

Mr. NICKLES. That would be my expectation.

Mr. CONRAD. I think that is important, just so the Senator is here and prepared to move forward with her amendment. It is also important to say, Madam President, that we won several important victories today and that we anticipate a string of additional victories tomorrow that will allow us to conclude our work at an even earlier point.

On a serious note, I thank the chairman and his staff for working cooperatively throughout the day. We are very hopeful that we will be able to end this sometime Friday morning, everybody having had a chance to debate and offer important amendments. That does not mean they need to offer every amendment. We hope Senators will show restraint. We hope Senators will eliminate duplication so that we can hold down the number of votes in vote-arama.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

#### IRA WITHDRAWAL

Mr. PRYOR. Madam President, in the year 2000, there were 38 million families in this country who owned an individual retirement account or participated in an employer-sponsored retirement savings plan. Since then, unemployment has climbed to 8.3 million people, with more than 1.9 million individuals unemployed more than 6 months.

Six months without work is a long time, and it is enough time for people to lose their homes, give up their health care, run through their savings, and ruin their credit for many years to come. I know this because I hear from people in Arkansas who have gone from living the family dream, to living off of their families, and eventually living off of Government help.

To add salt to the wound for many unemployed Americans, those individuals who are fortunate enough to have an individual retirement account are penalized a minimum of 10 percent if they withdraw funds from their account.

Recognizing that some significant events might require people to withdraw money from their retirement accounts earlier than expected, Congress has on previous occasions provided exceptions to the 10-percent early withdrawal penalty; for example, buying their first home or maybe even sending their children to college.

I am offering a commonsense amendment that could make a real difference for individuals who have invested in their IRA but have exhausted all of their unemployment benefits while searching for a job.

I am asking Congress to make another exception because our job creation figures continue to disappoint, economic growth continues to linger, and our manufacturing jobs continue to leave the country. I think these are significant events as well.

My amendment is a sense of the Senate and allows individuals who have exhausted their unemployment benefits a one-time withdrawal of up to \$15,000 from their IRAs, tax free and without penalty, within 1 year after their unemployment benefits end.

In many cases, my amendment would free up enough money for a few months of rent or mortgage payments, child care expenses, groceries, and other living expenses.

Regardless of what you believe, regardless of your party affiliation, we cannot dismiss these new numbers by the Bureau of Labor Statistics that indicate the average length of unemployment in this country is at a 20-year high.

We cannot expect Americans to be patient as they watch their bills pile up, and we cannot tell these families to keep their fingers crossed any longer while we do nothing to help them. After all, this money in their IRA accounts is their money. Imagine a family whose breadwinner is now on the unemployment rolls, and he or she has this retirement nest egg sitting there and they have some real needs in the family but they cannot touch their own money without penalty or paying taxes on accessing that money.

Madam President, I ask my colleagues to express their support tomorrow for the individuals who are in a tough position because of tough times and allow them to use funds from their own IRAs without penalty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

#### SURVIVOR BENEFITS

Ms. LANDRIEU. Madam President, I thank the floor manager. It has been a long day, and perhaps we have made some progress and the hour is a little late. I am going to speak just on two amendments of mine that I will offer and which will be voted on tomorrow.

I will take the time tonight to speak at some length about these amendments because our time will be so limited, unfortunately, because of the rules under which we are operating.

Before I do, let me restate for the record that I intend to vote against this budget. It is not a budget that will put America on the right course. This is a budget that will turn a stream of red ink into a raging river that will threaten to wash away Social Security, and this is according not to the Democratic spin room or Democratic operatives, this is according to Alan Greenspan, who testified before the Budget Committee last week and basically said because of the choices President Bush and the Republican leadership are making in this budget, adjustments will have to be made to Social Security.

He could have gone on to say—and I am sure he will in further speeches—that adjustments are going to have to be made to education and the Federal

contribution to education. We are going to have to make adjustments to housing initiatives in this country, and we are going to have to make adjustments to the contributions we make to colleges and universities because if this budget goes into law, the country will basically be on a course to bankruptcy because the debt is rising so high.

We have been attacked by terrorists. We have a war now that is costing us hundreds of millions of dollars. We have passed a major education initiative that the President himself said he wanted to fund, and the economy has, in many instances, tanked, contrary to all of our hopes and expectations.

Yet the plan is for tax cuts every day, always deeper and greater, which is threatening to wash away a lot of things that are important to people in this country. One of the things we cannot fix because of this blind adherence to tax cuts for people who earn over a million dollars is a survivor benefit for our military personnel.

There are a lot of issues for which we could fight. I want to show this document. It is from the Military Officers Association: Fighting for Fairness. The public is going to have a hard time believing this, so I am going to try to go over it as simply as I can. In 1972, our Government promised the spouses of people in the military—now, most of the spouses would be women but not all of them would be women. Most are women. Our Government promised them if they would contribute a certain amount of money into a special fund, after the member of the service passed away, they could provide a nest egg for their spouses. These are spouses, and everyone is familiar with this. These women—millions of them—move every 2 years, generally. They move themselves, their children, and most do it with a smile and joy on their face because they are committed to helping the country, and they are supporting their husbands who are protecting us every day.

We promised to give them what we call a survivor's benefit. But we have failed to live up to that promise. We have, instead, said even though we said we would do that, we decided to save money so we could give money, as the Senator from Oklahoma said, to the millionaires who need tax cuts in this country. We said instead of making the promise to these individuals, we have another priority, and that is to give people who make over a million dollars tax cuts because they need it. But we cannot give spouses of the people in the military their full benefit.

It gets worse because the document we gave them actually doesn't mention the offset. I am going to submit it because I want to make it clear that this is the document our military signed, and it will be read for the RECORD. Nowhere in here did it talk about an offset. An offset is, when the spouse gets to be 62 years of age, instead of receiving the benefit that her husband put aside specifically for her, thinking that

he was doing a good thing to help protect her in her old age because she moved every 2 years and she has had to live under tremendous pressure—when you move every 2 years, I think people would understand it would be hard to keep a career going in the right direction and continue to increase your earnings, if you did want to work outside of the home. Maybe you could manage to get a minimum-wage job or something, but it would be very hard to develop a career when you have to move every 2 years. She did. These women did. Then they signed a document that said they would receive this benefit, and, lo and behold, they were told after they were in their sixties and their husbands had died, after their husbands served 20 and sometimes 30 years in the military protecting us and giving us the advantages, that the thousands of dollars they were counting on were not there.

It gets worse. In addition to not funding this for our military families, we do fund, as the Federal Government, if you work for the Federal Government in civilian employment and you take out a policy for your spouse, you do not have the same offset. So we have the very unfair and terribly unjust situation today where if you are a spouse of a military person, and you have moved every 2 years, your spouse has protected the country for the last 30 years, and you get to be 62, you do not receive that full benefit because we need to save money to cut taxes for people who make over \$1 million. That is the situation.

My amendment, which I am going to ask be voted on tomorrow, would fix that situation. I do not think it is going to be adopted, but I am going to offer it anyway because I want my colleagues on the other side to be on the record saying the choice they make is not to fix this situation which will cost us approximately \$2 billion because we cannot afford it. We can afford \$2.6 trillion in tax cuts, but we cannot afford \$2 billion to help our military families.

I am not going to vote that way, but some people will, and they can explain it to the thousands of retirees in their States. I am not sure how.

For the record, under the civil service retirement system, the percentage of survivor benefits, people receive 55 percent; the Federal employee retirement system receives 50 percent, but not the widows and widowers of people who served in the military. I do not understand it, and nobody in Louisiana understands it because we continue to increase the military budget. I know, because I voted for every increase in the military budget since I arrived in the Senate 7 years ago. I voted for billions of dollars because I believe in a strong military.

I do not know how not living up to your promises to people in uniform to help them protect their spouses helps us to strengthen our military. If anybody knows, maybe they can communicate that to me because I do not know.

I am hoping when we vote on this amendment tomorrow, perhaps we can find some money in this budget to take care of this situation. I understand the House has acted. I also understand a bill has been filed by the Senator from Maine, a Senator for whom I have a great deal of respect, Ms. SNOWE. It is a bipartisan effort. I am hoping maybe we can find some money in this budget to make some adjustments for the survivors benefit plan.

I ask unanimous consent to print in the RECORD a letter that was recently printed in the Washington Times that outlines this situation, and also the actual document our families signed that leads them to believe they are going to get this benefit.

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

[From the Washington Times, Feb. 23, 2004]

**SURVIVOR BENEFIT PLAN NEEDS REFORM**

Dear Sgt. Shaft: The Fleet Reserve Association (FRA) is urging all 66 members of the House and Senate budget committees to include funding in the 2005 budget resolution for legislation (S. 1916 and H.R. 3673) that eliminates the drastic reduction in Survivor Benefit Plan (SBP) annuities that now adversely impacts survivors of military personnel who are 62 and older.

The current program provides 55 percent of SBP covered retired pay for younger spouses—however, the amount decreases to 35 percent of retired pay when survivors become eligible for Social Security. Many retirees and their spouses were not fully aware of this reduction when they enrolled in the program in the early 1970s. As a result, many believe they were betrayed by having been asked to sign an irrevocable contract to pay lifetime SBP premiums.

Sen. Mary L. Landrieu, Louisiana Democrat, introduced the Military Survivor Benefits Improvement Act of 2003 (S. 1916), which would eliminate the SBP offset over a 10-year period. Companion legislation (H.R. 3673) to do the same was introduced by Rep. Jeff Miller, Florida Republican, in the House.

The Fleet Reserve Association, the oldest and largest organization dedicated to enhancing pay and benefits for enlisted members of the U.S. Navy, Marine Corps and Coast Guard, was instrumental in the enactment of the military SBP program in 1972, which was designed to improve the Retired Servicemembers Family Protection Plan. Participants were responsible for paying 60 percent of the costs, while the government was to subsidize the remaining 40 percent.

But today's SBP program looks nothing like its FRA predecessor, and its intended value has been greatly diminished by the Social Security offset as well as decreased contributions from the federal government.

Today, military retirees pay for more than 80 percent of SBP costs, while the government picks up only about 19 percent of the costs. By way of comparison, the federal government subsidizes its civilian survivor benefit plans—Federal Employees Retirement System and Civil Service Retirement System—at 33 percent and 48 percent, respectively.

Probably the greatest disparity between the two plans is beneficiaries in the federal civilian programs do not experience the same offset incurred by military SBP beneficiaries when they reach the age of 62. It is unconscionable that the men and women of our armed forces and their families continue

to sacrifice at a time when they are in their greatest need.

FRA is grateful to Rep. Miller and Mrs. Landrieu for their leadership in campaigning to restore equity and credibility to this vital program. FRA is again referencing the need for SBP reform in its testimony before Congress this year.

We urge those who wish to help reform this unfair and debilitating law to visit the association's Action Center at <http://www.fra.org/action/index.html>, click on "Urge Your Elected Official to Support Funding for SBP Reform Legislation" and send a prewritten e-mail to their congressional representatives.

Joe Barnes  
National Executive Secretary  
Fleet Reserve Association

Dear Joe: I echo your praise and support of S. 1916 and H.R. 3673. I also commend Mrs. Landrieu and Mr. Miller for spearheading this vital legislation.

Dear Sgt. Shaft: I agree totally that the SBP program is a huge injustice for widows of military retired persons. I had 10 years of active duty plus 14 years in the Reserves, retiring as an O-6. It has been a long time since I have seen a write-up of the actual SBP provisions, so I do not understand how it affects me and my wife. Where can I find a good description?

From the synopses I have seen so far, we would have been better off to take the dollars and put them toward an annuity policy instead of wasting them on the SBP program.

Harry J. Wander  
Col., AUS, Retired

Dear Henry: For starters, I suggest that you visit a few of the military organization Web sites, such as the Military Officers Association of America at [www.moaa.org](http://www.moaa.org), the Non Commissioned Officer Association, [www.ncoausa.org](http://www.ncoausa.org), or the Fleet Reserve Association at [www.fra.org](http://www.fra.org).

Dear Sgt. Shaft: Isn't it funny: If Congress wants a pay raise, it's processed with no problems. For those of us "who paid the price" for our country (to keep Congress intact), there's always some delay.

Michael G.  
Virginia

Dear Michael: The Defense Finance and Accounting Service (DFAS) has announced that computer reprogramming has progressed faster than expected and they have made concurrent disability payments (CDP) to about 150,000 eligible retirees on Feb. 1. Those whose CDP will be delayed another month or two include those who divide their retired pay with a former spouse, medical disability retirees who will have their offset only partially eliminated by the new law change, and a few other special situations.

DFAS officials believe that they will be able to provide payment for all of these retirees no later than the April 1 paycheck.

**SECTION VII—INFORMATION ON THE SURVIVOR BENEFIT PLAN (SBP)**

Definition of Dependent Child. A dependent child must be unmarried and:

- a. Be under 18 years of age.
- b. Be between ages 18 and 22 and pursuing a full-time course of study and/or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution (See item e below.)
- c. Be a child of your present or of a previous marriage, adopted, or a step, foster, or recognized natural child who has lived with you in a regular parent-child relationship and as indicated in a and b above or d below.
- d. Be incapable of self-support because of a mental or physical incapacity which existed before the 18th birthday, or was incurred before age 22 while pursuing a full-time course of study of training. (See item e below.)

e. If your child(ren) is (are) defined by item b or d above, an affidavit to that effect signed by the registrar or physician, respectively, must be furnished to Retired Pay Operations, USAFAC.

Definition of natural person with insurable interest. Any person who can reasonably expect financial benefit from you while you live may be considered as a natural person with an insurable interest. This person may be any close relative such as a child not dependent upon you for support, or a close business associate. If person named is not more nearly related than cousin, attach a statement of Proof of Financial Benefit.

SECTION VIII—MONTHLY COST AND AMOUNT OF SURVIVOR ANNUITY

Spouse only (no eligible children). Cost of coverage is 2½ percent of the first \$300, plus 10 percent of any designated retired pay in excess of \$300. If coverage is elected for a dependent child acquired subsequent to retirement, cost of coverage will be increased. The increase in cost is effective the first day of the month following eligibility of such child. (See c. below.)

Spouse and eligible children. The cost of coverage will be 2½ percent of the first \$300 of the base amount plus 10 percent of the remainder plus a slight additional charge for children's coverage that will vary depending on your age, your wife's age, and the age of your youngest child. The additional charge should generally be about one-half of one percent of the amount of retired pay designated. (See c below.)

If your spouse becomes ineligible through divorce, annulment or death, no cost is due for any month in which there is no beneficiary. If you remarry, the cost will be reinstated the first anniversary of the date of remarriage, unless child is born of that marriage prior to the first anniversary date.

Eligible children only (no spouse). The cost of coverage will vary depending on your age and the age of your youngest child but should generally be about 3 percent of the amount of retired pay designated.

Cost reduction—children. When all children cease to be eligible for an annuity, the additional cost for child coverage shall stop. The reduction in cost is effective the first day of the month following that in which the last child ceases to be eligible for an annuity.

Natural interest person. Cost of coverage is 10 percent of full retired pay, plus an additional 5 percent of full retired pay for each full five years that your age exceeds that of the natural interest person. The total cost may not exceed 40 percent of retired pay.

Annuity—Spouse and/or eligible children. Full coverage provides an annuity of 55 percent of retired pay. Reduced coverage provides an annuity of 55 percent of reduced amount elected.

Annuity—Natural interest person. The annuity payable is 55 percent of retired pay remaining after cost of coverage has been subtracted.

Cost-of-Living Increase (CLI). The cost is subject to change based on CLI's in retired pay. Annuities paid to survivors of deceased members are also CLI adjusted.

CONTINUATION OF ITEM 10, SECTION IV.

NAME (LAST, FIRST, MI)	DATE OF BIRTH	SOCIAL SECURITY NO.	RELATIONSHIP
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DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority: Public Law 92-425, EO 9397 as amended.

Principal Purpose(s): Used by members retired on or before 13 August 1981, to enroll in

the Survivor Benefit Plan or increase previously elected coverage.

Routine Uses: Uniformed Services review form for completeness, validate and record level of participation.

Disclosure Is Voluntary: However, the information transmitted in this form is necessary to administer the above law. Without it, retirees could not change their previous elections.

Under this law you have a choice to either participate or not to participate in the Survivor Benefit Plan. If you choose to participate, you have a further choice as to what type of coverage you desire. Under one option, only a SPOUSE is to receive a survivor benefit annuity, under another option, only a CHILD or CHILDREN are to receive annuity payments, and under a third option a CHILD or CHILDREN plus a SPOUSE are to receive annuity payments.

To assist you in making your election whether to participate, data are shown below to permit you to determine your actual participation costs. PLEASE note that the "COST" shown below is based on the provision of the law whereby only the SPOUSE is to receive a survivor's annuity and this annuity, equal to 55% of your gross retired pay, is the maximum annuity for a spouse. Costs for providing annuity benefits to children where there is no spouse or for benefits to children in addition to the benefits for a spouse, have not been computed. Costs for any optional provision of the law may be approximated using the formula provided in the Retired Army Bulletin. Actual cost of annuities will be actuarially computed in each case as required.

If your retired pay exceeds \$300 per month, the cost of Survivor Benefit Plan to you is arrived at by charging 2½% against the first \$300 of your retired pay and 10% of any amount over \$300. This will provide for a maximum annuity equal to 55% of your gross retired pay. If you wish to provide for a survivor's annuity which is less than the maximum permitted, you may do so. To accomplish this you must specify the amount less than your gross retired pay, but in NO case less than \$300, to which the 55% is to be applied to determine the amount of the annuity. In the event your monthly retired pay is \$300 or less, the cost of providing your survivor with 55% of your full retired pay (no lesser amount is permitted) is 2½% of your retired pay.

If you are currently participating in the Retired Serviceman's Family Protection Plan (RSFPP), the cost of your coverage is shown below for informational purposes. The law gives you three (3) options as a present participant in RSFPP. These options are: (1) continue RSFPP and not join Survivor Benefit Plan, (2) drop RSFPP and join Survivor Benefit Plan, and (3) continue RSFPP and join Survivor Benefit Plan to provide a total survivor annuity not to exceed 100% of your retired pay, calculated at the time of election in the new program. Under this third option you may reduce the amount of coverage under RSFPP as you see fit.

If you retired prior to 21 September 1972, you have one calendar year in which to elect to participate in the Plan.

If you retired within 180 days after enactment of the Survivor Benefit Plan you have 180 days from your date of retirement as shown below to elect NOT to participate in the PLAN. Unless you specifically elect NOT to participate, you are considered in the PLAN and cost deductions will be made from your retired pay at maximum coverage.

Your election form is enclosed You should keep this letter with your copy of the election form on the reverse for your records. Your spouse and/or children, or natural person with an insurable interest (which is ex-

plained in the Retired Army Bulletin) should be informed of your election. The separate election form must be completed, signed, sealed, and mailed. It should be noted that a pre-addressed return envelope which requires no postage is enclosed.

If you have not received a copy of the special issue of the RETIRED ARMY BULLETIN, a copy should be requested from the Retired Pay Division, U.S. Army Finance Support Agency, Indianapolis, IN 46249. You request should include your signature, your SSAN, and an address to which the Survivor Benefit Plan information can be sent. To assure earliest coverage or non-coverage for your beneficiaries, the election form should be completed and mailed promptly.

Ms. LANDRIEU. I thank the Chair for consideration of that amendment at the appropriate time.

EDUCATION

Ms. LANDRIEU. Madam President, the second amendment I wish to talk about for a moment and offer tomorrow for a vote is not about the military; it is about education. I was in the Chamber earlier today speaking about education. Let me recap.

Senator MURRAY offered an amendment which I was pleased to vote for, proud to vote for. Although it only received 48 votes, I think it was one of the most important amendments we discussed all day. The reason I say that is because one of the major platforms of this administration when this President took office—I can remember the speeches. I sat in the great room of the House Chamber and listened to the State of the Union speeches. I will paraphrase, but I heard this.

I heard the leader of our country say we are not doing enough in education; that our schools were not doing what they should do, and that he had a plan. If we would just stop throwing money at the system, if we would start expecting success, not funding failure, if we would embrace accountability, if we would make sure all of our teachers were certified, and if we would really work together across party lines and come up with a new plan for public education in our Nation, that is what we should do.

I was convinced, committed, and worked very hard to see that bill pass, and it passed. That was the No Child Left Behind Act. It was not a big lift for me for a number of reasons.

I am very proud of my State because before we entered into this agreement at the Federal level, the State of Louisiana was one of about five States in the Union that was pioneering this exact concept. It said for 150 years we have just thrown money at the system not really requiring or expecting good results and not really measuring our commitment of dollars based on the results we were getting, and that did not seem to make sense. So we switched our system, holding all schools accountable, not just for the averages for the subgroups of children—African Americans, rural children, poor children—but making sure we were not leaving anybody out.