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Senate

The Senate met at 12:02 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. We will be led in prayer today by the guest Chaplain, the Very Reverend Nathan D. Baxter, Dean of the Washington National Cathedral.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Blessed Lord, I commend to Your grace and wisdom this day the Members of this Senate and all who support their labors. I ask that You deepen their passion for the fragile treasure of democracy. As they engage the difficult work of legislating, grant them always to be guided by a love for our great Nation and a respect for its diverse people. Finally, we ask that You grant that the fruits of their labors in this and every session, begun and ended in You, may assist the people of this great land to build lives of mutual respect, well-being and service, so that poverty of body and mind and spirit may be made extinct among us, even in our time. We offer these prayers in the Name of God from whom all blessings flow. Amen.

The PRESIDENT pro tempore. May I ask that the distinguished minority leader lead us in reciting the pledge to our flag.

PLEDGE OF ALLEGIANCE

The Honorable TOM DASCHLE, a Senator from the State of South Dakota, 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 4 p.m. At this time, I ask unanimous consent that the time be divided as follows:

The time until 1 o'clock under the control of the Democratic leader or his designee; the time from 1 to 1:30 under the control of the Republican leader or his designee; 1:30 to 2 o'clock under the control of the Democratic leader or his designee; 2 o'clock to 3 o'clock under Republican control.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. During today's session, the Senate is expected to complete the short-term continuing resolution which was received from the House. I am not aware of any requests for a rollcall vote on that resolution, and therefore we would hope to pass the 1-week extension by unanimous consent. In addition, there are a couple of nominations that are expected to receive committee action shortly. I would expect the full Senate to act on those nominations expeditiously following the committee's reporting of those nominations. This afternoon, we will alert all Members as to the expected schedule for any rollcall votes.

MORNING BUSINESS

MEASURES PLACED ON THE CALENDAR—S. 224, S. 225, AND S. 228

Mr. FRIST. Mr. President, there are three bills at the desk that are due for their second readings. I ask unanimous consent that the three bills now be read for the second time, and I ask unanimous consent that there be an objection, en bloc, to any further action on these bills following the readings.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

The clerk will now read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 224) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the minimum wage.

A bill (S. 225) to provide for emergency unemployment compensation.

A bill (S. 228) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

The PRESIDING OFFICER. Objection to further proceedings being heard, the bills will now be placed on the calendar.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

The distinguished minority leader.

STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, I wanted to come to the floor this morning to talk a little bit more about the State of the Union Message we heard last night from the President of the United States. We all had occasion to respond to members of the media last night, but I do think it is important, as we contemplate his message and as we react to it, that, at least to a certain extent, we do so in an official capacity here on the Senate floor.

The President came to Congress to deliver his annual State of the Union Message in fulfilling his constitutional obligation to report to Congress and the American people on where our Nation is and the direction in which we are headed.

The reason our Founders included that obligation is they recognized that democracy requires discussion. So I want to take a moment today to add my thoughts to that discussion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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In many instances, the President's words were powerful, and there are many areas where I see room for enthusiastic agreement.

For example, his call, last night, for a renewed commitment to address the international pandemic on AIDS was welcome. I can say, without equivocation, that our caucus, and I believe Democrats in the Congress in its entirety, will be supportive of the efforts made by the President and this administration to address the international AIDS crisis more effectively.

Let me also say I was pleased that the President made the announcement he did with regard to the Federal commitment to alternative fuels.

I wish he had gone further, frankly, but a recognition of the importance of continuing the development through research of hydrogen fuels is a welcome bit of news. As we have progressed over the course of the last couple of years, the alternative fuels market, the need for the continued development of alternative fuels, is important to the Presiding Officer, to myself, and to many others who recognize that we will never rid ourselves of dependency upon foreign sources until we make a more complete commitment to the development of alternative fuels.

So the President's willingness to do that, his prioritization of that question, is one that was received in a very enthusiastic way, I am sure, on both sides of the aisle.

There are other areas, however, where the President's words seemed out of step with his actions and, frankly, out of touch with his proposals.

Today, and in the days ahead, the real test of the President's words is not whether they sound good but whether they lead to action and whether that action leads to progress.

Today, the triple threat of war, terrorism, and recession is combining to make Americans unsure about their future and unclear about the course our Nation is taking.

On the economy, it is almost impossible to believe, but just 2 years after the longest economic expansion in history, today we have more than 2 million jobs lost in 2 years; the worst job creation record of any administration in 60 years; the first back-to-back years of job loss in 50 years; middle-class income is down for the first time in 10 years; the highest unemployment rate in 8 years; the highest poverty rate in 8 years; and a Federal budget more than half a trillion dollars in debt.

In fact, as the budget is about to be produced for the coming fiscal year, we are told we will see the biggest indebtedness that we have seen now in more than 10 years. We started out 2 years ago with the projection of $5.5 trillion in surplus. We are now told because of the President's tax cuts and, in part, because of the recession and the potential for war, our projected deficit over the course of the next 10 years will be $1.7 trillion, $1.7 trillion deficit from a $5.5 trillion surplus just 2 years ago. That represents nearly a $7 trillion swing in a mere 24 months—$7 trillion from surplus to deficit in 24 months.

The economic plan the administration passed in 2001 has, unfortunately, been an abject failure. Yet, last night, the President seemed to be asking for more of the same. Before this ditch gets dug any deeper, the President must explain why he thinks this time the results will be any different than the last time.

Mr. President, I have expressed on the floor in past speeches my concern for his plan and how serious a concern we have for the ramifications of that plan. The President started by calling his plan ''stimulus.'' I have noticed in recent months or weeks that he has chosen not to use that word, and I think for good reason. There is very little stimulus in the President's proposal. In fact, by their own recognition and acknowledgement, only 5 percent of the budget in the proposal made by the President in his $674 billion tax reduction plan is stimulative this year. Ninety-five percent of what the President is proposing takes place next year and the year after—5 percent. That 5 percent is expected to raise 190,000 jobs. Ironically, 190,000 jobs is exactly the number of jobs lost in November and December of last year. So while we have lost 2.3 million jobs, the President is proposing that we enact an economic plan that produces 190,000 jobs this year. So we ought to be clear about that.

There is very little stimulative value in what the President has proposed. Let me say I could understand that if there were some merit to the proposals themselves. But the problem we have with the proposals themselves is they are not broad based. Last night, the President noted there would be some who would benefit by up to $1,200 and, certainly, in some cases, because of his advocacy of the child tax credit, that would be the case. But there are thousands and thousands of people who are not able, because they don't have children, to benefit from the tax plan as the President proposed. In fact, in his plan, $20 billion in the first year goes to 226,000 people whose income exceeds $1 million; $15 billion goes to the 92 million Americans whose incomes are no greater than $50,000. So there is an extraordinary disparity between those who would benefit at the very top and those who benefit in a much more marginal way with incomes of $50,000 or less.

What troubles me the most about the fairness question is not the income disparity, but the notion that we could be sending people to war, that we could actually be asking people to give their lives in pursuit of a war with Iraq at the very time we turn around and tell those with incomes of more than $1 million they are going to get an $89,000 tax break. It would be hard—in fact, impossible—for me to accept 10 or 15 or 20 years from now, as the question is asked: So what did you do? What was your sacrifice in the war on Iraq?—the only answer being, in the case of those making more than a million dollars: I got an $89,000 tax break. So the fairness question has economic, as well as very real and personal implications that are troubling to many of us.

Perhaps the third and final of all of the many concerns we have with regard to this particular plan is the recklessness. As I said, we are going from a $5.5 trillion surplus to a $2 trillion deficit in 2 years. But that doesn't tell the whole story. States are now experiencing deficits that, in total, exceed $100 billion. Economists have now proposed analyses that would suggest, in addition to the $100 billion, the tax plan proposed by the President would exacerbate that debt by at least $4 billion to $6 billion more. So, ironically, at the very time we are cutting taxes at the Federal level, the President is turning around and requiring Governors to increase taxes at the local and State levels. It just doesn't make sense.

It is reckless as well in the recognition that we are going to be borrowing every dollar in resources that we turn around and give out in the form of tax cuts. Every dollar in those tax cuts comes directly from the Social Security and Medicare trust funds. We have no other resources to send out.

Finally, I simply say, as we consider this recklessness, as we consider our priorities, there is no possible way that we can fight a war in Iraq, that we can dedicate ourselves to the priorities the President articulated in his address last night—which I will turn to in a moment—there is no way we can help the States with the tremendous fiscal crisis they are now facing—a crisis, we are told, that is the worst in 50 years—and turn around and provide a $1.7 trillion additional tax cut this year.

There is growing concern, as we consider the ramifications of what the President is proposing, that we can cause even more serious damage to the economy were we to take the proposals of the President and enact them as they have been sent to us. It is essential that we go back to the drawing board, essential that we live up to the economic principles that mainstream economists tell us are essential if we are going to do this right. They tell us whatever stimulus we pass ought to be immediate, ought to be time limited, and, indeed, that is what Democrats have proposed—a limited, immediate stimulus that will take effect this year, not in the outyears; that it be fiscally responsible; that we not exacerbate overall indebtedness by $1.7 trillion; that if anything we limit what exposure there is budgetarily to no more than $100 billion to $150 billion—1.5 percent GDP. Our Democratic plan will do that.

A third point they tell us is we ought to be broad based in our approach, provide assistance to where it can do the most good, spur consumption. We do

that with the $300 rebate, $1,200 for families with children; the business tax cuts we advocate for accelerated appreciation, for expensing of equipment, and for reducing the cost of health care for employees, in addition to providing the unemployment compensation to the millions of Americans who have not been provided those benefits in recent weeks.

We have done some analysis of families who were in the gallery last night with the First Lady, people who were invited to come because, according to the President, they benefited from the plans the President articulated.

As we calculate those specific benefits, we find, ironically, that they actually do better under the Democratic plan than under the President's plan. The Becks, for example, the senior citizens he cited, get a 43 percent larger benefit under the Democratic plan than they do under the President's plan.

I start with that. I wish the President would have devoted more time to the economy, more time to the concerns that many of us have raised about his proposal, more time to how we are going to address the deficit and how we are going to deal with spurring the economy to bring down that deficit than he did last night. But I stand ready to work with him.

I think it is critical we work together. I am hopeful we can find meaningful bipartisan consensus, and I hope we do it sooner rather than later.

There are reports that some of our colleagues would prefer to wait until April or May before we take up economic stimulus. I think that would be a lost opportunity and a real mistake if, indeed, we want to get this economy back on track at the earliest possible date.

Last night, the President also indicated in his comments that education remained important, but what surprised me about his assertion that it is important is that last night, in a 1-hour speech, education got just one line. The President said we had passed ''historic education reform, which now must be carried out in every school and every classroom so that every child in America can read and learn and succeed in life.''

Speaking of education reform and other measures passed over the last 2 years, he said:

> Some might call this a good record. I call it a good start.

The President is right, it is a good start but only a start. Right now, unfortunately, it appears to be a false start because the President has refused to adequately fund his own education reforms. The Bush administration has proposed the smallest education budget in 7 years despite continued record enrollments in America's public schools, despite new testing requirements and other mandates in new law, despite the worst State budget crises in 50 years—crises that are forcing many States to cut education budgets—despite a looming teacher shortage crisis, despite growing problems with overcrowded and obsolete school buildings, despite the fact that higher education is slipping farther and farther out of reach for more families, despite the critical importance of education to the social and economic health of America's future—despite all the rhetoric, the Bush administration is proposing an education budget that underfunds his own education reforms by more than $7 billion.

This, again, begs the question: How in the world, if the President can propose $1.7 trillion, can he explain underfunding his own education reforms by $7 billion?

Last night, the President spoke eloquently about the environment. He asked us to pass an initiative he calls ''Healthy Forests.'' Healthy forests is a euphemism for logging without limits to many. It opens more than 20 million acres of national forests to logging and thinning. It allows those projects to avoid environmental laws, public comment, or judicial review. Democrats want a balanced approach to forest management.

The President also talked about a proposal he calls ''Clear Skies,'' another euphemism. Clear Skies is actually weaker than the current Clean Air Act. It delays reductions in air pollution and makes it harder for States to limit pollution.

Again, the President is using all the right rhetoric but clinging to all the wrong policies. When he calls something ''Healthy Forests'' and it is not, when he calls something ''Clear Skies'' and it will not, the credibility gap widens.

The President last night also promised a prescription drug benefit under Medicare. What he proposed last night is a prescription drug plan that comes at the expense of Medicare. It is not, as the President said last night, the same as the health care choices that Members of Congress get. Members of Congress get a prescription drug program and benefit regardless of the plan they choose.

Under the President's Medicare privatization plan, seniors can only get drug coverage if they drop out of traditional Medicare and join an HMO. The President omitted this crucial detail last night.

Of all the decisions facing this President, none has more profound consequences than the launching of a war against any country. We all know, in the case of Iraq, that Saddam Hussein is not a man to be trusted. We all know that North Korea has nuclear weapons and is the world's biggest proliferator, and we face three very serious threats. We face the threat that Iraq could acquire and deploy weapons of mass destruction. We face the threat of North Korea, a country that already has nuclear weapons and is threatening to develop more. And we face the threat of additional terrorist attacks, including the horrific prospect of an attack with weapons of mass destruction. We have to prioritize how we confront these threats, and the President needs to explain why he is approaching each one in the way he is.

My concern is the President has not adequately laid out to the American people or to the international community why our top priority, in light of the other ones, ought to be war with Iraq, and how we can ensure that if we go to a war with Iraq, we will not jeopardize our other priorities, including defending ourselves against terrorist attacks at home.

The President needs to lay out as clearly and as compellingly as he is able what imminent threat Iraq poses for the United States and what we will do as a nation to ensure international cooperation and international support if war becomes an inevitability.

I look forward to hearing more from Secretary Powell next Wednesday, February 5, but if the President has information about what he will share with the United Nations and others on February 5, I ask that he share it with us now. If there is information that has been withheld from Congress, if he has not provided the same information to us that he intends to share with them, I ask that he do so immediately. Certainly, we have every right to know. For us to know now would help us clarify the confusion and the lack of certainty about the threat posed by Iraq which the President addressed last night.

There were also a number of things the President did not mention, which I think needed to be mentioned: Racial reconciliation, hate crimes, diversity in education, equal opportunity. Amazing. There was not one word about these issues, in spite of the fact that a hate crime occurs every 3½ minutes in this country; in spite of the fact that the Supreme Court may be dealing with the issue of diversity in education and equal opportunity in the very near future and the administration has chosen to oppose it; in spite of the fact that we are troubled by our inability to deal with these issues in a meaningful way legislatively in the weeks and months ahead without the direct involvement and leadership on the part of the administration.

The President did not address veterans and health care, and veterans' health in particular. There are 164,000 veterans who may be forced off the rolls because of new criteria involving their eligibility. That, too, could have been addressed and should have been addressed if indeed it was the priority the President maintains.

One million workers were left out of unemployment insurance and the President did not mention that as well. The President did not mention agriculture, did not mention the rural crisis we face, and the tremendous attrition we find in small communities across this country. He did not talk about the issues involving agriculture and the extraordinary challenges farmers and ranchers are facing as we recognize the extraordinary effect that

the drought and other natural disasters have had in recent years.

The President was right when he said this country has many challenges. He was right to say we cannot ignore them and that we should not pass them on to future generations. To prevent that from happening, we need to work together. We need to make sure what is promised is done. Only then will we be able to reduce America's anxiety and truly strengthen our Union.

I yield the floor.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. Mr. President, I certainly publicly acknowledge the statement made by our leader. I approve of the statement, as does our Democratic Caucus, and would simply say we look forward to working on a bipartisan basis with the President. There are a lot of things we need to do, but this is a democracy and we have to act accordingly. So I look forward to working with the President on all of these issues about which the Democratic leader spoke.

TITLE IX

Mr. REID. The time is now mine, and I want to talk about something that is real important to me, important to the State of Nevada, and the country. I do not think it would be a stretch to say this administration does not have a good record on protecting civil rights. Republicans say they are for diversity, but they are fighting against policies that promote diversity. Embarrassed and on the defensive following recent events that focused attention on the Republican Party's position on civil rights, the President and other prominent Republicans professed a new willingness to support efforts to expand opportunities for all Americans.

Unfortunately, they have not taken any action to suggest that they have a sincere change of heart. In fact, to the contrary, the President has recently opposed affirmative action policies that open the doors of higher education to a generation of talented and motivated minority students, and he does not oppose affirmative action that gets people in some of our best schools because they are children of alumni, that some students get into because of their athletic ability, and a lot of other issues that were not brought up in the brief the President filed with the Court.

The President has to fully fund education programs, including those targeting minority and low income students. The President has nominated and continues to nominate judicial candidates who have expressed and demonstrated hostilities to civil rights enforcement and has placed opponents of civil rights in positions of power.

Now comes the disturbing news that this administration is on the brink of attacking title IX, programs that have made America better, stronger, and fairer by enabling millions of young women the same educational opportunities as young men. We cannot—I personally will not—let the administration do that. We cannot let this administration even think about dismantling title IX, taking away opportunities from American women, and undoing the progress we have made over the last 30 years.

Title IX of the education amendments of 1972 was the landmark legislation that prohibits sex discrimination in federally funded educational athletic programs.

In my career, as in the career of the Presiding Officer, I have had the opportunity to meet some very outstanding people. One of the people I met was a woman by the name of Molly Yard. Molly Yard was five foot two, from Pennsylvania, a graduate of Swarthmore, born in China to missionary parents. She came back to the United States when she was age 13. Having participated in athletics in China, when she came back to the United States there were no programs for girls. She always felt less of a person than she could have been for not having the ability to participate in athletics. For this woman, who later in life became the president of the National Organization of Women and was heavily involved in all kinds of activities, the one issue of utmost importance to her was title IX and having young women involved in athletics.

I met Molly Yard. I met her when she was an older woman. She was still very dynamic. Even though, after I met her, she had a stroke and was physically infirm, she was still very enthusiastic about having worked for title IX and young women, girls, participating in athletics.

EVAN BAYH, who is presently the Senator from Indiana, should be proud of his father for many achievements. All of us who know Birch Bayh, a former Senator from the State of Indiana, know what a fine man he is and what a great legislative record he accumulated while in Congress, but EVAN should be most impressed with his father for being the sponsor of title IX. In 1972, it was Birch Bayh who wrote and introduced these amendments that made title IX what it is today.

I will focus my remarks primarily on equal opportunity in athletics, not the whole statute.

As a sports fan, I love athletics. As a young boy, my dream was to be a professional baseball player, but I was not good enough. So I am a Senator instead. As an avid sports fan, I wake up in the morning and the first thing I do is read the sports page. I do it because there is always good news on the sports page. People may not always be happy with the outcome of athletic events, but there is always something good happening on the sports page; somebody won this or won that.

I enjoy very much going out to our university campuses in Nevada. I live in the southern part of the State and go to UNLV most of the time to watch girls athletics. I love to watch softball. I don't know how many people watch college level or high school level girls softball, but it is so exciting. I hope I don't offend JIM BUNNING, but it is more exciting than baseball. It is quick and fast.

I have had the opportunity to watch some great athletes play softball. Lori Harrigan pitched and won games in two successive Olympics. I recently had a thrilling experience with a young lady named Nicole Truax, an intern from the University of Nevada at Las Vegas, a pitcher on one of their softball teams. I love to talk to Nicole. When she was 12 years old, her father could no longer catch her ball. She threw the ball so hard that her dad could not catch it.

That is what girls athletics is all about. I went to a UNLV girls basketball game recently and I went into the locker room afterwards and talked to them about title IX, about the reason they can participate in athletics, because of a law we passed in Congress.

On the high school level, I recently visited Gorman High School and watched Gorman High School play. The main reason I went was one of my friend's two girls play. They are both athletes, Danielle and Jackie Bates. They run track and play basketball.

I recently visited with and helped present some awards to the Green Valley High School golf team. This golf team set a national record for consecutive victories. On October 1 of last year they broke the record of 128 straight duel match wins by completing another unbeaten season, extending the streak to 133 over 11 years. Girls playing golf; they won the State championship last year by 70 streaks. That is what girls do in athletics.

Before title IX, it was rare to see girls and young women playing sports. Even if they wanted to play and were tall, they could not play in organized competitions because high schools and universities did not have women's teams. When I was in high school, my wife, who I am sure was more athletic than I, could only be a cheerleader. She could not play basketball. Of course, she is only 5 feet tall. There are a lot of 5-foot tall basketball players in women's sports. In those days, a young lady could only become a cheerleader; there were no other athletic competitions for her.

My oldest child is a daughter. Title IX was just coming into being. Programs were very sparse when she was in school and she did not participate in athletics. All my four boys participated. There were programs all over for them.

Thanks to title IX, women today have a much broader range of athletic and educational opportunities at all schools in Nevada and all over America. It has helped to dramatically increase participation in sports among female students. Since the implementation of title IX, there has been an already tenfold participation in high