standard we have embraced for years. Administrations, regardless of party, have always considered the idea of setting a floor of what ought to be a livable wage. It is hardly livable when you consider the poverty level for a family of three is $15,700, and we are talking about people making $10,700 a year working full time making minimum wage. That is $5,000 below the poverty level. I can't even imagine anywhere in the United States one could live today as a family of three with a gross income of $10,700. And that is what we are talking about.

There are 34 million people who are living in poverty in the United States. In a nation of 280 million people, 12 million are children living in poverty. Obviously, we are not going to solve that problem simply by raising the minimum wage level, but we certainly want to give people a chance to be hired for a little more than $5 an hour in the 21st century. As we begin trying to move people from welfare to work so that we not only have them get that job, to hold on and then move into more independent living, they must be able to earn a livable wage.

So I am terribly disappointed again that we have not been able to have a vote on this matter. I don't think it is terribly complicated. We have raised the minimum wage in the United States, certainly in light of what happened since the last time we raised it, is in order—considering that every administration, from the most progressive to the most conservative, has found time and space in which to increase the minimum wage. This is one of the longest periods of time we have ever gone without increasing that. It has been 7 years since we have actually raised the minimum wage.

During that same time, by the way, the body found room for our salaries six different times; six times we have raised our salaries. Yet, in 7 years, we have not increased the minimum wage. I have not objected to salary increases for Congress. I understand that. The point is, when we find time to debate and vote on matters that allow us on six different occasions to raise our salaries and not on one occasion have we been able to raise the minimum wage or the livable wage for people living in the levels of poverty they do, this is something I find rather distressing, to put it mildly.

The great majority of welfare payments go to single mothers. Unfortunately, the kinds of jobs women leaving welfare find are often minimum wage jobs, making it very difficult, if impossible, to make ends meet and meet the demands of raising children. Life is precarious for low-income people, particularly for single mothers raising children. In the U.S., regardless of whether they have been on welfare or not, for them, survival is a daily goal. If they work hard enough and their hours are long enough, maybe they can make ends meet, but only barely. They don't have time for their families because they are working tremendous hours, sometimes a couple of jobs to make ends meet. They are not buying homes, going on vacation, going to the theater, or symphonies, or buying extra clothes. They are trying to hold their families together. The idea of buying gifts for children, taking them on special trips, that is not part of the family's agenda if you are part of the 34 million people in this country living in poverty. We are trying to get that minimum wage after 7 years to a point that makes it possible to at least make it a little easier to meet the family goal of survival. We are not asking families to do it alone. They are working too many hours for too little pay.
Often these children who are being raised in this environment are not entering our school system—particularly well prepared to learn. Talk to any teacher in any rural area where there is poverty, or to a teacher who works in our urban schools where poverty exists. Without exception, regardless of their politics, teachers will tell you that children who are not getting the attention and time and care needed are starting their lives way behind.

Ultimately pay a price in this country for that. I will not suggest to you the minimum wage solves all of those problems. But should we not in this great country, after 7 long years, provide an extra couple of dollars an hour so people might have a little bit more income to provide for their children. We need to help raise wages for these families so they can make ends meet and improve the quality of their lives. One of the best first steps is to ensure the work pays a fair, livable wage. The value of the minimum wage has fallen dramatically over the past 30 years. The livable wage workers are being left behind every year. Working families have waited long enough. Minimum wage employees work 40 hours a week, 52 weeks a year, and earn $10,700. That is if you work every week. Forget that 2 weeks vacation or even 1 week of vacation—you earn $10,700.

This is the 21st century. In America, what community can you live in with a family of 3 on $10,700? I don’t think you are going to find one. The poverty level is approximately $15,000 for a family of 3. We must raise the minimum wage to $7 an hour, and I think we can do it.

Under the proposed bill, we go from $5.15 to $5.85 to, one year later, $6.45, and a half hour or two and debate whether we in fact are going to debate gay marriage. Well, that is a compelling issue for the vast majority of people who are trying to make ends meet. Or we will debate medical malpractice where you cannot even negotiate what comes out of it. We can debate whether the gun manufacturers ought to be excused from any liability. Heaven forbid we take an hour or two and debate whether we increase the minimum wage a few dollars more than $5.15 an hour.

I know it is not the job of the chairman of the Finance Committee to set the agenda. But somebody has to set the agenda around here. We have been debating other issues of almost total irrelevancy. I guess at some point we are going to debate gay marriage. Well, that is a compelling issue for the vast majority of people who are trying to make ends meet. Or we will debate medical malpractice where you cannot even negotiate what comes out of it. We can debate whether the gun manufacturers ought to be excused from any liability. Heaven forbid we take an hour or two and debate whether we increase the minimum wage a few dollars more than $5.15 an hour.

I will emphasize to you again $10,700. That is what the minimum wage provides today. I don’t think anyone believes that is a condition or a circumstance, economically, in which you can expect a family of 3 to survive. You cannot make it, no matter how determined you are. I believe we ought to be able to take care of this issue and do it promptly. It would be a great piece of economic news for millions of Americans and not just for those living in poverty. There are millions more who don’t live in poverty and see people doing it every day there would be a sense of gratification that we are doing something for people. We are doing something for people who make the effort to break out of dependency, but to provide an opportunity for their families, to stay independent, become self-sufficient, and raise a family. I have often said that the best social program ever envisioned will fail. The second thing you and I ask a person we meet for the first time after their name is: What do you do?

Everybody I have ever met wants to take pride in what they do. By giving people a livable wage, we allow them to be able to say to their children and families and neighbors: I do something. I have value. I have worth.

Providing an additional $3,800 over 2 or 3 years is not asking too much. I would hope we could adopt the Boxer-Kennedy amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I rise to make a few comments about what I believe to be a better way than we have heard today, which has so far been a proposal for greater Government regulation and intervention, more of a straitjacket on those who create jobs and create those livable wages about which the Senator from Connecticut has spoken.

I also want to say a few words in response to the breathless negative comments we have heard in recent weeks about our economy and about job creation in this country, and in the process the attacks that are made repeatedly on this floor and elsewhere against President Bush.

Of course, in every election year, we all understand there will be a rise in political sniping, but no one should ever cross the line and mislead the American people about the fundamental conditions that would give rise to job creation and more job security in this country.

Sadly, it seems there are some interested in playing on fear and anxiety. Some who talk about job loss and unemployment provoke, rather than actually working, as we have the opportunity to do on this floor, to actually fix some of the problems and some of the conditions that would give rise to job creation and more job security in this country.

The truth is we ought to be able to agree on the facts. The public policies we argue based on those facts are that is a compelling issue for the vast majority of people who are trying to make ends meet. Or we will debate medical malpractice where you cannot even negotiate what comes out of it. We can debate whether the gun manufacturers ought to be excused from any liability. Heaven forbid we take an hour or two and debate whether we increase the minimum wage a few dollars more than $5.15 an hour.

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Yesterday Mr. President, I yield the floor.
story we heard in 1996 from the distin-
guished minority leader from South
Dakota, back at a time when we had a
5.6 percent unemployment rate. Sen-
ator DASCHLE said:

The economy is doing extraordinarily well. . . . With the rate of inflation and un-
employment we've had in 27 years.

What was the unemployment rate
then, and what is the unemployment
rate now? It is identical.

Today I read the comments of the
junior Senator from New York who said
that we have unemployment rate.

What is the unemployment rate now?
It is identical.

It seems for many of our colleagues
on the other side of the aisle, a 5.6 per-
cent unemployment rate under a Presi-
dent named Bush is a travesty, but a
5.6 percent employment rate under a
President named Clinton is just fine
and dandy.

We have more than 138 million Ameri-
icans working today, a figure we
should be very proud of, the highest in
our Nation's history. But you would
not know that from listening to those
who try to talk down the economy.

Something I can all agree on, I am
sure, is persons out of work who want
to work is one person too many.

Indeed, I would hope the one thing
we would all be able to agree on is we
ought to pursue policies which encour-
age full employment and we ought to
have everybody in this country who
wants a job the ability to provide for
themselves and their families.

Sometimes you get the idea our col-
leagues on the other side of the aisle
really want to have it both ways. They
want to have low unemployment,
which is what we all want, but they
also want to oppose policies which are
designed to reduce unemployment and
to encourage full employment. For
example, I read this morning the reac-
tion of some in this body to the comments
made by Treasury Secretary John
Snow who pointed out that outsourcing,
a subject of frequent commentary
in this body, is an important aspect
and, indeed, an inevitable aspect of free
trade, which is a phenomenon the
smarter produces jobs in this economy.

The Senator from Massachusetts,
who happens to be a candidate for
President of the United States, said he
wants to crack down on 'Benedict Ar-
old CEOs and corporations' who en-
gage in outsourcing as a way to main-
tain their competitiveness in this glob-
al economy. As the junior Senator
from New York said, when it comes to
outsourcing:

I really don't know what reality the Bush
administration is living in. . . . [outsourcing]
isn't good for America.

I suggest those who say outsourcing
is something that we actually have the
capacity to stop or they think is bad to
job creation in global competitiveness
sit down and have a conversation with
Robert Reich, President Clinton's
former Secretary of Labor, who
claimed in a Washington Post op-ed on
November 2, 2003, "High-Tech Jobs
Are Going Abroad, But That's Okay."

Getting a meeting with Professor
Reich should be convenient, as Mr.
Reich is candidate Kerry's top labor
adviser and a member of his steering
committee.

I think Mr. Snow, the Treasury Sec-
detary, knows an awful lot about eco-
nomics, but I also agree that so does
Mr. Reich. They both agree outsourcing
is an inevitable result of free trade
that ultimately benefits America and
insourcing; that is, foreign investments
in America.

According to the Texas Department
of Economic Development, Texas has
more than $110 billion in foreign in-
vestment, direct investment in our state,
and that is equivalent to $5,000 in
foreign investment for every Texas-
$5,000 for each of 22 million Texans in
direct foreign investment
because of free trade.

There are 430,000 jobs in Texas thanks
to outsourcing by these foreign cor-
porations. People who would otherwise
be out of work if we did as some of my
colleagues on the other side of the aisle
suggested. Members who are appealing
to the anxieties and fears of the Ameri-
can people rather than giving them the
information they need to under-
stand and that we all need to embrace
in terms of maintaining our global
competitiveness.

I ask my colleagues to tell me why
creating jobs for the hard-working citi-
zens of Texas is a bad idea. That is a
bad idea. If we are to cave in to fear
mongering by those who want to erect
a protectionist wall around our coun-
try, do my colleagues think other
countries might be tempted to retaliate
against the United States? You bet.

This is a two-way street, and there is
a natural flux. New jobs are created
and old jobs fade away. That is what
being part of a market economy is all
about. In the end, the net increase is a
good one.

This week in my State, a study found
we will lose 3,000 technology jobs over
the next 5 years due to outsourcing.
That is the bad news. The good news is
we are going to gain 24,000 jobs over
the same period.

I reassure my colleague from New
York, according to this report, her
State will have a net gain of more than
18,000 jobs over the same period thanks
to outsourcing, which she has said is a
bad idea and out of touch with reality.

When companies that provide em-
ployment save money and maintain
their competitiveness in a global econ-
omy because of outsourcing, they can
afford to hire more U.S. employees. As
a matter of fact, if we were somehow
trying to find a way to prohibit this
phenomenon, the only choice some of
these my State, from having jobs would
be to pack up their American company
and simply move it overseas. What
good would that do? That would obvi-
ously cause more harm than good.

Dealing in fear is not good eco-
monic truth, and one that far too many
ignore or choose to distort for partisan
purposes in this election year.

We, the Government ought to be to try to
find ways to enhance America's competi-
tiveness in the economy, not the other
way around. That is why I believe edu-
cation, job training, and the Presi-
dent's community college initiative we
be talked about during his State of the
Union address are so important, steps
also endorsed by Chairman Alan Green-
span. These programs, which I have
seen in operation in communities
around the country, have created oppor-
tunities for young men and women to
train and retrain, to hold better paying
jobs in an ever-changing economy.

I have seen the positive results of these
partnerships between manufacturing and
community colleges when it comes to
training and retraining the workforce
for these good, high-paying jobs.

High taxes, overregulation, and ris-
ing health care costs, in an environ-
ment that encourages people to sue
first and ask questions later, are dam-
aging our global competitiveness.

Those on the other side who seem to
consistently favor higher taxes and
more regulation are at the same time
complaining about America's inability
to compete and to keep these jobs in
America. Those who still honestly be-
lieve we can sue, tax, and regulate our
way to economic growth and prosperity
are just flat wrong.

In this body, we have had many op-
portunities to address some of these
competitiveness issues. We had the op-
portunity earlier this year to pass class
action reform and medical liability re-
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CONGRESSIONAL RECORD — SENATE

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had a chance to reform our broken asbestos liability system. Yet, there are those who consistently vote against these reforms that would make America more competitive in this global economy and would increase the opportunity to create jobs. Members who now oppose these job creation bills should now be describing the wrong medicine for what ails the American economy. This is even at a time when our economy is roaring back, thanks to the leadership of our President and the actions of this Congress in reducing the tax burden on hard-working Americans.

I hope our colleagues on the other side of the aisle, when they talk about their desire to increase competitiveness of American job creators in this global economy, will join us in reconsidering the position they have taken so far in opposing the JOBS bill, medical liability reform, a rational national energy policy, class action reform, asbestos litigation reform, and many other measures that would enhance America’s competitiveness in this global economy. They need to allow us to vote.

I believe a bipartisan majority stands ready to pass many of these reforms which would create more jobs and improve the economy. Time and time again, when we have had the chance to fix these problems, when we have had a chance to address these issues, there are those on the other side whose only answer is no close of debate, no improving of the competitiveness of America in the global economy.

In closing, I want to reinforce what I have tried to say throughout. There is a lot of good news I do not think is breaking through the clutter on the 24-hour cable news cycle in this highly politicized election year. There are those who want to bad-mouth the economy, increase the anxiety of people who are working around the world, and those who are out of work by saying there is no hope; America cannot compete; the only way we can protect American workers is to build a wall around our country and to stop free markets.

I think that is absolutely the wrong medicine for what ails this country. What we need is to be true to our principles. Americans have always and will always be able to compete given a level playing field. This is not a time for us to lose confidence in America’s ability to compete and to create jobs in a way that has made us the envy of the world. This is not the time to tell the American people that America cannot compete and our only hope is to retreat into our shell and to build the walls of protectionism around our country.

Indeed, we have been preaching to the entire free world, including the new democracies that have just joined NATO and will soon join the European Union, that free markets and free trade are the answer. America must stick by that answer because it is the last best hope for improved quality of life and freedom for people all across this planet.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Wisconsin.

THE 9/11 COMMISSION

Mr. FEINGOLD. Mr. President, yesterday the 9/11 Commission heard the public testimony of current and former Cabinet and National Security Council officials. It is critically important to make certain the historical record is accurate and complete and to establish facts surrounding what the early broken elements of the U.S. Government knew about the terrorist threat before September 11, 2001.

The most important task before us, our first priority, should be to stop future attacks, to crush the terrorist organizations that are trying to kill us and trying to kill our children.

Over 2½ years have passed since that horrible day. We are dutybound to get our post-September 11 response right, and there are other solutions. I mean, I think keeping this fight focused on the terrorist networks that attacked this Nation. Putting it more simply, it means keeping our eye on the ball. We need to take this fight to the terrorists. That means the Bush Administration is going to have to vote to go after those responsible for attacking this country on September 11, 2001. But the further we get from September 11, I am concerned that we are not doing enough to root out the terrorists in Afghanistan.

Recently, we have all heard a lot about the spring offensive in the border region between Afghanistan and Pakistan. I support the offensive and I remain deeply grateful for the service of our men and women in uniform. But why is this offensive happening this spring? We are talking about forces that attacked this country in 2001. This offensive should have taken place last spring. In fact, by the end of last spring, Richard Armitage, who has served as counterterrorism adviser to this administration in the National Security Council, had resigned his job and was voicing his concerns about the insufficient effort in Afghanistan. “Terrorists move around the country with ease. We don’t even know what is going on,” he told a reporter.

The director of the Center on International Cooperation at New York University just found that “the low level of funding for the reconstruction of Afghanistan might risk undermining the importance with which major nations claim to regard it and the consequences of the previous neglect of that country.”

When it comes to terrorists in Afghanistan, we need to finish the job and finish them off. Then we need to make sure that we support the Afghan people and help them create a climate in their country that will make it impossible for terrorist forces to survive there in the future.

Make no mistake: The al-Qaeda network is not confined only to Afghanistan. It would be misleading and dangerous to suggest that eliminating a handful of al-Qaeda leaders eliminates the threat from the network. None of these al-Qaeda forces should ever know a moment’s peace. We must wage a relentless campaign against al-Qaeda around the world, and we will not be one until they have nowhere left to hide.

I joined my colleagues in authorizing the use of force against those responsible for the September 11 attacks. When I cast that vote, I expected a serious initiative in Iraq. Of course, they have used a whole lot of different arguments to justify this war, and a lot of arguments trying to link the war to the fight against terrorism, even though on January 8 of this year, Secretary of State Colin Powell stated he had not seen any “smoking gun or concrete evidence” of ties between former Iraqi leader Saddam Hussein and al-Qaeda. Even though the report The Network of Terrorism, published by the State Department, which begins with the words of the President of the United States, listed 45 countries where al-Qaeda or affiliated groups were known to have operated—and guess what, Iraq was not one of the 45. Iraq was not on the list in the report.

Even though Richard Clarke, the man whom the Bush administration chose to head up counterterrorism policy within the National Security Council, told the President and members of his Cabinet that Iraq had nothing to do with 9/11.

By the summer of 2002, national security debates weren’t about the fight against terrorism anymore; they were all about the invasion of Iraq. We got sidetracked. We are facing one of the most serious threats to our national security in the history of this country, and I dare anyone to say that is an exaggeration, but what did we do? We took our eye off the ball.

The intelligence we relied on as our brave troops were taking Baghdad, 10 men allegedly involved in the bombing of the USS Cole—a terrorist attack that killed 17 American sailors—escaped from a prison in Yemen. That news was disturbing, and I wanted answers, answers about what we knew about their escape, the circumstances of their detention and the security of the facility, about the implications of this lapse. The answers were of a deeply troubling “no one is minding the store” variety. I can assure you I tried again and again to get some information about this.

This month, reports indicate these escapees have finally been recaptured.
Of course this is good news. But we must take steps to avoid this kind of scenario in the future. We must give these issues the focus they deserve and devote resources and support to monitoring these situations closely and acting when our interests are at stake.

As you know, in October 2003, even Secretary of Defense Rumsfeld indicated in a memo that, despite over 2 years having passed since September 11, "relatively little effort" had gone into developing "a long range plan" to win the fight against terrorism. In the memo of the Secretary of Defense, he pointed out that there is no consensus within the national security community in the U.S. about how to even measure success in this fight. No thoughtful and useful way to tell where we stand? So not only have we lost our focus in this fight, we don't even have a way to measure our lack of focus. This is our most important national security priority. Something is not right with this picture.

Iraq is a mammoth undertaking. We only have so many national security resources, and all the resources we used to fight the war with Iraq—the military resources, the intelligence resources, the money, effort, and the long hours—all of them came from what is surely a finite supply. The fight against the terrorists who attacked this country had to be addressed with what was left, wedged into the margins.

Jeffrey Record, visiting professor at the Army War College, published a paper that very clearly acknowledged this problem. His analysis indicated that the U.S. fight against terrorism has been "strategically unfocused." He writes as follows:

In the wake of the September 11, 2001, al-Qaeda terrorist attacks on the United States, the U.S. Government declared a global war on terrorism. The nature and parameters of that war remain frustratingly unclear. The administration has postulated a multiplicity of enemies, including rogue states; weapons of mass destruction proliferators; international terrorist organizations; local, regional, and national scope; and terrorism itself. It also seems to have conflated terrorism itself with the shifting justifications for war—international credibility matters. It created a "global network. We must have a global network. We must have a global response. That means close cooperation with countries around the world. It means sharing intelligence, and coordinating with other countries to clamp down on terrorist financing, squeezing terrorists working for and with the al-Qaeda terrorist networks.

I am glad the brutal dictator Saddam Hussein is gone. I am glad the Iraqi people have a chance at a better life. I recognize it is not in our national interest to let Iraq dissolve into chaotic disorder, but my first priority is my concern for the American people, and I doubt our effort in Iraq has helped to ease the situation. We face, from the forces that actually attacked us on September 11.

I also fear that the way the administration has approached Iraq—the blurring of facts, the conflating of villains, the shifting justifications for war—may undermine our capacity to lead the global fight against terrorism. As David Kay, the former chief U.S. weapons inspector in Iraq said on March 22, "We are in grave danger of having divorced the military from the political, regional, and national scope; and terrorism itself. It also seems to have conflated terrorism itself with the shifting justifications for war—international credibility matters. It created a "global network. We must have a global network. We must have a global response. That means close cooperation with countries around the world. It means sharing intelligence, and coordinating with other countries to clamp down on terrorist financing, squeezing terrorists working for and with the al-Qaeda terrorist networks.

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International credibility matters. It is part and parcel of our country's power—our power to inspire, to motivate, to persuade. Our enemies have a global network. We must have a global response. That means close cooperation with countries around the world. It means sharing intelligence, and coordinating with other countries to clamp down on terrorist financing, squeezing terrorists working for and with the al-Qaeda terrorist networks in which they operate, leaving them vulnerable and exposed. But since September 11, we have seen a loss of this critical American power. In fact, today, a majority of people living in Jordan, Morocco, Pakistan and Turkey say they believe the U.S. is conducting its campaign against terror to dominate others and control the world's oil. Some have twisted the importance of the military's role into an argument that suggests that fighting terrorism is about nothing but military force. I believe at best this is delusional and wildly dangerous at worst. Military force absolutely must be part of our response, and all of us in the Senate voted to give the President the authority to use it. And the vast resources available to DOD, which unfortunately do not always trickle down to the level of our men and women in the field, with the temptation of our Armed Forces for solutions again and again. But we all know this is true: The answers do not lie with the military alone—and it is not fair to our brave men and women in uniform to make them bear the brunt of conducting the fight against terrorism all by themselves. We must also take a hard look at all the other forms of power that America has at its disposal, strengthen those tools, and apply them wisely.

Consider what a quick glance at the international section of daily newspapers tells us—uranium seizures at insecure borders, money laundering through the diamond trade that has been linked to terrorist financing, and pirates boarding chemical tankers, steering them for a while, and then disappearing.

As the ranking member of the Subcommittee on African Affairs, I know that we do not have the intelligence resources to learn about what terrorists are doing around the world. I know that we do not really have any policy at all to deal with Somalia, a failed state in which terrorists have operated and found sanctuary. I know that there is a great deal of work to be done to help countries in which we know terrorists have operated. We need to improve the basic capacities of border patrols who could stop wanted individuals, and customs agents who could help stop weapons proliferation and terrorists who might hand over terrorist assets. And we can do more to root out the corruption that undermines these safeguards at every turn.

In the wake of the terrible bombings in Madrid, my heart goes out to the people of Spain, and my judgment tells me that too many people are misinterpreting the subsequent Spanish election. I don't believe that the Spanish people will let their political choices be dictated to them by terrorists. The real lesson, the most important lesson that comes from the bombings in Spain is this: A democracy cannot be unified and mobilized to fight terrorism when citizens believe that their
government is willing to mislead them about the threats they face, and when they believe that their government does not have its eye on the ball.

Americans know that the battle against terrorism is not a matter of choice, and that the price of victory is worth fighting fiercely. We will not run scared, and we will not be frightened into abandoning our most cherished national values or liberties. So let us move forward to harness the strength of this great country, to learn from our mistakes, to use all of the tools at our disposal, and to stay focused on the most important national security priority before us—fighting and defeating the forces that have attacked our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I extend my appreciation to my friend from Wisconsin. When the senior Senator from Wisconsin comes to the floor, he is prepared. I am always so impressed with the substance of his statements. The Senator and I have traveled to parts of the world. He has a great concern about what is going on in the world. He is an organ transplant specialist. He is a humanitarian, as shown by his choice. He is an organ transplant specialist. He is a real medical expert. And then let's vote on it.

The way it operates today is not pleasant. I am sorry to say. There is no reason why real legislators, who take these amendments and work through them, I am convinced this is not the right way to legislate.

I have the greatest respect for the majority leader. He is a fine man. He is a humanitarian, as shown by his chosen profession. He is a real medical expert. He is an organ transplant specialist. And he has, in his capacity as a Senator, gone to countries where there is a shortage of doctors, and he does work.
6 million people who are entitled to a vote on overtime, whether the administration should be able to take that away from them. There are tens of millions of people who are entitled to a minimum wage increase. We need to do that.

Some States have gone ahead and said Congress is acting too slowly, and they have a minimum wage above ours right now. There is going to be a ballot initiative in the State of Nevada this year—they have to get some signatures, but I am sure they will get enough—to raise the minimum wage in Nevada to $6.15 an hour, a dollar more than what we do. The people of the State of Nevada will vote on that in November. I don’t think they should have to vote on it. We should be doing our job. But we are not able to do our job because we are being stopped from doing this because we are in the minority.

We are going to continue exercising the rights we have. The Senate allows us to offer amendments. People can say: Why do you offer amendments that have no bearing on what we are doing? I think everyone would acknowledge that this overtime pay issue does not on what we do. It would be without any foundation in logic to say we don’t have a right on a welfare bill to offer a minimum wage amendment. We should be able to do so.

I repeat—I want the record spread—we are not trying to stall. We believe passage of these two measures is extremely important. We want them to pass. We have confidence in the two managers of the bill. But the leadership of the majority has to allow us to move past where we are now because we are in a deadlock, and that is too bad.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUCHANAN. Mr. President, I listened carefully to my good friend from Nevada who is my counterpart on the Democratic side. I recall he said, just a few moments ago—I think this is a direct quote: “Why can’t we legislate the way we used to?”

I say to my good friend from Nevada, I couldn’t agree more. Why can’t we legislate the way we used to? I have been here a while. But you wouldn’t have had to be here all that long to remember how we used to legislate. Just as recently as a couple years ago, we didn’t filibuster judges on the floor of the Senate. In fact, we didn’t do that for a couple hundred years.

Just as recently as the previous Congress, we didn’t prevent the legislative process from going forward by prohibiting the appointment of conferees, but adhered to the normal legislative process, so that differences between legislation in the House and Senate can be reconciled and we can move forward.

I think the question they will stay with us has always had a lot of power in the Senate, but never before has the minority insisted on writing legislation for the majority—not just in the Senate but in the House as well. That is the practical effect of preventing a conference. It is the minority of Senators saying: We won’t allow the legislative process to go forward unless it is just the way we want it, though we are a minority in one of the two bodies, we are going to dictate to the other body the content.

When my friend from Nevada criticizes the majority leader for the way he put it, he is pointing the finger in the wrong direction. I say to my friends on the other side: You have met the enemy, and it is you.

I think I can safely speak for the majority when I say that we are perfectly happy to have votes on the Democratic Party outnumber bills. But, of course, one of the privileges each Member of the Senate has is to prevent a time certain for a bill. We can put off a consideration on the Senate floor. That is simply not going to happen.

The majority—certainly to the underlying bill but not just those, even those that are not relevant, with opportunities for the other side to offer substitute ideas, and then a chance to get to the end of the process, to finally pass the bill, to get to conference, and to move along.

That is what the majority leader is looking for. We are going to continue our discussions, both on and off the floor, in the hopes that we can reach agreements to move forward on this important piece of legislation.

The Welfare Reform Act of 1996 was a conscious success story, a bipartisan success story passed by a Republican Congress, signed by a Democratic President, something all of us are proud of. It should be reauthorized. And the JOBS bill that had to be shared and the protective tax on American manufacturers, at 5 percent beginning March 1. Tomorrow, it goes up to 6 percent, and then another percent each month until it is up to 17 percent—European taxes on American manufacturers, killing jobs here at home when we are told that jobs is an important issue.

So we need to do business. We need to do welfare reform. We need to get back, as my good friend from Nevada said, to legislating the way we used to. I hope we can reach that point very shortly.

Mr. McCONNELL. Mr. President, I rise to pay tribute to a good friend, Steven J. Law, who is the Deputy Secretary of the U.S. Department of Labor. Deputy Secretary Law was nominated by the President and was confirmed by the Senate on December 9, 2003. Prior to holding his current position, he served the President and Secretary Elaine L. Chao as Chief of Staff at the Department.

Steven has played a fundamental role in crafting major administration initiatives, such as the post 9/11 economic recovery plan, retirement security, and regulatory reform. Steven is valued as an asset to the Department, greatly admired by his peers, and respected throughout the Washington community.

Steven began his career in this city after graduating from the University of California at Davis. From there, he went on to receive his juris doctorate from Columbia University School of Law, where he was named the Harlan Fiske Stone Scholar and graduated cum laude.

It was after those academic pursuits that our lives happily crossed when he began in my office as a legislative assistant. Displaying the hard work and talent he is well known for, Steven quickly advanced to Chief of Staff shortly after successfully managing my 1997 re-election campaign.

Steven didn’t just make a big impression on me. He was recognized by Roll Call as one of the 50 most influential staffers on the Hill. Eventually, he left my office to become executive director of the National Republican Senatorial Committee during my chairmanship and helped secure the Republican majority through both cycles. Over 4 years, and through 2 tough election cycles, he has very skillful and professional in the execution of an extraordinarily able fashion.

I have had the privilege of working with Steven for the past 15 years. I
have had the honor of calling him my friend and confidant during that time as well.

Mr. President, it is easy to see why President Bush chose to nominate Steven to this high post. It is easy to see why Senator Arlen Specter, the Secretary of Labor, also exercised good judgment in giving this talented man this opportunity. I applaud his confirmation and wish both Steven and his marvelous wife, Elizabeth, and their two beautiful children, Charlotte and John James, continued success in their future endeavors. Elaine and I have been blessed to be a part of their lives for the last 15 years. This is truly a remarkable individual and a magnificent public servant. I wish him well not only in his new job as Deputy Secretary of Labor, but in all of the endeavors he may undertake in the coming years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we have an opportunity to, based on the statement of the Senator from Kentucky, move some of this legislation. But I cannot understand why, when we finish running one race, we have to immediately go to the other race. We need a little time to rest.

What I am saying about that is that we have on many occasions passed bills in the Senate and accomplished the desire of the people working on that legislation by working things out with the House. We have done that without using conference. We have done this simply in negotiating the differences between the House and Senate. We have done it in the 108th Congress; we did it 21 times then. In the 107th Congress, we did it 51 times.

I think before the end of this year, if we can get a few things done on the floor, instead of 21 bills, we can get it up to maybe 40. We have done it in very difficult situations, such as AIDS assistance, TANF extension, military family tax relief, national flood insurance, Syria accountability, veterans benefits, the Defense Production Act, which are very important pieces of legislation. There have been some things we have done with a conference. As some will recall, last year we had a difficult situation with the fair credit reporting. But Senator SHELBY and Senator SARBANES decided that the best thing they could do would be to set a standard and send the two leaders said, yes, we are willing to go to conference, we think we can do a good job. They did that. It became law.

We are one step ahead of where we should be. We will legislation passed in the Senate. When that is done, there are many ways to resolve differences with the House. We can do it in conference and there are occasions when we need to do that. Some may ask why we have multiple conferences. Very simply, for example, we overcome the overtime measure which passed here went to conference, and Democrats weren’t even invited into the room where the conference was held. A bill came back here and, of course, overtime was stripped from it, and we had a bill that did not go through the conference process. They did not follow the Shelby-Sarbanes model.

We have said we never to work to get legislation passed. We have said we want to do that, we want to work our way through these amendments. But to come here and say we will do it if you only have 4 amendments, the best way to get these to work on them. These bills don’t come magically. We have 49 of us here and 51 on the other side. We all have ideas as to how the legislation could be improved. Sometimes our ideas are good and to agree to go to conference. But individual Senators—there are two Senators from every State with the ability to get elected. We have wide interests we represent in our States. We have an obligation to allow them to offer amendments and move through this legislation.

I am not an expert in parliamentary procedure in the Senate. I don’t think many people can claim that. I do understand a lot of the procedures in the Senate, and I understand that the best way to do legislation is to work through it. If you have an amendment you don’t agree with, speak against it and vote against it. But don’t stop others from having the opportunity to vote.

So, again, we are being told today, yes, we will let you have some amendments, or we will let you have more than some, but if we do that, you have to agree to the agreement. We are not going to do that. We are going to do everything we can to get a bill passed.

As I have indicated, Mr. President, in the 108th Congress, 21 times we have been able to get legislation passed and sent to the President without a conference. We have negotiated our differences in the language between the House and Senate. We can continue to do that. We can do that in the 107th Congress. So as I said before, and I repeat, there is no reason we should not legislate the way we always have in days past: You introduce legislation, it goes to committee, comes to the floor, we debate it, offer amendments, and vote on it. When that is done, you figure out how you are going to work your way through the differences with the House.

We want to pass the tax bill that was in effect on the Senate floor last week. I repeat, we want to pass this welfare bill. The only way we can show that is by agreeing to work through these amendments. There is not a single Senator who wants to filibuster this bill. We are not going to go off of offering these amendments, and we will hold together as a body and not allow cloture to be invoked tomorrow. It is not fair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized first.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized.

Mr. INHOFE. Mr. President, I rise today as consumers in America—businesses and farmers and families—are facing the highest gasoline prices that we have ever faced. Prices for natural gas, which is used to heat our homes and workplaces, have gone through the roof.

In fact, I chair the Environment and Public Works Committee, and we had a hearing this week on what we are facing, and that is that our farmers are having to pay twice as much as they did 6 months ago because of the skyrocketing costs of natural gas. And all of this is due to the fact we have a lot of the far-left environmental groups trying to keep us from being able to produce more oil and gas, and it is a crisis. It is a crisis, as we pointed out in this committee hearing. Unfortunately, due to obstructionist tactics led by the radical environmental groups, bipartisan energy policy legislation continues to just be out of grasp of passage in the Congress.

Yesterday, those who are against domestic energy production and in favor of higher costing energy prices plaguing us today were given a boost by the presumptive Democrat for President who said in a speech in San Diego, CA: We need a new direction on energy policy.

And went on to lay blame for the high cost of gas on the Bush administration, while attempting to put forth an energy plan of his own. Rather than advance a policy actually related to our Nation’s energy needs and supplies, the Senator consistently suggested policies that would increase cost to consumers, that would consistently increase cost to businesses, that would consistently undermine our economy and force high-paying manufacturing jobs overseas. We have seen this taking place. It is taking place today. I heard our very eloquent junior Senator from Ohio talk about the number of jobs they have lost in the State of Ohio just for this reason.

His statements about the Bush administration are incorrect. One of the first proposals the Bush administration made was a comprehensive energy plan in 2001 that would increase domestic energy supplies and make America less dependent on foreign sources of energy.

Congress took up legislation and incorporated many aspects of the President’s plan, and I note that the Senator who finds it easier to criticize than do deserve to be found with the bipartisan Energy bill, H.R. 6, was debated and passed by the Senate by a vote of 84 to 14 on July 13, 2003.

It intrigues me that this issue is important enough for the Member to take time to discuss it out of his busy campaign schedule, pulp his schedule, pulp, but important enough for him to be present and vote on the bipartisan legislation that was brought before this body. In fact, to my
recollection, the junior Senator from Massachusetts, prior to yesterday, never once proposed comprehensive energy legislation during his 19 years in the Senate.

What we heard from San Diego yesterday was really less of an energy policy for the Nation and more of a checklist of how to increase energy costs to consumers. I am not surprised at that fact since it is clear from his voting record that last many Congresses that affordable domestically produced energy was far from a priority of the Senator. His claim yesterday to aggressively develop domestic oil and gas supplies does not seem genuine to me as he has said he has a specific plan to do and has spent a lot of his time stopping us and this country from being able to explore such areas as ANWR and offshore that would allow us to be energy independent.

Let me be perfectly fair. This goes back a number of years. I can remember even back during the Reagan administration making talks about the fact that at that time we were 35 percent dependent on foreign countries for our ability to fight a war. And yet now it is closer to 60 percent. So there we are only 2,000 acres of ANWR's Coastal Plain, about the size of Dulles Airport, for oil exploration and development; 2,000 acres that could provide the United States with enough oil to replace imports from Saudi Arabia for the next 30 years.

But actually, as the junior Senator from Massachusetts proposes to solve the energy crisis, for one he is going against his own advice and now calling for President Bush to open the Strategic Petroleum Reserve, a move that would threaten our national security without any benefit.

We know from recent history that releasing oil from the Strategic Petroleum Reserve would have no impact on gasoline prices. On September 22, 2000, former President Clinton released 30 million barrels of oil from our strategic reserves in order to reduce prices. And yet now it is closer to 60 percent. So there we are only 2,000 acres of ANWR's Coastal Plain, about the size of Dulles Airport, for oil exploration and development; 2,000 acres that could provide the United States with enough oil to replace imports from Saudi Arabia for the next 30 years.

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in my backyard" and the risks seem to drive policy without regard to fixed and low-income residents.

The fact is wind energy, the most cost-effective renewable, is only effective when the wind blows. We already know where the rich elite stand on developing wind turbines off the coast of Cape Code in the Senator's home State of Massachusetts.

The presumptive Democrat nominee also supports legislation that would cap carbon dioxide under pollution-reducing bills as well as under the auspices of global climate change. Again, the Senator seeks to impose his utopian view of the nation’s energy makeup, or more likely he is but does not seem to care.

Drastic carbon dioxide reduction strategies the Senator supports would effectively force coal out of use. I think the Senator will be forced to consider this because I believe that with the wind turbines off the coast of Massachusetts and his special interest radical supporters like it or not, makes up one-quarter of our country’s energy mix.

Recently, it has been reported the junior Senator from Massachusetts supported a 50-cent per gallon tax on gasoline. The effects of such a tax on our country are obvious. However, I think it is important to note such a tax is another example of the Senator’s overriding opposition to fossil fuels and his blind and unwavering support for nonhydropower renewables without regard to the state of our Nation’s actual energy mix.

Nonhydropower renewable energy is a wonderful concept and with the administration’s investments in developing technology, I am confident its use will increase considerably. However, the ground is not cost competitive compared with traditional energy sources today. Their answer: Embark on a strategy to make fossil fuel use so expensive and burdened with regulations that nonhydropower renewables suddenly become more cost effective by comparison.

Let’s recap a few of the highlights of the recommendations of the junior Senator from Massachusetts. No. 1, empty the Strategic Petroleum Reserve. No. 2, do not produce domestic oil. No. 3, impose a tax on gasoline, some 50 cents a gallon. No. 4, impose a mandate increasing nonhydropower renewable from 1 percent to 20 percent in 15 years. No. 5, restrict carbon dioxide emissions, which translates to reducing U.S. economic production.

The Senator’s energy policy is certainly bold, if nothing else. It is just that the Senator’s utopian view of the future ignores our very real present.

Like his radical special interest supporters, the Senator’s energy policies would increase costs on American consumers, disproportionately affect the low and fixed-income taxpayers, and drastically undermine the ability to compete in the global market.

If this were not a Presidential election year but instead a judge a man not on his words but on his actions, we would in large measure know what the Senator’s energy policy would be: Do nothing but make speeches.

So what’s going on? What’s going on? The President put his economic team before the Senator but I am saying, we all know the Senator was too busy campaigning to do the job his constituents elected him to do and the job American taxpayers have paid him to do. Instead of actually doing some work and crafting an energy policy, the junior Senator from Massachusetts chooses to make outrageous allegations from the comfort of multimillion-dollar mansions in Beverly Hills.

I yield the floor.

THE PRESIDENT. Madam President. Mr. KENNEDY. The Senator from Massachusetts. Mr. KENNEDY. Madam President, I had not expected to hear the kind of statement with regard to the criticism of the Senator from Massachusetts, my colleague and friend JOHN KERRY, on the energy policy. I will include in my comments a response to Senator INHOFE.

I am wondering whether the Senator could possibly tell us what was the position of the President of the United States when OPEC continued to cut back on production today. We have a statement by a colleague talking about the President and the President of the United States when today OPEC primarily—

Mr. INHOFE. Madam President. Mr. KENNEDY. I have the floor. Mr. INHOFE. Madam President, I was asked a question, and I would like to answer the question.

Mr. KENNEDY. Regular order. Regular order.

The PRESIDENT. The SENATOR. The Senator from Massachusetts has the floor.

Mr. KENNEDY. No, I do not yield.

Mr. KENNEDY. We have today more than 150,000 servicemen who are over there protecting the oil countries in the Middle East, and American service men and women are dying every single day. If we have a President of the United States who is lacking in sufficient influence to try and indicate to our allies that it is of vital importance to the security of the families and industry in the United States that they increase their production, what kind of influence do we have? Where is our President of the United States on this issue? Why are we hearing Members who are so eager about Senator KERRY’s policy on energy talking about what we ought to be doing over there today as OPEC is cutting back on its production?

We hear silence. We have silence about that. Where is the administration?

Mr. KENNEDY. I remember last week we had my good friend Spencer Abraham, who is the Secretary of Energy, and I asked him the question whether this President was going to try and persuade the oil-producing countries in the Middle East to produce more energy, particularly at a time when we are faced with difficulties in economic significance. His answer was: This administration is not going to beg for oil.

Beg for oil? When we have 140,000 men and women over there protecting their interests and protecting their oil and are cutting back production? I would not think there would be many Members of the Senate who would be criticizing my colleague, who has done so, who recognize that their President should provide Presidential leadership. This election is about Presidential leadership. My colleague has been demanding that this President do something about the cutbacks in production.

We hear criticism—well, he didn’t show up for a vote. Sure, he is running for the Presidency of the United States.

I will certainly respond to my colleague, but I am absolutely baffled that one of the major energy decisions being made in the world is within the last 24 hours by the OPEC countries, the primary producers, Saudi Arabia in the Middle East, other middle eastern countries whose security American servicemen have been fighting and dying for, and this President and this administration has not sufficient influence to be able to stop them from cutting back in production or getting them to increase production. You talk about a bankrupt energy policy—there it is.

Every consumer ought to know when they pay those extra funds for the gasoline, they are paying it directly to countries over there in the Middle East whose security we are protecting and for which American lives are being lost. It is beyond belief to me.

Mr. KENNEDY. We have, over the course of the day, a number of our colleagues speak about the amendment that is before us, and that is the increase in the minimum wage over a 2-year period, up to $7 an hour. I want to wrap up this evening and summarize a couple of important points because during the course of the afternoon, I followed the debate when I wasn’t here for a few hours, meeting with the head of the VA about some of the challenges we are facing up in Massachusetts about veterans health.

We heard statements, speeches from some of our colleagues on the other side that the increase in the minimum wage was delaying action on the TANF reauthorization. Of course nothing could be further from the truth. As Senator BOXER, my friend and colleague who introduced the legislation, and I have stated, we would have had a 20-month agreement, 10 minutes a side, and had a vote and final disposition and then moved ahead with other amendments.
But the opposition is so strong in opposition to this amendment that the Republican leadership has insisted we have, effectively, a cloture vote, delaying progress on the underlying bill for some 2½ days, so if they are successful in getting cloture, cutting off the debate, they will eliminate the possibility of even voting on an increase in the minimum wage.

Maybe there are those who are opposed to the increase in the minimum wage. We have heard some of them speak today on that opposition. But the idea that this is not related and relevant to the underlying bill defies any logic and any fair understanding of what the underlying bill, the TANF bill, is all about.

I bring to their attention the statement that was made by Secretary Thompson regarding the TANF reauthorization when he testified on March 6, 2002. He said:

This administration recognizes the only way out of poverty is through work, and that is why we have made work and jobs that will pay at least the minimum wage the centerpiece of the reauthorization proposal for the Temporary Assistance for Needy Family Program.

That will pay at least the minimum wage. There it is in the words of the President's own representative. That is exactly the issue we are attempting to address and we are being denied getting final action on it.

I am going to take a moment to review for the benefit of the Senate about where the minimum wage is now. The purchasing power of the minimum wage has dramatically decreased. We reviewed with the Senate what the impact of the increase in the minimum wage has been on unemployment and have shown many times when we have had increase in the minimum wage it had virtually no adverse impact on the unemployment rate. We reviewed the fact if we have the increase in the minimum wage it virtually has no impact on the issue of inflation. We responded to the question of different conditions and different parts of the country. There are small mom-and-pop stores that would not be able to afford the increase in the minimum wage. We responded and pointed out those stores by and large are excluded under the provisions of the existing minimum wage.

We heard: We don’t want to do this because we want to encourage young people to work in agriculture. We responded: It doesn’t relate to agricultural workers.

We have addressed all of these kinds of objections.

These minimum wage workers are men and women of dignity. They work hard and long. The men and women who clean out the buildings in this country at nighttime, teachers’ aides, and assistants working in homes looking after the elderly are men and women of dignity. They do not want any assistance. They want to have a wage so they can provide for themselves and their children and their families.

I want to reiterate and give some examples. I gave some examples earlier. These are the real faces of people who are going to be affected by what we do here tomorrow on the floor of the Senate, who are going to be able to get a vote on the increase in the minimum wage or whether we are going to be denied that opportunity to do so.

The minimum wage affects a person such as Cynthia Bush. Cynthia Bush is not on welfare. She makes for each of the residents for skin tears and helps them to go to the toilet or use a bedpan. She has to make sure she turns the residents every two hours or they will get bedsores, and if bedsores are left unattended, they can get so bad that you can put your fist in them.

But there aren’t enough people on the shift. Often there are only two nursing assistants for forty-five residents. In addition to responding to the needs of the residents, nursing assistants clean up the dining rooms, mop the floors and scrub out the refrigerator, drawers, and closets during her shift. Before she leaves, she helps the residents get dressed for breakfast.

For all of this, Cynthia makes $350 every two weeks. She is separated from her husband, who gives her no child support. The first two weeks each month she pays her $150 rent. The next two weeks, she pays her water and her electric bills. It is difficult to afford food and shelter when her children are fed properly is a stretch, and she is still paying off the bicycles she bought for her children last Christmas.

She can’t afford a car, so she ends up paying someone to drive her the twenty-five miles to work. And there have been a few days when she couldn’t find a ride. “I walked at twelve o’clock at night,” she said. “I’d rather walk and be a little late than call in. I’d rather make the effort. I couldn’t just sit here, I don’t want to miss a day, otherwise, I might be out of a job.”

The transportation that would take her to work.

I first met Cynthia at a union meeting. She had a quiet, dignified presence with her dark suit and her hair pulled back in a bun. She and twenty-five others from the nursing home—all eighty of her coworkers are African American women like her—gathered in the little brick Masonic building outside of Mariann to talk about having a union. Like Cynthia, none has ever gotten a raise of more than 13 cents. Some who had been there ten years were still making $4.00 an hour.

She is effectively a minimum wage worker.

These are the people this legislation is trying to help. Linda Stevens:

The only job she could find with a high school degree and some college courses was a part-time cashier’s position at a small market called George and Stanley’s, working the night shift from 6:00 p.m. to 10:00 p.m. Not surprisingly, the $5.00 an hour she made at her retail job was not enough to support her daughter, so she worked a second job from 2:00 to 5:00 p.m. as a receptionist at H&R Block, which paid $5.50 an hour. She liked the work and would have preferred to work a full-time, even if it were only offer, from January through April. The money from these two part-time jobs still did not cover her bills, so she worked as a lunch supervisor for the Flint public schools from 11:30 a.m. to 1:00 p.m. She had to put planners up on the wall to keep track of her schedule. And even then she missed.

After a year, Linda left her job at George and Stanley’s after they gave her a 25 cent raise and went to work at Kessell’s, which pays $6.00 an hour. Here Kessell (which has since been purchased by Kroger) would only give her a part-time position and without full-time status, she still did not get benefits. Working there was so exhausting that she left her lunch supervisor position, but had to continue to work her second job at H&R Block.

Linda’s typical day started at 6:00 a.m. when she got her daughter ready for school. Her job at Kessell started at 7:00 a.m. and ended at 3:00 p.m. She came home, changed, and went to her job at H&R Block at 5:00 p.m. and got off at 10:00 p.m. Her schedule left little time to spend with her daughter.

She needs a minimum wage to help that family.

Flor Segunda of Newark, NJ:

Flor lives in a primarily African-American neighborhood of Newark, New Jersey, with her husband and three children: Jose, who is nine years old; Luis, who is one and a half; and Paul, who is one and a half. To reach Flor’s place, you must walk down a flight of concrete stairs, through a narrow hall, and find the washer and dryer in the basement apartments, it is dim and dark. One small window allows the only daylight to enter. They pay $700 per month for this two-bedroom apartment without utilities. There are no parks near her apartment and she doesn’t have a car. So most days, the children stay inside.

At night when most workers are at home, Flor begins her day. She cleans, dusts, vacuums, dumps trash, and straightens the offices of law firms in a large suburban office building in West Orange, New Jersey. Flor is a janitor. She works for a private contractor who contracts with the owners of commercial buildings to provide cleaning services.

She would benefit from an increase in the minimum wage.

Finally, Judy Smithfield:

Judy Smithfield works in a superstore as a pharmacy technical assistant, a “pharmacy tech.” Her 12:00-9:00 p.m. shift begins with a carpool, where Judy and another pharmacy technician who contracts with the owners of commercial buildings to provide cleaning services.

She must ask the customer whether they understand the prescription, whether they want counseling or have any further questions. The response must be put in writing.

There are two pharmacy techs and three pharmacists on Judy’s shift that fill over 400 prescriptions per day. If the pharmacy gets behind in the prescriptions on time, sometimes until midnight. Many times she works six days a week because they don’t have enough help. Her feet and back ache from standing all day.

This will help Judy.

I want to conclude again by talking about the impact of the minimum wage
and the failure of increasing the minimum wage on families, particularly on children. I pointed out earlier we have 35 million Americans, according to the Department of Agriculture, who are hungry or living on the edge of hunger for economic reasons—35 million in a country of 290 million.

Today 300,000 more families are hungry than there were 3 years ago. The 2003 survey by the U.S. Conference of Mayors that looked at hunger found effectively 39 percent of the adults requesting food assistance were employed. A leading cause of hunger is low-paying jobs.

Emergency food assistance increased by 14 percent. Of those requesting emergency food assistance, 59 percent were members of families with children and elderly parents.

City officials recommend raising the Federal minimum wage as the way the Federal Government could alleviate hunger. This is their No. 1 recommendation. This is the survey of the U.S. Conference of Mayors, Republican and Democrat alike, for raising the minimum wage.

Finally, I have the excellent report of the National Urban League, October 2002. I will read just parts of it. In the foreword, it says:

Too often, changes in the minimum wage are viewed as poorly targeted to the needs of America's working families. Minimum wage workers are too often presented as teenagers, or wives in middle class families. Yet, the clear implications of this study are that the proposed increase in the minimum wage from $5.15 to $6.55 an hour would move 1.4 million American households to the level of being food secure, having enough money to buy nutritious and safe food for their families. And, a disproportionate share of the households that would benefit would be African-American or Hispanic. Single parent households would also benefit disproportionately from an increase in the minimum wage.

Again raising the minimum wage is a clear policy solution for helping meet the needs of America's poor children.

Then it goes on in the executive summary:

Second, we show that increases in the minimum wage raised the food security of households in which the householder, principal person in the household, has no more than a high school diploma or is a single parent or both. The increases in the minimum wage lessened hunger in all households, but particularly in low-income households and in those households in which the householder was less educated, African-American, Hispanic or was a single parent.

Finally, I will include in the RECORD the findings. These are briefly the findings:

We find that:

1. Increases in the Federal minimum wage to $4.25 in October of 1996 and $5.15 per hour in September 1997—

'That was 7 years ago—reduced hunger among all households and in particular households in which individuals had completed no more than a high school degree. . . . Hunger is defined as a psychological condition where household members experience an uneasy or painful sensation caused by the involuntary lack of food.

2. Relative to the general population, food security rates are lower among households in which the householder has no more than a high school degree.

3. A direct relationship between food security and increases in the minimum wage was observed following two modest increases in the minimum wage in 1996—when food security rates increased slightly; and following administration of the Food Security Supplement . . . of 1996. Food security rates also increased modestly following 1996. . .

4. Inner city households have the highest levels of food insecurity, followed by suburban and rural households. Our studies have demonstrated that groups most-at-risk for food insecurity are those who are most economically vulnerable, and whose households are most directly impacted by increases in the minimum wage.

The failure of our increase in the minimum wage is wrong because Americans believe people who work 40 hours a week, 52 weeks a year, should not be living in poverty in the United States of America. And it is wrong because we now have millions of children who are going hungry every night, and millions of families who are going hungry as well.

We can make some difference by increasing the minimum wage. It is now at a dramatically decreased level of purchasing power. Certainly, we can do better. We should do better. How can we possibly tolerate the conditions of war, economic depression, or poverty? Why is it that we need an increase in the minimum wage? I hope we will be able to do so tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I appreciate the opportunity to rise in support of the amendment offered by Senators KENNEDY and BOXER to raise the minimum wage over the next 2½ years. My staff provided me with some information about the history of the minimum wage. One important date cited in 1968, which was my senior year at Ohio State University, I had a couple of jobs then. I was the pots-and-pans man at the Delta Gamma sorority house. I also had a part-time job at the university bookstore. I was paid the minimum wage for both jobs, which at the time was $1.60 per hour. If you add $1.60 for inflation, then the minimum wage would presently be $8.50 per hour.

Senators BOXER and KENNEDY propose that we gradually raise the minimum wage over the next 2½ years. They recommend raising it from the current level of $5.15 per hour to $5.85 in the next 60 days, from $5.85 to $6.45 a year later, and finally from $6.45 to $7 the following year.

Some have said that such an increase goes too far, too fast, and have suggested that we take a different approach. However, we should do some math on the decline of the real value of the minimum wage. The current minimum wage has been $5.15 per hour since 1997. If you adjust $5.15 for inflation, then we would have a minimum wage of $5.95 per hour. But, if you adjust the minimum wage for inflation from its 1968 level of $1.60, then the minimum wage would presently be $8.50. . .

Senators KENNEDY and BOXER are right in the middle between the two, and I would suggest to my colleagues that they are not far off the mark. In fact, their amendment is a pretty good compromise.

I know that some people do not want to raise the minimum wage, and that they are concerned by the potential for job losses if we were to do so. And some of our employers—both large and small—have expressed concerns with an increase in the minimum wage and urge us to be mindful of those concerns.

Having said that, we also need to be mindful of minimum wage workers. Senator KENNEDY shared with us some real-life examples. Let me share with you some of my own experience from when I was a college student earning the minimum wage. A lot of people who received the minimum wage in 1968 were supporting a family in 1968. Many of them were students or just out of school.

But a lot of the people who earn the minimum wage these days are people with a family, with one child, or maybe two. They may be in a two-parent family. But in a lot of cases, a minimum wage earner is a single parent.

I urge my colleagues to keep this statistic in mind as we consider whether to support an increase in the minimum wage. If you or I were working full time, 40 hours a week for 52 weeks a year, with no time off, then we would be making about $206 a week if we were paid the minimum wage. That is less than the poverty line for one person.

Madam President, less than $1,000 per year does not crack the poverty line for one person, much less two or three.

As a Governor who worked on welfare reform in my state and with the National Governors Association I understand what it takes in order for people to move off of welfare. For people to move successfully from welfare to work, four things have to happen: One, they have to have a job; they have to have a way to get to the job; they have to get some help with their health care; and they need some help with their childcare. Those four things: a job, the ability to get to a job, health care, and childcare are critical.

People that do not have to have when they get off of welfare for work is the belief that they will be better off working than on welfare.

In my own State of Delaware, we adopted comprehensive welfare reform in the mid-1990s and phased in an increase in the minimum wage. Today, the minimum wage in Delaware is $6.15 per hour. We increased the minimum wage...
wage to help people move off of welfare. We wanted to make sure that they were better off working than on welfare.

I ask people to understand, whether you happen to be from Delaware or Maine, or from any other state, to try to make it these days on $11,000 per year, while trying to hold a family together. It is incredibly difficult to do so.

The other thing I want to say is on a more macro-issue with respect to welfare reform legislation currently on the Senate floor. We should be able to pass welfare reform legislation. Both sides agree on about 90 percent of the issues. For those issues that we do not agree on, we should be able to reconcile our differences.

I believe that legislation I introduced with Senator COLLINS, the Presiding Officer, and with Senator BEN NELSON is a consensus bill on welfare reform. We think it is a pretty good compromise from what has been reported out of the committee and has some of the changes that Democrats would like to see. That bill is a good compromise.

On our side, we want to have an opportunity to offer relevant amendments to legislation before the Senate. One amendment is an increase in the minimum wage, which I think is relevant to this particular bill. A second amendment is an extension in unemployment compensation benefits. We should extend unemployment compensation benefits until our economy is stronger and we have more jobs for people looking to work.

Senator HARKIN has an interest in offering an amendment on overtime regulations, which has already passed the House and the Senate. He is determined to make sure he has a chance to offer that again.

We are smart enough around here to be able to work with our Republican colleagues to come up with an agreement that allows those three amendments to be offered.

Once those amendments are offered, we should be able to offer other relevant amendments to this welfare bill. I have a few amendments to offer, and I know others do as well. We should be able to agree on a reasonable number of amendments—it could be 10, 20. We could also agree to an amount of time on such amendments, for example, 10 minutes for proponents of the amendment and 10 minutes for opponents of the amendment. When the debate on an amendment is completed the Senate should vote.

I would be very disappointed if we went along and, at the end of next week, were not able to close our differences on welfare reform legislation and the FSC bill.

The last thing I will mention has to do with conference committees. When the House passes a bill, and the Senate passes a different bill, we end up, a lot of times, in a conference negotiation to resolve differences between the bills. And we, in the Democratic Party, have been stung because we have not been allowed to participate in these conferences.

We saw that happen with respect to the Energy bill, where Democrats were not invited to participate. We saw it happen to a large extent in the conference on the Medicare prescription drug bill, where, for the most part, Democrats were not allowed to participate in conference negotiations. We cannot have a DemocraticCongress that is not going to allow that to continue. Someday Democrats will be in the majority. Someday our friends on the other side will be in the minority. I ask them to keep that in mind because what is good for the goose is good for the gander.

To the extent that we get closed out of conference committees without any active participation, the same thing could happen to them. I would not want to do that, and I do not like having it done to us.

Part of this universal agreement in moving welfare reform and getting the FSC bill onto the Senate floor is just encouraging the conference, but a good, hard, fast agreement that Democrats will be full participants in a welfare reform conference with the House.

It is too bad that the presiding officer, Senator COLLINS, and I cannot work out these differences by ourselves. We would pass a bill that we negotiated with Senator NELSON of Nebraska. It would be pretty easy. I do not need to minimize nor make light of the toughness of the situation we face, but we can get this done. We need to get this done. We are going to take a recess week sometime around Good Friday. I sure hope we can go home having passed welfare reform legislation through the Senate, and to have made good progress on FSC legislation as well.

With respect to a reasonable increase in the minimum wage, the Senate should be able to get that done. It is the right and fair thing to do. We need to have an extension of unemployment compensation benefits. While we have an official unemployment rate of about 5.6 percent, the rate is actually closer to 7.5 percent once you count all the people who have run out of benefits or stopped looking for employment.

If we agree to those things, we ought to be able to get those bills done and move on to the next step in welfare reform. Welfare reform is a great experiment, made successful by our Nation’s Governors. Members of the Senate know how to make it even more successful going forward.

It has been our pleasure to do business with the Presiding Officer and Senator NELSON on our side. I hope we can take some of the provisions in our bill and have an opportunity to offer them as an amendment to the bill in the next day or two.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.
we can have some assurance the bill will pass, some assurance that going through these amendments that are not germane to the bill will allow us to pass the bill and then get to conference and finally pass the bill and send it to the President. That does not seem to me to be a reasonable request.

Why is it so important that we pass welfare reform? What has happened since 1996? Mr. President, 3.6 million fewer Americans live in poverty now; 2.9 million fewer children live in poverty now. Poverty is at its lowest rate. Kids are not as poor as they were. In June 2002, there were 5 million welfare recipients, which was a 65-percent decrease from the 1994 level. The poverty rate of single moms is the lowest rate in U.S. history. Even the out-of-wedlock birth rate has stabilized and gone down slightly since 1996.

I was at a press conference earlier today when a lady talked about the effect of this on her life. Because of welfare reform, her two kids are now supporting her family. She talked about what it meant to her kids. The first day she came home from work with a paycheck, they waited for her, and they wanted to go to the store and pay for everything there before having to use food stamps. They were proud of their mother. There are stories such as this all over the country.

Now in the name of helping the poor, some Members are holding up the welfare reform bill. There is an irony in that.

Let me talk a little bit about history. Poverty in the United States in the immediate postwar era was about 30 percent. It declined steadily for 20 years until 1965; reached about 15 percent in 1965. And that is when the Federal Government declared war on poverty, which was a good thing. One of the frustrations about this whole experience is there is a consensus. If we look at the politics of the news cycle and look where the two great parties in this country have come from, what their mainstream beliefs are, there should be a consensus about welfare reform. There is on final votes.

Liberals, in 1965, got the Federal Government aggressively in the business of trying to do something about poverty. That was a good impulse. What went wrong with it was that they did it in such a way that showed a disrespect for the basic values that have always made our country unique. The two best antipoverty programs, historically, in the United States, the way people get out of poverty have been work and marriage, family. They work and they marry somebody who works. They get out of poverty.

Poverty is not that unusual an experience for Americans. Most Americans either grew up in poverty or they have a parent who grew up in poverty or at least a grandparent who grew up in poverty. That is how they get out of poverty.

For 30 years, from 1965 to 1995, in the name of fighting poverty, the Federal Government conditioned assistance to poor people on not doing the two things that get people out of poverty. They offered a package of benefits, that, to somebody coming from a low-income background, looked like a lot of money—cash benefits, Medicaid, housing assistance—but only on the condition they not get a job, they not get married, and they have children anyway. That is how we ran the welfare system for 30 years. The poverty rate was 15 percent in 1965, 30 years later was 15 percent. But it was intractable poverty because if you are 18 or 19 years old, you have a child without being married, you don’t have your education yet, a couple years later you realize it is hard now to climb the ladder. It is hard now to realize the American dream.

Well, we fixed that in 1996. We introduced a system where if you are able bodied, we are going to help you work. There is a constellation of benefits and supports for those who are able to work. The other day, we passed an amendment increasing daycare in this bill. I supported that to enable people to work.

The bill extends the benefits of work to more people and makes sure that the States around this country have to keep trying to help people get off welfare and into self-sufficiency. We should define success not by how many people we get on the welfare rolls, but by how many we get off the welfare rolls. We can open the opportunities for millions of people who currently don’t have it.

The bill contains a provision I strongly support. It was in a measure I introduced, establishing a promarriage program. In 1996, we talked a lot about reducing the out-of-wedlock birth rate. That was a good thing to do. We wanted kids to have dads. I am glad we introduced that subject. In a sense, we were fighting the war we were wrong on. We were against the bill we are debating today lights a candle. You cannot just fight the darkness; you have to let in the light.

There is a $300 million grant program here, encouraging the States to go to people when they apply for welfare and talk to them about the benefits of healthy marriage. The surveys show that a majority of folks applying for welfare—or many of them—are living together with someone they are having a child. Many of them, if not most, are thinking about marriage. There may be many reasons in their minds why they don’t want to do it. Maybe their parents had bad experiences. Maybe they are not certain about the partner. Maybe they have fights and they don’t know how to resolve that. What an opportunity we have at that point—and often through community-based organizations that have grown up in the last 10 years—to approach the issue here are the benefits to your children of being married, if you can do it in a healthy way. Here is how you can do it that way. We can help you learn how to resolve disputes, help you learn how to build healthy relationships. That is in this bill.

There are a lot of things in this bill we will make a difference for people because they have made a difference for the last 7 or 8 years. It is being filibustered in the name of helping the poor.

Well, I don’t really know what to say. It seems to me we ought to be able to come to some kind of an agreement here. I have been in meetings of Senators on this side of the aisle, when the Republican leaders have said, we are willing to give votes on some of these message amendments, but we want some assurance that we are going to have an opportunity to vote on the bill in final passage after a reasonable period of debate, and then go to conference.

I know the Senate is different than over here in the House. Here, you have a whole legislative body and it is an honor to be here. I have had the privilege of meeting and working with people on both sides of the aisle that I read about and saw on television for years, and they are an extremely able group of people. But most importantly they have been the driving force behind welfare reform. We have measures before us that I know, if we can get to final passage, would have substantial majorities—bipartisan majorities. This is one of them. How come we cannot get to it?

It is hard not to reach the conclusion that politics is being played—not politics in the broadest sense because actually that is part of what democracy is about, not laying forward an agenda, presenting it to the people, and driving distinctions between you and the people who disagree with you and getting support from the public so you can move an agenda that makes a difference, but the politics of controlling or shifting the agenda that makes a difference, confusing issues from the public so you can move an agenda that makes a difference. We have measures before us that I know, if we can get to final passage, would have substantial majorities—bipartisan majorities. This is one of them. How come we cannot get to it?

I have worked on this subject for a long time. I have an underlying faith that we are going to get our act together. I think we have a lot of people who know too many people of good will in this body. I emphasize again how important this is to real people. I have been all over this country, all over my State of Missouri, and I have talked to so many people, recipients, people who work with welfare recipients now and I know too many people of good will in this body. I emphasize again how important this is to real people. I have been all over this country, all over my State of Missouri, and I have talked to so many people, recipients, people who work with welfare recipients now and I know too many people of good will in this body.
which we built this country. That is at stake with this bill. I hope we can reach some kind of conclusion. I am certainly willing to vote on these other issues. I might have a few extraneous amendments I would not mind offering myself. But at the end of the day, we need to get this bill done, send it to the House, conference on it, and get it to the President. We can all be certain that when we do that, the bill we produce is not going to be perfect in anybody’s eyes, but it will be a step down the road we took in 1996, which made a difference in the country to those who are the most powerless. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

THE ECONOMY

Mr. LAUTENBERG. Mr. President, I have a couple of statements I wish to make. I appreciate the recognition from the Presiding Officer for this purpose.

Earlier today, there were statements made on the floor, echoed by the junior Senator from Colorado, in which he claimed several times President Bush inherited a bad economy. I know my friends on the other side of the aisle genuinely want to believe that, but it is simply not true. That is not the fact.

The official arbiter of when recessions begin and end is the National Bureau of Economic Research, NBER. Despite intense and inappropriate political pressure from the White House, the NBER continues to insist the recession began in March of 2001, nearly 3 months before President Bush took office. Facts are stubborn.

On a related note, the junior Senator from Texas was on the floor some time ago with a poster that read: Most jobs from Texas was on the floor some time ago with a poster that read: Most jobs were the payroll survey to assess the state of the labor market. The payroll survey was developed a service that was called the “econometrics” plan. ADP, my company, the computer payroll service, could deliver this service—they called it an online service—and we would process the work we did for Alan Greenspan’s company as well as for clients, over 500,000 of them today, through cities and towns across America.

When Alan Greenspan, the talented and credible Chairman of the Federal Reserve, says use the payroll survey to get reliable data on how many people have jobs and are getting paid that way, I think it has to be treated with great respect.

According again to the payroll survey—not the household survey. The household survey is done in a different manner than by BLS, the Bureau of Labor Statistics, but the payroll survey is the one that tells the true story—they say the economy has lost more than 2 million jobs since George Bush took office, making him the first President since Herbert Hoover—and I said this before and I mean no disrespect—and the Great Depression to preside over a net job loss during his term in office. Again, I mean no personal disrespect, but the facts ought to be presented.

These are the facts: For every minute ever. Perhaps he was referring to India.

Mr. LAUTENBERG. Mr. President, I would like to discuss another subject, and that is something that came about this week that was discussed in my State’s largest newspapers about the administration’s interference in the FDA’s proposed approval of emergency contraception for over-the-counter sales. I believe administration’s activity is another example of their desire to establish a “maleogarchy” in this country. “Maleogarchy” is a phrase I coined. It talks about men making all the decisions that affect not only themselves but the female population of the country.

We saw that most notably on November 6, 2003, in the Washington Post.
when a group of men was standing with the President of the United States gleefully talking when the President signed a bill that restricted a woman’s choice, even though it was made ostensibly with her doctor and in the best interest of her health. Yet another President Bush and other male politicians want to take away a woman’s right to make decisions about her health and her body.

These are the facts: On December 16, 2003, two separate FDA advisory panels overwhelmingly recommended the emergency contraception known as Plan B be made available to women over the counter. The FDA almost always follows the advice of its scientific advisory committees. But then a funny thing got in the way of the science. I will call it rightwing politics. Extremists, anti-choice groups, and their allies in Congress objected to the FDA advisory committee decision. They made their opposition loud and clear. Once the decision was made by the FDA after their scientific advisory committees come up with their recommendations. Science first and then the decision.

The effect of this opposition? FDA suddenly, after they were ready to clear it, that it was delaying any decision on the approval of the drug. This is no coincidence. The Bush administration is caving to political pressure from ultraconservatives and risking the credibility of FDA’s scientific panels.

For an understanding of what has taken place, it is hard to come up with a conclusion that this emergency contraception ought not to be available. These actions they took beg the question about who is running the FDA, scientists or politicians? I think the answer is clear. Science has taken a backseat to politics in this administration. It is disgraceful. Using the FDA to promote socio-political goals, and perhaps even to challenge the teaching of evolution in schools. What is next? Will the flat Earth theory make a comeback?

Aside from serious scientific concerns, there are grave consequences for women who are denied this drug. Each year, approximately 25,000 women in the United States become pregnant as a result of rape. An estimated 22,000 of these pregnancies could be prevented if these victims have access to emergency contraception. Increased use of emergency contraception could reduce the number of unintended pregnancies and abortions by half. Reducing abortions is something we would all like to see, but it is not our choice. It is the choice, it should be the choice, of the woman, her conscience, with her doctor and perhaps her entire family. But the choice is not ours to make. It is not for the “maleogarchy” to make those decisions.

The FDA advisory committee agreed that emergency contraception meets all of the standards for an over-the-counter drug: It is safe; it is effective; it is simple to use; it is not associated with any serious or harmful side effects; and it is not dangerous to women with particular medical conditions. Leading medical organizations including the American College of Obstetricians and Gynecologists, Society for Adolescent Medicine, and the American Academy of Pediatrics all support over-the-counter access to emergency contraception. The FDA should be allowed to act, free of political interference.

Mr. President, I ask unanimous consent that an article on the administrative action on emergency contraception from our States largest paper, the Newark Star-Ledger, be printed in the Record, and I yield the floor.

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

In countries such as Saudi Arabia they have morals police who chase these women, embarrass them, and who will hit them. We in this country believe that, regardless of gender, people are appropriately treated as equals. We see that treated by this administration. We see the corruption of science. In some ways they are adopting the scientific standards we saw in Afghanistan, allowing religious fundamentalists to trump legitimate science. The Bush administration’s intrusions into scientific decisionmaking threaten the future credibility of American science.

Should high school science teachers tell students that the discoveries in their textbooks become null and void if rightwing politicians decide they don’t like the results? No, that cannot happen. We are in the 21st century, but in many ways we are still fighting the Scopes trial. In fact, we have seen far right politicians in many States, and in Congress, continue to object when a scientific and public health findings are available.” said Wendy Wright, a policy director for the Center for Biosecurity, which promotes contraception. Critics of the emergency contraceptive—mostly religious conservatives and anti-abortion groups—counter the claims of politicians by accusing liberal, pro-abortion organizations of ignoring health concerns to foster ideological goals.

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When the supporters argue politics, they are simply trying to divert attention from the real risks of making this product readily available,” said Wendy Wright, a policy director for the Center for Biosecurity, which promotes contraception. The Bush administration’s scientific advisory system by distorting and suppressing data to meet its policy goals.

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But in January, 49 members of the House, led by Rep. David Weldon (R-Fla), sent their letter to President Bush. They are very concerned that no data is available to suggest that impact this decision will have on the sexual behavior of adolescents and the subsequent impact on adolescent sexual health," the letter said. "We are concerned that increased exposure to sexually transmitted infection will increase. This availability may ultimately result in significant increases in cancer, infertility, and HIV/AIDS."

The lawmakers are among the supporters of Bush's policy stressing abstinence rather than birth control and sex education. The president is doubling the funding next year to $270 million for "abstinence only" programs for teens.

"Abstinence for young people is the only certain way to avoid sexually transmitted diseases," Bush said in his State of the Union address in January.

Carol Cox, a spokeswoman for Barr Labs, said the company has submitted the information sought by the FDA and will "continue to work with the agency." Cox said the company "does not view the delay as a positive development" but remains hopeful that the test will "prove its value" and be approved.

"We believe this product meets criteria of over-the-counter status," she said.

James Trussell, director of Princeton University's Office of Population Research and a member of the FDA advisory panel, said the studies sought by the FDA were thoroughly reviewed by the committee.

"The studies find that easy availability of emergency contraception does not promote risk taking, does not discourage condom use or use of regular contraception. This product should be available over the counter because it will reduce unintended pregnancies," Trussell said.

"The FDA does not approve Plan B to go over-the-counter, the decision will not have been based on the science because the science says the drug is safe and effective to be sold without a prescription," he said.

Sarah Brown, director of the National Campaign to Prevent Teen Pregnancy, said pregnancy rates among adolescents in the United States have been dropping but are still the highest in the industrialized world. She said multiple strategies involving "less sex and more contraception" are needed.

"To be most effective, it must be available to those at risk who will and need it," Brown said. "It probably will make some contribution to reduce teen pregnancies. Will it eliminate it or dramatically change adolescent sexual behavior? I doubt it."

The CONGRESSIONAL RECORD — SENATE March 31, 2004

Mr. DURBIN. Mr. President, I thank my colleagues from New Jersey for his my colleague from Illinois for his Mr. President, I thank my colleagues from New Jersey for his my colleague from Illinois for his Mr. President, I thank my colleagues from New Jersey for his Mr. President, I thank my colleagues from New Jersey for his Mr. President, I thank my colleagues from New Jersey for his M
spigots. One reason why the price is so high is because the price of crude oil has been driven up. OPEC has gotten its supply act together and it is driving the price like it did in the past, and the President of the United States must jawbone OPEC members to lower the price.

Faced with these skyrocketing gasoline prices, the obvious question is, Did President Bush do what candidate Bush suggested in the past? Did he decide to look at the charges, the negative ad, that is being run against JOHN KERRY. Here is what they had to say:

Unlike three previous negative ads, this spot softens its charges with a mocking tone and funny footage against the “wacky” Kerry.

This is from the Washington Post.

But it unfairly presents a gas-tax hike as if it were the Senator’s current position, when most of the examples are a decade old. Kerry voted in 1983 for the Clinton economic package, which included a 4.3-cent increase in the gas tax, and is widely credited with boosting the [the ever-present and almost infamous] N. Gregory Mankiw’s own words.

The article goes on to say, analyzing the Bush negative ad:

"Kerry spoke in favor of a 50-cent hike in 1994 and as a possible way of cutting the deficit, but he seemed to have voted and he later changed his mind. His only recent vote was in 2000, when Kerry opposed the GOP effort to suspend 18 cents in gas taxes for five months."

The article goes on to say, analyzing the Bush attack ad:

"The ad fails to mention that the President, who promised in 2000 to trim gas taxes, has never proposed such a cut. Bush campaign manager Ken Mehlman and Kerry campaign manager John Podhoretz decided to look at the charges, the negative ad, that is being run against JOHN KERRY. Here is what they had to say:

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paid $1.51 for an average gallon of gas. As of today, less than 3 months later, they are paying $1.75 a gallon—a 24 percent increase since January.

According to the Wall Street Journal:

‘Every penny increase in a gallon of gas costs consumers $1 billion a year. So if prices remain high, that means a $24 billion gas tax hike has been placed on the American people, for the failure of the Bush administration to confront the OPEC cartel, as he promised to do.’

But that is not all.

Nationwide gas prices have risen 12 percent since the year 2000 and are expected to skyrocket upwards to $1.83 a gallon this summer when gasoline prices usually peak—a 17 percent increase in gasoline prices since President Bush took office.

So what is wrong with this picture? When it comes to employment, there is nothing but bad news in statistics. The unemployment rates continue to go up. When it comes to gasoline prices and its cost to families and businesses, more bad news from the Bush administration: a 17 percent anticipated increase by this summer.

Guy Caruso, the administrator of the Energy Information Administration, told the Senate Energy and Natural Resources Committee that an average family will spend about $1,700 for gasoline in 2004. At today’s gas prices, this means the average family will spend over $300 more for gas than they would have if prices were at the level they were the week President George W. Bush took office.

As I said, candidate Bush knew what to do. President Bush refused to do it. Candidate Bush said: Confront the OPEC cartel. President Bush said: We are not going to dirty our hands by “begging for oil.”

Because the Bush administration did not follow its own advice from 2000, OPEC has decided to pursue additional cuts, leaving American consumers more susceptible to higher gas prices.

Let me say, gas prices have been an issue for the Vice President, too. On October 9, 1998—since President Bush’s campaign is dredging up history when it comes to John Kerry—as a Member of the House of Representatives, Dick Cheney, our Vice President, introduced a bill to establish a $24-per-barrel price floor for crude oil—OPEC’s voluntary minimum price, indexed to inflation, that today would have reached as high as $36.12 a gallon. If Vice President Cheney’s bill had passed in 1998, consumers would have paid over $1.2 trillion in increased gas prices since that year.

In 2001, as Vice President, former Halliburton CEO Dick Cheney led an energy task force that met with energy industry officials in closed meetings to write the energy bill of this administration. The meetings led to the administration’s energy policy, which has failed on the Senate floor. The administration has refused to release detailed records of the meetings to the General Accounting Office, the investigative branch of Congress. The secrecy surrounding the meetings is so unusual and unprecedented that the Supreme Court on April 15—just last week—from now until the end of the session that the records for the meetings should be opened.

Republicans have criticized John Kerry for supporting gas tax hikes in his Senate career, but, as I have said, these charges are grossly exaggerated and a distortion. This, frankly, is what I am afraid we can expect more of during this campaign. But I think the American people know, while Republicans make a lot of noise about opposing a gas tax, the record tells a different story.

Ronald Reagan said of the gas tax:

‘The cost to the average motorist will be small, but the benefit to our transportation system will be huge.’

Republican leaders in the House have pushed for a gas tax hike this year. In fact, House Transportation and Infrastructure Chairman Don Young of Alaska proposed a 5.4-cent-per-gallon gas increase this Congress. And President Bush this Congress to cut the gas tax as a candidate, has never acted to do so once in office.

So I think what faces America is clear. We need leadership in the White House that is not afraid to confront OPEC. We need a President who is not afraid to get on the phone, through his Secretary of State, Secretary of Energy, and say to those in the OPEC cartel that they cannot unilaterally put us in a position where our economy—struggling to come out of recession, struggling to recover, struggling to create jobs—is going to end up hat in hand, in a situation where we have no recourse for families and for businesses.

But the Bush administration failed. They failed to do what the President should have done in showing leadership on this issue. The President said one thing in the campaign and has done another thing now in the White House.

American families are going to have to face that cost. When you look at this record, sadly, it is not too much of a surprise. Here we are faced with a struggling economy and an administration which, despite losing more jobs than any other administration in the history of the country, refuses to support a payout of unemployment compensation to the workers and families who have lost their jobs, an administration which understands that more workers are working longer hours to make ends meet and comes up with a proposal to eliminate overtime pay for 8 million American workers.

We created the overtime law in 1938. It has been the backbone of labor, helping families reach self-sufficiency. Iest Federal programs ever designed to help families reach self-sufficiency. These proud and hard-working people are the visible Americans who make the beds in our hotel rooms, bus our tables in the restaurants, wash the dishes in back of the kitchen, deal with tending our children in daycare facilities. We have said, because of the refusals of this administration and Congress to increase the minimum wage, that we have so little respect for their work ethic we will not allow the minimum wage to be increased in America.

The insensitivity of this administration to working families in the sad state of the economy has been documented again, not just with unemployment compensation, not just with overtime pay, not just with its resistance to increasing the minimum wage, but with the refusal of this President to keep his campaign promise from the year 2000 and to put pressure on OPEC not to cut the production of oil, forcing an increase in gasoline prices across America.

We need more compassion from this administration. We need more of a connection between this administration and working families across America. We need a change.

Mr. President, I rise to speak about an amendment I wish to offer to the bill currently under consideration to reauthorize the Temporary Assistance for Needy Families program. This program is one of the largest Federal programs ever designed to help families reach self-sufficiency. I believe this amendment is a strong addition to the current bill, and one that
Mr. JOHNSON. Mr. President, our support of childcare assistance is essential to ensuring the health and safety of children in working families. Without quality childcare, parents of young children may be forced to choose cheaper, poor quality care for their children or fail to provide it entirely. These families need to know their children are cared for while they are at work; they need their part to attain self-sufficiency and to provide for their families.

At 73 percent, my State of South Dakota has the highest percentage of children six and younger with both parents working and the highest number of children under the age of 6 in paid daycare, at 47 percent. This is almost double the national average of 24 percent. On average, 1 year of childcare costs families in South Dakota $4,000. This estimate is close to a semester of college at a State institution.

A study done by the South Dakota Coalition for Children found that parents spend an average of $5.15 per hour on childcare. Workers working 40 hours per week, earn an annual salary of only $10,700. That’s $5,000 below the national poverty line for a family of three.

Every day the minimum wage is not increased, workers fall farther and farther behind. Throughout Maryland, I keep hearing about families turning to soup kitchens and local charities for help. They are forced to do this because the economy is bad, and their jobs simply don’t pay them enough to stay afloat.

An increase in the minimum wage equals an increase in the standard of living for working Americans. This amendment would raise the minimum wage from $5.15 and hour to $7.00 an hour. It would help nearly 7 million workers like the home health aides who take care of our elderly parents, and the child care workers who take care of our children. It helps farm workers, security guards and housekeepers.

Right now we are debating the reauthorization of Welfare Reform. I voted for Welfare Reform in 1996 because I agree that the best way to help lift someone out of poverty is to help him or her get a job. But it doesn’t help anyone to get a job that doesn’t pay enough to stay off of public assistance.

Without the increase in childcare funding provided by this amendment, hundreds of thousands of eligible children will lose childcare assistance over the next 5 years. At a time when only one out of seven eligible children is currently served, I urge my colleagues to support the Snowe amendment and provide additional resources to increase the number of children able to receive quality care.

Mr. MIKULSKI. Mr. President, I am proud to cosponsor the Boxer/Kennedy amendment to raise the minimum wage for the first time in seven years. This increase is long overdue. The last time Congress increased the minimum wage was in 1997. Yet inflation has already wiped out the real value of that increase. For working people, a full-time job should not mean full-time poverty.

I thought in this country, the best social program was a job. Yet minimum wage jobs aren’t paying enough to keep families out of poverty. There are more than 100,000 Marylanders earning minimum wage. Most of them can’t even afford a two-bedroom apartment for $5.15 per hour. Minimum wage workers working 40 hours per week, 52 weeks per year, earn an annual salary of only $10,700. That’s $5,000 below the national poverty line for a family of three.

The body of the Boxer-Kennedy amendment is an essential tool that must be mastered to fully participate in today’s society. Only an educated individual consumer will be able to fully unlock the financial markets available to them. A basic understanding of the credit process and personal finances will prepare consumers and their families for making major financial purchases like a home, saving for college and planning for retirement. All of these are part of achieving self-sufficiency because they require people to create a plan that will enable them to meet short term needs and still reach long term goals.

It is essential that welfare recipients be given an opportunity to receive this training and be given an incentive to provide it. The Federal Government operates several financial literacy and education information programs designed to help individuals make smart decisions about their finances. It is by including financial literacy training in the welfare reauthorization we will improve and build upon the growing Federal recognition of the importance of this training.

I thank the Chair.
minimum wage that accurately reflects current economic conditions.

The majority has decreed this amendment as non-germane and accused the minority of holding up the underlying legislation. While the amendment may not be germane in a procedural sense, it is certainly relevant. It is certainly appropriate, and it deserves an up or down vote.

Indeed, as my able colleague Senator KENNEDY mentioned earlier on the floor of the Senate, FederalURING SERVICE, as recently as March of 2002, has acknowledged that moving people to jobs that pay at least the minimum wage is the centerpiece of TANF. Minimum wage jobs are the centerpiece of TANF.

But in order for people to move off these rolls and still support their families, such jobs must provide a livable wage. Mr. President, if the true goal of this legislation — as has been stated — is to reduce the number of individuals enrolled in our Nation's welfare system, this amendment would directly serve to accomplish that goal.

To achieve self-sufficiency, a working family needs more. By working 40 hours a week, 52 weeks a year, an employee will earn $10,700 at the current minimum wage. For a family of three, that represents an income that falls $5,000 below the poverty line.

And this is a pervasive trend. The U.S. Census Bureau reported that in 2002 the number of working poor in the United States stood at 8,954,000. This is unacceptable. If Americans are willing and able to work full time jobs, they should be able to provide for their family.

At the current minimum wage, this situation is not likely to improve any time soon. According to the Congressional Research Service, the minimum wage today is at its lowest level in terms of purchasing power since the 1940s. And each day we fail to act, inflation continues to erode this purchasing power. As this happens, workers earning the minimum wage will only become more and more dependent on the government assistance to make ends meet.

If enacted, at its full implementation, the Kennedy amendment would increase this wage to $7 an hour. This would provide an increase in the incomes of minimum wage earners by $3,800, which represents a positive step toward purchasing power that comports with modern day needs and prices.

The other side will argue that increasing the minimum wage will hurt business and stall job growth. They argue that even small cuts to the wealthiest among us, run large and growing Federal deficits, and hope that things improve.

Mr. President, this has been our policy for over three years since the Administration took office. In that time, we have seen the largest job loss in our Nation's history. We have seen Federal surpluses erased in favor of record deficits. And we have been told time and time again by the Administration that things will turn around soon.

However, today's release of state-level job growth data by the Bureau of Labor Statistics flies in the face of the Administration's assertions in this regard. These statistics indicate that 49 states failed to meet the Bush Administration's projections for job creation in the month of February 2004. As of February 2004, 35 states have not created enough jobs to keep up with the natural growth in the number of potential workers, as job growth has lagged the working-age population since March 2001. As for the unemployed, 43 states have higher unemployment rates than when the recession began. As a Nation, the cumulative job growth shortfall is over two million jobs since July 2003, when the first of this Administration's tax cuts went into effect.

Raising the minimum wage will not only benefit low-income wage earners, it will provide economic stimulus by putting additional dollars in the hands of those who must spend them to make ends meet. When the Congress last increased the minimum wage, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added. This is quite a different result from the economic policies we have pursued under the current Administration.

Mr. President, increasing the minimum wage is the fair thing to do and it is sound economic policy. I urge my colleagues to support the Boxer-Kennedy amendment.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO CESAR CHAVEZ

Mr. REID. Mr. President, today is the 77th birthday of someone whom I admire greatly, Cesar Chavez. He was born March 31, 1927. I never had the opportunity to meet Cesar Chavez. I came close a couple of times, but I never had the opportunity to meet him.

He was a leader, a great father, a man of great moral character, and a humanitarian. He was a man whose name is synonymous with a broad social movement that accomplished substantive things. He was guided by principles of nonviolence and respect for human labor. He dedicated his life to helping those who had no voice. And that is an hourly wage.

Whether he was leading a 340-mile march from Delano to Sacramento or staging one of his prolonged hunger strikes, Cesar Chavez worked tirelessly to focus attention to the inhumane conditions endured by migrant farm workers.

He gave life, dignity, and strength to the United Farm Worker Movement. He firsthand the plight of migrant farm workers. He went to work in the fields and vineyards when he was only 10 years old, which was fairly standard at the time. He was forced to leave school in the eighth grade to help his family. Although he didn't have a lot of book learning, so to speak, he was a brilliant man. In 1944, he served his country in the United States Navy.

Forty-two years ago, Mr. Chavez joined Dolores Huerta, whom I have had the opportunity to meet. She is still an avid activist and gives inspiration to people in the State of Nevada and throughout the country. Forty-two years ago, Cesar Chavez and the Farm Workers Union opened the eyes of the American people. For the first time, many Americans began to learn about the hard lives and inhumane treatment of the workers who helped put food on the table.

Cesar Chavez was an integral figure in the birth of La Causa, as our Nation's Latino civil rights movement is sometimes called. Organized labor, religious groups, minority students, and many other people of good will joined Chavez in his fight to secure the rights and improve the lives of migrant farm workers.

Cesar Chavez is probably our Nation's most recognized Hispanic American historical figure, but he did not help only Latinos but Irish, Asian, Indian, German, Mexican. When it came to adlone farm workers, Cesar Chavez drew no racial lines. He placed his life on the line many times. He did it by protesting, by denying his body nourishment, in order to nurture the cause he so well served.

In 1968, he staged a fast. For 25 days, he ate no food. In 1972, he repeated this for 24 days. But, in 1988, he fasted for a remarkable 36 days. He embraced the philosophy of Gandhi and Dr. Martin Luther King Jr. He sought to bring about deep-rooted change through nonviolent means.

In those many difficult days migrant farm workers lived in makeshift homes with no plumbing, heat, or running water. It was not uncommon for them to be sent into a field or vineyard while the crop-dusting plane was actually dropping pesticides. And, in most cases, little or no attempt was made to educate the children of these farm workers.

Things have changed as a result of his work. Take, for example, the onion fields of northern Nevada, Lyon County. Farm workers now have very nice facilities. They have to meet certain standards. They watch how many hours they work. They have rights they never had but for this man, Cesar Chavez.
We have a lot of work to do on improving the lives of people who gather our food, but at least today they have dignity and hope. This is because Cesar Chavez gave them that dignity and hope. He personally led a very courageous life, and, in my estimation, is a true American hero and an inspiration. He believed:

The end of all education should surely be service to others.

He held this belief in his heart, and he lived this belief in his actions until his untimely death. I hope every one of us in the Senate will understand that courage and commitment that guided Cesar Chavez’s life and honor his legacy by looking out for those people with no voice.

Mr. KENNEDY. Mr. President, today would have been the 77th birthday of one of our country’s greatest leaders, Cesar Chavez. His famous motto in life “si se puede,” “yes we can” is his legacy to all of us, and we are a better nation because of his life-long struggle to bring dignity and freedom for the working men and women and their families he cared so much about and did so much to help.

Cesar Chavez made powerful contributions to our society and has inspired countless individuals who continue his battle against injustice. My brother Robert Kennedy came to know Cesar Chavez well, and a special friendship grew. Bobby instinctively shared Cesar’s extraordinary commitment to migrant farm workers, and his dedication to non-violent change, and he too was inspired by Cesar’s passionate conviction. My brother was the only public official who was there in March of 1968, at the end of Cesar’s 26-day fast for non-violence to help the grape workers. He was deeply moved by that day and called Cesar “one of the most heroic figures of our time.”

Cesar is best known today for his leadership in founding the United Farmworkers of America, the largest farm workers’ union in U.S. history. Under his 30 year leadership, it became the strongest and most consistent voice for farm workers’ rights. His determination and vision led the fight for fair wages, decent medical coverage, reasonable pension benefits and better living conditions for their workers. His legacy guides us today as we continue the battle to enable today’s farm workers to live and work with respect and dignity.

In fact, the Agricultural Jobs, Opportunity, Benefits and Security Act we hope to enact in this Congress is based on the far-reaching agreement between the UFW and the agriculture industry to treat immigrant farm workers fairly. Large numbers of men and women employed in agriculture are currently undocumented. Often they risk danger and even death to cross our borders only to be exploited by unscrupulous employers who deny them the benefit of workers’ compensation laws, under harsh and often dangerous job conditions. Our bill gives these deserving farm workers and their families the opportunity to earn legal status, and it gives agricultural businesses a legal workforce. By passing this bill, we pay tribute to Cesar and we win an important battle in ending injustices in farm work across America.

The legacy of Cesar Chavez also reminds us of the important role of education in helping children with the greatest need to have a better future. We know we can do much more to guarantee equality of opportunity, and fulfill the promised education for millions of children living in poverty, especially for the children of migrant and seasonal farm workers.

Too often, schools attended by migrant families are substandard, and college is an impossible dream. Migrant students are among the most disadvantaged youth in the nation. Current estimates place their school dropout rate between 50 and 60 percent.

Cesar Chavez put it best in his own words:

It is not enough to teach our young people to be successful . . . so they can realize their ambitions, so they can earn good livings, so they can accomplish the material things that this society bestows. Those are worthwhile goals. But it is not enough to progress as individuals while our friends and neighbors are left behind.

Those words remind us of our commitment to provide a better future for today’s youth; especially those who live in poverty, work long hours in the fields, and are in the greatest need.

They remind us of our commitment stated in law, but far from reality, to leave no child behind. They remind us of our unmet responsibility to achieve equal educational opportunity for all, invest in our nation’s communities, and make a difference in the lives of millions of children.

Cesar’s famous “Prayer for the Farm Worker’s Struggle” sums up the qualities of strength, wisdom and compassion that are essential as we carry on his mission:

Show me the suffering of the most miserable, so I will know my people’s plight. Free me to pray for others, for you are in every person.

Help me to take responsibility for my own life, so that I can be free at last.

Give me honesty and patience, so that I can work with other workers.

Bring forth song and celebration, so that the Spirit will live among us.

Let the Spirit flourish and grow, so that we will never tire of the struggle.

Let us remember those who have died for justice, for they have given us life. Help us love those who hate us, so we can change the world.

Happy birthday, Cesar—may your vision continue to guide us now as we seek a better world.

Mr. President, today we celebrate the life of one of America’s greatest civil rights and labor leaders, Cesar Chavez. The effects of his work on behalf of farm workers and to improve civil rights are still felt across America today, from Salinas to East San Jose.

He was there—as he worked in the apricot orchards—that he decided to devote his life to tackling the injustice that so many migrant workers lived under.

In 1952, Chavez became a full-time organizer with the Community Service Organization, a Mexican-American advocacy group. In this position, he organized farmworkers in California and Arizona, worked to stamp out racial discrimination, and built the influence of farmworkers through voter registration drives.

His activism led him to establish the National Farm Workers Association in

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Chavez became one of America’s most well-known, beloved, and effective labor leaders. As the founder and leader of United Farm Workers of America, Chavez shed light on the shameful treatment of farm workers in our country. He led boycotts and marches. He helped register voters. He went on hunger strikes. And he united workers across America with a simple, yet powerful message: “Si se puede”—“Yes we can.”

Cesar Chavez represented farm workers. But his priorities he fought for are America’s priorities: Better pay and benefits for workers. Better education for children. Expanded civil rights for minorities. All working Americans today owe a debt of gratitude to this outstanding individual.

Of course, Chavez’s work is not done. There is still a great deal we can do to help to create a better life for working Americans, especially those who work on farms. One thing we can do right now is pass the AGG bill, which I’m proud to co-sponsor. This bill, sponsored by my colleagues Senator Craig and Senator Kennedy, would give many hard-working non-immigrant farm workers a chance to obtain legal status and provide the right thing to do for these workers. And by increasing the number of legal farm workers, it’s the smart thing to do for our economy. This legislation has the support of agricultural businesses, labor unions, as well as immigrant and civil rights groups. It deserves to become law.

But there is so much more we can and should do to make America a land where each and every person receives respect and opportunity. We can extend a helping hand to the children of non-immigrant workers—by passing the DREAM Act to help those children get a college education. We can give every child in this country a chance at success—by making a real commitment to our public schools. We can ensure that a job in America is truly a gateway to a better life—by raising the minimum wage and making it a fair and living wage. And we can make access to health care a right—not a privilege—for every man, woman, and child in America.

By perpetuating his legacy, we will truly be honoring the memory of Cesar Chavez. Let us continue his commitment to achieving basic rights and dignity for all American workers. And let us use his vision as a guide as we strive to build a better tomorrow for all Americans.

CLARK COUNTY VICTORY IN NEVADA SCIENCE BOWL

Mr. REID. Mr. President, I rise today to congratulate Clark High School for its victory in the 13th Annual Nevada Regional Science Bowl. In fact, this is Clark High School’s second consecutive victory in this competition.

I commend the students on this year’s Clark High School team—Young Ran, Alex Cerjanic, Yung Wang, and Ryan Weicker—for their hard work and commitment to academic excellence. I would want to recognize their coach, Beth Issacs, for her instruction and strong leadership of the team.

This past February, 32 student teams from across Nevada participated in the Nevada Regional Science Bowl. The Clark High School team performed exceptionally well and earned the honor to represent Nevada in the National Science Bowl. The Clark High School team not only demonstrates the benefits of hard work and diligent study, but also reflects well on the students, faculty, and administrators of Clark High School.

This Department of Energy National Science Bowl began in 1991 as part of a national initiative to encourage America’s students to excel in mathematics and science. Teams of four or five students coached by a teacher must demonstrate their knowledge by answering questions related to various scientific fields. Over the past 13 years, thousands of students have participated in this competition and have demonstrated the great potential of our Nation’s youth.

Please join me in congratulating Clark High School for its commitment to academic excellence and victory in the Nevada Regional Science Bowl.
home. Elmo and Nancy built their new abode on an acre of land nestled in the foothills of the beautiful Sierra Nevada Mountains in southwest Reno. It is a testament to both Elmo and Nancy that their retirement has produced some of the most exciting times of their lives.

It gives me great pleasure to offer my sincerest congratulations to Elmo and Nancy on the occasion of their golden wedding anniversary.

SERBIA AND THE HAGUE

Mr. LEAHY. Mr. President, today, March 31, is the deadline in our law for the Secretary of State to certify that the Federal Government of Yugoslavia—now the Government of Serbia and Montenegro—is meeting three conditions enumerated in Section 572 of the Foreign Operations Appropriations Act of 2004. The first of those conditions is that the Government of Serbia and Montenegro is “cooperating with the International Criminal Tribunal for the Former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in the apprehension, including making all practicable efforts to apprehend and transfer Ratko Mladic.” I am informed by the State Department that the Secretary declined to certify that Serbia has met this condition. I applaud his decision.

This law, first enacted in 2000, was instrumental in pressuring Serbian authorities to apprehend Slobodan Milosevic and transfer him to the ICTY. It has also been the impetus for further arrests of other indictees.

But, Serbia, Serbia’s cooperation with The Hague has been inconsistent, often grudging, and usually only on the eve of a cut-off of U.S. assistance. President Kostunica has made no secret of his disdain for the tribunal. This is unfortunate, because unless the Government, and the Serbian people, support efforts by the ICTY to bring individuals accused of war crimes to justice, Serbia’s political and economic development will continue to suffer. The fact that Ratko Mladic, who was responsible for some of the worst atrocities of the Balkans war, remains at large, is unacceptable.

Senator MCCONNELL, the Chairman of the Foreign Operations Subcommittee, and I have worked together to maintain U.S. assistance to Serbia in the Foreign Operations budget, subject to the conditions. I join him in commending the Secretary for declining to make the certification. I also agree with Senator MCCONNELL that if Mr. Mladic is turned over to the ICTY, we should review the certification law. While it is necessary that the other indictees be apprehended and surrendered, the capture of Mladic would be a very important, positive step.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that the violence of any kind is unacceptable in our society.

On Saturday, March 13, 2004, nine large holes were punched in the windows of the only gay bar in Newport, RI, just days after its opening. Mayor Richard G. Sardella said the incident was likely motivated by hate. A detective who is investigating the incident also stated that it didn’t appear to be random.

I believe that Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

COAST GUARD AUTHORIZATION—2003

Mr. HOLLINGS. Mr. President, I am pleased that the Senate passed S. 733, the Coast Guard Authorization bill of 2003, which I cosponsored. I am hopeful that the Senate can work quickly with the House and pass a final bill in both houses in the near future.

The Coast Guard has always taken on an impressive array of tasks that are important for our security, for the protection of our resources, and for the safety of our mariners. After the tragic events of September 11, 2001, we have asked the Coast Guard to take on even more responsibilities in the homeland security, while asking them to continue to carry out their traditional missions as effectively as before.

This legislation provides authorizations for Coast Guard’s Fiscal Year 2004 and Fiscal Year 2005 budgets, and also includes important new authority for the Coast Guard to better carry out its missions. While the President’s budget request for these two years provided some increases, it was still far from adequate to ensure that the Coast Guard will be able to carry out all that we demand of it.

Thus, I am particularly pleased that I had the support of the Committee on Commerce, Science, and Transportation in adding to the Fiscal Year 2004 authorization $491 million in authorizations not requested by the President. For Fiscal Year 2004, the bill authorizes approximately $7.032 billion. This is a 15-percent increase for the Coast Guard’s budget over what Congress appropriated last year, and about 5 percent above the President’s request for the fiscal year 2004. The bill includes authorizations of $246 million in Fiscal Year 2004 for port security not requested by the President, including $100 million for operating expenses, to cover the increases in operating tempo that the Coast Guard has experienced over the past few years, $70 million for analyzing port security plans, and $36 million for three additional Marine Safety and Security Teams. These additional amounts are essential to the security of our ports and waterways, and of our maritime transportation industry.

For Fiscal Year 2005, the bill authorizes approximately $7.787 billion, a 10-percent increase over Fiscal Year 2004 authorized and enacted levels, including for port security operations. This is $227 million greater than the President proposed, over 4 percent higher than the President’s request.

I have also been a firm supporter of the need to provide the Coast Guard with the tools it needs to get the job done. The Coast Guard needs to upgrade its core assets, in particular, its aging fleet of cutters. The Integrated Deepwater Program is the Coast Guard’s program for achieving these upgrades, and the President requested sufficient funding in its budgets to even keep this program on its original track. I therefore strongly support the inclusion of an authorization of $702 million for this program in Fiscal Year 2004, which is $20 million above the President’s budget request, and $708 million in Fiscal Year 2005, or $30 million over the President’s request. These increases will allow the program to get back on its original schedule.

At the same time, I have significant concerns with respect to how well the Coast Guard is managing this procurement, and whether the unique method for procurement utilized by the Deepwater Program will be able to achieve the stated goals of minimizing costs and providing operational effectiveness. The Deepwater project is the single largest procurement program that the Coast Guard has ever had.

The Senate has voiced concerns about this program on numerous occasions over the past few years. A GAO analysis of the Deepwater project published in May 2001 entitled “Coast Guard: Progress Being Made on Deepwater Project, but Risks Remain” highlighted risks with the project, including concerns with the Coast Guard’s ability to control costs by ensuring competition among subcontractors, and the Coast Guard’s ability to effectively manage and oversee the acquisition phase of the project. GAO has identified the Deepwater Program as a “high risk” procurement.

GAO recently produced a new report on this subject, entitled “Coast Guard’s Deepwater Program Needs Increased Attention to Management and Contractor Oversight.” The report’s major conclusions indicate that there is a need for significant improvement in management by the Coast Guard. First, GAO found that over a year and a half into the Deepwater program, the Coast Guard has
Mr. KERRY. Mr. President, the Coast Guard Authorization Act authorizes nearly $15 billion in funding for the Coast Guard to carry out its mission for 2 years. This represents a significant increase in funding over previous years, and will go far to support an agency that has both civilian and military responsibilities.

The bill also includes funding for the Deepwater program, funding for port security measures, provisions aimed at preventing oil spills and helping fishermen, and protections for marine resources.

Let me begin by discussing the authorization included in the bill. The fiscal year 2005 budget authorization is 4 percent higher than what the President has requested. This difference represents $227 million, and the authorization itself is a $700 million increase over what the Congress appropriated for the current fiscal year. The funding increases in the bill will help the Coast Guard meet all of its missions. The Coast Guard has stretched its resources dramatically since September 11, and traditional missions such as enforcement of fishing and marine resource laws as well as search and rescue missions are still below pre-September 11 levels.

This legislation includes over $700 million for both fiscal year 2004 and fiscal year 2005 for the Coast Guard’s Deepwater program, well over the $500 million in fiscal year 2004 and the $678 million requested by the President. Deepwater is an important program that will allow the Coast Guard to purchase new ships, planes, and navigation equipment and integrate those resources into its existing infrastructure.

This legislation also addresses security at our ports. Unfortunately, many of our Nation’s ports and waterways remain vulnerable to terrorist attacks. Implementation of the Maritime Transportation Security Act is expected to take years. Therefore, it is important that the Coast Guard, the main Federal agency charged with port security, have adequate resources to meet current homeland security responsibilities. The bill includes $70 million in fiscal year 2004 and $100 million in fiscal year 2005 for port security plans as well as $100 million for expenses that the Coast Guard incurs when the Government issues homeland security alerts. The bill also authorizes $36 million for three new maritime safety and security teams. The MSSTs have already become a vital security force for many of the Nation’s busiest ports. Major port cities such as New York, Boston, and Los Angeles have benefited from the deployment of MSSTs, and I am pleased that this legislation will allow other ports to receive the same level of protection. The bill also includes $40 million for the automatic identification system, AIS. Mandated by the Maritime Transportation Security Act, the AIS will allow the Coast Guard to monitor certain vessels that could pose a threat to port security. It is essential that this system operates at full capacity.

The fiscal year 2005 authorizations include an overall 10-percent increase for operating expenses and general capital costs to ensure that port security priorities continue to be funded at appropriate levels.

I am pleased that the bill includes a number of environmental provisions, aid for fishermen affected by oilspills, and protections for living marine resources. In response to last year’s oilspill in Buzzards Bay, MA, we included in this bill a provision that requires the Coast Guard to study the feasibility of speeding up the deadline for companies to start using double-hull tankers to transport oil. Also in the bill is a mandate for the Coast Guard to issue a report outlining the cost and benefits of requiring vessels to have electronic navigational equipment on board. In addition, to ameliorate the effects of oilspills on fishermen, we added language to the bill that will allow fishermen to transfer liability from the oilspill liability trust fund during the period immediately following an oilspill.

The bill also addresses the issue of ship strikes on critical populations of marine mammals and takes actions to allow fishermen to receive loans from the Marine Mammal Strike Compensation Trust Fund.

This legislation also addresses security at our ports. Unfortunately, many of our Nation’s ports and waterways remain vulnerable to terrorist attacks. Implementation of the Maritime Transportation Security Act is expected to take years. Therefore, it is important that the Coast Guard, the main Federal agency charged with port security, have adequate resources to meet current homeland security responsibilities. The bill includes $70 million in fiscal year 2004 and $100 million in fiscal year 2005 for port security plans as well as $100 million for expenses that the Coast Guard incurs when the Government issues homeland security alerts. The bill also authorizes $36 million for three new maritime safety and security teams. The MSSTs have already become a vital security force for many of the Nation’s busiest ports. Major port cities such as New York, Boston, and Los Angeles have benefited from the deployment of MSSTs, and I am pleased that this legislation will allow other ports to receive the same level of protection. The bill also includes $40 million for the automatic identification system, AIS. Mandated by the Maritime Transportation Security Act, the AIS will allow the Coast Guard to monitor certain vessels that could pose a threat to port security. It is essential that this system operates at full capacity.

In conclusion, we have crafted a balanced bill that will benefit the Coast Guard and enhance homeland security. The Congress has a responsibility to oversee the Coast Guard and provide it with direction and resources. With this bill, we have met that responsibility. I urge my colleagues to support it. Mr. President, I would like to acknowledge the hard work of Senator MCCAIN, Senator HOLLINGS, and Senator SNOWE in helping to draft this legislation. I respect and appreciate their dedication to these issues. Thank you.

JOBS, PROTECTIONISM, AND FREE TRADE

Mr. INOUYE. Mr. President, one of the primary issues today is jobs, and one insight into the problem was outlined by my friend, Senator FRITZ HOLLINGS, in an article that appeared in the Washington Post’s Outlook section on Sunday, March 21, 2004. The article was headlined “Protectionism Happens To Be Congress’s Job.” I ask unanimous consent that the article be printed in the Record.
There being no objection, the article was ordered to be printed in the RECORD, as follows:

**PROTECTIONISM HAPPENS TO BE CONGRESS’S JOB**

(By Ernest F. Hollings)

Free trade like world peace—you can’t get there by wishing about it. You must be willing to fight for it. And the entity to fight for free trade is the U.S. Congress.

Instruct whose members are shouting “fair trade” and “level the playing field”—is the very group tilting the playing field when it comes to trade.

By the cost of doing business here, Congress has helped end the positive trade balance that the United States ran right up until the early 1980s. Over the past 40 years, the trade deficit in goods was up, the Environmental Protection Agency was established, and the Occupational Safety and Health Administration was set up. Lawmakers added the Equal Pay Act, the Age Discrimination in Employment Act and the Employment Retirement Income Security Act. Then came the sharp increase in payroll taxes that rook salary and health costs from General Motors to make Pontiacs in Canada.

All this helped give us a trade deficit that hit a record $43.1 billion in January alone.

Even the threat to re-award jobs to pay for U.S. companies to move operations to places such as China, which requires none of these aspects of America’s high standard of living. Recently, columnist George Will wrote: “The export of jobs frees U.S. workers for tasks where America has a comparative advantage.” But in global competition, what matters is the Security in 1981, measures requiring plant closing notice and parental leave, and the Americans With Disabilities Act. Health costs increased, too, making it $500 a month in health costs for General Motors to make Pontiacs in Canada.

The purpose of protectionism is to preserve, protect and defend. We have prepared to raise it. The only course possible is to impose higher duties on foreign goods. We must engage in competitive trade. To really level the playing field in trade would require lowering our living standard, which is not going to happen. We value our clean air and water, our safe factories and machinery, and our rights and benefits. Both Republicans and Democrats overwhelmingly support this living standard and many are prepared to raise it. The only course possible is to impose higher duties on foreign goods.

To talk in these terms raises cries of “protectionism.” But the business of government is protection. The oath of the public servant is “to defend and protect the Army to protect us from enemies without and the FBI to protect us from enemies within. We have Medicare and Medicaid to protect us from ill health, and Social Security to protect us from poverty in old age. We have the Securities and Exchange Commission to protect us from stock fraud; banking reform to prevent a bank from using its monopoly power to lend us at usurious rates; truth in lending laws to protect us from charlatans.

When it comes to trade, however, multinational corporations contend that we do not need to protect, but to educate and to improve skills; productivity is the problem, they say. But the United States is the most productive industrial nation in the world, with skills galore. BMW is producing better-quality cars in South Carolina than in Munich. The answer is not “venture capital” that addressing. For 50 years we have tried to penetrate the Japanese market, but have barely done so. To sell textiles in Korea, U.S. firms must be willing to sacrifice from their own Korean textile industry. If you want to sell in China, it’s a lot easier if you produce in China.

“China will start a trade war,” is the cry. Wake up! We have been in a trade war for more than 200 years. And it’s the United States that started it! Just after the colonies won their freedom, the mother country suggested that the United States trade what we produced best and, in exchange, Britain would trade what we produced best—as economist David Ricardo later described in his theory of “comparative advantage.” Alexander Hamilton, in his famous “Report on Manufactures,” in so many words, to bug off. He said, we are not going to remain your colony shipping you our natural resources—rice, cotton, indigo, tobacco. Or importing your manufactured products. We are going to build our own manufacturing capacity.

The second act, by Congress, on July 4, 1789, was a 50 percent tariff on numerous articles. This policy of protectionism, endorsed by James Madison and Thomas Jefferson, was carried on by President Lincoln when he launched America’s steel industry by refusing to import from England the steel for the Transcontinental Railroad. President Franklin Roosevelt protected agriculture. President Eisenhower protected oil and President Kennedy protected textiles. This economic and industrial giant United States was built upon protectionism and, for more than a century, financed it with tariffs. And it worked.

The Washington mantra of “retrahem, retrain, retool” and high health costs of the 47-year-old, moreover, that computer job probably just left for Bangalore, India.

In global competition there is a clash between standards of living. I supported free trade with Canada because we have relatively the same standard of living. But I opposed free trade with Mexico, as Europe did with Portugal, Spain and Greece before admitting them to Europe’s common market. To be eligible for a free trade agreement you need a free market, labor rights, ownership of property, contract rights, rights of appeal and a respected judiciary. To be eligible for a free trade agreement you should first have a free market, labor rights, ownership of property, contract rights, rights of appeal and a respected judiciary. Mexico lacked these, and after NAFTA there was an immediate flow of jobs out of the United States. Mexico has a far lesser standard of living. Australia, on the other hand, has labor rights, environmental rights and an open market, so the trade agreement reached with Australia this month should be approved.

We must engage in competitive trade. To eliminate a barrier, raise a barrier. Then eliminate the barrier. Our problem is that we have treated trade as aid. After World War II, we were the only great unconstrained economy. In order to prosper, we needed to spread prosperity. Through the Marshall Plan, we sent money, equipment and expertise to Europe and the Pacific Rim. And it worked. Capitalism defeated communism in the Cold War. Our hope in crying “free trade” was that markets would remain open for our exports. But our cries went unanswered, and now our nation’s security is in jeopardy.

National security is like a three-legged stool. The first leg—values—is solid. Our standing in the world is respected around the world. The second leg of military strength is unquestioned. But the third leg, the economic leg, is fractured and undermined. Like a three-legged stool, it is what we can create them. Some time ago the late Akio Morita, founder of Sony Corp., was lecturing leaders of third-world countries, admonishing them to develop their manufacturing capacity to become nation states. Then, pointing at me in the audience, he said: “That world pool will cease to be a world power.”

What should we do? First, we need to stop free trade. The elimination of jobs, tax benefits for offshore production must end. Royalty deductions allowed for offshore activities must be eliminated, and tax havens for corporations must be closed down.

Next, we need an assistant attorney general to enforce our trade laws and agreements. At present, enforcement is largely left to the Justice Department to jump over legal hurdles. Then at the end, based on national security, the president can refuse to implement a court order. Rather than waste time and money, corporate America has moved offshore.

We need to organize government to produce and protect jobs, rather than export them. The Commerce Department recently co-sponsored a New York seminar, part of which advised companies on how to move jobs offshore. This aid for exporting jobs must end. The Department of Commerce should be reconstituted as a Department of Trade and Commerce, with the secretary as czar over the U.S. trade representative. The department’s Inspector General should determine not only whether goods have been dumped on the U.S. market, but how big the “injury” is to U.S. industry. The International Trade Commission should be eliminated.

While it is illegal to sell foreign-made goods below cost in the U.S. market (a practice called dumping), we refuse to enforce such violations. The Treasury Department reports $2 billion worth of illegal transshipments of textiles into the United States every year. Customs agents hard-pressed to stop these transshipments. We need at least 1,000 additional Customs agents.

It won’t be easy. A culture of free trade has developed. The big banks that make most of their money outside the country, as well as the Business Roundtable, the Conference Board, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Retail Federation and the National Association of Manufacturers work together to make bigger profits on imported articles—and the editorial writers of newspapers that make most of their profits from retail ads—all these descend on Washington promoting “free trade” to members of Congress. Members looking for contributions shout the loudest.

Not just jobs, but also the middle class and the strength of our very democracy are in jeopardy. As Lincoln said, “The dogmas of the quiet past, are inadequate to the stormy present. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.”

Today’s dogma is the belief that protectionism will mean trade war and economic stagnation. But we are already in a trade war, one from which the president and the Congress are AWOL.

**ADDITIONAL STATEMENTS**

**TRIBUTE TO EARLE C. CLEMENTS**

**JOB CORPS CENTER**

Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the Earle C. Clements Job Corps
Center in Morganfield, KY. One of Job Corps’ oldest centers, Earle C. Clements, and its dedicated staff will be marking their 39th anniversary on Wednesday, April 7.

The shining record of the Earle C. Clements Job Corps is an example of the way Job Corps works. When I visited this center in August of 2002, I had the pleasure of witnessing firsthand the competent dedication with which the staff at this Job Corps Center approach the problems of men and women looking for a job and a way to better their lives. The work carried on at the center fills me with confidence that the Federal Government can rely on these men and women to train the American workforce for the needs of the economy and of the American people.

The importance of Job Corps and of the Earle C. Clements Center cannot be underestimated. A skilled workforce is the key to a strong economy, to happy and prosperous citizens, to a well-run government, and to a strong nation. The men and women who make our economy work are the backbone of America. Without them our great Nation would be forced to collapse on itself. Training the workforce of America is not an isolated act of kindness: every worker also makes an important contribution to the United States that enables it to succeed economically. I believe that a prosperous United States is not only good for the American people but good for the world.

I ask that my colleagues join me in honoring the 39 years of excellence and dedication of the Earle C. Clements Job Corps Center in Morganfield, KY. Their years of service and dedication have earned the praise and gratitude of the Senate. I hope for the very best in their continued years of service.

HONORING THE ACCOMPLISHMENTS OF TYLER BROWN

Mr. BUNNING. Mr. President, I pay tribute and congratulate Tyler Brown of Louisville, KY, on his receipt of the Lyman T. Johnson Distinguished Leadership Award given to him by the Louisville Central Community Centers. This award is given to an adult and a youth for outstanding volunteer work. Tyler Brown has proven himself to be an ideal volunteer. While he is only 16 years old, he has already done more volunteer work than many people will do in their whole life. He has worked with Habitat for Humanity in Colorado, Florida, and Canada. He is very active in his church, Bethlehem Baptist, where he gives his time to their Dare to Care program in addition to numerous other projects.

The citizens of Louisville are fortunate to have a young man like Tyler Brown in their community. His example of dedication, hard work, and compassion should be an inspiration to all throughout the entire Commonwealth.

He has my most sincere appreciation for his work and I look forward to his continued service to Kentucky.

MESSAGES FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2057. An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

S. 2221. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.


The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3036. An act to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

H.R. 3104. An act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom; to the Committee on Armed Services.


MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

S. 2057. An act to require the Secretary of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer; to the Committee on Armed Services.

H.R. 3036. An act to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

H.R. 3104. An act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6627. A communication from the Manager, Oak Ridge Operations Office, Department of Energy, transmitting, pursuant to law, the Oak Ridge Reservation Annual Site Environmental Report for 2002, to the Committee on Energy and Natural Resources.

The following communications were referred:

EC–6928. A communication from the Chair, Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of legislation relative to authorizing appropriations for the Commission for fiscal year 2005; to the Committee on Environment and Public Works.

EC–6929. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Physicians Referrals to Health Care Entities With Which They Have Financial Relationships, Phase II’’ (RIN0938–AK37) received on March 29, 2004; to the Committee on Finance.

EC–6930. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Tax Benefits for Homeowners; Preparer Filing” (TD9119) received on March 29, 2004; to the Committee on Finance.


At 6:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3036. An act to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

H.R. 3104. An act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom; to the Committee on Armed Services.

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

S. 2057. An act to require the Secretary of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer; to the Committee on Armed Services.
EC–6901. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Autos, Change and Income” (RIN1545–AM73) received on March 29, 2004; to the Committee on Finance.

EC–6902. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Allocation and Apportionment of Interest Expense: Alternative Method for Determining Tax Book Value” (RIN1545–AM89) received on March 29, 2004; to the Committee on Finance.

EC–6933. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Rule 2004–36) received on March 29, 2004; to the Committee on Finance.

EC–6934. A communication from the Committee on Governmental Affairs, transmitting, pursuant to law, the Plan for the Transfer of Responsibility of Medicare Appeals to the Department of Health and Human Services.

EC–6935. A communication from the Assistant Secretary, Office of Energy Efficiency and Renewable Energy, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, to the Committee on Foreign Relations.

EC–6936. A communication from the Administrator, Agency for International Development, pursuant to law, the report of a preliminary report relative to the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004; to the Committee on Foreign Relations.

EC–6937. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–590, “Choice in Drug Treatment Advisory Commission Amendment Act of 2004” to the Committee on Governmental Affairs.

EC–6938. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–591, “Interim Disability Assistance Amendment Act of 2004” to the Committee on Governmental Affairs.

EC–6939. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–392, “Georgetown Project Second Temporary Amendment Act of 2004” to the Committee on Governmental Affairs.


EC–6942. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–394, “Occupant-Owner Residential Tax Credit and Homestead De-Duction Temporary Act of 2004” to the Committee on Governmental Affairs.

EC–6943. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–398, “Low-Income, Long-Term Homeowner’s Protection Clarification Temporary Act of 2004” to the Committee on Governmental Affairs.

EC–6944. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–408, “Millicent Alwell Amendment Act of 2004” to the Committee on Governmental Affairs.

EC–6946. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–454, “Vector-Borne Infectious Diseases Control Act of 2001” to the Committee on Governmental Affairs.

EC–6947. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–449, “AccessIT Act of 2004” to the Committee on Governmental Affairs.

EC–6948. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Exchange Stabilization Fund (ESF) for fiscal year 2003 to the Committee on Governmental Affairs.

EC–6949. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Department of Commerce’s report of the Office of Inspector General for the period ending September 30, 2003 to the Committee on Governmental Affairs.

EC–6950. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2002 to the Committee on Governmental Affairs.

EC–6951. A communication from the Chairman, Defense Nuclear Facilities Board Safety Board, transmitting, pursuant to law, the Board’s Performance Report for Fiscal Year 2003 to the Committee on Governmental Affairs.

EC–6952. A communication from the Chairman, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, received on March 29, 2004; to the Committee on Education, Labor, and Pensions.

EC–6953. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Office of Vocational and Adult Education, Department of Education, received on March 29, 2004 to the Committee on Education, Labor, and Pensions.

EC–6954. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Office of Secondary and Elementary Education, Department of Education, received on March 29, 2004 to the Committee on Education, Labor, and Pensions.

EC–6955. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Office of the Secretary, Department of Labor, received on March 29, 2004 to the Committee on Health, Education, Labor, and Pensions.

EC–6956. A communication from the Executive Director, Office of Compliance, transmitting, pursuant to law, the Office’s Annual Report for Calendar Year 2003 to the Committee on Health, Education, Labor, and Pensions.

EC–6957. A communication from the Rules Administrator, Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Administrative Remedy Program: Excluded Matters” (RIN1129–AA72) received on March 29, 2004 to the Committee on the Judiciary.

EC–6958. A communication from the Rules Administrator, Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled “Final Rule: Visiting Regulations: Prior Relationship” (RIN1129–AA77) received on March 29, 2004 to the Committee on the Judiciary.

EC–6959. A communication from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled “Oak Knoll District of Napa Valley Viticultural Area” (RIN1313–AA48) received on March 29, 2004 to the Committee on the Judiciary.

EC–6960. A communication from the Chief Financial Officer, Paralyzed Veterans of America, transmitting, pursuant to law, the report of a rule entitled “Eligibility for an Appropriate Government Marketer for a Grave or Private Expense” (RIN2900–AL40) received on March 23, 2004 to the Committee on Veterans’ Affairs.

EC–6961. A communication from the Director, National Cemetery Administration, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Department of Veterans Affairs’ Management, Procedures, and Guidelines” (RIN2900–AB15) received on March 23, 2004 to the Committee on Veterans’ Affairs.

EC–6962. A communication from the Director, National Cemetery Administration, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Department of Veterans Affairs’ Management, Procedures, and Guidelines” (RIN2900–AB15) received on March 23, 2004 to the Committee on Veterans’ Affairs.

EC–6963. A communication from the Director, National Cemetery Administration, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Department of Veterans Affairs’ Management, Procedures, and Guidelines” (RIN2900–AB15) received on March 23, 2004 to the Committee on Veterans’ Affairs.

EC–6964. A communication from the Director, National Cemetery Administration, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Department of Veterans Affairs’ Management, Procedures, and Guidelines” (RIN2900–AB15) received on March 23, 2004 to the Committee on Veterans’ Affairs.

EC–6965. A communication from the Director, National Cemetery Administration, Department of Veterans’ Affairs, transmitting, pursuant to law, the report of a rule entitled “Department of Veterans Affairs’ Management, Procedures, and Guidelines” (RIN2900–AB15) received on March 23, 2004 to the Committee on Veterans’ Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time, and referred to committees as indicated:

By Mr. BINGAMAN (for himself, Mr. INHOPE, Ms. LANDRIEU, and Mr. LUGAR):

S. 2262. A bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. THOMAS (for himself, Mr. SPECTER, and Mr. KYL):

S. 2263. A bill to amend the Internal Revenue Code of 1986 to create Lifetime Savings Accounts; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KENNEDY):

S. 2264. A bill to require a report on the conflict in Uganda, and for other purposes; to the Committee on Foreign Relations.

By Mr. ROBERTS (for himself and Mr. AXE):

S. 2265. A bill to require that group and individual health plans provide coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. KERRY (for himself, Ms. CAMPBELL, Mr. Harkin, Mr. Bayh, Mr. Pryor, Ms. Landrieu, Mr. Bingaman, and Mr. Levin)):
S. 2266. A bill to amend the Small Business Act to provide adequate funding for Women’s Business Centers; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. DOMENICI, and Mr. CHAFEE):

S. 2267. A bill to amend section 26(k) of the Small Business Act to establish funding priorities for women’s business centers; to the Committee on Small Business and Entrepreneurship.

ADDITIONAL COSPONSORS

S. 451

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 560

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicare program for such children, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child’s congenital or developmental deformity or disability due to trauma, infection, tumor, or disease.

S. 1008

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1008, a bill to provide for the establishment of summer health career introductory programs for middle and high school students.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. Jamba) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storing, or distributing of human tissue or tissue-based products.

S. 1183

At the request of Mr. KYL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1183, a bill to develop and deploy technologies to defeat Internet jamming and censorship, and for other purposes.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to improve the health and safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1217

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1217, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1333

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1333, a bill to establish new special immigrant categories.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1792

At the request of Mr. DOMENICI, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2056 At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2056, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2076

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2076, a bill to amend title XI of the Social Security Act to provide direct congressionally directed funding to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

S. 2193

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2193, a bill to improve small business loan programs, and for other purposes.

S. 2233

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2233, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 2292

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2292, a bill to increase the number of aliens who may receive certain non-immigrant status during fiscal year 2004 and to require submissions of information by the Secretary of Homeland Security.

S. 2361

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2361, a bill to revise certain requirements for H-2B employers for fiscal year 2004, and for other purposes.

S. 2361

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2361, a bill to expand certain preferential trade treatment for Haiti.

S. CON. RES. 90

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. RES. 298

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi
(Mr. COCHRAN) was added as a cosponsor of S. Res. 298, a resolution designating May 2004 as “National Cystic Fibrosis Awareness Month.”

S. RES. 31

At the request of Mr. BROWNBACK, the name of Senator from Arizona (Mr. LEAHY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, and for other purposes.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international peacekeeping programs and related opportunities.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

AMENDMENT NO. 2909

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 2909 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2960

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 2960 proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2945 proposed to H.R. 4, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. INHOFE, Ms. LANDRIEU, and Mr. LUGAR):

S. 2282. A bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators INHOFE, LANDRIEU, LUGAR, and LOTTO, to introduce a bill to honor our service men and women in Iraq and Afghanistan who have served and continue to serve their country by working for our free, independent, and stable Iraq and a new Afghanistan. These missions have been difficult and the cost has been high; nearly 600 Americans have been killed and almost 3,000 Americans have been injured in Iraq, while more than 50 Americans have been killed and more than 100 U.S. service men and women have been lost in Afghanistan.

More than a year after the initial invasion, nearly 110,000 troops are still stationed in Iraq, working to build a democracy and serve in the region. My fellow Senators, the liberation of Iraq is turning out to be the most significant military occupation and reconstruction effort since the end of World War II. We cannot underestimate the importance of the work being done today.

The administration’s focus on Iraq leaves the mission in Afghanistan incomplete. Despite constant progress there, the fighting is still not over. Recent assassinations of government officials, car bombings, and the lingering presence of terrorist forces and former Taliban fighters force thousands of our troops to stay in-country.

For those courageous efforts, the Department of Defense has decided to award our brave young men and women with the Global War on Terrorism Expeditionary Medal, GWOT, and no other medal. This is despite the fact the GWOT medal is meant for any individual who is engaged in the war on terror and may have come within a few hundred miles of a combat zone. The dangers of serving in Iraq and Afghanistan are greater; therefore, along with my colleagues, Senators LOTTO, LANDRIEU, INHOFE, and LUGAR, I propose to correct this mistake by passing legislation authorizing the Iraq and Afghanistan Liberation Medals in addition to the Global War on Terrorism Expeditionary Medal.

While some of us in this body have not shared the administration’s view on this war, we are united when it comes to supporting our troops. These young men and women from Active Duty, National Guard, and Reserves are all volunteers and exemplify the very essence of what it means to be a patriot. We believe that what they are doing in Iraq and Afghanistan today differs from military expeditionary activities such as peacekeeping operations or no-fly zones.

They continue to serve, even though they do not know when they will return home to family and friends. They continue to serve despite the constant threat to their lives and the tremendous hardships they face.

There is a difference between an expeditionary medal and a campaign medal. We only need to look at an excerpt from U.S. Army Qualifications Standards. Army Times, “Campaign medals help establish an immediate rapport with individuals checking into a unit.” An expeditionary medal like the GWOT does not necessarily denote combat. A campaign medal is designed to recognize military personnel who have risked their lives in combat.

Campaign medals matter. “When a Marine shows up at a new duty station, commanders look first at his decorations and his physical fitness score—the first to see where he’s been, the second to see if he can hang. They show what you’ve done and how serious you are,” said GySgt James Cuneo. “If you’re a good Marine, people are going to award you when it comes time. . . .”

My fellow colleagues, it is time. We must recognize the service of our young men and women who liberated Iraq, including great Americans like Army SPC Joseph Hudson from Alamogordo, NM, who was held as a prisoner of war. The Nation was captivated as we watched Specialist Hudson being interrogated by the enemy. Asked to divulge his military occupation, Specialist Hudson stared defiantly into the camera and said, “I follow orders.” Those of us with sons and daughters were united in worry with Specialist Hudson’s family. The entire Nation rejoiced when he was liberated.

We have also asked much from our Reserve and National Guard Forces.

March 31, 2004

CONGRESSIONAL RECORD — SENATE

S3457
The reconstruction of Iraq would not be possible without the commitment and sacrifice of the 170,000 guardsmen and reservists currently on active duty.

My colleagues, Senators LOTT, LAN- DRIAN, and I, are committed to honoring our over 200,000 heroes who liberated Iraq and Afghanistan. We believe that current administration policy does a disservice to our fighting men and women. Therefore we propose, in addition to the GWOT medals, new decorations that recognize the real missions in Iraq and Afghanistan, two that are distinctive and honor their sacrifice, the Iraq and Afghanistan Liberation Medals.

What we do today is not without precedent: Congress has been responsible for recognizing the sacrifice and courage of our military forces throughout history. Congress has had a significant and historically central role in authorizing military decoration. Our Nation's highest military decorations were authorized by Congress, including: the Medal of Honor, the Air Force Cross, the Navy Cross, the Army's Distinguished Service Cross, the Silver Star, and the Distinguished Flying Cross.

We authorize campaign and liberation medals similar to what we hope to accomplish with this legislation. A partial list includes the Spanish War Service Medal, the Army Occupation of Germany Medal, the World War II Victory Medal, the Berlin Airlift Medal, the Korean Service Medal, and the Prisoner of War Medal.

The list goes on and on. The great men and women of our military forces are doing their jobs every day in Iraq and Afghanistan. It is time to do our job and honor them with an award that truly stands for their heroic service, the Iraq and Afghanistan Liberation Medals.

I ask unanimous consent that an article from the Army Times and the text of the bill be printed in the RECORD.

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

(From the Army Times, Mar. 15, 2004) BILL SET TO CHALLENGE PENTAGON ON TERROR-WAR MEDAL (BY RICK MAZE)

The Pentagon's determination to award a single campaign medal for the entire global war on terrorism is likely to be up for a vote in the House of Representatives later this week. The bill, HR 3104, which authorizes the creation of separate campaign medals, was introduced last May and by a 48-47 vote ended up siding with the Pentagon.

Defense officials have argued that a single medal treats all deployments for the war on terrorism equally, whether the operations are in Iraq, Afghanistan, Africa, Colombia or the Philippines. The chief co-sponsors of the House bill are all Vietnam veterans and they have received combat medals that have held intense meaning for them.

"Soldiers who fought and are fighting in Iraq and Afghanistan deserve special recognition," said committee chairman, Vic Snyder. D-Ark., a former Marine, and Army veterans Rob Simmons, R-Conn., and Silvestre Reyes, D-Texas. Snyder, the chief sponsor of the bill, pointed to the tough combat experience of the soldiers who liberated Iraq and Afghanistan in 2000.

Whatever one thinks about the war on terror, our service men and women did what their country asked them and did it well. Congress should recognize these accomplishments. In addition to the campaign medal bill, the House Armed Services Committee is scheduled to take up three other measures on Wednesday. One bill would order the reimbursement of travel expenses for service members who used the Central Command's rest and recuperative leave program in its early stages last fall, a measure passed by the Senate last week. Also planned are votes on a bill attempting to expand access for military recruiters to banks, credit unions and the Federal Trade Commission asking the Defense Department, banks and credit unions and the Federal Trade Commission to face the financial hardships of mobilized reservists. The planned markup is unusual because the House Armed Services Committee normally would work on its larger defense authorization bill it approves each year. Aides who spoke on the condition of not being identified said there are two reasons for breaking with tradition to pass separate bills. One is that lawmakers want to move quickly on some issues, like R&R travel reimbursements, which have already been completed. The second reason is that House Republican leaders have been pleading with committees to have some bills ready for de- bate by this summer.

The legislative calendar already is light because of the upcoming election, aides said. Delays in House floor debate on the 2005 budget resolu- tion, Afghanistan aid, and a consensus among Republicans about budget priorities, has left a big hole in the legislative schedule that House leaders would like to fill, aides said.

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

SECTION 1.兵役戦争記章の認定要件

(1) RECOGNITE SERVICE IN OPERATION ENDURING FREEDOM AND OPER- MERTER HONOR.—Getting a bill scheduled for a vote in the House of Representa- tives could be a lot tougher," said

SECTION 2. 兵役戦争記章の認定要件

(a) REQUIRE—The President shall es- tablish a campaign medal specifically to rec-ognize service by members of the Armed Forces in Operation Enduring Freedom and a separate campaign medal specifically to rec-ognize service by members of the Armed Forces in Operation Iraqi Freedom.

(b) ELIGIBILITY.—Subject to such limita-tions as may be prescribed by the President, eligibility for a campaign medal established by this section shall be in uniform regulations to be prescribed by the Secretary of the military departments and approved by the Secretary of Defense or in regulations to be prescribed by the Secre-tary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

By Mr. FEINGOLD (for himself and Mr. ALEXANDER):

S. 2264. A bill to require a report on the conflict in Uganda, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am very pleased to be joined by my colleague, Senator ALEXANDER, in introducing legislation to draw attention to the horrifying situation in northern and eastern Uganda.

When most of my colleagues think of Uganda, they probably think, quite rightly, of Uganda's inspiring example of converting conflict in a region of war to a government and civil society can save lives in the fight against HIV/AIDS. Or perhaps they recall the brutal history of the Amin era, and reflect on the extraordinary progress that the Ugandan people have made since closing that chap- ter of their history and rebuilding their country. Today, so much of Uganda is vibrant and exciting. A lively debate about the pace and depth of democra-tization has been underway for years. Ugandan leaders, including civil soci-ety leaders, work to fight against the insidious influence of corruption, just as leaders here in our country do.

Ugandan officials devote time and en-ergy to fostering a climate the encour-gages enterprise and increased trade and investment so that the next generation of Ugandans might know even more progress. And importantly Uganda is a strong partner in cooperating with the United States and with the rest of the vast global coalition committed to fighting international terrorist net-works.

It is in part because there is so much that is positive and promising about Uganda and about our relationship with Uganda that the situation in northern Uganda has left a big hole in the legislative schedule that House leaders would like to fill, aides said.

Be it enacted by the Senate and House of Rep-
forced into camps by the government. They cannot plant their crops, they cannot support themselves, and insecurity makes it difficult to get humanitarian assistance to these populations. Acute malnutrition is widespread, sanitary conditions often do not meet even minimal standards.

Worse, often these camps have insufficient protection, and the LRA has targeted these civilian communities of the displaced. Just last month, a displaced persons camp was attacked by the LRA, and in a 3-hour period, some 200 unarmed civilians were hacked, shot, and burned to death. Many fear that targeting of civilians will only increase with the government’s efforts to arm and train local defense forces, and local leaders warn of the potential for these forces to take the form of ethnic militias, harkening back to some of the worst days of Uganda’s history.

Reputable human rights organizations are afraid that these attacks are committed by Ugandan security forces in the region, and an absence of reliable mechanisms for holding those responsible to account. The recent history of Ugandan military adventures in the Democratic Republic of the Congo, particularly in Ituri, does not inspire confidence. Thankfully, Uganda has withdrawn from the DRC. But lingering questions about the military’s commitment to basic human rights standards remain. I believe that the Ugandan military and the Ugandan government want to answer those questions definitively, and to reaffirm their commitment to developing professional and responsible forces. But pretending that these questions and concerns do not exist is not in the interest of Ugandans, it is not in the interest of Americans, and it is not in the interest of the kind of solid, frank, genuine partnership that I believe we all wish to cultivate with Uganda.

The Women’s Commission for Refugee Women and Children reports that at least 50,000 people—the majority of them children an adolescents—flee their homes nightly in search of secure places to stay until dawn. Bush brings seemingly endless lines of children walking into town centers from homes that are often miles away, sleeping en masse in makeshift shelters if they are very lucky, sleeping on the streets where they are extremely vulnerable to exploitation. But they know little about school. They know little about safety. They know very little about the promise of a better future. And the entire structure of their community has been shattered.

The human tragedy is devastating and the implications are quite serious. If Sudan is continuing to support the LRA, I am concerned about what this tells us about the nature of the Sudanese regime. I am troubled by the prospect that some will, for their own purposes, cast the conflict in northern and eastern Uganda in purely ethnic terms, lumping civilians who have been victimized by forces responsible for their suffering. I worry about the potential for regional fractures when one part of the country lives in such a different world from the rest, enjoying none of the stability and development that we all so admire. I want Uganda to succeed. I want the volume of positive news to increase. And that means that we must address this serious issue frankly today.

This legislation asks the administration to report to Congress on a number of issues relating to the situation in northern and eastern Uganda. I ask for these reports because I certainly do not have all of the answers. But I know enough about the problem to know that these reports will help the Congress to make informed decisions about how to proceed in our relationship with Sudan and about how to most effectively help the people of northern and eastern Uganda. On that note, thank you to my colleagues from Tennessee for joining me in this support. I urge my colleagues to support this legislation.

By Mr. ROBERTS (for himself and Mr. KENNEDY):
S. 2265. A bill to require group and individual health plans to provide coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the following bill, the Eliminate Colorectal Cancer Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
S. 2265
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Eliminate Colorectal Cancer Act of 2004”.

(b) FINDINGS.—The Congress finds the following:

(1) Colorectal cancer is the second leading cause of cancer deaths in the United States for men and women combined.

(2) It is estimated that in 2004, 146,940 new cases of colorectal cancer will be diagnosed in men and women in the United States.

(3) Colorectal cancer is expected to kill 56,730 individuals in the United States in 2004.

(4) When colorectal cancer is diagnosed early, at a localized stage, more than 90 percent of patients survive for 5 years or more. Once the disease has metastasized, 92 percent of patients die within 5 years. Yet, only 37 percent of colorectal cancer cases are diagnosed while the disease is still in the localized stage.

(5) If all men and women age 50 and over practiced regular colorectal cancer screening, without any new scientific discoveries, the United States could see up to a 50 to 90 percent reduction in deaths from this disease.

Currently, many private insurance health plans are not providing coverage for the full range of colorectal cancer screening tests. Lack of insurance coverage can act as a barrier to care.

(6) Assuring coverage for the full range of colorectal cancer tests is an important step in increasing screening rates for these life-saving tests.

SEC. 2. COVERAGE FOR COLORECTAL CANCER SCREENING.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

TITLE XXIX—MISCELLANEOUS HEALTH COVERAGE

SEC. 2901. COVERAGE FOR COLORECTAL CANCER SCREENING.

(a) COVERAGE FOR COLORECTAL CANCER SCREENING.

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide coverage for colorectal cancer screening consistent with this subsection to—

(A) any participant or beneficiary age 50 or over; and

(B) any participant or beneficiary under the age of 50 who is at a high risk for colorectal cancer.

(2) DEFINITION OF HIGH RISK.—For purposes of subsection (a)(1)(B), the term ‘high risk for colorectal cancer’ has the meaning given such term in section 1861(p)(2) of the Social Security Act (42 U.S.C. 1395x(p)(2)).

(3) REQUIREMENTS.—The group health plan or health insurance issuer shall cover methods of colorectal cancer screening that—

(A) are deemed appropriate by a physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))) treating the participant or beneficiary, in consultation with the participant or beneficiary; or

(B) are—

(i) described in section 1861(p)(1) of the Social Security Act (42 U.S.C. 1395x(p)(1)) or section 410.37 of title 42, Code of Federal Regulations; or

(ii) specified by the Secretary, based upon the recommendations of appropriate organizations with special expertise in the field of colorectal cancer; and

(C) are performed at a frequency not greater than that—

(i) described for such method in section 183(d) of the Social Security Act (42 U.S.C. 1395m(d)) or section 410.37 of title 42, Code of Federal Regulations; or

(ii) specified by the Secretary for such method, if the Secretary finds, based upon new scientific knowledge and consistent with the recommendations of appropriate organizations with special expertise in the field of colorectal cancer, that a different frequency would not adversely affect the effectiveness of screening.

(4) NOTICE.—A group health plan under this section shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

(c) NON-PREEMPTION OF MORE PROTECTIVE STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—This section shall not be construed to supersede any provision of State law that establishes or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage that provides greater protections to participants and beneficiaries than the protections provided under this section.

(4) If all men and women age 50 and over practiced regular colorectal cancer screening, without any new scientific discoveries, the United States could see up to a 50 to 90 percent reduction in deaths from this disease.
“(d) DEFINITIONS AND ENFORCEMENT.—The definitions and enforcement provisions of title XXVII shall apply for purposes of this section.

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1189 et seq.) is amended by inserting after section 710 the following new section:

“SEC. 714. COVERAGE FOR COLORECTAL CANCER SCREENING.

“(a) COVERAGE FOR COLORECTAL CANCER SCREENING.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide coverage for colorectal cancer screening consistent with this subsection to—

“(A) any participant or beneficiary age 50 or over; and

“(B) any participant or beneficiary under the age of 50 who is at a high risk for colorectal cancer.

“(2) DEFINITION OF HIGH RISK.—For purposes of subsection (a)(1)(B), the term ‘high risk for colorectal cancer’ has the meaning given in section 1861(p)(2) of the Social Security Act (42 U.S.C. 1395x(pp)(2)).

(3) REQUIREMENT FOR SCREENING.—The group health plan or health insurance issuer shall cover methods of colorectal cancer screening that—

“(A) are deemed appropriate by a physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395r)) treating the participant or beneficiary, in consultation with the participant or beneficiary;

“(B) are—

“(i) described in section 1861(p)(1) of the Social Security Act (42 U.S.C. 1395x(pp)(1)) or section 410.37 of title 42, Code of Federal Regulations; or

“(ii) specified by the Secretary, based upon the recommendations of appropriate organizations with special expertise in the field of colorectal cancer; and

“(C) are performed at a frequency not greater than that—

“(i) described for such method in section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) or section 410.37 of title 42, Code of Federal Regulations; or

“(ii) specified by the Secretary for such method in the Secretary’s findings, based upon new scientific knowledge and consistent with the recommendations of appropriate organizations with special expertise in the field of colorectal cancer, a different frequency would not adversely affect the effectiveness of such screening.

“(b) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 103(a), for purposes of assuring notice of such modifications under the plan, except that the summary description required to be provided under the third to last sentence of section 102(a) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

“(c) TECHNICAL AND CONFORMING AMENDMENTS.—

“(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131(c)) is amended by striking ‘section 711’ and inserting ‘sections 711 and 714’.

“(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended by striking ‘section 711’ and inserting ‘sections 711 and 714’.

“(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1101) is amended by inserting after the item relating to section 713 the following new item:

“Sec. 714. Coverage for colorectal cancer screening.”.

“(d) INDIVIDUAL HEALTH INSURANCE.—

“(1) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended by inserting after section 2752 the following new section:

“SEC. 2753. COVERAGE FOR COLORECTAL CANCER SCREENING.

“(a) IN GENERAL.—The provisions of section 2901(a) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

“(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

“(2) TECHNICAL AMENDMENT.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–2(b)) is amended by striking sections 751 and 7535.

“(3) EFFECTIVE DATES.—

“(1) GROUP HEALTH PLANS.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2005.

“(2) INDIVIDUAL HEALTH INSURANCE.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2005.

“(3) COORDINATED REGULATIONS.—The Secretary of Labor and the Secretary of Health and Human Services shall ensure, through the exercise of their respective authorities, that there is a uniform understanding among such Secretaries, that—

“(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both Secretaries have responsibility under the provisions of this section (and the amendments made thereby) are administered so as to have the same effect at all times; and

“(2) coordination of policies relating to enforcing the same requirements through such Secretaries in an integrated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Eliminate Colorectal Cancer Act of 2004. I especially commend Senator ROBERTS for his leadership, assistance, and support on this important legislation. This bipartisan bill is being held up on the final day of National Colorectal Cancer Awareness Month, as a sign of our intention to do all we can to see that more effective action is taken as soon as possible to combat this deadly disease. Our goal in this is to give every American with health insurance the right to access a full range of screening tests for colorectal cancer.

The statistics are staggering. Colorectal cancer is the second leading cause of cancer deaths among men and women in America. Last year, 148,000 people were diagnosed with colorectal cancer, and 56,000 mothers, fathers, daughters, and sons died from the disease. Tragically these deaths are taking place despite the fact that this form of cancer is curable 90 percent of the time if detected early.

We know that screening can discover this cancer early, in fact, so early that growths can be identified and removed before they become deadly. For no other disease are the guidelines for screening better defined and nationally recognized as the best way to prevent deaths from this cancer.

Screening for colorectal cancer will save lives, and it will also avoid thousands of dollars in later treatment costs for each patient. The Institute of Medicine estimated that such screenings cost less than 1 percent of later treatment for this cancer. Screening for colorectal cancer is obviously the right thing to do, and it is also the cost-effective thing to do.

The real tragedy is that fewer than half of those who fit the guidelines for screening are actually screened within the right timeframe. For all. As a result, only 37 percent of colorectal cancers are diagnosed at the early, most curable stages.

Many citizens are aware, at least vaguely, that they should probably be screened, but they do not, because it is not covered by their health insurance. In our view, no American should be denied access to these lifesaving screening procedures simply because their health insurance company will not pay for it.

Every American with insurance should have access to screening procedures that will prevent cancer. By requiring insurers to cover colorectal cancer screening, we will save thousands of lives each year, and save money too.

Some argue that it is wrong to require insurers to cover a test for a specific disease. Yet the evidence is clear that screening makes colorectal cancer preventable, treatable, and beatable.

National Colorectal Cancer Awareness Month has brought new attention to the fact we can eliminate a disease that causes immeasurable suffering and sadness in the lives of millions of Americans. With this legislation, we can save hundreds of thousands of lives over the next 5 years.

The need is clear and so is the solution. As National Colorectal Cancer Awareness Month comes to a close, let us do the right thing and work together to approve the Eliminate Colorectal Cancer Act of 2004.

By Mr. DASCHLE (for Mr. KERRY (for himself, Ms. CANTWELL, Mr. HARKIN, Mr. BAYH, Mr. PRYOR, Ms. LANDRIEU, Mr. BINGMAN, and Mr. LEVIN)): S. 2266. A bill to amend the Small Business Act to provide adequate funding for Women’s Business Centers; to authorize the Committee on Small Business and Entrepreneurship; to change the name of the Committee on Small Business and Entrepreneurship; and for other purposes.

(After the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)
Mr. KERRY. Mr. President, today as ranking member of the Committee on Small Business and Entrepreneurship, I offer the Women's Business Center Safeguard Act, legislation to fix a funding gap that exists for the most experienced meritorious women's business centers.

I would first like to express my sincere disappointment that the Republican majority refused to include the bipartisan women's business center compromise that was agreed to by Chair SNOWE and the bipartisan leadership of the House Small Business Committee, and, in the best interest of women business owners across the country, I urge them to reconsider.

I also want to comment on the Bush administration's proposals to eliminate experienced, efficient, and effective women's business centers in favor of new, untested, and inexperienced centers. Moving forward with the administration's proposal and failing to correct this funding gap immediately would jeopardize women's business centers in 39 States and eliminate assistance for thousands of women in business. While, as my bill demonstrates, I support opening new centers to help women entrepreneurs who do not currently have access to this important assistance, this should only occur when the existing centers, whether in their initial or a later funding period, are fully funded. The administration's policy to penalize those that have already demonstrated their worth. It was our intention to continue helping the most productive and well-equipped women's business centers, knowing that demand for such services was rapidly growing.

Today, with women-owned businesses opening at one-and-a-half times the rate of all privately held firms, the demand and need for women's business centers is even greater. Until Congress makes permanent the Women's Business Center Sustainability Pilot Program, as intended in Senate-passed legislation, an extension of authority and increase in sustainability funds is vital—not only to the centers themselves, but to the women's business community and to the millions of workers employed by women-owned businesses around the country.

This bill is necessary to continue the good work of SBA's Women's Business Center network, and I urge all of my colleagues to support it and its inclusion as part of any extension of SBA programs. I ask that the full text of this bill be printed in the RECORD.

The bill follows:

S. 2267

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Sustainability Recovery Act of 2004".

SEC. 2. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 54 percent.".

(b) SUNSET DATE.—The amendments made by this section are repealed on October 1, 2004.

By Ms. SNOWE (for herself, Mr. DOMENICI, and Mr. CHAFEE):

S. 2267. A bill to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2267

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Sustainability Recovery Act of 2004".

SEC. 2. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 54 percent.".

(b) SUNSET DATE.—The amendments made by this section are repealed on October 1, 2004.

SEC. 3. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 48 percent.".

(c) SUNSET DATE.—The amendments made by subsection (a) are repealed on October 1, 2004.

SEC. 4. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 54 percent.".

(b) SUNSET DATE.—The amendments made by this section are repealed on October 1, 2004.

SEC. 5. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount; and

(2) in paragraph (4)(A), by adding at the end the following:

"(v) For fiscal year 2004, 54 percent.".

(b) SUNSET DATE.—The amendments made by subsection (a) are repealed on October 1, 2004.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 326—CONDEMNING ETHNIC VIOLENCE IN KOSOVO

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 326

Whereas ethnic violence erupted in Kosovo on March 17, 2004, claiming the lives of 20 individuals, including 8 Kosovo Serbs, 8 Kosovo Albanians, and 4 unidentified victims, injuring more than 600 others, and displacing more than 4,000 Kosovo Serbs and other minorities;
Whereas the violence also resulted in the destruction of more than 500 homes belonging to Kosovo Serbs, Ashkali, and other minorities, and in the destruction of, or damage to, 30 churches and monasteries belonging to the Serbian Orthodox Church;

Whereas historic mosques in Belgrade and Nis, as well as a mosque in Novi Sad, were also destroyed or damaged;

Whereas in response to the violence, Commander in Chief of the North Atlantic Treaty Organization's Kosovo Force (KFOR), the United Nations Interim Administration in Kosovo (UNMIK), and the Atlantic Treaty Organization's Kosovo Force (KFOR), the United Nations Interim Administration in Kosovo (UNMIK), and Supreme Allied Commander, Europe, General James Jones ordered the deployment of NATO's Strategic Reserve Force on March 19, 2004, to calm the violence and end the destruction;

Whereas Deputy Secretary of State Richard Armitage and Foreign Minister of Serbia and Montenegro Goran Svilanovic met in Washington on March 19, 2004, and called for an immediate end to the violence, concurring that no party in Kosovo can be allowed to pursue a political agenda through violent measures;

Whereas a stable, secure, and functioning multiethnic society is in the best interest of all people of Kosovo, the broader region of Southeast Europe, and the world;

Whereas it is essential that political leaders in Kosovo make efforts to establish an environment in which all people in Kosovo have freedom of movement and the ability to live free from fear;

Whereas the United States and members of the international community have called on the people of Kosovo to implement 8 standards outlined by the United Nations Interim Administration in Kosovo (UNMIK), which are to be met prior to the consideration of the question of final status for Kosovo, including: the existence of effective, representative, and functioning democratic institutions; enforcement of the rule of law; freedom of movement; sustainable returns of refugees and displaced persons, and respect for the rights of communities; creation of a sound basis for a market economy; free enforcement of property rights; normalized dialogue with Belgrade; and transformation of the Kosovo Liberation Army (KLA) in line with its mandate; and

Whereas it is in the long-term interest of all people of Kosovo that the UNMIK standards and political efforts in order to promote peace, stability, and economic development, and to ensure a better future for all people in Kosovo;

I urge my colleagues to join me in supporting swift passage of this important measure, which reminds us of unfinished business in this part of the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2956. Mr. GRAHAM, of Florida (for himself, Mr. CHAFEE, Mr. CARPER, Mr. COLLINS, Mr. CORZINE, Mr. MCCAIN, Mrs. MURRAY, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. NELSON, of Florida, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2957. Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. ROCKEFELLER, Ms. STABENOW, Mr. DURBIN, Mr. CARPER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2958. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2959. Mr. REID (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2960. Mr. TALENT submitted an amendment intended to be proposed by him to the
HARKIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2964. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2965. Mr. JEFFORDS (for himself, Mr. SMITH, Ms. COLLINS, Mr. CHAFETZ, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2966. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2967. Mr. BAUCUS (for himself, Mr. HARKIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2968. Mr. LUGAR (for himself, Mr. LIEBERMAN, and Mr. KOUL) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2969. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2970. Mr. BAUCUS (for himself, Mr. DASCALO, Mr. LUTZENBERG, Mr. GRAHAM, of Florida, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2971. Mr. BAUCUS (for himself, Mr. DASCALO, Mr. LAUTENBURG, Mr. GRAHAM, of Florida, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2972. Mr. BAUCUS (for himself, Mr. DASCALO, Mr. JOHNSON, Mr. BINGAMAN, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2973. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2974. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2975. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2976. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2977. Mr. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2978. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2979. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2980. Mr. ALEXANDER (for himself, Mr. VINOVICH, Mr. NELSON, of Nebraska, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2981. Mr. ALEXANDER (for himself, Ms. SNOWE, Ms. COLLINS, Mr. BREAX, Mr. RAYH, Mr. CARPER, Mr. LANDRIEU, Mrs. CLINTON, Mr. DOMO, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2982. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2983. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2984. Mr. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2985. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2986. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2987. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2988. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2989. Mr. BINGAMAN (for himself, Mr. ALLAN, Mr. WYDEN, Mr. BURNS, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2990. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2991. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2992. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2993. Mr. ROCKEFELLER (for himself and Mr. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2994. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2995. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2996. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2997. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2998. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2999. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3000. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3001. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3002. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3003. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3004. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3005. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3006. Mr. FRIST (for himself, Mr. STEVENS, Mr. DORGAN, and Mr. REID)) proposed an amendment to the bill S. 275, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration.

TEXT OF AMENDMENTS

SA 2956. Mr. GRAHAM of Florida (for himself, Mr. CHAFFEE, Mr. CARPER, Ms. COLLINS, Mr. CORZINE, Mr. MCCAIN, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mr. JOHNSON, Mr. HARKIN, Mr. ROCKEFELLER, Mr. NELSON of Florida, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .  OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “(paragraphs (2) and (4))”;

and

(2) by adding at the end the following:

“(2A) Only during the period described in subparagraph (C), a State elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 410(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligbility categories:

(1) ‘‘PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).’’

(2) ‘‘CHILDREN.—Children (as defined under such plan), including optional targeted low-income child (as defined under section 1905(u)(2)(B)).’’

“(b) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

“(c) The provisions of sections 401(a), 492(b), 603, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) apply to the amendments made by this section.”
Act of 1996 shall not apply to a State that makes an election under subparagraph (A).

"(C) For purposes of subparagraph (A), the period described in the subparagraph is the period ending October 1, 2004, and ends on September 30, 2009.’’

(b) Title XXI.—Section 2107(e)(1) (42 U.S.C. 1397f(e)(1)) is amended by adding at the end the following:

‘’(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply section 2107(e) to that category of children under title XIX and only with respect to the period described in subparagraph (C) of that section.

(c) Extension of Conveyance/Passenger Customs User Fees.—Section 1303(i)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (49 U.S.C. 801(c)(3)) is amended to read as follows:

‘’(3)(A) Fees may not be charged under paragraphs (1) through (6) of subsection (a) after September 30, 2009.

SA 2957. Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. ROCKERFELLER, Ms. STAUBER, Mr. CARPER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) Release in Number of Months of Vocational Educational Training.—Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended by striking ‘’12’’ and inserting ‘’24’’.

SA 2958. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7. Ensuring Safety and Self-Sufficiency for All TANF Recipients.

(a) Addressing Domestic or Sexual Violence in the TANF Program.—Section 402(a)(7) (42 U.S.C. 602(a)(7)) is amended to read as follows:

‘’(7) Certifications Regarding Domestic or Sexual Violence.—

‘’(A) General Provisions.—A certification by the chief executive officer of the State that the State has established and is enforcing procedures to ensure domestic or sexual violence is comprehensively addressed, and a written document outlining how the State will do the following:

‘’(I) Address the needs of applicants or recipients or their families who are or have been subjected to domestic or sexual violence or are at risk of future such violence, including how the State will:

‘’(i) have trained caseworkers identify, and, at the option of the individual, assess individuals who are or have been subjected to domestic or sexual violence or are at risk of future such violence;

‘’(ii) in a manner consistent with the individual’s privacy, regardless of the period of time after the last date on which the individual was subjected to domestic or sexual violence, and the requirement makes it more difficult for a family receiving assistance under this part to access such services, and

‘’(III) make a reasonable effort to modify or waive program requirements on the individual or any child of the individual unsafe; and

‘’(VI) provide policies and procedures regarding verification of past, present, or the risk of future domestic or sexual violence that are flexible and not unduly burdensome, including accepting any one of the following forms of verification: documentation from police, court, medical or social service agencies, domestic or sexual violence counselors or organizations or others who have had contact with the applicant or recipient, written statements from third parties knowledgeable of the individual’s circumstances, and signed written statements from the applicant or recipient.

‘’(B) Requirement.—Prior to imposing a sanction or penalty against an individual under the State program funded under this part on the basis of noncompliance with an individual or family with a program requirement where domestic or sexual violence is a significant contributing factor in the noncompliance.

‘’(C) Requirement.—Prior to imposing a sanction or penalty against an individual under the State program funded under this part, the State shall:

‘’(i) specifically consider whether the individual has been or is being subjected to domestic or sexual violence;

‘’(II) if such violence is identified—

‘’(i) make a reasonable effort to modify or waive program requirements or prohibitions; and

‘’(II) the standards, policies, and procedures implemented pursuant to this part, including the individual’s rights and protections, such as notice and confidentiality;

‘’(II) the process to access such services or waivers; and

‘’(II) make a reasonable effort to modify or waive program requirements or prohibitions; and

‘’(III) State Option to Include Survivors of Domestic or Sexual Violence.—For purposes of determining monthly participation rates for purposes of determining monthly participation rates for purposes of determining monthly participation rates under section 402(a)(7), as being engaged in work for the month.’’

(G) State Option To Include Survivors of Domestic or Sexual Violence.—The term ‘domestic or sexual violence’ has the meaning given the term ‘battered or sub-
SA 2959. Mr. REID (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and provide for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE—BANNING ASBESTOS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Ban Asbestos in America Act of 2004”.

**SEC. 02. FINDINGS.**

Congress finds that—

1. the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance;

2. there is no known safe level of exposure to asbestos;

3. (A) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances; and


5. in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Government did not appeal the decision to the Supreme Court;

6. as a result, while new applications for asbestos were banned, asbestos is still being used in some consumer and industrial products in the United States;

7. the United States Geological Survey has determined that in 2000, companies in the United States consumed 15,000 metric tons of chrysotile asbestos, of which approximately 62 percent was consumed in roofing products, 17 percent in gaskets, 12 percent in friction products, and 4 percent in other products;

8. available evidence suggests that—

(A) improperly manufactured asbestos-containing products may be increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

9. many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

10. the Department of Commerce estimated that the United States imported 51,483 metric tons of asbestos-cement products;

11. banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be added to new construction and manufacturing materials used in this country;

12. asbestos has been banned in Argentina, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Norway, Pakistan, Peru, Poland, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

13. asbestos will be banned throughout the European Union in 2005;

14. in 2000, the World Trade Organization upheld the right of France to ban asbestos, with the United States Trade Representative filing a brief in support of the right of France to ban asbestos;

15. the 1999 brief by the United States Trade Representative stated, “In the view of the United States, chrysotile asbestos is a toxic material that presents a serious risk to human health.”

16. people in the United States have been exposed to harmful levels of asbestos as a contaminant of other minerals;

17. in the State of Libby, Montana, workers and residents have been exposed to dangerous levels of asbestos for generations because of mining operations at the W.R. Grace vermiculite mine located in that town;

18. the Agency for Toxic Substances and Disease Registry found that over a 20-year period, “mortality in Libby resulting from asbestosis was approximately 40 to 80 times higher than expected. Mesothelioma mortality was also elevated.”

19. (A) in response to this crisis, in January 2002, the United States requested that the Administrator of the Environmental Protection Agency designate Libby as a Superfund site; and

(B) on October 1, 2002, the Administrator placed Libby on the National Priorities List;

20. (A) vermiculite from Libby was shipped for processing as a fertilizer throughout the United States;

(B) federal agencies are investigating potential hazardous exposures to asbestos-contaminated vermiculite at sites throughout the United States;

21. the Administrator has identified 14 sites that have dangerous levels of asbestos-contaminated vermiculite and require cleanup efforts; and

22. although it is impracticable to eliminate exposure to asbestos entirely because asbestos is a naturally occurring mineral in the environment and occurs in several deposits throughout the United States, Congress needs to do more to protect the public from exposure to asbestos and Congress has the power to prohibit the continued, intentional use of asbestos in consumer products.

**SEC. 03. ASBESTOS-CONTAINING PRODUCTS.**

(a) in general.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

“Subtitle A—General Provisions;”

and

(2) by adding at the end the following:

“Subtitle B—Asbestos-Containing Products”

**SEC. 221. DEFINITIONS.**

“In this subtitle—

‘(1) ASBESTOS—The term ‘asbestos’ means any product (including any part) to which asbestos is a naturally occurring contaminant of any mineral or other substance, as defined in this section, for which a person that is an end user; or disposal of the asbestos-containing product in compliance with applicable Federal, State, and local requirements.

‘(4) DURABLE FIBER.—The term ‘durable fiber’ means a silicate fiber that—

(i) occurs naturally in the environment; and

(ii) is similar to asbestos in—

(I) resistance to dissolution;

(II) leaching; and

(III) other physical, chemical, or biological properties described from contact with lung cells and other cells and fluids in the human body.

‘(B) INCLUSIONS.—The term ‘durable fiber’ includes—

(i) richterite;

(ii) winchite;

(iii) erionite; and

(iv) non asbestosiform varieties of crocidolite, amosite, anthophyllite, tremolite, and actinolite.

‘(5) FIBER.—The term ‘fiber’ means an acicular single crystal or similarly elongated poly crystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

‘(6) PERSON.—The term ‘person’ means—

(A) any individual;

(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or non-profit business entity (including any manufacturer, importer, distributor, processor);

(C) any Federal, State, or local department, agency, or instrumentality; and

(D) any interstate body.

‘(7) IMPORT.—The term ‘import’ means—

(A) a uniform system for the establishment of asbestos exposure standards for workers, school children, and other populations; and

(B) a uniform system for the establishment of protocols for detecting and measuring asbestos.

‘(8) ASBESTOS—The term ‘asbestos’ means—

(A) the Secretary of Labor;

(B) the Secretary of Health and Human Services; and

(C) the Chairman of the Consumer Product Safety Commission.

‘(9) NONGOVERNMENTAL ENTITIES.—The term ‘nongovernmental environmental, public health, and consumer organizations’ means—

(i) the public;

(ii) labor organizations; and

(iii) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or non-profit business entity (including any manufacturer, importer, distributor, processor).
SEC. 224. STUDY OF ASBESTOS-CONTAINING FIBERS.

(a) In General.—In consultation with the Secretary of Labor, the Chairman of the International Trade Commission, the Chairman of the Consumer Product Safety Commission, and the Assistant Secretary for Occupational Safety and Health, the Administrator shall conduct a study on the status of the production, distribution, or disposal of asbestos-containing products and establish a program to improve consumer and worker protections from exposure to asbestos and durable fibers.

(b) Requirements.—The Centers shall—

(1) be chosen through competitive peer review;

(2) be geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

(3) be coordinated in their research and treatment efforts with other Centers and institutions involved in exemplary mesothelioma research;

(4) be engaged in research to provide mechanisms for detection and prevention of mesothelioma, particularly in the areas of pain management and care;

(5) be engaged in public education about mesothelioma and prevention, screening, and treatment;

(6) be participants in the National Mesothelioma Registry;

(7) be coordinated in their research and treatment efforts with other Centers and institutions involved in exemplary mesothelioma research; and

(8) be focused on research and treatments for mesothelioma that have historically been underfunded.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 226. PUBLIC EDUCATION PROGRAM.

(a) In General.—Not later than 2 years after the date of enactment of this subtitle, the Administrator may grant an exemption from the requirements of subsection (a) if the Administrator determines that—

(A) the exemption would not result in an unreasonable risk of injury to public health or the environment and

(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

(i) does not pose an unreasonable risk of injury to public health or the environment and

(ii) may be substituted for an asbestos-containing product.

(b) Consultation.—In consultation with the National Institutes of Health and the Department of Labor, the Administrator shall provide $1,000,000 for each of fiscal years 2004 through 2008 to support research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestos, and pleural injuries.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 228. ASBESTOS-CONTAINING PRODUCTS AND CONTAINANT-ASBESTOS PRODUCTS.

(a) In General.—Subject to subsection (b), the Administrator shall—

(1) not later than 1 year after the date of enactment of this subtitle, provide a program to establish a mechanism by which to obtain data from State cancer registries and other cancer registries, which shall form the basis for establishing a Mesothelioma Registry.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.
SA 2960. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality services for children and families, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 194, strike line 7 and all that follows through page 210, line 9, and insert the following:

(1) Determination of Countable Hours Engaged in Work.—

(1) In general.—Section 407(c) (42 U.S.C. 607(c)) is amended to read as follows:

"(1) Single parent or relative with a child under age 6—

(A) Minimum average number of hours per week.—Subject to the succeeding paragraphs of this subsection, a family in which an adult recipient or minor child head of household in the family is participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under paragraph (B)(1) as follows:

(i) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in work activities for an average of at least 25, but less than 25, hours per week in a month, as 0.675 of a family.

(ii) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in work activities for an average of at least 25, but less than 33, hours per week in a month, as 0.75 of a family.

(iii) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 30, but less than 40, hours per week in a month, as 0.875 of a family.

(B) Direct work activities required for an average of 24 hours per week.—Except as provided in subparagraph (C)(i), a State may not count any hours of participation in work activities specified in paragraph (9), (10), or (11) of subsection (d) of any adult recipient or minor child head of household in a family for the total number of hours of participation by any adult recipient or minor child head of household in the family in work activities described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the family for the month averages at least 24 hours per week.

(C) State flexibility to count participation in certain activities.

(i) Qualified activities for 3-months in any 24-month period.—

"(1) 24-HOURS PER WEEK REQUIRED.—Subject to subparagraphs (III) and (IV), for purposes of determining hours under subparagraph (A), a State may count the total number of hours that the adult recipient or minor child head of household in a family engages in qualified activities described in clause (II) as a work activity described in subsection (d), without regard to whether the recipient has satisfied the requirement of subparagraph (B), but only if—

"(aa) the total number of hours of participation in such qualified activities for a family for the month averages at least 24 hours per week; and

"(bb) engaging in such qualified activities is a requirement of the family self-sufficiency plan.

"(II) Qualified activities described.—For purposes of subparagraph (I), qualified activities described in this subclause are any of the following:

"(aa) Postsecondary education.

"(bb) Adult literacy programs or activities.

"(cc) Substance abuse counseling or treatment.

"(dd) Programs or activities designed to remove barriers to work, as defined by the State.

"(ee) Work activities authorized under any waiver for any State that was continued under section 415 before the date of enactment of this Act.

"(III) Limitation.—Except as provided in clause (ii), subparagraph (I) shall not apply to a family for more than 12 months in any period of 24 consecutive months.

"(IV) Certain activities.—The Secretary may allow a State to count the total hours of participation in qualified activities described in subparagraph (I) as hours of participation by an adult recipient or minor child head of household without regard to the minimum 24 hour average per week of participation requirement under subparagraph (I) if the State has demonstrated conclusively that such activity is part of a substantial and supervised program whose effectiveness in moving families to self-sufficiency is superior to any alternative activity and the effectiveness of the program in moving families to self-sufficiency would be substantially impaired if participating individuals participated in additional, concurrent qualified activities that enabled the individuals to achieve an average of at least 24 hours per week.

"(V) Additional 3-month period permitted for certain activities.—

"(1) Self-sufficiency plan requirement combined with minimum number of hours.—A State may extend the 3-month period under clause (i) for an additional 3 months in the same period of 24 consecutive months in the case of an adult recipient or minor child head of household who is receiving qualified rehabilitative services described in this subclause if—

"(aa) the total number of hours that the adult recipient or minor child head of household engages in such qualified rehabilitative services and, subject to subparagraph (III), a work activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month average at least 24 hours per week; and

"(bb) engaging in such qualified rehabilitative services is a requirement of the family self-sufficiency plan.

"(II) Qualified rehabilitative services described.—For purposes of clause (I)(aa), qualified rehabilitative services described in this subclause are any of the following:

"(aa) Adult literacy programs or activities.

"(bb) Programs designed to improve proficiency in the English language.

"(cc) In the case of an adult recipient or minor child head of household who has been certified by a qualified medical, mental health, or social services professional (as defined by the State) as having a physical or mental disability, substance abuse problem, or other problem that requires a rehabilitative service, substance abuse treatment, or mental health treatment, the service or treatment determined necessary by the professional.

"(III) Nonapplication of limitations on job search and vocational educational training.—An adult recipient or minor child head of household who is receiving qualified rehabilitative services described in this subclause (II) may engage in a work activity described in paragraph (6) or (8) of subsection (d) for purposes of satisfying the minimum 24 hour average per week of participation requirement under subparagraph (I)(aa) without regard to any limit that otherwise applies to the activity (including the 30 percent limitation on participation in vocational educational training under paragraph (6)(C)).

"(IV) Hours in excess of an average of 24 work activity hours per week.—If the total number of hours that the adult recipient or minor child head of household in a family has participated in a work activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for more than 24 hours per week in a month, a State, for purposes of determining hours under subparagraph (A), may count any hours an adult recipient or minor child head of household in the family engages in—

"(1) any work activity described in subsection (d), without regard to any limit that otherwise applies to the activity (including the 30 percent limitation on participation in vocational educational training under paragraph (6)(C)); and

"(II) any qualified activity described in clause (i)(II), as a work activity described in subsection (d).

"(2) Single parent or relative with a child under age 6.—

"(A) In general.—A family in which an adult recipient or minor child head of household in the family is the only parent or caretaker relative in the family of a child who has not attained 6 years of age and who is participating in work activities described in subsection (d) shall be treated in work purposes of determining monthly participation rates under subparagraph (B)(ii) as follows:

"(1) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 20, but less than 24, hours per week in a month, as 0.675 of a family.

"(2) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 24, but less than 25, hours per week in a month, as 0.675 of a family.

"(3) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 30, but less than 33, hours per week in a month, as 0.75 of a family.

"(4) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 33, but less than 40, hours per week in a month, as 0.875 of a family.

"(B) Application of rules regarding direct work activities and state flexibility to count participation in certain activities.—Subparagraphs (B) and (C) of paragraph (1) apply to a family described in subparagraph (A) in the same manner as such subparagraphs apply to a family described in paragraph (1)(A).

"(3) 2-parent families.

"(A) In general.—Subject to paragraph (6)(B), (8)(B), and (12)(B), an adult recipient or minor child head of household in the family is participating in work activities described in subsection (d) shall be treated as participating in work for purposes of determining monthly participation rates under subparagraph (B)(ii) as follows:

"(1) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 20, but less than 24, hours per week in a month, as 0.675 of a family.

"(2) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 24, but less than 25, hours per week in a month, as 0.875 of a family.

"(3) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 30, but less than 33, hours per week in a month, as 0.875 of a family.

"(4) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 33, but less than 40, hours per week in a month, as 0.875 of a family.

"(5) In the case of a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 40, but less than 44, hours per week in a month, as 1.0 of a family.

"(B) Direct work activities required for an average of 24 hours per week.—Except as provided in paragraph (C)(i), a State may not count any hours of participation in work activities specified in paragraph (9), (10), or (11) of subsection (d) of any adult recipient or minor child head of household in a family for the total number of hours of participation by any adult recipient or minor child head of household in the family in work activities described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the family for the month averages at least 24 hours per week.

"(C) State flexibility to count participation in certain activities.

"(1) Qualified activities for 3-months in any 24-month period.—

"(i) Qualified activities for 3-months in any 24-month period.—
"(1) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 28, but less than 30, hours per week in a month, as 0.675 of a family.

(ii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 33, but less than 40, hours per week in a month, as 0.75 of a family.

(iii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 40, but less than 45, hours per week in a month, as 0.833 of a family.

(iv) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 45, but less than 50, hours per week in a month, as 0.917 of a family.

"(b) APPLICATION OF RULES REGARDING DIRECT FUNDING AND ADMINISTRATION TO FUNDING CHILD CARE.—Paragraphs (A) and (B) of subsection (a) shall apply to funds under subparagraph (A) in the same manner as such subparagraphs apply to a family described in paragraph (1)(A), except that subparagraph (B) of paragraph (1) shall be applied to such a 2-parent family by substituting ‘34’ for ‘24’ each place it appears.

"(c) DEFINITION OF ASSISTANCE.—For purposes of calculating the minimum participation rate floor under this paragraph, the term ‘assistance’ means assistance to a family that—

(i) meets the definition of that term in section 419; and

(ii) is provided—

(A) under the program referred to in section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)); or

(B) under a program referred to in section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) under a program funded with qualified employment credit under subsection (b) or a case load reduction credit under subsection (b) (in the case of a State that has opted to phase-in the replacement of that credit under section 109(d)(3)(B) of the Personal Responsibility and Individual Development for Everyone Act); and

"(d) NO WORK REQUIREMENT IMPOSED FOR FAMILIES WITH AN INFANT.—Nothing in this paragraph shall be construed as requiring a State to impose a work requirement on a family in which the youngest child has not attained 12 months of age to engage in work or other activities. On page 194, line 23, insert ‘and the minimum participation rate floor for a State for a fiscal year shall be calculated according to sub-section (b) except that—’

(i) the minimum participation rate floor for a State shall not be reduced by an employment credit under subsection (b) or a case load reduction credit under subsection (b) (in the case of a State that has opted to phase-in replacement of that credit under section 109(d)(3)(B) of the Personal Responsibility and Individual Development for Everyone Act); and

(ii) the options to exempt families for purposes of the determining monthly participation rates provided in paragraph (4) shall not apply.

"(e) DEFINITION OF HUMAN SERVICES PROGRAM INFRASTRUCTURE IMPROVEMENT.—For purposes of determining the minimum participation rate floor of a State for a fiscal year shall be calculated according to sub-section (b) except that—

(i) the minimum participation rate floor for a State shall be reduced by a

(ii) the minimum participation rate floor for a State for a fiscal year shall be calculated according to sub-

section (b) except that—

SA 2961. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance to needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.


(b) TRIBAL TANF IMPROVEMENT GRANTS.—

(A) IN GENERAL.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (2) and inserting the following:

‘(2) TRIBAL TANF IMPROVEMENT GRANTS.—

(A) TRIBAL CAPACITY GRANTS.—

(i) IN GENERAL.—Of the amount appropriated under subparagraph (A) for the period of fiscal years 2005 through 2009, $185,000,000 of such amount shall be used by the Secretary to award grants for tribal services program infrastructure improvement (as defined in clause (v) to—

(I) Indian tribes that have applied for approval of a tribal family assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that meet the requirements of clause (ii);

(ii) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii);

(iii) Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that meet the requirements of clause (ii);

(iv) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

(A) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act and that meet the requirements of clause (ii).

(B) Second, for Indian tribes with an approved tribal family assistance plan that are not described in clause (i) and that submit an addendum to such plan that includes provisions for tribal human services program infrastructure improvement that includes implementing or improving management information systems of the tribe (including management information systems training), as such systems relate to the operation of the tribal family assistance plan.

(C) Third, for Indian tribes that have applied for approval of a tribal family assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

(D) Fourth, for Indian tribes with an approved tribal family assistance plan that are not described in subclause (i) and that submit an addendum to such plan that includes provisions for tribal human services program infrastructure improvement that includes implementing or improving management information systems of the tribe (including management information systems training), as such systems relate to the operation of the tribal family assistance plan.

(E) Fifth, for Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

(F) Sixh, for Indian tribes that have not operated a plan of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act that will have such plan approved, and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

(G) Seventh, for Indian tribes that have not operated a plan of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act and that have not operated such a plan of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

(H) Eighth, for Indian tribes that have not operated a plan of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act (as defined in section 479B), and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

SEC. 111. DIRECT FUNDING AND ADMINISTRATION—INDIAN TRIBES.

application for a grant under this subparagraph, and subject to approval by the Secretary.

"(B) ADJUSTED TRIBAL TANF GRANTS FOR INCREASED ECONOMIC HARDSHIP.—

"(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2005 through 2009, $100,000,000 shall be made available for grants to States for each of fiscal years 2005 through 2009 to each Indian tribe that—

(1) has an approved tribal family assistance plan; and

(2) demonstrates that the number of Indian families receiving cash assistance under such number for the fiscal year in which the transfer of the administration of social assistance to such tribal entity occurred is lower than—

(a) the transfer of the administration of social assistance to such tribal entity occurred; or

(b) the amount of funds otherwise required to be appropriated to the Indian tribe for that fiscal year, the Secretary shall allocate the funds among such tribes on a pro rata basis.

"(C) MAINTENANCE OF EFFORT PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), of the amount appropriated under subparagraph (E) for such fiscal years 2005 through 2009 shall be paid by the Secretary to a State an amount equal to 50 percent of the total amount of funds requested for allocation among the Indian tribes for that fiscal year, the Secretary shall allocate the funds among such tribes on a pro rata basis.

"(D) TECHNICAL ASSISTANCE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2005 through 2009, $15,000,000 shall be used by the Secretary to provide technical assistance to Indian tribes.

"(ii) consider applying for or carrying out a grant made under this paragraph;

"(iii) consider applying for or carrying out a tribal family assistance plan under this section; or

"(iv) consider best practices and approaches for State and tribal coordination on the transfer of the administration of social services programs to Indian tribes.

"(2) RESERVATION OF FUNDS.—Not less than—

"(1) $5,000,000 of the amount described in clause (1), shall be used by the Secretary to support through grants or contracts peer-learning programs among tribal administrators;

"(2) $10,000,000 of such amount shall be used by the Secretary for making grants to Indian tribes to conduct feasibility studies of the capacity of Indian tribes to operate tribal family assistance plans under this part.

"(E) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $500,000,000 for the period of fiscal years 2005 through 2009 to carry out this paragraph. Amounts appropriated under this subparagraph shall remain available until expended.''.

"(B) CONFORMING AMENDMENT.—Section 409(a) (42 U.S.C. 609(a)) is amended by striking "section 409" and inserting "sections 409 and 412(a)(2)G'.

"(2) ELIGIBILITY FOR BONUS TO REWARD EMPLOYMENT ACHIEVEMENT: CONTINGENCY FUND.—

"(A) BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.—Section 409(a)(4)(G) (42 U.S.C. 609(a)(4)(G)) is amended to read as follows:

"(G) RESERVATION OF FUNDS FOR DISTRIBUTION TO INDIAN TRIBES.—

"(1) IN GENERAL.—Of the amount available for grants under this paragraph for a bonus year, the Secretary shall reserve an amount equal to 3 percent of such amount to make grants to Indian tribes and approved consortia for each Indian tribe with an approved tribal family assistance plan that is a high performing Indian tribe for that bonus year.

"(2) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

"(a) APPLICATION.—Except as provided in subsection (b), this part shall apply to an Indian tribe or tribal organization submitting a plan for approval under section 471, and all that follows through "UNEMPLOYMENT" and inserting "IN AREAS OF INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH HIGH JOBLESSNESS;".

"(ii) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), in the case of an Indian tribe or tribal organization submitting a plan for approval under section 471 for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any determination that such an adult lived in Indian country or an Alaskan Native village if the most reliable data available (or such other data submitted by a State or tribal program) indicates that such an adult lived in Indian country or in the village were jobless.''.

"(iii) by redesigning clause (ii) as clause (iii); and

") by inserting after clause (i), the following:

"(ii) REQUIREMENT.—A month may only be disregarded under clause (i) with respect to an adult recipient described in that clause if there is compliance with program requirements.''.

"(d) NATIVE Foster Care; Adoption Assistance.—

"(1) Children placed in tribal custody eligible for foster care funding.—Section 472(a)(2) (42 U.S.C. 672(a)(2)) is amended—

"(A) by striking "or (B)" and inserting "and (B)''; and

"(B) by inserting before the semicolon the following: "or (C) an Indian tribe or tribal organization that elects to operate a program pursuant to section 479B and (i) has a cooperative agreement with a State pursuant to section 479B(c) or (ii) submits to the Secretary a description of the arrangements (jointly developed or developed in consultation with the State) made by the Indian tribe, tribal organization, or consortium for the payment of funds and the provision of the child welfare services and payments required by this title.''.

"(2) Programs operated by Indian tribal organizations.—Part E of title IV (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

"(a) APPLICATION.—Except as provided in subsection (b), this part shall apply to an Indian tribe or tribal organization submitting a plan for approval under section 471, the plan shall—

"(1) in lieu of the requirement of section 471(a)(1), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

") in lieu of the requirement of section 471(a)(10), provide for the approval of foster homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.''.

"(b) MODIFICATION OF PLAN REQUIREMENTS.—

"(i) IN GENERAL.—In the case of an Indian tribe or tribal organization submitting a plan for approval under section 471, the plan shall—

"(A) in lieu of the requirement of section 471(a)(1), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

") in lieu of the requirement of section 471(a)(10), provide for the approval of foster homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.''.

"(b) DETERMINATION OF FEDERAL SHARE.—

"(A) PER CAPITA INCOME.—

"(ii) IN GENERAL.—For purposes of determining the Federal share of the percentage applicable to an Indian tribe or tribal organization under paragraphs (1) and (2)
of section 474(a), the calculation of an Indian tribe’s or tribal organization’s per capita income shall be based upon the service population of the Indian tribe or tribal organization at the time of its plan in accordance with paragraph (1)(A).

(1) **Application of Indian Employment, Training and Related Services Demonstration Act of 1992.**—Notwithstanding any other provision of law, if an Indian tribe or tribal organization elects to receive funds it provides for, using funds made available under this part into a plan under section 6 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404), the programs authorized to be conducted with such funds shall be—

(1) considered to be programs subject to section 474 of such Act (25 U.S.C. 3405) and the single report form required under section 11 of that Act (25 U.S.C. 3419);

(2) subject to the single plan and single budget provisions of title I of that Act (25 U.S.C. 3405) and the single report form required under section 11 of that Act (25 U.S.C. 3419).

(2) **I.O.C. Creation on Native Lands.**

(I) **Diagnostic and Development Funds.**

(A) **Economic Diagnostic Studies.**

(I) **Establishment.**—There is established within the Administration for Native Americans within the Department of Health and Human Services, a fund to be known as the ‘‘Native American Economic Diagnostics Studies Fund’’ (referred to in this paragraph as the ‘‘Diagnostic Fund’’) to be used to strengthen Indian tribal economies by supporting investment policy reforms and technical assistance to eligible Indian tribes.

(II) **Use of Amounts from Diagnostic Fund.**

(I) **In General.**—An Indian tribe may use amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the tribe may—

(aa) conduct diagnostic studies of the tribe’s economy;

(bb) provide for reforms in the policy, legal, regulatory, and investment areas and general economic environment of the tribe.

(iii) **Conditions for Studies.**—A diagnostic study conducted by an Indian tribe under clause (ii) shall, at a minimum, identify inhibitors to greater levels of private sector investment and job creation with respect to the Indian tribe.

(II) **Expenditures from Diagnostic Fund.**

(I) **In General.**—Subject to subclause (II), on request by an Indian tribe, the Administrator of the Administration for Native Americans within the Department of Health and Human Services shall transfer from the Diagnostic Fund to the tribe such amounts as are necessary to carry out this subparagraph.

(II) **Administrative Expenses.**—An amount not exceeding 10 percent of the amounts in the Diagnostic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this subparagraph.

(I) **Native American Economic Development Fund.**

(I) **Establishment.**—There is established within the Administration for Native Americans within the Department of Health and Human Services, a fund to be known as the ‘‘Native American Economic Development Fund’’ (referred to in this paragraph as the ‘‘Economic Fund’’). The fund shall be used in the exercise of any essential governmental function.

(II) **Use of Amounts from Economic Fund.**

(I) **Appropriations.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2008 through 2009—

(a) $100,000,000 to the Economic Fund; and

(b) $5,000,000 to the Economic Fund.

(II) **Tax-Exempt Bond Finance Authority.**

(A) **In General.**—Paragraph (1) of section 7871(c) (relating to Indian tribal governments treated as States for certain purposes) is amended to read as follows:

(1) **In General.**—Subsection (a) of section 168 shall apply to any obligation issued by an Indian tribal government (or subdivision thereof) only if—

(A) such obligation—

(i) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance any facility located on an Indian reservation, and

(ii) is issued before January 1, 2014, or

(B) such obligation is part of an issue substantially all of the proceeds of which are to be used in the exercise of any essential governmental function.

(B) **Special Rules and Definitions.**—Subsection (c) of section 7871 is amended by inserting at the end the following new paragraph:

(4) **Special Rules and Definitions.**—

(A) **Exclusion of Gaming.**—An obligation described in subparagraph (A) or (B) of paragraph (3) may not be used to finance any portion of a building in which class II or III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2702)) is conducted or housed.

(B) **Indian Reservation.**—For purposes of this subsection, the term ‘Indian reservation’ means—

(i) a reservation, as defined in section 4(o)(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1906(o)(10)), and

(ii) lands held under the provisions of the Act of August 1, 1935 (43 U.S.C. 1601 et seq.) by a Native corporation as defined in section 3(m) of such Act (43 U.S.C. 1602(m)).

(3) **Indian Employment Tax Credit.**—Section 45A(f) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ‘‘December 31, 2004’’ and inserting ‘‘December 31, 2014’’.

(4) **Accelerated Depreciation Allowance.**—Section 186(h)(9) of such Code (relating to termination) is amended by striking ‘‘December 31, 2004’’ and inserting ‘‘December 31, 2014’’.

SA 2963. Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows; on page 156, strike lines 1 through 3 and insert the following:

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strike lines 1 through 3 and insert the following:

(i) **Appropriations.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2009—

(I) $100,000,000, and

(II) for each of fiscal years 2008 through 2009, $120,000,000.

(3) **Indian Employment Tax Credit.**—Section 186(h)(9) of such Code (relating to termination) is amended by striking ‘‘December 31, 2004’’ and inserting ‘‘December 31, 2014’’.
this paragraph, $40,000,000 for each of fiscal years 2001 through 2008."

SA 2964. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was ordered to lie on the table; as follows:

On page 344, between lines 3 and 4, insert the following:

SEC. 5. SSI EXTENSION FOR HUMANITARIAN PURPOSES.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) TWO-YEAR SSI EXTENSION THROUGH FISCAL YEAR 2007.—

"(i) In general.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 5-year period during fiscal year 2005 and fiscal year 2007.

"(ii) Aliens whose benefits ceased in prior fiscal years.—

"(I) In general.—Beginning on the date of the enactment of this Act, the Social Security Administration shall treat as an alien who, on the date of enactment of this Act, would be entitled to benefits under this title if that alien were not entitled to such benefits as the individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities determines that an individual described in clause (iv) is not able and one of those entities decides to authorize the Secretary of the Treasury to use such funds (if any) as may be available therefor, to establish and maintain programs described in section 135 of the Social Security Act.

"(2) Amount.—(A) The sum of the number of hours the individual participates in the activity described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), or (9) of section (b)(1) of this paragraph shall be deemed to be the number of hours that the individual participates in rehabilitation services under this subparagraph for the month; or

"(B) the reduction under paragraph (1)(A) (within the meaning of paragraph (3), as modified by subparagraphs (A) and (B) of this subparagraph) and which, solely by reason of circumstances, or such exclusive purpose, and

"(ii) if applicable, by taking into account the price at which the same or similar food is sold by the taxpayer or the time of the contribution (or, if not so sold at such time, in the recent past)."

(b) Effective Date.—The amendment made by subsection (a) shall take effect—

(1) Nongovernmental organization.—The nongovernmental organization referred to in subsection (a) shall be a nonprofit charitable organization selected by the Secretary on a competitive basis and shall—

(A) have several years experience in gathering information from virtually all of the States regarding time sensitive goods;

(B) have several years experience in working with transport providers such as trucking companies in creating, coordinating, and maintaining transfer systems designed to assist at the national level in transferring time sensitive goods to appropriate nationwide coordination centers;

(C) agree to contribute in-kind resources toward implementing this section and agree to provide services and information free of charge; and

(D) be capable of and experienced in working with major domestic food manufacturers and processors, grocery chains and stores, food warehouse operators, transport providers such as trucking companies, and public food assistance agencies.

(2) Time sensitive goods.—The term ‘‘time sensitive goods’’ means raw materials or finished goods that are nearing the end of their useful life.

(3) Secretary.—The term ‘‘Secretary’’ means the Secretary of the Treasury.

(c) Program Requirements.—The Secretary shall ensure that funds allocated under this section are used for—

(1) the development and maintenance of a computerized system for the tracking of time sensitive goods;

(2) capital and operating costs associated with the collection and transportation of time sensitive goods; and

(3) capital and operating costs associated with the storage and distribution of time sensitive goods.

SA 2965. Mr. JEFFORDS (for himself, Mr. SMITH, Ms. COLLINS, Mr. CHAFFEE, and Mr. ROCKETT) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was ordered to lie on the table; as follows:

On page 316, between lines 19 and 20, insert the following:

"(G) State option to receive credit for recipients who are determined to be disabled.—At the option of the State, if the State agency responsible for administering the State program funded under this part works in collaboration or has a relationship with other governmental or private agencies with expertise in disability determination or appropriate services for adults with disabilities, the State shall be credited for purposes of the monthly participation rate under subsection (b)(1)(B)(i) the lesser of—

"(i) the sum of the number of hours the individual participates in the activity described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), or (9) of section (b)(1) of this paragraph; or

"(ii) substantially limits 1 or more major life activities.''

SA 2966. Mr. LUGAR (for himself, Mr. LEAHY, Mrs. DOLE, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was ordered to lie on the table; as follows:

After title VI insert the following:

TITLE VI

FEDERAL BANK DONATIONS

SEC. 61. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) Special rule for contributions of food inventory.—For purposes of this section,

"(A) Contributions by non-corporate taxpayers.—In the case of a charitable contribution of food by a taxpayer, paragraph (3)(A) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) Limit on reduction.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)(A), as modified by subparagraph (A) of this paragraph) .

"(i) paragraph (a)(1)(B) shall not apply, and

"(ii) the reduction under paragraph (1)(A) for such contribution shall be no greater than the amount (if any) by which the amount of such contribution exceeds twice the basis of such food.

"(C) Determination of basis.—For purposes of this paragraph, the basis of any qualified contribution of such taxpayer shall be deemed to be 50 percent of the fair market value of such contribution.

"(D) Determination of fair market value.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (b), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of circumstances, or such exclusive purpose, and

"(ii) if applicable, by taking into account the price at which the same or similar food is sold by the taxpayer or the time of the contribution (or, if not so sold at such time, in the recent past).

(b) Effective Date.—The amendment made by subsection (a) shall take effect—

(1) on the basis of such food.

(2) capital and operating costs associated with the collection and transportation of time sensitive goods; and

(3) capital and operating costs associated with the storage and distribution of time sensitive goods.
(d) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

(e) LIMITATION.—From amounts resulting from the amendments made by section 04, there is authorized to be appropriated and hereby appropriated to the Secretary $10,000,000 in each of fiscal years 2005 through 2010 to implement this section. The non-governmental organization may contract with and provide funds to 1 additional nonprofit organization which the Secretary determines meets the requirements set forth in subsection (b)(1) to carry out some of the functions required by this section.

SEC. 60. OPERATING INSTITUTIONS.

(a) OPERATING EXPENSES.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—A payment to a service institution shall be equal to the maximum amount for food service under subparagraphs (B) and (C),

(b) ADMINISTRATIVE COSTS.—Section 13(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(3)) is amended by striking paragraph (3) and inserting the following:

“(3) ADMINISTRATIVE COSTS.—Payment to a service institution for administrative costs shall be equal to the maximum allowable levels determined by the Secretary under the study required under paragraph (4).

(c) REPEAL.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

SEC. 60. LIMITATIONS ON DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) DEDUCTION ALLOWED ONLY TO THE EXTENT OF BASIS.—Section 170(e)(1)(B) and 170(e)(1)(C) relating to certain contributions of ordinary income and capital gain property is amended by striking “or” at the end of clause (i), by adding “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) of any royalty, copyright, trademark, trade name, trade secret, know-how, software, or similar property, or applications or registrations of such property.”;

(b) TREATMENT OF CONTRIBUTIONS WHERE DONOR RETAINS PROPERTY.—Section 170(e)(5) is amended by adding at the end thereof the following new paragraph:

“(5) IN GENERAL.—The term ‘qualified interest’—

(C) the dates and amounts of any royalty payments received by the donee with respect to such property,

(D) a description, and date of contribution, of the property to which the qualified interest relates,

(E) a description of the terms of the qualified interest.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 650L is amended by striking ‘CERTAIN DISPOSITIONS OF'.

(B) The item relating to section 650L in the table of sections for subpart B of part III of chapter A of part 6 is amended by striking ‘certainty’.

(c) ANTI-ABUSE RULES.—The Secretary of the Treasury may prescribe such regulations or other administrative guidance as may be necessary or appropriate to prevent the avoidance of the purposes of section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by subsection (a)), including—

(1) the circumvention of the reduction of the charitable deduction by embedding or conditioning property as a part of a charitable contribution of property that includes the patent or similar property, and

(2) the manipulation of the basis of the non-income-producing property to increase the charitable deduction through the use of related persons, pass-thru entities, or other inter-

mediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(3) a donor from changing the form of the property deemed to be contributed property to a form for which different deduction rules would apply.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

SA 2967. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families to provide access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT AMENDMENTS

SEC. 01. SHORT TITLE AND GOALS.

(a) HEADING.—Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended by striking the section heading and inserting the following:

“SEC. 658A. SHORT TITLE AND GOALS.”;

(b) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3), by striking “encourage” and inserting “assist”;

(2) in paragraph (4), by striking “parents” and all that follows and inserting “low-income working parents”; and

(3) by redesignating paragraph (6) as paragraph (7) and—

(4) by inserting after paragraph (4) the following:

“(b) to assist States in improving the quality of child care available to families;

(‘6) to promote school preparedness by encouraging children, families, and caregivers to engage in developmentally appropriate and age-appropriate activities in child care settings that will—

(‘A) improve the children’s social, emotional, and behavioral skills; and

(‘B) foster their early cognitive, pre-reading, and language development;

(‘7) to promote parental and family involvement in the education of young children in child care settings; and

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking “subchapter” and all that follows and inserting “subchapter $2,300,000,000 for fiscal year 2005, $2,500,000,000 for fiscal year 2006, $2,700,000,000 for fiscal year 2007, $2,900,000,000 for fiscal year 2008, and $3,100,000,000 for fiscal year 2009.”; and

SEC. 13. LEAD AGENCY.

Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a(a)) is amended by striking “designate” and all that follows and inserting “designate an agency (which may be an appropriate collaborative agency, or establish a joint interagency office, that compiles with the requirements of this title)”; and

SEC. 40. ANNUAL REPORT.

Each donee of property described in section 650L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) shall file an annual report with the Secretary of the Treasury, at such time(s) and in such form(s) as may be prescribed by the Secretary of the Treasury, for the purposes of—

(a) requiring the Secretary of the Treasury to certify that the donee is holding the contributed property for any purpose relating to children, families, and caregivers involved in activities that include the education of young children, the provision of child care, and the support of early childhood development.

(b) requiring the Secretary of the Treasury to establish a system for the purpose of ensuring that the donee is using the contributed property in the manner and for the purposes for which the donee was designated as the lead agency for the State under this subchapter.

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such requirements are effectively enforced.

or organization), and provide a detailed de-

within the State (or area served by the tribe

involved has in effect licensing requirements

under a State program funded under part A

about eligibility for assistance under this

subsection.

(c) USE OF BLOCK GRANT FUNDS.—Section

658E(c)(3) the Child Care and Development

Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is

amended—

(1) in subparagraph (A), by striking "as re-

quired under" and inserting "in accordance

with"; and

(2) in subparagraph (B)—

(A) by striking "the State" and inserting

the following—

"(i) IN GENERAL.—The State";

(B) in clause (1) (as designated in subpara-

graph (A)), by striking "appropriate to real-

ize any of the goals specified in paragraphs

(2) through (5) of section 658A(b)" and

inserting "appropriate (which may include an

activity described in clause (ii)) to realize any

of the goals specified in paragraphs (2) through

(8) of section 658A(b)"; and

(C) by adding at the end the following:

"(ii) CHILD CARE RESOURCE AND REFER-

AL SYSTEM.—A State may use amounts de-

scribed in clause (i) to establish or support a

system of local child care resource and refer-

eral organizations coordinated by a statewide

public, nonprofit, community-based lead

child care resource and referral organization.

The local child care resource and referral or-

ganizations shall—

(1) collect and analyze data on the supply of

and demand for child care in political sub-

divisions within the State;

(2) submit reports to the State contain-

ing data and analysis described in clause (i)

and inserted in paragraph (A)(ii) of this sec-

tion;

(3) work to establish partnerships with

public agencies and private entities to in-

crease the supply and quality of child care

services.

(d) DIRECT SERVICES.—Section 658E(c)(3) of

the Child Care and Development Block Grant

Act of 1990 (42 U.S.C. 9858c(c)(3)) is amend-

ed—

(1) in subparagraph (A), by striking "(D)

and inserting "(E)"; and

(2) by adding at the end the following:

"(E) DIRECT SERVICES.—Section 658E(c)(3) of

the Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is

amended—

(1) in subparagraph (A), by striking "the State" and

inserting "the State";

(2) by adding at the end the following:

"(B) in paragraph (2), by striking "(D)" and

inserting "(E)"; and

(3) by striking paragraph (3) and inserting

the following—

"(3) not later than 1 year after the date of the sub-

mission of the application under this subchapter,

the State shall—

(1) evaluate the effectiveness of the State pro-

gram developed under subsection (a), by striking "as

required under" and inserting "in accordance

with".

(II) in subparagraph (B)(i), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(III) in subparagraph (B)(ii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(IV) in subparagraph (B)(iii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(V) in subparagraph (B)(iv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(VI) in subparagraph (B)(v), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(VII) in subparagraph (B)(vi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(VIII) in subparagraph (B)(vii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(IX) in subparagraph (C)(i), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(X) in subparagraph (C)(ii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XI) in subparagraph (C)(iii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XII) in subparagraph (C)(iv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XIII) in subparagraph (C)(v), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XIV) in subparagraph (C)(vi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XV) in subparagraph (C)(vii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XVI) in subparagraph (C)(viii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XVII) in subparagraph (C)(ix), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XVIII) in subparagraph (C)(x), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XIX) in subparagraph (C)(xi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XX) in subparagraph (C)(xii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXI) in subparagraph (C)(xiii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXII) in subparagraph (C)(xiv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXIII) in subparagraph (C)(xv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXIV) in subparagraph (C)(xvi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXV) in subparagraph (C)(xvii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXVI) in subparagraph (C)(xviii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXVII) in subparagraph (C)(xix), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXVIII) in subparagraph (C)(xx), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXIX) in subparagraph (C)(xxi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXX) in subparagraph (C)(xxii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXI) in subparagraph (C)(xxiii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXII) in subparagraph (C)(xxiv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXIII) in subparagraph (C)(xxv), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXIV) in subparagraph (C)(xxvi), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXV) in subparagraph (C)(xxvii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXVI) in subparagraph (C)(xxviii), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXVII) in subparagraph (C)(xxix), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXVIII) in subparagraph (C)(xxx), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(XXXIX) in subparagraph (C)(xxxI), by striking "the State"

and inserting "the State or the State and tribal

organization involved";

(L) PUBLIC-PARTNERSHIP PROJECTS.—Renew

the public partnerships described in subpar-

graph (F) to foster parental participation in the
care and education of their children and to

provide services to parents who are in need of

child care and education services, including

services in the State (that reflects variations in

the cost of child care services by geographic

area, type of provider, and age of child) within

the 2 years preceding the date of the sub-

mission of the application containing the State

plan.

(II) SURVEY.—The State plan shall—

(1) describe the State has, after consulting with local area child care pro-

gram administrators, developed and con-

ducted a statistically valid and reliable sur-

vey of the market rates for child care serv-

ices in the State (that reflects variations in

the cost of child care services by geographic

area, type of provider, and age of child) within

the 2 years preceding the date of the sub-

mission of the application containing the State

plan.

(III) detail the results of the State market rates survey conducted pursuant to sub-

section (B)(xii) and (xiii), by striking "as re-

quired under" and inserting "in accordance

with".

(III) describe how the State will provide for timely payment for child care services,
and set payment rates for child care services, for which assistance is provided under this subchapter in accordance with the results of the market rates survey conducted pursuant to subparagraph (A), to protect the financial interest of families in the State receiving such assistance under this subchapter, relative to the number of such families on the date of introduction of the Caring for Children Act of 2004; and

"(IV) describe how the State will, not later than 30 days after the completion of the survey described in subclause (I), make the results of the survey widely available through public means, including posting the results on the Internet.

"(V) implementation and success.—The State plan shall include a certification that the payment rates are sufficient to ensure equal access for eligible children to child care services comparable to child care services in the State or substate area that are provided to children whose parents are not eligible to receive child care assistance under any Federal or State program;" and

(2) in subparagraph (B)—

(A) by striking "Nothing" and inserting the following:

"(I) to private right of action.—Nothing;" and

(B) by adding at the end following:

"(ii) Prohibition of certain different rates.—Nothing in this subparagraph shall be construed to prevent a State from differentiating the payment rates described in subparagraph (A) on the basis of:

"(I) geographic location of child care providers (such as location in an urban or rural area);

"(II) the age or particular needs of children (such as children with special needs and children served by child protective services);

"(III) whether the providers provide child care during weekend and other nontraditional hours;

"(IV) the State’s determination that such differentiated payment rates are needed to enable a parent to choose child care that the parent believes to be of high quality.".

SEC. 15. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(c)) is amended by striking "child care services provided in the State or for services offered in the State to young children on an age-appropriate and developmentally appropriate and age-appropriate schedule that is scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—"

"(i) developing and operating distance learning programs designed to enhance the number of early childhood education programs, per student, by increasing the retention and improving the competencies of child care providers, including wage incentive programs and initiatives that reward providers for helping children to meet or exceed child care services guidelines, as defined by the State;

"(ii) offering training for caregivers in informal child care services;

"(iii) offering training for child care providers who care for infants and toddlers and children with special needs.

"(D) in paragraph (2)," and

(2) on a monthly basis.

"(2) REQUIRED INFORMATION.—The information required under this subsection shall include, with respect to a family unit receiving assistance under this subchapter, information concerning—

"(A) family income;

"(B) county of residence;

"(C) the gender, race, and age of children receiving such assistance;

"(D) whether the head of the family unit is a single parent;

"(E) the sources of family income, including—

"(i) employment, including self-employment; and

"(ii) assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and a State program for which State spending is counted toward the maintenance of effort requirement under section 498(a)(7) of the Social Security Act (42 U.S.C. 671(a)(7));

"(F) the type of child care in which the child was enrolled (such as family child care, home care, center-based child care, or other types of child care described in section 65S(c)(5));

"(G) whether the child care provider involved was a relative;" and

"(H) the cost of child care for such family, separately stating the amount of the subsidy payment of the State and the amount of the co-payment of the family toward such cost; and

"(I) average hours per month of such care;".

 SEC. 3474. O RDER B Y OL DERSHIP.

"(a) IN GENERAL.—When a State receives funds to carry out this subchapter for a fiscal year, the State shall ensure that the amount of funds the State received to carry out this subchapter for fiscal year 2004, the State shall consider using a portion of the excess—

"(1) to support payment rate increases in accordance with the market rate survey conducted pursuant to section 658G(c)(4); and

"(2) to support the establishment of tiered payment rates as described in section 658G(a)(2)(D); and

"(b) to support payment rate increases for care for children in communities served by local educational agencies that have been identified for improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 616(b)(5)).

"(b) NO REQUIREMENT TO REDUCE CHILD CARE SERVICES.—Nothing in this section shall require under this subchapter to take an action that the State determines would result in a reduction of child care services to families of eligible children.

"(c) Payment Rate.—In this section, the term ‘payment rate’ means the rate of State payment or reimbursement to providers for subsidized child care.

SEC. 7. REPORTING REQUIREMENTS.

"(a) Headings.—Section 685(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended by striking the section heading and inserting the following:

"SEC. 685. REPORTS AND AUDITS."

"(b) Required Information.—Section 685(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a(a)) is amended to read as follows:

"(a) Reports.—

"(1) in general.—A State that receives funds under this subchapter shall—

"(A) submit a report to the Secretary containing—

"(i) the information described in paragraph (2) on a monthly basis;

"(2) REQUIRED INFORMATION.—The information required under this subchapter shall include, with respect to a family unit receiving assistance under this subchapter, information concerning—

"(A) family income;

"(B) county of residence;

"(C) the gender, race, and age of children receiving such assistance;

"(D) whether the head of the family unit is a single parent;

"(E) the sources of family income, including—

"(i) employment, including self-employment; and

"(ii) assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and a State program for which State spending is counted toward the maintenance of effort requirement under section 498(a)(7) of the Social Security Act (42 U.S.C. 671(a)(7));

"(F) the type of child care in which the child was enrolled (such as family child care, home care, center-based child care, or other types of child care described in section 65S(c)(5));

"(G) whether the child care provider involved was a relative;" and

"(H) the cost of child care for such family, separately stating the amount of the subsidy payment of the State and the amount of the co-payment of the family toward such cost; and

"(I) average hours per month of such care;".

"(K) whether the parent involved reports involvement in a child education program or an individualized family service plan described in section 602 or 638 of

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the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1436); and

“(L) the reason for any termination of ben-

efits under this subchapter, including wheth-

er the termination was due to—

“(i) the child’s age exceeding the allow-

able limit;”

“(ii) the family income exceeding the State eligibility limit;

“(iii) the State recertification or admin-

istrative requirements not being met;

“(iv) parent, work, training, or education status no longer meeting State require-

ments;

“(v) a nonincome related change in status; or

“(vi) other reasons;

“during the period for which such information is required to be submitted.

“(d) NONINCOME RELATED CHANGES.—

(A) The State’s need to change required to be collected under subparagraph (2) and the number of children and families receiving assistance under this sub-

chapter (stated on a monthly basis). Infor-

mation on the number of families receiving the assistance shall also be posted on the website of such State. In the fourth quar-

terly report of each year, a State described in paragraph (1) shall also submit to the Secre-

tary information on the annual number of the State through vouchers, under contracts, or by payment to parents reported by type of child care pro-

vider.

“(4) USE OF SAMPLES.—

“(A) AUTHORITY.—A State may comply with the requirement to collect the informa-

tion described in paragraph (2) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

“(B) SAMPLING AND OTHER METHODS.—The Secretary shall provide the States with such case sampling plans and data collection pro-

cedures as the Secretary determines nec-

essary to produce statistically valid samples of the information described in paragraph (2). The Secretary may develop and imple-

ment procedures for verifying the quality of data submitted by the States.”;

“(c) Period of Compliance and Waivers.—

(1) Waivers. —The Secretary shall grant a waiver to States that have 2 years from the date of enactment of this Act to comply with the changes to data collection and reporting required by the amendments made by this Act.

(2) Waivers.—The Secretary of Health and Human Services may grant a waiver from paragraph (1) to States with plans to procure data systems.

SEC. 18. NATIONAL ACTIVITIES.

Section 658L of the Child Care and Devel-

opment Block Grant Act of 1990 (42 U.S.C. 9858L) is amended by inserting the following:

“SEC. 658L. NATIONAL ACTIVITIES.

“(a) REPORT.—

“(1) IN GENERAL.—The Secretary shall, not later than April 30, 2005, and annually there-

after, prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and, not later than 30 days after the date of such submission, post on the De-

partment of Health and Human Services website the report that shall contain the following:

“(A) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under sections 658A(4), 658B(4), 658C, and 658E, including—

“(i) a summary of the number of payments made by the State through the child care data system of the resource and referral organizations at the national, State, and local levels, to collect the infor-

mation required by paragraph (1)(B).

“(B) STAFF ASSISTANCE.—The Secretary shall provide technical assistance to

the State; and

(c) Child Care with Special Needs.—Section 658P(a) of the Child Care and Devel-

opment Block Grant Act of 1990 (42 U.S.C. 9858p(a)) is amended by striking—

“ounselor,” after “guardian,” and inserting

“counselor,” after “guardian.”

SECTION 31. DEFINITIONS.

In this subtitle:

“Administrator” —The term “Adminis-

trator” means the Administrator of General Services.
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(2) CORRESPONDING CHILD CARE FACILITY.—The term “corresponding child care facility”, used with respect to the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, or the head of a designated entity in the Senate, means a child care facility operated by, or under a contract or licensing agreement with, an office of or Representatives, the Library of Congress, or an office of the Senate, respectively.

(3) EXECUTIVE AGENCY.—The term “Executive agency” means an agency of the Federal Government.

(4) ENTITY.—The term “entity” means—
(a) a small business and other appropriate entities; and
(b) local licensing and regulatory requirements.

(5) FACILITY.—The term “facility” means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(6) FEDERAL AGENCY.—The term “Federal agency” means a facility that is leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(7) FEDERAL FACILITY.—The term “Federal facility” means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(8) JUDICIAL OFFICE.—The term “judicial office” means an entity of the judicial branch of the Federal Government.

(9) LEGISLATIVE OFFICE.—The term “legislative office” means an entity of the legislative branch of the Federal Government.

(10) LEGISLATIVE FACILITY.—The term “legislative facility” means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(11) LEND.—The term “lend” means to make available.

(12) MATCH.—The term “match” means to comply with all applicable regulatory standards.

(13) MISUSE.—The term “misuse” means to transfer such funds for an activity not consistent with the purposes for which funds are provided.

(14) NATIONAL FEDERAL.—The term “national Federal” means the Federal Government.

(15) NATIONAL FACILITY.—The term “national facility” means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(16) PATIENT.—The term “patient” means a person who receives assistance under a grant awarded under this section.

(17) PROVIDER.—The term “provider” means a purchaser of care from a provider of care.

(18) PROGRAM.—The term “program” means an activity of the consortium.

(19) PRIORITY.—The term “priority” means a priority or target.

(20) RECIPIENT.—The term “recipient” means a provider of care.

(21) RESPONSIBILITY.—The term “responsibility” means the duty of a provider of care to ensure the health and safety of the patient.

(22) STATE.—The term “State” means a State of the United States.

(23) STATE-LEVEL ACTIVITIES.—The term “State-level activities” means activities of the consortium that are not eligible for grant assistance under this section.

(24) SUBCONTRACT.—The term “subcontract” means a subcontractor to a provider of care.

(25) SUBCONTRACTOR.—The term “subcontractor” means a subcontractor to a provider of care.

(26) SUBMIT.—The term “submit” means to report.

(27) USE.—The term “use” means to employ.

SECTION 41.—SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under grant awarded under this section to provide assistance to a consortium of a small business and other appropriate entities located in the State to establish and operate child care programs. Such assistance may include—

(A) the acquisition, construction, renovation, and operation of child care facilities and equipment;

(B) technical assistance in the establishment of a child care program;

(C) assistance for the startup costs related to a child care program;

(D) assistance for the training of child care providers;

(E) scholarships for low-income wage earners;

(F) the provision of services to care for sick children or to provide care to school-aged children;
awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a consortium the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation establish an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded by a consortium that received assistance through a grant awarded under this section and that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded by a consortium that received assistance through a grant awarded under this section and that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded by a consortium that received assistance through a grant awarded under this section and that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

SEC. 121. EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the temporary assistance for needy families program), section 402(a)(2) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M)."

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the temporary assistance for needy families program), section 402(a)(2) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M)."

(c) QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking "or" at the end; and

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) an individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M)."

SEC. 103. HEALTHY MARRIAGE PROMOTION GRANTS.

(a) IN GENERAL.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(m) AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATION AND TRAINING.—A State to which a grant is made under section 403 may use the grant to provide education and training to support adult recipients in self-employment activities."
“(III) INDIAN TRIBES.—From the amount appropriated under subparagraph (F) for a fiscal year, the Secretary shall set aside an amount equal to 2 percent of such amount for making grants to Indian tribes that satisfy the requirements of subparagraph (D).

“(IV) TERRITORIES.

“(I) IN GENERAL.—From the amount appropriated under subparagraph (F) for a fiscal year, the Secretary shall set aside $1,000,000 of such amount for purposes of making grants to territories described in subclause (III) that satisfy the requirements of subparagraph (D).

“(II) AMOUNT OF GRANT.—The amount of a grant made under this clause for a fiscal year is equal to the product of—

“(aa) $1,000,000; and

“(bb) the ratio (expressed as a percentage) of the population of the territory for the most recent year for which data is available to the population of all the territories described in subclause (III) for such year.

“(III) PENALTIES DISCIPLINED.—For purposes of subclause (I), a territory described in this subclause is Puerto Rico, Guam, the United States Virgin Islands, and American Samoa.

“(B) A State or Indian tribe that receives a grant under this paragraph for a fiscal year shall expend at least $1 for every $4 of funds paid to the State or Indian tribe under this paragraph for the fiscal year.

“(C) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under a grant made under this paragraph shall be used for the cost of developing and implementing demonstration projects to promote stronger families, with an emphasis on the promotion of healthy marriages, through the testing and evaluation of approaches that enable community-based comprehensive, family development services provided by local organizations that have demonstrated experience and success in administering programs that include: community-based comprehensive, family development services provided by local organizations that have demonstrated experience and success in administering programs that

“(I) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

“(II) Voluntary marriage education and marriage skills training for engaged couples and for couples interested in marriage.

“(III) Voluntary premarital education and marriage skills training programs for married couples.

“(IV) Voluntary marriage enhancement and premarital skills training programs for married couples.

“(V) Marriage mentoring programs that use married couples as role models and mentors in the at-risk community.

“(VI) Programs that offer individuals and families with multiple barriers to economic self-sufficiency and stability services that include community-based comprehensive, family development services provided by local organizations that have demonstrated experience and success in administering programs that

“(I) In exercising the duties of the Office of the Actuary, the Chief Actuary shall provide the programs described in subparagraph (A) and the demonstration program known as the Minnesota Family Investment Program.

“(II) In exercising the duties of the Office of the Actuary, the Chief Actuary shall give preference in making awards under this paragraph to programs described in this clause.

“(IV) Responsible fatherhood programs.

“(V) DEVELOPMENT AND DISSEMINATION OF BEST PRACTICES.—Funds provided under a grant made under this paragraph shall be used for the development and dissemination of best practices for addressing domestic and sexual violence as a barrier to economic security, including caseworker training, technical assistance, and voluntary services for victims.

“(VI) TEEN PREGNANCY PREVENTION PROGRAMS.—Funds provided under a grant made under this paragraph shall be used for the development and dissemination of best practices for addressing teen pregnancy prevention programs.

“(VII) PROFESSIONAL DEVELOPMENT AND SELF-SUFFICIENCY PROGRAMS.—Funds provided under a grant made under this paragraph shall be used for the development and dissemination of best practices for addressing professional development and self-sufficiency programs.

“(VIII) GRANTS TO STATES.—Funds provided under a grant made under this paragraph shall be used for the development and dissemination of best practices for addressing grants to States.

“(IX) GRANTS TO INDIAN TRIBES, TERRITORIES, AND LOCAL ORGANIZATIONS.—Funds provided under a grant made under this paragraph shall be used for the development and dissemination of best practices for addressing grants to Indian tribes, territories, and local organizations.

“(X) DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of law, section 413 of the Social Security Act (42 U.S.C. 613) shall be applied without regard to the amendment made by section 114(a) of this Act.

“SA 2971. Mr. BAUCUS (for himself, Mr. DASCHELE, Mr. LATHAM, Mr. GRAHAM of Florida, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

“At the appropriate place, insert the following:

“SEC. 1. DIRECT CONGRESSIONAL ACCESS TO THE OFFICE OF THE CHIEF ACTUARY IN THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

“(a) FINDINGS.—Congress finds the following:

“(1) In creating the Office of the Actuary in the Health Care Financing Administration (now known as the Centers for Medicare & Medicaid Services) with the enactment of the Balanced Budget Act of 1997, Congress intended that the Office would provide independent advice and analysis to assist in the development of health care legislation.

“(2) While the Congressional Budget Office would continue to serve as the official source for cost estimates for Congress, Congress created the Office of the Actuary in order to have an additional, independent source for estimates in the development of health care legislation; and

“(3) Access to more detailed actuarial data and assumptions related to program participation, payments, and costs.

“(b) Access.—Section 1117(b) of the Social Security Act of 1997 provided a clear statement of the Congressional intent described in paragraphs (1) and (2), and Congressional access to the Office of the Actuary has been inappropriately restricted over the past year.

“(c) Access.—Section 1117(b) of the Social Security Act (42 U.S.C. 1317(b)), as amended by section 900(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following new paragraphs:

“"(1) In exercising the duties of the Office of the Chief Actuary, the Chief Actuary shall provide the programs described in subparagraphs (A) and (B) of this section intended to be proposed by him to the Chairman and the Oversight and Government Reform Committee on Appropriations; and

“(2) The Comptroller General of the United States may require the Chief Actuary to submit to any officer or agency of the United

“"(I) the programs and activities supported by grants made under this paragraph; and

“(II) the results of such programs and activities.

“"(d) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for each of fiscal years 2004 through 2008, $5,000,000 for purposes of carrying out this paragraph.

“"(e) ELIMINATION OF FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of law, section 413 of the Social Security Act (42 U.S.C. 613) shall be applied without regard to the amendment made by section 114(a) of this Act."
States for approval, comments, or review, prior to the provision to Congress of such report, comments, estimates, or other information.

(2) Any person who knowingly interferes with the Chief Actuary in complying with subparagraph (A) or (B)(i) or who knowingly violates the requirement under subparagraph (B)(ii) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil monetary penalty of not more than $250,000 for each violation involved.

(ii) The provisions of section 1128A (other than subsection (d) and (b)(2)) shall apply to a civil monetary penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

(iii) The same amount that the President submits to Congress the budget of the United States Government for the following fiscal year, the Chief Actuary shall submit to Congress, and publish on the Internet website of the Centers for Medicare & Medicaid Services, a report that contains—

(A) the Chief Actuary's 10-year projection of the programs under titles XVIII, XIX, and XXI, based on current-law baselines with respect to such programs.

(B) cost estimates for proposed changes to the programs under titles XVIII, XIX, and XXI that are contained in such budget submission.

(iv) The provisions of section 1128A (other than subsection (d) and (b)(2)) shall apply to a civil monetary penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Tribal TANF Programs.—

(1) IN GENERAL.—The Congress makes the following findings:

(A) The Federal Government bears a unique trust responsibility for Indian tribes.

(B) Sustainability. Indian reservations in general have experienced a dramatic drop in the welfare rolls. According to the Bureau of the Census, 25.9 percent of American Indians live in poverty, twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans.

(C) In some States with substantial Indian populations, the percentage of the welfare caseload that is made up of Indians has increased since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 because some Indians face substantial barriers in their moving from welfare to work.

(D) In the case of the Comptroller General of the United States, Office of the Comptroller General, and the Secretary of Health and Human Services, Office of Inspector General, the percentage of the welfare caseload that is made up of Indians has increased since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 because some Indians face substantial barriers in their moving from welfare to work.

(E) Many Indian tribes are located in isolated rural areas that lack sufficient economic opportunities, including jobs and economic development, transportation services, child care, and other services necessary to ensure a successful transition from welfare to work.

(F) Tribal temporary assistance to needy families programs have demonstrated remarkable success in moving Indians from welfare to work.

(G) Tribal governments, unlike State governments, have not been afforded an opportunity to fully participate in the Federal entitlement program for foster care and adoption assistance, a program Congress recognizes as an important component of welfare services.

(H) Welfare reform has not brought enough change to Indian Country. Welfare reform has not, and will not, succeed unless it adequately addresses the barriers many Indians face in moving from welfare to work.

(2) Funding for Tribal TANF Programs.—

(A) Reauthorization of Block Grants.—


(B) Tribal TANF Improvement Fund.—Section 412(a)(2) U.S.C. 612(a) is amended by striking paragraph (2) and inserting the following:

(ii) Tribal TANF Improvement Grants.—

(1) In General.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $25,000,000 shall be used by the Secretary to award grants for tribal human services program infrastructure improvement (as defined in clause (v)) to:

(B) Tribal government, and subject to approval by the Secretary or the Secretary's delegate, for each fiscal year, the Chief Actuary shall submit to Congress, and publish on the Internet website of the Centers for Medicare & Medicaid Services, a report that includes (but is not limited to) improvement of management information systems, management information systems-related training, equipping offices, and renovating, but not constructing, buildings, as described in an application for a grant under this subparagraph, and subject to approval by the Secretary.

(B) Tribal Development Grants.—

(i) In General.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $35,000,000 shall be used by the Secretary to award grants for Indian tribes and tribal organizations to nonprofit organizations, Indian tribes, and tribal organizations to enable such organizations and tribes to provide technical assistance to Indian tribes and tribal organizations in any or all of the following areas:

(1) The development and improvement of uniform commercial codes.

(2) The creation or expansion of small business or microenterprise programs.

(3) The development and improvement of disability codes.

(4) The creation or expansion of tribal marketing efforts.

(V) The creation or expansion of small business or microenterprise programs.

(VI) The development of innovative uses of telecommunications to assist with distance learning or telecommuting.

(VII) The development of economic opportunities and job creation in areas of high joblessness in Alaska (as defined in section 408(a)(7)(D)(ii)).

(VIII) The development of economic opportunities and job creation in areas of high joblessness in Alaska (as defined in section 408(a)(7)(D)(ii)).

(x) The development of economic opportunities and job creation in areas of high joblessness in Alaska (as defined in section 408(a)(7)(D)(ii)).
the transfer of the administration of social services programs to Indian tribes.

(ii) RESERVATION OF FUNDS.—Not less than—

(i) $2,500,000 of the amount described in clause (i) shall be used by the Secretary to support, through grants or contracts, peer-learning programs among tribal administrations; and

(ii) $1,000,000 of such amount shall be used by the Secretary for making grants to Indian tribes to conduct feasibility studies of the capacity of Indian tribes to operate tribal family assistance plans under this part.

(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $75,000,000 for the period of fiscal years 2005 through 2008 to carry out this paragraph. Amounts appropriated under this subparagraph shall remain available until expended.

(C) CONFORMING AMENDMENT.—Section 405(a) (42 U.S.C. 605(a)) is amended by striking—

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“(II) OPTION TO EXCLUDE PARTICIPANTS FROM DETERMINATION OF WORK PARTICIPATION RATES.—A State, Indian tribe, or tribal organization shall be permitted to conduct activities under subparagraph (A)(i), in the absence of a grant made under subparagraph (D)(v) for a month from the calculation of the work participation rate for the State or tribe for such month.

“(ii) APPLICABLE RULES.—Any amount paid to an Indian tribe or tribal organization for an Alaska Native organization under this part that is used to carry out the activities described in subparagraph (E) or (F) shall not be subject to the work participation requirements of this part, but shall be subject to the requirements specified in the regulations required under subparagraph (H)(iii), and the expenditure of any amount so used shall not be considered to be an expenditure under this part.

“(iii) AVAILABILITY OF FUNDS.—Funds provided to a recipient of a grant or contract under subparagraph (D)(v) shall remain available for obligation for 2 succeeding fiscal years after the fiscal year in which the grant is made or the contract is entered into.

“(H) CONSULTATION.—

“(i) IN GENERAL.—The Secretary shall designate a single organization unit within the Department that shall have as its primary responsibility the administration of the activities authorized under this paragraph and of any related Indian programs administered by the Department.

“(ii) CONSULTATION.—

“(I) IN GENERAL.—The Secretary shall consult with the appropriate tribal organizations eligible to administer activities authorized under this paragraph as part of the consultation required under clause (i), except that the consultation process shall not be limited to discussions with Indian organizations.

“(ii) REGULATIONS.—The Secretary may issue regulations for the conduct of activities under this paragraph. All requirements imposed by regulations, including reporting requirements, shall take into full consideration tribal circumstances and conditions.

(4) TRANSITION FROM OTHER TANF INDIAN EMPLOYMENT PROGRAMS.—

“(I) IN GENERAL.—Subject to subclause (II), the Secretary of Health and Human Services shall provide for an orderly close-out of activities under the work program authorized in section 412(a)(2) of the Social Security Act (25 U.S.C. 612(a)(2)) commonly referred to as the “Native Employment Works program” or the “NEW” program as such section is in effect on September 30, 2003.

“(II) REQUIREMENT.—In closing out the activities described in clause (I), the Secretary of Health and Human Services shall provide that grantees under a program referred to in that subparagraph shall be permitted to conduct activities through September 30, 2005, and shall be permitted to spend funds on administrative activities related to the close-out of grants under programs for up to 6 months after that date.

(5) APPLICATION OF INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—The Secretary shall—

“(A) consider programs subject to section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3005) to be—

“(i) subject to subparagraph (B), consult with a tribe that is not otherwise eligible for assistance under section 412; and

“(ii) by adding at the end the following:

“(I) in subparagraph (G), by striking the period and inserting '; and'; and

“(II) by adding at the end the following:

“(a) IN GENERAL.—A certification by the chief executive officer of the State that, during the fiscal year, the State will—

“(i) subject to subparagraph (B), consult with Indian tribes located within the State regarding the State plan in an effort to ensure equitable access to benefits and services provided under the plan for members of the population to be served by the plan.

“(b) CONSULTATION BETWEEN STATES AND INDIAN TRIBES OR OTHER INDIANS RESIDING ON RESERVATION.—

“(i) STATE PLAN REQUIREMENTS.—Section 412(b)(2) (42 U.S.C. 612(b)) is amended to read as follows:

“(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO SERVICES.—

“(A) IN GENERAL.—A certification by the chief executive officer of the State that, during the fiscal year, the State will—

“(i) subject to subparagraph (B), consult with Indian tribes located within the State regarding the State plan in an effort to ensure equitable access to benefits or services provided to a recipient of a grant or contract under section 412; and

“(ii) by adding at the end the following:

“(C) AUTHORITY FOR CERTAIN TRIBES TO OPERATE A 6-YEAR PLAN.—Section 412(b) (42 U.S.C. 612(b)) is amended by adding at the end the following:

“(4) AUTHORITY FOR CERTAIN TRIBES TO OPERATE A 6-YEAR PLAN.—Notwithstanding subsection (a)(1) in the case of an Indian tribe that has operated an approved tribal family assistance plan for at least 9 years, the Secretary shall approve, at the request of such tribe, a 6-year assistance plan submitted by such Indian tribe that otherwise satisfies the requirements of paragraph (1)."
as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.

(C) TITLE IV OF THE SOCIAL SECURITY ACT.—Section 672(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking "(B)" and inserting "(B)"; and

(B) by inserting before the semicolon the following: ‘‘(C) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragrap

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(C) TITLE IV OF THE SOCIAL SECURITY ACT.—Section 672(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking "(B)" and inserting "(B)"; and

(B) by inserting before the semicolon the following: ‘‘(C) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragrap

as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.

(C) TITLE IV OF THE SOCIAL SECURITY ACT.—Section 672(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking "(B)" and inserting "(B)"; and

(B) by inserting before the semicolon the following: ‘‘(C) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragrap

as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.

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(B) by inserting before the semicolon the following: ‘‘(C) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragrap

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(C) TITLE IV OF THE SOCIAL SECURITY ACT.—Section 672(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking "(B)" and inserting "(B)"; and

(B) by inserting before the semicolon the following: ‘‘(C) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragrap

as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.
SA 2974. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) SENSE OF THE SENATE.—

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

(A) Under current law in the temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as added by subsection (f), a single parent with a child under age 6 must participate in work-related activities for at least 20 hours a week to count toward program participation rates. Other single parents must participate for at least 30 hours a week in order to count toward program participation rates.

(B) Under current program rules, States have been very successful in increasing employment among families receiving welfare. Between 1994 and 2000, the number of families and most families that left welfare and are employed work full-time jobs.

(C) The Department of Health and Human Services reports that according to Census Bureau data, the employment rate among single mothers with children rose from 57 percent in 1994 to 70 percent in 2000. For single mothers with children under age 6, employment increased from 46 percent in 1994 to 64.5 percent in 2000. Employment rates among single mothers now exceed the rates of married mothers. While some of these employment gains have been lost during the recent period of labor market weakness, a significantly higher proportion of single mothers are employed today than in the mid-1990s.

(D) The design of the TANF block grant is intended to provide States with broad flexibility to decide how to further the employment and other goals of the program. States are free to determine the hours of participation above the level that counts toward Federal participation rates, and some States have chosen to do so.

(E) The TANF Block Grant increases the hours a recipient must participate in work activities to fully count toward the State’s work participation rates from 20 hours a week to 24 hours a week. We believe the parents of children under age 6, and from 30 hours a week to 34 hours a week for other single parent families.

(F) There is no evidence that increasing the required hours of participation above those in the PRIDE Act would lead to States running better programs, or would lead to more families becoming employed. However, increasing the required hours of participation would add to program and child care costs. Most families receiving assistance (54 percent) have a child under the age of 6. Increasing the hours for these families would force States to redirect resources that could be used to help other families get and keep jobs.

(G) The decision about whether to further increase the number of hours of participation for families above the levels set in the PRIDE Act is best left to State legislatures and Governors.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that any conference report or legislation enacted into law that reauthorizes TANF—

(A) should not increase hours of required program participation for families beyond the hours established by the PRIDE Act; and

(B) should provide States with the flexibility they need in determining appropriate hours of program participation for families with young children, consistent with program requirements, consistent with child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 182, strike line 6 and all that follows through page 185, line 4, and insert the following:

(c) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

(1) IN GENERAL.—Section 407(a) (42 U.S.C. 607(b)(2))), as amended by subsection (b), is amended by striking at the end the following:

(2) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

(3) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

(4) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

(5) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

At the appropriate place, insert the following:

SEC. 3900. YOUTH PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 426j et seq.) shall be amended by adding at the end the following:

SEC. 3900. YOUTH PREGNANCY PREVENTION.

(a) AT-RISK YOUTH PREGNANCY PREVENTION GRANTS—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out programs and activities that are targeted at areas with large ethnic minorities and other youth at-risk of becoming pregnant.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

(A) be a State or local government or a private nonprofit entity; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ELIGIBLE ACTIVITIES.—Activities carried out under a grant under this subsection may include—

(A) youth development for adolescents;

(B) work-related interventions and other educational activities;

(C) parental involvement;

(D) teen outreach; and

(E) clinical services.

(b) MULTIMEDIA PUBLIC AWARENESS AND OUTREACH GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to establish multimedia public awareness campaigns to combat teenage pregnancy.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

(A) be a State government or a private nonprofit entity; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ACTIVITIES.—The purpose of the campaigns established under a grant under paragraph (1) shall be to prevent teenage pregnancy through the use of advertising using television, radio, print media, billboards, posters, the Internet, and other methods determined appropriate by the Secretary.

(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that express an intention to carry out activities that target ethnic minorities and other at-risk youth.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated—

(1) to carry out subsection (a), $30,000,000 for each of fiscal years 2005 through 2009; and

(2) to carry out subsection (b), $20,000,000 for each of fiscal years 2005 through 2009.

SA 2977. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 355, lines 1 and 2, strike ‘‘ and to all proposals to amend such projects, that are approved or extended’’ and insert ‘‘that are approved’’.

SA 2978. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access
to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 6. SENSE OF THE SENATE CONCERNING THE POVERTY LINE.

(a) FINDINGS.—The Senate finds that—

(1) the official United States poverty line is used to determine eligibility for many Federal and State public assistance programs and in determining the allocation of Federal funds to States and localities; and

(2) the official poverty line is based on the cost of a minimum diet of an average family in 1955 multiplied by three to allow for expenditures on other goods and services and is adjusted each year for estimated price changes;

(b) the current measure of the poverty line has remained virtually unchanged over the past 40 years, yet during that time, there have been marked changes in the nation’s economy and society and in public policies that have affected families’ economic wellbeing;

(c) in 1990 Congress commissioned a study by the National Academy of Sciences/National Research Council to provide a basis for a possible revision of the poverty measure;

(d) in 1995 the National Research Council released a report that called for the Office of Management and Budget to revise the official measure of poverty used by the Federal Government, citing that the current measure no longer provides an accurate picture of the different costs of economic poverty among population groups or geographic areas of the country;

(e) the National Research Council proposed that the new poverty measure be based on costs comprised within a basic family budget including food, clothing, shelter, utilities, and a small additional amount to allow for other needs;

(f) while the current poverty measure counts only pre-tax income, the National Research Council proposed that the new poverty measure be adjusted for geographic cost of living differences;

(g) Federal agencies, including the Census Bureau, have carried out substantial research to evaluate and determine the feasibility of implementing the recommendations in the National Research Council’s report; and

(h) the Census Bureau published alternative measures of poverty that incorporate many of the recommendations of the National Research Council.

(b) REPORT TO THE SENATE.—It is the sense of the Senate that—

(1) the improvement of the current measure of income poverty is an important goal; and

(2) the confidentiality and confidentiality of recipients, which is protected by the law, should be considered when implementing new approaches.

(c) ACTION BY THE GOVERNMENT.—In consultation with the National Research Council and other related agencies, should work to implement an improved poverty measure expeditiously as possible;

(3) any action taken by the Office of Management and Budget to implement an improved poverty measure should be cognizant of the confidentiality and confidentiality of recipients, which is protected by the law;

(4) before taking action to implement a new poverty measure, the Office of Management and Budget should consider the impact of alternative poverty measures on federally funded programs.

SA 2979. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 154, between lines 10 and 11, insert the following:

“(viii) $63 billion for block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

“(ii) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.”

SA 2980. Mr. ALEXANDER (for himself, Mr. Voinovich, Mr. Nelson of Nebraska, and Mr. Carper) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

“(ii) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.”

SA 2981. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

“(ii) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.”

(2) the official poverty line is based on the cost of a minimum diet of an average family in 1955 multiplied by three to allow for expenditures on other goods and services and is adjusted each year for estimated price changes;

(3) the current measure of the poverty line has remained virtually unchanged over the past 40 years, yet during that time, there have been marked changes in the nation’s economy and society and in public policies that have affected families’ economic wellbeing;

(4) in 1990 Congress commissioned a study by the National Academy of Sciences/National Research Council to provide a basis for a possible revision of the poverty measure;

(5) in 1995 the National Research Council released a report that called for the Office of Management and Budget to revise the official measure of poverty used by the Federal Government, citing that the current measure no longer provides an accurate picture of the different costs of economic poverty among population groups or geographic areas of the country;

(6) the National Research Council proposed that the new poverty measure be based on costs comprised within a basic family budget including food, clothing, shelter, utilities, and a small additional amount to allow for other needs;

(7) while the current poverty measure counts only pre-tax income, the National Research Council proposed that the new poverty measure be adjusted for geographic cost of living differences;

(8) Federal agencies, including the Census Bureau, have carried out substantial research to evaluate and determine the feasibility of implementing the recommendations in the National Research Council’s report; and

(9) the Census Bureau published alternative measures of poverty that incorporate many of the recommendations of the National Research Council.

(b) REPORT TO THE SENATE.—It is the sense of the Senate that—

(1) the improvement of the current measure of income poverty is an important goal; and

(2) the confidentiality and confidentiality of recipients, which is protected by the law, should be considered when implementing new approaches.

(c) ACTION BY THE GOVERNMENT.—In consultation with the National Research Council and other related agencies, should work to implement an improved poverty measure expeditiously as possible;

(3) any action taken by the Office of Management and Budget to implement an improved poverty measure should be cognizant of the confidentiality and confidentiality of recipients, which is protected by the law;

(4) before taking action to implement a new poverty measure, the Office of Management and Budget should consider the impact of alternative poverty measures on federally funded programs.
approved under this subsection include assurances that the State will improve coordination of the State program funded under this part with activities funded under the Workforce Investment Act of 1998.

(2) STRENGTH OF EVALUATION.—In selecting States to conduct demonstration projects under this subsection, the Secretary shall consider the strength and rigor of the research designs that States propose to use in conducting evaluations of such demonstration projects.

(3) PROJECTS.—A demonstration project approved under this subsection—

(1) shall be conducted for an initial period of not more than five years; and

(ii) may be renewed for an additional period of not more than five years.

(4) INITIAL REPORT.—Not later than the end of the fourth year in which demonstration projects are conducted under this subsection, the Secretary shall submit a report to Congress on the progress of the demonstration projects in achieving the results described in paragraph (1). Such report shall contain data sufficient to enable demonstration project results to be taken into consideration by Congress in the reauthorization of the program under this part.

(5) FINAL REPORT.—Not later than 1 year after the final day of the initial period of the demonstration projects expires (as provided for in paragraphs (3) and (4)), the Secretary shall submit a final report to Congress containing the results of such demonstration projects.

(6) OTHER REPORTING REQUIREMENTS.—The Secretary and the State shall work out mechanisms to satisfy other reporting requirements that may be necessary.

SA 2981. Mr. ALEXANDER (for himself, Ms. SNOWE, Ms. COLLINS, Mr. BREUX, Mr. BAYH, Mr. CARPER, Ms. LANDRIEU, Mrs. CLINTON, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

"(m) TEEN PREGNANCY PREVENTION RESOURCE CENTER.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary shall make a grant to a nationally recognized, nonpartisan, nonprofit organization that meets the requirements described in subparagraph (B) and operates a national teen pregnancy prevention resource center (in this subsection referred to as the 'Resource Center') to carry out the purpose and activities described in subparagraph (B).

(B) REQUIREMENTS.—The requirements described in this subparagraph are the following:

(i) The organization has at least 7 years of experience in working with diverse sectors of society to reduce teen pregnancy.

(ii) The organization has a demonstrated ability and record of providing assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, and teen pregnancy prevention practitioners, businesses, faith and community leaders, and researchers.

(iii) The organization is research-based and has capabilities in scientific analysis and evaluation.

(iv) The organization has comprehensive knowledge about teen pregnancy prevention strategies.

(v) The organization has experience operating a resource center that carries out activities similar to those described in paragraph (2)(B).

(2) PURPOSES AND ACTIVITIES.—

(A) PURPOSES.—The purposes of the Resource Center are to reduce teen pregnancy, including online access to the entertainment industry by providing information and by helping to inform and influence the messages for teens and adults that can help prevent teen pregnancy.

(B) ACTIVITIES.—The Resource Center shall carry out the purposes described in paragraph (A) through the following activities:

(i) Synthesizing and disseminating research and information regarding effective and promising practices, and providing information on how to design and implement effective programs to prevent teen pregnancy.

(ii) Providing information and reaching out to diverse populations, with particular attention to areas and populations with the highest rates of teen pregnancy.

(iii) Helping States, local communities, and other organizations increase their knowledge of existing resources that can be used to advance teen pregnancy prevention efforts, and build their capacity to access such resources and develop partnerships with other programs and funding streams.

(iv) Raising awareness of the importance of increasing the proportion of children born to, and raised in, healthy, adult marriages.

(v) Linking organizations working to reduce teen pregnancy among media, businesses, and teens themselves, through a broad array of strategies and messages, including a focus on abstinence, responsible behavior, family communication, relationships, and values.

(vi) Providing consultation and resources about how to reduce teen pregnancy to various sectors of society such as parents, other adults (such as teachers, coaches, and mentors), community and faith-based groups, the entertainment industry, businesses, and teens themselves, through a broad array of strategies and messages, including a focus on abstinence, responsible behavior, family communication, relationships, and values.

(vii) Assisting organizations seeking to reduce teen pregnancy in their efforts to work with all forms of media and to reach a variety of audiences (including teens, parents, and ethnically diverse groups) to communicate effective messages about preventing teen pregnancy.

(viii) Providing resources for parents and other adults that help to foster strong relationships with children, which has been proven effective in reducing sexual activity and teen pregnancy.

(ix) Working online to provide access to research, parent guides, tips, and alerts about upcoming opportunities to use the entertainment media as a discussion starter.

(x) Developing partnerships with individuals and organizations in the entertainment industry to provide consultation and serve as a source of factual information on issues related to teen pregnancy prevention.

(3) COLLABORATION WITH OTHER ORGANIZATIONS.—The organization operating the Resource Center shall collaborate with other organizations that have expertise and interest in teen pregnancy prevention, and that can help reach out to diverse audiences.

(4) FUNDING.—

(A) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to carry out this amendment for fiscal year 2005. Funds appropriated under this subparagraph shall remain available for expenditure through fiscal year 2007.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection, $3,000,000 for fiscal year 2007 and each fiscal year thereafter.

SA 2982. Mr. TALENT submitted an amendment intended to be proposed by him to add new sections 1903a and 1903d to title XIX of the Social Security Act, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

At the appropriate place, insert the following:

SEC. 2. INCLUSION OF PRIMARY AND SECONDARY PREVENTIVE MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICARE PROGRAM.  

(a) IN GENERAL.—Section 1905 (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) by striking ‘‘and’’ at the end of paragraph (26); and

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26), the following:

(27) subject to subsection (x), primary and secondary preventive medical strategies, including prophylaxes, and treatment and services for individuals who have Sickle Cell Disease; and;

(2) by adding at the end the following:

(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in this subsection include the following:

(1) Chronic blood transfusion (with deferoxamine chelation) to prevent stroke in individuals with Sickle Cell Disease who have been identified as being at high risk for stroke.

(2) Genetic counseling and testing for individuals with Sickle Cell Disease or the sickle cell trait.

(3) Other treatment and services to prevent individuals who have Sickle Cell Disease and who have had a stroke from having another stroke.

(b) FEDERAL REIMBURSEMENT FOR EDUCATION AND OTHER SERVICES RELATED TO THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—Section 1905(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ‘‘plus’’ at the end and inserting ‘‘and’’; and

(2) by adding at the end the following:

(E) 50 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing—

(i) the services to identify and educate individuals who have Sickle Cell Disease or who are carriers of the sickle cell gene, including education regarding how to identify such individuals; or

(ii) education regarding the risks of stroke and other complications, as well as
the prevention of stroke and other complications, in individuals who have Sickle Cell Disease; plus"

(c) DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—

(1) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(i) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundled care packages related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) any other activities that are—

(I) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundled care packages related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) any other activities that are—

(c) DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—

(1) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(i) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundled care packages related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) any other activities related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with Sickle Cell Disease.

(B) GRANT AWARD REQUIREMENTS.—

(i) GEOGRAPHIC DIVERSITY.—The Administrator shall ensure that grants under this section are awarded to eligible entities located in different regions of the United States.

(ii) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to awarding grants to eligible entities that are—

(I) Federally-qualified health centers that have a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health; or

(ii) Federally-qualified health centers that intend to develop a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health.

(2) ADDITIONAL REQUIREMENTS.—An eligible entity awarded a grant under this subsection shall use funds made available under the grant to carry out, in addition to the activities described in paragraph (1)(A), the following activities:

(A) To facilitate and coordinate the delivery of education, treatment, and continuity of care for individuals with Sickle Cell Disease under—

(i) the entity’s collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity that works with individuals who have Sickle Cell Disease;

(ii) the Sickle Cell Disease newborn screening program for the State in which the entity is located; and

(iii) the maternal and child health program under title V of the Social Security Act (42 U.S.C. 701 et seq.) for the State in which the entity is located.

(B) To train nursing and other health staff who specialize in pediatrics, obstetrics, internal medicine, or family practice to provide health care and genetic counseling for individuals with the sickle cell trait.

(C) To enter into a partnership with adult or pediatric hematologists in the region and other regional experts in Sickle Cell Disease at tertiary and academic health centers and State and county health offices.

(D) To use resources for ensuring reimbursement under the medicare program, State children’s health insurance program, and other health programs for the prevention and treatment of Sickle Cell Disease, including the genetic testing of parents or other appropriate relatives of children with Sickle Cell Disease and of adults with Sickle Cell Disease.

(E) To develop a protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(F) To develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(G) To prepare and submit to Congress a final report that includes recommendations regarding the demonstration program conducted under this subsection and such direct outcome measures as—

(i) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits) for individuals with Sickle Cell Disease; and

(ii) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(3) NATIONAL COORDINATING CENTER.—

(A) ESTABLISHMENT.—The Administrator shall enter into an arrangement with an entity to serve as the National Coordinating Center for the demonstration program conducted under this subsection.

(B) ACTIVITIES PERSCRIBED.—The National Coordinating Center shall—

(i) collect, coordinate, monitor, and distributive data, best practices, and findings regarding the activities funded under grants made to eligible entities under the demonstration program;

(ii) develop a model protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(iii) develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(iv) prepare and submit to Congress a final report that includes recommendations regarding the demonstration program conducted under this subsection and such direct outcome measures as—

(i) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits) for individuals with Sickle Cell Disease; and

(ii) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(4) APPLICATION.—An eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time and in such form containing such information as the Administrator may require.

(5) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Health Resources and Services Administration.

(B) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means a Federally-qualified health center, a nonprofit hospital or clinic, or a university health center that provides primary health care for individuals with Sickle Cell Disease; and

(i) has a collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity with experience in working with individuals who have Sickle Cell Disease; and

(ii) demonstrates to the Administrator that either the Federally-qualified health center, the nonprofit hospital or clinic, the university health center, the organization or entity described in clause (i), or the experts described in paragraph (2)(C), has at least 5 years of experience in working with individuals who have Sickle Cell Disease.

(C) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ‘‘Federally-qualified health center’’ has the meaning given the term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2005 through 2009.

(7) States should be encouraged to incorporate mentor programs into the delivery of care for youth. The program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 02. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

SA 2984. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate section, insert the following:

SEC. FINDINGS.

Congress makes the following findings:

(1) Research shows that caring adults can make a difference in children’s lives. Forty-five percent of mentored teens are less likely to use drugs. Fifty nine percent of mentored teens have better academic performance. Seventy-three percent of mentored teens achieve higher goals generally.

(2) Children that have mentors have better relationships with adults, fewer disciplinary referrals, and more confidence to achieve their goals.

(3) In 2001, over 163,000 children in the foster care system were under the age of 5 years.

(4) In 2001, over 124,000 children were under the age of 10 when they were removed from their parents or caretakers.

(5) The International Day of the Child, sponsored by Children United Nations, has served as a great tool to recruit mentors and partner them with needy foster care children.

(6) On November 10, 2002, as many as 3,000 children will be matched with mentors as a result of the International Day of the Child.

(7) States should be encouraged to incorporate mentor programs into the delivery of their foster care services. The State of California serves as a great example, matching
close to half a million mentors with needy children. (8) Mentor programs that serve foster children are unique and require additional considerations—such as specialized training and support necessary to provide for consistent, long term relationships for children in care. (9) Mentor programs are cost-effective approaches to decreasing the occurrence of so many social ills such as teen pregnancy, substance abuse, incarceration and violence.

SEC. 440. PROGRAMS FOR MENTORING CHILDREN IN FOSTER CARE.

Subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended by adding at the end the following:

"SEC. 440. PROGRAMS FOR MENTORING CHILDREN IN FOSTER CARE."

"(a) Purpose.—It is the purpose of this section to authorize the Secretary to make grants to eligible applicants to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

(b) Definitions.—In this section:

(1) Children in foster care.—The term "children in foster care" means children who have been removed from the custody of their biological or adoptive parents by a State child welfare agency.

(2) Mentoring.—The term "mentoring" means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, that involves meetings and activities on a regular basis, and that is intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

(3) Political subdivision.—The term "political subdivision" means a local jurisdiction below the level of the State government, including a county, parish, borough, or city.

(c) Grant program.—

(1) In general.—The Secretary shall carry out a program to award grants to States to support the establishment or expansion and operation of programs using networks of public and private community entities to provide mentoring for children in foster care.

(2) Grants to political subdivisions.—The Secretary may award a grant under this subsection to a political subdivision if the subdivision serves a substantial number of foster care youth (as determined by the Secretary).

(d) Program requirements.—To be eligible for a grant under paragraph (1), the chief executive officer of the State or political subdivision shall submit to the Secretary an application containing the following:

(A) Program design.—A description of the proposed program to be carried out using amounts provided under this grant, including—

(i) a description of the number of mentor-child matches to be established and maintained annually under the program;

(ii) the performance standards, which may be established by the Secretary, that will be met in the first year of the program and each subsequent year of the grant period;

(iii) the number of mentor-child matches proposed to be established and maintained annually under the program;

(B) Training.—An assurance that all mentors covered under the program will receive ongoing training in the following non-exhaustive categories:—

(i) Child development, including the importance of bonding;

(ii) Family dynamics, including the effects of domestic abuse;

(iii) Foster care system, principles, and practices.

(iv) Recognizing and reporting child abuse and neglect.

(v) Confidentiality requirements for working with children in care.

(vi) Working in coordination with the public school system.

(vii) Other matters related to working with children in care.

(C) Screening.—An assurance that all mentors covered under the program are appropriately screened and have demonstrated a willingness to comply with all aspects of the mentor training program;

(D) Educational requirements.—An assurance that all mentors recruited to serve as academic mentors will—

(i) have a high school diploma or its equivalent; and

(ii) have completed at least 1 year of study in a program leading to a graduate or post graduate degree.

(E) Community consultation.—Coordination with other programs.—A description that, in developing and implementing the program, the State or political subdivision will, to the extent feasible and appropriate—

(i) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potentially eligible children;

(ii) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

(iii) consult and coordinate with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

(F) Equal access for local service providers.—An assurance that public and private organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

(G) Records, reports, and audits.—An agreement that the State or political subdivision will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

(H) Evaluation.—An assurance that the program or political subdivision will demonstrate to the Secretary for the program and its partners to effectively carry out a mentoring program under this subsection;

(I) the level and quality of training provided to mentors under the program;

(J) evidence of coordination of the program with the State's or political subdivision’s social services and education programs;

(K) the ability of the State or political subdivision to provide supervision and support for mentors under the program and the youth served by the program;

(L) evidence of consultation with institutions of higher learning;

(M) the number of children in care served by the State or political subdivision;

(N) any other factors that the Secretary determines to be significant with respect to the potential success of carrying out a mentoring program under this subsection;

(O) Use of funds.—Of the amount awarded to a State or political subdivision under a grant under this subsection the Secretary shall—

(1) use not less than 50 percent of the total grant amount for the training and ongoing educational support of mentors; and

(2) use not more than 10 percent of the total grant amount for administrative purposes.

(P) Maximum grant amount.—

(A) In general.—In awarding grants under this section, the Secretary shall consider the number of children served by the jurisdiction and the grant amount relative to the need for services.

(B) Limit.—The amount of a grant awarded to a State or political subdivision under this subsection shall not exceed $600,000.

(8) Annual report.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to Congress a report that includes the following with respect to the year involved:

(A) A description of the number of programs receiving grant awards under this subsection;

(B) A description of the number of mentors who serve in the programs described in subparagraph (A).

(C) Any other information that the Secretary determines to be relevant to the evaluation of the program under this subsection.

(D) Evaluation.—Not later than 3 years after the date of enactment of this section, the Secretary shall conduct an evaluation of the effectiveness of programs funded under this section, including a comparison between the outcomes of programs receiving Federal support and those not receiving Federal support, and shall submit a report to Congress assessing the outcomes of programs receiving Federal support and those not receiving Federal support.

(10) Authorization of Appropriations.—There are authorized to be appropriated to..."
carry out this subsection, $15,000,000 for each of fiscal years 2004 and 2005, and such sums as may be necessary for each succeeding fiscal year.

(d) NATIONAL COORDINATION OF STATEWIDE MENTORING PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may award a competitive grant to an eligible entity to carry out a National Hotline Service or Website to provide information to individuals who are interested in becoming mentors to youth in foster care.

(2) ELIGIBILITY OF APPOINTMENTS.—There are authorized to be appropriated to carry out this subsection, $4,000,000 for each of fiscal years 2004 and 2005, and such sums as may be necessary for each succeeding fiscal year.

(e) LOAN FORGIVENESS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE MENTOR.—The term ‘eligible mentor’ means an individual who has served as a mentor in a statewide mentor program established under subsection (c) for at least 200 hours in a single calendar year.

(B) FEDERAL STUDENT LOAN.—The term ‘Federal student loan’ means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(C) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

(2) AUTHORITY OF THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall—

(i) if the Secretary finds, with respect to a State’s program under Part D—

(1) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C) that the State data submitted pursuant to section 454(15)(B) is incomplete or incorrect; or

(2) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C) that a State failed to substantially comply with the provisions of subparagraph (a) or paragraph (2) of subparagraph (a), and the Secretary determines that the State has not corrected the violation pursuant to the corrective compliance plan required by subsection (b),

(ii) by striking subparagraph (A) and inserting the following:

‘‘(A) on the percentage reduction in the minimum participation rate with respect to families receiving assistance under the State program of block grants for the fiscal year shall be applied without regard to the employment credit for a State as determined under subsection (b)(2);’’;

(iii) 30 percentage points, in the case of fiscal year 2006;

(iv) 20 percentage points, in the case of fiscal year 2007; or

(B) NONAPPLICATION TO THE EMPLOYMENT CREDIT.—The limitation under subparagraph (A) on the percentage reduction in the minimum participation rate with respect to families receiving assistance under the State program of block grants for the fiscal year shall be applied without regard to the employment credit for a State as determined under subsection (b)(2);’’.

SA 2986. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.


(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c)(1)(E) (42 U.S.C. 1396u–3(c)(1)(E)), as amended by section 401(b) of Public Law 108–89, is amended by striking ‘‘and 2005’’ and inserting ‘‘and 2005’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2004.

SA 2987. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 353, strike line 6 and all that follows through page 356, line 3.

SA 2988. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 10 and 11, insert the following:

SEC. 2. STATE OPTION TO EXTEND CURRENT WAIVERS AND CREATION OF TANF WAIVER AUTHORITY.

Section 415 (42 U.S.C. 615) is amended by adding at the end the following:
(e) State Option To Continue Waivers.—

(1) IN GENERAL.—Notwithstanding paragraphe (1) and (2)(A) of subsection (a), or any other provision of law, but subject to subsection (b) (1) (B), the Secretary shall have the authority to approve a request that is operating under a waiver described in paragraph (2) which would otherwise expire on a date that occurs during the period that begins on December 1, 2001, and ends on December 30, 2008, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver before the date the waiver would otherwise expire, through the earlier of such date as the State may select or September 30, 2008.

(2) Waiver Described.—For purposes of paragraph (1), a waiver described in this paragraph is—

(A) a waiver described in subsection (a); or

(B) a waiver that was granted to a State under section 1115 or otherwise and that relates only to the provision of assistance under a State program under this part.

(f) Waiver Authority for All States.—

(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (g), the Secretary may waive any statutory or regulatory requirement of this part at the request of a State or Indian tribe operating a State or tribal program funded under this part.

(2) Request for waiver.—

(A) IN GENERAL.—A State or Indian tribe that wishes to seek a waiver with respect to a State or tribal program funded under this part shall submit a waiver request to the Secretary that—

(i) describes the Federal statutory or regulatory requirement being proposed to be waived; (ii) describes how the waiving of such requirement will improve or enhance achievement of 1 or more of the purposes of this part; (iii) describes the State’s proposal for an independent evaluation of the program under the waiver; and (iv) in the case of a State, includes a copy and description of relevant State statutes and, if applicable, State regulations that would allow the State to implement the waiver described in the proposal.

(B) NOTICE AND COMMENT.—The Secretary shall provide through the Federal Register for a 30-day period for notice and comment on the request, and shall solicit input from members of the public, to solicit comment on the waiver request prior to acting on the request.

(3) Requirements.—

(A) IN GENERAL.—The Secretary shall not waive the following statutory sections or any regulatory requirements related to such sections:

(i) Section 401(a), (ii) Paragraphs (1) through (4) of section 403(a), (iii) Section 409(a)(7), (iv) Section 406(d), (v) Section 407(e)(2), (vi) Section 407(f).

(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver is necessary in enabling the State or Indian tribe to carry out the activities for which the waiver was requested and the waiver has improved or enhanced performance expected to 1 or more of the purposes of this part.

(5) Approval Procedure.—

(A) IN GENERAL.—Not later than 60 days after the date of receiving a request for a waiver under this subsection, the Secretary shall provide a response that—

(i) approves the waiver request; (ii) provides a description of modifications that would be necessary in order to secure approval for the waiver; (iii) Education and describes the grounds for the denial; or (iv) requests clarification of the waiver request.

(B) Approval decisions.—The Secretary shall not approve any waiver request that does not include all the information required in subparagraph (2)(A) and shall take into account any other provision of law, but subject to subparagraph (C), the number of waivers granted under this section, including—

(A) the projects approved and denied for each applicant; (B) the number of waivers granted under this subsection (C) the specific statutory provisions waived; and (D) descriptive information about the nature and status of approved waivers, including findings from interim and final evaluation reports.

(C) Cost-Neutrality Requirement.—

(1) General rule.—Notwithstanding any other provision of law (except as provided in paragraph (2)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in a State for which a waiver has been granted under subsection (e) or (f) shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the waiver had not been granted, as determined by the Director of the Office of Management and Budget.

(2) Special rule.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this paragraph to the programs in the State with respect to which a waiver under subsection (e) or (f) has been approved, determining such period of not more than 5 consecutive fiscal years in which the waiver is in effect, and the Director determines, on the basis of supporting information provided by the applicant, that continuing the waiver beyond that period would not be consistent with any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs if the waiver had not been granted.

SA 2990. Mr. ROCKEFELLER submitted an amendment intended to be reported favorably to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

On page 255, strike lines 9 through 17, and insert the following:

(c) Research on Indicators of Child Well-Being.—Section 413 (42 U.S.C. 613), as amended, is amended by adding at the end the following:

‘‘(i) Indicators of Child Well-Being.—

(A) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

(B) REQUIREMENTS.—

(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

(i) Education; (ii) Social and emotional development; (iii) Health and safety; (iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

(i) statistically representative at the State level; (ii) consistent across States; (iii) collected on an annual basis for at least the 5 years preceding the year of collection; (iv) expressed in terms of rates or percentages; (v) statistically representative at the national level; (vi) measured with reliability; (vii) current; and (viii) measured with reliability, with respect to low-income children and families.

(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

(3) ADVISORY PANEL.—

(A) Establishment.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

(B) Membership.—

(I) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

(i) One member appointed by the Secretary at the request of the Senate.

(ii) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

(iii) One member appointed by the Rank-
"(4) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2009, $10,000,000 for the purpose of carrying out this subsection.").

SA 2991. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, and insert the following:

(d) RESEARCH ON INDICATORS OF CHILD WELL-BEING.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

"(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

"(i) Education.

"(ii) Social and emotional development.

"(iii) Health and safety.

"(iv) Family and community support, such as family structure, income, employment, child care arrangements, and family relationships.

"(B) OTHER REQUIREMENTS.—The data collected in connection with the indicators developed under paragraph (1) shall be—

"(i) statistically representative at the State level;

"(ii) consistent across States;

"(iii) collected on an annual basis for at least the 5 years preceding the year of collection;

"(iv) expressed in terms of rates or percentages;

"(v) statistically representative at the national level;

"(vi) measured with reliability; and

"(vii) current; and

"(viii) over-sampled, with respect to low-income children and families.

"(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

"(3) ADVISORY PANEL.—

"(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the measurements required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

"(B) MEMBERSHIP.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

"(4) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2009, $10,000,000 for the purpose of carrying out this subsection.").

SA 2992. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 22 and 23, insert the following:

(b) LIMITATION ON PENALTY FOR FAILURE TO SATISFY MINIMUM PARTICIPATION RATES FOR IMPROVING STATES.—Section 406(a)(3) (42 U.S.C. 606(a)(3)), as amended by section 110(a)(2)(B), is amended—

"(1) in subparagraph (A), by striking ‘‘If the Secretary’’ and inserting ‘‘Subject to subparagraphs (C) and (D), if the Secretary’’;

"(2) by adding at the end the following:

"(D) LIMITATION ON APPLICATION OF PENALTY FOR FAILURE TO SATISFY MINIMUM PARTICIPATION RATE.—Notwithstanding the provisions of paragraph (1), in the case of a State that has a participation rate under section 407(b) for the fiscal year that is at least 5 percentage points more than the participation rate determined under that section for the State for the preceding fiscal year, the Secretary shall not reduce the grant payable to a State under section 406(a)(1) for the immediately succeeding fiscal year based on the failure of the State to comply with section 407(a).

"(E) REQUEST BY FOREIGN COUNTRY .—For the purposes of clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(10)) is amenable to enforcement under the Parental Responsibility Obligations Met through Immigration System Enforcement Act’’ or ‘‘PROMISE Act’’.

SA 2993. Mr. ROCKEFELLER (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(f) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(a)(10) of the Social Security Act (42 U.S.C. 654(a)(10)) is amenable to enforcement.

"(g) REQUEST BY FOREIGN COUNTRY.—For purposes of clause (i), any request for services by a foreign reciprocating country or a foreign country with which a State has an existing agreement described in paragraph (d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.’’.

SA 2994. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE V—PARENTAL RESPONSIBILITY OBLIGATIONS MET THROUGH IMMIGRATION SYSTEM ENFORCEMENT

SEC. 01. SHORT TITLE OF TITLE.

This title may be cited as the ‘‘Parental Responsibility Obligations Met through Immigration System Enforcement Act’’ or ‘‘PROMISE Act’’.

SEC. 02. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 454(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(f) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(a)(10) of the Social Security Act (42 U.S.C. 654(a)(10)) is amenable to enforcement.

"(g) REQUEST BY FOREIGN COUNTRY.—For purposes of clause (i), any request for services by a foreign reciprocating country or a foreign country with which a State has an existing agreement described in paragraph (d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.’’.

S3490  CONGRESSIONAL RECORD — SENATE  March 31, 2004

On March 31, 2004, the Senate continued a debate on the Personal Responsibility and Individual Development for Everyone Act. The Senate passed the bill by a vote of 96 to 0. The Senate also amended the bill to add language related to the Parental Responsibility Obligations Met through Immigration System Enforcement Act. The revised bill was sent to the House of Representatives. The Senate then adjourned sine die.
SEC. 03. AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following:

“(C)(i) the Secretary of Homeland Security may, in the Secretary’s discretion, parole into the United States, or in the case of an alien who is applying for a visa at a consular post, parole at a port of entry, to any alien who is inadmissible under subsection (a)(10)(F)(i) if—

(II) the alien demonstrates that the Secretary of Homeland Security believes that such parole is essential to the compliance and fulfillment of child support obligations;

(III) the alien demonstrates that the alien has employment in the United States and is authorized by law for employment in the United States; and

(IV) the alien is not inadmissible under any other provision of law.

(1) The Secretary of State may permit an alien described in clause (i) to present himself or herself at a port of entry for the limited purpose of seeking parole pursuant to clause (ii).

SEC. 04. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF FUND CHARACTER.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting “; or”;

(2) by inserting after paragraph (8) the following:

“(9) The Secretary of Homeland Security, or Secretary of State, or Secretary of Health and Human Services shall provide and transmit to authorized persons through the Federal Parent Locator Service in the Secretary of Health and Human Services determines may aid the authorized person in establishing whether an alien is delinquent in the payment of child support.

“(B) AUTHORIZED PERSON DEFINED.—For purposes of subparagraph (A), the term ‘authorized person’ means any administrative agency, immigration officer, or consular officer (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) having the authority to investigate or enforce any of the provisions or activities described in clauses (i) through (VIII).

On page 154, between lines 15 and 16, insert the following:

“(x) Training for individuals who will conduct any of the programs or activities described in clauses (i) through (VIII).

SEC. 05. AUTHORIZATION TO SERVE LEGAL PROCESS ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.

Section 285(a) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

“(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

“(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve any alien who is an applicant for admission to the United States, legal process with respect to—

(i) any action to enforce a legal obligation of an individual to pay child support (as defined in section 251(1)(A) of the Social Security Act (42 U.S.C. 651(1))) and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of that Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

SEC. 06. AUTHORIZATION TO OBTAIN INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.

Section 453(h) (42 U.S.C. 653(h)) is amended by adding at the end the following:

“(4) PROVISION TO ATTORNEY GENERAL, SECRETARY OF HOMELAND SECURITY, AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—
required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.

(ii) In paragraph (2) of section 1915(b)(2), after "State (or States) that require such payments as a condition of participation under section 1115(a)(3)," by inserting "or States under section 1115(a)(3),".

SEC. 121. APPLICATION OF PROVISIONS RELATING TO CHARITABLE, RELIGIOUS, OR PRIVATE ORGANIZATIONS TO CONTRACTS TO PROVIDE SERVICES UNDER THE SOCIAL SERVICES BLOCK GRANT.

(a) In General.—Section 102(a)(3)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 641a(a)(3)(C)) is amended by striking "(A) the State is required to pay for medical assistance for items and services furnished for medical assistance under section 1902(a)(10)(A)(i)(IX)," subject to paragraph (2), (A) State is not required to pay for family coverage under section 1902(II) if it does not exceed 5 percent of the family's income; and (B) the requirements imposed under paragraph (1) may only apply to the extent that—

"(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(II) does not exceed 5 percent of the family's income; and

"(B) the requirement is imposed consistent with section 1902(II) of the Social Security Act (42 U.S.C. 1396o) is amended—

"(1) in paragraph (1)(A), by inserting "or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21," after ", or intermediate care facility for the mentally retarded," and

"(B) by striking "or services in an intermediate facility for the mentally retarded and inserting "or services in an intermediate facility for the mentally retarded," and

"(3) in paragraph (2), by striking "or would require inpatient psychiatric hospital services for individuals under age 21," after "or intermediate care facility for the mentally retarded," and

"(4) in paragraph (7)(B), by inserting "or would require inpatient psychiatric hospital services for individuals under age 21," after ", or intermediate care facility for the mentally retarded," and

"(i) be in addition to amounts appropriated under subparagraph (A) and retained under section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)),

"(ii) there is appropriated to the Secretary, $5,000,000 for each of fiscal years 2006, 2007, and 2008; and

"(iii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2009 and 2010; and

"(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall:

"(1) be in addition to amounts appropriated under subparagraph (A) and retained under section 1902(a)(1)(A)(i)(II) for the purpose of carrying out activities described in subsection (a)(2); and

"(2) the family to family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in their communities; and

"(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals;

"(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals;

"(H) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

"(i) expenditures for food, clothing, personal necessities, and medical assistance for items and services furnished on or after October 1, 2006.

SEC. 04. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 1902(a)(10)(A)(i)(II) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended by adding at the end the following new subsection:

"(C) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

"(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

"(C) With respect to fiscal year 2008, such centers shall be developed in all States.

"(D) Funds appropriated under subparagraph (A) that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

"(E) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.

SEC. 05. RESTRICTION OF MEDICAID ELIGIBILITY FOR CERTAINSSI BENEFICIARIES.

(a) In General.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

"(1) by inserting "(aa)" after ";";

"(2) by striking "and" and inserting "; and"

"(3) by striking "section or who are" and inserting "section, (bb) who are"; and

"(4) by inserting before the comma at the end the following: " or who are under 21 years of age and with respect to whom supplemental security income benefits would be payable under title XVI of the Social Security Act and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following'."

"(b) Effective Date.—The amendments made by subsection (a) shall be applied to medical assistance for items and services furnished on or after January 1, 2006.

SEC. 06. RESTRICTION OF MEDICAID ELIGIBILITY FOR CERTAINSSI BENEFICIARIES.

(a) In General.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

"(1) by inserting ";" after ";";

"(2) by striking "and" and inserting "; and"

"(3) by striking "section or who are" and inserting "section, (bb) who are"; and

"(4) by inserting before the comma at the end the following: " or who are under 21 years of age and with respect to whom supplemental security income benefits would be payable under title XVI of the Social Security Act and (B) of section 1611(c)(7) were applied without regard to the phrase ‘the first day of the month following’".

"(b) Effective Date.—The amendments made by subsection (a) shall be applied to medical assistance for items and services furnished on or after January 1, 2006.

SA 2997. Mr. SANTORHUM submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 10 and 11, insert the following:

(2) The program to provide block grants to States for social services established under title XX of the Social Security Act (42 U.S.C. 1301 et seq.).

SA 2998. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 121. FRAUD PREVENTION.

(a) Enforcement of Prohibition on Assistance for Fugitive Felons and Probation and Parole Violators.—Section
Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

(1) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal means-tested public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such assistance shall not be provided unless the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the assistance or its equivalent to the alien.

SA 3004. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

(1) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any medical assistance under the medicaid program that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such assistance shall not be provided unless the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the assistance or its equivalent to the alien.

SA 3005. Mr. SESSIONS submitted an amendment intended to be proposed by
him to the bill S. 7, to authorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(1) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal assistance to public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such benefit shall not be provided unless—

1. proof of legal immigrant status is submitted with the application for such benefit; and
2. the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the benefit or its equivalent to the alien.

**SA 3006. Mr. FRIST (for Mr. MCCAIN (for himself, Mr. STEVENS, Mr. DORGAN, and Mr. REID)) proposed an amendment to the bill S. 275, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; as follows:**

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Professional Boxing Amendments Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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**SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

**SEC. 3. DEFINITIONS.**

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

**(A) the boxer who is to participate in the match or matches; or**

**(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled, or held in trust unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.**

**STATE.**—The term ‘State’ means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

**(17) SANCTIONING ORGANIZATION.**—The term ‘sanctioning organization’ means an organization, other than a boxing commission, that sanctions professional boxing matches, or charges a sanctioning fee for professional boxing matches in the United States:

**(A) between boxers who are residents of different States; or**

**(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.**

**(18) SUSPENSION.**—The term ‘suspension’ includes within its meaning the temporary revocation of a boxing license.

**(19) TRIBAL ORGANIZATION.**—The term ‘tribal organization’ has the same meaning as in section 410 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450bb-1)."

**(b) CONFORMING AMENDMENT.**—Section 21 (15 U.S.C. 6312) is amended to read as follows:

**SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission in a professional boxing match shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

1. the other applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or
2. the guidelines established by the United States Boxing Commission.

(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.

**SEC. 4. PURPOSES.**

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking “State”.

**SEC. 5. UNITED STATES BOXING COMMISSION APPOINTMENT, OR AUTHORIZATION.**

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

**SEC. 4. APPROVAL OR SANCTION REQUIREMENT.**

(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

1. is approved by the Commission; and
2. ranks professional boxers, that regulates professional boxing matches in accordance with
standards and criteria established by the Commission.

"(b) APPROVAL PRESUMED.—

"(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

"(A) a match with respect to which the Commission has been informed of an alleged violation of this Act with respect to which it has notified the supervising boxing commission that it does not approve;

"(B) a match advertised to the public as a championship match;

"(C) a match scheduled for 10 rounds or more;

"(D) a match in which 1 of the boxers has—

"(i) suffered 10 consecutive defeats in professional boxing matches; or

"(ii) been knocked down 5 consecutive times in professional boxing matches.

"(2) DELEGATION OF AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1)—

"(A) if the Commission has delegated its approval authority with respect to that match to a boxing commission; and

"(B) if the boxing commission has approved the match.

"(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term "knocked down" means the condition resulting from a technical knockout of a boxer by a referee that the boxer is unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.

"(b) CONTRACT REQUIREMENTS.—Section 19 (15 U.S.C. 6310) is repealed.

"SEC. 6. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6305) is amended—

"(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers."; and

"(2) by adding at the end the following:

"(3) The examination shall include testing for infectious diseases in accordance with standards published by the Commission.

"(3) by striking paragraph (2) and inserting the following:

"An ambulance continuously present on site.

"(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"Emergency medical personnel with appropriate resuscitation equipment continuously present at the site.

"(5) by redesignating, and inserting "match in an amount prescribed by the Commission.

"SEC. 7. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

"(1) by inserting "or Indian tribe" after "State" the second place appears in subsection (a)(2);

"(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety decision to a boxer when issuing an identification card to that boxer.

"(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum, and"

"(4) by adding at the end the following:

"(d) IDENTIFICATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (c) to the Commission.

"SEC. 8. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

"(1) by striking "that, except as provided in subsection (b), no" in subsection (a)(2) and inserting "that, no";

"(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, referee, manager, or other boxing service provider which provides an opportunity for that person to present evidence.

"(3) by striking subsection (b); and

"(4) by striking "(a) procedures.—

"SEC. 9. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

"(1) by striking "24 business hours" and inserting "2 business days";

"(2) by striking "boxing" and inserting "boxers";

"(3) by striking "each boxer registry." and inserting "the Commission.".

"SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 10. CONTRACT REQUIREMENTS.

"(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, promulgate minimum contractual provisions that shall be included in each bout agreement, boxers' manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) FILING AND APPROVAL REQUIREMENTS.—

"(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract, and each promotional agreement between that manager or promoter and a boxing commission, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the Commission in an amount acceptable to the boxing commission.

"(3) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the Commission in an amount acceptable to the boxing commission.

"(b) FILING AND APPROVAL REQUIREMENTS.—

"(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract, and each promotional agreement between that manager or promoter and a boxing commission, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the Commission in an amount acceptable to the boxing commission.

"(c) CHALLENGE OF RATING.—If, after dis-

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

"(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

"(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) CHALLENGE OF RATING.—If, after dis-

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

"(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

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"(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.
SEC. 3. LICENSES AND PERMITS.—

(a) In General.—Nothing in this subtitle shall be deemed to authorize the licensing of professional boxers or to authorize a professional boxing match on Indian lands.

(b) LICENSES.—A boxing commission may issue a license to a professional boxer to participate in a professional boxing match scheduled for 10 rounds or more unless the match is for the purpose of

(i) executive a bout agreement or promotional agreement with the boxer's opponent;

(ii) providing any payment or other compensation to

(A) the boxer's opponent for participation in a bout with the boxer;

(B) the boxing commission that will regulate the bout; or

(C) ring officials who officiate at the match.

SEC. 4. MEDICAL REGISTRY.—

(a) In General.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical [be amended by striking the last sentence of subsection (a) and inserting all of the following:]

(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

(b) MEMBERS.—

(i) The Commission shall consist of—

(A) a former member of a local boxing commission,

(B) a former professional boxer, or

(c) The Commission shall consist of—

(i) a former member of a local boxing commission, or

(ii) a former professional boxer,

(c) The Commission shall consist of—

(i) a former member of a local boxing commission, or

(ii) a former professional boxer,

(iii) a person who has served as a member of a boxing commission for a period of at least five years, or

(iv) a person who has served as a member of a boxing commission for a period of at least five years, or

(v) a person who has served as a member of a boxing commission for a period of at least five years, or

(vi) a person who has served as a member of a boxing commission for a period of at least five years,

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(Ord) A person who has served as a member of a boxing commission for a period of at least five years,
serve after the expiration of that member's term until a successor has taken office.

(6) REMOVAL.—A member of that commission may be removed by the President for failure to perform the duties of that position.

(c) EXECUTIVE DIRECTOR.—

(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the duties of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

(f) COMPENSATION.—

(1) MEMBERS OF COMMISSION.—

(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of compensation of the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 202. FUNCTIONS.

(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

(2) to ensure uniformity, fairness, and integrity in professional boxing.

(b) SPECIFIC FUNCTIONS.—The Commission shall—

(1) administer title I of this Act;

(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

(3) except as otherwise determined by the Commission, prescribe the standards for professional boxing matches in the United States;

(4) work with the boxing commissions of the several States and tribal organizations—

(A) to the extent described in paragraph (1) of this subsection, integrate and professionalize of professional boxing in the United States;

(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

(C) to improve the status and standards of professional boxing in the United States;

(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

(6) review Commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for boxing;

(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

(c) PROHIBITIONS.—The Commission may not—

(1) promote boxing events or rank professional boxers;

(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission;

(3) use the name of the United States Boxing Commission. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trade Mark Act of 1946', 60 Stat. 32)

SEC. 203. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

(a) LICENSING.—

(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

(2) APPLICATION AND TERM.—

(A) IN GENERAL.—The Commission shall—

(i) establish application procedures, forms, and fees;

(ii) establish and publish appropriate standards for licenses granted under this section; and

(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

(B) DURATION.—A license issued under this section shall be for a renewable—

(i) 4-year term for any other person.

(ii) 2-year term for any other person.

(C) PROCEDURE.—The Commission may issue a license to any person through boxing commissions or in a manner determined by the Commission.

(b) LICENSING FEES.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practical—

(A) that boxing is not adversely affected;

(B) that sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

(C) boxers pay as small a portion of the fees as is possible.

(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

(b) CONTENTS.—The information in the registry shall include the following—

(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure, in accordance with the confidentiality requirements of section 114(c).

(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing.

SEC. 206. CONSULTATION REQUIREMENTS.

The Commission shall consult with the Association of Boxing Commissions—

(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

(2) not less than once each year regarding matters relating to professional boxing.

SEC. 207. MISCONDUCT.

(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

(MISCONDUCT.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

(1) the license holder has violated any provision of this Act;

(2) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

(b) PERIOD OF SUSPENSION OR REGISTRATION.—

(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in paragraph (B).

(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certification under this subsection.

(C) PERIOD OF REVOCATION.—In the case of the revocation of a license of a boxer, the
revocation shall be for a period of not less than 1 year.

(2) INVESTIGATIONS AND INJUNCTIONS.—

(A) AUTHORITY.—The Commission may:

(b) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States District Court for the District of Columbia, the United States courts of any territory or other place subject to the jurisdiction of the United States, or in a court of the District of Columbia, or the United States District courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

(c) INTERVENTION IN CIVIL ACTIONS.—

(i) In general.—For the purpose of any investigation or proceeding under this Act or any order of the Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to the provisions of this Act or any order of the Commission.

(ii) The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

SEC. 208. NONINTERFERENCE WITH BOXING.

(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or boxing commissions to the extent not inconsistent with the provisions of this Act.

(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements prescribed under this Act.

SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

(a) Any employee of any executive department, agency, bureau, board, commission, or instrumentality may be detailed to perform that activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

(b) The table of contents for this Act may be cited as the ‘‘Professional Boxing Safety Act‘‘.

(c) The table of contents for this Act is as follows:

Section 1. Short title; table of contents.

Section 1. Short title; table of contents.

Sec. 1. Definition.

Title 1—Professional Boxing Safety

Sec. 104. Registration.

Title 10—Registration.

Sec. 106. Reporting.

Title 10—Registration.

Sec. 108. Protection from coercive contracts.

Title 11—Compliance with provisions.

Sec. 109. Sanctioning organizations.

Title 11—Compliance with provisions.

Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.

Title 11—Required disclosures to State boxing commissions by sanctioning organizations.

Sec. 111. Required disclosures by promoters and broadcasters.

Title 11—Required disclosures by promoters and broadcasters.

Sec. 112. Medical registry.

Title 12—Medical registry.

Sec. 113. Confidentiality.

Title 12—Medical registry.

Sec. 115. Conflicts of interest.

Title 12—Medical registry.

Sec. 116. Enforcement.
“Sec. 117. Professional boxing matches conducted on Indian lands.

“Sec. 118. Relationship with State or Tribal law.

“Title II—United States Boxing Commission

“Sec. 201. Purpose.


“Sec. 203. Functions.

“Sec. 204. Licensing and registration of boxing personnel.

“Sec. 205. National registry of boxing personnel.

“Sec. 206. Contamination requirements.

“Sec. 207. Misconduct.

“Sec. 208. Noninterference with boxing commissions.

“Sec. 209. Assistance from other agencies.

“Sec. 210. Reports.

“Sec. 211. Initial implementation.

“Sec. 212. Authorization of appropriations.”;

(b) by inserting before section 3 the following: “TITLE I—PROFESSIONAL BOXING SAFETY”:

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

“(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.”;

(E) by striking “section 13” in subsection (b) of section 113, as redesignated, and inserting “section 111”;

(F) by striking “9(b), 10, 11, 12, 13, 14, or 16,” in paragraph (1) of section 116(b), as redesignated, and inserting “107, 108, 109, 110, 111, or 114.”;

(G) by striking “9(b), 10, 11, 12, 13, 14, or 16” in paragraph (2) of section 116(b), as redesignated, and inserting “107, 108, 109, 110, 111, or 114”;

(H) by striking “section 17(a)” in subsection (b)(3) of section 116, as redesignated, and inserting “section 115(a)”;

(I) by striking “section 19” in subsection (e)(3) of section 116, as redesignated, and inserting “section 115(b)”;

(J) by striking “of this Act” each place it appears in sections 110 through 120, as redesignated, and inserting “of this title”.

(2) AAlien Members—Section 5315 of title 5, United States Code, is amended by adding at the end the following: “Members of the United States Boxing Commission.”

SEC. 22. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term “promoter” should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with testimony at those hearings.

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term “promoter” for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and recommendations of the Commission, together with any recommendations of the Commission, based on the study.

SEC. 23. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 1 year after the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 10 a.m., to conduct a hearing on “Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.”

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to conduct a hearing on “Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.”

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 10 a.m., to conduct a hearing on “Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.”

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Shawn Gallagher, a fellow in the office of the Democratic leader, be granted the privileges of the floor during consideration of H.R. 4.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that John Collison be given floor privileges for the remainder of this day.

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

PROFESSIONAL BOXING AMENDMENTS ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 98, S. 275.

The PRESIDING OFFICER. The clerk will report the bill by title.
CONGRESSIONAL RECORD — SENATE
March 31, 2004

The assistant legislative clerk read as follows:

A bill (S. 275) to amend the Professional Boxing Safety Act of 1996, and to establish a United States Boxing Administration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in italic.]

S. 275

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.]

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Professional Boxing Safety Act of 1996.

Sec. 3. Definitions.

Sec. 4. Purposes.

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.

Sec. 6. Safety standards.

Sec. 7. Registration.

Sec. 8. Review.

Sec. 9. Reporting.

Sec. 10. Contract requirements.

Sec. 11. Contracts.

Sec. 12. Sanctioning organizations.

Sec. 13. Required disclosures by sanctioning organizations.

Sec. 14. Required disclosures by promoters.

Sec. 15. Judges and referees.

Sec. 16. Medical registry.

Sec. 17. Conflicts of interest.

Sec. 18. Enforcement.

Sec. 19. Repeal of deadwood.

Sec. 20. Recognition of tribal law.

Sec. 21. Establishment of United States Boxing Administration.

Sec. 22. Effective date.

[SECTION 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.]

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of another section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

[SEC. 3. DEFINITIONS.]

Sec. 3. Definitions.

Sec. 4. Purpose;

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.

Sec. 6. Safety standards.

Sec. 7. Registration.

Sec. 8. Review.

Sec. 9. Reporting.

Sec. 10. Contract requirements.

Sec. 11. Contracts.

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Sec. 14. Required disclosures by promoters.

Sec. 15. Judges and referees.

Sec. 16. Medical registry.

Sec. 17. Conflicts of interest.

Sec. 18. Enforcement.

Sec. 19. Repeal of deadwood.

Sec. 20. Recognition of tribal law.

Sec. 21. Establishment of United States Boxing Administration.

Sec. 22. Effective date.

[SEC. 4. PURPOSES.]

Sec. 4. Purpose.

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.
[SEC. 7. REGISTRATION.]

Section 6 (15 U.S.C. 6305) as amended—

(1) by striking “or Indian tribe” after “State” the second place it appears in subsection (a)(2); and

(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall provide for regulatory standards established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”; and

(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum.”; and

(4) by adding at the end the following:—

“(d) COPY OF REGISTRATION TO BE SENT TO ADMINISTRATION.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the Administration.”.

[SEC. 8. REVIEW.]

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence; and

(4) by striking subsection (b); and

(3) by striking “(a) PROCEDURES.”.”.

[SEC. 9. REPORTING.]

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”;

(2) by striking “registry” and inserting “the Administration.”;

(3) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—A manager or promoter shall provide a copy of the ratings change, and a thorough explanation in writing under penalty of perjury to the boxer and the Administration.”.

(4) by striking paragraph (2) and inserting the following:

“(2) NOTIFICATION; ASSURANCES.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide assurances in writing to the Administration and the supervising boxing commission that all applicable requirements of this Act will be met with respect to that professional boxing match.

(b) CONFIRMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

[SEC. 6. SAFETY STANDARDS.]

Section 5 (15 U.S.C. 6303) as amended—

(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers.” and inserting “requirements.”;

(2) by striking “no person shall issue an identification card to that boxer unless” and inserting “no person may arrange, promote, organize, produce, or distribute in a professional boxing match scheduled for 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration, a statement of—”;

(3) by striking “shall, in accordance with requirements equivalent protection of the health and safety of boxers.” and inserting “A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and a statement of all contractual provisions are present in any such agreement or contract submitted to it.”;

(4) by inserting “or an alternate requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers.” and inserting “requirements.”;

(5) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement.

(2) Each boxermanager contract and promotional agreement shall include provisions ensuring that the minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement are present in any such agreement or contract submitted to it.”.

(6) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(7) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(5) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(8) by striking paragraph (2), and redesignating, and inserting “match” in an amount acceptable to the Administration.”.

[SEC. 10. CONTRACT REQUIREMENTS.]

Section 9 (15 U.S.C. 6307a) as amended to read as follows:

“(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement.

(2) Each boxermanager contract and promotional agreement shall include provisions ensuring that the minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement are present in any such agreement or contract submitted to it.”.

(3) by striking “shall, in accordance with requirements equivalent protection of the health and safety of boxers.” and inserting “A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and a statement of all contractual provisions are present in any such agreement or contract submitted to it.”;

(4) by inserting “or an alternate requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers.” and inserting “requirements.”;

(5) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—A manager or promoter shall provide a copy of each boxermanager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and a statement of all contractual provisions are present in any such agreement or contract submitted to it.”.

(6) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(7) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(8) by striking paragraph “match.” in paragraph (5), as redesignated, and inserting “match” in an amount acceptable to the Administration.”.

[SEC. 11. COERCIVE CONTRACTS.]

Section 10 (15 U.S.C. 6307b) as amended—

(1) by striking paragraph (3) of subsection (a); and

(2) by inserting “or elimination” after “mandatory” in subsection (b).

[SEC. 12. SANCTIONING ORGANIZATIONS.]

Section 11 (15 U.S.C. 6307c) as amended to read as follows:

“(a) IN GENERAL.—Section 15 (15 U.S.C. 6307c) is amended to provide for regulatory standards established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

(1) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum.”; and

(2) by adding at the end the following:

“(d) COPY OF REGISTRATION TO BE SENT TO ADMINISTRATION.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the Administration.”.

[SEC. 9. REPORTING.]

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”;

(2) by striking “registry” and inserting “the Administration.”;

(3) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—A manager or promoter shall submit a copy of each boxermanager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and a statement of all contractual provisions are present in any such agreement or contract submitted to it.”.

(3) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—The Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement.

(2) Each boxermanager contract and promotional agreement shall include provisions ensuring that the minimum contractual provisions that shall be included in each bout agreement, boxermanager contract, and promotional agreement are present in any such agreement or contract submitted to it.”.

(4) by inserting “or an alternate requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers.” and inserting “requirements.”;

(5) by striking paragraph (1) and inserting the following:

“(1) ADMINISTRATION.—A manager or promoter shall provide a copy of each boxermanager contract and each promotional agreement between that manager or promoter and a boxer to the Administration, and, if requested, to the boxing commission with jurisdiction over the bout.

(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and a statement of all contractual provisions are present in any such agreement or contract submitted to it.”.

(6) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(7) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(8) by striking paragraph “match.” in paragraph (5), as redesignated, and inserting “match” in an amount acceptable to the Administration.”.

[SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.]
[1] "(c) Sanctioning Organization Not To Influence Selection Process.—A sanctioning organization—
[2] (1) may provide a list of judges and referees to a boxing commission by that organization to a boxing commission; but
[3] (2) shall not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

[4] (d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign a judge or referee who reside outside that commission's State or Indian land if the judge or referee is licensed by a boxing commission in the United States.

[5] (e) Confidentiality.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, any source for participation in the match. If the referee has received, or will receive, from any source for participation in the match.

[6] (f) Required Disclosure.—A judge or referee for a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee for any source for participation in the match.

[7] (g) Enforcement.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

[8] (1) protect the health and safety of boxers by making relevant information available to boxing commissions for use but not public disclosure; and
[9] (2) ensure that the privacy of the boxers is protected.

[10] (h) Content Submission.—The Administration shall determine—

[11] (1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer;
[12] (2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

[13] (i) Primary Functions. —The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

[14] (1) protect the health and safety of boxers by making relevant information available to boxing commissions for use but not public disclosure; and
[15] (2) ensure that the privacy of the boxers is protected.

[16] (j) Conforms.—Section 15 (5 U.S.C. 6301f) is amended—

[17] (1) by inserting "or tribal" in the section heading after "State"; and
[18] (2) by inserting "or Indian tribe" after "State".

[19] SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

[20] (a) In General.—The Act is amended by adding at the end the following:

[21] "TITLE II: UNITED STATES BOXING ADMINISTRATION

[22] SEC. 201. PURPOSE.

[23] (1) The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

[24] SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

[25] (a) In General.—The United States Boxing Administration is established as an administration of the Department of Labor.

[26] (b) Administrator.—

[27] (1) Appointment.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

[28] (2) Qualifications.—The Administrator shall be an individual who—

[29] (A) has extensive experience in professional boxing activities or in a field directly related to boxing and regulation of boxing activities or in a field directly related to boxing and regulation of boxing activities;
[30] (B) is of outstanding character and recognized integrity; and
[31] (C) is selected on the basis of training, experience, character, and integrity.

[32] (c) Assistant Administrator; General Counsel.—

[33] (1) Appointment.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

[34] (A) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator to carry out the functions of the Administrator, or in the event of a vacancy in that office; and
[35] (B) carry out such duties as the Administrator may assign.

[36] (2) Staff.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

[37] SEC. 203. FUNCTIONS.

[38] (a) Primary Functions.—The primary function of the Administration are—

[39] (1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and
[40] (2) to ensure uniformity, fairness, and integrity in professional boxing.

[41] (b) Specific Functions.—The Administrator shall—

[42] (1) administer title I of this Act;
[43] (2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;
[44] (3) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States; and
[45] (4) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations.

[46] (c) Enforcement.—The Administration shall—

[47] (1) issue a license under this paragraph to a person who, as determined by the Administrator, meets the standards established by the Administration under this title;
[48] (2) enforce the temporary and interim test used by the Administration to determine the purpose of this title consistent with the provisions of this title.

[49] (d) Prohibitions.—The Administration may not—

[50] (1) promote boxing events or rank professional boxers; or
[51] (2) provide technical assistance to, or authorize the use of the name, trademark, or any other exclusive name, trademark, emblem, symbol, or insignia of the Administrator for professional boxing matches as provided in a license granted to that person under this subsection.

[52] (2) Application and Term.—

[53] (A) In General.—The Administration shall—

[54] (i) establish application procedures, forms, and fees;
[55] (ii) establish and publish appropriate standards for licenses granted under this section; and
[56] (iii) issue a license to any person who, as determined by the Administrator, meets the standards established by the Administration under this title.

[57] (B) Duration.—A license issued under this section shall be renewable—

[58] (i) 4-year term for a boxer; and
[59] (ii) 2-year term for any other person.

[60] (C) Procedure.—The Administration may issue a license paragraph through local boxing authorities or in a manner determined by the Administration.
licensing fees.—

(1) authority.—the administration may prescribe and charge reasonable fees for the licensing of persons under this title. the administration may prescribe, charge, and adjust fees on the basis of classifications of persons, functions, and events determined appropriate by the administration.

(2) making a complaint and charging fees under paragraph (1), the administration shall ensure that, to the maximum extent practicable—

(a) the function of boxing is not adversely affected;

(b) sanctioning organizations and promoters pay the largest portion of the fees; and

(c) boxers pay as small a portion of the fees as is possible.

(3) collection.—fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the administration.

sec. 205. national registry of boxing personnel.—

(a) requirement for registry.—the administration, in consultation with the association of boxing commissions, shall establish, or authorize a third party to establish and maintain, a unified national computerized registry for the collection, storage, and retrieval of information related to the licensing, registration, and supervision of professional boxers, boxing judges, physicians, and any other personnel determined by the administration as performing a professional activity for professional boxing matches.

(b) contents.—the information in the registry shall include the following:

(1) boxers.—a list of professional boxers and data in the medical registry established under section 114 of this act, which the administration shall secure from disclosure in accordance with the confidentiality requirements under section 114(c).

(2) other personnel.—information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, cut men, corner men, boxing judges, physicians, and any other personnel determined by the administration as performing a professional activity for professional boxing matches.

sec. 206. consultation requirements.—

the administration shall consult with local boxing authorities.

(1) authority.—the administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the administration finds that—

(A) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest;

(B) the complainant has prima facie evidence of the violation of this act or the provisions of any local boxing regulations by the licensee or person for whom a license is issued under this act.

(2) period of suspension.—

(a) in general.—a suspension of a license under this section shall be effective for a period determined appropriate by the administration except as provided in subparagraph (b).

(b) suspension for medical reasons.—in the case of a license for medical reasons by the administration, the administration may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. the administration shall prescribe, charge, and adjust fees to cover the costs of accepting certifications under this subpart.

(c) investigations and injunctions.—

(1) authority.—the administration may—

(A) conduct any investigation that it considers warranted to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

(B) require any person to file with it a statement in writing, under oath or otherwise as the administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

(C) in its discretion, publish information concerning any violations; and

(D) investigate any facts, conditions, practices, or occurrences in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

(2) powers.—

(a) in general.—for the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the administration considers relevant or material to the inquiry.

(b) witnesses and evidence.—the attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the united states, including indian land, at any designated place of hearing.

(c) enforcement of subpoenas.—

(1) civil action.—in case of contumacy by, or refusal of, a person to answer a subpoena issued to any person, the administration may file an action in any court of the united states within the jurisdiction of which an investigation or hearing is being conducted by the administration, and the court may issue an order requiring the person to appear before the administration to produce such evidence as may be ordered, or to give testimony concerning the matter under investigation or in question.

(2) failure to obey.—any failure to obey an order under subparagraph (A) may be punished as contempt of that court.

(d) process.—all process in any action, proceeding, or investigation conducted by the administration under this title may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

(3) evidence of criminal misconduct.—

(a) in general.—no person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and papers before the administration, in obedience to the subpoena of the administration, or in any cause or proceeding instituted by the administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) injunctive relief.—if the administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the administration may bring an action in the appropriate district court of the united states district court for the district of columbia, or the united states courts of any territory or other place subject to the jurisdiction of the united states, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

(5) mandamus.—upon application of the administration, the district courts of the united states, the united states district court for the district of columbia, or the united states courts of any territory or other place subject to the jurisdiction of the united states, shall have jurisdiction to issue a writ of mandamus requiring any person to comply with the provisions of this title or any order of the administration.

(6) intervention in civil actions.—

(a) in general.—the administration, on behalf of the public interest, may intervene of right as provided under rule 2(a) of the federal rules of civil procedure in any civil action relating to professional boxing filed in a united states district court.

(b) amicus curiae.—the administration may file a brief in any action filed in a court of the united states on behalf of the public interest in any case relating to professional boxing.

(7) hearings by administration.—hearings conducted by the administration under this title shall be public and may be held before any officer of the administration or before a boxing commission that is a member of the association of boxing commissions or the association of boxing commissions.

sec. 208. noninterference with local boxing authorities.—

(a) noninterference.—nothing in this title shall prohibit any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

(b) minimum standards.—nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the administration.

sec. 209. assistance from other agencies.—

(a) any employee of any executive department, agency, bureau, board, commission, or independent establishment, or instrumentality may be detailed to the administration, upon the request of the administration, on a reimbursable or nonreimbursable basis, with the consent of the employee, by the appropriate authority having jurisdiction over the employee. while so detailed, an employee shall continue to receive the compensation provided pursuant to his or her regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

(b) reports.—

(1) annual report.—the administration shall submit a report on its activities to
the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

1. A detailed discussion of the activities of the Administration for the year covered by the report.

2. A description of the local boxing authority of each State and Indian tribe.

3. PUBLIC REPORT.—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Administration.

4. First Annual Report on the Administration.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

Sec. 211. Initial Implementation.

(a) Temporary Exemption.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

(b) Expiration.—The exemption under subsection (a) with respect to a license as the 'Professional Boxing Safety Act'.

(c) First Annual Report on the Administration.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

Sec. 212. Authorization of Appropriations.

(a) In General.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

(b) Receipts Credited as Offsetting Collections.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

(3) shall remain available until expended.

(b) Conforming Amendments.—

(1) PBISA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by amending section 1 to read as follows:

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.]

(a) Short Title.—This Act may be cited as the "Professional Boxing Safety Act".

(b) Table of Contents.—The table of contents for this Act is as follows:


Sec. 109. Sanctioning organizations.

Sec. 110. Required disclosures to state boxing commissions by sanctioning organizations.

Sec. 111. Required disclosures for promoters.

Sec. 112. Medical registry.

Sec. 113. Confidentiality.

Sec. 114. Judges and referees.

Sec. 115. Conflicts of interest.

Sec. 116. Enforcement.

Sec. 117. Professional boxing matches conducted on Indian lands.

Sec. 118. Relationship with State or tribal law.

"TITLE II—UNITED STATES BOXING ADMINISTRATION"

Sec. 201. Purpose.


Sec. 203. Functions.

Sec. 204. Licensing and registration of boxing personnel.

Sec. 205. National registry of boxing personnel.

Sec. 206. Consultation requirements.

Sec. 207. Misconduct.

Sec. 208. Noninterference with local boxing authorities.

Sec. 209. Assistance from other agencies.

Sec. 210. Reports.

Sec. 211. Initial implementation.

Sec. 212. Authorization of appropriation.

(1) by inserting before section 3 the following:

["TITLE I—PROFESSIONAL BOXING SAFETY"

(a) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(b) by striking "section 13" each place it appears in section 113, as redesignated, and inserting "section 111";

(c) by striking "section 4." in section 11(a), as redesignated, and inserting "section 102";

(d) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114;"

(e) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114;"

(f) by striking "17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "108;" and

(g) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) Compensation of Administrator.—

(a) In General.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-Year Delay for Certain Title II Provisions.—Sections 203 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Professional Boxing Safety Act of 1996.

Sec. 3. Definitions.

Sec. 4. Purposes.

Sec. 5. USBA approval, or ABC or commission sanction, required for matches.

Sec. 6. Safety standards.

Sec. 7. Registration.

Sec. 8. Review.

Sec. 9. Reporting.

Sec. 10. Contract requirements.

Sec. 11. Coercive contracts.

Sec. 12. Sanctioning organizations.

Sec. 13. Required disclosures by sanctioning organizations.

Sec. 14. Required disclosures by promoters.

Sec. 15. Judges and referees.

Sec. 16. Medical registry.

Sec. 17. Conflicts of interest.

Sec. 18. Enforcement.

Sec. 19. Repeal of deadwood.

Sec. 20. Recognition of tribal law.

Sec. 21. Establishment of United States Boxing Administration.

Sec. 22. Effective date.

SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

Sec. 3. Definitions.

(a) In General.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"Sec. 2. Definitions."

(1) "In this Act:"

(A) ADMINISTRATION.—The term 'Administration' means the United States Boxing Administration.

(B) "BOUT AGREEMENT":—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

(C) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

(D) "BOXING COMMISSION".—The term 'boxing commission' means an entity authorized by State or tribal law to regulate professional boxing matches.

(E) "BOXER REGISTRY".—The term 'boxer registry' means any entity certified by the Administrator for the purpose of maintaining records and identification of boxers.

(F) "BOXING SERVICE PROVIDER".—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

(G) "CONTRACT PROVISION".—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

(H) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(I) LICENSES.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

(J) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

(K) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or manage a boxing service provider, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.
“(12) MATCHMAKER.—The term ‘matchmaker’ means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

“(13) PHYSICIAN.—The term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

“(14) PROFESSIONAL BOXING MATCH.—The term ‘professional boxing match’ means a boxing contest held in the United States between individuals for financial compensation. The term ‘professional boxing match’ does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

“(A) IN GENERAL.—The term ‘promoter’ means the person responsible for organizing, promoting, and producing a professional boxing match.

“(B) NON-APPLICATION TO CERTAIN ENTITIES.—The term ‘promoter’ does not include a premium provider which provides an opportunity for that promoter to promote, organize, produce, or fight in a professional boxing match unless it—

“(i) is responsible for organizing, promoting, and producing the match; and

“(ii) has a promotional agreement with a boxer in that match.

“(C) ACTIVITIES ENGAGING IN PROMOTIONAL ACTIVITIES THROUGH AN AFFILIATE.—Notwithstanding subparagraph (B), an entity described in that subparagraph shall be considered to be a promoter responsible for organizing, promoting, and producing a professional boxing match—

“(i) directly or indirectly under the control of, under common control with, or acting at the direction of that entity; and

“(ii) organizes, promotes, and produces the match at the direction or request of the entity.

“(10) PROMOTIONAL AGREEMENT.—The term ‘promotional agreement’ means a contract between a person and a boxer under which the boxer grants to that person the right to secure and arrange all professional boxing matches requiring the boxer’s services for—

“(A) a prescribed period of time; or

“(B) a prescribed number of professional boxing matches.

“(17) STATE.—The term ‘State’ means each of the 50 States, Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

“(18) SANCTIONING ORGANIZATION.—The term ‘sanctioning organization’ means an organization, or a member in good standing of such an organization, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States.

“(A) between boxers who are residents of different States; or

“(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

“(19) SUSPENSION.—The term ‘suspension’ includes within it the meaning of the temporary revocation of a boxing license.

“(20) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the same meaning as in section 41 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(i)).

“(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

“SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish regulations that apply to professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

“(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish—

“(1) health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

“(A) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

“(B) the requirements established by the United States Boxing Administration.

“(2) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act that apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.

“SEC. 4. PURPOSES.

“Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ‘State’. 

“SEC. 5. USBA APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

“(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

“SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

“(1) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

“(1) is approved by the Administration; and

“(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member in good standing of the Association of Boxing Commissions.

“(b) APPROVAL PRESUMED.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

“(1) a match with respect to which the Administration has been informed of an alleged violation of this Act or any regulation of the Administration in respect to which it has notified the supervising boxing commission that it does not approve:

“(2) a match advertised to the public as a championship in which—

“(i) a match scheduled to be held at 10 rounds or more; or

“(ii) a match scheduled for 20 rounds or more.”

“(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

“SEC. 6. SAFETY STANDARDS.

“Section 5 (15 U.S.C. 6304) is amended—

“(1) by striking ‘requirements or an alternative representation in compliance with a boxing commission that provides equivalent protection of the health and safety of boxers’; and inserting ‘requirements’;

“(2) by adding at the end of paragraph (1) ‘The examination shall include testing for infectious diseases in accordance with standards established by the Administration.’;

“(3) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.

“(4) by redesigning paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(5) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”;

“(5) by striking paragraph (2) and inserting in paragraph (5), as redesignated, and inserting ‘match’ in an amount prescribed by the Administration.’.

“SEC. 7. REGISTRATION.

“Section 6 (15 U.S.C. 6305) is amended—

“(1) by inserting ‘or Indian tribe’ after ‘State’ the second place it appears in subsection (a)(2);

“(2) by striking the first sentence of subsection (c) and inserting ‘A boxing commission shall, in addition to the requirements established by the Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.  ’

“(3) by striking ‘shall’ in the second sentence of subsection (c) and inserting ‘shall, at a minimum, and’;

“(4) by adding at the end the following: ‘(b) CONFORMING AMENDMENT.—A boxing commission shall furnish a copy of registration, identification card to be sent to the Administration.’.

“(b) CONFORMING AMENDMENT.—Section 6 (15 U.S.C. 6305) is amended—

“(1) by inserting ‘and’ after the first sentence of subsection (a);

“(2) by striking ‘a prescribed period of time’ after ‘permit’ in subsection (a)(2); and

“(3) by striking subsection (b).

“SEC. 8. REVIEW.

“Section 7 (15 U.S.C. 6306) is amended—

“(1) by striking ‘that, except as provided in subsection (b), no’ in subsection (a)(2) and inserting ‘that no’;

“(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission shall be requested by a boxer, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.

“(4) by striking subsection (b); and

“(5) by striking ‘(a) PROCEDURES.’.

“SEC. 9. REPORTING.

“(a) IN GENERAL.—The Administration shall report the number of professional boxing matches held in any State to the Congress when a hearing before the boxing commission shall be requested by a boxer, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.

“(b) by striking subsection (b).

“SEC. 10. CONTRACT REQUIREMENTS.

“(a) IN GENERAL.—A boxing commission may not approve a professional boxing match unless a copy of the contract relating to that match has been filed with it and approved by it.

“(b) FILING AND APPROVAL REQUIREMENTS.—(1) A promotion contract for a match in an Indian tribe shall be submitted by the manager or promoter to a boxing commission that provides equivalent protection of the health and safety of boxers with respect to that match to the Administration and, if requested, to the boxing commission with jurisdiction over the bout.

“(2) Boxing commission shall not approve a professional boxing match unless a copy of the contract relating to that match has been filed with it and approved by it.

“(C) BOND OR OTHER SURERY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted security bond in the amount of 10 times the net value of the cash, credit, or other security with the boxing commission in an amount acceptable to the boxing commission.

“(3) by inserting ‘or elimination’ after ‘mandatory’ in the heading of subsection (b); and

“(4) by striking subsection (b).

“SEC. 11. COERCIVE CONTRACTS.

“(a) IN GENERAL.—Section 10 (15 U.S.C. 6307) is amended—

“(1) by striking paragraph (3) of subsection (a); and

“(2) by inserting ‘OR ELIMINATION’ after ‘MANDATORY’ in the heading of subsection (b); and

“(b) by striking ‘or elimination’ after ‘mandatory’ in subsection (b).

“SEC. 12. SANCTIONING ORGANIZATIONS.

“(a) IN GENERAL.—Section 11 (15 U.S.C. 6307) is amended to read as follows:

“SEC. 11. SANCTIONING ORGANIZATIONS.

“(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2003, the Administration shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits of the boxers. Within 90 days after the Administration’s promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

“(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a
change in the rating of a boxer previously rated by such organization in the top 10 boxers—
“(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, explaining the change in the change, for a period of not less than 30 days;
“(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Administration;
“(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization;
“(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal;
“(5) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization’s rating of the boxer, it shall (except to the extent otherwise required by the Administration), within 7 days after receiving the petition—
“(1) provide to the boxer a written explanation under penalty of perjury of the organization’s rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer);
“(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration;”;
(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—
“(1) by striking “FEDERAL TRADE COMMISSION,” in the subsection heading and inserting “UNITED STATES BOXING ADMINISTRATION”; and
“(2) by striking “Federal Trade Commission,” in paragraph (1) and inserting “United States Boxing Administration.”;
SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.
Section 12 (15 U.S.C. 6307a) is amended—
“(1) by striking the matter preceding paragraph (1) and adding after paragraph (10) the following:
“(11) a list of judges and referees deemed qualified by that organization to a boxing commission, but
“(2) shall not influence, or attempt to influence, directly or indirectly, a boxing commission’s selection of a judge or referee for a professional boxing match except by providing such a list.
“(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission’s State or Indian land if the judge or referee is licensed by a boxing commission in the United States.
“(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of—
“(1) the nature of medical records and medical suspensions that will be submitted to the medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.
“(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.
“(c) CONTENT; SUBMISSION.—The Administration shall determine—
“(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry by the boxer;
“(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.
“(d) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—
“(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and
“(2) ensure that the privacy of the boxers is protected.”;
SEC. 17. CONFLICTS OF INTEREST.
Section 17a (15 U.S.C. 6308a) is amended—
“(1) by striking “forces State” and inserting “forces State or Tribal”;
“(2) by inserting “no officer or employee of the Administration,” after “laws,”; and
“(3) by striking “as described in section 4,” and inserting “or under the jurisdiction of another organization.”;
SEC. 18. ENFORCEMENT.
Section 18 (15 U.S.C. 6309) is amended—
“(1) by striking “(a) INJUNCTIONS.—” in subsection (a) and inserting “(a) ACTIONS BY ATTORNEY GENERAL.—”;
“(2) by inserting “or criminal” after “civil” in subsection (a); and
“(3) by inserting “any officer or employee of the Administration,” after “laws,” in subsection (b)(3);
“(4) by inserting “has engaged in or” after “organization” in subsection (c);
“(5) by inserting “or criminal” after “civil” in subsection (c);
“(6) by striking “finds” in subsection (c)(2) and inserting “sanctions”; and
“(7) by striking “boxer” in subsection (d) and inserting “person.”;
SEC. 19. REPEAL OF DEADWOOD.
Section 20 (15 U.S.C. 6311) is repealed.
SEC. 20. RECOGNITION OF TRIBAL LAW.
Section 22 (15 U.S.C. 6313) is amended—
“(1) by inserting “OR TRIBAL” in the section heading after “State”;
“(2) by inserting “or Indian tribe” after “State.”;
SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.
“(a) IN GENERAL.—The Act is amended by adding at the end the following:
“TITLE II—UNITED STATES BOXING ADMINISTRATION
“SEC. 201. PURPOSE.
“The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.”;
“SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.
“(a) IN GENERAL.—The United States Boxing Administration is established as an administration of the Department of Labor.
“(b) ADMINISTRATOR.—
“(1) APPOINTMENT.—The Administrator shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.
“(2) QUALIFICATIONS.—The Administrator shall be an individual who—
“(A) has extensive experience in professional boxing activities or in a field directly related to professional sports;
“(B) is of outstanding character and recognized integrity;
“(C) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation; and
“(D) is a United States citizen.
“(3) COMPENSATION.—Section 515 of title 5, United States Code, is amended by adding at the end the following:
“The Administrator of the United States Boxing Administration.”;
“(4) TERM OF OFFICE.—The Administrator shall serve for a term of 5 years.
“(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administrator shall have an Assistant Administrator and a General Counsel, each of whom shall be appointed by the Administrator. The Assistant Administrator shall—
“(1) serve as Administrator in the absence of the Administrator, in the event of the inability of the Administrator, or in the event of a vacancy in that office; and
“(2) carry out such duties as the Administrator may assign.
“(d) STAFF.—The Administrator shall have such additional staff as may be necessary to carry out the functions of the Administration.”;
“SEC. 203. FUNCTIONS.
“(a) PRIMARY FUNCTIONS.—The primary functions of the Administration are—
"(t) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and
"(2) to ensure uniformity, fairness, and integrity in professional boxing and in other matters relating to professional boxing.

(b) SPECIFIC FUNCTIONS.—The Administrator shall—
"(1) administer title I of this Act;

"(2) promulgate uniform standards for professional boxing in consultation with the boxing commissions of the several States and tribal organizations;

"(3) except as otherwise determined by the Administrator, oversee all professional boxing matches in the United States;

"(4) under uniform boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(5) ensure, through the Attorney General, the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are enforced and are uniformly enforced;

"(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administrator under this title;

"(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(8) if the Administrator determines it to be appropriate, to cooperate or consult with newspapers, magazines, or other publication and establish and maintain a website consistent with the purposes of the Administrator;

"(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

"(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with the purposes of, this title;

(c) PROHIBITIONS.—The Administrator may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Administration by, boxing commissions that do not comply with requirements of the Administrator.

(d) Use of Name.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration, for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the recovery provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

"(a) LICENSING.—

"(1) REQUIREMENT FOR LICENSE.—No person may engage in professional boxing match except as provided in a license granted to him under this subsection.

"(2) APPLICATION AND TERM.—

"(A) IN GENERAL.—The Administration shall—

"(i) establish application procedures, forms, and fees;

"(ii) establish and publish appropriate standards for licenses granted under this section; and

"(iii) determine the period of time who, as determined by the Administrator, meets the standards established by the Administrator under this title.

"(B) DURATION.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(C) PROCEDURE.—The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined appropriate by the Administrator.

"(d) USE OF NAME.—The Administration shall prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administrator.

"(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administrator shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely affected;

"(B) sanctioning organizations and promoters pay the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(3) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or in a manner determined appropriate by the Administrator.

"(b) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge reasonable fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administrator.

"(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administrator shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely affected;

"(B) sanctioning organizations and promoters pay the largest portion of the fees; and

"(C) boxers pay as small a portion of the fees as is possible.

"(3) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or in a manner determined appropriate by the Administrator.

"(c) LICENSING OF BOXING PERSONNEL.—

"(1) REQUIREMENT FOR LICENSE.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a uniform national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(2) CONTENTS.—The information in the registry shall include the following:

"(i) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

"(ii) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing regulatory authorities, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

"(3) CONSULTATION REQUIREMENTS.—The Administration shall consult with local boxing authorities—

"(i) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(ii) not less than once each year regarding matters relating to professional boxing.

SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

"(a) LICENSING FOR TITLE.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain (or authorize a third party to establish and maintain) a uniform national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

"(b) CONTENTS.—The information in the registry shall include the following:

"(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Administration shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

"(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing regulatory authorities, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

"(3) CONSULTATION REQUIREMENTS.—The Administration shall consult with local boxing authorities—

"(i) before prescribing any regulation or establishing any standard under the provisions of this title; and

"(ii) not less than once each year regarding matters relating to professional boxing.

SEC. 206. SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.

"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

"(1) AUTHORITY.—The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

"(A) the licensee has violated any provision of this Act;

"(B) the licensee has been convicted of a crime of violence;

"(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

"(2) PERIOD OF SUSPENSION.—In the case of a suspension or revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

"(3) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Administration or, as provided in such orders, for a period not exceeding 5 years.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(B) WITNESSES AND EVIDENCE.—The attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

"(B) WITNESSES AND EVIDENCE.—The attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

"(C) IN ITS DISCRETION, PUBLISH INFORMATION CONCERNING ANY VIOLATIONS; AND

"(D) INVESTIGATIONS AND INQUESTIONS.—

"(1) AUTHORITY.—The Administration may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

"(B) require any person to file with it a statement in writing, under oath or otherwise, as the Administrator shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

"(E) USE OF PERSONNEL.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records which the Administration considers relevant or material to the inquiry.

"(B) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records which the Administration considers relevant or material to the inquiry.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) (any order issued by a court under subparagraph (A) may be punished as contempt of that court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person resides or carries on business, or where that person resides or carries on business, or where that person resides or carries on business, or where that person resides or carries on business.

"(D) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(E) IN GENERAL.—No person may be punished as a criminal defendant by the Administration for attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, or in any cause or proceeding instituted by the Administration, on the ground that
the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the manner in which the person was compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be prosecuted, or subject to any penalty or forfeiture for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Administration determines that any person is engaged in or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus, prohibition, temporary injunction or restraining order.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"(a) DEFENSE.—The Administration shall take action necessary to ensure the protection of the public interest in professional boxing.

"(b) Assistance from other agencies.—The Administration shall be public and may be held before any officer of the Administration.

"(c) INTERVENTION IN CIVIL ACTIONS.—

"(1) In general.—The Administration, on behalf of the public interest, may file a brief in any action filed in a court of the United States, or in any court of the District of Columbia, and the United States District Court for the District of Columbia, for the United States on behalf of the public interest in any case relating to professional boxing.

"(2) Amicus Filing.—The Administration may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) Hearings by Administration.—Hearings conducted by the Administration under this Act shall be public and may be held before any officer of the Administration.

"(e) Records of Hearings.—The Administration shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITY.

"(a) Noninterference.—Nothing in this Act prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

"(b) Minimum Standards.—Nothing in this Act prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"(a) Employee of any executive department, agency, or commission, other than the Administration, who is required by the Administration, may take action to ensure the protection of the public interest in professional boxing.

"(b) Assistance from other agencies.—The Administration may bring an action in the appropriate district court of the United States, or in any court of the District of Columbia, for the United States on behalf of the public interest in any case relating to professional boxing.
March 31, 2004

CONGRESSIONAL RECORD—SENATE

S3509

close look at promoters, including those who are the networks, HBO, Showtime. It sets up a national boxing commission. It is important.

This is a multimillion-dollar industry, and it needs Federal oversight as a result of the frequent occurrence with boxing. We had a death of a person from Nevada who went to Utah to fight. He had been knocked out 21 times. He went to Utah to fight and got knocked out again and died.

As many of my colleagues know, I come to my work on boxing with a perspective that was formed both inside and outside the ring. Before I entered the political arena, I personally was a boxer. I also worked ringside as a judge in hundreds of fights, in all weight classes, and have judged championship fights. As a lawyer in private practice, I also represented professional fighters.

My State of Nevada hosts most of the premier boxing matches in the world. Nevada is part of a professional boxing market that provides fight venues that are unmatched in any other part of the world, and Nevadans take great pride in the historical role the State has played in boxing. The Nevada State Athletic Commission is the most respected boxing commission in the world. It has guided our country and the world in implementing terms of boxing safety and ethical treatment of fighters, promoters, and ringside personnel. Nevada's commission, under the outstanding direction of Marc Ratner, serves as a model for a national commission and has guided my work on this legislation.

Is there a need for the establishment of a national commission patterned after Nevada's commission to regulate boxing throughout the United States? The answer is a yes.

Last July, a boxer named Brad Rone fought in Utah and died at the age of 35. While Brad lived in Las Vegas, he was banned from fighting in Nevada for more than three years. The Nevada Commission felt that he was at risk of getting seriously injured every time he stepped into the ring. Unfortunately, this ban didn't prevent him from fighting in other States. So despite the fact that he lost 26 consecutive fights, Brad was allowed to step into the ring in Utah to fight Billy Zumbrun. After only one uneventful round of what was to be an eight-round fight, Brad passed out and died. He was 35. While Brad lived in Las Vegas, he technically died of a heart attack, not from boxing, as his heart just lapsed. An autopsy later revealed that other State commissions honor Nevada's decision not to let Tyson fight because of his violent behavior, both inside and outside the ring. The Association of Boxing Commissions, ABC, recommended that other State commissions honor Nevada's decision not to let Tyson fight. However, the ABC acts only as a quasi-federal agency and has no enforcement authority. Obviously, the ABC's recommendation was ignored, as Tyson was permitted to fight Lewis in Tennessee.

Another important problem this legislation seeks to remedy is broadcasters acting as de facto fight promoters. Broadcasters who effectively operate as promoters ought to be held to the same standards and scrutiny as traditional promoters. They should be subject to the regulations set forth in the Ali Act. The USBC will also have the ability to defer its authority to States with strong commissions when deemed appropriate.

Among other things, the USBC will maintain a national computerized registry for the collection of specific information on professional boxers and boxing personnel as well as certify for each boxing match the participating boxers' medical histories. It will require sites to have both an ambulance and emergency medical personnel with resuscitation equipment continuously present. There are some places today that have only one ambulance. Once a boxer is buried, all that is left is the damage he has done to himself and to his sport.

The USBC should focus on two particular issues when making this important decision. First, I believe, strongly suggest that broadcasters be included in the promoter definition. First, it should examine the situation that exists when a broadcaster or network hires another individual or entity as the per se "promoter" to stage a boxing event. While the broadcaster pays this local promoter a fee, the broadcaster contracts to retain the boxer's rights to the fight, for example, the right to sell, distribute, exhibit, or license the fight for retransmission. So in some cases, several promoters will be involved, and retains the right to choose dates, sites, and opponents. In this scenario, the broadcaster is really acting as a de facto promoter and should be subject to the regulations and disclosure requirements imposed by the Ali Act. However, since the local promoter is contractually charged with complying with federal and state laws, he is the only one required under current law to file financial disclosures with the USBC. The only rule that the broadcaster who hires this local promoter does not have to disclose to the fighters is how much the broadcaster is earning for the fight. Since conventional promoters determine when a fighter fights, where he fights, and how much he is paid, the broadcaster who hires this local promoter is doing all the work of a promoter yet circumventing the requirements of the Ali Act. It is the fighter who is left in the dark.

This situation I have described is illusory because the leagues of HBO and Showtime in the Lennox Lewis vs. Mike Tyson fight. Lewis was under contract to HBO and Tyson was under...
contract to Showtime. These two media companies signed an agreement to promote the Lewis-Tyson fight and a possible rematch. However, neither HBO nor Showtime was required to file their agreements with the two fighters or with athletic commissions because they are not technically "promoters" under the Ali Act. Instead, they hired a local promoter to "stage" the fight, and because the local promoter was not a party to the master agreement, the agreements may have never been filed with the commission. Furthermore, the disclosures under the Ali Act which require a promoter to inform the fighters how much revenue is to be earned by it from the event may not necessarily have been provided since the "promoter" was only being paid a fee to stage the fight. Oftentimes, the "multi-fight" agreements which these broadcasters have with their fighters may contain terms beyond those permitted by the Act.

The second scenario the commission should examine is where the broadcaster contracts directly with the boxer or with the boxer's representative. By "boxer's representative" I am talking about any entity or company that employs the boxer or to whom the boxer has transferred the rights to his boxing services. Even if a broadcaster only obtains rights to the boxing services, the broadcast companies should be treated as a promoter and be subject to the Ali Act because in essence, they are contracting with the boxer. Here is an example. When Tyson and Lewis fought, HBO contracted with Lion Promotions. Lion Promotions is for all practical purposes—Lewis's company, yet legally, Lewis may or may not own or be employed by Lion Promotions. However, when HBO contracted with Lyon, they effectively contracted with Lewis directly. Thus, the contractual protections given the boxer in the Ali Act should apply in this type of situation.

In determining whether a broadcaster is acting as a de facto promoter, the USBC must study the contracts between broadcasters and such entities and any attached ratifications by the boxer him/herself; the contracts with local promoters; the contracts between the local promoters and the boxer; and the contracts between any involved broadcasters and the USBC. The USBC is also expected to look at the sources of income received from the broadcast of a fight and examine the amounts received from each of these sources. Effectively defining the role of a promoter requires looking at who is contracting with a boxer for the rights to the boxer's service. These rights include the rights to sell, grant, convey, distribute, exhibit, and license the match or matches. Conventional promoters control the rights to a fighter's boxing career and the right to exploit the boxer's name and image in connection with his/her boxing matches. By determining who is circumventing the requirements placed on a promoter under the Ali Act and thereafter including them within the definition of a promoter, the USBC will protect the fighter from exploitive business practices, regardless of the source.

It is envisioned that the commission created under this legislation, the USBC, will monitor the boxing world, creating an environment that will enable both the sport and its participants to thrive. I am proud of the work that Senator McCain and I have done to help in the reform of this great sport.

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain substitute be agreed to; the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the Record.

Mr. President, the PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3006) was agreed to. (The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, in the nature of a substitute, as amended, was agreed to. The bill (S. 275), as amended, was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

NOMINATIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Charles C. Baldwin, 0000

To be brigadier general

Col. Cecil R. Richardson, 0000

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., Section 12203:

To be major general

Brigadier General James J. Bissell, 0000

Brigadier General Ronald G. Crowder, 0000

Brigadier General William W. Goodwin, 0000

Brigadier General Michael A. Gorman, 0000

Brigadier General Robert G. F. Lee, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1395 Air force nomination of Arthur R. Homer, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1396 Air force nomination of William R. Kent, III, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1397 Air force nomination of Lori J. Fink, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1398 Air force nominations (2) beginning PATRICIA K. COLLINS, and ending JEFFREY E. SHERWOOD, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1399 Air force nominations (2) beginning CHRISTOPHER D. BOYER, and ending MARK E. COOMBS, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1400 Air force nomination of Richard G. Hutchison, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1401 Air force nomination of Jeffery C. Sims, which was received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN1402 Air force nominations (5) beginning DOUGLAS R. ALFAR, and ending F.

PN1403 Air force nominations (2) beginning BOIKAI B. BRAGOS, and ending CHARLES W. FOX, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1425 Air force nomination of Christine R. Gundel, which was received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1426 Air force nominations (3) beginning BOIKAI B. BRAGOS, and ending CHARLES W. FOX, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1428 Air force nomination of David W. Pugel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1436 Air force nomination of Terrance J. Wohlfel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

IN THE ARMY

PN1106 Army nominations (338) beginning DALE A. ADAMS, and ending NICHOLAS E. ZEOLLER, which nominations were received by the Senate and appeared in the Congressional Record of November 21, 2003.

PN1248 Army nominations (6) beginning THOMAS M. BESCH, and ending ALBERT M. ZACCO, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1249 Army nominations (26) beginning KENNETH L. ALFORD, and ending JAMES R. YONTS, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1250 Army nominations (46) beginning THOMAS E. BAILEY, and ending DANIEL S. ZOLLAM, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.
PN121 Army nominations (315) beginning EILEEN M. AHEARN, and ending x4578, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN138 Army nomination of Gary W. Stinnett, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN138 Army nomination of James M. Ives, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN138 Army nomination of Paul Swicord, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN138 Army nomination of Stephen A. Bernstein, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN136 Army nomination James R. Hudson, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN137 Army nomination of Gary J. Garay, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN136 Army nomination of John W. Ervin, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN141 Army nominations (8) beginning FLOYD T. CURRY, and ending JEFFREY B. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN143 Army nominations (19) beginning JOHN E. ARMITSTEAD, and ending EUGENE R. WOOLRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2004.

PN140 Army nomination of Randall J. Vance, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN140 Army nomination of Craig M. Doane, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN140 Army nomination of Carol A. Cullinan, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN140 Army nomination of Christopher B. Solits, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN143 Army nominations (2) beginning JEFFREY A. TONG, and ending TIMOTHY M. WARD, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN144 Army nominations (2) beginning JAMES M. GAUDIO, and ending BEVERLY A. HERARD, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN145 Army nominations (2) beginning MICHAEL J. LEGG, and ending EILEEN A. AVILES, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN147 Army nomination of Michael T. Lawhorn, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN148 Army nominations (20) beginning DERRON A. ALVES, and ending ALISA R. WILMINGTON, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN149 Army nominations (27) beginning JOEL R. BACHMAN, and ending SHERRY L. WO MACK, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN140 Army nominations (106) beginning CURTIS J. *ABERLE, and ending PAMELA M. *WULF, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN141 Army nominations (129) beginning GINA M. *AGRON, and ending JEFFREY M. *ZOTTOLA, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN142 Navy nomination of David R. Agele, which was received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN142 Navy nominations (10) beginning HUGH B. BURKE, and ending JEANINE B. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

In the Navy

PN1427 Navy nomination of David R. Agele, which was received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1452 Navy nominations (10) beginning HUGH B. BURKE, and ending JEANINE B. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.


Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 16, Treaty Document No. 107-70, on today's Executive Calendar.

The Senate agreed to the resolution referred to as the "Agency" under the Additional Protocol.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate advised and consented to the ratification of the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with an amendment signed at Vienna (Treaty Doc. 107-7) subject to the conditions in section 2 and the understandings in section 3.

Section 2. Conditions

The advice and consent of the Senate under section 1 is subject to the following conditions, which shall be binding upon the President:

1. Certification Regarding the National Security Exclusion, Managed Access, and Declared Locations.

Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional committees that, not later than 180 days after the deposit of the United States instrument of ratification—

(a) all necessary regulations will be promulgated and will be in force regarding the use of the National Security Exclusion under Article 1.b. of the Additional Protocol, and that such regulations shall be made in accordance with the principles developed for the application of the National Security Exclusion;

(b) the managed access provisions of Articles 7 and 1.c. of the Additional Protocol shall be implemented in accordance with the applicable and necessary guidelines and regulation regarding such access;

(c) the necessary security and counter-intelligence training and preparation will have been completed for any declared locations of direct national security significance.

2. Certification Regarding Site Vulnerability Assessments.

Prior to the deposit of the United States instrument of ratification, the President shall certify to the appropriate congressional committees that the necessary site vulnerability assessments regarding activities, locations, and information of direct national security significance to the United States will be completed not later than 180 days after the deposit of the United States instrument of ratification for the initial United States declaration to the International Atomic Energy Agency (in this resolution referred to as the "Agency") under the Additional Protocol.

Section 3. Understandings

The advice and consent of the Senate under section 1 is subject to the following understandings:

1. Implementation of Additional Protocol.


2. Notification to Congress of Added and Deleted Locations.

(A) Added Locations.

The President shall notify the appropriate congressional committees in advance of declaring to the Agency any addition to the lists of locations within the United States pursuant to Article 2.a.(i), Article 2.a.(iv), Article 2.a.(v), Article 2.a.(vi)(a), Article 2.a.(vii), Article 2.a.(viii), and Article 2.b.(i) of the Additional Protocol, together with a certification that such addition will not adversely affect the national security of the United States. During the ensuing 60 days, Congress shall have the right to receive public notice of such additions, and to have an opportunity to study the proposed actions before they are finalized.

(B) Deleted Locations.

Within 60 days after the Director General of the International Atomic Energy Agency makes a determination that an additional location is no longer necessary for the purpose described in the Additional Protocol, the President shall notify the appropriate congressional committees of such determination.
The President shall notify the appropriate congressional Committees of any deletion from the lists of locations within the United States previously reported to the Agency pursuant to Article 2(a)(i), Article 2(a)(iv), Article 2(a)(v), Article 2(a)(vi)(a), Article 2(a)(vii), Article 2(a)(viii), and Article 2(b)(i) of the Additional Protocol and such location shall be removed from a direct national security significance, together with an explanation of such deletion, as soon as possible prior to providing the Agency with the Agency's "Restricted Data," controlled by the provisions of the Atomic Energy Act of 1954.


The term "appropriate congressional committees" means the Senate Committee on Foreign Relations and the House Committee on Armed Services of the Senate and the House of Representatives.


The Senate considers the Additional Protocol to the Agreement between the United States and the International Atomic Energy Agency, IAEA, Regarding Safeguards in the United States.

The United States signed the Additional Protocol in Vienna on June 12, 1998, and President Bush submitted it to the Senate on May 9, 2002. The State Department submitted the implementing legislation to Congress on November 19, 2003. At the administration's request, I introduced the implementing legislation in the Senate last December.

Since Senate ratification of the Nuclear Non-Proliferation Treaty, the NPT, in 1970, and our Voluntary Offer to accept IAEA safeguards in 1980, 188 states have now approved the NPT. The NPT and the IAEA's existing safeguards agreements sufficed to forestall nuclear weapons programs in 188 states, several of which were weighing the nuclear option 40 years ago. Unfortunately, the NPT and the IAEA's existing safeguards agreements have been insufficient to prevent the diversion of resources. Non-Nuclear Weapon States determined to cheat. At the same time, we have witnessed an increase in the global availability of nuclear weapons materials, reprocessing and enrichment technologies. To ensure that materials and technologies are devoted only to peaceful uses, it is in the interest of the United States that the IAEA have the power to conduct intrusive inspections and verify imports and exports of sensitive materials and equipment, and to prevent the diversion of resources to a weapons program. The Additional Protocol, when universally ratified and implemented by all member states of the IAEA, will not solve all of our proliferation problems. Continued ratification will further ensure that U.S. efforts to persuade all member states to adopt the Additional Protocol will be supported by concrete U.S. action.

When the NPT was constructed, in order to gain its acceptance by states without weapons or complete fuel cycles, the world allowed for peaceful uses of the atom by states who foreswore weapons. This was an outgrowth of the U.S. "Atoms for Peace Program." Thus, Article IV of the NPT states:

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes to the end that the treatment of nuclear energy for peaceful purposes is not transferred to any country for use whatever purposes of a military nature.

Those last words, "in conformity with Article I and II of this Treaty," mean in our case the Additional Protocol. Non-Nuclear Weapon States under Article II of the NPT are obliged not to undertake any steps toward development of a weapon, and in so doing, secure their right to peaceful uses of the atom; peaceful uses verified by the IAEA under safeguards. When the Committee on Foreign Relations reported the NPT to the Senate in 1968, it did so with some reservations concerning this safeguards system. As the committee report noted:

The implementation of the treaty raises uncertainties. The reliability and thereby the credibility of international safeguards systems is still to be determined. No completely satisfactory answer was given to the Committee on the effectiveness of the safeguards systems envisioned under the treaty. But [the Committee] is equally convinced that the possible problems in reaching satisfactory safeguards agreements are carefully weighed against the potential for a worldwide mandatory safeguards system, the comparison argues strongly for the present language of the treaty.

Today, many have come to the realization that the existing framework of the NPT, as verified by status quo safeguards, is unable to provide adequate verification of Non-Nuclear Weapon States' obligations and alert the American community to broken commitments to the IAEA and under the NPT.

I believe that acting today to ratify the Additional Protocol will put us back on the right track, a track toward complete verification and effective enforcement of Article II of the NPT.

In 2003, the international community was confronted with two cases involving declared Non-Nuclear Weapon
States violating their commitments under the NPT by pursuing nuclear weapon programs.

Tehran's clandestine drive toward a nuclear weapons capability was partly exposed by an Iranian resistance group and confirmed by the IAEA. Then, Germany, France, and the United Kingdom concluded separate negotiations with Tehran in which the regime agreed to abandon its uranium enrichment program and to cease all efforts to pursue nuclear weapons. Iran then signed an Additional Protocol with the IAEA last December. In January, Iranian Foreign Minister Kharrazi appeared to hedge on Iran's commitment by suggesting that Tehran had agreed "to the suspension, not stopping, of the uranium enrichment process." Then, last February, in his latest report on Iran, IAEA Director General ElBaradei noted that inspectors had found in Iran technical designs for so-called "P-2" centrifuges similar to those the Agency discovered in Libya. Iran has also failed to declare a pilot uranium enrichment facility, importation of many nuclear fuel cycle components, and experiments with plutonium separation.

In Libya, we witnessed an important nonproliferation success. Following intense negotiations with the Bush administration and the United Kingdom, Libya admitted that it had WMD programs and agreed to abandon these efforts and work with international treaty regimes to verify Libya's commitment. I applaud President Bush and his team for a victory in the war against the proliferation of nuclear weapons and destruction. Through our experience in Libya, we have learned of the extent of the nuclear proliferation network run by Pakistan's "father of the bomb," A.Q. Khan. Similarly, we have also seen the dangers posed by exports of sensitive technologies by many European and Asian countries that contributed to Libya's nuclear weapons program. It is important to note in this regard how the Additional Protocol incorporates and provides for reporting on the Nuclear Suppliers' Group, NSG, Trigger List items in Annex II as well as uranium mining, enrichment and re-actor activities in Annex I.

Events in Iran and Libya are important to our consideration of the Additional Protocol. In 1980, the Senate ratified the U.S. commitment to voluntarily accept safeguards to demonstrate a firm commitment to the IAEA and to the NPT. As a Nuclear Weapon State party to the NPT, the United States has a right to safeguards, but has no obligation to accept any safeguards. Our decision sent an important message to the world: the preeminent superpower, with a large civilian nuclear power industry, could accept IAEA safeguards.

The Additional Protocol seeks to fill holes in the existing patchwork of declarations and inspections. It will require the declaration of many locations and activities to the IAEA that previously required, and allow, with less than 24 hours' notice, inspections of such locations.

The United States, as a declared Nuclear Weapon State party to the NPT, is required to maintain the application of IAEA safeguards on its activities. Under the Additional Protocol, the United States also has the right to exclude activities and sites of direct national security significance in accordance with its National Security Exclusion contained in Article 1.b. This provision is crucial to U.S. acceptance of the Additional Protocol and provides the basis for the protection of U.S. nuclear weapons-related activities, sites, and materials as a declared nuclear power.

The Additional Protocol does not contain any new arms control or disarmament obligations for the United States. Although there are increased rights granted to the IAEA for the conduct of inspections in the United States, the administration has assured the Committee on Foreign Relations that the likelihood of an inspection occurring in the United States is very low. Nevertheless, should an inspection under the Additional Protocol be determined to be potentially harmful to U.S. national security, the United States has the right, through the National Security Exclusion, to prevent the inspection.

For the past 9 months, the majority and minority staffs of the committee have been working closely with the administration to craft a resolution of ratification that will gain broad support in the Senate. On January 29, the committee held a hearing with administration officials, including Mr. Baines Johnson announced that the United States would voluntarily suspend its enrichment efforts and sign a revised safeguards regime that the United States rightly wants to protect U.S. nuclear weapons-reduction and proliferation efforts, and it's something that the United States has been working closely with the IAEA to negotiate. Some states in the Committee on Foreign Relations had no mandate to inspect it. The IAEA and the IAEA itself realized that a revised safeguards regime was needed.

The Additional Protocol that was developed to address these concerns requires a signatory to provide yearly reports covering more nuclear facilities than those included in the declarations required by the so-called "comprehensive" safeguards agreements that have defined the IAEA's role in recent decades. It also allows the IAEA to inspect non-declared facilities, if the organization believes that illegal nuclear activities may be taking place there. This is a significant expansion of IAEA inspection rights, and it's something that the United States mandated in the NPT. It will be adopted by all non-nuclear weapons states under the Nuclear Non-Proliferation Treaty (the NPT).

The United States, as a recognized nuclear weapons state under the NPT, is not required to provide information to the IAEA or to accept IAEA inspections. In 1967, however, when the NPT was being negotiated, President Lyndon Baines Johnson announced that the United States would voluntarily work to safeguard sensitive materials. He did this to assure the concerns of non-nuclear weapons states that feared that the five nuclear weapons states would otherwise enjoy an unfair commercial advantage regarding their nuclear power industries. Accordingly, a U.S.-IAEA safeguards agreement, also known as the "Voluntary Offer," has been in place since 1980.

Truth be told, this Voluntary Offer is more symbolic than real; until 1994, the IAEA only applied safeguards to two commercial enrichment plants and two fuel fabrication facilities in the United States, from a list of 250 eligible facilities. In recent years, it has inspected
only sites for which the United States requested inspections, like the site where we store the highly enriched uranium we removed from Kazakhstan.

Our willingness to accept IAEA safeguards helped to secure the world’s agreement to the NPT. Similar to the 1968 NPT, ensuring ratification also addresses the concerns that will have no difficulty ensuring that its national interest will best be served by rejecting nuclear weapons. We must work to maintain solidarity with our European allies, with the Russian Federation, with Japan, and with the IAEA to send the message that Iran’s real choice is between international nuclear non-proliferation and to foster further international cooperation on non-proliferation. Some good work has been done in recent months. Libya signed an agreement with the United States and the United Kingdom to give up its weapons of mass destruction and long-range ballistic missile programs. The Proliferation Security Initiative was created, and states agreed to coordinate their interdiction efforts while adhering to international law.

The resolution of ratification that the Committee recommends will marshal all its foreign policy tools to move states of concern away from nuclear weapons and to foster further international cooperation on non-proliferation. Iran needs to be served by rejecting nuclear weapons. We must work to maintain solidarity with our European allies, with the Russian Federation, with Japan, and with the IAEA to send the message that Iran’s real choice is between international nuclear non-proliferation and to foster further international cooperation on non-proliferation. Some good work has been done in recent months. Libya signed an agreement with the United States and the United Kingdom to give up its weapons of mass destruction and long-range ballistic missile programs. The Proliferation Security Initiative was created, and states agreed to coordinate their interdiction efforts while adhering to international law.

The permanent members of the United Nations Security Council agreed on a draft resolution to bar proliferation to states with nuclear weapons states that, in return for forswearing nuclear weapons, they will enjoy the benefits of peaceful nuclear technology. That bargain has become frayed. If Iran, Iraq and North Korea have all used their ostensibly civilian facilities to mask covert weapon

We must also work to make the international nuclear non-proliferation regime still more effective. One element of the NPT is a promise to non-nuclear weapons states in return for forswearing nuclear weapons, they will enjoy the benefits of peaceful nuclear technology. That bargain has become frayed. If Iran, Iraq and North Korea have all used their ostensibly civilian facilities to mask covert weapons programs. In Iran and North Korea, we were at least able to sound the alarm. Both states had secret efforts to produce weapons-grade plutonium, highly enriched uranium and were caught. In Iraq, however, absent the Gulf War of 1991, Saddam Hussein might have obtained highly enriched uranium without anybody realizing it.

A smarter strategy, based on a civilian program as the rationale, could build uranium enrichment facilities, spent fuel reprocessing cells, and the like—and properly report these efforts to the IAEA. It could acquire weapons-grade plutonium or highly enriched uranium, and place the material under IAEA safeguards. In other words, it could become a potential nuclear weapons
power without violating safeguards. Then it could withdraw from the NPT, and develop and assemble nuclear weapons in a short time.

That's the challenge we need to address. How do we counter not just states that have a ham-fisted manner, but states that skillfully exploit the loopholes of the NPT? The Additional Protocol can help make it much harder to hide a covert nuclear program, if we persuade the rest of the world to sign such protocols as well. But how can we combat the "break-out" scenario?

One idea gaining currency is to allow non-nuclear weapons states to continue to possess civilian nuclear programs, but not a closed nuclear fuel cycle. A state could have civilian nuclear reactors to produce electrical power, but must import the nuclear reactor fuel and return any spent fuel. This would ensure that a state did not obtain fissile material needed for a nuclear weapon.

IAEA Director General Mohammed El-Baradei would allow only multinational facilities to produce and process nuclear fuels, and give legitimate end-users assured access to these fuels at reasonable rates. Gen. Brent Scowcroft and Dr. William Perry recently endorsed this proposal, adding that states that refuse this bargain should be subject to sanctions. President Bush has not endorsed multinational facilities, but called upon members of the Nuclear Suppliers Group to refuse to export enrichment and reprocessing equipment to any state that does not already possess full scale enrichment and reprocessing plants.

Any agreement on revising the nuclear non-proliferation regime will be difficult to achieve. Non-nuclear weapons states will ask what they will get for surrendering a well established right. States with nuclear fuel industries may worry that they will go out of business if only a few multinational facilities are allowed to operate enrichment and reprocessing activities. But the United States and other concerned states should set a goal of reaching a consensus in time for next year's NPT Review Conference. We have a window of opportunity, and we should use it.

There is another bargain central to the NPT, one that this administration largely prefers to ignore. In return for forswearing nuclear weapons, non-nuclear weapons states received a commitment from the five permanent nuclear powers, reaffirmed as recently as 2000, to seek eventual nuclear disarmament.

Nobody, including me, expects the United States to give up its nuclear deterrent any time in the foreseeable future. But the administration's drive to research and possibly produce new nuclear weapons—including low-yield nukes—is a step in the wrong direction. It signals to the rest of the world that even the preeminent global power needs new nuclear weapons to assure its own security.

The administration threatens to take another backward step on a Fissile Material Cutoff Treaty. An FMCT has been a U.S. objective for eight years, and this administration castigated other countries for preventing negotiations from starting. Now that there is a light at the end of the tunnel, the administration says that we may refuse to negotiate. This only undermines solidarity with our allies, which have worked for years to help us convince other countries to negotiate.

For all the flaws of the NPT, it is an essential treaty. It has been vital to encouraging states like Ukraine, Belarus, Kazakhstan, South Africa, Brazil and Argentina to end their nuclear weapons programs. The United States must work to improve the nuclear non-proliferation regime, and it must also do all that it can to abide by the bargains between the nuclear "haves" and the nuclear "have nots" that underlie world willingness to eschew the most awful weapons mankind has ever invented.

In conclusion, I want to congratulate and thank my chairman, Senator Dick Lugar, for his fine leadership in bringing this resolution of ratification to fruition. It was not an easy task, and he demonstrated exceptional leadership. I am grateful also to our staffs, especially Ken Myers, III and Thomas Moore on the majority side, and Edward Levine and Jofi Joseph on the Democratic side. Finally, I want to commend the interagency committee that worked with us, and especially Ms. Susan Koch of the National Security Council staff. She is a real professional, and we would not have gotten to this day without her.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The ACTING PRESIDENT pro tempore. A division vote is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 1, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, April 1. I further ask that following the prayer and pledge, the morning hour be devoted to the full news of the day's proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee. I further ask unanimous consent that following the 60 minutes of morning business, the Senate resume consideration of H. R. 4, the welfare reauthorization bill; provided that there be 60 minutes of debate equally divided between the chairman and the ranking member of the Finance Committee for debate only; provided further, that the Senate then proceed to the cloture vote on the substitute amendment to the bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, we will resume consideration of the bill. Shortly after 11:30 in the morning, the Senate will proceed to the cloture vote on the substitute amendment. It is unfortunate we have had to proceed with the cloture vote on this very important piece of legislation, but given the desire to offer unrelated amendments, the procedural vote is necessary. If cloture is invoked, we will be able to continue to consider welfare amendments, and we will finish the bill this week. It will be very unfortunate if cloture fails and we are unable to complete this bill this week because of unrelated issues. Additional votes are possible tomorrow, and Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the following morning business for up to 60 minutes.

The Senator from Iowa.

NATIONAL ENERGY POLICY

Mr. GRASSLEY. Mr. President, there has been a lot of discussion about high gasoline prices lately, and rightly so because gasoline prices are as high as they have ever been in the history of our country and, in the process, not only taking a lot of money from the pockets of working men and women, but harming the overall economy. And the full impact has not been felt yet.

In the process of hearing so many remarks and concerns about this situation, as we heard for a half hour a few minutes ago from one of our colleagues from the other side of the aisle, I wonder if we are not hearing so many speeches from the other side of the
aide on the issue of energy because it was the other side of the aide that led a filibuster against the national energy policy we had before us last November. Maybe there is some guilt on their part about defeating a national energy policy, as it was through a Democratic filibuster.

I thought since that vote, when we had 58 votes and only needed 2 more to get cloture, to get to finality on a bill that was passed overwhelmingly by this body, that we would have been the national energy policy. It would have been the first national energy policy that passed this body for probably a dozen or more years, and it is now needed more than ever before, but we needed two more votes. It is so puzzling to me that 46 out of 49 Democrats can stick together when they want to defeat very well-qualified judges the President sends up here, so well qualified they have the highest rating of the American Bar Association, and yet when it is a national energy policy, we adopted that national energy policy 3 or 4 months after the Northeast blackout last August and just before we knew energy prices were going to go up because OPEC announced they were going to raise the prices. Why couldn’t we get more than 13 out of 49 Democrats, considering the unanimity of holding the caucus together to defeat judges, and the Democratic leader was very much in favor of the Energy bill but had not voted to stop debate? Why couldn’t we get more than 13 Democrats help bring about a national energy policy?

Now we are hearing so much from the other side that one wonders if they don’t have a somewhat guilty conscience about that vote.

We only needed two more Democrats. There are at least four Democrats from corn-producing States who should have been voting for cloture because this bill was so good for the ethanol industry. Corn-producing States who could have been a renewable fuel to mix with gasoline, to stretch gasoline, but we had four Democrats on the other side from corn-producing States who did not vote. We only needed two of them.

Also, this was a very comprehensive energy policy, so comprehensive it was well balanced with tax incentives for fossil fuels, tax incentives for renewables and alternative energy, and tax incentives for conservation. In fact, the speeches were a loud call for conservation, tax incentives for conservation, and they do not want to vote to stop a Democratic filibuster and move the bill along? It is very puzzling. I do not understand it. It makes one wonder: Are we hearing all these speeches now since gas is way up, at the highest level in history, because maybe they have some shame because they didn’t want to vote to stop that filibuster last fall?

Then I hear some criticism toward the President about high gasoline prices. But what about the President of the United States leading the way ever since he has been in office to get this Congress to adopt a national energy policy, and Congress came within two votes, but a Democratic filibuster killed it, and the President is getting blamed for a national energy policy he has been pushing that the other side killed?

Is there some guilt, some shame on the other side trying to detract from what the President has been trying to do? Is there some shame on the other side when they were in the majority in 2001 and they could not produce a national energy policy?

We have had an opportunity to move forward with a national energy policy, and those people who are giving the speeches condemning the President or concerned about high prices, what about helping us to reconsider that vote of last November—it can be reconsidered—and bring cloture and finality to the bill, and we can have a national energy policy?

Is a national energy policy going to make a difference when it comes to high energy prices? You bet it is because it is sending a signal to OPEC that we have our act put together and we are prepared to respond.

It very much broke the stranglehold of OPEC in 1982 when President Reagan deregulated the cost controls that we had on petroleum. For the next 20 years, OPEC was irrelevant because it told the rest of the world that we are not going to hold our product off the market. Would not only our own incentives for producing our own fossil fuels to a greater extent than we are today but also that we are going a whole new route of having a national energy policy on renewables and alternative energy and also that we are going to have incentives for conservation, it is going to send that same clear signal to OPEC?

OPEC is meeting maybe right this very day to say to the rest of the world: We are going to shut our spigots down another million barrels a day. And all the time the Senate is languishing because of a Democrat filibuster last November of the Energy bill. They see inactivity on our part, and to a great extent it encourages them the same way they were encouraged when we had price controls on petroleum from 1979, 1980, and 1981 until Reagan finally took them off. I hope we will have less speeches from the other side against a favor of ethanol and biodiesel, all of those things that are good for the agricultural communities of Illinois, Indiana, and Wisconsin, as well as Iowa and Minnesota. They are good for the environment because ethanol and biodiesel are cleaner burning than fossil fuels; good for the agricultural economy because when the bill is fully implemented, we would be using 20 percent of our corn crop to produce ethanol and will eventually be doing the same thing with the soybean crop and biodiesel. We will also be conserving as well.

Yet what do we get from the Members of those States when they have an opportunity to do something? They vote no, under some excuse that we are not going to be able to maybe have some lawsuits that they want to have.

Do they want chocolate cake for lawyers or do they want lower gasoline prices? Do they want chocolate cake for their lawyers—bwahahaha—by the whole new realm of lawsuits after tobacco and asbestos, that is where those lawyers are going to go, suing the energy companies—or do they want a cleaner environment? Do they want chocolate cake for their lawyers or do they want to help their farmers? Do they want chocolate cake for their lawyers or do they want to send a signal to OPEC that we have our act together and we are going to play in this energy game and we are not going to be in a stranglehold by those oil sheiks? I think the choice is pretty clear. I hope we get some action and less words. I yield the floor.

RECESS UNTIL 9:30 TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until tomorrow, Thursday, April 1, at 9:30 a.m.

Thereupon, the Senate, at 7:27 p.m., recessed until Thursday, April 1, 2004, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 2004:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALPHONSO R. JACKSON, OF TEXAS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE’S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 624:

To be major general

BRIG. GEN. CHARLES C. BALDWIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CECEL R. RICHARDSON

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES J. BISSON

BRIG. GEN. RONALD G. CROWDER

BRIG. GEN. WILLIAM C. GOODWIN

BRIG. GEN. MICHAEL A. GORMAN

BRIG. GEN. ROBERT O. F. LEE

BRIG. GEN. ROBERT C. RUBIO-CORBITTO

BRIG. GEN. JOSEPH J. TALUTO

ERF. BRIG. GEN. GENERAL, ACTING FOR APPOINTMENT

To be brigadier general

COLONEL FLOYD R. BELL, JR.

COLONEL JAMES A. BRUNSON

COLONEL JOSEPH J. DALVER

COLONEL JOSEPH L. CULVER

COLONEL PAUL C. GENESEAU, JR.

COLONEL MARTIN L. GRABER

COLONEL MARK W. RAMSEY

COLONEL YAROPOLK R. HLADKYJ

COLONEL GEORGE E. IRVIN, SR.

COLONEL JAMES A. KRUECK

COLONEL ROGER A. LALICH

COLONEL JAMES A. LEE

COLONEL RICHARD R. MOOREHEAD
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COLUMNIL, JAMES W. NUTTALL
COLUMNIL, BILLY L. FERGUS
COLUMNIL, STEVE D. SQUIRES
COLUMNIL, WILLIAM D. SCHNEIDER
COLUMNIL, KING E. SIDWELL
COLUMNIL, MICHAEL C. SWEETY
COLUMNIL, OMAR C. TOOLEY

IN THE NAVY

THE FOLLOWING NOMINEE FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 424.

To be rear admiral (lower half)

CAPT. ELIZABETH A. RIGBY

THE FOLLOWING NOMINEE FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 424.

To be rear admiral

REAR ADM. (LH) NANCY E. BROWN


AIR FORCE NOMINATION OF RICHARD G. HUTCHISON.

AIR FORCE NOMINATION OF JEFFREY C. SIMS.


AIR FORCE NOMINATION OF CHRISTINE B. GUNDEK.

AIR FORCE NOMINATIONS BEGINNING BOKAI B. BRAGGS AND ENDING


AIR FORCE NOMINATION OF DAVID W. FUGOQEL.


EXTENSIONS OF REMARKS

TRIBUTE TO MR. DENNIS WELLER

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Mr. Dennis Weller. Mr. Weller was awarded the Contractor of the Year Award by the Associated Builders and Contractors on February 26, 2004. This award is given annually to an individual who has demonstrated significant accomplishment for Associated Builders and Contractors, the merit shop, and the construction industry.

Mr. Weller is president and chief executive officer of Structural Associates, Inc. in East Syracuse, New York. In addition, he has held numerous leadership positions with Associated Builders and Contractors, including vice chairman on the national executive committee and chairman of the chapter development committee.

Kirk Pickerel, Associated Builders and Contractors president and CEO, said of Weller, “He and his firm have pursued a free enterprise, merit shop approach to construction in a State and region that has long been dominated by those who oppose such concepts.” Mr. Weller is a source of pride to our community and should be commended for his hard work and dedication.

TRIBUTE TO ELDER ELLIS SMITH, JR.

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a respected member of my district, Elder Ellis Smith, Jr., as he and his congregation celebrate the dedication of their church on April 4, 2004. Elder Smith celebrates this event with his beloved wife, First Lady Elesia Smith, their three sons, Ellis Tanique III, Ellis Jerod IV, and Terrell, and their daughter, Julissa.

Elder Smith was born in Newark in 1961, which makes him my neighbor for almost 43 years and counting. He is a graduate of West Side High School in Newark, Evangelical Bible Institute in Parsippany, and he attended Upsala College in East Orange.

Elder Smith formed Siloah Church in 1997 and had the first services at his kitchen table at his Parsippany residence. Sunday afternoon services were held for a brief period at Rouzeu's Manor in Orange. The Smith family eventually converted the family room of their residence into a Sanctuary, where Sunday morning services and Bible study continued until they acquired a site in East Orange in early 2001, changing the ministry's name to The Love of Christ.

From its nascently, assembled around his kitchen table, to its full emergence as The Love of Christ Ministry, Elder Smith has nurtured this growing gathering of the faithful. As they celebrate and dedicate this special event, I hope that he will be encouraged as he sees the fruits of his labors and will be refreshed to continue his ministry with excitement and vigor.

It is my distinct honor to join with his congregation and our community in offering our encouragement and support as they celebrate the dedication of their church. I hope that this will be a time of great blessing for him and his family.

We are all grateful for his leadership and vision, as well as his community involvement through the Statewide Parent Advocacy Network and the Coalesce Youth Organization.

Mr. Speaker, please join me in extending my thanks to Elder Smith for his years of pastoral ministry, and I invite my colleagues to join me in wishing him the strength and grace to continue for many years to come.

CELEBRATING THE 25TH YEAR OF THE TAIWAN RELATIONS ACT

HON. THOMAS G. TANCREDO
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. TANCREDO. Mr. Speaker, as Members of Congress and friends of Taiwan get ready to celebrate the 25th anniversary of the Taiwan Relations Act, I rise to express my continued support for friendship between America and the Republic of China on Taiwan. Despite the regrettable fact that our two nations no longer enjoy formal diplomatic relations, the U.S. and the Republic of China on Taiwan have remained strong allies for the better part of a century.

Much of this strong relationship is based on the Taiwan Relations Act, which has been instrumental in maintaining peace, security and stability in the Taiwan Strait and the Western Pacific since its enactment in 1979. Over the last quarter century, the Republic of China on Taiwan has built a strong economy and a healthy, vibrant and fully functioning multiparty democracy, conducting free elections at all levels, including the recent and razor-thin reelection of incumbent President Chen Shui-bian.

The 1979 Taiwan Relations Act viewed Taiwan's membership in international organizations as conducive to Taiwan's stability and economic prosperity. Over the years, the U.S. has continued to support the participation of Taiwan in international affairs, its accession to the World Trade Organization and the ROC's ongoing efforts to become an observer in the World Health Organization. I believe Taiwan's active participation and contributions to these and all international organizations will be beneficial not just to the people of Taiwan but to the international community at large.

Mr. Speaker, the last 25 years under the framework of the TRA have been positive for both the Republic of China on Taiwan and the United States. The Taiwan Relations Act has helped to maintain stability and security for the people of the United States, the people of Taiwan and for those in neighboring countries.

Maintaining and enhancing the close strategic, commercial and military cooperation between the United States and the Republic of China on Taiwan have been of critical importance for the last 25 years and will remain so in the future, in large part thanks to the TRA.

TRIBUTE TO THE JAMESVILLE-DEWITT BOYS' VARSITY BASKETBALL TEAM

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Jamesville-Dewitt boys' varsity basketball team. The team went undefeated this season with 29 wins and no losses or ties. The team rose to become class A State federation champions, defeating St. Joseph's of Buffalo in overtime by a score of 78 to 73. The team's 29 wins were the most recorded by any team in section three history.

There were six outstanding players who made big plays to bring their team to victory in the final game of the season. Senior co-captain Jeremy Black led the squad with 20 points and was 6 of 8 from behind the three-point line. Junior Andy Rautins, the tournament MVP, finished with 18 points and six assists. Junior Ari Greenberg also scored 18 points; and senior Reggie Flynn scored 8 points, grabbed 10 rebounds and had five assists. Jamesville-Dewitt's coach, Bob McKenney, said of the team, "I've never had a group with a will to win like these guys."

The team includes Brian Becker, Zach Bratek, Corey Chavers, Andrew Cottet, Zachary Drescher, Reggie Flynn, Aaron Greenberg, Manuel Karam, Tim Palma, Andy Rautins, John Romano, Justin Stern, Spencer Traino, Micke Triche, and Chris
Vieau. They are coached by Bob McKenney along with assistant coaches Lisa McKenney and Charlie Falgijato. These boys are a source of pride to our community and should be commended for their hard work and dedication.

CELEBRATING GREECE'S 183RD INDEPENDENCE DAY

HON. MAURICE D. HINCHEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. HINCHEY. Mr. Speaker, as a long time supporter and member of the Hellenic Caucus, I would like to recognize and congratulate the people of Greece on their Independence Day, which they celebrated last week. 183 years ago, the Greek people won their freedom and independence from the Ottoman Empire. This is a great event, not only for Greece, but for all countries because it represents and reaffirms our belief in self-determination and democracy.

Our nation is built on the principles of the ancient Greek philosophers. Our founding fathers looked to Greek political and philosophical ideals while forming our nation. Years later, we were able to return the favor when the United States independence movement helped fuel the strength of the Greek people in seeking their own sovereignty from an enemy empire.

I am also proud to say that the Greek community is especially prominent in New York State. We have the largest Greek community in the U.S. and we are home to the Orthodox Archdiocese of America.

I am honored to join my colleagues in celebration of this significant achievement in history and to congratulate the Greek people on their independence day.

TRIBUTE TO ARMY SPECIALIST ADAM FROELICH

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to Army Specialist Adam Froehlich who was killed while serving our country in Baqubah, Iraq on March 25, 2004. He was a member of 2nd Platoon, Charlie Battery, 1st Battalion, 6th Field Artillery, a part of the 1st Infantry Division and stationed in Bamberg, Germany.

Specialist Froehlich was a true patriot who, deeply moved by the attacks of September 11th, joined the Army after graduating from Overbrook High School in Pine Hill, New Jersey. At Overbrook High School he was a varsity wrestler. After fulfilling his commitment to the Army, Specialist Froehlich planned to use the GI bill to attend college and become a gym teacher.

Specialist Froehlich's love of his country predated his enlistment in the Army. His decision to serve his country was a natural path to him. Even at his young age, he understood the connection between the freedom that we all enjoy and the historical sacrifices of those in uniform.

Specialist Froehlich is survived by his parents Stephen and Rosemarie, his brothers Steve and Jeff, his sister April and his grandfather John, all of South Jersey. He will be laid to rest with full military honors on Saturday April 3, 2004 in Berlin, New Jersey.

I extend my deepest sympathy to the Froehlich family and express my immense gratitude for the heroic service of Specialist Adam Froehlich.

TRIBUTE TO CURTIS WILLIAMS, SR.

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. DUNCAN. Mr. Speaker, a few days ago, Curtis Williams, a great and patriotic American, passed away in Lenoir City, Tennessee.

Mr. Williams, or Curtis to almost everyone, was a City Councilman in Lenoir City and a former member of the Loudon County Commission. He served on many boards and committees and worked with numerous civic and charitable organizations. He loved people and obviously wanted to help as many as he could.

Curtis was not rich or famous, but much more importantly, he was a kind and good man. He loved his family first and his country next, and this shone through in everything he said and did.

This Nation is a better place today because of the life Curtis Williams led, and I want to commend and praise the work he did.

I want to also call to the attention of my colleagues and other readers of the Record the article about Curtis that was published by the Knoxville News Sentinel.

Cook and Curtis Williams Jr. — Councilman's Death Leaves Big Hole in LC Community
(By Ann Hinch)

Monday's presentation of a $225,000 FEMA grant at Lenoir City Fire Station No. 1 promises all the hallmarks of an event Curtis Williams Sr. would've loved: his little city and his firefighters benefiting from much-needed federal funds, politics and old friends.

Sadly, the famously cheerful councilman will attend the April 5 presentation only in memory. Williams, 77, died of congestive heart failure at midnight March 15.

He'd been absent from most of the semi-monthly council meetings in the months preceding his death, wanting to attend but ultimately too ill and tired to do so. He would have especially enjoyed Monday's event, as he was also the city's fire commissioner and helped snag the FEMA grant.

'He'd get ready to come to the meetings, but at the last minute, he'd just be too tired,' daughter Debbie Cook explained.

Cook, one of Williams' and wife Tiajaunia 'Ty's' three children, said her father's doctor told the family in January that Williams didn't have long to live. In typical fashion, rather than mourn his mortality, she said her father asked frankly about funeral plans, regaled with old stories and made the most of time with family during his last weeks.

'I remember telling him that last weekend, how when I was growing up I remember him always helping the little man,' Cook recalled, adding with a laugh, 'and he answered, Well, I was the little man!'

'He saw himself as a true public servant. If someone called him asking for help to get a job, or a place to live, or food, he'd help them as much as he could.'

Williams served on the city council from 1997 until his death, but was hardly a political neophyte. He spent 11 years on the Loudon County Commission until a heart attack forced him to leave in 1990 and also retire from his job as assistant plant manager with the local Charles H. Bacon Co. textile plant.

Taking a break from political office didn't mean a break in politics. An avid Democrat all his life, Williams volunteered for at least six boards, not including the committees he chaired and served on during his 18 years of elected office. And he even counted the occasional Republican among his political comrades, including Rep. J O H N J. D U N C A N Jr., and his father, the late Rep. John J. Duncan.

'It seemed almost every time me or my dad came to Louden County, we would see him,' recalled Duncan, whose father began calling for4r Williams when the younger Duncan was in high school. 'He was a real strong supporter of both of us.'

'I think that he set a good example for anyone in public office. He had a heart for service and liked to help people.'

Duncan will make the grant presentation. Louden County Attorney Harvey Sproul was county mayor when Williams served on the commission. He recalls the projects they worked on to modernize the county, including being one of the first Tennessee counties to institute planning and zoning in 1972.

'He was supportive of trying to get things done and trying to establish a foundation for future county growth,' Sproul said. 'He was almost unequaled in public service; he served on so many boards, and was very progressive.'

Duncan had the most contact with Williams through veterans' organizations. Williams was proud of his three-year tour of duty in the Navy during World War II; Cook said Williams was proud to serve his country, to the point of his legal guardians (he and his siblings were orphaned young and lived with relatives) help him lie about his age at 17 so he could join the Navy in 1943.

'They didn't ask for anything (age proof) back then,' Cook said. 'They just said, 'Do you want to fight?' Williams helped storm the beach at Normandy on D-Day and was a gunner in the Pacific.

After the war, Williams returned to his job at Bacon, where he'd worked since he was a boy; he would work there 36 years. He married his childhood sweetheart, earned his GED, and attended classes at the University of Tennessee not toward a degree, but simply to learn more. Two of his three children — Cook and Curtis Williams Jr.— followed him into local politics (daughter Bernita Gamble did not). He left behind a large family, including seven grandchildren and five great-grandchildren.

He also left a hole on the city council, where his term would have ended next April. Mayor Matt Brookshire, who is now responsible for appointing the position, said, 'His presence here was missed for a long time, and he'll continue to be missed. He did enjoy (his work).'
Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor an agency that has supported Kansas City area children, families and communities for 110 years. The Mattie Rhodes Center provides social services, mental health counseling and provides emerging artists a venue for their work.

The center is named for Mattie Rhodes, a young woman who worked for the less fortunate with a group of Sunday school friends, the Little Gleaners. In 1890, at the age of 19 she died of typhoid fever. Mattie left $500 to be used for the benefit of children. The Little Gleaners honored her wish and founded the Mattie Rhodes Memorial Society in 1894 to be used for the benefit of children. The Little Gleaners created a group of Sunday school friends to help the needy and suffering by working for them, learning about them, giving for them, and trying to interest others in them."

That pledge made 110 years ago remains a reality today. The mission of the Mattie Rhodes Center is to reach out to children, families and community by providing social services, mental health counseling and art experiences in a bilingual, culturally sensitive environment." Mattie Rhodes offers services such as individual and family counseling, Hispanic mental health programs, job readiness and placement and educational experiences for children. More than 650 individuals and families access family services each year through the Mattie Rhodes Center. The majority are of Mexican descent and are recent immigrants who speak little or no English. Each year more than 1,700 children benefit from mentoring programs, youth support groups and arts education geared to youth from the suburbs and Kansas City's urban core. The Mattie Rhodes Art Center continues to be a place where children can have fun, learn about, appreciate and create art. In 1999 the Mattie Rhodes Center reached out to Hispanic artists and art patrons by establishing the Mattie Rhodes Art Gallery. It provides a unique experience for Latino artists to display their work, and for the community to view and appreciate. The exhibits educate children and the public about the importance of Latino arts in the West Side community and the greater metropolitan area.

Area day care centers, elementary and high schools, community organizations and individuals constitute the broad based support reach through the Mattie Rhodes Center programs. These groups include Garcia School, McCoy School, Northeast High School, Rose Brooks Domestic Violence Shelter, Hand-In-Hand and the Missouri Division of Family Services, Hispanic artists and patrons.

Mr. Speaker, please join me in honoring the Mattie Rhodes Center in Kansas City, Missouri for its 110 years of outstanding service. I congratulate this excellent organization in conjunction with The Mattie Rhodes Art of the Mask Auction on April 3, 2004. The auction has grown from children's art center project into a community celebration. This year's auction will be the twelfth in Mattie Rhodes Center's history. I am proud to have contributed by creating a clay mask for the event.
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track record of neglect that the U.S. Congress felt compelled to take action. And as a result, Congress in recent years has enacted three separate statutes seeking to ensure veterans access to chiropractic care—Public Law 106–117, Public Law 107–135 and Public Law 106–170. The last of those statutes gives explicit authority to the DVA to hire doctors of chiropractic as full-time employees. I’m proud to have worked with colleagues on both sides of the aisle to help advance those initiatives—and I am hopeful that a relevant DVA has finally seen the light.

I understand that the VA Secretary Principi has just released some new policy directives regarding chiropractic care and that, at last, we may be on our way to viewing the true and full integration of chiropractic care into the DVA. But Mr. Speaker, if the past is any guide to the future, then I must remain concerned until I see these new polices firmly in place and working well in all DVA treatment facilities. To help ensure that in the future, barriers to veterans who want and need chiropractic care are fully removed, I am pleased to introduce legislation that would require the DVA to make chiropractic care available on a direct access basis to our veterans. If the previous legislation had actually been implemented, my legislation would not be necessary—because referrals to doctors of chiropractic would actually be taking place with the encouragement and support of the DVA leadership. I hope this is what happens under Secretary Principi’s new guidance—but as insurance, Mr. Speaker, in case the Department loses their newfound enlightenment somewhere along the way—perhaps under a less supportive Secretary—then the enactment of the legislation I propose would guarantee the right of a veteran to obtain this important service without the cost and stumbling blocks of going through potentially hostile gatekeepers. Accordingly, I urge my colleagues to join me in supporting unimpeded access to chiropractic care throughout the veterans health care system and help enact this measure.

HONORING LEW AND SUSAN MANILOW

HON. RAHM EMANUEL
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Susan and Lew Maniow of Chicago on their recent 30th wedding anniversary.

Both Susan and Lew have been active members of the community and continue to support the many causes important to them.

Lew is a retired attorney who has wide interests in the arts, public policy and business. He grew up in Chicago and has lived there all his life, where his passion for theater continues to grow.

Lew has served as the former chair of the United States Advisory Committee on Public Diplomacy and was a key member of the Democratic Leadership Council. He is a long-time member of the board of directors of the National Democratic Institute for International Affairs and a founding chair of its Mid- dle East Committee.

In addition, Lew is a founding trustee and former president of the Goodman Theatre and leading advocate for the North Loop Theatre District. In addition, he is on the board of trustees for both the Museum of Contemporary Art and The Art Institute. Lew’s generosity and devotion to the fine arts earned him the prestigious distinction of being one of 24 recipients of the National Medal of Arts and Humanities awarded by President Clinton in December 2000.

Dr. Susan Maniow, also actively involved in our community, has been a chairman of both the Mount Sinai Health System and the Chicago Health Policy Research Center. She is currently a member of the Charter A. McGaw Prize Committee, which recognizes health care organizations that are committed to community service, and to improving and expanding care.

Family has also always been a priority in Lew and Susan’s life. Her two children, Edwin and John Eisenadath, are the proud parents of six grandchildren. His children, David, Karin, and John, are parents to seven grandchildren, with one more on the way.

Mr. Speaker, I join with the fifth district and entire Chicago in congratulating my friends Lew and Susan Maniow on their 30th anniversary, and wish them, and their extended family, all the happiness in the future.

HONORING THE PUBLIC SERVICE OF ANTONIA HERNADEZ

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Ms. ROYBAL-ALLARD. Mr. Speaker, today, my colleagues Mr. ANGEL ACEVEDO-VILA, Mr. JOE BACA, Mr. XAVIER BECERRA, Mr. DENNIS CARDOZA, Mr. CHARLIE GONZALEZ, Mr. RAUL GRIJALVA, Mr. LUIS GUTIERREZ, Mr. RUBÉN HINOJOSA, Mr. ROBERT MENENDEZ, Ms. GRACE NAPOLITANO, Mr. SOLOMON ORTIZ, Mr. ED PASSEY, Mr. SILVESTRE REYES, Mr. CIRO RODRIGUEZ, Ms. LINDA SÁNCHEZ, Ms. LORETTA SÁNCHEZ, Mr. JOSÉ SERRANO, Ms. ILDA SOILS, Mr. NIVDA VELAZCO and I join, together to honor the career of Antonia Hernández as President and General Counsel of the Mexican American Legal Defense and Educational Fund (MALDEF), a nationally recognized non-profit organization. Through the legal system, community education, research and advocacy MALDEF is dedicated to protecting the civil rights of the nation’s 40 million Latinos. We would like to take this opportunity to congratulate Ms. Hernández on her 23 years of distinguished service at MALDEF and to thank her for her tireless advocacy on behalf of the Latino community in this country.

In so many ways, Antonia Hernández is a role model for all Americans. Born in Mexico, she and her family moved to the United States when she was only 8 years old. They settled in the Mexicantown area of East Los Angeles, where her father supported his wife and six children as a gardener and laborer. As the eldest child, Antonia Hernández learned English quickly and excelled in school. She would later go on to attend UCLA where she received her bachelor’s degree, teaching certification in 1974, her law degree, and a law school fellowship.

Soon after passing the California State Bar exam, Antonia Hernández became a U.S. citizen. She later told a Los Angeles Times reporter that her patriotism to this country helped to inspire her interest in public service. “I love (this country) more than most because I don’t take the rights and privileges of an American citizen for granted. I remembered there was a knot in my throat when I took the Oath of Citizenship.” The Los Angeles Times reported in 1985.

An expert in civil rights and immigration issues, she began her legal career as a Staff Attorney with the Los Angeles Center for Law and Justice and worked as counsel to the United States Senate Subcommittee on the Judiciary under the leadership of Senator EDWARD KENNEDY. In 1981, Ms. Hernández joined MALDEF as Regional Counsel in Washington, DC. Ms. Hernández was elected to MALDEF’s presidency in 1985 where she was responsible for directing all litigation and advocacy programs, managing a $6.2 million annual budget, and supervising a 75 person staff.

Ms. Hernández’s management expertise guided the organization to long-term financial stability. In 1991, she created a permanent endowment for MALDEF by raising funds for the national headquarters building in Los Angeles. She has been pivotal in overseeing the national expansion of the organization, which today has offices in Chicago, Houston, Sacramento, Washington, DC, San Antonio, and Atlanta. Most recently, Ms. Hernández directed the opening of the Atlanta office in 2002, to serve the burgeoning Latino population in the Southeast.

A tireless champion for educational equity, Ms. Hernández has numerous accomplishments in this area. She led MALDEF’s legal challenge to the state of Texas in Edgewood Ind. Sch. Dist. v. Kirby to counter the economic and racial disparities used in financing Texas public schools. This legal battle, which began in 1984, ended successfully in 1995 when the Texas Supreme Court held that the Texas legislature had the authority to require wealthier school districts to share their funding with poorer districts, in turn creating an educational system that provides greater opportunities for all Texas children.

In California, MALDEF successfully challenged a similar school financing system in Godinez v. Davis. The state had a system that short-changed urban schools while providing more money to suburban areas. This case resulted in the award of hundreds of millions of dollars for urban area schools, many with a significant number of Latino students.

Antonia Hernández fought for the rights of limited-English proficient students by mounting a case against the Denver School District in 1984 for their lack of programs to educate non-English speakers. As a result of their legal victories, MALDEF won the creation of noted bilingual and multicultural programs for the Latino students of Denver.

Antonia Hernández also won key victories for Latino students by expanding their access to higher education. In 1993, MALDEF was victorious in LULAC v. Richards, where the Texas Supreme Court ruled that the lack of higher education programs in the predominately Latino area of South Texas violated the state constitution.

Under Ms. Hernández’s leadership, MALDEF helped to secure the right for undocumented students to attend public colleges and universities. In 2001, MALDEF developed a successful grassroots campaign in support of legislation that allows undocumented students in California to enroll at any
publicly financed California university for the same cost as other state residents. To further this effort nationwide, in 2003, she established the Ellen and Federico Jimenez Scholarship Fund for undocumented students who are ineligible for state or federal financial school assistance. This scholarship makes the critical difference for students who otherwise would be unable to afford the cost of a higher education.

As a mother of three children, Antonia Hernández also realizes the tremendous influence one has in the lives of their children. That's why, under her leadership, MALDEF graduated thousands of parent leaders from its Parent School Partnership (PSP) program, which instructs parents on how to become involved in their children's education.

In the area of employment, Antonia Hernández has provided opportunities for Latinos by mounting legal battles for fair hiring practices. Her work on the landmark legal case of Ballasteros v. Lucky forced the food service industries to allow Latinos to work in every major grocery chain in California. The victory resulted in the hiring of Latinos in several hundred retail stores.

Antonia Hernández has been a tenacious defender of immigration reform. Working with Congress and state governments, she has been a devoted advocate on behalf of fair and just immigration reform. Most notably, in 1986, MALDEF successfully halted the implementation of California's Proposition 187, which would have barred immigrants from receiving public education, medical services, and other public benefits.

Understanding all of MALDEF's efforts is a steadfast commitment to political empowerment in the Latino community. With this in mind, under Antonia Hernández's leadership, MALDEF has vigorously defended the Voting Rights Act of 1965. In 1982, she helped to create a new section of the Act that explicitly outlawed discriminatory election practices. She also championed a bilingual provision to protect limited-English proficient voters. In order to ensure a strong political voice for Latinos throughout the country, MALDEF led nationwide electoral campaigns in 1990 and 2000. Over the years, MALDEF has won many Latino-majority voting districts, one of which resulted in the first Latino seat in 100 years in Los Angeles County (1990 Garza v. County of L.A.) and another which created the state of Illinois' first Latino Congressional district as a remedy for past discrimination in the Chicago area (1995 King v. Illinois State Board of Elections).

Antonia Hernández has worked to ensure that Latinos receive their fair share of public services, including access to medical insurance, language translation for public services, and fair and equitable treatment in land-use decisions. Just one example is the 2001 case in which MALDEF won a case against the City of Poth, a South Texas town that finally agreed to pave the streets in its Latino neighborhood.

Mr. Speaker, Ms. Hernández is a visionary. Through her work at MALDEF, her service to the Latino community has truly improved lives and helped to carry out the organization's unwavering mission to remove obstacles that prevent the Latino community from realizing its dreams. We thank her for her many years of public service and we are grateful that she will continue her work in the community as she moves on to serve as President and CEO of the California Community Foundation. Her courage, compassion, and, above all, her dedication to helping others have made a difference at MALDEF and in the Latino community. We trust that this is indeed not an end to her work in public service, but a new beginning to even greater victories ahead.

USES AND MISUSES OF INTELLIGENCE

HON. RUSSELL D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 31, 2004

Mr. HOLT. Mr. Speaker, in just over 3 years the United States has faced two acute intelligence failures. The first was the tragic events of September 11, 2001. The second can be found in the arguments made to go to war in Iraq. Weapons of mass destruction have not been found, but the American people have been strengthened and spread across the Islamic world. In the aftermath the United States has been saddled with a long-term commitment to pay the rising costs of war and endure the continuing loss of life in Iraq. It is in this context America's hard-won lessons from its past war activities should be turned to, to guide us in our current endeavors.

Mr. Speaker, I would like to include in the RECORD a copy of the following speech by Professor Raymond H. Close delivered to the Princeton Midwest East Society at Princeton University last month on the uses and misuses of intelligence in the conflict with Iraq.

USES AND MISUSES OF INTELLIGENCE

(By Raymond H. Close)

Today I want to describe to you the details of a few specific situations that took place a number of years ago where intelligence estimates and covert actions were employed, and in some cases deliberately distorted, in a manner calculated to support policy objectives of the United States that might otherwise not have received the support of the American people and the approval of the world community. From an assessment of those experiences we can draw some useful lessons to guide our intelligence officials today in fulfilling their professional obligations more honestly and appropriately.

My own experiences in the twenty years that I spent actually engaged in clandestine operations in the Middle East were entirely in the objectives of old-fashioned espionage and so-called covert action—which I define as the effort to achieve specific strategic objectives for the United States through secret intervention in another country. As you all know, the term "covert action" can also include the employment of lethal violence in some situations to accomplish objectives that could not otherwise be justified by our own legal system or by humanitarian principles, carried out by methods designed to hide our government's role behind a shield of propaganda.

Let me start by telling you about some of my experiences in Lebanon during the years 1952-1958, from which some lessons can still be drawn.

In 1957, I participated in a covert action operation in Lebanon, explicitly ordered by President Eisenhower, in which it was our objective to establish a local government that was committed to the open and enthusiastic support of American policy objectives in the region, but was under assault by internal elements determined that their country should adopt a more independent stance. We were initially successful, but our crude manipulation of the democratic elections during Lebanon's 1957 parliamentary elections contributed directly to a civil war that was ended only on the landing of a large U.S. Marine Corps relief mission later in 1958. To justify that armed intervention, we deliberately and knowingly provided false intelligence to the United Nations purporting to prove that our forces had responded to indirect aggression against the freely elected government by forces inspired and supported by international communism. It was pure fabrication. By the autumn of 1958, following our military intervention, the government that we had supported by our covert action was replaced by a government comprised primarily of individuals who had been leaders of the political opposition, but who were not by any objective standard enemies of the United States. The supreme irony, I always thought, was that shortly thereafter Barry Goldwater wrote a book in which he extolled the glorious success of our ill-advised and ultimately counterproductive covert action operation in Lebanon. Goldwater reported that, in a triumphant demonstration of how to employ U.S. power in the cause of free-dom, communist rebels had been over-thrown in Lebanon and replaced by a pro-western government. This breathtaking construction of a historical fact was an example of how effective the cognitive dissonance, and has, particularly in recent months, reminded me to keep an open mind when it comes to assertions of fact by senior American policy-makers. A case in point: On February 5th, 2003, just one year ago, Secretary of State Colin Powell, in his now-famous report to the United Nations, said this: "My colleagues, every statement I make today is backed up by sources, solid sources. These are not assertions. What we're giving you are facts and conclusions based on solid intelligence." Secretary Powell's use of the pronoun "we" in this statement was clearly intended to include CIA Director George Tenet, whose face appeared right over Powell's shoulder throughout the presentation. Tenet's presence could only have been intended to put the CIA's official statement of approval and support of President Bush's presentation. Tenet was reporting—even information that Tenet must have known was highly questionable.

The Bush Administration apparently felt undue pressure to strengthen its case for war in Iraq by persistent enhancement of whatever intelligence happened to be available that seemed to support its policy objectives. The details of how that corruption was implemented are much less important, however, than the violation of principles that allowed an preemptive war to be initiated on the basis of evidence that was known by the senior levels of our government to be inconclusive, and even demonstrably false in some cases. The misuse of intelligence that has long-term costs, first among which is that the credibility of American intelligence that approval and support of other U.S. military actions overseas may be withheld by the international community even in situations where intervention is urgently called for. Secondly, the personal image of George W. Bush relying on questionable information to make life and death decisions has drastically compromised his credibility as a national and world leader. Finally, the present crisis has revealed flaws in the way various intelligence agencies in Washington work together to evaluate threats honestly and objectively it is packaged and marketed to their customers in a competitive manner.
political arena in which the possession of allegedly “solid” secret information can provide such a formidable advantage.

Another appropriate example, from which valuable advice will be derived today, concerns events in Africa in the late summer of 1998, when the Clinton Administration retaliated by rolling up a big snowball.

In my opinion, the hard reality is that when push comes to shove, the Bush Administration, for all its vaunted pretensions of virtue and Godliness, is not going to allow a government that defies U.S. policy objectives to take power in Baghdad. High principles will, as I have seen many times in my own experience, compromise as necessary.

In other words, I’m ready to make some predictions about the future, based on my own past experiences. I offer these predictions with confidence, but with sincere hope that they will prove to be wrong.

The United States began its invasion of Iraq operating under a number of seriously flawed expectations that were based on nothing other than bad intelligence, contrived by dedicated ideologues to suit their own preconceived misjudgments.

One expectation was that gratitude toward the United States for liberating their country from Saddam’s terrible dictatorship would be the determining factor in shaping Iraq’s political future, in defiance of over 25 years of overwhelming social and cultural evidence to the contrary.

One expects that the new Iraqi government will continue in the future to cooperate closely with the United States in the management of its oil and gas resources, even when Iraq’s own economic and political needs might be in conflict with the United States’.

One expects that a new government of Iraq would grant the U.S. long-term leases on military bases from which the U.S. could project its power throughout the entire Middle East and Central Asian region for a long time into the future.

One more expectation has been that the new Iraqi government will continue in the future to cooperate closely with the United States in the management of its oil and gas resources, even when Iraq’s own economic and political needs might be in conflict with the United States’.

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Mr. BERETUTER. Mr. Speaker, this Member would ask his colleagues join in congratulating Brad and Amy Williams of Cedar Bluffs, Nebraska, for being one of the four winners of the 48th Annual National Outstanding Young Farmers Awards presented by the U.S. Junior Chamber (Jaycees) and the John Deere Company. The 2004 awards event marked the 38th year that the John Deere Company sponsored the program, which is administered by The U.S. Junior Chamber (Jaycees), and supported by the Outstanding Farmers of America Fraternity and the National Association of County Agricultural Agents.

Brad and Amy Williams both stated that they didn’t think they would win. But win, they did. An AP wire article on the Williamses stated, “The Cedar Bluffs couple underestimated themselves and their farming operation. Before the ceremony was over, they were in the spotlight.” And, it is a well-deserved spotlight as the couple won the award by farming 2,015 acres of corn, soybeans and hay along with working a 2,700 swine farrow-to-federer pig operation.

In addition, the Williamses have increased their number of no-tilled acres during the past 16 years. In 2003, they used the no-till method on 65 percent of the 2,015 acres they farm thereby conserving soil moisture, reducing erosion and lessening soil compaction. In doing so, they also provided additional cover for wildlife including pheasants and quail.

But, farming for Brad and Amy Williams is not just about conservation, it is also about keeping up with rapidly changing technology and becoming more efficient. In all of these areas, Brad and Amy Williams’ efforts have paid off—not only in receiving this award for being Outstanding Young Farmers, but also about in being successful stewards of the land.

Mr. BERETUTER. Mr. Speaker, we don’t know whether Constable Wirs will win or lose his first match. Although in the Veterans Division, competitors are divided into both age and weight, there is no doubt that Pete Wirs will be up against seasoned, experienced amateur wrestlers. But no matter what the score, Pete Wirs will have scored a morale victory by simply stepping onto the mat; by getting his diabetes under control, and proving to all of us that physical fitness is not a diet, a fad, but a life-long commitment to healthy eating, continuous exercise and more Americans are suffering from obesity.

Unfortunately, this problem is not new. President Kennedy, speaking at the 1962 Army-Navy Game, asserted that: “We are under-exercised as a Nation.” Kennedy initiated the President’s Council on Physical Fitness to urge America to pursue more exercise and sports in our daily lifestyles.

Today, over one-third of all Americans are obese, and more than 60 percent of Americans are overweight, according to the Centers for Disease Control. Obesity is a major precursor for Type II diabetes, where the pancreas produces too much insulin or the body otherwise cannot process the insulin the pancreas creates.

Diabetes is now an epidemic, as reported by Time magazine this past December 8th, 2003, 16 million Americans are expected to contract Type II diabetes. “Type II diabetes is increasing geometrically among children and adolescents,” according to the ADA National Diabetics Fact Sheet. Type II now appears to be at the “highest risk” during puberty, according to the ADA’s October, 2003 issue of Diabetes Forecast. While approximately one in every 40 children and adolescents have Type I diabetes; recent Government reports indicate that one in every three children born in 2000 will suffer from obesity, which as noted is a predominant Type II precursor.

Among adults age 20–55, 8.3 percent of all adult men will be afflicted with diabetes, while 8.9 percent of all adult women age 20 will contract it.

Diabetes is even more prevalent among minorities. 13 percent of African-Americans age 20 and older, and 10.2 percent of all Hispanic-Latino Americans have or will have diabetes, meaning that on average, Hispanic Americans are 1.9 times more likely to have diabetes than non-Hispanic Whites of similar age. As a result, diabetes represents a substantial economic toll. In 2000, $91.8 billion was spent on direct medical costs for diabetes, while an additional $39.8 billion was spent on disability, work loss, premature mortality, etc., resulting from diabetes. In other words, the annual cost is $7,764 for every U.S. diabetic.

Medical expenditures per capita for diabetics is 6.5 times that of nondiabetics.

Yet, studies universally show that “lifestyle interventions”—this is to say a regimen of diet and exercise—can reduce development of diabetes by 40 percent to 60 percent. However, lifestyle intervention requires discipline with a lifestyle of diet and exercise. Entitled “Going for the Gold,” the campaign will award up to 500 “Diabetic Control Points” for diabetics engaging in continuous exercise and participation in an organized amateur athletic sport.

Mr. Speaker, Constable Wirs’ story is an inspiration to all diabetics and indeed to all of us. In
President Kennedy’s words, Pete Wirs becomes a “profile in courage” when he steps onto the freestyle wrestling mat this April 8th for his first competitive match. Our congratulations to Constable Wirs, and all of his fellow team members, coaches and boosters in this important sports history in the making.

PREVENTIVE SCREENING FOR COLORECTAL CANCER

HON. LOUISE McINTOSH SLAUGHTER OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES Wednesday, March 31, 2004

Ms. SLAUGHTER. Mr. Speaker, I am pleased to re-introduce the Eliminate Colorectal Cancer Act, a bill that can save the lives of thousands of people who might otherwise fall victim to the only completely preventable form of cancer.

Few people realize that colorectal cancer is the second leading cause of cancer death in the U.S. for men and women combined. It kills more Americans every year than either breast cancer or prostate cancer. An estimated 146,940 people will be diagnosed with this cancer in 2004, and 56,730 will die from it.

This is an unspeakable tragedy because colorectal cancer is preventable, treatable, and curable when detected at an early stage. When colorectal cancer is detected before it has spread, the five year survival rate is over 91 percent.

Further, colorectal cancer is the only cancer we know how to prevent. If polyps are discovered in the colon, they can be removed before they become cancerous and the cancer will never develop.

And yet tens of thousands of Americans continue to die from this disease, mostly because their cancer is detected at a later, less treatable stage.

No one should die of colorectal cancer. This cancer is preventable and detectable. It is slowgrowing and easy to stop in its tracks. The fact that over 56,000 Americans die of this disease is nothing more than a massive failure of our preventive health system.

For most Americans, two barriers effectively block their access to colorectal cancer screening: ignorance, and lack of insurance coverage. Many people simply don’t realize they are at risk. When they are educated by their doctors and other sources, however, the vast majority are ready to undergo screening.

This brings them to the second major obstacle—insurance coverage. Not all insurers cover colorectal cancer screening, even for those at high risk. All men and women over the age of 50 should be screened regularly, as well as those under 50 at high risk. Screening tests are crucial because colorectal cancer often causes no symptoms until it is widespread.

A recent Lewin Group study of the insurance plans offered under the Federal Employees Health Benefits Program (FEHBP) is illustrative. Lewin researchers reviewed the plan materials offered to subscribers to determine which covered the full range of colorectal cancer screening methods. In 2002, only 3 percent of the plans covered screening colonoscopy. In 2003, that number jumped dramatically to 28 percent. Clearly, insurers are realizing that these screening exams make sense. Colorectal cancer screening is cost-effective, considering that treatment for a patient with an advanced form of cancer can easily be $40,000 or more. Preventive screening is good policy, good health care, and good economics.

I am therefore proud to introduce today the Eliminate Colorectal Cancer Act, a bill to require insurers to cover a regular colorectal cancer screening exam. Doctors and patients will be able to decide together the appropriate screening method and frequency of testing. My friend and colleague, Rep. Peter King, has joined me as original cosponsor of this vital initiative. In the Senate, a companion bill is being introduced today by Senators Edward Kennedy and Pat Roberts.

I am pleased to report that a wide range of respected organizations have already lent their support to this initiative, including the American Cancer Society. These organizations will be working diligently to educate Members of Congress about the need for this legislation and to urge their support for it.

The work of the 1987 Harry W. Tawney Memorial lists the names of 58,235 Americans who lost their lives over the course of that conflict. Every year, we lose almost that many men and women to colorectal cancer. But we have the power to eliminate colorectal cancer. I therefore urge all of my colleagues to cosponsor the Eliminate Colorectal Cancer Act and put us on the path to realizing this worthy goal.

RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS MONTH

HON. LOIS CAPPS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES Wednesday, March 31, 2004

Mrs. CAPPS. Mr. Speaker, I rise today to recognize April as Sexual Assault Awareness Month. Rape and sexual assault affects men, women, children, and men of all racial, cultural, and economic backgrounds. I commend the work of local organizations to end this type of violence.

The importance of these issues is illustrated by statistics that indicate that there were 10,176 forcible rapes reported in 2002; and that the Bureau of Justice Statistics estimates that over 70 percent of rapes are never reported to police; and that one in three women, one in four girls, one in six boys and one in eleven men will be victims of sexual violence at least once in their lifetimes.

While one person, organization, agency or community cannot eliminate sexual assault on their own, we must work together to educate our entire society about what can be done to prevent sexual assault as well as to support survivors and their significant others, and increase support for agencies providing these services.

Santa Barbara Rape Crisis Center has led the way in Santa Barbara in addressing sexual assault by providing 24-hour hotline services to survivors and their significant others, responding to emergency calls, offering support and comfort to those impacted by sexual assault during medical exams, criminal proceedings, and empowering those impacted by sexual assault to chart their own course for healing.

Santa Barbara Rape Crisis Center has set an important example of how forging collaborative relationships between service agencies and organizations improves the quality of service for those most profoundly and directly impacted by sexual violence.

Ending sexual assault in Santa Barbara must include active public and private efforts in collaboration with Santa Barbara Rape Crisis Center, including dialogue about what sexual violence is, how to prevent it and how to help survivors connect with crucial counseling and support services.

As a nurse, I understand firsthand the importance of education as it pertains to healthcare and to the prevention and elimination of sexual assault. I commend the efforts of the Santa Barbara Rape Crisis Center as they work to educate our community and provide crucial services to victims and their family members and significant others. I want to express my strong support for all programs aimed at the elimination of sexual violence and hereby proclaim April as Sexual Assault Awareness Month.

TRIBUTE TO LARRY DOYLE

HON. SANDER M. LEVIN OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES Wednesday, March 31, 2004

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to Larry Doyle, a friend and a talented local government administrator, who is retiring today after 21 years of dedicated service to the city I am pleased to call home: Royal Oak, MI.

Throughout his tenure, Mr. Doyle was instrumental in guiding the city of Royal Oak through many exciting changes. I have been privileged to work with him and have seen first hand his professionalism and his dedication to the city and its residents.

His service began during the initial stages of the city’s revival, first as Deputy City Attorney in 1983, then as city attorney in 1990. With the completion of Interstate 696 on the southern border, Royal Oak began reaping the benefits of its central position in southeast Michigan. With his active involvement businesses quickly utilized the location and the opening of diverse restaurants and unique shops brought visitors as frequently as local residents.

After a nationwide search, the city leadership rightly asked Larry to take the management helm of the city in 1994. Over the following years, he set policies that aided in bringing the city a new ice arena, a new district court, improvements in city parks, as well as tremendous growth in property values. These efforts lead to the recent “Cool City” designation by Governor Jennifer Granholm, not only for a vibrant downtown, but for a desirable hometown community for residents.

Larry’s commitment to the city did not end with the workday. As an advocate and a resident, he can be found supporting any number of local events such as the Woodward Dream Cruise or the St. Patrick’s Day Parade. The people of Royal Oak have indeed been well-served by all of his efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing a dedicated public servant. I am pleased to join with the residents of Royal Oak in thanking Larry Doyle for his service to our community and wishing him and his wife of 30 years, Sue, good health, happiness and success in the years ahead.
Among her other civic activities, Millie has served as president of the PTA and two women’s federated clubs, as a member of the State Mental Health Task Force, and as a Sunday School teacher at various churches in the communities in which she has lived. Even at the age of 90, Millie is still an active member of the Boards of the Mississippi County Community Sheltered Workshop and the East Prairie Housing Authority.

Not only has Mildred Wallhausen changed our communities, she has forever changed the lives of the people who call them home. She has always looked upon her responsibilities to her newspaper as a form of public service. As a personal hero of mine, she has shown uncommon strength in her desire to both do good through her own actions and communicate good through her work. She is an invaluable servant of our Nation, and she is an example for women everywhere.

Congratulations Millie, on your 90th birthday, and thank you for your guidance and kindness to me, your community, State, and Nation.

COMMENDING THE TAIWAN PRESIDENTIAL ELECTION

HON. CAROLYN B. MALONEY OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mrs. MALONEY. Mr. Speaker, I rise to commend the voters in Taiwan, an astounding 80 percent of whom participated in the recent Presidential election, for once again demonstrating their commitment to exercising their democratic rights.

Taiwan’s political system has undergone dramatic changes. Fifty years ago the country was ruled by an authoritarian dictatorship under martial law. Today it is a vibrant, multi-party democracy, having completed its third direct Presidential election. Taiwan has robust political parties with free and fair elections at all levels of government.

The margin of the Presidential victory in Taiwan was very small. However, recount issues and open demonstrations were part of the democratic process in which free expression is revered and protected. These impassioned times are the tested and true democracies.

Taiwan and the United States share a strong bond in their commitment to the ideals of a free society. Taiwanese-Americans, many living in the New York City area, are a vital part of that relationship. The Taiwanese-American community, which numbers in the hundreds of thousands, is actively engaged in our own political system, and its citizens are enthusiastically involved in the betterment of local communities across our country.

As we hope for dialogue and stability in cross-strait relations, we can also hope that one day the people of mainland China will be able to select their own leaders by democratic means.

Today, I commend the people of Taiwan for embracing democratic ideals and providing an important symbol of freedom in the Asia-Pacific region.

THE AMERICAN LEGACY FOUNDATION

HON. JAMES R. LANGEVIN OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. LANGEVIN. Mr. Speaker, I rise on this, the fifth anniversary of the American Legacy Foundation, to recognize the tremendous strides this organization has made in improving the health of millions of Americans. Through its various programs such as Circle of Friends, Great Start, and Priority Population, as well as its Truth Campaign, the Foundation has played a tremendous role in promoting both the cessation and the prevention of tobacco use in our country. As the largest youth smoking prevention campaign in the United States, the Truth Campaign in particular has been cited as a factor in the current 28-year low in youth smoking rates.

Smoking costs our society not only in the lives lost but also in the billions of dollars spent on related health care. Smoking is the leading cause of preventable deaths in our country, killing 440,000 people each year, and exposes thousands of children to the harmful effects of second-hand smoke. I strongly hope that the American Legacy Foundation will continue to receive the Federal funding it needs in order to carry out its campaign for a tobacco-free nation. Mr. Speaker, I thank you for allowing me to recognize the American Legacy Foundation for its ongoing contributions to the health of our great nation.

HONORING THE LIFE OF CESAR E. CHAVEZ

HON. HILDA L. SOLIS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Ms. SOLIS. Mr. Speaker, I am proud to rise today to recognize and celebrate the birthday of Cesar E. Chavez. Cesar Chavez, an icon in the Latino community and beyond, would have been 77 today.

Cesar Chavez was born near Yuma, Arizona, and grew up in migrant labor camps, into the poverty of a migrant worker’s life. He became a historical figure who embodied humility and extraordinary strength in his peaceful struggle towards social justice. He dedicated his life to tirelessly championing the rights of farm laborers and along with Dolores Huerta, founded the United Farm Workers union, fighting for better wages, conditions and respect for farmworkers.

I have introduced the Cesar E. Chavez Lands Legacy Act (H.R. 1034) to ensure that Americans can fully understand his life, vision, and impact on improving the lives of millions of Americans. I hope that his legacy and memory will someday become a fundamental piece of American history so that all Americans will understand the fight that Cesar Chavez began in the fields, a fight for social justice, civil rights, and human rights that continues today. The Latino community, including myself, has been able to enjoy certain benefits and privileges that otherwise might not have been possible.
TRIBUTE TO CESAR CHAVEZ

HON. JOE BACA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. BACA. Mr. Speaker, I rise today to pay tribute to an individual of great significance to the history of our country. He provided a voice for those that could not be heard and hope for those that no longer believed.

Above all, Cesar Chavez was a man who fought for those that could not fight for themselves. Through his nonviolent struggle for economic and social equality, Cesar touched the lives of millions of people and inspired a generosity of spirit and love for our fellow man.

Born of a Mexican immigrant, Cesar Chavez grew up working with migrant farm workers, toiling in the fields while receiving below average wages.

His firsthand knowledge of the plight of the farm worker helped shape Cesar’s beliefs and led him to become an advocate for the migrant working community.

He committed himself to organizing these workers to campaign for safe and fair working conditions, reasonable wages, decent housing, and outlawing child labor.

As the founder of the National Farm Workers Association, he provided hope that farm workers may one day realize the basic protections and rights deserved by all Americans.

His influence, however, extends far beyond agriculture.

He organized voter registration drives in urban areas, initiated complaints against mistreatment by police and welfare officials, and empowered workers to seek advancement in education and politics.

To gain national attention to the growing civil rights movement, Cesar frequently staged non-violent strikes, boycotts, and pickets.

He also used fasting as a way to peacefully protest without resorting to the violence that existed throughout our society.

However, many in his community refused to accept his notion of equality and resorted to killing and beating of many of his workers.

Yet through it all, Cesar never wavered in his commitment to La Causa.

He was a dedicated champion of equal rights; not just for farm workers, but for all Americans.

This was recognized in 1994 when he became only the second Mexican-American to be honored with the highest civilian award in the United States: the Presidential Medal of Freedom.

This is why I stand here today on his birthday. I have previously introduced a resolution urging Congress and the President to declare this day a national holiday to honor this great Latino visionary.

But today, I want to further honor this great leader by introducing a bill that awards him the Congressional Gold Medal.

With faith, discipline, and soft-spoken humility, Cesar Chavez led a very courageous life. His tremendous passion and resolve to fight for civil rights was an exhibition in selflessness and love.

By awarding him the Congressional Gold Medal, we are saying that we understand these sacrifices that Cesar Chavez made for our country.

He has left an enormous legacy that has provided hope for the hopeless, inspiration for the uninspired, and the prospect of a better life for all.

For those of us that have ever lost faith, Cesar Chavez teaches us never to give up.

With hard work and the belief that all men and women are created equal, we can aspire to greater things.

I urge all my colleagues to honor Cesar Chavez and his legacy, not only on this day, but every day.

His inspirational words will always ring true: Si, se puede! Yes, we can.

HONORING THE 77TH ANNIVERSARY OF CESAR CHAVEZ’S BIRTHDAY

HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today as we honor Cesar Chavez on the anniversary of his 77th birthday, and ask the Members of the House to join us in paying respects to a man who brought awareness of labor injustices to the forefront of the masses.

Cesar Chavez grew up in the fruit and vegetable fields, working the land with his own hands from dawn to dusk. He knew the injustices that faced farm workers on a daily basis, and understood the need for change.

From those fields, Chavez rose to be the head of the United Farm Workers of America (UFW) instilling in the UFW the principles of non-violence practiced by Gandhi and Dr. Martin Luther King, Jr.

When the UFW began striking in the 1960’s, to protest the treatment of farm workers, the strikers took a pledge of non-violence, determined not to detract from the message of improved labor conditions.

For those of us who lived through this tumultuous time period, we heard of the great odds Chavez faced as he led a successful five-year strike boycott. Through this boycott, Chavez was able to forge a national support coalition of unions, church groups, students, minorities, and consumers.

By the end of the boycott everyone knew the famous inspirational chant “Si se puede!” — ‘Yes we can’. The chant united diverse groups by encouraging them to become active participants, by taking pride in what is just and fair while all along preserving the dignity of their efforts.

Chavez also spoke out in other areas and helped communities to mobilize by assisting them with voter registration drives and insisting that minority communities had just as much a right to have equitable access to educational opportunities.

To this day Chavez’s legacy lives on. His influence can be seen in the legislation that comes to this very floor. Legislation that aims to provide for our children’s education, improve healthcare in our community, and ensure our civil rights and liberties are respected.

We must also continue the fight to ensure that in today’s world, the rights of workers are still protected. Whether it’s working in the fields, in the kitchens, or in our factories, the blue-collar worker is an invaluable resource to America and to the American economy.

It is important that these workers be treated with the respect and dignity that they deserve and that all the rights afforded to those working in air conditioned offices is also extended to those working in the sun heated fields and the like.

America has seen few leaders like Chavez. He is in a rare group of people who made their life mission count. His life and his deeds have left a lasting imprint on American history.

We can only hope to continue to fulfill his vision as we walk through the halls of Congress to create a better tomorrow for the Hispanic community and all Americans.

HONORING NATIONAL WOMEN’S HISTORY MONTH

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor National Women’s History Month. The National Women’s History Project, founded in 1999, is a non-profit educational organization committed to recognizing and celebrating the diverse and significant historical accomplishments of women. The legacy of others who shaped society inspires one’s own longings to contribute. For young women, role models can inspire them to be all that is possible. Knowledge of women’s strengths and contributions builds respect and nourishes self esteem.

During Women’s History Month, our nation celebrates the many accomplishments of women. Women are leaders in business, government, law, science, medicine, the arts, education, and many other fields. As bosses, mothers, sisters, daughters, wives and friends, they bring compassion and integrity to our work spaces and community settings and teach our children the values that make our country great.

Thousands of outstanding Kansas City women have left their mark on our community by blazing new trails; by being the first woman to make a significant contribution in the greater metropolitan area. A beloved woman in Kansas City, known as the matriarch, is the late Lucille Bluford. Always a voice of conscience and reason, a woman of influence and great moral character, she began her career in 1930 as a reporter for The Kansas City Call. After owner Chester A. Franklin died in 1955, Ms. Bluford became managing editor, publisher and the first woman owner of a newspaper in the community. Her leadership, guidance and direction raised the consciousness of the African American community to the struggles of the Civil Rights Movement in the role models who inspired their sense of what is possible for political action. In 1990, the University of Kansas awarded her it’s Distinguished Service Citation, the highest honor to be bestowed upon a KU graduate for service to humanity. She was the second African American student to major in journalism at KU. Among her many awards, she received an honorary doctorate from the University of Missouri, which years earlier denied her admission. In 1939, she bravely sued MU, but lost the case.
While she may have lost that battle, her action prompted a series of legal challenges that ultimately led to the abolishment of the “separate but equal” doctrine in education.

Ms. Bluford’s career accomplishments opened doors for another female entrepreneur in journalism. Reyes took upon herself to fill the void. She did not know much about the publishing world, but thought that if she could sell real estate, she could surely sell advertising.

For more than 20 years, Clara Reyes has been a strong voice in the Hispanic community who wrote about issues important to Latinos in the Greater Kansas City area. Clara Reyes has helped “dos Mundos” grow to become one of the leading bilingual newspapers in the Midwest dedicated to serving the community through daily news and information.

Mark W. Gallin, Ph.D., Chancellor of the University of Missouri-Kansas City holds a doctorate in environmental engineering/systems ecology from the University of Florida. On August 30, 2002, she received a prestigious national honor from the Policy Studies Organization: “Top Public Policy Practitioner.”

Under her leadership, UMKC, has established a progressive and ambitious agenda for the urban campus of 14,000 students. Chancellor Gilliland and her leadership team are poised to transform UMKC into a 21st century institution and a national model in scholarships and creative activity by attracting and nurturing responsive community leaders while providing the resources to achieve the University’s vision of creating a vibrant environment of learning and campus life experience.

Today, the vision of these Kansas City women: Lucille Bluford, Clara Reyes and Martha Gilliland, inspire women in our community to blaze new trails and seek their dreams.

Mr. Speaker, please join me in honoring National Women’s History Month, as we celebrate women who strengthen and enrich America. Their lives and work provide guideposts of hope for our future and for our children, and remind us all of what the human spirit can achieve when our collective eyes are fixed upon helping reach our greatest potential. I salute them one and all in honor of National Women’s History Month.

As a result of our work, the Territorial Highway Program (which includes American Samoa, Guam, the U.S. Virgin Islands and CNMI) will be increased from $33 million to $40 million for FY 04, FY 05 and FY 06. For FY 07, FY 08 and FY 09, funding will increase to $50 million. Department of Transportation Act (now known as TEA-21) limiting $100 billion less than what was originally proposed, the Territorial set aside will increase by 23.6%.

Moreover, I have worked closely with Chairman Young and Ranking Member Oberstar to include $514 million more for high priority projects in American Samoa. This funding is in addition to American Samoa’s annual federal highway funds and will be used for village road improvements, drainage mitigation, shoreline protection and upgrades and repairs of the Ta’u ferry terminal facility.

In consultation with the Honorable Togiola Tualafono, Governor of American Samoa, I have asked the Committee to set aside $9.4 million for village road improvements in the Eastern, Western, Central and Manu’a districts of American Samoa.

In further consultation with Senator Tuaoilo Fruen and High Paramount Chief Mauga and members of the Pago Pago council of chiefs, we have also set aside $1 million for drainage mitigation for Pago Pago village roads.

In consultation with Senator Tago Sulu’efaiga, Representative Fagasoaia Lealaitalea and Representative Mary Taufete’e and members of the Nu’ualei council of chiefs, we have set aside $1 million for shoreline protection and drainage mitigation for Nu’uila village roads.

In consultation with Senator Faamausili Pola and members of the Ta’u village council of chiefs, we have set aside $1.6 million to upgrade and repair the Ta’u harbor facility.

Finally, in consultation with Senator Faiva Galea’i, Senator Luamelu Faoa and members of the Leone and Maalealoa councils of chiefs, we have set aside $1 million for drainage mitigation for Maalealoa-Leone village roads.

Again, I thank my colleagues, both Democrat and Republican, and I also thank the local leaders of American Samoa, including Governor Togiola, for working closely with me to make sure that American Samoa’s needs are addressed in this historic and important initiative.

I urge passage of this bill and I again commend Chairman Young and Ranking Member Oberstar for their leadership and support.

Dr. Obler started his path in education at New York University and earned his doctorate from the University of Wisconsin before landing at the UNC Department of Political Science. A teacher of international relations and political philosophy, he was a leading academic voice on campus and an outstanding citizen in the greater community for more than 25 years of his life. Dr. Obler served the university with distinction, touching the lives of countless students and leaving an indelible mark on the community.

Dr. Obler’s work, which focused on the link between moral theory and public policy, has been published in many prestigious academic journals, including Political Theory, Comparative Politics, and the British Journal of Political Science. He received numerous awards and distinctions during his tenure at UNC, including two Tanner Teaching Awards and a Students’ Undergraduate Teaching Award. Yet Dr. Obler’s most meaningful legacy was built through his unparalleled dedication to teaching.

In the classroom, Dr. Obler displayed an intellectual curiosity that never waned, inspiring his students to join him in the pursuit of knowledge with a style of teaching that was more engaging conversation than lecture. He could explain complex moral and political arguments with depth and conviction, while always encouraging students to arrive at their own conclusions and beliefs. This accessible style made Obler a favorite among undergraduates, who regularly lined up outside his door during office hours to seek his mentorship on issues large and small.

His abilities also won him great respect among his peers in the UNC faculty, many of whom have described him as the best classroom professor in the department. This respect was so great that Dr. Obler was selected from among the entire political science faculty to lead a course about teaching methods for graduate students. He also served the department as Director of Undergraduate Studies and Director of Internships and Awards.

Dr. Obler is survived by his two children, a long-time companion, and students like myself who will forever treasure the lessons he has taught them. His legacy is one that will be treasured for generations.

ARTS ADVOCACY DAY

HON. KAREN MCCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize and support Arts Advocacy Day. I would like to thank the artists who have come to Capitol Hill to visit with members of Congress regarding support for arts education as essential to the creative ingenuity of the cultural fabric of our society. We appreciate their extraordinary talent and we welcome them to Washington.

The Congress must provide sufficient funding for arts education in our schools and the National Endowment for the Arts. These programs are vital to continue the tradition, preservation and presentation of the arts and humanities in America. In my district, numerous schools have taken essential steps toward...
integrating arts education in their student’s daily routines. Unfortunately, budget cuts threaten the longevity of these programs. Studies have demonstrated that reading and math scores improve with participation in arts education classes. A U.S. Department of Justice study found that arts education reduced student delinquency in San Antonio by 13% and increased the communications skills of students in Atlanta by 57%. Test Results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students. I’m proud to have been part of the legislative effort to empower the Secretary of Education to fund arts education programs in our schools through the No Child Left Behind Education Act of 2003.

Beyond our borders, the WTO must stand firm against the piracy of our artists’ intellectual property. We in Congress must strengthen our commitment and effort with our trading partners to end piracy. Theft of intellectual property has a significant economic affect on the United States. The recording industry, for example, reported losses of $286 million in sales with our trading partner, China. In addition, market access and investment barriers prevent the entertainment industry from serving markets overseas thus and increases demand for pirated U.S. entertainment products. The Congress and the United States Trade Representative must work together to apply pressure to the governments of countries where piracy is rampant.

Mr. Speaker, please join me in paying tribute to Arts Advocacy Day.

HONORING CESAR CHAVEZ ON HIS 77TH BIRTHDAY
HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. HONDA. Mr. Speaker, I rise today to honor Cesar Chavez on his birthday. I ask the members of this House to join me in paying our respects to a man who brought awareness of farm labor injustices to national light, and who made a path for all those who came after him.

Chavez’s legacy continues to live on today. His influence can be seen in the legislation that comes to this very floor. Recently, Leader PELOSI and I have joined national civil rights leader John Lewis, in introducing H.R. 3809, the FAIRNESS Act, comprehensive civil rights legislation that will protect workers from discrimination and workplace abuse.

We also continue the fight to ensure that in today’s world, the rights of workers are still protected. That is why those of us who work daily on the issues of fairness, justice and equity know that even though we have been fighting these battles for more than half a century, we have not won the war and discrimination still exists. That is why it is important to ensure our laws stay current with the times.

We cannot allow loopholes to create a situation where it is legal to discriminate against segments of our population. Under the Fairness Act all workers—and that is a very important point—all workers may obtain relief for unfair labor practices.

As you know, Democrats in Congress have advocated on behalf of immigrants for years to help them earn status as lawful permanent residents, secure a path towards citizenship, and pursue opportunities in higher education. Mr. Speaker, we must keep in mind that immigrants make indispensable contributions to our economy. They compose an increasingly essential proportion of our workforce. Their tax payments help finance government programs, of which they are both users and beneficiaries. Making immigrants true stakeholders in our society means not only bringing them out from the shadows of the undocumented, but also providing them access to lawful permanent residency status. The value of immigrants to our society should not be valued just in dollar terms. Rather, we should measure the enrichment to our culture and the overall vitality immigrants bring to American society.

I remain committed to improving the lives of all immigrants in this country, and I will continue advocating for programs that offer immigrant workers meaningful access to permanent legal status and a clear path towards citizenship. Today we can still hear Mr. Chavez say his chant of encouragement, pride and dignity, “Si, se puede!” It can be done.

Mr. Speaker, thank you for letting me address the House of Representatives today to honor Mr. Chavez on the occasion of what would have been his 77th birthday.

HONORING THE BIRTHDAY OF CESAR ESTRADA CHAVEZ
HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak in honor of Cesar Chavez. Cesar Chavez was born on this day in 1927. Cesar Chavez once said, “Real education should consist of drawing the goodness and the best out of our own students. What better books can there be than the book of humanit-y?” He believed that "the end of all education should be to enable us to do good to others.” It is a belief that he practiced until his untimely death.

In Dallas, Texas where I serve, to honor his love for education, the city opened the Cesar Chavez Learning Center. The Center enrolls almost 900 students and maintains an attendance rate of 96.6 percent.

Mr. Chavez could have written his own book on humanity and service to others. He was willing to sacrifice his own life so that others could have a better life. He built a great union, Bettering the lives of the exploited farm workers, first Chinese, then Japanese and later Filipinos and Mexican-Americans, on whom California growers depended.

But the field hands, their organizing drives vulnerable to the competition of other poor migrants seeking work, found themselves fighting not only powerful growers, but also the police and government officials.

By 1965 Mr. Chavez had organized 1,700 families and persuaded two growers to raise wages moderately. His fledging union was too weak for a major strike. But 800 workers in a virtually moribund AFL-CIO group, the Agricultural Workers Organizing Committee, struck grape growers in Delano. Some of the members of his group demanded to join the strike. That was the beginning of 5 years of La Huelga—the strike—in which the frail labor leader, who was 5 feet 6 inches tall, became familiar to people in much of the world as he battled the economic power of the farmers and corporations in the San Joaquin Valley.

A New York Times article stated, “He was shy and not an outstanding public speaker. But he showed humility that, with his shyness and small stature, piercing dark eyes and facial features that hinted at Indian ancestors, gave him an image as a David taking on the Goliaths of agriculture.”

Mr. Chavez’s style was monastic, almost religious. He said his life was dedicated only to bettering the lives of the exploited farm workers. He was a vegetarian, and his weekly salary of $5 was a virtual vow of poverty. Articles about him often spoke of his “sainthood” and even “messianic” qualities.

By 1968, Mr. Chavez had urged Americans not to buy table grapes produced in the San Joaquin Valley until growers agreed to union contracts. The boycott proved a huge success. A public opinion poll found that 17 million Americans had stopped buying grapes because of the boycott.

On April 29, 1993, Cesar Chavez was honored in death by those he led in life. He left this world better than he found it and for that we honor him today.

ATTACKS ON ETHNIC SERBS IN KOSOVO
HON. THOMAS G. TANCREDO
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2004

Mr. TANCREDO. Mr. Speaker, the values of Western civilization are being tested in Kosovo...
today. Since Wednesday, March 24, 30 Serbian Orthodox churches and monasteries dating as far back as the 12th century have been burned to the ground by Kosovar Albanians, as have numerous ethnic Serb villages. Dozen of Serbs have been murdered or are missing. Despite the presence of 18,000 international troops, tyranny and terror has returned to Kosovo.

These acts of terror are designed to eradicate the remaining physical and cultural presence of the Serbian people in Kosovo, and therefore of the Christian presence in the region. No other explanation of these sickening events is credible. Spontaneous reactions of embittered communities never manifest themselves like this.

Derek Chappell, the U.N.'s Kosovo Mission spokesman said of the recent attacks against Serbs, "It was planned in advance." Another U.N. official, speaking on the condition of anonymity, stated that "This is planned, coordinated, one-way violence from the Albanians against the Serbs. It is spreading and has been brewing for the past week... Wherever there is a Serbian population, there is Albanian action against them."

Recent violent reactions by hooligans in Serbia that resulted in the torching of two mosques—one in Belgrade and another in the second largest city of Nis—were tragic and cannot be justified. The reaction of the Belgrade authorities in condemning these acts and arresting the perpetrators was swift and efficient. Hundreds of rioters were arrested and the situation is under control. Acting Secretary Armitage also praised on March 19 the quick action of Belgrade authorities in quelling violence against Muslim religious sites and properties in Serbia, and thanked the Serbian Government for effectively strengthening measures to protect diplomatic missions and minority cultural sites.

Why are similar measures not being taken in response to the violence against the Kosovar Serbs and their Orthodox churches and monasteries?

Just as we did in Bosnia, we should make aid, assistance, positive diplomatic relations, and loan guarantees conditional upon an improvement in the human rights situation. In particular, we must make it absolutely clear to the leadership of the Kosovar Albanians that we expect them to investigate these and previous crimes against Kosovo’s Serb minority and arrest and prosecute the perpetrators of these crimes. Since 1999, not a single homicide against a Kosovar Serb has even gone to trial. This cannot stand.

Additionally, we must double our efforts to create secure conditions for the successful and permanent return of a critical mass of Kosovo Serbs. We must make it clear to the Albanian leadership that their abuse of the U.N.-created interim institutions of Kosovo cannot continue. A free people committed to the principles of democracy and representative government, human rights standards and the principle of religious freedom, cannot translate that into tyranny of the majority.

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**CHAD CAMPBELL WINS BAY HILL INVITATIONAL**

**HON. MICHAEL C. BURGESS**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, March 31, 2004**

Mr. BURGESS. Mr. Speaker, I rise today to recognize Chad Campbell for his outstanding performance at the Bay Hill Invitational Golf Tournament. Campbell finished at 18-under-par 270, to win the invitational.

Campbell has been a rising star in the golf world since he graduated from the Buy.Com Tour in 2001 to the U.S. PGA Tour. He won three events in his first season in 2001 on the Buy.Com Tour and quickly progressed to the U.S. PGA Tour in less than a month. In 2002 alone, he secured two top-10s and safely kept his card for 2003, where he would win four top-10s by the end of March. Chad Campbell would finish the season with one win, three second places, and total winnings of $4 million.

A challenging invitational, Chad Campbell competed neck-in-neck with fellow golfer Stuart Appleby. On the ninth hole, Appleby lost the lead when he got another bogey and fell behind for the first time in 27 holes. Appleby later three-putted the par-3 14th hole, leaving a potential opening for Campbell.

Next, Campbell holed his birdie putt. Now Campbell held Appleby by a two-shot lead with three holes to play. By the last round, though, Campbell trailed four behind Appleby. The strong, determined player that he is, Campbell answered the challenge by producing a rock-solid, bogey-free round of 66, leaving him within one shot at the turn and tied after the 12th hole. He finished the day with a birdie on every putt. Chad Campbell’s victory at the invitational allows him to return to next year’s Mercedes Championships.

Once again, I articulate my sincere congratulations to Mr. Campbell for his hard work and rally at the Bay Hill Invitational in Orlando, Florida; and I look forward to watching his outstanding career in the years ahead.
### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 1, 2004 may be found in the Daily Digest of today's Record.

#### MEETINGS SCHEDULED

**APRIL 2**

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<thead>
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<th>Time</th>
<th>Committee/Event</th>
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<tbody>
<tr>
<td>9:30 a.m.</td>
<td>Armed Services Emerging Threats and Capabilities Subcommittee</td>
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<tr>
<td>2:30 p.m.</td>
<td>Joint Economic Committee</td>
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**APRIL 4**

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<tr>
<td>2:30 p.m.</td>
<td>Intelligence</td>
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<tr>
<td>9:30 a.m.</td>
<td>Environment and Public Works Fisheries, Wildlife, and Water Subcommittee</td>
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**APRIL 6**

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<tr>
<td>9:30 a.m.</td>
<td>Environment and Public Works Fisheries, Wildlife, and Water Subcommittee</td>
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**APRIL 7**

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<tr>
<td>9:30 a.m.</td>
<td>Foreign Relations</td>
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<tr>
<td>10 a.m.</td>
<td>Governmental Affairs</td>
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<tr>
<td>2:30 p.m.</td>
<td>Foreign Relations</td>
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**APRIL 8**

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<tr>
<td>9:30 a.m.</td>
<td>Armed Services</td>
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<td>2:30 p.m.</td>
<td>Foreign Relations European Affairs Subcommittee</td>
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**APRIL 21**

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<th>Time</th>
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<tr>
<td>2:30 p.m.</td>
<td>Appropriations Foreign Operations Subcommittee</td>
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**APRIL 27**

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<th>Time</th>
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<td>10 a.m.</td>
<td>Energy and Natural Resources</td>
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**MAY 11**

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<td>10 a.m.</td>
<td>Energy and Natural Resources</td>
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**SEPTEMBER 21**

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<th>Time</th>
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<tr>
<td>10 a.m.</td>
<td>Veterans' Affairs</td>
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**SD-138**

Army and Navy military construction programs.

**SH-219**

To hold hearings to examine anti-Semitism.

**SD-419**

Appropriations Foreign Operations Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2005 for foreign operations.

**SD-138**

Energy and Natural Resources National Parks Subcommittee To hold hearings to examine National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act (Public Law 105-391).

**SD-366**

To resume hearings to examine anti-Semitism.

**SD-419**

Appropriations Foreign Operations Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2005 for foreign operations.

**SD-138**

Energy and Natural Resources National Parks Subcommittee To hold hearings to examine National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act (Public Law 105-391).

**SD-366**

To resume hearings to examine anti-Semitism.

**SD-419**

Appropriations Foreign Operations Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2005 for foreign operations.

**SH-219**

To hold closed hearings to examine military implications of the United Nations Convention on the Law of the Sea; to be followed by an open hearing at 10 a.m. in SH-216.

**345 CHOB**

Veterans' Affairs To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
HIGHLIGHTS

House Committees ordered reported seven sundry measures.

**Chamber Action**

*Routine Proceedings, pages S3389–S3517*

**Measures Introduced:** Six bills and one resolution were introduced, as follows: S. 2262–2267, and S. Res. 326.  
**Pages S3455–56**

**Measures Passed:**

*Professional Boxing Amendments Act:* Senate passed S. 275, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:  
**Pages S3499–S3510**

*Frist (for McCain) Amendment No. 3006, in the nature of a substitute.*  
**Page S3510**

*Budget Resolution—House Message:* Senate began consideration of the House Message to accompany S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and took the following action:  
**Pages S3393–S3407**

Senate disagreed to the amendment of the House, agreed to the request for a conference with the House, and the Chair appointed the following conferees on the part of the Senate: Senators Nickles, Domenici, Grassley, Gregg, Conrad, Hollings, and Sarbanes.  
**Page S3407**

*Welfare Reform Reauthorization:* Senate continued consideration of H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, taking action on the following amendment proposed thereto:  
**Pages S3407–48**

Pending:

*Boxer/Kennedy Amendment No. 2945,* to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.  
**Page S3407**

**Treaty Approved:** The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:

**Pages S3511–15**

**Nominations Confirmed:** Senate confirmed the following nominations:  
Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development.  
2 Air Force nominations in the rank of general.  
28 Army nominations in the rank of general.  
2 Navy nominations in the rank of admiral.  
Routine lists in the Air Force, Army, Navy.  
**Pages S3516–17**

**Messages From the House:**

**Measures Referred:**

**Executive Communications:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:**

**Amendments Submitted:**

**Authority for Committees to Meet:**

**Privilege of the Floor:**
Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:27 p.m., until 9:30 a.m., on Thursday, April 1, 2004. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S3515.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of Energy’s Office of Environmental Management, Office of Civilian Radioactive Waste Management, and Office of Environment, Safety and Health, after receiving testimony from Jessie Hill Roberson, Assistant Secretary for Environmental Management, Margaret Chu, Director, Civilian Radioactive Waste Management, and Beverly Cook, Assistant Secretary for Environment, Safety and Health, all of the Department of Energy.

APPROPRIATIONS: INTELLIGENCE

Committee on Appropriations: Subcommittee on Defense concluded a closed hearing to examine proposed budget estimates for fiscal year 2005 for intelligence and world wide threat assessment, after receiving testimony from George Tenet, Director, Central Intelligence Agency.

APPROPRIATIONS: SAA/CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2005 for the U.S. Capitol Police and the Senate Sergeant-at-Arms, after receiving testimony from Terrance W. Gainer, Chief, United States Capitol Police; and William H. Pickle, Senate Sergeant at Arms and Doorkeeper; and W. Wilson Livingood, Chairman, United States Capitol Police Board.

DEFENSE: AUTHORIZATION

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine the Defense authorization request for fiscal year 2005, focusing on active and Reserve military and civilian personnel programs, after receiving testimony from Thomas F. Hall, Assistant Secretary of Defense for Reserve Affairs; Lieutenant General H. Steven Blum, ARNG, Chief, National Guard Bureau, Army National Guard; Lieutenant General Roger C. Schultz, ARNG, Director, Army National Guard; Lieutenant General Daniel James III, ANG, Director, Air National Guard; Lieutenant General James R. Helmly, USAR, Chief, Army Reserve; Vice Admiral John G. Cotton, USNR, Chief, Naval Reserve; Lieutenant General Dennis M. McCarthy, USMCR, Commander, Marine Forces Reserve; and Lieutenant General James E. Sherrard III, USAFR, Chief, Air Force Reserve.

TANKER AIRCRAFT

Committee on Armed Services: Committee met in closed session to receive a briefing on the acquisition of the Boeing KC-767A tanker aircraft from Joseph E. Schmitz, Inspector General, Henry Kleinknecht, Program Director, Contract Audits, John F. Meling, Program Director, Acquisition Audits, Francis E. Reardon, Deputy Inspector General for Auditing, and David K. Steensma, Director, Contract Management Directorate, all of the Office of the Inspector General, Department of Defense.

MUTUAL FUND INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee continued hearings to examine the current investigations and regulatory actions regarding the mutual fund industry, focusing on soft-dollar practices, after receiving testimony from Harold S. Bradley, American Century Investments, Kansas City, Missouri; Geoffrey I. Edelstein, Westcap Investors, Los Angeles, California, on behalf of Investment Counsel Association of America, Inc.; Howard M. Schilit, Center for Financial Research and Analysis, Rockville, Maryland; Grady G. Thomas, Jr., The Interstate Group, Division of Morgan Keegan and Company, Inc., Charlotte, North Carolina; and Benn Steil, Council on Foreign Relations, and Joseph M. Velli, The Bank of New York, both of New York, New York.

MUTUAL FUND INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee continued a hearing to examine the current investigations and regulatory actions regarding the mutual fund industry, focusing on fund costs and distribution practices, receiving testimony from Senators Fitzgerald, Collins, Levin, and Akaka; Paul G. Haaga, Jr., Capital Research and Management Company, Los Angeles, California, on behalf of the Investment Company Institute; Mark Treanor, Wachovia Corporation, Charlotte, North Carolina; and Edward A.H. Siedle, Benchmark Financial Services, Inc./Benchmark Companies, Ocean Ridge, Florida.

Committee recessed subject to the call.
NOMINATIONS
Committee on Environment and Public Works: Committee concluded a hearing to examine the nominations of Stephen L. Johnson, of Maryland, to be Deputy Administrator, Ann R. Klee, of Virginia, to be an Assistant Administrator, Charles Johnson, of Utah, to be Chief Financial Officer, who was introduced by Senator Bennett, and Benjamin Grumbles, of Virginia, to be an Assistant Administrator, all of the Environmental Protection Agency, and Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board, after each nominee testified and answered questions in their own behalf.

NATION’S WATER RESOURCE NEEDS
Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded a hearing to examine the role of the U.S. Army Corps of Engineers in meeting the nation’s water resource needs in the 21st century, including related provisions of the proposed Water Resources Development Act of 2004, after receiving testimony from former Representative John T. Myers, on behalf of the National Waterways Conference; John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works, and Lieutenant General Robert B. Flowers, Chief of Engineers, both of the U.S. Army Corps of Engineers; Steve Levy, Office of the Suffolk County Executive, Hauppauge, New York; Michael A. Leone, American Association of Port Authorities, Alexandria, Virginia; William G. Howland, Lake Champlain Basin Program, Grand Isle, Vermont; Michael W. Cameron, The Nature Conservancy, Reno, Nevada; Derrick Crandall, American Recreation Coalition, Dominic Izzo, American Society of Civil Engineers, Raymond J. Poupore, National Heavy and Highway Alliance, and Scott Faber Environmental Defense, all of Washington, D.C.; and Gregory A. Zlotnick, Santa Clara Valley Water District, San Jose, California.

NOMINATION
Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation, Department of State, after the nominee, who was introduced by Senator Schumer, testified and answered questions in his own behalf.

MADRID TERRORIST ATTACKS
Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine the effects of the Madrid terrorist attacks on U.S. European cooperation in the war on terrorism, after receiving testimony from J. Cofer Black, Coordinator for Counterterrorism, Department of State; Robert Kagan, Carnegie Endowment for International Peace, Robin Niblett, Center for Strategic and International Studies, Philip H. Gordon, Brookings Institution, and James Dobbins, RAND Corporation, all of Washington D.C.

BUSINESS MEETING
Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.
Committee recessed subject to the call.

House of Representatives

Chamber Action
Measures Introduced: Measures introduced will appear in the next issue of the Record. (See next issue.)
Additional Cosponsors: (See next issue.)
Reports Filed: There were no reports filed.
Speaker: Read a letter from the Speaker wherein he appointed Representative LaHood to act as Speaker Pro Tempore for today. (Page H1743)
Chaplain: The prayer was offered today by Rev. Cynthia O. Baskin, Rector, St. James Episcopal Church in Potomac, Maryland. (Page H1743)

Committee Election: The House agreed to H. Res. 590, electing Representative Chandler to the Committees on Agriculture and International Relations. (Page H1745)

Suspensions: The House agreed to suspend the rules and pass the following measure:


Pages H1746–50
Sense of the House regarding compensation rates for civilian employees and members of the uniformed services: The House agreed to H. Res. 581, expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States, by a yea-and-nay vote of 299 yeas to 126 nays, Roll No. 104.

H. Res. 585, the rule providing for consideration of the resolution was agreed to by a voice vote.

Recess: The House recessed at 12:31 p.m. and reconvened at 7:20 p.m.

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings today and appear on pages H1759–60. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:04 p.m. stands in recess subject to the call of the chair.

Committee Meetings

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies held a hearing on FCC. Testimony was heard from Michael Powell, Chairman, FCC.

The Subcommittee also held a hearing on the SEC. Testimony was heard from William H. Donaldson, Chairman, SEC.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Missile Defense. Testimony was heard from LTG Ronald Kadish, USAF, Director, Missile Defense Agency, Department of Defense.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Contributions of the Army Corps of Engineers in the Restoration of Iraq and Afghanistan. Testimony was heard from LTG Robert B. Flowers, USA, Chief, Corps of Engineers, Department of the Army.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on U.S. Coast Guard. Testimony was heard from ADM Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on the Centers for Disease Control and Prevention. Testimony was heard from Julie Louise Gerberding, M.D., Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry, Department of Health and Human Services.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on the Pacific Command. Testimony was heard from the following officials of the Department of Defense: ADM Thomas B. Fargo, USN, Commander, U.S. Pacific Command; and GEN Leon J. LaPorte, USA, Commander, Republic of Korea-U.S. Combines Command and Command Forces Korea.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Department of Veterans Affairs. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—DOD

Committee on Armed Services: Held a hearing on the Fiscal Year 2005 National Defense Authorization budget request of the Department of Defense. Testimony was heard from the following officials of the Department of Defense: ADM Thomas B. Fargo, USN, Commander, U.S. Pacific Command; and GEN Leon J. Laporte, USA, Commander, U.S. Forces Korea.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—DOD'S BUSINESS TRANSFORMATION EFFORTS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the Fiscal Year 2005 National Defense Authorization budget request—Department of Defense’s Business Transformation Efforts. Testimony was heard from Gregory D. Kutz, Director, Financial Management and Assurance, GAO; the following officials of the Department of Defense: JoAnn Boutelle, Deputy Chief Financial Officer; Margaret E. Myers, Principal Deputy Under Secretary (Comptroller) and the Deputy Under Secretary, Management Reform; Gary L. Winkler, Director, Enterprise Integration, CIO/G6, Department
of the Army; David M. Wennergren, Chief Information Officer, Department of the Navy; John M. Gilligan, Chief Information Officer, Department of the Air Force; BG John R. Thomas, USMC, Director C/4 Chief Information Officer, U.S. Marine Corps; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—RESERVE COMPONENT TRANSFORMATION

Committee on Armed Services: Subcommittee on Total Force held a hearing on the Fiscal Year 2005 National Defense Authorization budget request on Reserve Component Transformation and Relieving the Stress on the Reserve Component. Testimony was heard from the following officials of the Department of Defense: Albert C. Zapanta, Chairman, Reserve Forces Policy Board; Thomas F. Hall, Assistant Secretary, Reserve Affairs; LTG H. Steven Blum, USA, Chief, National Guard Board; LTG Roger C. Schultz, USA, Director, Army National Guard and LTG James Helmy, USA, Chief, U.S. Army Reserve, all with the Department of the Army; VADM John G. Cotton, USN, Director, U.S. Naval Reserve and LTG Dennis M. McCarthy, USMC, Commander, Marine Forces Reserve, both with the Department of the Navy; and LTG Daniel James III, USAF, Director, Air National Guard and LTG James E. Sherrard III, USAF, Chief, Air Force Reserve, both the Department of the Air Force.

U.S.-CHINA TRADE

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled “U.S.-China Trade: Preparations for the Joint Commission on Commerce and Trade.” Testimony was heard from Charles W. Freeman III, Deputy Assistant U.S. Trade Representative; and public witnesses.

REVIEW TARGETING PROGRAM FOR SEA CARGO

Committee on Energy Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “A Review to Assess Progress with the Bureau of Customs and Border Protection’s Targeting Program for Sea Cargo.” Testimony was heard from the following officials of the Department of Homeland Security: Jayson Ahern, Assistant Commissioner; Vera Adams Port Director, Long Beach, CA., and Kevin McCabe, Chief Inspector, Newark, New Jersey, all with the Bureau of Customs and Border Protection, and Clark Kent Ervin, Inspector General; and a public witness.

INCREASE INSURANCE CHOICES FOR CONSUMERS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled “Working with State Regulators to Increase Insurance Choices for Consumers.” Testimony was heard from public witnesses.

OVERSIGHT—“10 YEARS OF GPRA—RESULTS DEMONSTRATED”

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled “10 Years of GPRA—Results, Demonstrated.” Testimony was heard from Patricia Dalton, Director, Strategic Issues, GAO; and public witnesses.

MISCELLANEOUS MEASURES


The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 4053, United States International Leadership Act of 2003; H. Res. 402, Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People’s Democratic Republic; H. Res. 535, amended, Expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia; H. Res. 563, amended, Expressing the sense of the House of Representatives regarding the one-year anniversary of the human rights crackdown in Cuba; H. Res. 576, amended, Urging the Government of the People’s Republic of China to improve its protection of intellectual property rights; H. Con. Res. 326, Expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People’s Republic of China and urging his immediate release; H. Con. Res. 336, Expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of
democracy; H. Con. Res. 352, Recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world; H. Con. Res. 378, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly; and H. Con. Res. 398, Expressing the concern of Congress over Iran’s development of the means to produce nuclear weapons.

BELARUS AND ITS FUTURE

Committee on International Relations: Subcommittee on Europe held a hearing on Belarus and Its future: Democracy or Soviet-Style Dictatorship? Testimony was heard from public witnesses.

ANABOLIC STEROID CONTROL ACT


OVERSIGHT—LEGAL SERVICES CORPORATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Legal Services Corporation: Inquiry into the Activities of the California Rural Legal Assistance Program and Testimony Relating to the Merits of Client Co-Pay. Testimony was heard from Helaine M. Barnett, President, Legal Services Corporation; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action, as amended, the following bills: H.R. 4077, Piracy Deterrence and Education Act of 2004; H.R. 3632, Anti-Counterfeiting Amendments of 2003; and H.R. 3754, Fraudulent Online Sanctions Act.

OVERSIGHT—BUREAU OF INDIAN AFFAIRS—FEDERAL RECOGNITION AND ACKNOWLEDGMENT PROCESS

Committee on Resources: Held an oversight hearing on the Federal recognition and acknowledgment process by the Bureau of Indian Affairs. Testimony was heard from Representatives Johnson of Connecticut; R. Lee Fleming, Director, Office of Federal Acknowledgment, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science: Ordered reported, as amended, the following bills: H.R. 3980, National Windstorm Impact Reduction Act of 2004; and H.R. 4030, Congressional Medal for Outstanding Contributions in Math and Science Education Act of 2004.

The Committee also began markup of H.R. 3970, Green Chemistry Research and Development Act of 2004.

Will continue tomorrow.

RAILROAD ECONOMIC REGULATION STATUS

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on the Status of Railroad Economic Regulation. Testimony was heard from Roger Nober, Chairman, Surface Transportation Board, Department of Transportation; and public witnesses.

DOV’S EMPLOYMENT PRACTICES—PROCEDURES FOR BACKGROUND CHECKS AND CREDENTIALING

Committee on Veterans’ Affairs: Subcommittee on Oversight and Investigations held a hearing on current Department of Veterans Affairs employment practices with regard to procedures for background checks and credentialing. Testimony was heard from Cynthia Grubbs, R.N., Director, Office of Policy and Planning, Bureau of Health Professions, Health Resources and Services Administration, Department of Health and Human Services; Cynthia A. Bascetta, Director, Health Care—Veterans’ Health and Benefits Issues, GAO; and Frances M. Murphy, M.D., Deputy Under Secretary, Health Policy Coordination, Veterans Health Administration, Department of Veterans Affairs

BRIEFING IRAQ WMD UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Iraq Weapons of Mass Destruction Update. The Committee was briefed by departmental witnesses.

COUNTERINTELLIGENCE BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Counterintelligence Budget. Testimony was heard from departmental witnesses.

Joint Meetings

2005 BUDGET

Conferees met to resolve the differences between the Senate and House passed versions of S. Con. Res. 95, setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, but did not complete action thereon, and recessed subject to the call.
COMMITTEE MEETINGS FOR THURSDAY, APRIL 1, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the National Institutes of Health, 9:30 a.m., SH–216.

Subcommittee on Interior, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Indian Health Service, Department of Health and Human Services, 9:30 a.m., SD–124.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Housing and Urban Development, 10 a.m., SD–628.

Subcommittee on Transportation, to hold hearings to examine future challenges facing the United States Postal Service, 10 a.m., SD–138.

Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2005 for programs under its jurisdiction, 1 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine the proposed Defense Authorization Request for fiscal year 2005, focusing on the military strategy and operational requirements of the unified and regional commands; to be followed by a possible closed session in SR–222, 9:30 a.m., SD–106.

Subcommittee on Readiness and Management Support, to hold hearings to examine the proposed Defense Authorization Request for fiscal year 2005, focusing on military installation programs, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up the proposed Federal Housing Enterprise Regulatory Reform Act of 2004, 2 p.m., SD–538.


Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold an oversight hearing to examine the implementation of the National Ambient Air Quality Standards for particulate matter and ozone, 9:30 a.m., SD–406.


Committee on the Judiciary: business meeting to consider S. 1735, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit, William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit, Roger T. Benitez, to be United States District Judge for the Southern District of California, Jane J. Boyle, to be United States District Judge for the Northern District of Texas, Marcia G. Cooke, to be United States District Judge for the Southern District of Florida, Paul S. Diamond, to be United States District Judge for the Eastern District of Pennsylvania, Walter D. Kelley, Jr., to be United States District Judge for the Eastern District of Virginia, and Matthew G. Whitaker, to be
United States Attorney for the Southern District of Iowa, Department of Justice, 9:30 a.m., SD–226.

Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine securing our borders under a temporary guest worker program, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the nominations of Robert N. Davis, to be a Judge of the United States Court of Appeals for Veterans Claims, and Pamela M. Iovino, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs for Congressional Affairs, 2:30 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on Broadcasting Board of Governors, 10 a.m., and on Department of State International Organizations, 2 p.m., H–309 Capitol.

Subcommittee on District of Columbia, on Public Defender Services; Court Services, and Offender Supervision, 10 a.m., 2362A Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on U.S. Agency for International Development, 10 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, on Information Analysis and Infrastructure Protection, 10 a.m., 2362B Rayburn.

Subcommittee on Interior, on National Endowment for the Arts, 10 a.m., and on National Endowment for the Humanities, 11 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Workforce Preparation and Training, 10 a.m., 2358 Rayburn.

Subcommittee on Transportation, Treasury, Independent Agencies, on Executive Office of the President, 10 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on NSF, 2 p.m., 2358 Rayburn.


Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Fiscal Year 2005 National Defense Authorization budget request—Destruction of the U.S. Chemical Weapons Stockpile—Program and Status, 10 a.m., 2118 Rayburn.


Subcommittee on Health, to continue hearings entitled “Inter-governmental Transfers: Violations of the Federal-State Medicaid Partnership or Legitimate State Budget Tool?” 2 p.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled Legislative Hearing on the Reauthorization of the Satellite Home Viewer Improvement Act, 2 p.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled “Oversight of the Office of the Comptroller of the Currency,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, to mark up the following bills: H.R. 3737, Administrative Law Judges Pay Reform Act of 2004; H.R. 3751, to require the Office of Personnel and Management study and present options under which dental and vision benefits could be made available to Federal employees and other appropriate classes of individuals; H.R. 4012, to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; H.R. 1822, to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the “Dosan Ahn Chang Ho Post Office”; H.R. 3939, to redesignate the facility of the United States Postal Service located at 14–24 Abbot Road in Fair Lawn, New Jersey, as the “Mary Ann Collura Post Office Building”; H.R. 3942, to designate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the “Rhode Island Veterans Post Office Building”; H.R. 4037, to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the “Richard G. Wilson Processing and Distribution Facility”; H. Res. 399, Honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International; H. Res. 578, Supporting the goals and ideals of Financial Literacy Month; and S. Con. Res. 97, Recognizing the 91st annual meeting of the Garden Club of America, 10 a.m., 2154 Rayburn.


Committee on International Relations, Subcommittee on Africa, hearing on Fighting Terrorism in Africa, 2 p.m., 2172 Rayburn.

Subcommittee on International Terrorism, Non-proliferation and Human Rights, hearing on Al-Qaeda: The Threat to the United States and its Allies, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, hearing on H.R. 3191, to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act, 2 p.m., 2141 Rayburn.

Committee on Resources, hearing on H.R. 898, Lumbee Recognition Act, 10 a.m., 1324 Longworth.

Committee on Science, to continue markup of H.R. 3970, Green Chemistry Research and Development Act of 2004, 10 a.m., 2318 Rayburn.

Subcommittee on Space, hearing on Lunar Science and Resources: Future Options, 1 p.m., 2318 Rayburn.
Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Airport De-regulation, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, oversight hearing to receive the report of the VA Vocational Rehabilitation and Employment Service Task Force, 10 a.m., 334 Cannon.

Committee on Ways and Means, to continue hearings on Board of Trustees 2004 Annual Reports, 12 p.m., 1100 Longworth.

Subcommittee on Health, hearing on The Medicare Discount Drug Card, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Counternarcotics Budget, 9 a.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, hearing on Intelligence Community Language Capabilities, 1 p.m., H–405 Capitol.
Next Meeting of the **SENATE**
9:30 a.m., Thursday, April 1

**Senate Chamber**

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 4, Welfare Reform Reauthorization; with a vote on the motion to invoke cloture on the committee amendment in the nature of a substitute, to occur at approximately 11:30 a.m.

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Next Meeting of the **HOUSE OF REPRESENTATIVES**
10 a.m., Thursday, April 1

**House Chamber**

**Program for Thursday:** Consideration of H.R. 3550, Transportation Equity Act: A Legacy for Users (subject to a rule).

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**Extensions of Remarks, as inserted in this issue**

*HOUSE*

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(House proceedings for today will be continued in the next issue of the Record.)