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Senate

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,
Washington, DC, March 31, 2004.

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. Rollcall 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.

The majority leader.

ACTION BY THE EUROPEAN UNION AND SENATE DEMOCRATS

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

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

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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 disappointing 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 junior Senator 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 colleagues on the other side.

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 minority 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. Mr. 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. Mr. 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 continually strong leadership 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 U.S. Armed Forces, 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, murdered 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. Clearly America and the world are 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 sympathies to the families of the loved ones of those who have died and those who bear the wounds of combat. We are fortunate as a Nation to have dedicated citizens who willingly volunteer to make such great sacrifices to defend this Nation's liberty.

Just weeks ago, together with the distinguished Senator from Alaska and the distinguished Senator from South Carolina, I went to Iraq and Afghanistan and again looked into the faces of those brave young men and women and thanked them on behalf of the people of this Nation.

In just 3 months—91 days to be exact—the sovereignty that has been held in trust by the Coalition Provisional Authority since Iraq was liberated on April 9, 2003, will be returned to the Iraqi people. This will represent an important milestone on Iraq's path to freedom and democracy, but it is a path fraught with continuing dangers.

The recently adopted ''Transitional Administrative Law'' states that ''the work of the [Iraq] Governing Council shall come to an end'' upon the assumption of sovereignty by an Iraqi Interim Government on June 30, 2004. The TAL further states that this Iraqi Interim Government ''shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations.''

Yesterday, the Armed Services Committee, which I am privileged to chair, received testimony from several Department of Defense officials regarding on-going military operations and activities in Iraq, and preparations for this transition to sovereignty. While some concerns about details of the transition remain, I was greatly encouraged by the testimony the Committee received. A coordinated process of deliberation and consultation with the Iraqi people is underway by the Coalition Provisional Authority, the Iraqi Governing Council, and representatives of the United Nations to define and select an Iraqi Interim Government.

Much remains to be done in this process, but it is a process that must not be delayed. The moment has arrived for the coalition to move from occupying power to partner. The moment has arrived for the Iraqi people to assume responsibility for their destiny.

The path to full freedom and democracy in Iraq will not be without difficulty and missteps. That is to be expected, but we must not be afraid to continue that journey. Symbolically, much will change on June 30. Iraq, after 30 plus years of isolation, will rejoin the community of nations and resume responsibility for its actions and relations with other nations. In terms of the reconstruction and security efforts initiated by the Coalition Provisional Authority and coalition forces, little will change on July 1. Ongoing training of Iraqi Security Forces, assistance in restoring security, revitalization of essential infrastructure, and institutionalization of democratic processes will continue.

Two weeks ago, I traveled to Iraq, together with Senator STEVENS and Senator HOLLINGS. I was impressed by the progress that has been made since I last visited that nation in July. The challenges ahead are daunting, but the

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, but much 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.

There are more 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 ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time remains?

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.

THE 9/11 COMMISSION

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 solutions 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 slowly 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 private domestic investment going up. Corporate profits are going up. We have another chart here that shows farm income is going up. We have sources 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 at the time 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.

ORDER OF PROCEDURE

Mr. REID. Mr. President, on our side, I ask unanimous consent that the Senator from California, Mrs. BOXER, be recognized for 5 minutes, followed by the Senator from Rhode Island for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California.

ECONOMIC REALITY

Mrs. BOXER. Mr. President, we have heard all these glowing figures from the other side of the aisle about this economy. I want to give a little dose of reality.

Today the unemployment insurance extension runs out. This Senate refused to act. I don't know how many times Senator CANTWELL has made that unanimous consent request.

In my State, it is estimated if unemployment benefits are not extended, 314,344 workers will lose benefits in the first 6 months of the year. This is outrageous.

This is the first time I can ever remember where a political party in charge could care less about people who are unemployed. Look at the record here. This is real. Let's go back to the Hoover administration, when there was a decrease in job creation. During every other administration—Roosevelt, Truman, Eisenhower, Kennedy, Nixon, Ford, Carter, Reagan, Bush, Clinton—private sector employment increased.

Not now. Here we are at a moment when people are running out of their unemployment extension. I will read you a letter written by Kathleen Fontana of Scotts Valley, CA:

DEAR MEMBERS OF CONGRESS: I am a single parent of two teenage boys and unemployed and unable to apply for the extension of UI. I was laid off July 2, 2004 . . . after 38 years with TWA. Needless to say, I am 60 years old, having been forced to live off my home equity loan in order to make ends meet. The unemployment extension needs to be passed and reinstated for us American citizens that are having these financial difficulties in the career area. More jobs are leaving the U.S. and more money is leaving here, too. Iraq is only one example. Things need to change and people at home need help too. . . . We need your votes to change this and have the extension of UI benefits.

As I go around my State—and I have been doing that a lot—the basic theme I am hearing is this: Senator, it is time for this country; it is time for America; it is time to think about our people and our workers.

I could not even believe it. I went into farm country and the rice farmers there who are sending their sons and daughters off to war—the contracts for rice are for the people of Iraq; they went out of the country. This is taxpayer dollars, American taxpayer dollars. Instead of saying, OK, we are going to rebuild Iraq and do it with American business and farmers, oh, no, we could not do that. Our State Department would not like that.

I am here to tell you there is something brewing in the countryside. People are angry about the fact that they seem to be last in line.

Let's look at some of these job loss numbers since this President came into power. Under Ronald Reagan, we had 165,000 jobs created per month. That was terrific. He was a beloved President. Under George H.W. Bush, 47,604 jobs were created a month. That was not very good. Under Bill Clinton, there was an extraordinary leap, to 236,625 jobs created per month. That is why kids got lifted out of poverty.

I saw a chart Senator SANTORUM had and it is beautiful. It shows how the African-American children are seeing poverty decline—up until last year. It is because during the Clinton administration we did welfare reform and we had a great economy. Then under George W. Bush, 58,815 jobs have been lost per month. It is a pathetic situation. If you translate that to my State, what we see in this situation is, again what has happened here and why we have to at least, A, be compassionate to the people who need extended unemployment benefits; B, we need to raise the minimum wage; C, we need to kill this administration's crazy idea to take overtime away from hard-working people.

Let's get this country back on track. It should be time for America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

THE COURSE OF MILITARY OPERATIONS IN IRAQ

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 with my colleagues. After a brilliant offensive campaign to destroy the Iraqi military forces, we have settled into a very dismal and dangerous occupation. In the last few hours, five more American military personnel were killed by an improvised explosion device. There were four more civilians who were killed. Iraqi security forces have died in much higher numbers.

The administration has not responded appropriately to the military demand within Iraq today. One of the leading points that illustrates this, I think, irresponsible approach to Iraq is the failure to budget properly to fund this effort. The operation in Iraq costs approximately $4 billion a month. Yet in the 2005 budget that was submitted by the administration, there is no money for operations in Afghanistan or Iraq. They are still working off the supplemental that was passed last year. But the Chief of Staff of the Army, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps testified they are seriously concerned that on October 1 they will begin to run out of money. They are already being forced to reprogram funds, to rob Peter to pay Paul in order to continue this operation.

Having committed ourselves to Iraq, we must prevail, and to prevail, we must fund all of the requirements for our military. We must do it adequately and promptly, and the administration is doing neither. We have a requirement for many pieces of equipment. But probably emblematic of the difficulties of this operation, the two most pressing items of equipment are body armor and armored vehicles, principally uparmored Humvees. When we went into this operation, we did not understand the consequences of the occupation, the threats to our troops, the political rivalries in Iraq, the ethnic and sectarian divisions of the country.

As a result, we found ourselves with troops in the field without proper equipment. Many lacked body armor, the kind of sophisticated armor with ceramic insert plates that provide a margin of safety for our troops. The Army and Department of Defense claimed they fixed it. But as late as March 26, reports in the San Diego Union, Boston Globe, and USA Today stated soldiers in Iraq are calling home and asking their families to buy them body armor and send it to them, or they are buying it before they deploy. That is unacceptable. That is one example.

With respect to uparmored Humvees, last July I got off of the aircraft in Baghdad and approached the military policemen from the 118th Military Police Battalion from Rhode Island. The first request I had was: Get us uparmored Humvees. We are driving through these dangerous cities and we need that protection.

We have not reached the number of uparmored Humvees we need for critical troops in Iraq. This might be accomplished by November of this year, but it is a long time from the need of over a year ago and finally filling the requirement.

We also have to armor other Humvees, and armor kits have been provided to do this armoring. Again, the administration's budget is not sufficient. The Secretary of the Army said: We are going to get all this equipment done. We are going to run the production line at top speed.

Yet the money is not there in the budget. We have to do more.

Last September, Senator HAGEL and I offered an amendment to the supplemental to increase the size of the Army by 10,000 troops. This was vehemently objected to by the Secretary of Defense, but I think they eventually got the message. A few months ago, the Department of the Army announced they were going to increase the size by 30,000 troops. But they are not going to ask for the money in the budgetary process. They are once again going back to the supplemental—to take money from the supplemental, which already is strapped to pay for operations. As a result, we will have, I hope, additional forces in the military,

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 82nd 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, radios, 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 failures. 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 100 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-Baathiciation 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. He has seized 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 contracts 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. Back 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 tempore. 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:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members 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. 302. Deficit-neutral reserve fund for the Family Opportunity Act.
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 13301 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: $1,818,559,000,000.
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.

Fiscal year 2007: $33,376,000,000.
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 total new budget authority are as follows:

Fiscal year 2004: $1,952,700,000,000.
Fiscal year 2005: $2,010,338,000,000.
Fiscal year 2006: $2,071,186,000,000.
Fiscal year 2007: $2,193,395,000,000.
Fiscal year 2008: $2,311,770,000,000.
Fiscal year 2009: $2,431,782,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,911,235,000,000.
Fiscal year 2005: $2,007,926,000,000.
Fiscal year 2006: $2,083,910,000,000.
Fiscal year 2007: $2,169,446,000,000.
Fiscal year 2008: $2,277,071,000,000.
Fiscal year 2009: $2,393,946,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $638,269,000,000.
Fiscal year 2005: $550,711,000,000.
Fiscal year 2006: $464,075,000,000.
Fiscal year 2007: $447,878,000,000.
Fiscal year 2008: $458,512,000,000.
Fiscal year 2009: $471,813,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,436,000,000,000.
Fiscal year 2005: $8,087,000,000,000.
Fiscal year 2006: $8,675,000,000,000.
Fiscal year 2007: $9,244,000,000,000.
Fiscal year 2008: $9,823,000,000,000.
Fiscal year 2009: $10,419,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,385,000,000,000.
Fiscal year 2005: $4,775,000,000,000.
Fiscal year 2006: $5,060,000,000,000.
Fiscal year 2007: $5,312,000,000,000.
Fiscal year 2008: $5,560,000,000,000.
Fiscal year 2009: $5,807,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2004:
(A) New budget authority, $461,544,000,000.
(B) Outlays, $451,125,000,000.
Fiscal year 2005:
(A) New budget authority, $419,634,000,000.
(B) Outlays, $447,114,000,000.
Fiscal year 2006:
(A) New budget authority, $442,400,000,000.
(B) Outlays, $439,098,000,000.
Fiscal year 2007:
(A) New budget authority, $464,000,000,000.
(B) Outlays, $445,927,000,000.
Fiscal year 2008:
(A) New budget authority, $486,149,000,000.
(B) Outlays, $465,542,000,000.
Fiscal year 2009:
(A) New budget authority, $508,369,000,000.
(B) Outlays, $487,186,000,000.

(2) Homeland Security (100):
Fiscal year 2004:
(A) New budget authority, $29,559,000,000.
(B) Outlays, $24,834,000,000.
Fiscal year 2005:
(A) New budget authority, $34,102,000,000.
(B) Outlays, $29,997,000,000.
Fiscal year 2006:
(A) New budget authority, $33,548,000,000.
(B) Outlays, $33,298,000,000.
Fiscal year 2007:
(A) New budget authority, $35,160,000,000.
(B) Outlays, $35,635,000,000.
Fiscal year 2008:
(A) New budget authority, $36,520,000,000.
(B) Outlays, $36,979,000,000.
Fiscal year 2009:
(A) New budget authority, $40,420,000,000.
(B) Outlays, $38,401,000,000.

(3) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, $43,604,000,000.
(B) Outlays, $29,281,000,000.
Fiscal year 2005:
(A) New budget authority, $26,529,000,000.
(B) Outlays, $32,848,000,000.
Fiscal year 2006:
(A) New budget authority, $27,776,000,000.
(B) Outlays, $30,017,000,000.
Fiscal year 2007:
(A) New budget authority, $27,927,000,000.
(B) Outlays, $26,714,000,000.
Fiscal year 2008:
(A) New budget authority, $28,077,000,000.
(B) Outlays, $25,323,000,000.
Fiscal year 2009:
(A) New budget authority, $28,228,000,000.
(B) Outlays, $25,099,000,000.

(4) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, $22,822,000,000.
(B) Outlays, $21,897,000,000.
Fiscal year 2005:
(A) New budget authority, $22,813,000,000.
(B) Outlays, $22,453,000,000.
Fiscal year 2006:
(A) New budget authority, $22,927,000,000.
(B) Outlays, $22,683,000,000.
Fiscal year 2007:
(A) New budget authority, $23,042,000,000.
(B) Outlays, $22,743,000,000.
Fiscal year 2008:
(A) New budget authority, $23,157,000,000.
(B) Outlays, $22,763,000,000.
Fiscal year 2009:
(A) New budget authority, $23,274,000,000.
(B) Outlays, $22,863,000,000.

(5) Energy (270):
Fiscal year 2004:
(A) New budget authority, $2,323,000,000.
(B) Outlays, $59,000,000.
Fiscal year 2005:
(A) New budget authority, $2,863,000,000.
(B) Outlays, $1,201,000,000.
Fiscal year 2006:
(A) New budget authority, $2,604,000,000.
(B) Outlays, $1,397,000,000.
Fiscal year 2007:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $1,040,000,000.
Fiscal year 2008:
(A) New budget authority, $2,629,000,000.
(B) Outlays, $662,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $891,000,000.

(6) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $32,021,000,000.
(B) Outlays, $30,210,000,000.
Fiscal year 2005:
(A) New budget authority, $31,212,000,000.
(B) Outlays, $30,868,000,000.
Fiscal year 2006:
(A) New budget authority, $31,568,000,000.
(B) Outlays, $31,911,000,000.
Fiscal year 2007:
(A) New budget authority, $31,897,000,000.
(B) Outlays, $32,153,000,000.
Fiscal year 2008:
(A) New budget authority, $32,101,000,000.
(B) Outlays, $32,128,000,000.
Fiscal year 2009:
(A) New budget authority, $32,777,000,000.
(B) Outlays, $32,804,000,000.

(7) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $19,908,000,000.
(B) Outlays, $18,434,000,000.
Fiscal year 2005:
(A) New budget authority, $21,087,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2006:
(A) New budget authority, $23,374,000,000.
(B) Outlays, $22,310,000,000.
Fiscal year 2007:
(A) New budget authority, $24,278,000,000.
(B) Outlays, $23,199,000,000.
Fiscal year 2008:
(A) New budget authority, $24,042,000,000.
(B) Outlays, $22,957,000,000.
Fiscal year 2009:
(A) New budget authority, $24,903,000,000.
(B) Outlays, $23,956,000,000.

(8) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $17,077,000,000.
(B) Outlays, $12,748,000,000.
Fiscal year 2005:
(A) New budget authority, $10,792,000,000.
(B) Outlays, $5,782,000,000.
Fiscal year 2006:
(A) New budget authority, $10,242,000,000.
(B) Outlays, $6,842,000,000.
Fiscal year 2007:
(A) New budget authority, $9,727,000,000.
(B) Outlays, $4,769,000,000.
Fiscal year 2008:
(A) New budget authority, $9,705,000,000.
(B) Outlays, $3,190,000,000.
Fiscal year 2009:
(A) New budget authority, $9,580,000,000.
(B) Outlays, $2,740,000,000.

(9) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $62,937,000,000.
(B) Outlays, $59,280,000,000.
Fiscal year 2005:
(A) New budget authority, $65,021,000,000.
(B) Outlays, $61,988,000,000.
Fiscal year 2006:
(A) New budget authority, $66,075,000,000.
(B) Outlays, $64,204,000,000.
Fiscal year 2007:
(A) New budget authority, $68,263,000,000.
(B) Outlays, $66,131,000,000.
Fiscal year 2008:
(A) New budget authority, $69,578,000,000.
(B) Outlays, $67,545,000,000.
Fiscal year 2009:
(A) New budget authority, $70,445,000,000.
(B) Outlays, $68,452,000,000.

(10) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $13,758,000,000.
(B) Outlays, $15,443,000,000.
Fiscal year 2005:
(A) New budget authority, $11,867,000,000.
(B) Outlays, $14,233,000,000.
Fiscal year 2006:
(A) New budget authority, $11,655,000,000.
(B) Outlays, $12,484,000,000.
Fiscal year 2007:
(A) New budget authority, $11,715,000,000.
(B) Outlays, $11,616,000,000.
Fiscal year 2008:
(A) New budget authority, $11,692,000,000.
(B) Outlays, $11,392,000,000.
Fiscal year 2009:
(A) New budget authority, $11,752,000,000.
(B) Outlays, $11,510,000,000.

(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,405,000,000.
Fiscal year 2005:
(A) New budget authority, $92,523,000,000.
(B) Outlays, $90,492,000,000.
Fiscal year 2006:
(A) New budget authority, $93,596,000,000.
(B) Outlays, $92,878,000,000.
Fiscal year 2007:
(A) New budget authority, $94,243,000,000.
(B) Outlays, $93,365,000,000.
Fiscal year 2008:
(A) New budget authority, $94,738,000,000.

(B) Outlays, $93,975,000,000.
Fiscal year 2009:
(A) New budget authority, $95,366,000,000.
(B) Outlays, $94,685,000,000.
(12) Health (550):
Fiscal year 2004:
(A) New budget authority, $236,822,000,000.
(B) Outlays, $235,551,000,000.
Fiscal year 2005:
(A) New budget authority, $245,095,000,000.
(B) Outlays, $244,936,000,000.
Fiscal year 2006:
(A) New budget authority, $252,639,000,000.
(B) Outlays, $252,495,000,000.
Fiscal year 2007:
(A) New budget authority, $266,117,000,000.
(B) Outlays, $265,196,000,000.
Fiscal year 2008:
(A) New budget authority, $284,970,000,000.
(B) Outlays, $284,222,000,000.
Fiscal year 2009:
(A) New budget authority, $304,034,000,000.
(B) Outlays, $303,460,000,000.
(13) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $269,567,000,000.
(B) Outlays, $268,759,000,000.
Fiscal year 2005:
(A) New budget authority, $288,166,000,000.
(B) Outlays, $289,126,000,000.
Fiscal year 2006:
(A) New budget authority, $322,974,000,000.
(B) Outlays, $322,549,000,000.
Fiscal year 2007:
(A) New budget authority, $362,759,000,000.
(B) Outlays, $363,016,000,000.
Fiscal year 2008:
(A) New budget authority, $387,838,000,000.
(B) Outlays, $387,858,000,000.
Fiscal year 2009:
(A) New budget authority, $414,278,000,000.
(B) Outlays, $413,853,000,000.
(14) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $329,744,000,000.
(B) Outlays, $336,074,000,000.
Fiscal year 2005:
(A) New budget authority, $337,318,000,000.
(B) Outlays, $341,716,000,000.
Fiscal year 2006:
(A) New budget authority, $335,387,000,000.
(B) Outlays, $339,098,000,000.
Fiscal year 2007:
(A) New budget authority, $340,140,000,000.
(B) Outlays, $342,945,000,000.
Fiscal year 2008:
(A) New budget authority, $352,809,000,000.
(B) Outlays, $355,046,000,000.
Fiscal year 2009:
(A) New budget authority, $361,830,000,000.
(B) Outlays, $363,465,000,000.
(15) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $13,396,000,000.
(B) Outlays, $13,396,000,000.
Fiscal year 2005:
(A) New budget authority, $15,094,000,000.
(B) Outlays, $15,094,000,000.
Fiscal year 2006:
(A) New budget authority, $16,589,000,000.
(B) Outlays, $16,589,000,000.
Fiscal year 2007:
(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.
Fiscal year 2008:
(A) New budget authority, $19,988,000,000.
(B) Outlays, $19,988,000,000.
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:
(A) New budget authority, $68,501,000,000.
(B) Outlays, $67,597,000,000.
Fiscal year 2007:
(A) New budget authority, $66,621,000,000.
(B) Outlays, $66,007,000,000.
Fiscal year 2008:
(A) New budget authority, $69,842,000,000.
(B) Outlays, $69,459,000,000.
Fiscal year 2009:
(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.
(18) General Government (800):
Fiscal year 2004:
(A) New budget authority, $23,806,000,000.
(B) Outlays, $24,540,000,000.
Fiscal year 2005:
(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, $240,471,000,000.
(B) Outlays, $240,471,000,000.
Fiscal year 2005:
(A) New budget authority, $270,698,000,000.
(B) Outlays, $270,698,000,000.
Fiscal year 2006:
(A) New budget authority, $318,909,000,000.
(B) Outlays, $318,909,000,000.
Fiscal year 2007:
(A) New budget authority, $364,463,000,000.
(B) Outlays, $364,463,000,000.
Fiscal year 2008:
(A) New budget authority, $398,574,000,000.
(B) Outlays, $398,574,000,000.
Fiscal year 2009:
(A) New budget authority, $427,464,000,000.
(B) Outlays, $427,464,000,000.
(20) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,850,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $250,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,233,000,000.
(B) Outlays, −$47,233,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, −$52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE.—(1) Not later than July 15, 2004, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $110,000,000 in outlays for fiscal year 2005 and $371,000,000 in outlays for the period of fiscal years 2005 through 2009.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE: INSTRUCTION TO PROVIDE FAIRNESS IN FEDERAL WORKERS COMPENSATION.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $5,000,000 in outlays for fiscal year 2005 and $43,000,000 in outlays for the period of fiscal years 2005 through 2009.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $410,000,000 in outlays for fiscal year 2005 and $2,185,000,000 in outlays for the period of fiscal years 2005 through 2009.

(D) COMMITTEE ON GOVERNMENT REFORM: INSTRUCTION TO INCREASE RESOURCES TO AUTHORIZE INFORMATION SHARING TO ALLOW FEDERAL BENEFIT PROGRAMS LIMITED ACCESS TO FEDERAL AND STATE ADMINISTRATIVE DATA TO VERIFY ELIGIBILITY.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $170,000,000 in outlays for fiscal year 2005 and $2,365,000,000 in outlays for the period of fiscal years 2005 through 2009.

(E) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by $1,126,000,000 for fiscal year 2005 and $8,269,000,000 for the period of fiscal years 2005 through 2009.

(b) SUBMISSION PROVIDING FOR THE EXTENSION OF EXPIRING TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $13,182,000,000 for fiscal year 2005 and by not more than $137,580,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal

years 2005 though 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 the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

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. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

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.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, 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. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (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 year 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 the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases 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 resulting from a change other than to discretionary appropriations 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 passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is acted on by the Senate, enacted by the Congress, and presented to the President, the chairman of the Committee on the Budget may make the appropriate adjustments in the 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.—If 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 new budget authority for 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:

(1) for fiscal year 2004: $41,569,000,000,
(2) for fiscal year 2005: $42,657,000,000,
(3) for fiscal year 2006: $43,635,000,000,
(4) for fiscal year 2007: $45,709,000,000,
(5) for fiscal year 2008: $46,945,000,000, or
(6) for fiscal year 2009: $47,732,000,000,

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 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(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 thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are 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 legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 or 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 402. EMERGENCY LEGISLATION.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—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 committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or 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.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

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 concurrent resolution 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 provided by a measure shall include any discretionary amounts 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 the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE V—SENSE OF THE HOUSE

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) the plans and goals 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 level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-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, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota controls 60 minutes, and the Senator from Oklahoma controls 30 minutes for debate only. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, I believe we are going to have debate that will last about an hour 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 time, 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, and especially the conferees—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 budget 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 differences in enforcement provisions. 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 a 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 taxes 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 those out. 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 rules of the Senate provide 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.

Mr. CONRAD. Might I inquire of the chairman and make sure I have heard this correctly, that the chairman has indicated the leader intends 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. CONRAD. A week from Thursday?

Mr. NICKLES. Correct.

Mr. CONRAD. I thank the chairman for his courtesies as we have gone through the process. I think because we both worked together productively yesterday, we came to a reasonable conclusion about how to proceed today.

I want to thank the chairman for his patience yesterday as we worked through a number of issues with a lot of colleagues to avoid many more votes that, in my judgment, would have been unnecessary and not advanced the ball in any constructive way. So I thank the chairman for his patience yesterday.

I was somewhat surprised to read in the New York Times this morning comments of certain House Republican leaders, specifically the majority leader, yesterday about where we are headed in this country with these massive deficits. We have the largest deficits in the history of the country by almost any measure, and we see going forward deficits even much larger than these as the baby boomers retire, which is of much greater concern to this Senator. That is the course the President is taking us on. In my judgment, it is a reckless course and a course that will

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 Congressman DELAY of Texas, the majority leader in the House, '' . . . restated a view that has been cited by other Republican House leaders: tax cuts pay for themselves by generating economic growth that more than makes up for lost revenue.''

Mr. DELAY went on to say:

> We, as a matter of philosophy, understand that when you cut taxes, the economy grows, and revenues to the government grow. The whole notion that you have to cut spending in order to cut taxes negates that philosophy, so I'm not interested in something that would negate our philosophy.

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 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 forecast that was 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 colleagues when I warned them that betting on a 10-year forecast of these surpluses was risky, that it was dangerous, that it was unlikely that it was going to be such a rosy scenario, and over and over again my Republican colleagues told me: Senator, you are too conservative. Do you not understand that when taxes are cut, there is more revenue? Do you not understand these surpluses, after we pass the tax cut, will be even bigger than the Congressional Budget Office has forecast, even bigger than the President's Office of Management and Budget has forecast?

I said: Well, that is a nice theory but I do not believe it. I do not think we are going to wind up with bigger surpluses because of these tax cuts. In fact, I think we are going to find the surpluses evaporate, and I said so dozens of times on the Senate floor. I said so dozens of times in the Budget Committee.

Now we can go back and check the record. Let's see what happened in the real world, not based on some philosophy, not based on some ideology. Here are the range of projected surpluses the Congressional Budget Office told us about. The midline is their official forecast. We passed the tax cuts. In fact, we have passed three rounds of tax cuts. Did we get more revenue and, as a result, did we get even bigger surpluses, which is what our Republican friends told us was going to happen? No. Here is what has happened in reality.

This is the red line. With all the tax cuts, we have wound up with not surpluses but deficits. So the philosophy that apparently was the guiding hand, that said cut taxes and there will be more revenue, and as a result even bigger surpluses, did not work in the real world.

In the real world, what we got was not surpluses but massive deficits. What we got in the real world was not a tax-cut-driven surge in surpluses, what we got is massive record deficits. So everybody is entitled to their own philosophy, everybody is entitled to their own ideology, but all of that gets measured against what happens in the real world.

What has happened in the real world is the surpluses have evaporated and now we have record deficits. All of these claims by our friends, that if we had just had this massive package of tax cuts we would get more revenue, we would get more surpluses, did not work out. It did not work out.

So now I say to my friends, we better get serious about getting this train back on the track because we are headed for very big trouble.

If we look at the record on deficits over a very long period of time going back to 1969, here is what we see: Under the President's plan, we have now seen the deficits absolutely skyrocket. This theory that we were going to 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 the gross domestic product the deficits are not as big as they have been in the past.

I say to my colleagues, if one does a fair analysis of the operating deficits of the country—that is, take out Social Security instead of using Social Security funds to float this boat; do as the law requires when calculating the deficits and not include the Social Security funds and look at this budget on an operating basis—what we find is that as a share of GDP, the deficit this year has been only exceeded once since 1947. That was back in 1983, when it was 6 percent of gross domestic product. Now it is 5.5 percent.

Those who seek to minimize the size of these deficits by this claim are misleading the American people as to the true fiscal condition of the United States.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. SARBANES. On the previous chart, am I to understand that in dollar terms the deficit now is at a record level?

Mr. CONRAD. Yes. In dollar terms the deficit this year——

Mr. SARBANES. Is the highest it has ever been?

Mr. CONRAD. By $100 billion.

Mr. SARBANES. It is the highest it has ever been.

Mr. CONRAD. It exceeded last year's deficit, which was the previous record, by $100 billion.

Mr. SARBANES. I also understand when they try to put it in percentage terms as a share of the economy, that it is almost at the highest level it has been since the end of World War II. Of course, we had to fight World War II. We had a significant deficit and ran up the debt. But it is almost at the highest it has ever been, and it is projected, as I understand it, to go higher; is that correct?

Mr. CONRAD. Yes. If we look ahead, look over just the next few years, what we see, under the President's own calculations, the deficit as a share of our Nation's income is even going to get larger. These are record deficits. As we can see, even as a share of the national 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 colleague, in 1983 the Social Security surplus was only several hundred million dollars.

Mr. SARBANES. Million?

Mr. CONRAD. Million. Now the Social Security surplus is $160 billion, and under the President's plan, under the Republicans' 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, we look at each of these 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 the widening 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 nonpartisan 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 was the old millionaire tax, and has now become a middle-income tax trap.

When you put those things back in, what you see is additions to the debt are not being reduced. Additions to the debt are not being cut in half. Additions to the debt continue at extraordinarily high levels for the entire rest of the decade, and, again, right before the baby boomers retire.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CONRAD. I will be happy to yield.

Mr. SARBANES. I say to the Senator, I think it is an extremely important point. Even if you reduce the deficit—and the President is making these enormously favorable assumptions about how much he can reduce the deficit. Every analysis has, in effect, undercut the administration's statement and said the deficit, year to year, will be larger. But any deficit you run becomes an addition to the debt, so the debt continues to grow.

As the chart of the Senator shows, it grows in alarming proportions. That is a burden that then is saddled on the next generation which they have to pay off almost indefinitely into the future.

I say to the Senator, I think he is making an extremely important point, to underscore the fact that the debt continues to explode even under favorable assumptions by the administration.

Mr. CONRAD. It is one of the most startling things, if you examine the President's proposals. The President, who has represented himself to the American people as conservative, has the most radical budget plan ever put before this country. That is because he is absolutely exploding the debt right before the baby boomers retire. When he says he is going to cut the deficit in half, what he has done is he has left out things that we all know are going to be expenses. For example, he has left out funding for the war in Iraq, the war in Afghanistan, the war on terror. He says there is no cost past September 30 of this year—none.

The Congressional Budget Office says the cost is $280 billion over this next period of time. The House and the Senate have put in these much smaller amounts, $50 billion in the House, $30 billion in the Senate. But the Congressional Budget Office says that is not what this is going to cost. It is going to cost $280 billion.

We see that same pattern with other elements in the President's plan. Here is the cost in the 10 years of the President's tax cuts. Do you notice a pattern? This dotted line is the end of the 5-year budget proposal of the President. In previous years he did 10-year budgets. Now he is down to 5 years because I am afraid he wants to hide from the American people the full effect of his budget plan. Just looking at the tax side of it, you can see the cost of his proposed tax cuts absolutely explode outside the 5-year budget window. In effect, he is hiding from the American people the true fiscal condition of the country.

Mr. NELSON of Florida. Will the Senator yield on that point?

Mr. CONRAD. I will be happy to yield.

Mr. NELSON of Florida. Mr. President, as the Senator did yield, I ask the Senator, our ranking member on the Budget Committee, isn't it interesting that when we voted on all these issues in the Budget Committee and on the floor of the Senate, that organizations that rate the votes, even respected organizations such as the National Journal, when they determined what is liberal and what is conservative, in the votes the Senator from North Dakota and I were casting against raising the deficit in the outyears, lo and behold, they rated our vote as liberal when, in fact, our vote is conservative, not to run the country, over the next 10 years, into this extraordinary national debt that is going to build up like it is a rocket taking off.

Mr. CONRAD. What one calls these things and what label one puts on them is striking. The fact is, whatever one calls it, what is being done is not conservative—to run record deficits not just at a time of economic weakness, and not just at a time that we are engaged in a conflict, but for the foreseeable future, for 10 years in the future, massive increases in debt under the President's plan.

I showed this chart which talks about the pattern of the President's tax cuts that explode beyond the 10-year window. We see the same thing with the alternative minimum tax—a billionaire's tax—now becoming a middle-income tax trap with 3 million people affected. At the end of this period, it is going to be 40 million people.

The President's budget only provides for dealing with that crisis in the first year.

Look at the pattern of the cost of fixing it beyond that first year. It absolutely skyrockets. The President provides nothing past the first year, again hiding from the American people the full effect of his budget plan. The President told us repeatedly he would not use Social Security money for other purposes. But when you look at his budget plan, that is not the case. He is taking every penny of Social Security surplus over the next 10 years and using it to pay for tax cuts and for other things—$2.4 trillion, every penny of which has to be paid back, and the President has no plan to do so. That is a reckless plan; again, something the President pledged not to do.

The result is this is what we see happening to the debt of the United States.

Remember in 2001 when the President told us he would have maximum paydown of the debt. He would be able to pay off all of the debt that was available to pay off.

Now what we see is not debt being paid off but debt exploding from about $6 trillion when he took over. We now anticipate it will be approaching $15 trillion by 2014.

Where is the money coming from?

I have already indicated we are borrowing every penny of Social Security surplus. It is not surplus at all because all that money is going to be needed when the baby boomers retire. It is borrowing every penny of Social Security surplus—$2.4 trillion. But he does not stop there. He is borrowing money from all over the world: over $500 billion from Japan, and over $140 billion from China. Under the President's plan, we have even borrowed $69 billion from so-called ''Caribbean Banking Centers.'' He has borrowed over $40 billion from South Korea.

Think about this: America, the most powerful Nation in the world, and here we are reduced to borrowing money from countries all over the world, including South Korea.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. Those are huge sums we are borrowing from these various nations in order to cover our deficit. This is debt they hold which the United States has to pay back.

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 countries in order to finance the deficit that results from the tax cuts, and then 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 here 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 headed. 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, his plan runs massive deficits and runs up the debt in a dramatic way—meaning more borrowing and more borrowing and more borrowing.

Let me conclude. The result is we are seeing the effect on the value of our own dollar. 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 dependency have been selling dollars fast and buying euros furiously. The fear is that foreigners will tire of financing America's appetites. Foreign investors will be dumping U.S. assets, especially stocks and bonds, sending financial markets plummeting. Interest rates will shoot up to entice them back. Heavily indebted Americans will not be able to keep up with rising interest payments. Inflation, 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 Senator will yield, is it the case that the former Secretary of the Treasury, Paul O'Neill, was fired for saying essentially what the Senator from North Dakota is saying on the floor today, talking about a fiscal policy that doesn't add up, about proposals to increase 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-income 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 President's 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 perversity is we actually borrow money from South Korea so we can reconstruct Iraq. It is not even money to invest 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 proposing, he is proposing a fiscal policy that says let us have another stack of $1,000 bills that goes 335 miles high in debt. Who is going to carry that? Who is going to take care of that? Isn't it the case that the President is saying somebody else, somebody behind the tree, maybe our kids, maybe our grandkids but not us?

Is it the case that these proposals, this budget on the floor and the budget submitted by the President, is a budget which is so seriously out of balance that we will in the long term have the largest deficit and the biggest debt in the history of humankind with no provision at all of asking anybody to own up to that responsibility?

Is it the case that the question Senator CONRAD is asking here has to do with accountability? When do we decide we have to make a u-turn and begin moving toward responsibility? That is the point.

If I might make one final comment. I say to Senator CONRAD, you are right, we proposed tax cuts, but in 2001 we also said: Let's not put in place something permanent that could get us in trouble because we might have some unforeseen circumstances. The other side said: No. Katie bar the door. Let's do it all and don't worry. Be happy. Then we had a recession, a terrorist attack, a war in Afghanistan, a war in Iraq.

The fact is, we had all kinds of unforeseen circumstances, and now we have a situation that is calling for dramatically increased spending, as requested by this President. We have these long-term tax cuts and the largest debt in history.

The Senator uses the term ''irresponsible.'' This is an irresponsible fiscal policy. The Senator does the Senate a great service, in my judgment, by coming to the floor with these charts and describing exactly to the American people what this fiscal policy is about.

Mr. CONRAD. Perhaps nothing reveals more clearly than this next slide where this is all leading. This chart shows—and this is not my projection; this is not a Congressional Budget Office projection—this is the President's own projection of where his budget policies are taking it. This is from his budget, and the assumption is his tax policies and his spending policies are adopted.

Look what it shows. These are record deficits, the biggest we have ever had. But they are dwarfed by what is to come, under the President's own analysis of where his policy is leading.

This shows as the baby boomers retire and the full cost of the President's tax cuts are realized, 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 over 10 percent of GDP would be in deficit? Is that correct?

Mr. CONRAD. It is actually over 12 percent of GDP. Economists say it is utterly unsustainable. This is the course the President is taking us on. The President's plan is not conservative. 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 Social Security and Medicare, but most of the rest of what the U.S. Government does, including our ability to defend 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 cutting Social Security benefits because we are, in his words, ''overcommitted.'' And it is not just him. We can go to group after group 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 Security surplus will be used to 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 the identical amount—$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 our friends, who call themselves conservatives, 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 raids all of that surplus to finance tax cuts, primarily for the more well-to-do?

How could our friends, who call themselves conservative, in fact, finance a lot of this budget for a prescription drug benefit that was a bailout to the pharmaceutical and insurance companies, and, lo and behold, was not what it was sold as—$400 billion over 10 years—but, instead, $535 billion?

How could our conservative friends vote for a budget like this?

Mr. CONRAD. I do not know. But I know this: History 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 23.5 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 is 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 what has happened to 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 is 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 very 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 have proposed 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 them say they 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, their 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, $250 million to restore the cuts on 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 disciplines that have 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, of course, 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 retract 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 buster, 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 outlined by the Senator from North Dakota 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 repealing our 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, rolling it back from a $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 have to 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-income 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 laws, but they will expire. I guess it is clearly 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 President right now and hopefully will be 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, adding $1 trillion to the 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 brandnew 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 U.S. Government, 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 misimpressions about 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 what.

Now, we do have a lot of foreigners that own American debt. Why do they want to invest in America's national

debt? 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 the national debt, just as American citizens invest in the national debt, because they want the return; they want the certainty of it.

The impression was left that we go, hat 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. Nothing has changed since 1936.

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 checks 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 a reason 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 going 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 reason for 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 this year than 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 we are in.

Then, what about the fact that we are in a war? What about the fact that we were attacked on September 11? Do you want to fight the terrorists in the United States or do you want to fight them in Iraq and Afghanistan? This Commander in Chief decided to fight them in Afghanistan and Iraq instead of in New York City and Washington, DC.

Wars cost money. We only go to war to win. If we are going to go to war to win and put American men and women on the battlefield, we are going to give them the resources it takes to win. We have been attacked by the other side because somehow we do not account for the cost of a war. On December 8, 1941, when FDR was addressing the Congress of the United States after the attack on Pearl Harbor, if Members of Congress had said at that time, How much is this war going to cost, they would have been laughed at. How come they are not laughed at now, Mr. President? We are going to spend what it takes to win the war. We are not going to leave our men and women hanging without support. If we had taken that attitude toward World War II, Hitler would have been in New York City. So we ought to have some leeway when it comes to budgets to win a war and backing our men and women and not being harassed because of what the war is going to cost, just as we are going to know that in the month of September we are going to fire off so many cruise missiles.

The last point I will make is, I might be willing to consider an increase in taxes, but I have never found anybody on the other side of the aisle who has said to me how high taxes can go to satisfy their desire to spend more money. For 50 years, we have had a policy in this country of taxing in the Federal Government at about 17 to 19 percent of gross national product. It seems to me that is pretty good policy because of two reasons: No. 1, the American people do not tend to attack us for taxing too high when it is in that band; and, No. 2, it has not been harmful to the economy, as we have seen tremendous growth in the economy for the last 50 years.

What we are trying to do is keep the level of taxation within that band of 17 to 19 percent. Right now it is a little bit lower. Sometimes it might be a little bit higher, but our policy is to keep it within that band and to keep spending within that band. But in times of war, that spending policy has to have some give if you want to win a war.

Even though the presentation that has been made by the other side may be totally accurate as far as the statistics are concerned, I think there is a bigger picture than just charts and statistics. There is what America is all about and the role of Government in America and the importance of responding to attacks on America and winning a war and backing up our troops.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I always enjoy listening to the chairman of the Finance Committee, who is my friend, and despite our disagreement today, he will be my friend at the end of the day, just as he was when we began this day.

I say to my friend, this is not a question of whether we win wars or do not win wars. All of us are committed to winning this war. We must win this war. But part of winning a war is not just leaving the cost of the war out of the budget. That is not credible.

The President says it is difficult to say how much the war is going to cost. Certainly it is difficult, but the right answer is not zero. That is what the President put in his budget. He says for the next year there is no cost to the war on terror, there is no cost to the war in Iraq, there is no cost to the war in Afghanistan. That is not credible. That is not a serious budget. That is not leveling with the American people on our true fiscal condition to put out a budget that says there is no war cost past September 30 and present that as an accurate picture to the American people of our fiscal condition. That is not serious. That is not credible. People deserve better.

The Senator also indicated nothing has changed with respect to Social Security financing. That is not true. In the last 3 years of the Clinton administration, we stopped the raid on Social Security. We stopped taking Social Security funds and using it for other purposes.

What has changed now is we have gone right back to the bad old days of taking every dime. And under the President's plan, he is not just taking

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 have had a policy of only 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. It was only 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 since 1950. We are at 15.8-percent 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 increase, but going after the tax 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 said, 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 over 10 years. 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 proposal.

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-counting energy proposals 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 $4.5 trillion hole in the President's 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 commonsense 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 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 voted in 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 instruct the House conferees to go back and adopt this pay-as-you-go principle.

We ought to do that. If the House conferees will not, we should at least adopt those provisions, this standard, for the Senate, for the way we conduct business.

There was a great editorial in the Washington Post called "Dodge as You Go." I ask unanimous consent that this article be printed for the RECORD.

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

[From the Washington Post, Mar. 31, 2004]

DODGE AS YOU GO

For a vote it derided as meaningless symbolism, the House Republican leadership certainly pulled out all the stops yesterday. At issue was a motion that would have put the House on record as supporting real "pay as you go" budget rules—that is, rules that would require tax cuts as well as spending increases to be paid for at the time they're adopted, with offsetting spending cuts or tax increases. The Senate narrowly adopted such a rule in its budget resolution, the House didn't, and the matter is about to go to conference. Yesterday's motion to instruct the conferees would have put the House on record as supporting the Senate rule.

You wouldn't think this is such a big deal. After all, the motion wasn't binding on the conferees. And the budget rule, even if it survives the conference, would apply only to the Senate, not the House. As to the merits: In the 1990s, Republicans seemed to agree that budget discipline was good for the country. They supported a stricter version of this pay-as-you-go rule, they made sure it applied to the House as well as the Senate, and it did some good. But Republican leaders are no longer concerned about fiscal integrity. Making certain that tax cuts can be enacted and extended without any procedural hurdles has become the central—you might say the only—budgeting principle of the Bush administration and its congressional allies.

Thus yesterday's scene of legislating-by-strong arm. In a familiar episode of rule-stretching and bullying, a vote scheduled for five minutes was stretched to nearly half an hour. At one point, 19 Republicans defied their leadership to support the motion. But eight eventually switched their votes, creating a 209 to 209 tie. That meant the motion failed—and at that point, the vote was hurriedly gaveled to a close. "A meaningless vote but an important principle," said a spokesman for House Speaker J. Dennis Hastert (R–Ill.) explaining the need to make certain that tax cuts would be exempt from pay-as-you-go constraints.

Other principles used to carry some weight in the U.S. House of Representatives: allowing lawmakers to vote their consciences, not manipulating voting rules to get the desired result, and opposing a reckless amassing of budget deficits selfishly left for other generations. But that was under the leadership of other speakers, and other presidents.

Mr. CARPER. I will quote one or two sentences out of the editorial.

Other principles used to carry some weight in the U.S. House of Representatives: allowing lawmakers to vote their consciences, not manipulating voting rules to get the desired result, and opposing a reckless amassing of budget deficits selfishly left for other generations. But that was the leadership of other speakers, and other Presidents.

We can do something about it. Our conferees can do something about it. My hope is they will stick by our guns

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 requires 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 Oklahoma has 5 minutes.

Mr. NICKLES. How much on the other side?

The ACTING PRESIDENT pro tempore. Three minutes 36 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. We have 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 have 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 2005. 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 DEBATE

1-year tax increases: $86 billion:

$20 billion from ''closing loopholes''
$57 billion from ''raising taxes on millionaires''
$9 billion in ''other'' (tobacco, Superfund)

5-year tax increases: $443 billion:

$104 billion from ''closing loopholes''
$291 billion from ''raising taxes on millionaires''
$47 billion in ''other''

1-year spending increases: $81 billion.

5-year spending increases: $382 billion.

Note.—Totals for Senate Democrat amendments to the 2005 budget resolution, adjusted to exclude duplicative amendments. Five-year cost assumes increased discretionary spending in 2005 would continue in future years, but does not include baseline inflation or debt service costs.

	No. and description	Sponsor	Party	Adopt	Tax/spend	M/loop/other	Ba/revenue 2005	2006	2007	2008	2009	5-yr.
	TAX INCREASES											
2803	Health security	Lincoln	D	N	Tax	Loopholes	−12.000	−12.000	−12.000	−12.000	−12.000	−60.000
2774	Indian health	Daschle	D	N	Tax	Looopholes/million	−3.062	−0.344	−0.035	0.000	0.000	−3.440
2725	Pell Grants	Kennedy	D	N	Tax	Loopholes	−2.352	−7.253	−0.196	0.000	0.000	−9.801
2790	Higher education reserve fund	Reed	D	N	Tax	Loopholes	−1.332	−4.560	−0.220	−0.052	0.000	−6.164
2775	Survivor benefit plan	Landrieu	D	Y	Tax	Loopholes	−0.876	−1.054	−0.998	−1.066	−1.520	−5.154
2719	NCLB full funding	Murray	D	N	Tax	Loopholes	−0.516	−13.244	−2.924	−0.516	0.000	−17.200
2762	21st Century Community Learning Center	Dodd	D	N	Tax	Loopholes	−0.060	−1.301	−0.541	−0.100	0.000	−2.002
	Subtotal Loopholes						−20.198	−39.756	−16.914	−13.734	−13.520	−104.121
2777	Eliminate tax breaks for millionaires	Corzine	D	N	Tax	Millionaires	−20,000	−31.000	−34.000	−39.000	−36.000	−160.000
2786	IDEA full funding	Dayton	D	N	Tax	Millionaires	−11.485	−11.136	−11.864	−12.629	−13.415	−60.529
2783	Jobs	Boxer	D	N	Tax	Millionaires	−8.000	−8.000	−8.000	0.000	0.000	−24.000
2804	Raise taxes for more disc. spending	Byrd	D	N	Tax	Millionaires	−5.656	−13.365	−3.596	−1.200	−0.429	−24.246
2710	Veterans medical care ''reserve fund''	Daschle	D	N	Tax	Millionaires	−4.860	−0.486	−0.022	−0.005	0.000	−5.373
2807	Homeland spending and tax increases	Lieberman	D	N	Tax	Millionaires	−3.664	−4.533	−4.089	−1.160	−0.175	−13.621
2774	Indian health	Daschle	D	N	Tax	Loopholes/million	−3.062	−0.344	−0.035	0.000	0.000	−3.440
	Subtotal Millionaires						−56.727	−68.864	−61.606	−53.994	−50.019	−291.209
2799	Tobacco tax for health	Harkin	D	N	Tax	Other	−7,800	−7,800	−7,800	−7,800	−7,800	−39.000
2703	Superfund fees	Lautenberg	D	N	Tax	Other	−1.501	−1.629	−1.696	−1.735	−1.754	−8.315
	Subtotal other						−9.301	−9.429	−9.496	−9.535	−9.554	−47.315
	Total Tax Increase						−86.225	−118.049	−88.015	−77.263	−73.093	−442.645
	SPENDING INCREASES											
2803	Health security	Lincoln	D	N	Spend	Loopholes	12.000	12.000	12.000	12.000	12.000	60.000
2804	Raise taxes for more disc. spending	Byrd	D	N	Spend	Millionaires	11.223					11.223
2786	IDEA full funding	Dayton	D	N	Spend	Millionaires	10.485	10.485	10.485	10.485	13.589	55.529
2719	NCLB full funding	Murray	D	N	Spend	Loopholes	8.600					8.600
2783	Jobs	Boxer	D	N	Spend	Millionaires	8.000	8.000	8.000	0.000	0.000	24.000

	No. and description	Sponsor	Party	Adopt	Tax/ spend	M/loop/other	Ba/revenue 2005	2006	2007	2008	2009	5-yr.
2807	Homeland spending and tax increases	Lieberman	D	N	Spend	Millionaires	6.800					6.800
2799	Tobacco tax for health	Harkin	D	N	Spend	Other	6.000	6.000	6.000	6.000	6.500	30.500
2725	Pell Grants	Kennedy	D	N	Spend	Loopholes	4.900					4.900
2774	Indian health	Daschle	D	N	Spend	Looopholes/million	3.440					3.440
2790	Higher education reserve fund	Reed	D	N	Spend	Loopholes	3.082					3.082
2775	Survivor benefit plan	Landrieu	D	Y	Spend	Loopholes	2.757					2.757
2710	Veterans medical care "reserve fund"	Daschle	D	N	Spend	Millionaires	2.700					2.700
2762	21st Century Community Learning Center	Dodd	D	N	Spend	Loopholes	1.000					1.000
	Total Spending Increase (without extrapolation)						80.987	36.485	36.485	28.485	32.089	214.531
	TAX INCREASES											
2803	Health security	Lincoln	D	N	Tax	Loopholes	−12.000	−12.000	−12.000	−12.000	−12.000	−60.000
2774	Indian health	Daschle	D	N	Tax	Loopholes/million	−3.062	−0.344	−0.035	0.000	0.000	−3.440
2725	Pell Grants	Kennedy	D	N	Tax	Loopholes	−2.352	−7.253	−0.196	0.000	0.000	−9.801
2790	Higher education reserve fund	Reed	D	N	Tax	Loopholes	−1.332	−4.560	−0.220	−0.052	0.000	−6.164
2775	Survivor benefit plan	Landrieu	D	Y	Tax	Loopholes	−0.876	−1.054	−0.998	−1.066	−1.520	−5.514
2719	NCLB full funding	Murray	D	N	Tax	Loopholes	−0.516	−13.244	−2.924	−0.516	0.000	−17.200
2762	21st Century Community Learning Center	Dodd	D	N	Tax	Loopholes	−0.060	−1.301	−0.541	−0.100	0.000	−2.002
	Subtotal Loopholes						−20.198	−39.756	−16.914	−13.734	−13.520	−104.121
2777	Eliminate tax breaks for millionaires	Corzine	D	N	Tax	Millionaires	−20.000	−31.000	−34.000	−39.000	−36.000	−160.000
2786	IDEA full funding	Dayton	D	N	Tax	Millionaires	−11.485	−11.136	−11.864	−12.629	−13.415	−60.529
2783	Jobs	Boxer	D	N	Tax	Millionaires	−8.000	−8.000	−8.000	0.000	0.000	−24.000
2804	Raise taxes for more disc. spending	Byrd	D	N	Tax	Millionaires	−5.656	−13.365	−3.596	−1.200	−0.429	−24.246
2710	Veterans medical care "reserve fund"	Daschle	D	N	Tax	Millionaires	−4.860	−0.486	−0.022	−0.005	0.000	−5.373
2807	Homeland spending and tax increases	Lieberman	D	N	Tax	Millionaires	−3.664	−4.533	−4.089	−1.160	−0.175	−13.621
2774	Indian health	Daschle	D	N	Tax	Loopholes/million	−3.062	−0.344	−0.035	0.000	0.000	−3.440
	Subtotal Millionaires						−56.727	−68.864	−61.606	−53.994	−50.019	−291.209
2799	Tobacco tax for health	Harkin	D	N	Tax	Other	−7.800	−7.800	−7.800	−7.800	−7.800	−39.000
2703	Superfund fees	Lautenburg	D	N	Tax	Other	−1.501	−1.629	−1.696	−1.735	−1.754	−8.315
	Subtotal other						−9.301	−9.429	−9.496	−9.535	−9.554	−47.315
	Total Tax Increase						−86.225	−118.049	−88.015	−77.263	−73.093	−442.645
	SPENDING INCREASES											
2803	Health security	Lincoln	D	N	Spend	Loopholes	12.000	12.000	12.000	12.000	12.000	60.000
2804	Raise taxes for more disc. spending	Byrd	D	N	Spend	Millionaires	11.223	11.223	11.223	11.223	11.223	56.115
2786	IDEA full funding	Dayton	D	N	Spend	Millionaires	10.485	10.485	10.485	10.485	13.589	55.529
2719	NCLB full funding	Murray	D	N	Spend	Loopholes	8.600	8.600	8.600	8.600	8.600	43.000
2783	Jobs	Boxer	D	N	Spend	Millionaires	8.000	8.000	8.000	0.000	0.000	24.000
2807	Homeland spending and tax increases	Lieberman	D	N	Spend	Millionaires	6.800	6.800	6.800	6.800	6.800	34.000
2799	Tobacco tax for health	Harkin	D	N	Spend	Other	6.000	6.000	6.000	6.000	6.500	30.500
2725	Pell Grants	Kennedy	D	N	Spend	Loopholes	4.900	4.900	4.900	4.900	4.900	24.500
2774	Indian health	Daschle	D	N	Spend	Loopholes/million	3.440	3.440	3.440	3.440	3.440	17.200
2790	Higher education reserve fund	Reed	D	N	Spend	Loopholes	3.082	3.082	3.082	3.082	3.082	15.410
2775	Survivor benefit plan	Landrieu	D	Y	Spend	Loopholes	2.757	0.000	0.000	0.000	0.000	2.757
2710	Veterans medical care "reserve fund"	Daschle	D	N	Spend	Millionaires	2.700	2.700	2.700	2.700	2.700	13.500
2762	21st Century Community Learning Center	Dodd	D	N	Spend	Loopholes	1.000	1.000	1.000	1.000	1.000	5.000
	Total Spending Increase (with extrapolation)						80.987	78.230	78.230	70.230	73.834	381.511

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. We have a tax credit, but basically it was to spend more money, $18 billion.

We didn't waive it, but most of our colleagues on the Democrat side who profess belief in pay-go voted to waive pay-go—for a bill, incidentally, that had never had a hearing before the Finance Committee, never been vetted. It is just proposed on the floor. I happen to be a supporter of pay-go.

Incidentally, people act like we have not had pay-go for the last year. That is false. The budget we passed last year had pay-go for anything that wasn't assumed in the budget resolution, period. We used pay-go and other points of order, some of which are redundant. You can make a budget point of order because a committee exceeds its allocation, or you can make a pay-go point of order. I used both. We made 61 or 62 budget points of order, on most of which we prevailed, which saved over $800 billion in new spending.

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 chairman of the Budget Committee will not be surprised that 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 we offered, we offered offsets.

I ask unanimous consent to have that chart printed in the RECORD as well.

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

FLOOR AMENDMENTS TO SENATE GOP FY 2005 BUDGET

(FY 2005–09; $ billions)		Vote	Amount	Offset	Net cost
Democratic Amendments:					
2703	Lautenberg—Polluter's Pay/Reinstate Superfund taxes	44–52	0.000	−8.315	−8.315
2710	Daschle—Veteran's medical care (reserve fund)	44–53	2.687	−5.373	−2.686
2717	Wyden—Healthy Forests Restoration Act/Function 920	Adopted u.c.	0.343	−0.343	0.000
2719	Murray—No Child Left Behind (reserve fund)	46–52	8.600	−17.200	−8.600
2725	Kennedy—Pell Grants/Close tax loopholes (reserve fund)	44–53	4.900	−9.802	−4.902
2745	Nelson—Veterans Medicare care reserve fund/Close tax loopholes (reserve fund)	46–51	1.791	−1.791	0.000
2762	Dodd—After School Programs/Close tax loopholes (reserve fund)	42–54	1.000	−2.002	−1.002
2774	Daschle—Indian Health Service (reserve fund)	42–54	3.440	−6.880	−3.440
2775	Landrieu—Military Survivor Benefit Plan/Close tax loopholes (reserve fund)	Adopted v.v.	2.757	−5.514	−2.757
2777	Corzine—Tax savings to strengthen Social Security	Withdrawn	0.000	−160.000	−160.000
2780	Clinton—Minority Health/Deficit neutral requirement (reserve fund up to $400 M)	Adopted u.c.	0.000	0.000	0.000
2783	Boxer—Job creation (reserve fund)	41–53	24.000	−24.000	0.000
2786	Dayton—IDEA Part B/Reduce tax breaks for the wealthiest (reserve fund)	Rejected v.v.	39.423	−60.529	−21.106
2789	Sarbanes—Fully fund FIRE and SAFER Act/Reduce tax breaks for top 1% (reserve fund)	41–55	1.430	−2.860	−1.430
2790	Reed—Higher Ed Financial Ed/Close tax loopholes (reserve fund)	Rejected v.v.	3.082	−6.164	−3.082
2793	Dorgan—Increase funding for COPs, Byrne grants, and local law enforcement grants (reserve fund)	41–55	1.100	−2.200	−1.100
2799	Harkin—Increase funding for health programs/Cigarette tax (reserve fund)	32–64	30.500	−39.000	−8.500
2803	Lincoln—Expand health care coverage/Close tax loopholes	43–53	60.000	−60.000	0.000
2804	Byrd—Increase discretionary caps/Close tax loopholes & other (reserve fund)	43–53	24.246	−24.246	0.000
2807	Lieberman—Restore cuts in homeland security/Reduce tax breaks for millionaires (reserve fund)	40–57	6.800	−13.621	−6.821
2817	Levin—Homeland security grants/SPRO sales (reserve fund)	52–43	1.545	−1.700	−0.155
2820	Mikulski—Tuition tax credit/Deficit neutral requirement (reserve fund)	Adopted v.v.	0.000	0.000	0.000
2833	Bingaman—Pediatric vaccine distribution/Deficit neutral requirement (reserve fund)	Adopted u.c.	0.000	0.000	0.000
2848	Byrd—Correct scoring for Project Bioshield (make consistent with 2004 resolution assumptions)	Adopted u.c.	2.528	0.000	2.528
2850	Dorgan—Homestead Act/Function 920	Adopted v.v.	1.915	−1.915	0.000
	Subtotal, Democratic Amendments		222.087	−453.455	−231.368
Republican Amendments:					
2697	DeWine—Child Survival & Health Program/Function 920	Adopted v.v.	0.330	−0.330	0.000
2715	DeWine—Reconstruction of Haiti/Function 920	Adopted v.v.	0.500	−0.500	0.000
2731	Graham—TRICARE & GI Bill/Rescind Iraqi reconstruction (2 reserve funds)	Adopted v.v.	6.800	−6.800	0.000
2733	Sessions—NASA Space exploration/Function 800	Adopted v.v.	0.600	−0.600	0.000
2741	Specter—NIH—Discretionary health/Function 920	72–24	1.300	−1.300	0.000
2742	Warner—Restore cuts to Defense/No offset	95–4	7.638	0.000	7.638
2784	Crapo—Clean Water State Revolving Funds/Function 920	Adopted v.v.	2.850	−2.850	0.000
2794	Thomas—Rural health programs/Function 920	Adopted u.c.	0.100	−0.100	0.000
2821	Coleman—Pell Grants/Function 920	Adopted v.v.	1.884	−1.884	0.000
2822	Murkowski—Indian Health Service/Function 920	Adopted v.v	0.281	−0.281	0.000
2823	Inhofe—ESPC Directed Scorekeeping (CBO costs of $1.7 B over 5 years)	Adopted v.v.	1.660	0.000	1.660
2832	Enzi—Workforce Investment Act/Function 920	Adopted u.c.	0.247	−0.247	0.000
2839	Snowe—SBA programs/Function 920	Adopted v.v.	0.115	−0.115	0.000
2843	Hatch—Restore cuts to law enforcement grant programs/Function 800	Adopted v.v.	0.600	−0.600	0.000
2844	Dole—Child Nutrition Programs/Function 920	Adopted u.c.	0.820	−0.820	0.000
2845	Lugar—Restore cuts to International affairs/Function 920	Adopted u.c	1.524	−1.524	0.000
2846	Murkowski—Veterans Medical Care/Function 920	Adopted u.c.	1.194	−1.194	0.000
2849	Kyl—Veterans Medical Care (reserve fund)	Withdrawn	0.000	0.000	0.000
2852	Collins—Postal Service reform/Deficit neutral requirement (reserve fund)	Adopted v.v.	0.000	0.000	0.000
	Subtotal, Republican Amendments		28.443	0.000	0.000
	Grand Total, All Amendments		250.530	−472.600	−222.070

*Outlays (excludes associated interest costs/savings). Amount of each amendment includes estimated costs of any contingent reserve funds (which may or may not be released).

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. The debt 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 President's 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 Senator has 30 seconds.

Mr. CONRAD. I want 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 our time.

The ACTING PRESIDENT pro tempore. All time has expired.

Under the previous order, the Senate disagrees to the House amendment to S. Con. Res. 95, agrees to the request for a conference with the House, and the Chair is authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3.

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 respond 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 amendment, which increased the minimum wage from $5.15 to $7 an hour. Is that the pending amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NICKLES. Mr. President, I have great respect for my colleague from Massachusetts. If the State of Massachusetts wants to increase the minimum wage to $7, or $8, let them do it. What may 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 1968. My wife and I made that.

That was our first job when we married. And by having a job, we could start climbing the ladder.

I am afraid Senator KENNEDY's amendment which says let us increase the minimum wage from $5.15 to $7 an hour is going to hurt some of the people he professes to help. I heard his comment yesterday that this is going to lift 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 actually 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, maybe not going to an Ivy 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 southern California who can't get a job at $7 an hour. Maybe that job is flipping 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 saying 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 unemployed.

I find that to be a bad economic argument. I am afraid it would hurt a lot of people. I am afraid a lot of lower income 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 janitor service.

My point being not to lift this economic 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. Almost everything is self- serve. We don't have too many people sacking groceries today. There are a lot of jobs maybe that have been priced out of the marketplace. I don't know if that is good.

I would rather have somebody get a job even if it doesn't pay very much because they start climbing the economic ladder. I would hate to pull that ladder up so high that maybe it would deny them the opportunity to start climbing, to start improving, to learn work habits.

One of the good things about a job—and many people like myself and others started when they were very young—is if they did not learn anything else they learned to be on time. You have to report to work. You have work habits. You have certain things to do that are expected. One of the things you learn many times is it is not enough money. They learned they can't get by. My daughter has already learned that working part time in a clothing store won't cut it. It is not enough. She demands more. So she knows she has to improve her skills and have a higher education so she can demand more in the workplace. But having that job is good.

If we start telling everybody all across America no, if the job doesn't pay at least 36 percent more than the present minimum wage, at least $7 an hour, sorry, I am afraid there will be a lot of jobs lost, I don't know how many hundreds of thousands of jobs this amendment would cost, but it will cost many.

I don't think we should try to legislate economics. As a matter of fact, I know a lot of businesses—I suspect there are a bunch in Montana and other places—particularly rural areas, that are struggling to survive. They might be small mom-and-pop stores, and Wal-Mart came in down the street. Maybe they are not making any money today. They might be struggling. Maybe it is a little hardware store in a town with a population of 12,000 and they have been there for 30 years. They have part-time help. They may pay somebody $5.15 or $6 an hour to work there. All of a sudden, a big Wal-Mart comes in. They are losing money and business. They are just trying to hang on.

Then Congress passes a bill which says the minimum wage is going to go up by 36 percent. Now you will have to increase that from $5.15 to $7 an hour.

We are not making any money now. We are losing money and can't compete. We are just hanging on. They realize 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 revive.

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 people in poverty. It may be denying the opportunity for a young student who might be working part time to help pay for vo-tech, or maybe work part time so they can get through college, or to become 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 minimum, a lot of people used to say yes. If you ask the question whether it should 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 says. But this amendment says it is against the Federal law.

Again, if the State of Massachusetts wants to do it, and its economy is good, and maybe wage patterns and living costs are so high, that might be appropriate. But many States have minimum wage laws. There is a lot of difference between them. There is a lot of variance, as well there should be.

But to come in and say we want to increase the federal minimum wage to $7—that may take away the chance for some people to start climbing that economic ladder.

It is far more important to give people opportunity to work than almost anything we do. The work habits and skills they obtain from their first job are very important. The first job for some people is a minimum wage job. I would hate to price people out of the marketplace in so many cases. Clearly,

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 Republicans let us 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 had 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, for 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 25 hours and some minutes. 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 under their rules a House Member has the opportunity to seek recognition, the basic rule is 5 minutes. In the Senate it is as long as you can possibly speak.

What is another unique right of the U.S. Senate? One other right is the right to offer any amendment on any bill at any time without notice.

Now, when you stop and think about that, on one level that sounds a little strange. That tends to make things a little disorderly, doesn't it? Yes, it does make things sometimes a little disorderly, but, nevertheless, that unique 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 legislative body 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 the sunshine is on that 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, as well as on amendments 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 about as the 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 a better place; that is, we want to 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 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 years. 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. I might say, the last time, in a real legitimate sense, we took up this underlying legislation, the TANF bill, I think we were on it for 12 or 13 days, and there were 43 votes.

Senators offered amendments, Senators debated amendments, and Senators 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.

We did get rid of welfare as we knew it. Both President Clinton and President Bush said we needed to get rid of

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 rollcall votes on that bill when we first passed 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 met 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 childcare 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 debate the amendment. Clearly, 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 this bill and 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 Pennsylvania propounded 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: First, at a time determined by the majority leader, the Senate conduct back-to-back votes on the Republican minimum wage amendment and the Boxer amendment; that the bill then be limited to germane amendments; that at 9:30 a.m. on Thursday, the Senate proceed to vote on passage of the bill; and that the Senate request a conference with the House and the Chair and 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 passage of a bill makes 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 the consent agreement were 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 of administrative practice which 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, undermining the minimal safety net 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 means cutting families off 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 a unique situation where the same 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 offer even relevant amendments. It would seriously limit Senators' rights 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 work its will. We are willing to do that. We are willing to work to get a finite list of amendments. 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 merely that Senators be able to debate, to amend. We ask merely that Senators be able to do that which makes the Senate ''the remarkable invention'' about which Gladstone spoke.

I urge my colleagues to uphold the rights of Senators. I urge Senators to allow a vote on lifting the minimum wage, and I urge Senators to oppose cloture.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, we are hopefully at a position today where there is going to be some decision made by leadership—meaning the Democrat leader and Republican leader—on proceeding on this legislation. In the meantime, we will proceed with amendments and hopefully move along as best we can without having a certain finality.

I had a chance to listen to my colleagues' statements. I will make this commentary. We have already said to the minority, the Democratic leadership, that we are prepared to vote on amendments that are before the Senate. So the issue is not voting on amendments before the Senate. There is some feeling that we are going to get this bill to finality. That doesn't mean not voting on a lot of amendments. That can be worked in as well. All we want is some certainty that we are going to get to finality. Finality means getting to conference.

We have a couple pieces of legislation that have been sitting around this body, after the body has finished work on them, not being able to go to conference. One is the CARE Act, an acronym for legislation that encourages charitable giving. Another one is the Workforce Investment Act. These are two pieces of legislation that have been before the Senate, and the minority, the Democrats, will not let us go to conference on these pieces of legislation.

So, in a sense, the Senate has worked its will, but the legislative process has been shut down. It seems to me if this legislation includes so much of what the Democrats want to accomplish in the way of reform of welfare—particularly the vote we had yesterday, very dramatically increasing by $6 billion the amount to be spent on childcare—that they would want this legislation to become law. So we need some assurance from the other side that if we agree to voting on some amendments that they want to vote on—that is no longer an issue—we want to move ahead with germane amendments.

There is not an argument about the number at this point. We can get to a vote on this, but most important is not have it stalled in the Senate as those other two pieces of legislation. 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 taken away from the Energy Committee and 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. There were 2 weeks of debate on 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 issues for that 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 in the majority in 2003, the committee system was allowed to work, developing 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 light at the end of the tunnel. Is there anything wrong with saying: Are you guys—meaning the Democrats—going to do what you did on the Workforce Investment Act and the CARE Act and let the Senate become a graveyard again just because something is happening that you don't like?

It seems to me there would be a lesson learned from the last election. When the Senate became a graveyard, the people of this country sent a message that they don't want the Senate to be a graveyard. They gave the majority to the Republicans. We show that we can produce. Yet look what we are running into—the CARE Act, after a year of not going to conference. I don't know how long the Workforce Investment Act has been waiting to go to conference. We were stalled last week on a bill the Democrats agreed ought to become law, the FSC/ETI bill. That stalled.

I would not say the Welfare Act is stalled. But what do we know is down the road? What is wrong with a little bit of transparency. The transparency is that they present an amendment on minimum wage and they want a vote. So we present a plan to get to a vote on that very important issue, but we cannot get some assurance that we may not be in the same boat as with the CARE Act and the Workforce Investment Act.

When it comes to the minimum wage being important for welfare, I suggest to the other leaders that, as chairman of the committee, in a letter I received from them last year, which is not dated—I received this letter, and it was signed by 41 Democrats—telling us the things they wanted in this legislation that the Finance Committee was going to be working on at that particular time. They were setting out priorities they believed we had not adequately dealt with. In this letter, there was never any mention of minimum wage being an important part of welfare reform legislation.

I did take what they said in this letter very seriously, and they dealt with issues such as universal engagement, ending the caseload reduction credit, strengthening child support, extending TMA, providing additional State flexibility, issues dealing with postsecondary education, no superwaiver, no increase in work without State flexibility. Of all of those provisions they raised concern about, none dealt with minimum wage. I and the majority tried to accommodate the minority members who signed this letter and put these things in this legislation. These provisions are all in this bill.

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 committee. I, obviously, agreed 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, and they never became law—we have tried to make the committee system work. When specific requests are made, such as 41 Democrats sending us a letter raising concerns about their issues, 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 because they need issues instead of product. Did they learn a lesson from the last election? Do they want to lose more seats in the Senate? I don't think they do. But I think they have to get a better game plan than shutting down the Senate because we are in the majority to make this place work.

I know there are a lot of Democrats who are intent upon making this place work, and I know Senator BAUCUS, my ranking Democrat, is committed to making this place work. There should not be any reason we have to have a cloture vote, particularly when we made overtures to the other side to vote on a lot of important issues on

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 deduction, 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 No. 1 goals 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 part of the total 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 other side 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 game?

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 they want to be a less significant 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.

The Senate, when 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 we have 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 made by the 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, 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 amendment.

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 the floor manager would permit us to do so.

I mention once again how ridiculous I think the argument is from the other side that this is not 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 supposedly 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 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 (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 they say we are trying to delay it 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 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. 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 suggest 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 ahead 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 have the chance 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 approximately $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 were going to have the robber 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 textiles and they will see the letters from children who are 7 and 8 years old who were writing and who were working in the mills 10 or 12 hours a day, in many instances 7 days a week. Some of the most moving of those letters are by these 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 8 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 find out 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 heard earlier 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 survive on 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 appear, by those who are opposed to the increase in 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 we are really talking about. Who are these people who are earning the minimum wage? We have heard speeches on the floor. 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 the aged and infirm 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 forwards,'' 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 in a fast-food place, too. 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 gotta 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.''

The list goes on. We have this situation:

As she weighs bunches of purple grapes or rings up fat chicken legs at the supermarket where she works, Fannie Payne cannot keep from daydreaming.

''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. They visit a private hunger center monthly for three days' worth of free groceries, to help stretch the $60 a week they spend on food.

''We're behind on all our bills,'' Mrs. Payne said. ''We don't pay electricity until they threaten a cut-off. To be honest, I'm behind two months on the mortgage—that's $600 a month. We owe $800 on the water bill and $500 for heat.''

The Euclid Hunger Center helped her seek aid from her parish, Saint William's Catholic Church, but it hurt that three cars broke down in six months.

''They all died and we had to get Mike to work, so we bought a good used car we can't afford.''

The first thing to go was money for food herself and husband. ''Some nights Mike and I eat our kids' leftovers, and if we don't have enough money for milk, I feed the kids soup for breakfast,'' she said.

Living with housing hardship. Hector Cuatepotzo, a waiter in the upscale Miramar Hotel in Santa Monica, lives in a tiny, one-bedroom apartment with his wife, Maria, 6-year-old daughter, Ashley, and infant son, Bryan. All four sleep in the same small room, with Bryan's crib nestled in one corner, Ashley's bed in another.

Cuatepotzo earns about $20,000 a year in salary and tips, equal to about $10 an hour, almost twice the minimum wage. But with $625 a month in rent and another $80 monthly gas and electricity, the family spends more than 40 percent of their income for housing. Cuatepotzo works from 6 a.m. to 2 p.m. and travels 40 miles round-trip to work each day because rents in buildings closer to his job are even higher.

Since Maria took time off from her job in the restaurant to have the baby, they received several eviction notices for late payment.

Cuatepotzo is thinking about getting a second job, but that would mean rarely seeing his children. Cuatepotzo, who has worked at the Miramar since arriving from Mexico 10 years ago, would like to own his own home someday. ''It's my dream,'' he says. But he can't imagine how he'll ever get there when his family lives paycheck to paycheck.

This is what is happening all across this country. These are not people who are slackers; they are hard workers.

Here is Deborah, 23, from Pennsylvania, a single mother and survivor of domestic violence. She has two daughters. She was evicted from her home in New Jersey. She now resides in Clairton, PA, where she works as a salesperson in a grocery store earning $5.35 for 30 to 35 hours a week. Deborah has no health coverage for herself or her girls. Her earnings are spread thin to cover childcare 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, get needed 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 drycleaners 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 be valued accordingly.''

Elaine Murphy and her three 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 to their homes. In Oregon, 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 can 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 afterschool 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 health 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 to support their families 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 argues that working 40 hours a week for something as important as special needs education, she should not need Government handouts; 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. I will show the chart here, what more has happened with regard to the minimum wage over recent years.

On the far side of the chart, this is purchasing power in the year 2000, dollar purchasing capability; in 1968 the equivalent of $8.50 for minimum wage. The red line indicates how the minimum wage has gradually dropped, how we were able to get it raised in 1990, and how we were able to get it raised in 1997 and 1998. Now we see it dropping without this increase to about its all-time low.

This is a minimum wage, not a maximum wage. We hear those saying, if you are going to go for $7, why not go $10 or $15? That is missing the point. What we are trying to do is get this increased 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 real people. I have given examples of why the Secretary of HHS believes a minimum wage job is relevant to this bill. We have indicated we are prepared to vote on it. We daresay it is those on the other side, who do not want to vote on it, 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 for people as well, we have 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 go hungry. African-American households, Latino households, and households headed by single mothers were much more likely than the national average to experience food insecurity, and also more likely to experience hunger.

I have the household food security for the United States. This study, put out 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.

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 terms of the impact of hunger on children in this 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 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, 425,000 people in Massachusetts lack access to adequate food. In low-income communities in Massachusetts, 20 percent of 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, in low-income communities, one child in three lives in a household struggling to put food on the table.

Our State is one of the most prosperous, fortunately, in the country. This is what is happening in households in my State. If it is happening in Massachusetts, it is happening in States across this country.

We have the broad figures. As we go along, I will have the opportunity to continue to give speeches and to point this out.

Listen to this one more time.

According to the U.S. Department of Agriculture, 425,000 people in Massachusetts lack access to adequate food. In low-income communities in Massachusetts, 20 percent of the 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, in low-income communities, one child in three lives in a household struggling to put food on the table.

And we have opposition to an increase in the minimum wage.

How much evidence do you need over there? How much child hunger do you need to increase the minimum wage? What more in the world do you need?

That is happening not only in my State but in States all over this country. Children are facing real hunger because the parents are falling further and further and further behind.

I have a book full of those examples, some of which I read. I have a book full of examples from all over the country. This is what is happening. The problem is getting worse.

The Department of Agriculture indicates there are 35 million Americans hungry or living on the edge of hunger for economic reasons—35 million of our fellow citizens. There are 290 million people in this country, and 35 million of them are facing serious challenges with hunger in the United States today.

We will have a chance in half an hour, if you want to take a very modest step to increase the minimum wage. It is not going to solve the problem, but it will sure do more about it than the current legislation which is before us. That we know.

There are 300,000 more families hungry today than when this administration first took office. Twenty-three million Americans sought emergency food assistance from the hunger relief organization Second Harvest.

Isn't that a fine description of what our country is coming to.

As I indicated, these are men and women of dignity and respect, people who are working hard. We find in a number of the hunger programs, the Food Stamp Program and others, they are vastly underutilized because men and women have a sense of pride. They don't want to take handouts from the Federal Government. Even some of the school lunch programs are underutilized in some areas because parents don't want to have their children appear to come from a poor community.

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—cannot afford balanced adequate 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 the challenges that 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 right now about it.

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 down so we will 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—

> 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, too. 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: 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 are 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 indictment in terms of the failure of both our State and the Federal Government to be able to provide the help and assistance.

We have the one recommendation by Republicans and Democrats alike, the mayors all over this country, who are close to the people on it and say: We have one single recommendation. They did not recommend the extension of TANF. They recommended one thing: increasing the minimum wage. That was their single recommendation.

We heard statements just yesterday. I, very briefly, will respond to the arguments that if we raise the minimum wage we are going to contribute to the problems of unemployment in our society. I am glad to go through this issue. We have extended charts. We have debated this frequently the other times we had the increase, with the Kruger studies from New Jersey, which are probably the most extensive studies. I have the whole working paper.

It goes into great detail as to the impact, historically, on the job market.

As I mentioned before, the yellow line on this chart is the rate of unemployment in the year we increased the minimum wage, showing the rate of unemployment in October, when we had the second increase in the minimum wage, and then several months later.

So you have the cumulative two increases in the minimum wage. And what was its impact on the rate of unemployment? As you see, going back to the 1996 increase, 1997, and then several months later, the unemployment rate remained at 4.7 percent.

If you break it out with regard to African Americans, Hispanics, and teens, it is very much the same. You had 10 percent unemployment for African Americans, and 9.5 percent. If you take both the increase in that year and this year, and then take the result for those two, look at the next year; it was at 9.3 percent. If you look among Hispanic Americans, it is the same pattern. And if you look among the teens, it is the same pattern.

Strong opposition said it is going to increase unemployment, it is going to

increase teen unemployment, and minority unemployment. It does not do so.

Another factor is the issue about whether this is going to be an inflater. As I mentioned, if you look it over—for those who want to 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 the impact.

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 nighttime, 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 the mother has one 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 it is finally enacted in the House—and I think with a strong vote here it will be—and if it is signed by the President—and if we have a strong vote in the House and the Senate, the President is going to sign it—it is going to make a big difference because 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.

The PRESIDING OFFICER (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.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are involved in debate on a 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 conference.

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 a person working at a 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 $9,310 a year. 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 between the ages of 16 and 19.

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 assistance through the earned income tax credit and through 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 Federal taxes 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 money that they would not qualify for the earned income tax credit or qualify 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 one stops at a local donut shop, they do 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 of economics or the business place works. 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 earn a livable wage, but if Congress could wave a magic wand and 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.

The reason supporters of a minimum wage stop at $7 is because they know if the minimum wage is raised higher it means yet higher prices and fewer jobs. To deny these facts is to deny economic reality.

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 by $7 or $70 or $700 all have ensuing ill effects. The only difference is the smaller the increase the smaller the effect. Those who support a smaller increase are hoping that by only raising the minimum wage to $7, 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 and thanks to food stamps. If we want to help low income workers, we should support policies like 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. It cannot repeal the law of supply and demand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened to my friend from Iowa, and he is my friend. It is amazing to hear the response to an increase in the minimum wage. They say we are going to let other Government programs look out after these proud, hard workers who are trying to provide for themselves and for their families. Effectively, if we follow the way that the Senator from Iowa suggests, we are going to have to tax more people a lot more so that those programs are going to be there because we refuse to have employers do what they should do, and that is to pay a fair wage.

Sure, everybody could be put on welfare and not have any minimum wage. What is the possible logic? Those Senators on the other side have been trying to cut those programs back for years. The programs dealing with nutrition, home heating and programs for food, they have been trying to cut those back for years. This administration has been trying to make EITC much more difficult to get.

In order to oppose the increase in minimum wage, they say, well, the EITC program is out there. We are talking about proud men and women who want to work hard and look after their children and have a sense of dignity and not depend on welfare programs. The answer for those who are opposed to us is, give them more welfare programs.

That is an insult to these working men and women. We reject that as an argument. We reject it.

We are standing for the dignity of those working men and women who ought, in the richest country in the world, in the strongest economy, to be able to work hard and bring up their children with respect and dignity and not a handout.

The Senator makes the point why we need the increase in the minimum wage. Because those workers are not receiving it today on their own. They should be able to get it. We are committed to trying to get an increase on the minimum wage.

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. A 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 of itself, 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.

I just heard my colleague from Iowa saying, rather than raising the minimum wage, we ought to be putting more into food stamps. What kind of a solution is that? I thought we were going to give people the dignity of work. We ought to get them off welfare and get them into jobs. Now I hear some people say the best thing is giving them more food stamps. I am all for food stamps. It has been a real blessing to our society. But that is sort of a welfare answer. It sounds as if we turned the clock back and we go back on welfare again.

The economic policies of this administration are simply not working as advertised. It is still sputtering. 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 top down. You fertilize 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 ought to be ashamed of ourselves 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 if 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 is 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.

The other side 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 has filed a cloture motion, 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 cloture motion 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 Mr. Thompson. 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. They are living at home, they 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, for a low-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, employment, 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. There were 6 million new 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 proposal 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 the 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 mean actually 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 earlier by Senators KENNEDY and BOXER. We have to keep showing them because these facts are stubborn things. People are working the same.

Back in 1968, in real 2003 dollars, the minimum wage was $8.50.

In other words, if we had indexed to inflation the minimum wage in 1968, it would be $8.50 an hour. That is just indexed for inflation. But if you look at where people were back in 1968, look where we are now. The people who were working back in 1968 at minimum wage jobs are the same people, the same kind of people, the same class of people who are working today. They are doing the same kind of jobs. Why was that job worth $8.50 in 1968, but that same job today is only worth $4.98 an hour?

You might say the minimum wage is $5.15. But if we don't increase it by the end of this year, the real value of that will be $4.98 an hour.

Why? It is the same job, the same work. Why was it worth $8.50 an hour then, and it is only worth $4.98 an hour now? It is because we haven't done our job about keeping up the minimum wage. We keep pushing people down.

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 is stuck.

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.

Again, here is 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 heating bills are high; if they 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 for the work they do. Why is it 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 walk out, and you do not 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 hear anybody say that. I said I sort of heard echoes of that: Well, if we set 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 poor people who 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 backward and just have a welfare system? As Senator KENNEDY said, rather than taxing the American people to provide food stamps and welfare benefits and things like that, it is better to raise the minimum wage and give them a decent living wage rather than putting them on welfare. That is bad for the people on welfare.

I supported welfare to work. I believe in it. But in order to move people from welfare to work, they need some health care benefits; they need some childcare. Fortunately, we passed the Snowe amendment. We need an increase in the minimum wage, and they need housing. But keeping them at this less-than-subsistence wage will not do it.

I have almost heard some echoes, also, that this is some kind of a partisan issue. I went back to look at this issue. Senator KENNEDY pointed this out, and I have a chart to point it out again. I think it is very instructive. Since Franklin Roosevelt, when we got our first minimum wage in 1938, almost every President has raised the minimum wage, including Eisenhower, Gerald Ford, and George H. W. Bush. Interestingly, Reagan and this President Bush are both missing. But it has been bipartisan in the past. We have had Republican Presidents who have raised the minimum wage, as well as Democratic Presidents. So I do not think it is a partisan issue at all. It is an economic issue. And it is how you view the value of work.

Now if you believe people ought to go out there and work for whatever an employer wants to pay you, and if you don't like it, you can go somewhere else and try to get something better. We have tried that before in our country. We see that happening in other Third World countries because there is always some poor sucker worse off than you who will work for less than you will.

I really do not think that is the kind of country we want to become. Work should have honor and dignity, and the minimum wage today is not giving dignity to the work these people do.

I will close. I see the Senator from Idaho wants to speak. I will wrap up in a second.

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. This 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—which 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. We are being told 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 we are supposed to have open and free-form debate and be able to vote on these issues. But these parliamentary tactics keeping us from

voting on things such as overtime, extending unemployment benefits, and now the minimum wage are unworthy of the Senate, unworthy of this country, unworthy of our jobs.

I close by saying again, this is an issue that cuts very deeply. I remember I was in my home State in the last year, and I found an interesting thing, that more people were relying upon the food banks in Iowa. I thought to myself: Why is that happening? Our unemployment is not that high. It went up a little bit, but why were more people going to food banks in increasing numbers than the unemployment rate was rising?

I found out these are low-income workers. They are minimum-wage workers. They get food stamps. But because we have cut back on food stamps, their food stamps run out about the 20th of the month, and they have to go to the food banks for the rest of the month. I have to believe if it is happening in Iowa, it is happening all over the country.

It is time to give dignity to the people who do the humblest work in our country. Let's get them back up to what they had in the past. If their job in the past was worth what today would be $8.50 an hour, it is at least worth $7 an hour now.

What if we took corporate CEO salaries from 1968 and said they have to now have the same percentage reduction this year as those on minimum wage? Boy, the hue and cry that would go up on that one.

I have made my point. I hope we defeat the cloture petition. I hope we have a vote on increasing the minimum wage, and I hope it passes overwhelmingly. I hope the President will be on board and support it so we can give dignity to our workers.

I thank the Senator from Idaho for his patience and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Idaho.

Mr. CRAIG. Mr. President, I have listened most seriously to the Senator from Iowa on the issue of the minimum wage. My guess is, before the legislative year is out, we are going to vote on this issue. I believe it is important the Congress express its will. Certainly the minimum wage is a part of the total economic makeup of our country, and we need to be concerned about it. When we are talking about welfare reform, we know good-paying jobs are a part of getting people off welfare.

We also know creating an economic climate in which jobs can grow is another way of making sure we have good-paying jobs, be they minimum wage or slightly or substantially above. It is the whole of the economy that makes our country what it is. It provides for the middle class and the upper class and all of those others who have been the tremendous energy and engine of this economy for so long.

The day before yesterday and yesterday, I came to the Chamber to speak about the ever increasing price of 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 poorer people? You bet it does. They spend more of the 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 suggesting that again we 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 twice and we have had ample 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.

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 in our 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 per capita has gone down, whether it be with the individual consumer or whether it be with corporate America or business and industry. But growth in our country has gone up. Yet we have largely denied our country a progressive supply-related energy policy. In other words, we have simply ignored the reality of the marketplace of supply and demand.

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.

During the decade of the 1990s, with 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, gas supply at the pump, whether it was commercial, we used 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 crude oil imports grew 30 percent last year, from the same supplier that is supplying 60 percent of our crude oil, the crude oil markets 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, and it is growing. That is part of the reason for these record prices.

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 State and Federal investigations 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:

COMPLETED INVESTIGATIONS OF OIL INDUSTRY PRICING

Date of investigation	Investigating body	Description of probe
May 1973	FTC	". . . investigation of competition in the industry is incomplete and no decision about any antitrust action has made made"—New York Times.
August 1975	Pennsylvania	Grand jury investigation underway—Newsweek.
1977–1983	DOJ	"The Justice Department yesterday ended a six-year investigation it said produced scant evidence that the major oil companies had conspired to run up the price of Persian Gulf oil in the late 1970s."—Washington Post.
May 1979	DOJ	"President Carter orders investigation of gasoline shortages in California. Report cites loss of Iranian crude supplies following overthrow of the Shah and finds insufficient evidence of collusion."—Houston Chronicle, May 29, 1996.
1984	DOJ	"investigates increases in home heating oil prices in the winter of 1983–84."—Houston Chronicle, May 29, 1996.
1989	37 State Attorneys General	"Over half the states . . . have launched investigations of possible price-gouging . . . Thirty-seven state attorneys general wrote to the Justice department requesting an investigation of gas-price increases."—St. Petersburg Times.
January 1990	DOJ	". . . again looks into home heating oil and propane prices after prices spiked during an especially bitter cold snap in December 1990."—Houston Chronicle, May 29, 1996.
August 1990	DOJ	"The antitrust division began the investigation on Aug. 6 in response to the nearly immediate increase in gasoline prices after the invasion [of Kuwait]."—New York Times. "The investigation is called off two years later."—Houston Chronicle, May 29, 1996.
September 1990	United Kingdom	"The five major UK oil companies, Shell, Esso, BP, Texaco and Mobil, were today cleared by the Office of Fair Trading of fixing petrol pump prices . . . There was no evidence of collusion . . ."—Press Association.
1993–1995	North Carolina	"Apparently, the monopoly question needs further study."—Charleston Gazette (editorial).
AG Investigation Initiated in 1994	Minnesota.	
1994–1998	Arizona	"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.
May 1996–May 1997	DOJ	"Bingaman 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 & Trade Regulation Daily. "No enforcement action was taken," a DOJ spokeswoman said.—Houston Chronicle, May 20, 1997. "The [DOJ] completed its investigation of rapidly rising gasoline prices that occurred last spring by declaring it found no evidence that refiners and marketers engaged in price fixing or any illegal activity."—21st Century Fuels, June 1997.
May 1996	Canada	"The [Competition] Bureau first investigated allegations of collusion and price-fixing in 1973. Several subsequent inquiries have all produced the same result: no evidence was found to prove that the big oil companies act in concert to dictate retail gasoline prices."—Maclean's, May 27, 1996. "Officials from the departments of industry and natural resources say privately that the inquiry . . . is unlikely to uncover a sinister conspiracy by the oil companies to fix pump prices that often fluctuate in unison according to gas supplies and the time of year."—Maclean's, June 3, 1996.
October 1997	Connecticut	"The U.S. Conference of Northeast Governors (CONEG) . . . called on major oil companies to explain recent gasoline price increases, and Connecticut Gov. John Rowland (R) is expecting a report this month that might be referred to the State Attorney General for an investigation into possible price-fixing."—Octane Week, October 13, 1997.
May 1998	FTC	"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 7, 2001. Investigation closed.
May 1998	Iowa	"The Iowa Attorney General's office launched an investigation into price fixing in Dubuque and Waterloo. The Attorney General's office said from the beginning that proving price-fixing without insider would be difficult and did not find evidence of it."—Des Moines Register.
GAO Study of California Prices Initiated 1999	GAO	GAO study of California gasoline prices requested by Sen. Feinstein finds the state's high gasoline prices are due to the strict supply and demand nature of gasoline.
AG Investigation Initiated Summer of 1999	California	Preliminary investigation reveals no evidence of wrongdoing; high gas prices may be the result of low competition in the market.
AG Investigation Initiated Summer of 1999	Alaska	"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] Botelho said, "I am closing the investigation because there is insufficient evidence indicating a violation of the antitrust laws."—Governor's Press Release (Nov. 21, 2002).
AG Investigation Initiated Summer of 2000	Iowa	"Iowa Attorney General Tom Miller said Thursday he uncovered no evidence of illegal price-fixing, collusion or antitrust violations while investigating spikes in gasoline prices last summer."—The Gazette, April 20, 2001.
AG Investigation Initiated Summer of 2000	Missouri	No evidence of wrongdoing. Investigation closed.
AG Investigation Initiated Summer of 2000	Indiana	No evidence of wrongdoing. Investigation closed.
Investigation of Midwest Prices Initiated Summer of 2000	FTC	No evidence of industry wrongdoing/collusion. Final FTC Report released March 30, 2001. Investigation closed.
AG Investigation Initiated Summer of 2001	New York	"Recent higher gasoline costs [in New York] are not the result of price gouging, price fixing or other collusion, conclude State Attorney General Eliot Spitzer."—Times Union, May 13, 2001.
AG Investigation Initiated Summer of 2000	Kentucky	Initial investigation of Kentucky gasoline prices last summer [2000] found no wrongdoing; specific investigation in Louisville's West End remains open.—Cairrier Journal, May 11, 2001
Impact of Mergers on Gas prices; Initiated Summer of 2002	GAO	GAO findings due to Senate Subcommittee on Investigations (Senate Government Reform Committee) by August 2002.
AG Investigations Initiated Summer of 2001	Minnesota	No evidence of illegal pricing behavior by retailers or refiners following terrorist activity of September 11.
DOE Investigation of Gasoline Price Increases; Initiated September 2003.	DOE.	
Department of Consumer Protection	Connecticut	DCP press release of 11/26/03 states, "While numerous factors contributed to a sharp increase in gasoline prices this summer, wholesalers and retailers were not hiking prices to pad their profits . . ."

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 at $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 deals with 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 areas. 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 readjust before they can produce that kind of fuel, and that kind of fuel costs more money than a standardized kind of fuel. As a result, 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, but there are 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 continental 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—outsource 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. In fact, it comes from a headline 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 darn bad 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 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 almost 100 percent—how can we keep 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 headed offshore to 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 cannot even create jobs in other 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 you had to 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, shame 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, while he was still President-elect, 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 politics of energy 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 Senators. 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 talk to 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 self-sustaining in our energy needs, 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 diesel 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 sources can be reduced as 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 the 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 States, 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. That change in vision produced dramatic results. The total Nebraska caseload dropped 11 percent by 1998, the lowest number in 18 years. Average monthly caseloads fell 30 percent from 1993 levels. A family's time on assistance had been cut almost two-thirds to 11 months from the time under the old system, and Nebraska taxpayers saved $14 million moving families from dependence to independence, from welfare to work.

This 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 to fund schools and other programs 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 my colleagues 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 meet those 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 to help the State provide for Nebraska's children. I am proud to say I was one of those in the majority who voted for that amendment.

With flexibility, the States can tailor their programs to meet their specific needs and save money in the process. A large part of our success in Nebraska in the 1990s was due to the new flexibility allowed under the 1996 law. We now want to expand that flexibility so more States can craft their own unique methods to succeed.

Yet Employment First also recognized some persons, especially single women with children, needed additional help with family matters, such as childcare and transportation, and with the Federal funds that were provided were able to do that.

Today I wish to talk briefly about the Alexander-Nelson-Carper-Voinovich amendment or, if I am talking to Nebraskans, the Nelson-Alexander-Carper-Voinovich amendment that would provide that flexibility to the States.

Our amendment would create the accountability for a results demonstration project to provide greater flexibility to up to 10 years. But we wouldn't just provide flexibility, we would demand results and accountability. States participating in the project would be required to ensure all adult TANF recipients have a self-sufficiency plan, much like Nebraska.

As I said, we have put this to work in Nebraska. It has made a tremendous difference in how recipients look at their own lives. It helps them map out 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 entry earnings and earnings gains 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 their agreed-upon 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 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. This amendment will help them meet 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. 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 finding the best way to help people get from dependence to independence. If State plans using a combination of work and removal of barriers to work

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.

ENERGY

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 if that was the impression that some people had.

The truth is, 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 reasonably 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, and accordingly 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 Presiding Officer 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 at this stage.

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 which can be 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 technical assistance 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 task force 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 action by 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. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I know we are here today to talk about TANF, the Temporary Assistance to 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. Today 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 to those who came onto the program before it expired on December 21. As of today, there are 1.1 million people 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. In fact, 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 have had to cash in 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 had to take 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 going to get better. I am all for the economy getting better. I actually believe in the potential of many sectors in the American economy to lead us back to a stronger place. 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, the economy in 2003 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 on 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 with a bill to reinstate the unemployment benefits program.

Let's 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 Washington State has 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. Yes, we were deeply affected by 9/11. 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 going on. No 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 a variety of other 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. This high growth means the economic pie is getting bigger but all that extra money in Gross Domestic Product has actually gone to corporate profits.

Now, 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 1990s we had 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.

A 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 benefits. 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. I am not saying our 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 simplistically 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. That is a business publication that talks 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 these 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 are 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 am 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. At least we know now the President is saying he is going to support it. I wish he would call on a few Members on the other side of the aisle. We could certainly use his help.

I am also bolstered by the fact that even the White House Press Secretary Scott McClellan, at a press conference after Snow's comments said, ''We have always said we would work with Congress on the issue of unemployment benefits.''

If that isn't an invitation to pass this legislation today, I don't know what is.

American workers who have been left out in the cold and who, with their employers, have paid into the unemployment trust fund ought to get the support they deserve.

I remind my colleagues that a majority of Members in both the House and the Senate—58 Members over here and 227 Members in the House of Representatives—have voted in support of reinstating this program.

The fundamental question for an unemployed person sitting at home—whether you are in Detroit or Pittsburgh or in Washington State—is if both the House and Senate have a majority of Members voting for this, if we have the Secretary of Treasury supporting it, if we have the President's spokespeople saying they will work with the Congress on it, why can't we get unemployment benefits for the American worker?

I am not going to continue to belabor this point on the floor.

I go back to my business experience. I trust the fact that people who understand business and how to stimulate the economy know something needs to happen.

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 illnesses 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 act. It is time for us to do something on this issue.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the Senate now proceed to calendar No. 470, S. 2250, a bill to extend the Temporary Extended Unemployment Compensation Act of 2002 for displaced workers, that the bill be read three times and passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from New Hampshire, I object.

Objection is heard.

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 on numerous occasions. Again, she has very eloquently laid out a very thoughtful argument about exactly 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 successfully, I might add—she brings a very special knowledge and awareness to these issues and this debate and discussion.

I wonder if my colleague has seen the most recent statistics. In fact, they were released today from the Bureau of Labor Statistics. I do not believe my colleague referenced them, but they illustrate the point she is making.

According to them:

> As of February 2004, 35 states have failed to get back to their pre-recession employment 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 unemployed, 43 states have higher 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.

I was not sure if my colleague was aware of those numbers. Don't they make the case even further? These are numbers released today, not going back 6 months. But they point out, once again, the sluggishness, to put it mildly, of job creation.

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, who exhausted their 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?

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, for 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 are interested 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. I know the Senator from Texas 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 FRIST 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 to it.

That 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's political parties—our respective caucuses—to move some of these important issues along.

But do the members of the Democratic Party in the Senate think only Democrats have important 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 made 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 1995 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, but 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 made very well, I believe. But here is the other side of that. You can create jobs and not have productivity—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 you want to do what America can 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 raise the 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. Will the Senator yield for a question?

Mr. GRASSLEY. Yes, I will yield for a question.

Ms. CANTWELL. I thank the Senator. This Senator has the utmost respect for him and his positions and his understanding of this issue. He is right. Productivity is something we want to embrace. It is good for America. You will not that I did not talk about the outsourcing issue. I talked about the fact that these things are good and there are lots of sectors of the economy that are going to be very robust for us in the future, issues the Senator is well advised on—nanotechnology, biotechnology, aerospace, and software. They are all going to be positive sectors.

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 managing this particular 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 up amendment 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 certainty of it. 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. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, there are three or four of us here. Maybe we should make a unanimous consent request. I plan on taking 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 our 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 ganging 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. SNOWE, 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. We have served together now 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 their bulletin:

> In considering this legislation, the administration would strongly oppose any amendment that increases funding for the Child Development Block Grant fund.

''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 get. Most of them 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 dependency to work.

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—then the likelihood 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 embraced 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 they at least have a chance, once they 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. A livable 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, this body found room to increase 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 not impossible, to sustain a family 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 daily goal of survival. We must stop 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 inner cities where poverty exists. Without exception, regardless of their politics, teachers will tell you children who are not getting the attention and time and care needed are starting their lives way behind.

Ultimately, we 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 real value of the livable wage has fallen dramatically over the past 30 years. The livable wage workers are being left further 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 the year after that, to $7. That is what we are proposing. I suspect some negotiation might happen in order to get something done. But, we cannot even vote on the issue.

Today, more than 34 million people live in poverty, including 12 million children. Among full-time, year-round workers poverty has doubled since the late 1970s, from 1.3 million then to 2.6 million in 2002. An unacceptably low minimum wage is a key part of the problem we are trying to solve. Every day the minimum wage is not increased, it continues to lose value and workers fall farther behind.

Minimum wage workers have already lost all of the gains of the 1996–1997 increase, 7 long years ago. Today, the real value of the minimum wage is more than $3 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would actually have to be closer to $8.50 an hour than to $5.15, which is where we are today.

In the past 7 years, salaries of lawmakers have gone up by $23,400, giving ourselves 6 raises, while minimum wage workers continue to earn $10,700 a year. Nearly 7 million workers would directly benefit from the proposed minimum wage increase 35 percent are their family's sole earners and 61 percent are women. Almost one-third of those women are raising children. An increase to $7 an hour for a full-time, year-round worker would add $3,800 to their income.

What does that buy? If you are living in affluence, not much. But $3,800 for a minimum wage worker and their families means buying more than a year of groceries; 9 months of rent; a year and a half of heat and electricity in their homes; or full tuition for a community college degree. I know there are those who object to this increase and believe it is going to slow economic growth in the country. That is not true.

Ever since there has been a minimum wage increase, there has been no ill effect on economic growth in the country. I suggest by doing this, there is a greater likelihood we are going to keep people in the workforce—even if they are minimum wage jobs—and allow them to provide the bare survival needs of their families, so they don't fall back into a dependency situation of one kind or another.

I think we all become winners if we give these people a chance to have a higher standard of living than that which they are presently getting with the $5.15 an hour wage.

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. I think for 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 every day not to fall back into 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 was a decent paying job. 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 strength of our economy or champion this negative view just because they view it to be in their own political self-interest to undermine public confidence in the economy.

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 something else. We are going to have policy differences. We are going to have differences of position, and that is to be expected, and that is fine. But we should agree on the facts.

Fact No. 1: Home ownership is at an all-time high in the United States of America, and that is an enormously good and positive thing. More people in this country are achieving part of the American dream.

Interest rates we know are at a historic low. Productivity is booming which, in turn, increases the ability of employers to invest in their business and to create even more jobs. And indeed, the gross domestic product in this country is growing by leaps and bounds.

One fact we should and I think we can agree on is the unemployment rate is standing at about 5.6 percent. The interesting thing about that is the

story we heard in 1996 from the distinguished minority leader from South Dakota, back at a time when we had a 5.6 percent unemployment rate. Senator DASCHLE said:

> The economy is doing extraordinarily well. . . . We have the lowest rate of inflation and unemployment 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 with a 5.6 percent unemployment rate, it is obvious the economy is not creating any jobs. But indeed it was another Clinton back in 1996 who said:

> I was gratified to hear our partners praise the strength of our economy . . . Lower interest rates have helped us slash unemployment—

To what? That is right, to 5.6 percent.

It seems for many of our colleagues on the other side of the aisle, a 5.6 percent unemployment rate under a President 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 Americans 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 we can all agree on, I am sure, is any person out of work who wants 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 encourage full employment and we ought to provide everybody in this country who wants a job the ability to provide for themselves and their families.

Sometimes you get the idea our colleagues 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 reaction 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 that ultimately 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 Arnold CEOs and corporations'' who engage in outsourcing as a way to maintain their competitiveness in this global 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, that ''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 Secretary, knows an awful lot about economics, 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 America's competitiveness in the world economy.

As Mr. Reich wrote:

> It makes no sense for us to try to block efforts by American companies to outsource.

Just this month, Mr. Reich was interviewed in the Pittsburgh Post-Gazette and asked: What do you think about the move in Congress to bar Federal contracts from being outsourced to other lower cost countries? Mr. Reich's response:

> A silly political ploy.

Yet even as outsourcing continues to be a subject of discussion and even as some of my colleagues in this body throw it out as something that is bad and hurtful to America and America's competitiveness, we all seem to have forgotten it also goes the other way. Indeed, my State of Texas is one of the leading beneficiaries of what I will call insourcing; that is, foreign investments in America.

According to the Texas Department of Economic Development, Texas has more than $110 billion in foreign investment, direct investment in our State, and that is approximately $5,000 in foreign investment for every Texan—$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 corporations. 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 American people rather than giving them the information they need to understand 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 citizens of my State by encouraging this foreign investment in our country is a bad idea. If we are to cave in to fear mongering by those who want to erect a protectionist wall around our country, do my colleagues think other countries might choose 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 employment save money and maintain their competitiveness in a global economy 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 employers would have would be to pack up their American company and simply move it overseas. What good would that do? That would obviously cause more harm than good.

We are dealing with a simple economic truth, and one that far too many ignore or choose to distort for partisan political purposes in this election year. We have to recognize that in the 21st century, we are competing in a true global economy, and our job in Government ought to be to try to find ways to enhance America's competitiveness in the economy, not the other way around. That is why I believe education, job training, and the President's community college initiative he talked about during his State of the Union address are so important, steps also endorsed by Chairman Alan Greenspan. These programs, which I have seen in operation in communities across my State, from Amarillo to Houston to Austin, have created opportunities 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 businesses and community colleges when it comes to training and retraining the workforce for these good, high-paying jobs.

High taxes, overregulation, and rising health care costs, in an environment that encourages people to sue first and ask questions later, are damaging our global competitiveness. Those on the other side who seem to persistently 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 believe we can sue, tax, and regulate our way to economic growth and prosperity are just flat wrong.

In this body, we have had many opportunities to address some of these competitiveness issues. We had the opportunity earlier this year to pass class action reform and medical liability reform which would lower health care costs so more employers could provide health care coverage at a more reasonable cost to more employees. We have

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 are prescribing 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, no vote, no closing off 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, and compound the misery of 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 all of the facts surrounding what the various 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 I think getting it right means 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 is why every Member of this body voted 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, Rand Beers, who had 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 remains astonishing, given 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-Qaida network is not confined only to Afghanistan. It would be misleading and dangerous to suggest that eliminating a handful of al-Qaida leaders eliminates the threat from the network. None of these al-Qaida forces should ever know a moment's peace. We must wage a relentless campaign against al-Qaida around the world, and we will not be done 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 campaign targeting the terrorists who attacked this country. I am pretty confident most Americans expected the same thing. What we did not expect was that elements of that effort would be left to tread water so that we could focus resources on the war in Iraq instead.

Instead of keeping our eye on the ball, instead of focusing on winning the fight we are in, this administration launched into a tremendously costly 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-Qaida. Even though the report The Network of Terrorism, published by the State Department in the wake of 9/11, which begins with the words of the President of the United States, listed 45 countries where al-Qaida 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.

As I said before, even 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 to protect our interests.

As you know, by 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-Qaida terrorist attacks on the United States, the U.S. Government declared a global war on terrorism. The nature and parameters of that war, however, remain frustratingly unclear. The administration has postulated a multiplicity of enemies, including rogue states; weapons of mass destruction proliferators; terrorist organizations of global, regional, and national scope; and terrorism itself. It also seems to have conflated them into a monolithic threat, and in so doing has subordinated strategic clarity to the moral clarity it strives for in foreign policy and may have set the United States on a course of open-ended and gratuitous conflict with states and nonstate entities that posed no serious threat to the United States. Of particular concern has been the conflation of al-Qaida and Saddam Hussein's Iraq as a single, undifferentiated terrorist threat.

He continues:

> This was a strategic error of the first order because it ignored critical differences between the two in character, threat level, and susceptibility to U.S. deterrence and military action. The result has been an unnecessary preventive war of choice against a deterred Iraq that has created a new front in the Middle East for Islamic terrorism and diverted attention and resources away from securing the American homeland against further assault by an undeterrable al-Qaida. The war against Iraq was not integral to the [Global War on Terrorism], but rather a detour from it.

Some have argued that Iraq itself is the central front in the fight against terrorism, despite the absence of significant evidence linking the Saddam Hussein regime to terrorists who attacked this country. They point to the indisputable fact that in post-Saddam Iraq, terrorists are operating in Iraq and they are targeting our brave American soldiers as well as innocent American and Iraqi and other civilians. This is a true statement. It is also a painful reality. But it is not a strategy for defeating al-Qaida. Just because there are attacks in Iraq does not mean there will not be attacks elsewhere. The terrorists working for and with the al-Qaida network will not all be attracted to Iraq. We can't bring them all in there and defeat them there.

Right now, terror cells are plotting and planning and operating in many other places around the world—in the Middle East, in east Africa, in southeast Asia, in northern Africa, in central Asia. Pretending that a ''roach motel'' strategy against terrorist networks is a viable way to protect our national security would be almost laughable if the consequences were not so deadly serious.

There are heartbreaking human costs to the families of killed and injured troops, and there are astronomical economic costs—costs that America is writing bad checks to cover—as well. And there is the cost we can never know or measure, the cost of missed opportunities to make progress in the fight against al-Qaida and associated 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 eliminate the terrorist threat 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 destroyed our credibility internationally and domestically with regard to warning about future events.''

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 terrorist networks out of the shadows 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. Somehow the fight against terrorism, which was and should still be a rallying point for global unity and resolve, has become divisive.

We know that the military plays a critical role in fighting terrorism. But 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, makes it tempting to turn to 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 that we should 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 auditors who could freeze 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 we can draw from recent events 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 they know that the battle 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 for his statement. 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 able to express himself very well. I acknowledge his statement today and extend for the second time this afternoon my appreciation for his statement.

Mr. President, there has been a lot of talk on the Senate floor today, but I am very disappointed it has only been talk. We are not legislating. For this very important bill on the floor, we have had one vote. There are many people in the Senate who have more experience than I as a national legislator, but I have been here 22 years. I know how the Senate operates. I know how it used to operate.

The way it operates today is not pleasant, I am sorry to say. There is no reason we cannot be real legislators, 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 that he is overqualified for but that is badly needed, doing hernias and other types of surgery.

So I do not say this in any way to take away from the dignity of his job. I do not want, in any way, to demean him personally. But I am just saying, the Senate is not being handled right. I do not know if it is because of the advice he is getting from his other Senators or what the reason is. Maybe he is getting advice from the White House. I do not know. But we should be moving through these pieces of legislation.

For example, the FSC bill, this very important tax bill, Senator HARKIN offered an amendment on overtime. Why did he offer this amendment on overtime? Because we believe—and we have substantive facts to back us up—that 8 million people, because of actions taken by this administration, will no longer be entitled to overtime pay.

Who are these people? They are firemen; they are police officers; they are nurses. If someone disagrees with us, let them come and oppose the Harkin amendment in the light of day and say I don't like the Harkin amendment for this reason or this reason or this reason. And then let's vote on it.

Senator HARKIN has said, on many occasions, he will take a very short time agreement on the amendment. What does that mean? It means he would take 15 minutes. The majority could have 15 minutes. Let's have a vote on the amendment.

This amendment passed before. It passed the Senate last October. The House instructed its conferees to do exactly what the Senate did. But that bill was not allowed to move forward because there was an effort made—and successfully—not to vote on that overtime amendment.

So now we move to the reauthorization of the welfare bill, TANF. Senators BOXER and KENNEDY offered an amendment dealing with minimum wage. Certainly, on a welfare bill that is an amendment that seems to have some bearing. We want to do what we can. I have supported the welfare-to-work programs we have had going. But one of the things we have to do is make sure these people moving off welfare and on to work can earn a living.

As we have established on the Senate floor, quite clearly, minimum wage jobs are not jobs that are set aside for kids from high school to flip hamburgers or for old Americans who are in a state of semiretirement and need a little extra work. No. Sixty percent of the minimum wage jobs are held by women. And for the majority of those women, that is the only money they get for them and their families.

We want to raise the minimum wage from $5.15 an hour. If someone opposes, let's have a debate on whether we should raise the minimum wage. But, no, we are not allowed to vote on that issue. There have been some complaints that, well, there are other amendments. We will give you a vote on that maybe, but we have to have an agreement on the other amendments.

Why can't we legislate the way we used to? Just work our way through these amendments and produce a tax bill and produce a welfare bill? It might require we work a night or two. It might require we have votes on Friday and even Monday, but I do not understand why we are in this situation. I do not think it is good for the institution. I know it is not good for the American public.

We are not in control of the Senate. Because of the untimely death of Paul Wellstone, our margin dropped from 50 to 49. It would have been 50–50 had he not been untimely killed in that plane crash. Now we are in the minority, 51–49. We understand that. We understand there will be a day in the future when we will be in control, and we will want as much cooperation as we can get from the minority. I hope when we are in the majority we will be treated to the sense that the Senate is the Senate, as it has been for more than 200 years, and we will work through these amendments.

We have been concerned—and I am happy to see the fact that in a bill earlier today the leader of the Budget Committee, Senator NICKLES, and the ranking member, Senator CONRAD, agreed there would be a real conference where Democrats and Republicans sit down and try to work out differences between the bill. That is the way we need to do it.

There has been a pattern where Democrats are not even allowed into the room at a conference. My limited amount of math shows me we are in the minority. And when you have a conference, we are going to lose most of those votes anyway, but we are entitled to have a discussion in those conference committees about ideas we have. Maybe if our ideas are good enough, we can get somebody from the majority to agree with us and we can win on some issues in those conferences.

I can't imagine why we are not doing a better job on moving these pieces of legislation. I see my distinguished friend, the majority whip, my counterpart. Maybe he is here with some good news that we are going to start moving some of this legislation. I hope that is the case.

I want to be as constructive as I can to help work through this legislation. But for the life of me, I cannot see why we can't vote on overtime and on the minimum wage. It is good for the institution. It is good for the country. We are willing to take our chances. If there are more votes to defeat overtime and the minimum wage, that is OK. That is the way things happen. But we think we can win both measures and move past this on to something else that is related.

I have heard discussions of the ranking member, Senator BAUCUS, who has indicated some of the things we need to get done in the TANF bill. I have said on the Senate floor on a number of occasions, I don't know of two Senators, in leadership positions with committee assignments, who get along better than the senior Senator from Iowa and the senior Senator from Montana. They work out their differences.

I am convinced there is ground to be made up here. We can still do these two bills. We want both of them passed. Forty-nine Democrats want the welfare bill to pass. We also want the tax bill we were on last week to pass. We want these bills to pass, but we believe there are some institutional issues that are important, and the American people are entitled to votes. I am not going to be drawing any overtime, but there are

8 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 have a bearing 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. MCCONNELL. 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 Congress ago, we didn't filibuster judges on the floor of the Senate. In fact, we hadn't done 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 we can stipulate the minority 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. Even 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 is ''handling the Senate,'' 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 outbasket items. But, of course, one of the privileges each Member of the Senate has is to prevent a time certain for a vote. And that is used around here frequently in order to make sure something else happens.

The something else the majority would like to have happen—and certainly the majority leader would like to have happen—is the chance of finishing a piece of legislation, getting it to conference, resolving the differences, and sending it on down to the President for signature. That is the way we used to legislate, I say to the Senator from Nevada, who was suggesting longingly that we ought to go back to the way we used to legislate, as he put it. That is the way we used to legislate.

Our position has been, as we have discussed this back and forth off the floor, let's see a limitation on amendments that allows the minority the opportunity to have their vote, allows the majority an opportunity to have a similar vote on a similar subject, to work our way through the legislative process, and then a guarantee at the end that there will be a conference allowed so the legislation we have spent time on has some chance of becoming law.

I can say to my friends on the other side, there is no chance—zero chance—that the majority in the House of Representatives is going to let the minority in the Senate dictate to them the final content of legislation that leaves the Senate. That is simply not going to happen.

I agree with my good friend from Nevada: Let's get back to legislating the way we used to. Legislating the way we used to means a limitation on amendments, amendments that are relevant certainly to the underlying bill but not just those, even those that are not relevant, with opportunities for the other side to offer their 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 conspicuous 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 shelved last week because of an excessive number of amendments is something we know is extremely important to accomplish.

Levies have been put in place, a European 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.

TRIBUTE TO STEVEN J. LAW

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. In that position, 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 1990 reelection 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 professionally managed that operation in 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 my Elaine Chao, 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 on very important things, 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 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 want 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 balked at conferences. Very simply, for example, 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 are willing 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 bills passed is 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 sometimes they are bad. 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 go to conference. 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 did it 51 times in 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 be stopped from 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 for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH GASOLINE PRICES

Mr. INHOFE. Mr. President, I rise today as consumers in America—businesses and farmers and families—are facing gasoline prices at a record high. 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 the crisis we are facing, and that is 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 was nowhere to be found when 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, but not 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 over the 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 no specific plan to do so 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 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 stockpiles. The effect, according to Energy Information Administration, was 1 penny savings per gallon of gasoline. So that does not work. It makes good conversation, it sounds good, but we know it does not work, and he knows it, too.

During that time, the junior Senator from Massachusetts stated himself that a release is not relevant. It would take months for the oil to get to the market, he said. Now he has flip-flopped and it is the cornerstone of an energy plan more about politics than meeting the real needs for American families and businesses.

Even experts such as the Federal Reserve Chairman Alan Greenspan, former Carter Energy Secretary James Schlesinger, and other top energy officials have warned for years that the Strategic Petroleum Reserve should not be used as a market management scheme. It is there for national security. I think we all understand that.

Further, it is important to note while we have a Strategic Petroleum Reserve, we do not release our strategically held resources to fit political whims but should only do it to address a major supply disruption, such as political instability from a source nation, which is highly likely, and I think we understand that situation. The relative instability of supply nations is well known. Our Strategic Petroleum Reserve is our Nation's buffer, a safety net. The junior Senator from Massachusetts would have us squander our Nation's strategic reserves for his political gain, forcing our country into a far weaker position.

The presumptive Democrat nominee's call to release oil from our strategic reserves is also surprising to me because what he is really calling for is to increase our domestic supplies. Experts agree that one of the principal reasons that our Nation was able to weather the oil embargo of the 1970s was largely because new supplies were coming online from Prudhoe Bay, AK. Yet, as I said before, the Senator staunchly opposes developing oil from the Alaska National Wildlife Reserve. The policy of the junior Senator from Massachusetts seems to be: Let us use our strategic reserves but not have any more oil to replenish them.

The Senator is also quick to praise himself for his foreign policy experience. Yet that experience must not have translated to the energy sector. Oil is a global commodity; therefore, the world market must be considered. What has happened in the global market? China's increased demand for oil has constrained world oil supplies which have only been exacerbated by OPEC's recent reduction restrictions.

We should also note that another key component of the Senator's plan to address our Nation's high gasoline prices is for the administration to get tough with or jawbone OPEC, the implication being that President Bush is not advocating America's interest, that he is too soft.

The foreign policy of the junior Senator from Massachusetts is interesting on this point. On one hand he criticized the President for not kowtowing to the United Nations and countries such as France in the war on terrorism and on the other hand suggests that the administration is too soft on oil-producing nations. You cannot have it both ways.

In addition, the Senator has been a supporter of drastic climate change legislation that would cripple our economy and legislation that would literally shut down powerplants in the United States, the outcome of which would send hundreds of thousands of American jobs overseas and seriously stress our supply of energy.

It was the Wharton Econometrics Survey that came out with the conclusion that if we signed on to the Kyoto Treaty, it would cost 1.4 million jobs—that is what we are talking about today: jobs—it would double the price of energy, it would cost an increase of 65 cents a gallon on gasoline, and it would cost the average family of four $2,700 a year. That is not JIM INHOFE talking; that is what came from the Wharton School of Economics.

In addition, the Senator has been a supporter of drastic climate change legislation that we have talked about that would be disastrous for this country. Again, since the Senator has not developed an energy policy before and failed to show up for the Energy bill vote, I must look to his words and not his actions to determine what is the intent of his energy policy.

The Senator's recommended energy and environmental policy seems to be tainted with an overriding intent to impose his utopian view of the future without any consideration on present reality at any cost. The junior Senator from Massachusetts makes nonhydropower renewable energy a cornerstone of his energy policy. Again, however, we must look to the Senator's words on the matter and not his deeds.

Last year's energy bill renewed a tax credit for wind and solar energy, a credit that expired on December 31. The Senator failed to show up for the crucial vote and the tax credit died. Prior to that vote, Randall Swisher of the American Wind Energy Association said: If the energy bill dies, extension of the wind production tax credit will also die for any time in the foreseeable future.

Swisher and many in the industry contend the credit is essential to maintaining their businesses. He said:

> If we weren't in the bill, the credit that is the foundation of our industry was going to expire and with it our industry would expire.

So, yes, it was important for them to see the energy bill move forward. President Bush recognizes the valuable contribution renewables can play in our Nation's energy mix. The President dedicated $1.7 billion over 5 years to develop hydrogen fuel cells and related technologies. In 2005, in his budget, it includes $228 million for a hydrogen fuel initiative, an increase of $69 million, or 43 percent, over the 2004 funding to develop the technologies to produce, store, and distribute hydrogen for the use of fuel cell vehicles, electricity generation, and other applications.

The 2005 budget proposes tax incentives totaling $4.1 billion through 2009 to spur the use of clean, renewable energy and energy-efficient technologies.

President Bush's plan invests in the future. He wisely recognizes nonhydropower renewable energy represents only about 1 percent of our Nation's energy mix.

The Senator, on the other hand, would mandate 20 percent of our Nation's electricity be generated with those very same renewable sources by 2020.

In 2003, DOE's Energy Information Administration concluded a 10-percent mandate could cost Americans more than $100 billion. However, the effect would likely be far more severe in certain regions of the country where ''not

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 world view on people without bothering to consider our 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 we all understand that. Coal right now, whether the junior Senator from 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, today it is too costly, which leads me back to the Senator's overriding intent behind his suggested energy policies.

The presumptive Democrat nominee and his radical environmental group supporters also recognize renewables are 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 energies 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 and we were asked to 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.

Some may scoff at what 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 multi-million-dollar mansions in Beverly Hills.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). 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 a candidate for 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 PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. No, I do not yield.

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 to talk about JOHN 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?

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 difficult 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 they 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 being made 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 for 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.

AMENDMENT NO. 2945

Madam President, we have, over the course of the day, had 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 been willing to have a 20-minute time 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 in 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 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 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 minium wage it had virtually no adverse impact on the question of unemployment. 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 conditions.

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, whether we 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 Porter.

Cynthia Porter is not on welfare. She works as a certified nursing assistant at a nursing home in Marian, Alabama. When Cynthia comes on duty at 11:00 p.m., she makes rounds. She checks the residents for skin tears and helps them 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 her shift. Often there are only two nursing assistants for forty-five residents. In addition to responding to the needs of the residents, Cynthia must also wash the wheelchairs, 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 Clorox or shampoo. Ensuring that 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 fired.'' There is no public 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 Marian 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 $6.00 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 and 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 go full-time, but H&R Block only offered work 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 had no benefits.

After a year, Linda left her job at George and Stanley's after they refused to give her a 25 cent raise and went to work at Kessell's on the day shift for $5.25 an hour. But 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 three jobs became 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 two 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 past the washer and dryer. Like most basement apartments, it is damp 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 call from a nurse in a doctor's office dictating a prescription over the phone or a customer at the counter giving her a prescription. Once she has the information, she gives it to the pharmacist to process in the computer. Then it is Judy's responsibility to check that information and get the proper medication from the shelf. She counts the pills that are prescribed, puts them into the bottle, affixes the proper label to the medication, gives the filled prescription to the pharmacist for her review, and puts it in the proper bin for the customer to pick up.

Once the customer arrives, Judy must ensure that she has the right prescription and that the proper forms are filled out. She must ask the customer whether they understand the prescription, whether they want counseling or have any further questions. Their 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, Judy stays late, 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 of 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 $6.65 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, in low-income households where 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 and 1997—when food security rates increased slightly; and following administration of the Food Security Supplement . . . of 1995. Food security rates also increased modestly following 1995. . . .
>
> (4) Inner city households have the highest levels of food insecurity, followed by suburban and rural households. Other 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 have to live 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 our fellow Americans and not say 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 is 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 adjust $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 not supporting a family. I was not 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 $11,000 per year.

Madam President, less than $11,000 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 to go to; 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.

The other thing people 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 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—where the Presiding Officer is from—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 one 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 allow that to continue. Democrats are 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 it to them, 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 not just encouraging words about 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 mean 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, we 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 a 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.

Mr. TALENT. Madam President, the hour is getting late. I am going to take a few minutes of the Senate's time to talk a little bit about welfare reform. It is a subject that has been close to my heart for a long time. I was a freshman in the House when I introduced, along with then-Congressman Tim Hutchinson who subsequently served in this body, what we called the real welfare reform act.

The idea behind that bill was to stop talking about welfare reform in terms of whether we could save money or whether we could stop fraud in the welfare system and start talking about what was really at stake, which was replacing a system that had punished work, that had discouraged marriage, that had torn down neighborhoods, and had mired people in despair and replaced it with a system that encouraged work for able-bodied people, required it in some cases, that supported community-based solutions, and built up neighborhoods.

We talked about that bill for several years. Welfare reform gained steam. There were some who opposed it the whole time, who fought a last ditch effort on behalf of the status quo; a pretty lousy status quo it was, too. But eventually we passed the bill by very large majorities in both Houses. President Clinton signed it. There were predictions of doom. It has turned out to be—I guess now by consensus—the most successful legislation of the 1990s, and the most significant social reform passed in the last generation in this Congress. Now the extension of that bill, the new welfare reform bill, the attempt to extend the benefits of work and marriage to more and more people around this country, is being filibustered.

That is not a new thing in this Senate. I made a quick list. We can't approve nominations for judges; that is being filibustered. The Energy bill was filibustered. The liability relief bill was filibustered. The tax break for manufacturers to try and keep manufacturing jobs in the United States was filibustered. Now welfare reform is being filibustered in the name of passing a minimum wage increase.

Of course, there are varying opinions in the Senate and around the country about the minimum wage. I have supported it in the past, when it was linked to tax benefits or other kinds of support for small business because whatever you think of it, it is a mandate on small business. We ought to support small businesspeople, the ones who are creating the jobs in the country, if we are asking them to increase their payments.

Whether you do or you do not support the minimum wage, though, it is a terrible mistake to filibuster the welfare reform bill in the name of passing the minimum wage bill. As a matter of fact, my understanding is the leadership has offered to take votes on that and several other measures that Senators on the other side want to offer, if

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 an unreasonable 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. Child 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, she is now working and 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 cash at the grocery store instead of 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 beyond the politics of the 24-hour 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 gotten people out of poverty. 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 got 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 them 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 subsidies, food stamps—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, which 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 in the bill to enable you 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. We can open 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 had 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 darkness by talking about what 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 with the partner with whom 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 them and say, 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 know 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 other legislative bodies. I am new here 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 legislative bodies are about actually doing something. 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 there?

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 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 discussion from an issue focus groups say doesn't help you on an issue, but the focus group says does help. I don't think that politics works. Here we are holding up legislation on behalf of—I am afraid to say it, but I think of politics that is not even very good politics and certainly will end up hurting a lot of people.

I have worked on this subject for a long time. I have an underlying faith that we are going to get our act together at some point and get this done. 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, who are excited about what has happened in the last 7 or 8 years as a result of the passage of the 1996 bill. We did something good.

Work and marriage can make a difference for people. We can have a Federal Government that is aggressive in helping people in a way that is consistent with the great values upon

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 assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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 after 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 ever. Perhaps he was referring to India. He certainly could not be referring to the United States.

Yesterday, we had another administration official—in this instance Treasury Secretary Snow—talking about how wonderful outsourcing is for our economy. Don't ask the people who are out of work, I can tell you that, and don't ask their families.

This notion the U.S. economy is currently generating record numbers of jobs is thoroughly specious. It would be laughable if it were not so pathetic. The claim is based on data selectively culled from something called the household survey. Economists from Alan Greenspan on down insist the accurate measure of jobs gained and lost is the payroll survey. Even the President's own Council of Economic Advisers relies on that which we call the payroll survey.

This is something I know something about. Before I came to the Senate, I was the chairman and CEO of a company called ADP, Automatic Data Processing. It was a company I started with two other neighborhood friends in the city of Paterson, NJ. The company was named in its earliest days Automatic Payroll. Later on, as we expanded our reach of services, it was changed to Automatic Data Processing, ADP. For the information we are discussing here, it specialized, among other services, in payroll processing—in other words, writing paychecks for client companies that relied on us to compute their payrolls. Now, I know a paycheck when I see one. ADP, the company I helped found and run for many years, pays over 30 million people each and every pay period. Approximately 10 million of them are outside our boundaries in other countries, but more than 20 million work in America and are paid right here. So I know something about payroll structure.

Interestingly, one of our most distinguished board members was a fellow named Alan Greenspan, the Alan Greenspan who is now the Chairman of the Fed. He was on the ADP board. He was on the ADP board as a very valuable director. He developed a service that was called the ''econometrics'' plan. ADP, my company, the computer service company, would 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. They are both done 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 accurately.

These are the facts: For every minute George Bush has been President, nearly two Americans have lost their private sector jobs. I know it is difficult for our friends on the other side. The Republicans have an impossible task of trying to convince Americans the economy is better now than it was before George Bush became President. It is a difficult task. They should try to refrain from saying things everyone knows are just plain untrue.

On Monday, I attended a symposium in New York City on the life and career of our dear friend and former colleague Pat Moynihan. As conservative columnist George Will noted, Pat was fond of saying: Everybody is entitled to their own opinions but not their own facts. I wonder if Members on the other side of the aisle agree with me.

I ask unanimous consent to have printed in the RECORD a statement Alan Greenspan and others have attested to. That statement refers to the household survey versus the payroll survey and it quotes several people. One is Alan Greenspan, who said at the House Budget Committee hearing on February 11, 2004: Everything we have looked at suggests that the payroll data is what has to be followed. Additionally, the establishment survey, the payroll survey, better reflects the state of labor markets. That is from CBO, the Congressional Budget Office. That was done in a report called the Budget and the Economic Outlook, an update, August 2003.

Another statement that the payroll survey is the best indicator of current job trends was made by Kathleen Utgoff, the Commissioner of the Bureau of Labor Statistics—which is the organization that conducts the surveys—at a hearing before the Joint Economic Committee, March of 2004. One final thing is the fact that the 2004 economic report of the President uses the payroll survey to assess the state of the labor market. I do not think there can be any doubt about which one is the more reliable one to use.

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

''Everything we've looked at suggests that it's the payroll data . . . which you have to follow.''—Alan Greenspan, testifying before a House Budget Committee Hearing, February 11th, 2004.

''The establishment [payroll] survey better reflects the state of labor markets.''—Congressional Budget Office, The Budget and Economic Outlook: An Update, August 2003, page 34.

''The payroll survey is the best indicator of current job trends.''—Kathleen Utgoff, Commissioner of the Bureau of Labor Statistics, which conducts the surveys, at a hearing before the Joint Economic Committee, March 2004.

The 2004 Economic Report of the President uses the payroll survey to assess the state of the labor market.

EMERGENCY CONTRACEPTION

Mr. LAUTENBERG. I would like to discuss another subject, if I might, 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 the 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 again 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 committees 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 again I say, these decisions are 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 announced, 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 a political agenda not only threatens women's health but everyone's health. It threatens the health of our society.

Do we want to resemble what we see in places such as Iraq, where women are subjected to second-class treatment? I was once in Saudi Arabia, in the first Gulf war. I was in the airport. There was a fellow there wearing a turban and a long dress-type suit. At his feet was what I thought was a bag of rags, black rags, because it just looked tumbled together and there it was. The man was standing there smoking a cigarette. But when he moved to another location, the bag of rags turned out to be a lady, small in stature, wearing black over her face and her body, and she followed this man, and as soon as he stopped walking, she sat down again, curled herself up like a bag, covered herself over with the black cloth. I will never forget that. This disdain for a female, for the rights of women is so outrageous that every woman has to cover her face—whether she wants to or not, by the way. That's not an option. It's ''you must.''

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 a dangerous trend 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 even here in Congress, continue 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. It is time for the administration to stop playing games with women's health and the integrity of American science. The FDA should be allowed to act, free of political interference.

Mr. President, I ask unanimous consent that an article on the administration's 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:

[From the Newark Star-Ledger, Mar. 29, 2004]

FDA'S INDECISION ON 'MORNING AFTER' PILL STIRS CONCERN

(By Robert Cohen)

WASHINGTON.—A scientific advisory panel's overwhelming vote three months ago endorsing over-the-counter sales of the ''morning after'' pill left family planning groups confident of the Food and Drug Administration's approval.

But that was before the FDA unexpectedly delayed its decision after 49 conservative members of Congress wrote President Bush objecting to the panel's conclusion and urging that sales of the emergency contraceptive be restricted to prescription holders.

The FDA's action last month has raised fears among the pill's proponents that the panel's scientific and public health findings will be trumped by election-year politics.

''For some members of the Bush administration and the president's political base, this product being available without a prescription to young people files in the face of their message, which is abstinence or else. At this point, we're very concerned that politics was involved,'' said Kristen Moore of the Reproductive Health Technologies Project, a group that promotes contraception.

But FDA officials said the delay has nothing to do with politics, and that a final decision will be made by May. Susan Cruzan, an FDA spokeswoman, said the agency first wants to review data on use of the contraceptive by teenagers.

''The FDA bases its decisions on science,'' she said.

This is not the first time the Bush administration has been accused of politicizing science. Last month, 60 leading scientists, including 12 Nobel laureates, accused the administration of undermining the government's scientific advisory system by distorting and suppressing data to meet its policy goals.

Critics of the emergency contraceptive—mostly religious conservatives and anti-abortion groups—counter the claims of politics by accusing liberal, pro-abortion organizations of ignoring health concerns to foster their own agenda.

''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 Concerned Women for America, a conservative advocacy group dedicated to promoting biblical values.

''We don't know how this affects adolescents, who are the target market,'' she said.

Wright's group, along with the Catholic Medical Association, the American Life League and others, argue that making emergency contraceptives as easy to purchase as aspiring will increase sexual promiscuity among adolescents and cause the spread of sexually transmitted diseases.

Morning-after pills have been sold by prescription in the United States since 1998, and contain higher doses of the hormones used in regular birth control pills. The emergency contraceptives are considered effective in preventing pregnancy up to 72 hours after sex, but work best if taken in the first 24 hours.

Barr Laboratories of Woodcliff Lake recently purchased the rights to the contraceptive, known as Plan B, from the privately held Woman's Capital Corp. Barr holds the pending FDA application to sell its product without a prescription.

An FDA advisory panel voted 23–4 in December to recommend the over-the-counter sale of Plan B, finding it to be a safe and effective way to prevent unwanted pregnancies and reduce the number of abortions. The FDA normally follows the advice of its advisory committees.

But in January, 49 members of the House, led by Rep. David Weldon (F-Fla), sent their letter to President Bush.

''We are very concerned that no data is available to suggest what 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 adolescent 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 has proposed 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.

''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 go over-the-counter because it will reduce unintended pregnancies,'' Trussell said.

''If 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.

''The government should approve the over-the-counter availability of the emergency contraceptives,'' 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 PRESIDING OFFICER. The Senator from Illinois.

ESCALATING GASOLINE PRICES

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey for his leadership in the presentation he just made to the Senate. I would like at this time to address an issue that is extremely topical in Illinois and across the Nation, more so in some States than others, but it is the escalating gasoline prices people are facing.

Global crude oil prices are as high as they have been in a year. Domestically, retail gasoline prices are as high as they ever were, with the average price of gasoline $1.738, higher than a year ago. In Illinois, the current sale price of gas is $1.756 cents, which is higher than the current national average, higher than a month ago, and 4 cents higher than the average a year ago.

Gasoline prices affect Americans in the pocketbook. On the average, the cost of gasoline is about half of a family's transportation expenses. We love our cars, we love our trucks, we are in them a lot, and when gasoline prices go up, we pay more. The low-income families are hit the hardest by high transportation costs. The poorest 20 percent of American households, those earning less than $13,908 after taxes per year, spend 40 percent of their take-home pay on transportation.

There are many factors that have led to these high prices, some of them on the supply side and some on the demand side. U.S. crude oil inventories hit a 28-year low in January of this year. OPEC has been very prudent in putting oil on the market. I will get to the most current announcement on OPEC policy in a few minutes. In addition, refinery capacity in the United States has been down for years.

In the United States, cars, SUVs, pickup trucks, and minivans account for 40 percent of oil consumption, and the transportation sector itself accounts for 60 percent overall. Almost nothing has been done to curb this demand. The best way to address rising gasoline prices is to curb our Nation's insatiable thirst for guzzling gas.

I am leading the fight in the Senate to try to lessen overall demand for gas by improving the fuel efficiency of cars and light trucks. Last year, I offered an amendment to the energy bill which would have increased the Corporate Average Fuel Economy—or CAFE—law's standard for cars and SUVs to 40 miles a gallon by the year 2015, and the standard for trucks to 27.5 gallons in the same year.

I also introduced legislation that would discourage the building of more SUVs that achieve less than 15 miles per gallon, and to address the tax credit currently given to these SUVs, these gas guzzlers, and instead create a tax credit for consumers who purchase more fuel-efficient cars.

The Bush administration finalized regulations for SUVs and pickup trucks that would save at the most 20 billion gallons by 2015. This is one-sixth of the savings that would have occurred under the proposal I am offering—one-sixth. What I offered would have saved 123 billion gallons of gasoline by the year 2015—123 billion by reducing demand.

I urged my colleagues at the time to read the writing on the wall and realize if we didn't reduce the demand for gasoline for cars and trucks, we would not only have skyrocketing gasoline prices but even more pollution.

The New York Times editorial, Monday, March 22, 2004:

A much better way to strengthen America's leverage . . . is for the United States to limit its own consumption of energy . . . [T]he most straightforward [way] is to raise fuel economy standards by significant amounts. This is exactly what the country did after the oil shocks of the 1970's, resulting in huge savings in imported oil.

Thanks to the Corporate Average Fuel Economy, CAFE, oil consumption is about 2.8 million barrels per day lower than it otherwise would be.

Studies have shown consumers can save as much as $2,000 over the lifetime of a car from higher fuel efficiency, even accounting for the cost of new vehicle technology.

Raising fuel economy standards to 40 miles per gallon would save consumers a cumulative $45.8 billion within about 10 years.

Unfortunately, since peaking at 22.1 miles per gallon in 1987 and 1998, average fuel economy declined nearly 8 percent to 20.4 in 2001, lower than it has been at any time since 1980.

Consider that for a moment. Instead of having more fuel efficiency and more fuel economy and less demand for foreign oil, our cars and trucks are less efficient burning gasoline, cause more pollution, and increase our dependence on foreign oil.

The Energy bill brought to us by the Bush administration didn't include any provision whatsoever to improve efficiency.

I will add, in all honesty and candor, that the automobile manufacturers in the United States and their unions also oppose increasing the fuel efficiency in cars. I think their reasoning is wrong. I think their excuses are lame. I think they are so shortsighted to believe that we can continue to build the most fuel-inefficient cars and trucks in the world and not run into the same problem we face today of increasing costs for fuel. As our demand increases, we can't produce enough fuel on our own. We import more and become more dependent on foreign fuel and, frankly, enslaved to OPEC. In a minute I will tell you what that enslaved position resulted in.

I say to my colleagues and many who have come to the floor to talk about gasoline prices, go back and check the CONGRESSIONAL RECORD. How did you vote when it came to making cars and trucks more fuel efficient? Sadly, very few of my colleagues joined me. It did not win a majority vote. I think those who complain today ought to take an inventory of their own voting record on this issue.

There are many things we should do. If we don't start fuel conservation and fuel efficiency and fuel economy, frankly, we will continue to be captives of the oil cartel. We will continue to watch these prices rise at the pump with very little we can do in response.

The next time we debate energy policy, I will be offering this amendment again. I hope we will do the right thing.

In the meantime, what do we do about the current prices? It is interesting what some have said when it comes to the current prices.

During the Republican primary debate in Manchester, NH, in the year 2000, in January, then-Governor Bush of Texas said:

What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say we expect you to open your

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? The answer is no.

Listen to what the Secretary of Energy, Spencer Abraham, had to say on March 24, just a few days ago, when he was asked about whether the administration should put pressure on OPEC not to cut the supply of oil and raise prices in America.

I quote the Secretary of Energy, Spencer Abraham, from the Washington Times.

Abraham said the administration would not temporarily stop filling the Strategic Petroleum Reserve to help lower oil prices and it would not publicly call on OPEC to roll back production cuts scheduled for April 1st.

Here are the words of Secretary Abraham:

We've . . . made clear we are not going to beg them for oil.

What it means is when candidate Bush went to Manchester, NH, and said we need a forceful President who will stand up to OPEC to defend businesses and families and individuals across America who are paying the price of higher gasoline prices, candidate Bush when he became President Bush suffered severe political amnesia. He forgot what he said. Look where we are today.

The unfortunate reality is that we have a press release today from Vienna, Austria, from Reuters, which said:

''OPEC agreed Wednesday to endorse tighter curbs on oil production, ignoring concerns in some countries about crude oil prices near their highest level in 13 years,'' ministers said.

''The Organization of Petroleum Exporting Countries decided to implement a deal cutting 1 million barrels a day from April 1,'' Iranian Oil Minister Bijan Zanganeh said. Libyian Oil Minister Fethi bin Chetwane also said that the cartel formally agreed Wednesday to implement the cuts, which were first proposed in Algiers in February.

Benchmark U.S. crude traded up 25 cents to $36.50 a barrel with the New York Mercantile Exchange's gasoline contracts sitting at an all-time high of $1.177 a gallon.

What is happening? Because this administration refuses to confront OPEC, because as Secretary of Energy Abraham said, we are not going to beg for oil, because President Bush forgot what he promised when he ran for President 4 years ago, American families and businesses will face oil prices at record high and historic levels.

What has been the response of the Bush administration to this reality? The response was to prepare a campaign ad attacking JOHN KERRY. The campaign ad just started to run. It is an ad which criticizes Senator JOHN KERRY, the purported Democratic nominee for President of United States, for supporting a 50-cent-a-gallon gas tax, saying that the tax increase will cause the average consumer to pay $657 more a year, and that he supported high gasoline taxes 11 times.

This morning, the Washington Post decided 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 1993 for the Clinton economic package, which included a 4.3 cent increase in the gas tax, and is widely credited with boosting the economy. He also opposed several Republican efforts to repeal the tax.

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 no such proposal came to a vote 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 said Kerry last year opposed Bush's energy bill, designed to boost oil in part by allowing drilling in Alaska. Kerry's spokeswoman Stephanie Cutter called the measure ''a giveaway'' to the oil companies and a Republican-controlled Congress killed it. The Kerry camp dug out a quote in which Bush's top economic adviser [the ever-present and almost infamous] N. Gregory Mankiw, backed a 50-cent gas tax in 1999.

You may remember Mr. Mankiw. Mr. Mankiw was the man, the President's economic adviser, who sent the economic report to Congress. In it Mr. Mankiw, with his own insight as the top economist of the Bush administration, said that the outsourcing of jobs to India and China was a good thing. Now we were trading in new things like call centers. It was a good thing—Mankiw's own words.

So Mr. Mankiw, top economic adviser to George Bush, it turns out, was supporting a 50-cent increase in the gasoline tax in 1999. Interesting. And President Bush and his campaign continue to run ads attacking JOHN KERRY and saying that the real reason for the gasoline price increases that we are seeing across America is JOHN KERRY voting for a 4.3-cent gasoline tax increase 11 years ago.

Is that as good as they can get? Is that the best they can come up with? What they are ignoring is the obvious. They are ignoring the fact that this President has the power, as President of the United States, to put the pressure on OPEC, and refuses to do it. Why? Why is this President backing away? Is it this oil connection with the President and Vice President CHENEY? Is it the fact that some of the OPEC cartel countries have been some of the favorites of this administration for political and other reasons?

What is it all about? Why wouldn't this President, facing a gasoline crisis in America today, do what he said he would do when he ran for office in the year 2000? It is an answer I cannot come up with. But I will tell you, the American people will come up with it. They understand what this is all about.

The President can promise tiny little tax cuts for working families and massive tax cuts for the wealthy, and then turn around and fail to show leadership on gasoline prices, and watch whatever benefit those small tax cuts meant to lower-income families disappear.

The Bush administration's failed policies have created record high prices for gasoline. Americans are paying 12 percent more for gasoline since former oil industry executives President Bush and Vice President CHENEY took office on the pledge that their ties to the oil industry would lead to lower gas prices.

Well, it did not work, just as the President's economic policy did not work. Here we have a President who, in a matter of 3 years and a few months, has lost more jobs in America than any President in the last 70 years, and that includes Republicans and Democrats alike. Tax cuts to the wealthy did not create jobs. And the President's cozy relationship with the oil companies and the oil sector certainly has not kept gasoline prices under control. The President refuses to confront OPEC and tell them they have to stop taking advantage of American families and businesses.

Secretary Abraham: ''We won't beg for oil.''

Well, I do not think you have to beg. Many of these countries in the Middle East, as part of the OPEC cartel, depend on the United States for an important and valuable market. They depend on the United States for many security items. They depend on the United States and its friendship and alliance when things get tough, such as the instance in Kuwait and the Persian Gulf crisis.

Why wouldn't this President go to the leaders in OPEC and tell them what they were doing to America and the American economy, gripped with this so-called jobless recovery. Frankly, a jobless recovery is no recovery at all. We all know that. Facing a jobless recovery, this President will not confront OPEC and tell them: Keep gasoline prices low; increase your exports of crude oil so we do not run up the cost of business for small and large businesses alike, and run up the cost of living for average working families.

Economist David Rosenberg told CNN's Lou Dobbs:

[P]ain at the pump has wiped out more than $20 billion of the coming $40 billion in tax refund checks.

How did he come to that conclusion? On January 5, American consumers

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-cent increase since January.

According to the Wall Street Journal:

[E]very 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, 1986—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 on imported crude oil—a mandatory 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 1986, consumers would have paid over $1.2 trillion in increased gas prices since that year, with $600 billion going to oil companies.

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 27—just a few weeks from now—will hear arguments that the records for the meetings should be opened.

Republicans have criticized JOHN KERRY for supporting gas taxes 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 immense.

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, who promised 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 President in 7 years, 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. Since we said that after you work 40 hours, you are going to be paid more under the law, every administration that has addressed this law has increased the eligibility of American workers until this administration. With the Bush administration, for the first time in history, a President has proposed cutting overtime pay for 8 million workers in America.

Think about that. If he is successful in doing that, it means that the workers who are going to work today will have to work longer hours just to keep up with the lost pay from this Bush administration policy. So who are these workers? They are policemen, firefighters, nurses, and people, frankly, who we count on every single day. This is an administration which won't provide unemployment compensation despite losing millions of jobs since the President was elected, an administration which cuts overtime pay for some 8 million workers, and an administration which has decided as a matter of policy it will not support an increase in the minimum wage for workers in America.

We are in the midst of debating the welfare bill. I voted for welfare reform. I hope I can vote for this bill. There are many positive aspects to it. But if we want to keep people off welfare, if we want to reward work and reward the right decisions, then we certainly should give fair and adequate compensation to those who struggle. Can you think of what life would be like if you faced $5.15 an hour, a little over $10,000 a year, as your total income, and then add on to that a second job, if you could get it, that has you working 16 hours a day and doubles your income to $20,000 or $22,000 a year?

These proud and hard-working people get up and go to work every single day. They 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 refusal 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 and to 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. ENZI. 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

this body should pass. I thank my friend and colleague from Iowa, the chairman of the Finance Committee, for his hard work in preparing this bill for floor consideration and for making important improvements to the 1996 welfare reauthorization. The 1996 reauthorization is one of the greatest success stories of the recent past. Even now, it continues to produce positive results far beyond what many thought was possible. Now it only makes sense for us to pass this legislation to continue the reforms we began 8 years ago.

Mr. President, as I mentioned, the key principle of this welfare reauthorization is self-sufficiency. As this body considered welfare reform in 1996 we found that families could end their dependence on Federal assistance if we provided the incentives to help them find jobs and start providing for themselves. It was the most important change we could have ever made. In response, families went out and found good jobs that provided them with the resources they needed to make ends meet today and prepare for their future needs.

Even today, the results of that effort continue to speak for themselves. As my colleague from Pennsylvania has pointed out, child poverty has declined significantly since 1996. Families receiving welfare assistance have found a renewed sense of confidence and self worth by meeting life on their own terms. Their newfound jobs have given them a sense of security many have never had before.

We congratulate all those who have been able to work themselves off the welfare rolls and we encourage those who are trying to do the same not to be discouraged. That is why this legislation is so important. It enables us to continue that piece of the reform we started, to get people into work and on to self-sufficiency.

I don't think there is any more vital aspect of self-sufficiency than making sure that these families know how to budget and manage their money wisely so they can maintain their financial independence and work toward financial security. That calls for education in financial literacy.

When I served as mayor of Gillette, WY, I saw firsthand the effectiveness of helping individuals understand the importance of financial planning. This is a skill that is essential to self-sufficiency, and it should be a part of the welfare assistance program.

My amendment would permit welfare recipients to participate in a limited amount of financial literacy training that would allow them to learn about personal finance management, credit counseling, budgeting, and debt management. This important course work and study would then count toward the work requirement under the Financial bill. As my colleagues are aware, the Finance bill separates the permissible work hour activities into two groups: core work and work preparation activities, and allowable activities. Both are required for a recipient to meet the work hour requirement. My amendment would add financial literacy training as an allowable activity.

Financial literacy and education 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 managing 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 that states have 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 my hope that 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.

Mr. JOHNSON. Mr. President, our support of childcare assistance is essential to ensuring the health and safety of children in working families. Without greater support for 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 the parents do 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 years of age 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 seek a safe, nurturing environment for their children when they are under someone else's care. As more and more families need both parents to work in order to make ends meet, safe reliable day care has become essential to the peace of mind of working families in South Dakota and across the country. Without the increased funding for childcare that the Snowe-Dodd amendment provides, more parents will be forced to seek childcare that meets their budgets rather than their hopes for the care of their children. In some cases, families may go without childcare all together.

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 strengthen our commitment to children in working families by supporting the Snowe amendment and providing additional resources to increase the number of children able to receive quality care.

Ms. 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. At $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.

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 working Americans. It helps low wage 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. While we're working to move our most vulnerable citizens from welfare to work, we need to make sure those jobs pay a livable wage.

I urge my colleagues to vote for this amendment.

Mr. SARBANES. Mr. President, I rise in support of the Boxer-Kennedy amendment to raise the minimum wage. A fair increase is long overdue and the Congress must act to set a

minimum wage that accurately reflects current economic conditions.

The majority has decried 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, the Secretary of Health and Human Services, 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 a year, 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 stunt job growth. They argue that we need to give more tax 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 this 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 failed to get back to their pre-recession employment 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 the growth in 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 now 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 understatement.

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 knew 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 support his family. But even though 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, Chavez and Huerta founded United Farm Workers Association.

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 aiding 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 in 1993. I hope those 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 25-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 pay inhuman wages 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 promise of a good 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 accumulate 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.

Ms. CANTWELL. 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 Selah. Although Chavez is best remembered for his decades of work to advance these causes, the principles that guided him are universal and enduring.

Chavez's motto, ''sí se puede'', it can be done, embodies the entrepreneurial spirit that made America great, and continues to make our Nation stronger every day. Although he labored to overcome tremendous obstacles, he is remembered not just for his grit and determination, but his optimism that those barriers could be surmounted.

Just as importantly, Chavez set goals to better the conditions not just of individuals, but of our society. As he once put it, ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community. . . . Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

The values and philosophy Chavez embraced are as important to the challenges we face today—from educating our children, to improving health care, to creating opportunity for all our workers—as they were to the causes he championed decades ago. When we honor these principles, Cesar Chavez's legacy lives on.

Mrs. FEINSTEIN. Mr. President, today we honor the life and legacy of Cesar Chavez, a great champion of civil rights and workers' rights.

Cesar Chavez was one of our Nation's strongest advocates for social justice. He believed that the men and women who bring us the food we depend on deserve a safe work environment and a fair wage. He fought for America's farmworkers—men and women who worked so hard to provide a decent life for their families—and challenged all Americans to recognize their plight.

On this day, 77 years ago, Chavez was born at the Yuma, AZ farm his grandfather had homesteaded in the 1880's. Like many families during the Great Depression, his family lost their farm and began years of migrating from town to town throughout the southwest in search of steady work.

Chavez began working at the age of ten. He attended school when he could—thirty-seven different schools, in all—before abandoning his education after the eighth grade to help his family.

In 1945, he joined the Navy, serving in the Pacific just after World War II. Upon returning to the United States, he lived in several different Southwestern communities before settling in East San Jose.

It 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

Delano, CA in 1962. The new organization eventually became the United Farm Workers of America, the first union representing farmworkers in the United States.

Under the leadership of Chavez, the United Farm Workers successfully improved the once-dismal working conditions for hundreds of thousands of farmworkers throughout the nation. These efforts brought safety improvements, pay increases, benefits and job security to workers who had been among the most exploited.

The union's efforts also brought attention to the health problems facing farmworkers, including the exposure to harmful pesticides that affect workers and their children.

An adherent to the principles of Mahatma Gandhi and Dr. Martin Luther King, Jr., Chavez used nonviolent means to bring about these changes including economic boycotts, marches, civil disobedience, and fasts.

Chavez once declared to his followers, 'Nonviolence is our strength.' This message still rings true as the official slogan for the United Farm Workers Union.

A winner of the highest civilian honor our Nation can bestow—the Presidential Medal of Freedom—which he received posthumously in 1994, Chavez was a true American hero. He was a hero because he spoke up for so many who could not be heard.

Chavez once commented, ''It's ironic that those who till the soil, cultivate and harvest the fruits, vegetables, and other foods that fill your tables with abundance have nothing left for themselves.''

His life and this day remind us that as a society we have a responsibility to protect the rights of all Americans.

As Cesar Chavez often said, ''Si se puede!'' Yes, we can!

Mr. DODD. Today, on the 77th anniversary of his birth, people across America will pay tribute to a remarkable man, Cesar Estrada Chavez.

I had the honor of meeting Cesar Chavez. No one was a more powerful or more passionate advocate for the men, women, and children who work on farms throughout this country.

It's easy for Americans to forget that the food they eat doesn't magically appear on a supermarket shelf. Every bunch of grapes, every box of cereal, every can of corn represents the labor for real human beings—so many of whom come to this country in search of a better life, but instead find low wages, poor housing, and substandard working conditions.

Cesar Chavez didn't just know about this struggle. He and his family lived it. He grew up moving from town to town and from school to school while his father worked in the fields. He himself became a farm worker as soon as he finished the eighth grade. Born out of his sweat and toil was a fierce determination to give a voice to people like him and his family who labored so hard and received so little in return.

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.''

Ceasr Chavez represented farm workers. But the 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 bipartisan AgJOBS bill, which I'm proud to consponsor. This bill, sponsored by my colleagues Senator CRAIG and Senator KENNEDY, would give many hard-working nonimmigrant farm workers a chance to obtain legal status. This bill is the right thing to 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 nonimmigrant 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 team's success 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.

The Department of Energy's 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.

ELMO AND NANCY MARTINELLI 50TH ANNIVERSARY

Mr. REID. Mr. President, I rise today to congratulate Elmo and Nancy Martinelli on their 50th wedding anniversary. These two native Nevadans have demonstrated a remarkable commitment to each other and their family for these past five decades.

Raised in Sparks, NV, Elmo and Nancy were high school sweethearts and were married on April 25, 1954. The son of Italian immigrants, Elmo served in the Army and opened a barber shop, which he owned for more than 30 years until his retirement in 1994. Nancy worked as an office secretary and bookkeeper until motherhood arrived in 1955.

Throughout their lives, Elmo and Nancy have dedicated themselves to ensuring that their children—Greg, Craig, Sheila, and Julie—could enjoy the best possible opportunities life has to offer. Their family would grow over time to include five grandchildren and three great-grandchildren.

As their children grew and moved on to college, the Martinellis created a new and no less active life, which included regular weekly golf games, improvement and maintenance of their home, and worldwide travel. In fact, Elmo and Nancy have traveled throughout the United States in their motor home, visited most of Europe and the Far East, and have taken cruises on most of the world's major bodies of water.

In the mid-1990s, the couple sold their Reno home where they had lived for 39 years and embarked on a new adventure: the construction of their dream

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 Milosovic and transfer him to the ICTY. It has also been the impetus for further arrests of other indictees.

But over the years, 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 Serbian 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 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 6 days after its opening. Mayor Richard C. 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 in the area of maritime 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 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 $327 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 has not 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 $202 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 managed to date. 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 of the program and its oversight by the Coast Guard. First, GAO found that over a year and a half into the Deepwater program, the Coast Guard has

not put into place the key components needed to provide adequate oversight of the prime contractor. For example, the Coast Guard had not even agreed on specific criteria to measure the contractor's performance, yet awarded the contractor nearly the total amount possible as a bonus for the first year of the contract.

Second, GAO found that there is no clear, transparent and predictable opportunity for competition of the subcontracts under the Deepwater program. While the prime contractor uses the ''open business model'' to decide whether to ''make or buy'' Deepwater assets, this guidance is a philosophy—not a formal process with clear criteria and specific decision points—that encourages, but does not require competition. In fact, over 40 percent of the funds obligated to the first-tier subcontractors, Lockheed Martin and Northrop Grumman, have either remained with those companies or been awarded to their subsidiaries.

Perhaps most disturbing, according to Deepwater officials within the Coast Guard, it is unrealistic to believe that the Coast Guard would change contractors after the first five years of the program. Thus, there is little incentive for the prime contractor to achieve the performance goal of minimizing total ownership costs. This obviously could have serious implications for the American taxpayer.

I have also long been concerned that the Deepwater Program meets not only the letter but the spirit of our Buy America laws. A number of the subcontractors that have either received awards under the Deepwater Program, and/or are included in the contractor's proposal, make all or most of their parts overseas. Buy America was intended to ensure that the U.S. Federal government, including the U.S. military, did not contribute to the loss of American manufacturing jobs, yet here we have a major acquisition program for our 5th branch of the military, the U.S. Coast Guard, that appears to be doing just that.

As a result of concerns about the program, the Commerce Committee included in S. 733, as reported, a requirement that the Coast Guard provide a report to Congress which would include an analysis of the prime contractor's performance in meeting the two key goals of providing operational effectiveness and minimizing total ownership costs. However, based on this latest GAO report, and the need to ensure that Buy America is fully implemented, additional Congressional oversight of this major procurement is clearly warranted. Unless there are significant changes to the way business is conducted on this contract, there will be enormous problems in the future that may, in the long run, undermine this program.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• 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 homeland security 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 $327 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 in fiscal year 2005 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 to assess 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, MSSTs. 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 benefitted 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 track and 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 receive loans from the oilspill liability trust funding during the period immediately following an oilspill.

The bill also addresses the issue of ship strikes of one of the most endangered whales in the world—the North Atlantic right whale. There are only about 300 individuals left in this entire species, and ship strikes are the No. 1 cause of mortality. While lobstermen and other fishermen in the Northeast have shouldered significant regulatory requirements to avoid entanglement of these whales in fishing gear, no actions have been taken to address the risks from ship strikes. The bill would require the Coast Guard to undertake studies to examine options for minimizing vessel strikes of North Atlantic right whales in accessing ports where this is an issue. In addition to these studies, the bill would require the Coast Guard to submit a report to Congress on the effectiveness and costs of such measures.

In conclusion, we have crafted a balanced bill that will benefit the Coast Guard and enhance our domestic 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 is like world peace—you can't get there by whining about it. You must be willing to fight for it. And the entity to fight for free trade is the U.S. Congress.

Instead, Congress—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 piling items onto 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 minimum wage went 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 for Social Security in 1983, measures requiring plant closing notice and parental leave, and the Americans With Disabilities Act. Health costs increased, too, making it $500 a car cheaper in health costs alone for 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 if wages were equalized, it would still 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 not the comparative advantage of our ability so much as the comparative disadvantage of our living standard.

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, then, is to protect the standard.

To talk in these terms raises cries of ''protectionism.'' But the business of government is protection. The oath of the public servant is ''to preserve, protect and defend.'' We have 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 laws to protect us from usurpers; 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. There are other obstacles that need 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 first obtain permission from the private Korean textile industry. If you want to sell in China, it's a lot easier if you produce in China.

''But we 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 back with what it produced best—as economist David Ricardo later described in his theory of ''comparative advantage.'' Alexander Hamilton, in his famous ''Report on Manufactures,'' told the Brits, 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, timber, iron ore—and importing your manufactured products. We are going to build our own manufacturing capacity.

The second bill ever adopted 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, continued under 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, the United States, was built on protectionism and, for more than a century, financed it with tariffs. And it worked.

The Washington mantra of ''retrain, retrain'' comes up short. For example, Oneita Industries closed its T-shirt plant in Andrews, S.C., back in 1999. The plant had 487 employees averaging 47 years of age. Let's assume they were ''retrained'' and became 487 skilled computer operators. Who is going to hire a 47-year-old operator over a 21-year-old operator? No one is going to take on the retirement and 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, and therefore voted against the North American Free Trade Agreement (NAFTA), preferring to raise the standards in 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 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 because of Mexico's lesser standards. 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 them both.

Our trouble is that we have treated trade as aid. After World War II, we were the only country with industry, and 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 unheeded, and now our nation's security is in jeopardy.

National security is like a three-legged stool. The first leg—values—is solid. Our stand for freedom and democracy is respected around the world. The second leg of military strength is unquestioned. But the third leg, the economic leg, is fractured and needs repair. We are losing jobs faster than 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 stated, ''That world power that loses its manufacturing capacity will cease to be a world power.''

What should we do? First, we need to stop financing 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 an injured party. It can take years 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 stop. 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 International Trade Administration 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 each year. Customs agents charged with drug enforcement and homeland security are 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 National Retail Federation (whose members 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 Center is a strong 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 simply 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 may 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 reception 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 Habit for Humanity in Colorado, Florida, and even in Canada. He is also 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. 2231. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

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

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.

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.

H.R. 3966. An act to amend title 10, United States Code, to improve the ability of the Department 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.

ENROLLED BILLS SIGNED

At 5:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2584. An act 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. 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.

The following enrolled bills, previously signed by the Speaker of the House, were signed by the Acting President pro tempore (Mr. COLEMAN).

S. 2231. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

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

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. 4062. An act 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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

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.

H.R. 3966. An act to amend title 10, United States Code, to improve the ability of the Department 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.

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–6927. A communication from the Manager, Oak Ridge Operations Office, Department of Energy, transmitting, pursuant to law, the Oak Ridge Reservation Annual Site Environmental Report (ASER) for 2002; to the Committee on Energy and Natural Resources.

EC–6928. A communication from the Chairman, 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 Return Preparers—Electronic Filing'' (TD9119) received on March 29, 2004; to the Committee on Finance.

EC–6931. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Automatic Consent to Change an Accounting Method to a Method Provided in Section 1.263(a)-4 or -5'' (Rev. Proc. 2004–23) received on March 29, 2004; to the Committee on Finance.

EC–6932. 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–AB92) 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 Secretary of Health and Human Services, transmitting, pursuant to law, the Plan for the Transfer of Responsibility of Medicare Appeals; to the Committee on Finance.

EC–6935. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, 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, transmitting, pursuant to law, a 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 15–390, ''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 15–391, ''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–6940. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–393, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6941. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–395, ''Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Temporary 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, ''Owner-Occupant Residential Tax Credit and Homestead Deduction 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 15–396, ''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 15–397, ''Enforced Leave Amendment Act of 2004''; to the Committee on Governmental Affairs.

EC–6945. 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 Allewelt 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 15–409, ''Vector-Borne Infectious Diseases Control Act of 2004''; 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 15–410, ''AccessRx Act of 2004''; to the Committee on Governmental Affairs.

EC–6948. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Exchange Stabilization Fund (ESF) for fiscal year 2003; to the Committee on Governmental Affairs.

EC–6949. A communication from the Secretary of Commerce, transmitting, pursuant to law, 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 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 Chief Judge of the Superior Court of the District of Columbia, transmitting, pursuant to law, a report relative to the Transition Plan for the District of Columbia Family Court Act of 2001; to the Committee on Governmental Affairs.

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 Health, 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 Health, 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 for Policy, 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 ''Final Rule: Visiting Regulations: Prior Relationship'' (RIN1120–AA77) 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 ''Administrative Remedy Program: Excluded Matters'' (RIN1120–AA72) 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'' (RIN1513–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 audited financial statements for fiscal year 2003; to the Committee on the Judiciary.

EC–6961. A communication from the Director, Regulations Management, Veterans' Benefits Administration, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority—Property Management Contractor'' (RIN2900–AL85) 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 ''Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense'' (RIN2900–AL40) 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 times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. INHOFE, 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. ALEXANDER):

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. 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.

By Mr. DASCHLE (for Mr. KERRY (for himself, Ms. CANTWELL, 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 29(k) of the Small Business Act to establish funding priorities for women's business centers; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LUGAR, Mr. LIEBERMAN, and Mr. BROWNBACK):

S. Res. 326. A resolution condemning ethnic violence in Kosovo; to the Committee on Foreign Relations.

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 medicaid 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 disorder 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. JEFFORDS) 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, storage, or distribution of human tissue or human 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 ensure the 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. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1353, 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 congressional access 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. 2213

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2213, 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. 2252

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. 2252, 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. 2258

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. 2258, a bill to revise certain requirements for H–2B employers for fiscal year 2004, and for other purposes.

S. 2261

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2261, 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. 311

At the request of Mr. BROWNBACK, the names of the Senator from Vermont (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 Thadeus 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 exchange 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. 2889

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 2889 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. 2945

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. 2945 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. 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.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators INHOFE, LANDRIEU, LUGAR, and LOTT, 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 a 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 500 Americans have been injured 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 new, stable beacon of freedom 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 understate the importance of the work being done there 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 there 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 has served overseas during 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 LOTT, 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-zone enforcement.

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 for the Armed Forces Expeditionary Medal and Kosovo Campaign Medal. In order to receive the Armed Forces Expeditionary Medal, you don't need to go to war. You only need to be ''placed in such a position that in the opinion of the Joint Chief of Staff, hostile action by foreign armed forces was imminent even though it does not materialize.''

To earn the Kosovo Campaign Medal, the standard is higher. A military member must:

Be engaged in actual combat, or duty that is equally hazardous as combat duty, during the Operation with armed opposition regardless of time in the Area of Engagement. Or while participating in the Operation, regardless of time, [the service member] is wounded or injured and required medical evacuation from the Area of Engagement.

Many within the military agree that there is a difference. According to the 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 sacrifice 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.

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, LANDRIEU, INHOFE, LUGAR, 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 medal, new decorations that characterize 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 Distinctive Service Cross, the Silver Star, and the Distinguished Flying Cross.

We have also authorized 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]

HILL 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 will come under fire Wednesday when the House Armed Services Committee is expected to pass a bill ordering creation of separate campaign medals for combat operations in Iraq and Afghanistan. This is a bipartisan bill, first introduced in September, with 84 cosponsors. It is expected to pass the committee Wednesday with little or no discussion, but the next step is unclear, House aides said. The Defense Department has stood firm in the face of complaints about having a single Global War on Terrorism Expeditionary Medal instead of separate campaign medals, and is likely to lean on House Republican leaders to prevent passage of the bill, aides said. ''Passing the committee isn't a problem. Getting the bill scheduled for a vote in the House of Representatives could be a lot tougher,'' said one Republican aide. Exactly who would get the campaign medals would be left to the Pentagon to determine. The bill, HR 3104, only orders the medals to be established and leaves eligibility rules to the military. Passage by the full House still wouldn't ensure the separate medals would ever be issued. The Senate debated the issue last year 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 cosponsors of the House bill are all Vietnam veterans who serve on the armed services committee: Vic Snyder, D–Ark., a former Marine, and Army veterans Rob Simmons, R–Conn., and Silvestre Reyes, D–Texas. Snyder, the chief sponsor, said his combat experience is part of the reason why he is pushing for separate campaign medals. ''I know the incredible pride and sense of accomplishment our military personnel feel about how well they have done in our most recent wars,'' he said. ''In past wars, millions of soldiers, sailors, airmen, and Marines have received combat medals that have held intense meaning for them,'' Reyes added. ''Soldiers who fought and are fighting in Iraq and Afghanistan deserve a medal of equal significance.'' ''As a Vietnam veteran and reservist, I am proud of the sacrifices made by our military men and women,'' said Simmons, who remained in the Army Reserve after his combat experience and retired from the military in 2000. ''Whatever one thinks about the war on terror, our service men and women did what their country asked of them and did it very 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 college campuses and a non-binding resolution asking the Defense Department, banks and credit unions and the Federal Trade commission to all work to reduce the financial hardships of mobilized reservists. The planned markup is unusual because the House Armed Services Committee normally would wrap such bills into the 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 reimbursement, which have already been completed. The second reason is that House Republican leaders have been pleading with committees to have some bills ready for debate and passage on the House floor. The legislative calendar already is light because of the upcoming elections, aides said. Delays in House floor debate on the 2005 budget resolution, due to problems getting 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.

S. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILITARY CAMPAIGN MEDALS TO RECOGNIZE SERVICE IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) REQUIREMENT.—The President shall establish a campaign medal specifically to recognize service by members of the Armed Forces in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the Armed Forces in Operation Iraqi Freedom.

(b) ELIGIBILITY.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense or in regulations to be prescribed by the Secretary 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 how a concerted effort on the part of 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 in closing that chapter 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 democratization has been underway for years. Ugandan leaders, including civil society leaders, work to fight against the insidious influence of corruption, just as leaders here in our country do. Ugandan officials devote time and energy to fostering a climate the encourages 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 networks.

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 and eastern Uganda is so very shocking. For more than 17 years, a conflict has raged between the Lord's Resistance Army and the Government of Uganda. All conflict comes with costs, but this one has been particularly atrocious. The LRA's campaign has been characterized by the forced abduction of thousands of Ugandan children—possibly over 25,000 children. These children have been terrorized, tortured, forced to participate in extraordinarily brutal acts, pressed into service as soldiers and used as cannon fodder, and forced into sexual servitude. Throughout the region, about 1.4 million people are displaced, often

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 have reported disturbing abuses 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. Dusk 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 if they are not. This is not something that happens occasionally. This has become a nightly ritual, a way of life, for the civilians caught up in this nightmare. Children, some of whom have been abducted and have escaped only to be abducted again, know much about fear. 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 in with the LRA 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.

Once again, I thank my colleague from Tennessee for joining me in this effort. 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.

(6) 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.

(7) 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(pp)(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. 1395x(r))) treating the participant or beneficiary, in consultation with the participant or beneficiary;

''(B) are—

''(i) described in section 1861(pp)(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, 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 such screening.

''(b) 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 which establishes, implements, 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.

''(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. 1185 et seq.) is amended by adding at the end 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 such term in section 1861(pp)(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. 1395x(r))) treating the participant or beneficiary, in consultation with the participant or beneficiary;

''(B) are—

''(i) described in section 1861(pp)(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, 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 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 102(a), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the third to last sentence of section 104(b)(1) 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.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(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. 1191a(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 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage for colorectal cancer screening.''.

(b) 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–62(b)(2)) is amended by striking ''section 2751'' and inserting ''sections 2751 and 2753''.

(c) 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.

(d) COORDINATED REGULATIONS.—The Secretary of Labor and the Secretary of Health and Human Services shall ensure, through the execution of an interagency memorandum of 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 order to have a coordinated 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 introduced 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 cancerous. 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 timeframes, if at 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 can't afford it, because it is not covered by their health insurance. In our view, no American should be denied access to these life-saving 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. 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.

(At 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 sacrifice successful, experienced centers in the interest of opening new centers is unwarranted and unwise. Women entrepreneurs and their businesses are critically important to our economy and to U.S. job creation, and women's business centers help them succeed. I intend to continue to advocate on their behalf.

This legislation contains a small adjustment to the Women's Business Center program that updates an outdated funding formula, without added cost to the Treasury. The adjustment changes the portion of funding allowed for women's business centers in the sustainability part of the program to keep up with the increasing number of centers that will need funding this fiscal year. In short, this change directs the SBA to reserve 54 percent of the appropriated funds for the sustainability centers, instead of 30 percent, which will allow for full funding of the most experienced centers, while still allowing for new centers and protecting existing ones.

Currently there are 88 women's business centers. Of these, 35 are in the initial grant program and 53 will have graduated to the sustainability part of the program in this funding cycle. These sustainability centers make up more than half of the total women's business centers, but under the current funding formula are only allotted 30 percent of the funds. Without the change to 54 percent, all grants to sustainability centers could be cut in half—or worse, 23 experienced centers could lose funding completely. Cutting funding for these, our most efficient and successful centers, would not only be detrimental to the centers themselves, but also to the women they serve, to their local communities, to their States, and to the national economy.

As the author of the Women's Business Centers Sustainability Act of 1999, I can tell you that when the bill was signed into law, it was Congress's intent to protect the established and successful infrastructure of worthy, performing centers. The law was designed to allow all graduating Women's Business Centers that meet certain performance standards to receive continued funding under sustainability grants. This approach allows for new centers to be established—but not by penalizing 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. 2266

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 Business Center Safeguard Act''.

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) in paragraph (2), by adding at the end the following:

''(C) FUNDING PRIORITY.—Subject to available funds, and reservation of funds, the Administration shall, for each fiscal year, allocate—

''(i) $150,000 for each women's business center established under subsection (b), except for any center that requests a lesser amount;

''(ii) from the remaining funds, not more than $125,000, in equal amounts, to each women's business center established under subsection (l), to the extent such funds are reserved under subsection (k)(4)(A), except for any center that requests a lesser amount; and

''(iii) any funds remaining after allocations are made under clauses (i) and (ii) to new eligible women's business centers and eligible women's business centers that did not receive funding in the prior fiscal year under subsection (b). ''; 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 Entreprenuership.

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) in paragraph (2), by adding at the end the following:

''(C) FUNDING PRIORITY.—Subject to available funds, and reservation of funds, the Administration shall, for fiscal year 2004, allocate—

''(i) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount;

''(ii) from the funds reserved under subsection (k)(4)(A), not more than $125,000, in equal amounts, to each eligible women's business center established under subsection (l), except for centers that request a lesser amount; and

''(iii) any funds remaining after allocations are made under clauses (i) and (ii) to new eligible women's business centers and eligible women's business centers that did not receive funding in the prior fiscal year under subsection (b).''; and

(2) in paragraph (4)(A), by adding at the end the following:

''(v) For fiscal year 2004, 48 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, more than 30 churches and monasteries belonging to the Serbian Orthodox Church;

Whereas historic mosques in Belgrade and Nis, and an Islamic center in Novi Sad, were also destroyed or damaged;

Whereas in response to the violence, Commander in Chief of the North Atlantic Treaty Organization (NATO) Allied Forces South, Admiral Gregory Johnson, concluded, ''This kind of activity, which essentially amounts to ethnic cleansing, cannot go on.'';

Whereas 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 profit or advance 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 support 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; fair enforcement of property rights; normalized dialogue with Belgrade; and transformation of the Kosovo Protection Corps (KPC) in line with its mandate; and

Whereas it is in the long-term interest of all people of Kosovo that the UNMIK standards are achieved in order to promote peace, stability, and economic development, and to ensure a better future for all people in Kosovo: Now, therefore, be it

Resolved, That the Senate—

(1) urges all people in Kosovo to immediately stop the violence, end the destruction of homes, churches, and other cultural and religious sites, and cooperate with North Atlantic Treaty Organization's Kosovo Force (KFOR), the United Nations Interim Administration in Kosovo (UNMIK), and the Kosovo Police in identifying for prosecution the perpetrators of violence and the destruction of property;

(2) expresses its deep condolences to the families of those who have been killed in the recent violence;

(3) strongly condemns the destruction of personal and religious property in Kosovo, including more than 500 homes belonging to Kosovo Serbs, Ashkali, and other minorities, and of 30 churches and monasteries belonging to the Serbian Orthodox Church, adding to the more than 100 churches that have been destroyed since June 1999;

(4) strongly condemns the destruction of historic mosques in the cities of Belgrade and Nis, and of an Islamic center in Novi Sad;

(5) recognizes the commitment made by the Kosovo Assembly to establish a fund for the reconstruction of property, including homes and churches, destroyed during the attacks;

(6) recognizes the commitment made by Serbian officials to provide funds for the reconstruction of mosques in Belgrade and Nis, and an Islamic center in Novi Sad;

(7) urges political leaders to fulfill their commitment to rebuild what has been destroyed and to take all possible action to allow the more than 4,000 Kosovo Serbs and other minorities displaced during the violence to return quickly and safely to their homes and communities;

(8) encourages all political leaders in Kosovo to renounce the use of violence, and to proceed with efforts to establish a secure, peaceful, multiethnic society, which protects the rights of all people in Kosovo, and to take action to proceed with the implementation of the standards or ''benchmark goals'' outlined by UNMIK;

(9) strongly recommends that the United Nations review the structure and organization of UNMIK; and

(10) urges reinvigoration of dialogue between Belgrade and Pristina in an effort to move toward the establishment of a peaceful and secure environment guaranteeing freedom of movement and human rights for all people in Kosovo.

Mr. VOINOVICH. Mr. President, as many of my colleagues are aware, I continue to pay close attention to developments in Southeast Europe. During my time as a member of the Senate, I have been deeply concerned with the situation in Kosovo—particularly the situation for Kosovo's ethnic minorities.

I have traveled to Kosovo three times since the end of the military campaign in 1999, most recently in May 2002. At that time, I met with Kosovo Albanian leaders, including President Rugova and Prime Minister Rexhepi, as well as leaders of the Kosovo Serb community. In my conversations with all political leaders, I stressed the importance of moving forward with efforts to promote the rule of law and refugee return, as well as work to provide for the protection of human rights and freedom of movement for all people in Kosovo.

At that time, I reiterated a plea that I made during a trip to Pristina in February 2000, urging Kosovo's leaders to start a new paradigm of peace and stability for all people in Kosovo. I continue to believe it is essential that minorities in Kosovo, including Serbs, Roma, Egyptians, Bosniaks, Croats, Turks, Ashkalia, and others, are able to move about as they wish and live lives free from fear.

I could not agree more with a statement made in the Ninth Assessment of the Situation of Ethnic Minorities in Kosovo, a joint report released in May 2002 by the Organization for Security and Cooperation in Europe, OSCE, and the U.N. High Commission on Refugees, UNHCR. The report concludes, ''Only when Kosovo's minorities feel confident in their long-term future and when all of Kosovo's displaced persons are able to exercise the choice to return to their homes, feeling assured of their safety and confident in their ability to access institutions and participate in social, economic and political life in Kosovo on a non-discriminatory basis, will it be possible to say that the situation of minorities in Kosovo is acceptable.''

The latest round of ethnic violence in Kosovo, which erupted on March 17, 2004, resulted in the deaths of 20 people, including 8 Kosovo Serbs, 8 Kosovo Albanians, and 4 unidentified victims. It displaced more than 4,000 people, including Kosovo Serbs, Ashkalia, and others, and led to the destruction of more than 500 homes and more than 30 churches or monasteries belonging to the Serbian Orthodox Church—adding to the more than 100 churches that had already been destroyed during the last 5 years.

This is a tragic and urgent reminder of the work that remains to be done in Kosovo. I believe we must redouble our efforts and do all that we can to prevent continued violence in Kosovo. While the violence appears to be calming, the situation on the ground remains tense. There is a long road ahead as we look to work with the people of Kosovo not only to rebuild what has been destroyed, but also to secure an environment where respect for human rights and the rule of law are protected. Continued U.S. leadership is critical in this regard.

Today, I submit a resolution condemning the recent ethnic violence in Kosovo and calling for a renewed effort to promote long-term peace and stability there. I am joined by a number of my colleagues, including Senator JOE BIDEN, Senator DICK LUGAR, Senator JOE LIEBERMAN, and Senator SAM BROWNBACK.

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, Ms. 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, 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.

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

bill H.R. 4, supra; which was ordered to lie on the table.

SA 2961. 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 2962. Mr. CAMPBELL 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 2963. Mr. SANTORUM (for himself and Mr. BROWNBACK) 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. CHAFEE, 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. 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, supra; which was ordered to lie on the table.

SA 2967. Mr. GREGG 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. 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 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. 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 2971. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. LAUTENBERG, 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. DASCHLE, 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. 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 2976. 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 2977. 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 2978. Ms. 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 2979. 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 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, supra; which was ordered to lie on the table.

SA 2981. Mr. ALEXANDER (for himself, Ms. SNOWE, Ms. COLLINS, Mr. BREAUX, 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, 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. Ms. 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 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. ALLEN, 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 Mrs. LINCOLN) 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 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.

TEXT OF AMENDMENTS

SA 2956. Mr. GRAHAM of Florida (for himself, Mr. CHAFEE, Mr. CARPER, Ms. 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, 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:

''(4)(A) Only during the period described in subparagraph (C), a State may 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 431(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 eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) 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.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation

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 this subparagraph is the period that begins on October 1, 2004, and ends on September 30, 2009.''.

(b) TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(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 such section 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 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended to read as follows:

''(3)(A) Fees may not be charged under paragraphs (1) through (8) of subsection (a) after September 30, 2009.''.

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, 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) INCREASE 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. ___. 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 standards and 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) adequately inform each individual of eligibility and program requirements, confidentiality provisions, domestic or sexual violence services available within the community and within the program funded under this part, good cause exemptions modification and waiver of program requirements on the basis of domestic or sexual violence, benefits eligibility for immigrant victims of domestic or sexual violence, and the procedures to obtain such modifications, waivers, benefits, and services;

''(III) refer individuals who are or have been subjected to domestic or sexual violence or are at risk of future such violence to community-based domestic or sexual violence programs or other supportive services, modify or waive eligibility or program requirements or prohibitions to address domestic or sexual violence barriers, and ensure such individual's access to job training, vocational rehabilitation, child care, and other employment-related services as appropriate;

''(IV) implement procedures to maintain the privacy and confidentiality of applicants and recipients identified as being or having been subjected to domestic or sexual violence and restrict the disclosure of any identifying information obtained through any process or procedure implemented pursuant to this paragraph absent the individual's written consent or unless otherwise required to do so under law;

''(V) pursuant to a determination of good cause, waive, without time limit, any Federal or State eligibility or program requirement or prohibition for so long as necessary, in every case in which domestic or sexual violence has been verified for any individual or family receiving assistance under this part and the requirement makes it more difficult for the individual to address, escape or recover from the violence, unfairly penalizes the individual, or makes 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.

''(ii) Coordinate or contract with State or tribal domestic or sexual violence coalitions or domestic or sexual violence programs in the development and implementation of standards, procedures, training, and programs required under this part to address domestic or sexual violence.

''(iii) Train caseworkers for recipients of assistance under the State program funded under this part in—

''(I) the nature and dynamics of domestic or sexual violence and the ways in which such violence may act to obstruct the economic security or safety of the individual and any child of the individual;

''(II) the standards, policies, and procedures implemented pursuant to this part, including the individual's rights and protections, such as notice and confidentiality;

''(III) how to screen for, and identify when, domestic or sexual violence creates barriers to compliance, how to make effective referrals for services, and how to modify eligibility and program requirements and prohibitions to address domestic or sexual violence barriers; and

''(IV) the process for determining good cause for noncompliance with an eligibility or program requirement or prohibition and granting waivers of such requirements.

''(iv) At State option, enter into contracts with or employ qualified professionals for the provision of services in each of the fields of domestic or sexual violence.

''(B) DEFINITIONS.—In this part:

''(i) DOMESTIC OR SEXUAL VIOLENCE.—The term 'domestic or sexual violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)(C)(iii).

''(ii) QUALIFIED PROFESSIONAL.—The term 'qualified professional' includes a State or local organization with recognized expertise in the dynamics of domestic or sexual violence who has as one of its primary purposes to provide services to victims of domestic or sexual violence, such as a sexual assault crisis center or domestic or sexual violence program, or an individual trained by such an organization.''.

(b) ASSESSMENT.—Section 408(b) (42 U.S.C. 608(b)), as amended by section 110(a)(2)(A), is amended—

(1) in paragraph (1)(A), in the matter preceding clause (i), by striking ''and employability'' and inserting ''employability, and potential barriers, including domestic or sexual violence, mental or physical health, learning disability, substance abuse, English as a second language, child care needs, insufficient housing, or transportation''; and

(2) in paragraph (2)(A)—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by inserting after clause (iii), the following:

''(iv) documents the individual's receipt of adequate notice of program requirements, confidentiality provisions, assessment and program services, and waivers available to individuals who have or may have been subjected to domestic or sexual violence or are at risk for future such violence, as well as the process to access such services or waivers; and

''(v) may not require the individual to participate in services to address domestic or sexual violence.''.

(c) REVIEW AND CONCILIATION PROCESS.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REVIEW AND CONCILIATION PROCESS FOR FAMILIES SUBJECTED TO DOMESTIC OR SEXUAL VIOLENCE.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall not impose a sanction or penalty against an individual under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement where domestic or sexual violence is a significant contributing factor in the noncompliance.

''(B) 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; and

''(ii) if such violence is identified—

''(I) make a reasonable effort to modify or waive program requirements or prohibitions; and

''(II) offer the individual referral to voluntary services to address the violence.''.

(d) STATE OPTION TO INCLUDE SURVIVORS OF DOMESTIC OR SEXUAL VIOLENCE IN WORK PARTICIPATION RATES.—Section 407(c)(6) (42 U.S.C. 607(c)(6)), as amended by section 109(f), is amended by adding at the end the following:

''(G) STATE OPTION TO INCLUDE SURVIVORS OF DOMESTIC OR SEXUAL VIOLENCE.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a State may deem an individual receiving services to address having been or being subjected to domestic or sexual violence, or receiving a waiver from program requirements under section 402(a)(7), as being engaged in work for the month.''.

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 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

(B) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(4) in 1989, the Administrator promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(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, 22 percent in gaskets, 12 percent in friction products, and 4 percent in other products;

(8) available evidence suggests that—

(A) imports of some types of 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 estimates that in 2000, 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, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Norway, 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 town 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 Governor of Montana requested that the Administrator of the Environmental Protection Agency designate Libby as a Superfund site; and

(B) on October 23, 2002, the Administrator placed Libby on the National Priorities List;

(20)(A) vermiculite from Libby was shipped for processing to 42 States; and

(B) Federal agencies are investigating potential harmful exposures to asbestos-contaminated vermiculite at sites throughout the United States;

(21) the Administrator has identified 14 sites that have dangerous levels of asbestos-tainted 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-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately or knowingly used in any concentration.

''(2) CONTAMINANT-ASBESTOS PRODUCT.—The term 'contaminant-asbestos product' means any product that contains asbestos as a contaminant of any mineral or other substance, in any concentration.

''(3) DISTRIBUTE IN COMMERCE.—

''(A) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

''(B) EXCLUSIONS.—The term 'distribute in commerce' does not include—

''(i) an action taken with respect to an asbestos-containing product in connection with the end use of the asbestos-containing product by a person that is an end user; or

''(ii) distribution of an asbestos-containing product by a person solely for the purpose of disposal of the asbestos-containing product in compliance with applicable Federal, State, and local requirements.

''(4) DURABLE FIBER.—

''(A) IN GENERAL.—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 processes expected 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) nonasbestiform varieties of crocidolite, amosite, anthophyllite, tremolite, and actinolite.

''(5) FIBER.—The term 'fiber' means an acicular single crystal or similarly elongated polycrystalline 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 nonprofit business entity (including any manufacturer, importer, distributor, or processor);

''(C) any Federal, State, or local department, agency, or instrumentality; and

''(D) any interstate body.

''SEC. 222. NATIONAL ACADEMY OF SCIENCES STUDY.

''The Administrator shall enter into a contract with the National Academy of Sciences to study and, not later than 18 months after the date of enactment of this subtitle, provide the Administrator, and other Federal agencies, as appropriate—

''(1) a description of the current state of the science relating to the human health effects of exposure to asbestos and other durable fibers; and

''(2) recommendations for the establishment of—

''(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.

''SEC. 223. ASBESTOS POLICIES PANEL.

''(a) PANEL.—

''(1) IN GENERAL.—The Administrator shall establish an Asbestos Policies Panel (referred to in this section as the 'panel') to study asbestos and other durable fibers.

''(2) MEMBERSHIP.—The panel shall be comprised of representatives of—

''(A) the Secretary of Labor;

''(B) the Secretary of Health and Human Services; and

''(C) the Chairman of the Consumer Product Safety Commission;

''(D) nongovernmental environmental, public health, and consumer organizations;

''(E) industry;

''(F) school officials;

''(G) public health officials;

''(H) labor organizations; and

''(I) the public.

''(b) DUTIES.—The panel shall—

''(1) provide independent advice and counsel to the Administrator and other Federal agencies on policy issues associated with the use and management of asbestos and other durable fibers; and

''(2) study and, not later than 2 years after the date of enactment of this subtitle, provide the Administrator, other Federal agencies, and Congress recommendations concerning—

''(A) implementation of subtitle A;

''(B) grant programs under subtitle A;

''(C) revisions to the national emissions standards for hazardous air pollutants promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(D) legislative and regulatory options for improving consumer and worker protections against harmful health effects of exposure to asbestos and durable fibers;

''(E) whether the definition of asbestos-containing material, meaning any material that contains more than 1 percent asbestos by weight, should be modified throughout the Code of Federal Regulations;

''(F) the feasibility of establishing a durable fibers testing program;

''(G) options to improve protections against exposure to asbestos from asbestos-containing products and contaminant-asbestos products in buildings;

''(H) current research on and technologies for disposal of asbestos-containing products and contaminant-asbestos products; and

''(I) at the option of the panel, the effects on human health that may result from exposure to ceramic, carbon, and other manmade fibers.

''SEC. 224. STUDY OF ASBESTOS-CONTAINING PRODUCTS AND CONTAMINANT-ASBESTOS PRODUCTS.

''(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 manufacture, processing, distribution in commerce, ownership, importation, and disposal of asbestos-containing products and contaminant-asbestos products in the United States.

''(b) ISSUES.—In conducting the study, the Administrator shall examine—

''(1) how consumers, workers, and businesses use asbestos-containing products and contaminant-asbestos products that are entering commerce as of the date of enactment of this subtitle; and

''(2) the extent to which consumers and workers are being exposed to unhealthful levels of asbestos through exposure to products described in paragraph (1).

''(c) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

''SEC. 225. PROHIBITION ON ASBESTOS-CONTAINING PRODUCTS.

''(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

''(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

''(A) prohibit persons from manufacturing, processing, or distributing in commerce asbestos-containing products; and

''(B) provide for implementation of subsections (b) and (c); and

''(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective 60 days after the date of promulgation, prohibit persons from manufacturing, processing, or distributing in commerce asbestos-containing products.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and 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 present an unreasonable risk of injury to public health or the environment; and

''(ii) may be substituted for an asbestos-containing product.

''(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed 1 year) and subject to such terms and conditions as the Administrator may prescribe.

''(c) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of enactment of this subtitle, each person that possesses an asbestos-containing product that is subject to the prohibition established under this section shall dispose of the asbestos-containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to an asbestos-containing product that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user; or

''(B) requires that an asbestos-containing product described in subparagraph (A) be removed or replaced.

''SEC. 226. PUBLIC EDUCATION PROGRAM.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, and subject to subsection (c), in consultation with the Chairman of the Consumer Product Safety Commission and the Secretary of Labor, the Administrator shall establish a program to increase awareness of the dangers posed by asbestos-containing products and contaminant-asbestos products in homes and workplaces.

''(b) GREATEST RISKS.—In establishing the program, the Administrator shall—

''(1) base the program on the results of the study conducted under section 224;

''(2) give priority to asbestos-containing products and contaminant-asbestos products used by consumers and workers that pose the greatest risk of injury to human health; and

''(3) at the option of the Administrator on receipt of a recommendation from the Asbestos Policies Panel, include in the program the conduct of projects and activities to increase public awareness of the effects on human health that may result from exposure to—

''(A) durable fibers; and

''(B) ceramic, carbon, and other manmade fibers.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) VERMICULITE INSULATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Consumer Product Safety Commission shall begin a national campaign to educate consumers concerning—

(1) the dangers of vermiculite insulation that may be contaminated with asbestos; and

(2) measures that homeowners and business owners can take to protect against those dangers.

SEC. ___04. ASBESTOS-CAUSED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

''(b) ADMINISTRATION.—The Secretary shall carry out this section—

''(1) through the Director of NIH and the Director of the CDC (Centers for Disease Control and Prevention); and

''(2) in collaboration with the Administrator of the Agency for Toxic Substances and Disease Registry and the head of any other agency that the Secretary determines to be appropriate.

''(c) MESOTHELIOMA REGISTRY.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall 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.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2004 and each fiscal year thereafter.

''SEC. 417E. MESOTHELIOMA RESEARCH AND TREATMENT CENTERS.

''(a) IN GENERAL.—The Director of NIH shall provide $1,000,000 for each of fiscal years 2004 through 2008 for each of up to 10 mesothelioma disease research and treatment centers.

''(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 closely associated with Department of Veterans Affairs medical centers to provide research benefits and care to veterans, who have suffered excessively from mesothelioma;

''(4) be engaged in research to provide mechanisms for detection and prevention of mesothelioma, particularly in the areas of pain management and cures;

''(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. ___05. CONFORMING AMENDMENTS.

The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

''Subtitle B—Asbestos-Containing Products

''Sec. 221. Definitions.
''Sec. 222. National Academy of Sciences Study.
''Sec. 223. Asbestos Policies Panel.
''Sec. 224. Study of asbestos-containing products and contaminant-asbestos products.
''Sec. 225. Prohibition on asbestos-containing products.
''Sec. 226. Public education program.''.

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 child care, 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:

(f) 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:

''(c) DETERMINATION OF COUNTABLE HOURS ENGAGED IN WORK.—

''(1) SINGLE PARENT OR RELATIVE WITH A CHILD OVER 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 subsection (b)(1)(B)(i) 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 such work activities for an average of at least 20, 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 such 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 33, but less than 40, hours per week in a month, as 0.875 of a family.

''(iv) 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 40 hours per week in a month, as 1 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 before 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.—

''(i) QUALIFIED ACTIVITIES FOR 3-MONTHS IN ANY 24-MONTH PERIOD.—

''(I) 24-HOURS PER WEEK REQUIRED.—Subject to subclauses (III) and (IV), for purposes of determining hours under subparagraph (A), a State may count the total number of hours any adult recipient or minor child head of household in a family engages in qualified activities described in subclause (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 the family for the month average 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 subclause (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 the Personal Responsibility and Individual Development for Everyone Act.

''(III) LIMITATION.—Except as provided in clause (ii), subclause (I) shall not apply to a family for more than 3 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 subclause (II) for an adult recipient or minor child head of household without regard to the minimum 24 hour average per week of participation requirement under subclause (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 of participation.

''(ii) ADDITIONAL 3-MONTH PERIOD PERMITTED FOR CERTAIN ACTIVITIES.—

''(I) 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 subclause (II) 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 subclause (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 subclause (I), qualified rehabilitative services described in this subclause are any of the following:

''(aa) Adult literacy programs or activities.

''(bb) Participation in a program designed to increase 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 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 subclause (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)).

''(iii) HOURS IN EXCESS OF AN AVERAGE OF 24 WORK ACTIVITY HOURS PER WEEK.—If the total number of hours that any 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) averages at least 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—

''(I) 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 as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) In the case of such 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.

''(ii) In the case of such 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 hours per week in a month, as 1 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)(A), a 2-parent 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 subsection (b)(1)(B)(i) as follows:

''(i) 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 26, 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 30, but less than 33, 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 33, but less than 40, hours per week in a month, as 0.875 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 40 hours per week in a month, as 1 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 2-parent family described in 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 a such a 2-parent family by substituting '34' for '24' each place it appears.

''(4) 2-PARENT FAMILIES THAT RECEIVE FEDERALLY FUNDED CHILD CARE.—

''(A) IN GENERAL.—Subject to paragraph (6)(A), if a 2-parent family receives federally funded child care assistance, an adult recipient or minor child head of household in the family participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) 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 0.675 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 45, but less than 51, 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 51, but less than 55, hours per week in a month, as 0.875 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 55 hours per week in a month, as 1 family.

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 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 184, strike line 6 and all that follows through line 4 on page 185, and insert the following:

(c) MINIMUM PARTICIPATION RATE FLOOR.—Section 407(a), as amended by subsection (b), is amended by adding at the end, the following:

''(2) MINIMUM PARTICIPATION RATE FLOOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, a State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate floor under the State program funded under this part that is not less than—

''(i) 10 percent for fiscal year 2004;

''(ii) 20 percent for fiscal year 2005;

''(iii) 30 percent for fiscal year 2006;

''(iv) 40 percent for fiscal year 2007; and

''(v) 55 percent for fiscal year 2008 and each succeeding year.

''(B) CALCULATION OF PARTICIPATION RATES FOR PURPOSES OF DETERMINING THE MINIMUM PARTICIPATION RATE FLOOR.—The minimum participation rate floor of a State for a fiscal year shall be calculated according to subsection (b) except that—

''(i) the minimum participation rate floor for a State shall not be reduced by an employment credit under subsection (b)(2) or a caseload reduction credit under subsection (b)(3) (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.

''(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—

''(I) under the State program funded under this part; or

''(II) under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(D) NO WORK REQUIREMENT IMPOSED FOR FAMILIES WITH AN INFANT.—Nothing in this paragraph shall be construed as requiring a State to require 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 under subsection (a)(2)'' after ''(b)(1)(B)(i)''.

On page 225, line 10, insert ''paragraph (1) or (2) of'' after ''section''.

On page 225, line 17, insert ''paragraph (1) or (2) of'' after ''section''.

SA 2962. Mr. CAMPBELL 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 236, strike line 21 and all that follows through page 239, line 8, and insert the following:

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) REAUTHORIZATION OF TRIBAL FAMILY ASSISTANCE GRANTS.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2005 through 2009''.

(b) TRIBAL TANF IMPROVEMENT FUND.—

(1) 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 (D) 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 human services program infrastructure improvement (as defined in clause (v)) to—

''(I) Indian tribes that have applied for approval of a tribal family assistance plan and that meet the requirements of clause (ii)(I);

''(II) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii)(II); and

''(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)(III).

''(ii) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

''(I) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan as 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.

''(II) Second, 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.

''(III) Third, 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 under section 471 (or in an addendum to such plan) provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(iii) OTHER REQUIREMENTS FOR AWARDING GRANTS.—In awarding grants under this subparagraph, the Secretary—

''(I) may not award an Indian tribe more than 1 grant under this subparagraph per fiscal year; and

''(II) shall award grants in such a manner as to maximize the number of Indian tribes that receive grants under this subparagraph.

''(iv) APPLICATION.—An Indian tribe desiring a grant under this subparagraph shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

''(v) DEFINITION OF HUMAN SERVICES PROGRAM INFRASTRUCTURE IMPROVEMENT.—In this subparagraph, the term 'human services program infrastructure improvement' 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) ADJUSTED TRIBAL TANF GRANTS FOR INCREASED CASELOADS.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2005 through 2009, $140,000,000 of such amount shall be used by the Secretary to make supplemental grants for each of fiscal years 2005 through 2009 to each Indian tribe that—

''(I) has an approved tribal family assistance plan; and

''(II) demonstrates that the number of Indian families receiving cash assistance under the tribal family assistance plan as of the first quarter of the third year of the operation of such plan has increased by at least 20 percent over such number for the first quarter of the first year of the operation of such plan.

''(ii) ALLOCATION OF FUNDS.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine a formula for the allocation of $35,000,000 of the funds described in clause (i) for each fiscal year described in that clause in a manner that is proportionate to the size, service population, and percentage increase in the number of Indian families served by each Indian tribe eligible for an adjusted grant under this subparagraph for that fiscal year. If the amount available for allocation for a fiscal year is less than 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.

''(C) MAINTENANCE OF EFFORT PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), of the amount appropriated under subparagraph (E), $40,000,000 of such amount for each of fiscal years 2005 through 2009 shall be used by the Secretary to pay a State an amount equal to 50 percent of the total amount of qualified State expenditures (as defined in section 409(a)(7)(B)(i)) incurred by the State for each such fiscal year for support of tribal family assistance plans.

''(ii) PRO RATA REDUCTIONS.—If the amount available for making payments under clause (i) for a fiscal year is less than the total amount of payments otherwise required to be made under clause (i) for the fiscal year, then the amount otherwise payable to any State for the fiscal year under clause (i) shall be reduced by a percentage equal to the amount available divided by the total amount of payments required for that fiscal year.

''(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—

''(I) considering applying for or carrying out a grant made under this paragraph;

''(II) considering applying for or carrying out a tribal family assistance plan under this section; or

''(III) related to best practices and approaches for State and tribal coordination on the transfer of the administration of social services programs to Indian tribes.

''(ii) RESERVATION OF FUNDS.—Not less than—

''(I) $5,000,000 of the amount described in clause (i) shall be used by the Secretary to support through grants or contracts peer-learning programs among tribal administrators; and

''(II) $5,000,000 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 are 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 405(a) (42 U.S.C. 605(a)) is amended by striking ''section 403'' and inserting ''sections 403 and 412(a)(2)(C)''.

(2) ELIGIBILITY FOR BONUS TO REWARD EMPLOYMENT ACHIEVEMENT; CONTINGENCY FUND.—

(A) BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.—Section 403(a)(4)(G) (42 U.S.C. 603(a)(4)(G)), as amended by section 105, is amended to read as follows:

''(G) RESERVATION OF FUNDS FOR DISTRIBUTION TO INDIAN TRIBES.—

''(i) 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 pursuant to this subparagraph to each Indian tribe with an approved tribal family assistance plan that is a high performing Indian tribe for that bonus year.

''(ii) CRITERIA FOR DETERMINING TRIBAL PERFORMANCE.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the criteria for determining which such tribes are high performing Indian tribes with respect to a bonus year.

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to the employment of recipients of assistance under a tribal family assistance plan and to moving such recipients to self-sufficiency.''.

(B) ELIGIBILITY FOR CONTINGENCY FUND.—Section 403(b)(1) (42 U.S.C. 603(b)(3)), as amended by section 106(a)(1), is amended—

(i) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'';

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iii) by inserting after subparagraph (C), the following:

''(D) INCREASED ECONOMIC HARDSHIP PAYMENTS TO INDIAN TRIBES.—

''(i) IN GENERAL.—Of the total amount appropriated pursuant to paragraph (2), $50,000,000 of such amount shall be reserved for making payments to Indian tribes with approved tribal family assistance plans that are operating in situations of increased economic hardship.

''(ii) DETERMINATION OF CRITERIA FOR TRIBAL ACCESS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine the criteria for access by Indian tribes to the amount reserved under clause (i).

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to increases in unemployment, loss of employers, and loss of qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in support of tribal family assistance plans.

''(iii) APPLICATION OF REQUIREMENTS FOR PAYMENTS TO STATES.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the extent to which requirements of States for payments from the Fund shall apply to Indian tribes receiving payments under this subparagraph.''.

(c) HIGH JOBLESSNESS ON NATIVE LANDS.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended—

(1) in the subparagraph heading, by striking ''BY ADULT'' and all that follows through ''UNEMPLOYMENT'' and inserting ''IN AREAS OF INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH HIGH JOBLESSNESS'';

(2) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), in determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month during which the 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 as the Secretary may approve) with respect to the month (or a period including the month) indicate that at least 20 percent of the adult recipients who were living in Indian country or in the village were jobless.'';

(3) by redesignating clause (ii) as clause (iii); and

(4) 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 the adult is in 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 ''(B)''; and

(B) by inserting before the semicolon the following: '', or (C) an Indian tribe or tribal organization (as defined in section 479B(e)) or an intertribal consortium if the Indian tribe, tribal organization, or consortium is not operating 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 protections 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 that elects to operate a program under this part in the same manner as this part applies to a State.

''(b) MODIFICATION OF PLAN REQUIREMENTS.—

''(1) 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)(3), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

''(B) 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.

''(2) DETERMINATION OF FEDERAL SHARE.—

''(A) PER CAPITA INCOME.—

''(i) IN GENERAL.—For purposes of determining the Federal medical assistance 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 as defined in its plan in accordance with paragraph (1)(A).

''(ii) CONSIDERATION OF OTHER INFORMATION.—An Indian tribe or tribal organization may submit to the Secretary such information as the Indian tribe or tribal organization considers relevant to the calculation of the per capita income of the Indian tribe or tribal organization, and the Secretary shall consider such information before making the calculation.

''(B) ADMINISTRATIVE EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes and tribal organizations pursuant to section 474(a)(3), except that in no case shall an Indian tribe or tribal organization receive a lesser proportion than the corresponding amount specified for a State in that section.

''(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe or tribal organization may use Federal or State funds to match payments for which the Indian tribe or tribal organization is eligible under section 474.

''(3) MODIFICATION OF OTHER REQUIREMENTS.—Upon the request of an Indian tribe, tribal organization, or a consortia of tribes or tribal organizations, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or consortia of tribes or tribal organizations, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or consortia of tribes or tribal organizations.

''(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of an intertribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(c) COOPERATIVE AGREEMENTS.—An Indian tribe, tribal organization, or intertribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds pursuant to this part. In any case where an Indian tribe, tribal organization, or intertribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable. Any such cooperative agreement that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, in full consultation with Indian tribes and tribal organizations, promulgate regulations to carry out this section.

''(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively, except that, with respect to the State of Alaska, the term 'Indian tribe' has the meaning given that term in section 419(4)(B).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act.

(e) CLARIFICATION OF APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412 (42 U.S.C.612), as amended by section 108(b)(2), is amended by adding at the end the following:

''(i) APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides 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. 3405), the programs authorized to be conducted with such funds shall be—

''(1) considered to be programs subject to section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(2) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3505) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

(f) JOB CREATION ON NATIVE LANDS.—

(1) 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 Economies Diagnostic 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 amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the tribe may—

(aa) conduct diagnostic studies of the tribe's economy; and

(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.

(iv) 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.

(B) 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'').

(ii) USE OF AMOUNTS FROM ECONOMIC FUND.—An Indian tribe shall be eligible to use amounts in the Economic Fund to ensure that Federal development assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

(I) sound economic and political policies;

(II) good governance; and

(III) practices that promote increased levels of economic growth and job creation.

(C) 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—

(i) $5,000,000 to the Diagnostic Fund; and

(ii) $5,000,000 to the Economic Fund.

(2) 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 103 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 (1) 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(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)), and

''(ii) lands held under the provisions of the Alaska Native Claims Settlement Act (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 168(j)(8) 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:

priated for grants under this paragraph—

''(I) for fiscal year 2004, $100,000,000; and

''(II) for each of fiscal years 2005 through 2008, $120,000,000.

On page 239, strike lines 21 and 22, and insert ''$100,000,000 for fiscal year 2004 and $120,000,000 for each of fiscal years 2005 through 2008, which shall remain available to''.

Beginning on page 289, strike line 24 and all that follows through page 290, line 5, and insert the following:

''(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the purpose of carrying out

this paragraph, $40,000,000 for each of fiscal years 2004 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. ___. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

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 9-year period during fiscal years 2005 through 2007.

''(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(I) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to fiscal year 2005 solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(II) PAYMENT OF BENEFITS.—Benefits paid under subparagraph (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.''.

SA 2965. Mr. JEFFORDS (for himself, Mr. SMITH, Ms. COLLINS, Mr. CHAFEE, and 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 216, between lines 19 and 20, insert the following:

''(G) STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.—

''(i) IN GENERAL.—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 referral relationship with other governmental or private agencies with expertise in disability determination or appropriate services plans for adults with disabilities (including agencies that receive funds under this part), and one of those entities determines that an individual described in clause (iv) is not able to meet the State's full work requirements after the periods applicable under paragraph (1)(C) because of the individual's disability and continuing need for rehabilitative services, then for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) the State may receive credit in accordance with clause (ii) for certain activities undertaken with respect to the individual.

''(ii) CREDIT FOR ACTIVITIES UNDERTAKEN THROUGH COLLABORATIVE AGENCY PROCESS.—Subject to clause (iii), if the State undertakes to provide services for an individual to which clause (i) applies through a collaborative process that includes 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 determined under subsection (b)(1)(B)(i) with the lesser of—

''(I) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this subparagraph for the month; or

''(II) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

''(iii) LIMITATION.—A State shall not receive credit under clause (ii) towards the monthly participation rate under subsection (b)(1)(B)(i) unless the State reviews the disability determination of an individual to which clause (i) applies and the activities in which the individual is participating not less than every 6 months.

''(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an individual described in this clause is an individual who the State has determined has a disability and would benefit from participating in rehabilitative services while combining such participation with other work activities.

''(v) DEFINITION OF DISABILITY.—In this subparagraph, the term 'disability' means a physical or mental impairment, including substance abuse, that—

''(I) constitutes or results in a substantial impediment to employment; 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 ___FOOD BANK DONATIONS

SEC. ___01. 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 (3)(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, if a taxpayer uses the cash method of accounting, 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 (3), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or which is produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in paragraph (3)(A), cannot or will not be sold, the fair market value of such contribution shall be determined—

''(i) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

''(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at 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 apply to taxable years beginning after December 31, 2003.

SEC. ___02. TIME SENSITIVE GOODS MOVEMENT.

(a) IN GENERAL.—The Secretary shall enter into a contract or grant agreement with a nongovernmental organization described in subsection (b)(1) to establish and maintain a program for the tracking, collection, and delivery of time sensitive goods.

(b) DEFINITIONS.—For purposes of this section—

(1) NONGOVERNMENTAL ORGANIZATION.—The nongovernmental organization referred to in subsection (a) shall be a national 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 working experience with transport providers such as trucking companies in creating, coordinating, and maintaining transfer systems designed to assist, at the national level, the delivery of time sensitive goods to appropriate nationwide coordination centers;

(C) agree to contribute in-kind resources towards 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 ''tine sensitive goods'' meand 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.

(d) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

(e) FUNDING.—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 nongovernmental 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. ___03. SERVICE 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) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) 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) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

SEC. ___04. 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) (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 patent, 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 RECEIVES INTEREST.—Section 170(e) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULES FOR CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY WHERE DONOR RECEIVES INTEREST.—

''(A) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed under this section with respect to a contribution of property described in paragraph (1)(B)(iii) if the taxpayer after the contribution has any interest in the property other than a qualified interest.

''(B) CONTRIBUTIONS WITH QUALIFIED INTEREST.—If a taxpayer after a contribution of property described in paragraph (1)(B)(iii) has a qualified interest in the property—

''(i) any payment pursuant to the qualified interest shall be treated as ordinary income and shall be includible in gross income of the taxpayer for the taxable year in which the payment is received by the taxpayer, and

''(ii) subsection (f)(3) and section 1011(b) shall not apply to the transfer of the property from the taxpayer to the donee.

''(C) QUALIFIED INTEREST.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified interest' means, with respect to any taxpayer, a right to receive from the donee a percentage (not greater than 50 percent) of any royalty payment received by the donee with respect to property described in paragraph (1)(B)(iii) (other than copyrights which are described in section 1221(a)(3) or 1231(b)(1)(C)) contributed by the taxpayer to the donee.

''(ii) SECRETARIAL AUTHORITY.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may by regulation or other administrative guidance treat as a qualified interest the right to receive other payments from the donee, but only if the donee does not possess a right to receive any payment (whether royalties or otherwise) from a third party with respect to the contributed property.

''(II) EXCEPTIONS.—The Secretary may not treat as a qualified interest the right to receive any payment which provides a benefit to the donor which is greater than the benefit retained by the donee or the right to receive any portion of the proceeds from the sale of the property contributed.

''(iii) LIMITATION.—An interest shall be treated as a qualified interest under this subparagraph only if the taxpayer has no right to receive any payment described in clause (i) or (ii)(I) after the earlier of the date on which the legal life of the contributed property expires or the date which is 20 years after the date of the contribution.''.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 6050L(a) (relating to returns regarding certain dispositions of donated property) is amended—

(A) by striking ''If'' and inserting:

''(1) DISPOSITIONS OF DONATED PROPERTY.—If'',

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and

(C) by adding at the end the following new paragraph:

''(2) PAYMENTS OF QUALIFIED INTERESTS.—Each donee of property described in section 170(e)(1)(B)(iii) which makes a payment to a donor pursuant to a qualified interest (as defined in section 170(e)(7)) during any calendar year shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

''(A) the name, address, and TIN of the payor and the payee with respect to such a payment,

''(B) a description, and date of contribution, of the property to which the qualified interest relates,

''(C) the dates and amounts of any royalty payments received by the donee with respect to such property,

''(D) the date and the amount of the payment pursuant to the qualified interest, and

''(E) a description of the terms of the qualified interest.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 6050L is amended by striking ''**CERTAIN DISPOSITIONS OF**''.

(B) The item relating to section 6050L in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking ''certain dispositions of''.

(d) 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 preventing—

(1) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(2) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, 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 patent or similar property to property of 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, 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 ____—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT AMENDMENTS

SEC. ___01. SHORT TITLE

This title may be cited as the ''Caring for Children Act of 2004''.

Subtitle A—Child Care and Development Block Grant Act of 1990

SEC. ___11. 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;'';

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following:

''(5) 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.''.

SEC. ___13. LEAD AGENCY.

Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(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 complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.''.

SEC. ___14. STATE PLAN.

(a) LEAD AGENCY.—Section 658E(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(1)) is amended by striking ''designated'' and inserting ''designated or established''.

(b) POLICIES AND PROCEDURES.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(1) in subparagraph (A)(i)(II), by striking ''section 658P(2)'' and inserting ''section 658T(2)'';

(2) by striking subparagraph (D) and inserting the following:

''(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will—

''(i) collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

''(I) the promotion of informed child care choices, including information about the quality and availability of child care services;

''(II) research and best practices concerning children's development, including early cognitive development;

''(III) the availability of assistance to obtain child care services; and

''(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.); and

''(ii) report to the Secretary the manner in which the consumer education information described in clause (i) was provided to parents and the number of parents to whom such consumer education information was provided, during the period of the previous State plan.'';

(3) by striking subparagraph (E) and inserting the following:

''(E) COMPLIANCE WITH STATE AND TRIBAL LICENSING REQUIREMENTS.—

''(i) IN GENERAL.—Certify that the State (or the Indian tribe or tribal organization) involved has in effect licensing requirements applicable to child care services provided within the State (or area served by the tribe or organization), and provide a detailed description of such requirements and of how such requirements are effectively enforced.

''(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to require that licensing requirements be applied to specific types of providers of child care services.'';

(4) in subparagraph (F)—

(A) in the first sentence, by striking ''within the State, under State or local law,'' and inserting ''within the State (or area served by the Indian tribe or tribal organization), under State or local law (or tribal law),''; and

(B) in the second sentence, by striking ''State or local law'' and inserting ''State or local law (or tribal law)''; and

(5) by adding at the end the following:

''(I) PROTECTION FOR WORKING PARENTS.—

''(i) REDETERMINATION PROCESS.—Describe the procedures and policies that are in place to ensure that working parents (especially parents in families receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) are not required to unduly disrupt their employment in order to comply with the State's requirements for redetermination of eligibility for assistance under this subchapter.

''(ii) MINIMUM PERIOD.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 6 months before the State redetermines the eligibility of the child under this subchapter, except as provided in clause (iii).

''(iii) PERIOD BEFORE TERMINATION.—At the option of the State, demonstrate that the State will not terminate assistance under this subchapter based on a parent's loss of work or cessation of attendance at a job training or educational program for which the family was receiving the assistance, without continuing the assistance for a reasonable period of time, of not less than 1 month, after such loss or cessation in order for the parent to engage in a job search and resume work, or resume attendance of a job training or educational program, as soon as possible.

''(J) COORDINATION WITH OTHER PROGRAMS.—Describe how the State, in order to expand accessibility and continuity of quality early care and early education, will coordinate the early childhood education activities assisted under this subchapter with—

''(i) programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including the Early Head Start programs carried out under section 645A of that Act (42 U.S.C. 9840a);

''(ii)(I) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.); and

''(II) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.);

''(iii) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

''(iv) State prekindergarten programs; and

''(v) other early childhood education programs.

''(K) TRAINING IN EARLY LEARNING AND CHILDHOOD DEVELOPMENT.—Describe any training requirements that are in effect within the State that are designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and that are applicable to child care providers that provide services for which assistance is made available under this subchapter in the State.

''(L) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State is encouraging partnerships among State agencies, other public agencies, and private entities, to leverage existing service delivery systems (as of the date of submission of the State plan) for early childhood education and to increase the supply and quality of child care services for children who are less than 13 years of age.

''(M) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which assistance is provided under this subchapter, who have children with special needs, work nontraditional hours, or require child care services for infants and toddlers.

''(N) COORDINATION WITH TITLE IV OF THE SOCIAL SECURITY ACT.—Describe how the State will inform parents receiving 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 low-income parents about eligibility for assistance under this subchapter.''.

(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 required 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 (i) (as designated in subparagraph (A)), by striking ''appropriate to realize 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 REFERRAL SYSTEM.—A State may use amounts described in clause (i) to establish or support a system of local child care resource and referral organizations coordinated by a statewide private, nonprofit, community-based lead child care resource and referral organization. The local child care resource and referral organizations shall—

''(I) provide parents in the State with information, and consumer education, concerning the full range of child care options, including child care provided during nontraditional hours and through emergency child care centers, in their communities;

''(II) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(III) submit reports to the State containing data and analysis described in clause (II); and

''(IV) work to establish partnerships with public agencies and private entities to increase 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 amended—

(1) in subparagraph (A), by striking ''(D)'' and inserting ''(E)''; and

(2) by adding at the end the following:

''(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

''(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

''(ii) from the remainder, use not less than 70 percent to fund direct services (as defined by the State).''.

(e) PAYMENT RATES.—Section 658E(c)(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)) is amended—

(1) in subparagraph (A), by striking ''The State plan'' and all that follows and inserting the following:

''(i) SURVEY.—The State plan shall—

''(I) demonstrate that the State has, after consulting with local area child care program administrators, developed and conducted a statistically valid and reliable survey of the market rates for child care 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 submission of the application containing the State plan;

''(II) detail the results of the State market rates survey conducted pursuant to subclause (I);

''(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 subclause (I) without reducing the number 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.

''(ii) EQUAL ACCESS.—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) NO PRIVATE RIGHT OF ACTION.—Nothing''; and

(B) by adding at the end the following:

''(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter 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; and

''(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 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

''(a) IN GENERAL.—

''(1) RESERVATION.—Each State that receives funds to carry out this subchapter for a fiscal year shall reserve and use not less than 6 percent of the funds for activities provided directly, or through grants or contracts with resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services.

''(2) ACTIVITIES.—The funds reserved under paragraph (1) may only be used to—

''(A) develop and implement voluntary guidelines on pre-reading and language skills and activities, for child care programs in the State, that are aligned with State standards for kindergarten through grade 12 or the State's general goals for school preparedness;

''(B) support activities and provide technical assistance in Federal, State, and local child care settings to enhance early learning for preschool and school-aged children, to promote literacy, to foster school preparedness, and to support later school success;

''(C) offer training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—

''(i) developing and operating distance learning child care training infrastructures;

''(ii) developing model technology-based training courses;

''(iii) offering training for caregivers in informal child care settings; and

''(iv) offering training for child care providers who care for infants and toddlers and children with special needs.

''(D) engage in programs designed to increase the retention and improve the competencies of child care providers, including wage incentive programs and initiatives that establish tiered payment rates for providers that meet or exceed child care services guidelines, as defined by the State;

''(E) evaluate and assess the quality and effectiveness of child care programs and services offered in the State to young children on improving overall school preparedness; and

''(F) carry out other activities determined by the State to improve the quality of child care services provided in the State and for which measurement of outcomes relating to improved child safety, child well-being, or school preparedness is possible.

''(b) CERTIFICATION.—Beginning with fiscal year 2005, the State shall annually submit to the Secretary a certification in which the State certifies that the State was in compliance with subsection (a) during the preceding fiscal year and describes how the State used funds made available to carry out this subchapter to comply with subsection (a) during that preceding fiscal year.

''(c) STRATEGY.—The State shall annually submit to the Secretary—

''(1) beginning with fiscal year 2005, an outline of the strategy the State will implement during that fiscal year to address the quality of child care services for which financial assistance is made available under this subchapter, including—

''(A) a statement specifying how the State will address the activities carried out under subsection (a);

''(B) a description of quantifiable, objective measures that the State will use to evaluate the State's progress in improving the quality of the child care services (including measures regarding the impact, if any, of State efforts to improve the quality by increasing payment rates, as defined in section 658H(c)), evaluating separately the impact of the activities listed in each of such subparagraphs on the quality of the child care services; and

''(C) a list of State-developed child care services quality targets quantified for such fiscal year for such measures; and

''(2) beginning with fiscal year 2006, a report on the State's progress in achieving such targets for the preceding fiscal year.

''(d) IMPROVEMENT PLAN.—If the Secretary determines that a State failed to make progress as described in subsection (c)(2) for a fiscal year—

''(1) the State shall submit an improvement plan that describes the measures the State will take to make that progress; and

''(2) the State shall comply with the improvement plan by a date specified by the Secretary but not later than 1 year after the date of the determination.

''(e) CONSTRUCTION.—Nothing in this subchapter shall be construed to require that the State apply measures for evaluating quality of child care services to specific types of child care providers.''.

SEC.___16. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

The Child Care and Development Block Grant Act of 1990 is amended by inserting after section 658G (42 U.S.C. 9858e) the following:

''SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

''(a) IN GENERAL.—If a State receives funds to carry out this subchapter for a fiscal year, and the amount of the funds exceeds 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 658E(c)(4);

''(2) to support the establishment of tiered payment rates as described in section 658G(a)(2)(D); and

''(3) 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(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(3)).

''(b) NO REQUIREMENT TO REDUCE CHILD CARE SERVICES.—Nothing in this section shall be construed to require a State 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. ___17. REPORTING REQUIREMENTS.

(a) HEADING.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended by striking the section heading and inserting the following:

''SEC. 658K. REPORTS AND AUDITS.''.

(b) REQUIRED INFORMATION.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended to read as follows:

''(a) REPORTS.—

''(1) IN GENERAL.—A State that receives funds to carry out this subchapter shall collect the information described in paragraph (2) on a monthly basis.

''(2) REQUIRED INFORMATION.—The information required under this paragraph 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 409(a)(7) of the Social Security Act (42 U.S.C. 609(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 658T(5));

''(G) whether the child care provider involved was a relative;

''(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;

''(I) the average hours per month of such care;

''(J) household size;

''(K) whether the parent involved reports that the child has an individualized education program or an individualized family service plan described in section 602 or 636 of

the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1436); and

''(L) the reason for any termination of benefits under this subchapter, including whether the termination was due to—

''(i) the child's age exceeding the allowable limit;

''(ii) the family income exceeding the State eligibility limit;

''(iii) the State recertification or administrative requirements not being met;

''(iv) parent work, training, or education status no longer meeting State requirements;

''(v) a nonincome related change in status; or

''(vi) other reasons;

during the period for which such information is required to be submitted.

''(3) SUBMISSION TO SECRETARY.—A State described in paragraph (1) shall, on a quarterly basis, submit to the Secretary the information required to be collected under paragraph (2) and the number of children and families receiving assistance under this subchapter (stated on a monthly basis). Information on the number of families receiving the assistance shall also be posted on the website of such State. In the fourth quarterly report of each year, a State described in paragraph (1) shall also submit to the Secretary information on the annual number and type of child care providers (as described in section 658T(5)) that received funding under this subchapter and the annual number of payments made by the State through vouchers, under contracts, or by payment to parents reported by type of child care provider.

''(4) USE OF SAMPLES.—

''(A) AUTHORITY.—A State may comply with the requirement to collect the information 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 procedures as the Secretary determines necessary to produce statistically valid samples of the information described in paragraph (2). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.''.

(c) PERIOD OF COMPLIANCE AND WAIVERS.—

(1) IN GENERAL.—States shall 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 section.

(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 Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

''SEC. 658L. NATIONAL ACTIVITIES.

''(a) REPORT.—

''(1) IN GENERAL.—The Secretary shall, not later than April 30, 2005, and annually thereafter, 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 Department of Health and Human Services website, a report that contains the following:

''(A) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under sections 658E, 658G(c), and 658K.

''(B) Aggregated statistics on and an analysis of the supply of, demand for, and quality of child care, early education, and non-school-hour programs.

''(C) An assessment and, where appropriate, recommendations for Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

''(D) A progress report describing the progress of the States in streamlining data reporting, the Secretary's plans and activities to provide technical assistance to States, and an explanation of any barriers to getting data in an accurate and timely manner.

''(2) COLLECTION OF INFORMATION.—The Secretary may make arrangements with resource and referral organizations, to utilize the child care data system of the resource and referral organizations at the national, State, and local levels, to collect the information required by paragraph (1)(B).

''(b) GRANTS TO IMPROVE QUALITY AND ACCESS.—

''(1) IN GENERAL.—The Secretary shall award grants to States, from allotments made under paragraph (2), to improve the quality of and access to child care for infants and toddlers, subject to the availability of appropriations for this purpose.

''(2) ALLOTMENTS.—From funds reserved under section 658O(a)(3) for a fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the amount the State receives for the fiscal year under section 658 bears to the amount all States receive for the fiscal year under section 658O.

''(c) TOLL-FREE HOTLINE.—The Secretary shall award a grant or contract, or enter into a cooperative agreement for the operation of a national toll-free hotline to assist families in accessing local information on child care options and providing consumer education materials, subject to the availability of appropriations for this purpose.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States on developing and conducting the State market rates survey described in section 658E(c)(4)(A)(i).''.

SEC. ___19. ALLOCATION OF FUNDS FOR INDIAN TRIBES, QUALITY IMPROVEMENT, AND A HOTLINE.

(a) IN GENERAL.—Section 658O(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amended—

(1) in paragraph (2), by striking ''not less than 1 percent, and not more than 2 percent,'' and inserting ''2 percent''; and

(2) by adding at the end the following:

''(3) GRANTS TO IMPROVE QUALITY AND ACCESS.—The Secretary shall reserve an amount not to exceed $100,000,000 for each fiscal year to carry out section 658L(b), subject to the availability of appropriations for this purpose.

''(4) TOLL-FREE HOTLINE.—The Secretary shall reserve an amount not to exceed $1,000,000 to carry out section 658L(c), subject to the availability of appropriations for this purpose.''.

(b) CONFORMING AMENDMENT.—Section 658O(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(1)) is amended by inserting ''(in accordance with the requirements of subparagraphs (E) and (F) of section 658E(c)(2) for such tribes or organizations)'' after ''applications under this section''.

SEC. ___20. DEFINITIONS.

(a) ELIGIBLE CHILD.—Section 658P(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''85 percent of the State median income for a family of the same size'' and inserting ''an income level determined by the State involved, with priority based on need as defined by the State''; and

(2) in subparagraph (C)—

(A) in clause (i), by striking ''a parent or parents'' and inserting ''a parent (including a legal guardian or foster parent) or parents''; and

(B) by striking clause (ii) and inserting the following:

''(ii)(I) is receiving, or needs to receive, protective services (which may include foster care) or is a child with significant cognitive or physical disabilities as defined by the State; and

''(II) resides with a parent (including a legal guardian or foster parent) or parents not described in clause (i).''.

(b) CHILD WITH SPECIAL NEEDS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended by inserting after paragraph (2) the following:

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means—

''(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);

''(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.); and

''(C) a child with special needs, as defined by the State involved.''.

(c) LEAD AGENCY.—Section 658P(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8)) is amended by striking ''section 658B(a)'' and inserting ''section 658D(a)''.

(d) PARENT.—Section 658P(9) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(9)) is amended by inserting '', foster parent,'' after ''guardian''.

(e) NATIVE HAWAIIAN ORGANIZATION.—Section 658P(14)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended by striking ''Native Hawaiian Organization, as defined in section 4009(4) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4909(4))'' and inserting ''Native Hawaiian organization, as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)''.

(f) REDESIGNATION.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P as section 658T; and

(2) by moving that section 658T to the end of the Act.

SEC. ___21. RULES OF CONSTRUCTION.

The Child Care and Development Block Grant Act of 1990 (as amended by section ___20(f)) is further amended by inserting after section 658O (42 U.S.C. 9858m) the following:

''SEC. 658P. RULES OF CONSTRUCTION.

''Nothing in this subchapter shall be construed to require a State to impose State child care licensing requirements on any type of early childhood provider, including any such provider who is exempt from State child care licensing requirements on the date of enactment of the Caring for Children Act of 2004.''.

Subtitle B—Enhancing Security at Child Care Centers in Federal Facilities

SEC. ___31. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(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 the House of Representatives, the Library of Congress, or an office of the Senate, respectively.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring'', used with respect to a child care facility, means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a legislative office, or a judicial office.

(7) JUDICIAL FACILITY.—The term ''judicial 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 (5)(B)).

(8) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(9) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(10) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

SEC. ___32. ENHANCING SECURITY.

(a) COVERAGE.—

(1) EXECUTIVE BRANCH.—The Administrator shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in executive facilities.

(2) LEGISLATIVE BRANCH.—The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of a designated entity in the Senate shall issue the regulations described in subsection (b) for corresponding child care facilities, and entities sponsoring the corresponding child care facilities, in legislative facilities.

(3) JUDICIAL BRANCH.—The Director of the Administrative Office of the United States Courts shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in judicial facilities.

(b) REGULATIONS.—The officers and designated entity described in subsection (a) shall issue regulations that concern—

(1) matters relating to an occupant emergency plan and evacuations, such as—

(A) providing for building security committee membership for each director of a child care facility described in subsection (a);

(B) establishing a separate section in an occupant emergency plan for each such facility;

(C) promoting familiarity with procedures and evacuation routes for different types of emergencies (such as emergencies caused by hazardous materials, a fire, a bomb threat, a power failure, or a natural disaster);

(D) strengthening onsite relationships between security personnel and the personnel of such a facility, such as by ensuring that the post orders of guards reflect responsibility for the facility;

(E) providing specific, clear, and concise evacuation instructions for a facility, including instructions specifying who authorizes an evacuation;

(F) providing for good evacuation equipment, especially cribs; and

(G) promoting the ability to evacuate without outside assistance; and

(2) matters relating to relocation sites, such as—

(A) promoting an informed parent body that is knowledgeable about evacuation procedures and relocation sites;

(B) providing regularly updated parent contact information (regarding matters such as names, locations, electronic mail addresses, and cell phone and other telephone numbers);

(C) establishing remote telephone contact for parents, to and from areas that are not less than 10 miles from such a facility; and

(D) providing for an alternate site (in addition to regular sites) in the event of a catastrophe, which site may include—

(i) a site that would be an unreasonable distance from the facility under normal circumstances; and

(ii) a facility with 24-hour operations, such as a hotel or law school library.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. ___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 prepare and submit 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 a grant awarded under this section to provide assistance to a consortium of a small business and other appropriate entities located in the State to enable the small businesses 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;

(G) the entering into of contracts with local resource and referral or local health departments;

(H) assistance for care for children with disabilities; or

(I) assistance for any other activity determined appropriate by the State (including loans, grants, investment guarantees, interest subsidies, or other mechanisms to expand the availability of, and improve the quality of, employer-operated child care in the State).

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a consortium shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—In providing assistance under this section, a State shall give priority to a consortium that desires to provide child care in a geographic area within the State where such care is not generally available or accessible.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a consortium receiving assistance from the State to carry out activities under this section—

(1) the consortium will make available non-Federal contributions to such costs in an amount equal to—

(A) for the first fiscal year in which the consortium receives such assistance, not less than 50 percent of such costs;

(B) for the second fiscal year in which the consortium receives such assistance, not less than 66⅔ percent of such costs; and

(C) for the third fiscal year in which the consortium receives such assistance, not less than 75 percent of such costs; and

(2) the consortium will make the contributions available—

(A) directly or through donations from public or private entities; and

(B) as determined by the State, in cash or in kind, fairly evaluated, including plant, equipment, or services.

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who recieves assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring consortia that receive assistance under such grant.

(2) AUDITS.—A State shall require each consortium receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the consortium. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a consortium receiving assistance under a grant

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 provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(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—

(i) the capacity of consortia to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(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 through consortia 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 prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means 2 or more entities that—

(A) shall include at least 1 small business; and

(B) may include other small businesses, nonprofit agencies or community development corporations, local governments, or other appropriate entities.

(2) INDIAN COMMUNITY.—The term ''Indian community'' means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in section 658T of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term ''State'' includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term ''State'' includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(1)(I) (the second place the term appears), (d)(3) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term ''State-level activities'' includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $30,000,000 for the period of fiscal years 2005 through 2009.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2010.

SA 2968. Mr. DOMENICI 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 181, between lines 7 and 8, insert the following:

(e) AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATION AND TRAINING.—Section 404 (42 U.S.C. 604), as amended by subsection (d) is amended by adding at the end the following:

''(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.''.

SA 2969. Mr. AKAKA 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 295, between lines 10 and 11, insert the following:

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 specified Federal programs described in subparagraphs (A) and (B) of paragraph (3), 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—

''(i) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

''(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in the Compact of Free Association Amendments Act of 2003; or

''(iii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99–658 (100 Stat. 3672).''.

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

''(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(C) (relating to the medicaid program), section 401(a) 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).

''(H) TANF 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 401(a) 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;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; 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).''.

SA 2970. Mr. BAUCUS (for himself, Mr. HARKIN, 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:

Beginning on page 152, strike line 1 and all that follows through page 157, line 18, and insert the following:

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:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—From the amount appropriated under subparagraph (F) for a fiscal year and remaining after the application of clauses (ii), (iii), and (iv) of this subparagraph and subparagraph (E)(iii), the Secretary shall pay each State that satisfies the requirements of subparagraph (D), a grant equal to the product of—

''(I) such amount; and

''(II) the ratio (expressed as a percentage) of—

''(aa) the population of the State for the most recent year for which data is available; to

''(bb) the population of all States for such year.

''(ii) REQUIREMENT.—No State shall be paid a grant for a fiscal year under this paragraph that is less than $1,000,000.

''(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) TERRITORY DESCRIBED.—For purposes of subclause (I), a territory described in this subclause is Puerto Rico, Guam, the United States Virgin Islands, and American Samoa.

''(B) MATCHING FUNDS.—A State or Indian tribe that receives a grant under this paragraph for a fiscal year shall expend at least $1 in non-Federal funds (in cash or in kind, fairly valued, including plant, equipment, or services) 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 a wide variety of approaches to strengthening families and shall be used to support any of the following programs or activities:

''(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 programs for nonmarried pregnant women and nonmarried expectant fathers.

''(iii) Voluntary premarital education and marriage skills training for engaged couples and for couples interested in marriage.

''(iv) Voluntary marriage enhancement and marriage skills training programs for married couples.

''(v) Marriage mentoring programs that use married couples as role models and mentors in at-risk communities.

''(vi)(I) 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 similar initiatives that encourage the formation and maintenance of healthy and economically self-sufficient families.

''(II) Programs under clause (I) shall provide a mix of comprehensive services and supports that further develop the capability of low-income parents to financially and emotionally support their children by caring for their children independently or in the context of mutually respectful, non-violent, and voluntary co-parenting relationships, securing and maintaining employment and child care, fulfilling other basic needs such as housing, hunger, mental health and health care, adopting appropriate approaches to income enhancement, and meeting child support obligations, linkages to community resources and other skills that will lead to greater family stability (including programs that replicate or adapt the Iowa Family Development and Self-Sufficiency Program and the demonstration program known as the Minnesota Family Investment Program).

''(III) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.

''(vii) Teen pregnancy prevention programs.

''(viii) 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.

''(ix) Responsible fatherhood programs.

''(D) REQUIREMENTS FOR RECEIPT OF PAYMENT.—The Secretary may not make a grant to a State or Indian tribe under this paragraph unless the State or Indian tribe—

''(i) consults with national, State, local, or tribal organizations with demonstrated expertise in working with survivors of domestic violence;

''(ii) agrees to participate in the evaluation conducted under subparagraph (E);

''(iii) ensures that each sub-grantee complies with the requirements of clauses (i) and (ii);

''(iv) provides for a period of public comment on the use of funds paid to the State or Indian tribe under this paragraph; and

''(v) makes all sub-grant applications approved by the State or Indian tribe available to the public.

''(E) EVALUATION.—

''(i) IN GENERAL.—The Director of the National Academy of Sciences shall conduct, directly or through contracts, a rigorous comprehensive evaluation of a representative sample of the programs and activities described in subparagraph (C) and carried out with funds paid under this paragraph. The Director shall seek public input on both the methods and measures to be used in the evaluation.

''(ii) REQUIRED INFORMATION.—The evaluation conducted under this subparagraph shall, with respect to each program and activity described in subparagraph (C), include measures of family structure, levels of family conflict and violence, and child well-being (including measures of health status, educational performance, food security, and family income).

''(iii) FUNDING.—$5,000,000 of the amount appropriated under subparagraph (G) for each fiscal year shall be reserved for carrying out the evaluation required under this subparagraph.

''(F) REPORTS.—

''(i) INITIAL REPORT.—Not later than September 30, 2007, the Secretary shall submit an initial report to Congress describing the programs and activities funded under grants made under this paragraph.

''(ii) INITIAL EVALUATION FINDINGS.—Not later than September 30, 2008, the Director of the National Academy of Sciences shall submit a report to Congress describing the initial findings of the evaluation conducted under subparagraph (E).

''(iii) FINAL REPORTS.—Not later than September 30, 2010, the Secretary and the Director of the National Academy of Sciences shall each submit final reports on the activities funded under grants made under this paragraph and the evaluation conducted under subparagraph (E), respectively.

''(iv) GAO.—Not later than September 30, 2008, the Comptroller General of the United States shall submit a report to the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives and the Chairman and Ranking Member of the Committee on Finance of the Senate describing—

''(I) the programs and activities supported by grants made under this paragraph; and

''(II) the results of such programs and activities.

''(G) 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, $200,000,000 for purposes of carrying out this paragraph.''.

(b) 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.

SA 2971. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. LAUTENBERG, 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. ___. 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—

(A) an additional, independent source for estimates in the development of health care legislation; and

(B) access to more detailed actuarial data and assumptions related to program participation, payments, and costs.

(3) While the joint explanatory statement of the committee of conference contained in the conference report for the Balanced Budget Act of 1997 provided a clear statement of the Congressional intent described in paragraphs (1) and (2), Congressional access to the Office of the Actuary has been inappropriately restricted over the past year.

(b) 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:

''(4)(A) In exercising the duties of the office of the Chief Actuary, the Chief Actuary shall provide the committees of jurisdiction of Congress with independent counsel and technical assistance with respect to the programs under titles XVIII, XIX, and XXI.

''(B)(i) The Chief Actuary may directly provide Congress with reports, comments on, and estimates of, the financial effects of potential legislation, and other actuarial information related to the programs described in subparagraph (A).

''(ii) No officer or agency of the United States may require the Chief Actuary to submit to any officer or agency of the United

States for approval, comments, or review, prior to the provision to Congress of such reports, comments, estimates, or other information.

''(C)(i) 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 subsections (a) and (b)) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

''(5) Beginning in 2005, on the same day 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 projections and assumptions with respect to the programs under titles XVIII, XIX, and XXI, based on current-law baselines with respect to such programs; and

''(B) cost estimates for proposed changes to the programs under titles XVIII, XIX, and XXI that are contained in such budget submission.''.

SA 2972. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. BINGAMAN, Mr. AKAKA, and Mr. INOUYE) 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 236, strike line 21 and all that follows through page 239, line 8, and insert the following:

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL TANF PROGRAMS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Federal Government bears a unique trust responsibility for Indian tribes.

(B) Despite this responsibility, Indians remain remarkably impoverished. According to the Bureau of the Census, 25.9 percent of American Indians live in poverty, more than 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) A General Accounting Office review of data from the Bureau of the Census found that 25 of the 26 counties in the United States with a majority of American Indians had poverty rates ''significantly'' higher than average.

(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 administer and 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 unique barriers many Indians face in moving from welfare to work.

(2) FUNDING FOR TRIBAL TANF PROGRAMS.—

(A) REAUTHORIZATION OF TRIBAL FAMILY ASSISTANCE GRANTS.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2005 through 2009''.

(B) TRIBAL TANF IMPROVEMENT FUND.—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 (D) for the period of fiscal years 2005 through 2008, $35,000,000 shall be used by the Secretary to award grants for tribal human services program infrastructure improvement (as defined in clause (v)) to—

''(I) Indian tribes that have applied for approval of a tribal family assistance plan and that meet the requirements of clause (ii)(I);

''(II) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii)(II); and

''(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)(III).

''(ii) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

''(I) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan as 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.

''(II) Second, 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.

''(III) Third, 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 under section 471 (or in an addendum to such plan) provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(iii) OTHER REQUIREMENTS FOR AWARDING GRANTS.—In awarding grants under this subparagraph, the Secretary—

''(I) may not award an Indian tribe more than 1 grant under this subparagraph per fiscal year;

''(II) shall award grants in such a manner as to maximize the number of Indian tribes that receive grants under this subparagraph; and

''(III) shall consult with Indian tribes located throughout the United States.

''(iv) APPLICATION.—An Indian tribe desiring a grant under this subparagraph shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

''(v) DEFINITION OF HUMAN SERVICES PROGRAM INFRASTRUCTURE IMPROVEMENT.—In this subparagraph, the term 'human services program infrastructure improvement' 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, through the Commissioner of the Administration for Native Americans, grants 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:

''(I) The development and improvement of uniform commercial codes.

''(II) The creation or expansion of small business or microenterprise programs.

''(III) The development and improvement of tort liability codes.

''(IV) The creation or expansion of tribal marketing efforts.

''(V) The creation or expansion of for-profit collaborative business networks.

''(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)).

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—At least an amount equal to 10 percent of the total amount of grants awarded under this subparagraph shall be awarded to carry out clause (i)(VII).

''(II) CONSULTATION.—In awarding grants under this subparagraph the Secretary shall consult with other Federal agencies with expertise in the areas described in clause (i).

''(iii) APPLICATION.—A nonprofit organization, Indian tribe, or tribal organization desiring a grant under this subparagraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $5,000,000 shall be used by the Secretary for making grants, or entering into contracts, to provide technical assistance to Indian tribes—

''(I) in applying for or carrying out a grant made under this paragraph;

''(II) in applying for or carrying out a tribal family assistance plan under this section; or

''(III) related to best practices and approaches for State and tribal coordination on

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 administrators; 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 ''section 403'' and inserting ''sections 403 and 412(a)(2)(C)''.

(3) ELIGIBILITY FOR CONTINGENCY FUND.—

(A) IN GENERAL.—Section 403(b)(1) (42 U.S.C. 603(b)(3)), as amended by section 102(a)(1), is amended—

(i) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'';

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iii) by inserting after subparagraph (C), the following:

''(D) PAYMENTS TO INDIAN TRIBES.—

''(i) IN GENERAL.—Of the total amount appropriated pursuant to subparagraph (F), $25,000,000 of such amount shall be reserved for making payments to Indian tribes with approved tribal family assistance plans that are operating in situations of increased economic hardship.

''(ii) DETERMINATION OF CRITERIA FOR TRIBAL ACCESS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine the criteria for access by Indian tribes to the amount reserved under clause (i).

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to increases in unemployment and loss of employers.

''(iii) APPLICATION OF REQUIREMENTS FOR PAYMENTS TO STATES.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the extent to which requirements of States for payments from the contingency fund established under this subsection shall apply to Indian tribes receiving payments under this subparagraph.''.

(B) CONFORMING AMENDMENTS.—Section 403(b)(1)(B) (42 U.S.C. 603(b)(1)(B)), as so amended, is further amended—

(i) in the matter preceding clause (i), by striking ''subparagraph (D)(i)'' and inserting ''subparagraph (E)(i)'';

(ii) in clause (i), by striking ''subparagraph (D)(ii)'' and inserting ''subparagraph (E)(ii)''; and

(iii) in clause (ii), by striking ''subparagraph (D)(iii)'' and inserting ''subparagraph (E)(iii)''.

(4) TRIBAL JOB TRAINING PROGRAMS.—

(A) TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

(i) IN GENERAL.—Section 412(a) (42 U.S.C. 612(a)), as amended by paragraph (2)(B), is amended by adding at the end the following:

''(4) GRANTS FOR TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

''(A) PURPOSE.—The purpose of this paragraph is to support comprehensive services to enable eligible beneficiaries to support themselves through employment without requiring cash benefits from public assistance programs for themselves or their families.

''(B) STATEMENT OF POLICY.—The programs funded under grants made under this paragraph shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

''(C) DEFINITIONS.—In this paragraph:

''(i) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' has the meaning given the term 'Indian tribe' with respect to the State of Alaska in section 419(4)(B).

''(ii) DEPARTMENT.—Unless otherwise specified, the term 'Department' means the Department of Labor.

''(iii) ELIGIBLE BENEFICIARY.— The term 'eligible beneficiary' means—

''(I) an individual who is an Indian or Alaska Native receiving or eligible to receive cash benefits for the individual or the individual's family under the State program funded under this part, a tribal family assistance program under this section, or the General Assistance program;

''(II) an individual who is an Indian or Alaska Native transitioning from receipt of cash benefits under any such programs to employment;

''(III) an individual who is an Indian or Alaska Native with a history of long-term dependence (as defined in clause (v)) on cash benefits under any such programs or under the aid for families with dependent children program under this part (as in effect before August 22, 1996);

''(IV) an individual who is an Indian or Alaska Native who is a non-custodial parent of a minor child receiving, eligible to receive, or with a history of receiving cash benefits under any such programs, or an individual who has an obligation to provide support for such children; or

''(V) an individual who is an Indian or Alaska Native and is a member of a family who is at risk of becoming dependent on cash benefits under any such programs or who has exhausted eligibility for such benefits because of the application of time limits on benefits.

''(iv) GENERAL ASSISTANCE.—The term 'General Assistance' means the General Assistance program supported through the Bureau of Indian Affairs in the Department of the Interior.

''(v) LONG-TERM DEPENDENCE.—The term 'long-term dependence' means receipt of cash benefits under a program referred to in clause (iii)(III) for at least 24 months, which need not be consecutive.

''(vi) SECRETARY.—Unless otherwise specified, the term 'Secretary' means the Secretary of Labor.

''(D) AUTHORITY TO MAKE GRANTS.—

''(i) DIRECT SERVICES.—The Secretary shall make grants to Indian tribes, tribal organizations, and Alaska Native organizations on the basis of a formula determined in accordance with subparagraph (H)(ii) to carry out the activities described in subparagraph (E).

''(ii) PROGRAM SUPPORT.—The Secretary shall, through grants or contracts with entities, or interagency agreements, carry out the activities described in subparagraph (F).

''(iii) APPROPRIATION.—

''(I) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $37,000,000 for each of fiscal years 2005 through 2009 to carry out this paragraph.

''(II) RESERVATION OF FUNDS FOR PROGRAM SUPPORT.—The Secretary may reserve an amount equal to not more than 1.5 percent of the amount appropriated under subclause (I) for a fiscal year to make grants or enter into contracts under clause (ii).

''(E) DIRECT SERVICE ACTIVITIES.—

''(i) IN GENERAL.—A recipient of a grant made under subparagraph (D)(i) shall use the funds provided under the grant to support any services which may be useful in preparing eligible beneficiaries to enter or reenter the workforce, to retain employment or to advance to positions which may enable the eligible beneficiary and the beneficiary's family to become economically self-sufficient.

''(ii) SERVICES PERMITTED.—Services provided with funds made available under a grant made under subparagraph (D)(i) may include—

''(I) assessment;

''(II) education;

''(III) job readiness and placement;

''(IV) occupational training (including on-the-job training);

''(V) work experience;

''(VI) wage subsidies;

''(VII) job retention;

''(VIII) job creation specifically for eligible beneficiaries;

''(IX) case management;

''(X) counseling;

''(XI) supportive services, including (but not limited to) child care, transportation, mental health and substance abuse treatment, and prevention services important to employability; and

''(XII) counseling and other services to promote marriage, discourage teen pregnancies, assist in the formation and stabilization of 2-parent families, and address situations involving domestic violence.

''(iii) RETENTION OF ELIGIBILITY FOR OTHER SERVICES.—An eligible beneficiary who receives services through funds provided under a grant made under subparagraph (D)(i) shall not be precluded from receiving other services from any State, local, or tribal government agency, or any other entity.

''(iv) DISREGARD.—Income or services received by an eligible beneficiary under this paragraph shall be disregarded for purposes of determining eligibility for benefits under any means-tested program for which the eligibility requirements are established under Federal law.

''(F) PROGRAM SUPPORT ACTIVITIES.—

''(i) IN GENERAL.—In order to improve the effectiveness of services provided by Indian tribes, tribal organizations, and Alaska Native organizations under grants made under this paragraph, the Secretary shall support, through grants, contracts, or interagency agreements, activities that—

''(I) enhance the capacity of Indian tribes, tribal organizations, and Alaska Native organizations under this section to deliver the services authorized under subparagraph (E); and

''(II) test or demonstrate new or improved methods of providing such services.

''(ii) PREFERENCE.—In awarding grants or contracts under subparagraph (D)(ii) to carry out this subparagraph, the Secretary shall implement a preference policy consistent with the terms of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

''(G) ADDITIONAL REQUIREMENTS.—

''(i) DIRECT SERVICE ACTIVITIES.—

''(I) AUTHORITY TO CONSOLIDATE FUNDS.—An Indian tribe, tribal organization, or Alaska Native organization receiving a grant under subparagraph (D)(i) may consolidate funds received under the grant with assistance received from other programs in accordance

with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) or the provisions of the Tribal Self-Governance Act of 1994 (25 U.S.C. 458aa et seq.).

''(II) OPTION TO EXCLUDE PARTICIPANTS FROM DETERMINATION OF WORK PARTICIPATION RATES.—A State, Indian tribe, or tribal organization may exclude individuals participating in a direct services program funded under a grant made under subparagraph (D)(i) 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, tribal organization, or 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 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)(ii) 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) PROGRAM ADMINISTRATION.—

''(i) DESIGNATION OF OFFICE WITH PRIMARY RESPONSIBILITY.—The Secretary shall designate a single organizational 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 Indian tribes and tribal organizations eligible to administer activities authorized under this paragraph that are located throughout the United States on all aspects of the operation and administration of such activities, including the promulgation of regulations, the design of a formula for the allocation of funds among Indian tribes and tribal organizations, and the implementation of program support activities described in subparagraph (F).

''(II) ADVISORY COMMITTEE.—The Secretary may utilize a broadly based advisory committee whose members are nominated by Indian tribes and tribal organizations eligible to administer activities authorized under this paragraph as part of the consultation required under subclause (I), except that the consultation process shall not be limited to discussions with such committee.

''(iii) REGULATIONS.—The Secretary may issue regulations for the conduct of activities under this paragraph. All requirements imposed by such regulations, including reporting requirements, shall take into full consideration tribal circumstances and conditions.''.

(ii) 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 (42 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 referred to 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 provide services through June 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.

(B) APPLICATION OF INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412(a) (42 U.S.C. 612(a)), as amended by subparagraph (A)(i), is amended by adding at the end the following:

''(5) APPLICATION OF INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides 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. 3405), the programs authorized to be conducted with grants made under this part shall be—

''(A) considered to be programs subject to section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(B) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3405) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

(5) TRIBAL FAMILY ASSISTANCE PLANS.—

(A) EQUITABLE ACCESS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)), as amended by section 101(c), is amended—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) in subparagraph (G), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(H) describes how the Indian tribe will ensure equitable access to benefits and services provided under the plan for each member of the population to be served by the plan.''.

(B) CONSULTATION BETWEEN STATES AND INDIAN TRIBES OR OTHER INDIANS RESIDING ON A RESERVATION.—

(i) STATE PLAN REQUIREMENT.—Section 402(a)(5) (42 U.S.C. 602(a)(5)) is amended to read as follows:

''(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.—

''(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 under the plan for any member of such a tribe who is not eligible for assistance under a tribal family assistance plan approved under section 412; and

''(ii) provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

''(B) EXCEPTION.—Clause (i) of subparagraph (A) shall not apply to the State of Alaska.''.

(ii) TRIBAL FAMILY ASSISTANCE PLAN REQUIREMENT.—Section 412(b)(1) (42 U.S.C. 612(b)(1)), as amended by subparagraph (A), is amended—

(I) in subparagraph (G), by striking ''and'' at the end;

(II) in subparagraph (H), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(I) provides that the Indian tribe will consult with each State in which a service area of the plan is located on the operation of the plan and the provision of assistance or services to families under the plan.''.

(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 paragraph (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 Indian tribe, a 6-year tribal family assistance plan submitted by such Indian tribe that otherwise satisfies the requirements of paragraph (1).''.

(6) AREAS WITH HIGH JOBLESSNESS.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended—

(A) in the subparagraph heading, by striking ''BY ADULT'' and all that follows through ''UNEMPLOYMENT'' and inserting ''IN AREAS OF INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH HIGH JOBLESSNESS''; and

(B) in clause (i)—

(i) by striking ''In'' and inserting ''Subject to clauses (ii) and (iii), in''; and

(ii) by striking ''50 percent'' and all that follows through the period and inserting ''20 percent of the adults who were living in Indian country were jobless.'';

(C) by redesignating clause (ii) as clause (iv); and

(D) by inserting after clause (i), the following:

''(ii) ALASKAN NATIVE VILLAGE.—With respect to an Alaskan Native village, this subparagraph shall be applied—

''(I) in clause (i), by substituting '50 percent of the adults living in in the village were not employed' for '20 percent of the adults who were living in Indian country were jobless'; and

''(II) without regard to clause (iii).

''(iii) REQUIREMENT.—A month may only be disregarded under clause (i) with respect to an adult recipient described in that clause if the adult is in compliance with program requirements.''.

(7) ADVISORY COMMITTEE ON THE STATUS OF INDIANS WHO DO NOT RESIDE IN INDIAN COUNTRY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall convene an advisory committee on the status of Indians who do not reside in Indian country (as defined in section 1151 of title 18, United States Code).

(B) DUTIES.—The committee established under clause (i) shall make recommendations regarding how to ensure that Indians who do not reside in Indian country (as so defined) receive appropriate assistance under the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other publicly funded assistance programs.

(C) MEMBERSHIP.—

(i) IN GENERAL.—The committee established under clause (i) shall include representatives of—

(I) Federal, State, and tribal governments; and

(II) Indians who do not reside in Indian country (as so defined).

(ii) MAJORITY.—A majority of the members of such committee shall be representatives of Indians who do not reside in Indian country (as so defined).

(8) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the demographics of Indians who do not—

(i) reside in Indian country (as defined in section 1151 of title 18, United States Code);

(ii) reside in Alaska; or

(iii) receive assistance under a tribal family assistance plan under section 412 of the Social Security Act (42 U.S.C. 612).

(B) REQUIREMENT.—The study conducted under subparagraph (A) shall include economic and health information regarding the Indians described in that paragraph, as well

as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.

(C) REPORT.—Not later than June 30, 2005, the Comptroller General shall submit to Congress a report on the study conducted under subparagraph (A).

(b) AUTHORITY OF INDIAN TRIBES TO RECEIVE FEDERAL FUNDS FOR FOSTER CARE AND 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 ''(B)''; and

(B) by inserting before the semicolon the following: '', or (C) an Indian tribe or tribal organization (as defined in section 479B(e)) or an intertribal consortium if the Indian tribe, tribal organization, or consortium is not operating 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 protections 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 that elects to operate a program under this part in the same manner as this part applies to a State.

''(b) MODIFICATION OF PLAN REQUIREMENTS.—

''(1) SERVICE AREA; STANDARDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of an Indian tribe or tribal organization submitting a plan for approval under section 471, the plan shall—

''(i) in lieu of the requirement of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

''(ii) 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) SPECIAL RULE.—With respect to an Indian tribe located in the State of Alaska—

''(i) clause (ii) of subparagraph (A) shall not apply; and

''(ii) the requirement of section 471(a)(10) shall apply to a plan submitted by such tribe.

''(2) DETERMINATION OF FEDERAL SHARE.—

''(A) PER CAPITA INCOME.—

''(i) IN GENERAL.—For purposes of determining the Federal medical assistance 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 as defined in its plan in accordance with paragraph (1)(A).

''(ii) CONSIDERATION OF OTHER INFORMATION.—An Indian tribe or tribal organization may submit to the Secretary such information as the Indian tribe or tribal organization considers relevant to the calculation of the per capita income of the Indian tribe or tribal organization, and the Secretary shall consider such information before making the calculation.

''(B) ADMINISTRATIVE EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes and tribal organizations pursuant to section 474(a)(3), except that in no case shall an Indian tribe or tribal organization receive a lesser proportion than the corresponding amount specified for a State in that section.

''(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe or tribal organization may use Federal or State funds to match payments for which the Indian tribe or tribal organization is eligible under section 474.

''(3) MODIFICATION OF OTHER REQUIREMENTS.—Upon the request of an Indian tribe, tribal organization, or a consortia of tribes or tribal organizations, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or consortia of tribes or tribal organizations, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or consortia of tribes or tribal organizations.

''(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of an intertribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(c) COOPERATIVE AGREEMENTS.—An Indian tribe, tribal organization, or intertribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds pursuant to this part. In any case where an Indian tribe, tribal organization, or intertribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable. Any such cooperative agreement that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, in full consultation with Indian tribes and tribal organizations, promulgate regulations to carry out this section.

''(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively, except that, with respect to the State of Alaska, the term 'Indian tribe' has the meaning given that term in section 419(4)(B).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2005, without regard to whether regulations to implement such amendments have been promulgated as of such date.

(c) BREAK THE CYCLE DEMONSTRATION GRANTS.—

(1) AUTHORITY TO AWARD GRANTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall award grants to up to 10 Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) to carry out the activities described in paragraph (2).

(B) APPLICATION.—An Indian tribe desiring a grant under this subsection shall submit—

(i) an application to the Secretary of Health and Human Services, at such time, in such manner, and containing such information as the Secretary may require; and

(ii) a plan outlining how the tribe intends to use funds made available under the grant to carry out activities described in paragraph (2) to help children of Indian families receiving assistance under the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this subsection referred to as ''TANF'') obtain a secondary school diploma or its recognized equivalent.

(C) CRITERIA FOR AWARDING GRANTS.—

(i) CONSULTATION WITH INDIAN TRIBES.—The Secretary of Health and Human Services shall consult with Indian tribes regarding the establishment of criteria for awarding grants under this subsection.

(ii) PRIORITY.—The criteria established under clause (i) shall require the Secretary of Health and Human Services to give priority to awarding grants to those Indian tribes applying that have the highest percentages of individuals that have not obtained a secondary school diploma or its recognized equivalent.

(D) STATE PARTNERSHIPS.—An Indian tribe awarded a grant under this subsection may enter into a partnership with a State, a local educational agency, or a private elementary or secondary school to carry out the activities described in paragraph (2).

(E) DEFINITION OF CHILD.—In this subsection, the term ''child'' means an individual who has not attained age 21.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph include—

(A) mentoring activities;

(B) tutoring activities;

(C) adjusting requirements applicable to the child or family under TANF;

(D) teen pregnancy prevention activities; and

(E) any other activities approved by the Secretary of Health and Human Services that are related to achieving the purpose described in paragraph (1)(B)(ii).

(3) EVALUATION AND REPORT.—

(A) IN GENERAL.—Of the amount appropriated under paragraph (4) for fiscal year 2006, $1,000,000 shall be reserved by the Secretary of Health and Human Services for the purpose of conducting, through grant, contract, or interagency agreement, an evaluation of the activities carried out under grants awarded under this subsection.

(B) REPORT.—The Secretary of Health and Human Services shall submit a report to Congress on the evaluation conducted under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this subsection, $20,000,000 for each of fiscal years 2006 through 2009.

SA 2973. Mr. SANTORUM 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) WORK ACTIVITIES.—

(1) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(A) in paragraph (11), by striking ''and'' at the end:

(B) in paragraph (12), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(13) marriage education, marriage skills training, conflict resolution counseling in the context of marriage, and participation in programs that promote marriage.''.

(2) CONFORMING AMENDMENT.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)), as amended by subsection (f), is amended by striking ''or (11)'' and inserting ''(11), or (13)''.

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.) (in this subsection referred to as ''TANF''), 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 participation rates.

(B) Under current program rules, States have been very successful in increasing employment among families receiving welfare. Between 1994 and 2002, the nation's caseload fell from 5,000,000 to 2,000,000 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 set required hours of participation above the level that counts toward Federal participation rates, and some States have chosen to do so.

(E) The PRIDE Act 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 for single parents of children under 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 child care costs 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 specified in 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 to ensure that program requirements are consistent with family responsibilities and available resources.

SA 2975. 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:

Beginning on page 184, 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)), as amended by subsection (b), is amended by adding at the end the following:

''(2) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the net effect of any percentage reduction in the minimum participation rate otherwise required under this section with respect to families receiving assistance under the State program funded under this part as a result of the application of any employment credit, caseload reduction credit, or other credit against such rate for a fiscal year, shall not exceed—

''(i) 40 percentage points, in the case of fiscal year 2004;

''(ii) 35 percentage points, in the case of fiscal year 2005;

''(iii) 30 percentage points, in the case of fiscal year 2006;

''(iv) 25 percentage points, in the case of fiscal year 2007; or

''(v) 20 percentage points, in the case of fiscal year 2008 or any fiscal year thereafter.

''(B) NONAPPLICATION TO GOOD JOBS BONUS UNDER THE EMPLOYMENT CREDIT.—With respect to the number of percentage points of the employment credit for a State for a fiscal year that is attributable to clause (iv) of subsection (b)(2)(B) (relating to special rule for former recipients with higher earnings)—

''(i) the limitation under subparagraph (A) on the percentage reduction in the minimum participation rate with respect to families receiving assistance under the State program funded under this part for a fiscal year shall be applied without regard to such number of percentage points; and

''(ii) the minimum participation rate otherwise required under this section for the State for such fiscal year shall be reduced by such number of percentage points.''.

(2) TECHNICAL AMENDMENT.—Clause (iv) of section 407(b)(2)(B) (42 U.S.C. 607(b)(2)(B)), as amended by subsection (d), is amended by striking ''33'' and inserting ''42''.

SA 2976. Mrs. BOXER 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. ____. YOUTH PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. YOUTH PREGNANCY PREVENTION.

''(a) AT-RISK TEEN PREGNANCY PREVENTION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out teenage pregnancy prevention 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) teenage 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 any 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. ___. SENSE OF THE SENATE CONCERNING THE POVERTY LINE.

(a) FINDINGS.—The Senate finds that—

(1) the official United States poverty line is used in determining eligibility for many Federal and State public assistance programs and in determining the allocation of Federal funds to States and localities;

(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 measure of poverty used by the Federal Government, citing that the current measure no longer provides an accurate picture of the differences in the extent 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 count disposable after-tax income, including in-kind benefits and deducting expenses such as child care and out-of-pocket medical costs;

(8) while the current poverty measure is the same for all areas of the country, the National Research Council proposed that the new poverty measure be adjusted for geographic differences in the cost of living;

(9) 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

(10) the Census Bureau publishes alternative measures of poverty that incorporate many of the recommendations of the National Research Council.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the improvement of the current measure of income poverty is an important goal;

(2) the Office of Management and Budget, in consultation with the National Research Council and other related agencies, should work to implement an improved poverty measure as 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 recommendations and review provided by the National Research Council; and

(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)(I) 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 similar initiatives that encourage the formation and maintenance of healthy and economically self-sufficient families.

''(II) Programs under clause (I) shall provide a mix of comprehensive services and supports that further develop the capability of low-income parents to financially and emotionally support their children by caring for their children independently or in the context of mutually respectful, non-violent, and voluntary co-parenting relationships, securing and maintaining employment and child care, fulfilling other basic needs such as housing, hunger, mental health and health care, adopting appropriate approaches to income enhancement, and meeting child support obligations, linkages to community resources and other skills that will lead to greater family stability (including programs that replicate or adapt the Iowa Family Development and Self-Sufficiency Program).

''(III) 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:

''(m) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—

''(1) PURPOSE.—The purpose of this subsection is to allow up to 10 States to conduct a demonstration project to test the premise that a State program funded under this part can achieve better results, helping people achieve true self-sufficiency, if the State is given greater flexibility to best meet individual needs, and to test ways to improve coordination of the State program funded under this part with activities funded under the Workforce Investment Act of 1998.

''(2) REQUIREMENTS FOR PARTICIPATION.—

''(A) IN GENERAL.—In order to be selected to conduct a demonstration project under this subsection, a State shall submit an application to the Secretary that—

''(i) describes how the State will ensure that all adult recipients of assistance under the State program funded under this part have a self-sufficiency, employment plan that satisfies the requirements of section 408(b);

''(ii) contains an assurance that, if selected to conduct the demonstration project, the State shall agree to enter into a performance agreement with the Secretary that—

''(I) includes targets for increasing the State's performance above a baseline level, as determined under subparagraph (C), on 1 or more State-defined outcomes measures for each of the areas described in subparagraph (B); and

''(II) requires, in the case of a State that fails to meet the agreed upon performance targets, the State, at the discretion of the Secretary, to carry out one or more of the following—

''(aa) enter into a corrective compliance plan with the Secretary;

''(bb) renegotiate the performance targets with the Secretary; or

''(cc) terminate the demonstration project;

''(iii) contains an assurance that the State will arrange for an evaluation of the demonstration project to determine if the State is able to achieve improved employment outcomes for the families of the adult recipients participating in the demonstration project; and

''(iv) contains such other information or assurances as the Secretary may require.

''(B) AREAS DESCRIBED.—For purposes of subparagraph (A)(ii), the areas described in this subparagraph are the following:

''(i) Employment.

''(ii) Success in activities designed to improve employment and related outcomes.

''(iii) Job retention.

''(iv) Entry earnings and earnings gains.

''(v) Child well-being.

''(C) DETERMINATION OF BASELINE PERFORMANCE LEVELS.—The State shall negotiate with the Secretary a mechanism for measuring baseline performance levels for purposes of subparagraph (A)(ii)(I). Such baseline levels may be calculated during the initial year of the project or may be calculated based on data from years immediately prior to the commencement of the project.

''(3) MODIFICATIONS OF REQUIREMENTS OF THIS PART.—In the case of a State selected to conduct a demonstration project under this subsection, the State must be able to demonstrate to the Secretary that a reasonable share of adult recipients are participating in welfare to work activities and that moving from welfare to work is central to the project, consistent with the purpose of the project, which is to achieve the targets defined as outcome measures described in clauses (i) through (v) of paragraph (2)(B). If the Secretary is provided with the assurances described in the preceding sentence, the Secretary shall waive such requirements of subsections (a) through (d) of section 407 as determined to be necessary for the State to conduct such project.

''(4) STATEWIDE OR SUB-STATE DEMONSTRATION PROJECTS.—The Secretary may approve a demonstration project under this subsection to be conducted on a statewide or sub-State basis. In the case of a State that is approved to conduct a sub-State demonstration project, the Secretary shall determine the minimum participation rate for the State under section 407 without regard to the sub-State area in which the demonstration project is conducted.

''(5) APPROVAL OF APPLICATIONS.—

''(A) VARIETY OF SITES.—In selecting States to conduct demonstration projects under this subsection, the Secretary shall, to the extent practicable, select States that will result in demonstration projects being conducted in a geographic variety of States and sub-State areas.

''(B) COORDINATION WITH WORKFORCE INVESTMENT ACT.—The Secretary shall ensure that at least 2 of the demonstration projects

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.

''(C) 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.

''(D) LENGTH OF PROJECTS.—A demonstration project approved under this subsection—

''(i) shall be conducted for an initial period of not more than 5 years; and

''(ii) may be renewed for an additional period of not more than 5 years.

''(6) REPORTS.—

''(A) 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.

''(B) FINAL REPORT.—Not later than 1 year after the date on which the initial period of the demonstration projects expires (as provided for in paragraph (5)(B)(i)), the Secretary shall submit a final report to Congress concerning the results of such demonstration projects.

''(C) 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. BREAUX, 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:

(d) TEEN PREGNANCY PREVENTION RESOURCE CENTER.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end 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) to establish and operate 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 paragraph (2).

''(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 to work with and provide assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, networks of 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 and data about teen pregnancy prevention strategies.

''(v) The organization has experience operating a resource center that carries out activities similar to the activities described in paragraph (2)(B).

''(2) PURPOSES AND ACTIVITIES.—

''(A) PURPOSES.—The purposes of the Resource Center are to improve the well-being of children and families and encourage young people to delay pregnancy until marriage. Specifically, the Resource Center shall—

''(i) provide information and technical assistance to States, Indian tribes, local communities, and other public or private organizations seeking to reduce rates of teen pregnancy;

''(ii) support parents in their essential role in preventing teen pregnancy by equipping them with information and resources to promote and strengthen communication with their children about sex, values, and healthy relationships, including marriage; and

''(iii) assist the entertainment media industry by providing information and by helping that industry develop content and messages for teens and adults that can help prevent teen pregnancy.

''(B) ACTIVITIES.—The Resource Center shall carry out the purposes described in subparagraph (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 important of increasing the proportion of children born to, and raised in, healthy, adult marriages.

''(v) Linking organizations working to reduce teen pregnancy with experts and peer groups, including the creation of technical assistance networks.

''(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 and news 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.

''(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, including online access to research, parent guides, tips, and alerts about upcoming opportunities to use the entertainment media as a discussion starter.

''(ix) Working directly 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 subsection, $5,000,000 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 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. ___. INCLUSION OF PRIMARY AND SECONDARY PREVENTATIVE MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICAID 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);

(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 preventative medical strategies, including prophylaxes, and treatment and services for individuals who have Sickle Cell Disease; and''; and

(2) by adding at the end the following:

''(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in that 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 1903(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) 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) bundling of technical services related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) identifying and establishing other efforts 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, to the extent practicable, award grants under this section 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 identify and secure resources for ensuring reimbursement under the medicaid 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.

(3) NATIONAL COORDINATING CENTER.—

(A) ESTABLISHMENT.—The Administrator shall enter into a contract with an entity to serve as the National Coordinating Center for the demonstration program conducted under this subsection.

(B) ACTIVITIES DESCRIBED.—The National Coordinating Center shall—

(i) collect, coordinate, monitor, and distribute 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 effectiveness of 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, in such manner, and 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, that—

(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 that 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.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of enactment of this Act and apply to medical assistance and services provided under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after that date.

SA 2983. Mr. BIDEN (for himself and Mrs. BOXER) 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. ___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 including 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. . 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 directly to a political subdivision if the subdivision serves a substantial number of foster care youth (as determined by the Secretary).

''(3) APPLICATION 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 list of local public and private organizations and entities that will participate in the mentoring network;

''(ii) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

''(iii) the number of mentor-child matches proposed to be established and maintained annually under the program;

''(iv) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

''(v) such other information as the Secretary may require.

''(B) TRAINING.—An assurance that all mentors covered under the program will receive intensive and ongoing training in the following areas:

''(i) Child Development, including the importance of bonding.

''(ii) Family dynamics, including the effects of domestic violence.

''(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 program, including—

''(i) a description of the methods to be used to conduct criminal background checks on all prospective mentors; and

''(ii) a description of the methods to be used to ensure that the mentors are willing and able to serve as a mentor on a long term, consistent basis.

''(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 demonstration 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 potential clients;

''(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 entities and community 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 agreement that the State or political subdivision will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—A grant for a program under this subsection shall be available to pay a percentage share of the costs of the program up to 75 percent for each year for which the grant is awarded.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects under this subsection may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''(5) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary shall take into consideration—

''(A) the overall qualifications and capacity of the State or political subdivision program and its partners to effectively carry out a mentoring program under this subsection;

''(B) the level and quality of training provided to mentors under the program;

''(C) evidence of coordination of the program with the State's or political subdivision's social services and education programs;

''(D) the ability of the State or political subdivision to provide supervision and support for mentors under the program and the youth served by such mentors;

''(E) evidence of consultation with institutes of higher learning;

''(F) the number of children in care served by the State or political subdivision; and

''(G) any other factors that the Secretary determines to be significant with respect to the need for or the potential success of carrying out a mentoring program under this subsection.

''(6) USE OF FUNDS.—Of the amount awarded to a State or political subdivision under a grant under this subsection the State or subdivision shall—

''(A) use not less than 50 percent of the total grant amount for the training and ongoing educational support of mentors; and

''(B) use not more than 10 percent of the total grant amount for administrative purposes.

''(7) 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) A description of the number of mentored foster children—

''(i) who graduate from high school;

''(ii) who enroll in college; and

''(iii) who are adopted by their mentors.

''(D) Any other information that the Secretary determines to be relevant to the evaluation of the program under this subsection.

''(9) 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 rate of drug and alcohol abuse, teenage pregnancy, delinquency, homelessness, and other outcome measures for mentored foster care youth and non-mentored foster care youth.

''(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 establish a National Hotline Service or Website to provide information to individuals who are interested in becoming mentors to youth in foster care.

''(2) AUTHORIZATION OF APPROPRIATIONS.—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 tide IV of the Higher Education Act of 1965.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(2) RELIEF FROM INDEBTEDNESS.—

''(A) IN GENERAL.—The Secretary shall carry out a program to provide for the discharge or cancellation of the Federal student loan indebtedness of an eligible mentor.

''(B) METHOD OF DISCHARGE OR CANCELLATION.—A loan that will be discharged or canceled under the program under subparagraph (A) shall be discharged or canceled as provided for using the method under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965, as applicable.

''(C) AMOUNT OF RELIEF.—The amount of relief to be provided with respect to a loan under this subsection shall—

''(i) be equal to $2,000 for each 200 hours of service of an eligible mentor; and

''(ii) not exceed a total of $20,000 for an eligible individual.

''(3) FACILITATION OF CLAIMS—The Secretary shall—

''(A) establish procedures for the filing of applications for the discharge or cancellation of loans under this subsection by regulations that shall be prescribed and published within 90 days after the date of enactment of this section and without regard to the requirements of section 553 of title 5, United States Code; and

''(B) take such actions as may be necessary to publicize the availability of the program established under this subsection for eligible mentors.

''(4) FUNDING.—Amounts available for the purposes of making payments to lenders in accordance with section 437(a) of the Higher Education Act of 1965 for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments to lenders of loans to eligible mentors as provided for in this subsection.''.

SA 2985. Mr. DAYTON 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 184, strike line 10 and all that follows through page 185, line 4, and insert the following:

''(2) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the net effect of any percentage reduction in the minimum participation rate otherwise required under this section with respect to families receiving assistance under the State program funded under this part as a result of the application of any caseload reduction credit or other credit against such rate for a fiscal year, shall not exceed—

''(i) 40 percentage points, in the case of fiscal year 2004;

''(ii) 35 percentage points, in the case of fiscal year 2005;

''(iii) 30 percentage points, in the case of fiscal year 2006;

''(iv) 25 percentage points, in the case of fiscal year 2007; or

''(v) 20 percentage points, in the case of fiscal year 2008 or any fiscal year thereafter.

''(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 funded under this part for a 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. ___. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) (42 U.S.C. 1396a(a)(10)(E)(iv)), as amended by section 103(f)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 117 Stat. 2160), is amended by striking ''2004'' and inserting ''2005''.

(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 2003'' and inserting '', 2003, 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 355, 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:

Beginning on page 339, strike line 9 and all that follows through page 341, line 8, and insert the following:

SEC. 321. STATE NONCOMPLIANCE WITH CHILD SUPPORT ENFORCEMENT PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 409(a)(8) (42 U.S.C. 609(a)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—If the Secretary finds, with respect to a State's program under part D—

''(i) on the basis of data submitted by a State pursuant to section 454(15)(B), or on the basis of the results of a review conducted under section 452(a)(4), that the State program failed to achieve the paternity establishment percentages (as defined in section 452(g)(2)), or to meet other performance measures that may be established by the Secretary;

''(ii) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C)(i) that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; or

''(iii) 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 1 or more of the requirements of part D (other than paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454), the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by the amount specified in subparagraph (B).''; and

(2) by adding at the end the following:

''(D) NO PENALTY IF STATE CORRECTS NONCOMPLIANCE PURSUANT TO CORRECTIVE COMPLIANCE PLAN.—The Secretary shall not reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year as a result of a finding made under subparagraph (A) if the Secretary determines that the State has corrected or discontinued the violation pursuant to the corrective compliance plan required under subsection (c).''.

(b) CONFORMING AMENDMENTS.—Subsections (b)(2) and (c)(4) of section 409 (42 U.S.C. 609) are each amended by striking ''(8),''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective with respect to findings of State noncompliance for fiscal year 2003 and succeeding fiscal years.

(d) SPECIAL RULE FOR FISCAL YEARS 2001 AND 2002.—Notwithstanding any other provision of law, the Secretary shall not take against amounts otherwise payable to a State, a reduction with respect to a finding described in section 409(a)(8)(A) of the Social Security Act (42 U.S.C. 609(a)(8)(A)) for fiscal year 2001 or 2002.

SA 2989. Mr. BINGAMAN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. AKAKA, and Mr. INOUYE) 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 295, between lines 10 and 11, insert the following:

SEC. ___. 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 paragraphs (1) (A) and (2)(A) of subsection (a), or any other provision of law, but subject to subsection (g), with respect to any State 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 January 1, 2002, and ends on September 30, 2008, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver the day 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 requirements proposed to be waived;

''(ii) describes how the waiving of such requirements 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 if it were approved by the Secretary.

''(B) NOTICE AND COMMENT.—The Secretary shall provide through the Federal Register for a 30-day period for notice and comment on the waiver request, and otherwise consult with members of the public, to solicit comment on the waiver request prior to acting on the request.

''(3) RESTRICTIONS.—

''(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 408(d).

''(v) Section 407(e)(2).

''(vi) Section 407(f).

''(4) DURATION AND EXTENSION OF WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a waiver approved by the Secretary under this subsection may be for a period not to exceed 5 years.

''(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective 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 related 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) denies the request 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 how the waiver is likely to further the purposes of section 401(a) and comments received regarding the waiver request.

''(C) WAIVER APPROVALS AND DENIALS.—All waiver approvals and denials shall be made publicly available by the Secretary.

''(6) REPORTS ON PROJECTS.—The Secretary shall provide annually to Congress a report concerning waivers approved under this subsection, 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.

''(g) 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 provided, during 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, to grant the request, then, notwithstanding 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 shall not exceed the estimated total amount that the Federal Government would have paid 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 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 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 by section 114(a), is amended by adding at the end the following:

''(m) INDICATORS OF CHILD WELL-BEING.—

''(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 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) 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 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 of Health and Human Services.

''(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 Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act; and

''(ii) annually thereafter for the 3 succeeding years.

''(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 2008, $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:

''(m) INDICATORS OF CHILD WELL-BEING.—

''(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 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) 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 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 of Health and Human Services.

''(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 Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be 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 409(a)(3) (42 U.S.C. 609(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''; and

(2) by adding at the end the following:

''(D) LIMITATION ON APPLICATION OF PENALTY FOR FAILURE TO SATISFY MINIMUM PARTICIPATION RATE.—Notwithstanding the preceding subparagraphs of this paragraph, 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 403(a)(1) for the immediately succeeding fiscal year based on the failure of the State to comply with section 407(a). In the case of a State that operated a State program under this part under waiver authority under section 415, 1115, or otherwise, that expired during the preceding fiscal year, the Secretary shall take the expiration of such waiver into account for purposes of applying this subparagraph to that State for the immediately succeeding fiscal year.''.

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:

(g) STATE OPTION FOR EXCLUSION OF CERTAIN RECIPIENTS FROM THE DETERMINATION OF MONTHLY PARTICIPATION RATES.—Section 407(b)(1)(B) (42 U.S.C. 607(b)(1)(B)) is amended—

(1) in clause (i), by inserting '', but not including any family for which the State has exercised the option described in clause (ii)(I)'' before the semicolon; and

(2) in clause (ii)—

(A) in subclause (I), by inserting '', but (at State option for all such families or on a case-by-case basis) not including families for which the adult or minor child head of household who received assistance during the month was subsequently determined eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(B) in subclause (II), by inserting ''and (if the State elected the option described in subclause (I)) not including families for which the adult or minor child head of household who received assistance during the month was subsequently determined eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

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 ____—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 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) 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(31) of the Social Security Act (42 U.S.C. 654(31)) is inadmissible.

''(ii) EXCEPTION.—An alien described in clause (i) may be admissible when—

''(I) child support payments under the judgment, decree, or order are satisfied; or

''(II) the alien is in compliance with an approved payment agreement.

''(iii) FEDERAL PARENT LOCATOR SERVICE.—The Federal Parent Locator Service, established under section 453 of the Social Security Act (42 U.S.C. 653), shall be used to determine if an alien is inadmissible under clause (i).

''(iv) 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 arrangement described in section 459A(d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.''.

SEC. ___03. AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(d)(5) 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, grant advance parole, to any alien who is inadmissible under subsection (a)(10)(F)(i) if—

''(I) the Secretary of Homeland Security places such alien into removal proceedings;

''(II) the alien demonstrates to the satisfaction of the Secretary of Homeland Security 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.

''(ii) 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 (i).''.

SEC. ___04. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL 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''; and

(2) by inserting after paragraph (8) the following:

''(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act (42 U.S.C. 659(i))) 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. ___05. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.

Section 235(d) 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 on 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 459(i) of the Social Security Act (42 U.S.C. 659(i)); or

''(ii) any action to establish paternity.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

SEC. ___06. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

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.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and in accordance with the requirements of subsection (b), on request by the Attorney General, Secretary of Homeland Security, or Secretary of State, the Secretary of Health and Human Services shall provide and transmit to authorized persons through the Federal Parent Locator Service such information as 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 the naturalization laws of the United States with respect to the legal entry and status of aliens.''.

SEC. ___07. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

SA 2995. 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:

On page 154, between lines 15 and 16, insert the following:

''(ix) Training for individuals who will conduct any of the programs or activities described in clauses (i) through (viii).

On page 239, between lines 8 and 9, insert the following:

(c) CLARIFICATION OF APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412 (42 U.S.C.612), as amended by section 108(b)(2), is amended by adding at the end the following:

''(i) APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides 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. 3405), the programs authorized to be conducted with such funds shall be—

''(1) considered to be programs subject to section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(2) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3505) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

On page 305, line 22, insert ''or calculated by the State based on such order'' before the first period.

SA 2996. Mr. GRASSLEY 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 ___—FAMILY OPPORTUNITY ACT

SEC. ___01. SHORT TITLE OF TITLE.

This title may be cited as the ''Family Opportunity Act of 2004'' or the ''Dylan Lee James Act''.

SEC. ___02. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

''(XIX) who are disabled children described in subsection (cc)(1);''; and

(B) by adding at the end the following new subsection:

''(cc)(1) Individuals described in this paragraph are individuals—

''(A) who have not attained 18 years of age;

''(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

''(C) whose family income does not exceed such income level as the State establishes and does not exceed—

''(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

''(ii) such higher percent of such poverty line as a State may establish, except that—

''(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

''(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.''.

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

''(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

''(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

''(ii) if such coverage is obtained—

''(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

''(II) treat such coverage as a third party liability under subsection (a)(25).

''(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is

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.''.

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)''; and

(2) by adding at the end the following new subsection:

''(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

''(2) A premium requirement 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(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

''(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

''(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.''.

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. ___03. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting '', or would require inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded''; and

(B) in the second sentence, by inserting '', or would require inpatient psychiatric hospital services for individuals under age 21'' before the period;

(2) in paragraph (2)(B), by striking ''or services in an intermediate care facility for the mentally retarded'' each place it appears and inserting ''services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21'';

(3) in paragraph (2)(C)—

(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 care facility for the mentally retarded'' and inserting ''services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21''; and

(4) in paragraph (7)(A)—

(A) by inserting ''or would require inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded,''; and

(B) by inserting ''or who would require inpatient psychiatric hospital services for individuals under age 21'' before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. ___04. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

''(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

''(I) $3,000,000 for fiscal year 2006;

''(II) $4,000,000 for fiscal year 2007; and

''(III) $5,000,000 for fiscal year 2008; and

''(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2009 and 2010.

''(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

''(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

''(ii) remain available until expended.

''(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 order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

''(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 a model for 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; and

''(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.

''(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

''(A) 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.

''(4) The provisions of this title 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).

''(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.''.

SEC. ___05. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI 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 ''(II)'';

(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 (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) 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 apply to medical assistance for items and services furnished on or after January 1, 2006.

SA 2997. Mr. SANTORUM 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 295, between lines 10 and 11, insert the following:

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 104(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a(a)(2)) is amended by adding at the end the following:

''(C) The program to provide block grants to States for social services established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

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

408(a)(9) (42 U.S.C. 608(a)(9)) is amended by adding at the end the following:

''(C) ENFORCEMENT.—

''(i) REQUIREMENT TO COMPARE APPLICANTS AGAINST FBI DATABASE.—Beginning with fiscal year 2005, each State to which a grant is made under section 403 shall compare information on each adult applicant for assistance under the State program funded under this part, benefits under the food stamp program, supplemental security income benefits under title XVI, or cash benefits under the unemployment compensation law of a State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986, against the database of wanted felons maintained by the Federal Bureau of Investigation in order to determine if the applicant is a wanted felon.

''(ii) REQUIREMENT TO NOTIFY LAW ENFORCEMENT AUTHORITIES.—If an adult applicant matches an individual listed in the database referred to in clause (i), the State shall immediately notify the appropriate law enforcement authorities of the match.''.

(b) REQUIREMENT TO USE ACCURATE EMPLOYMENT INFORMATION.—Section 408 (42 U.S.C. 608), as amended by this Act, is further amended by adding at the end the following:

''(h) STATE REQUIREMENT TO UTILIZE ACCURATE EMPLOYMENT INFORMATION.—

''(1) COMPARISON OF RECIPIENTS WITH INFORMATION IN THE NATIONAL DIRECTORY OF NEW HIRES.—Not later than July 2004, and each month thereafter, each State to which a grant is made under section 403 promptly shall compare each adult recipient of assistance under a State program funded under this part with information in the National Directory of New Hires established under section 453(i) to determine if the adult recipient has earnings that have not been reported to the State agency responsible for administering the program funded under this part.

''(2) REDUCTION OF CASH ASSISTANCE AND PENALTIES.—If the comparison under paragraph (1) demonstrates that an adult recipient has unreported earnings, the State shall reduce cash assistance to the adult recipient and apply penalties, as appropriate.''.

SA 2999. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, 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 appropriate place, add the following:

(____) 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 benefit shall not be provided unless 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 3000. 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:

At the appropriate place, add the following:

(____) 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 benefit shall not be provided unless proof of legal immigrant status is submitted with the application for such benefit.

SA 3001. 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:

At the appropriate place, add the following:

(____) 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 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 3002. 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:

At the appropriate place, add the following:

(____) 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 proof of legal immigrant status is submitted with the application for such assistance.

SA 3003. 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:

At the appropriate place, add the following:

(____) 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 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:

At the appropriate place, insert the following:

SEC. ____. REIMBURSEMENT FOR MEANS-TESTED PUBLIC BENEFITS PROVIDED TO SPONSORED ALIENS.

(a) IN GENERAL.—Section 1137(d) (42 U.S.C. 1320b–7(d)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) If such an individual is not a citizen or national of the United States, there must be presented—

''(A) either—

''(i) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number); or

''(ii) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status; and

''(B) such information and documentation as is necessary in order for the State to determine if the alien has a sponsor in order to comply with the requirements of section 213A of the Immigration and Nationality Act.''; and

(2) by striking paragraph (3) and inserting the following:

''(3) If documentation required under paragraph (2) is presented, the State shall—

''(A) utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

''(i) utilizes the individual's name, file number, admission number, or other means permitting efficient verification; and

''(ii) protects the individual's privacy to the maximum degree possible;

''(B) verify through such system whether the alien has a sponsor and if so, the existence of an affidavit of support executed by such sponsor; and

''(C) if such an affidavit of support exists, request reimbursement by the sponsor in an amount equal to the unreimbursed costs of any benefits that have been or will be provided to the alien in accordance with section 213A of the Immigration and Nationality Act.''.

(b) CONFORMING AMENDMENT.—Section 1137(d)(4) (42 U.S.C. 1320b–7(d)(4)) is amended by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A)(i) and (B) of paragraph (2)''.

SA 3005. 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:

At the end of the amendment, add the following:

(____) 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 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:

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. United States Boxing Commission 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 Commission.
Sec. 22. Study and report on definition of promoter.
Sec. 23. 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.

''In this Act:

''(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

''(2) 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 for a particular date.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

'' (7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) 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).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

''(10) MANAGER.—The term 'manager' means a person other than a. promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

''(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

''(12) PHYSICIAN.—The term 'physician' means a, doctor of medicine legally authorized to practice medicine by the State in which the physician per forms such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

''(13) 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 Commission.

''(14) PROMOTER.—The term 'promoter'—

''(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

''(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

''(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

''(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, for the boxer unless that nominee or entity is a licensed promoter who is conveying a, portion of the rights previously acquired.

''(16) 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, 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.

''(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 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(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 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 otherwise 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 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.

''(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) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing snatches 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 and 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; or

''(D) a match in which 1 of the boxers has—

''(i) suffered 10 consecutive defeats in professional boxing matches; or

''(ii) has been knocked out 5 consecutive times in professional boxing matches.

''(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

''(A) the Commission has delegated its approval authority with respect to that match to a boxing commission; and

''(B) 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 out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.''.

(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 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 adding at the end of paragraph (1) ''The examination shall include testing for infectious diseases in accordance with standards established by the Commission.'';

(3) by striking paragraph (2) and inserting the following:

''(2) 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:

''(3) Emergency medical personnel with appropriate resuscitation equipment continuously present oil site.''; and

(5) by striking ''match.'' in paragraph (5), as redesignated, 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 it 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 disclosure 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) COPY OF REGISTRATION 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 (b), 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, licensee, manager, match maker; promoter, 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 ''48 business hours'' and inserting ''2 business days'';

(2) by striking ''bxoing'' and inserting ''boxing''; and

(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. 9. CONTRACT REQUIREMENTS.

''(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-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 boxer to the 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 a copy of the bout agreement related to that match has been filed with it and approved by it.

''(c) 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 boxing commission in an amount acceptable to the boxing commission.''.

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting ''OR ELIMINATION'' after ''MANDATORY'' in the heading of subsection (b); and

(3) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) 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 2004, the Commission shall develop guidelines for objective and consistent written criteria, for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission'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, 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 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 Commission), 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); and

''(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.''.

(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 COMMISSION''; and

(2) by striking ''Federal Trade Commission,'' in paragraph (1) and inserting ''United States Boxing Commission,''.

SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—'';

(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking ''**PROMOTERS.**'' in the section caption and inserting ''**PROMOTERS AND BROADCASTERS.**'';

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

''(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—'';

(3) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

(4) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a written statement of all fees, charges, and expenses that have been, or will be,'';

(5) by inserting ''a written statement of'' before ''all'' in subsection (a)(3)(B);

(6) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—'';

(8) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''; and

(9) by adding at the end the following:

''(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

''(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

''(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

''(B) a copy of any contract executed by or on behalf of the broadcaster with—

''(i) a boxer who participated in that match; or

''(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

''(C) a list identifying sources of income received from the broadcast of the match.

''(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

''(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

''(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).''.

SEC. 15. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

(2) by striking ''certified and approved'' and inserting ''selected'';

(3) by inserting ''or Indian lands'' after '' State''; and

(4) by adding at the end the following:

''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

''(c) ROLE OF SANCTIONING ORGANIZATION.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

''(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.

''(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 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, the judge or referee shall also provide such a statement to the Commission.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. 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 denials or suspensions for every licensed boxer.

''(b) CONTENT; SUBMISSION.—The Commission shall determine—

''(1) the nature of medical records and medical suspensions of a boxer that are to be forwvarded to the medical registry; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) CONFIDENTIALITY.—The Commission 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 17 (15 U.S.C. 6308) is amended—

(1) by striking ''enforces State boxing laws,'' in subsection (a) and inserting ''implements State or tribal boxing laws, no officer or employee of the Commission,'';

(2) by striking ''belong to,'' and inserting ''hold office in,'' in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

''(b) BOXERS.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

''(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

''(2) 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 bout.''.

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 ''any officer or employee of the Commission,'' after ''laws,'' in subsection (b)(3);

(3) by inserting ''has engaged in or'' after ''organization'' in subsection (c);

(4) by striking ''subsection (b)'' in subsection (c)(3) and inserting ''subsection (b), a civil penalty, or''; and

(5) 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 insert. ''**OR TRIBAL**'' in the section heading after ''**STATE**''; and

(2) by inserting ''or Indian tribe'' after ''State''.

SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

''TITLE II—UNITED STATES BOXING COMMISSION

''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. UNITED STATES BOXING COMMISSION.

''(a) IN GENERAL.—The United States Boxing Commission is established as a commission within the Department of Commerce.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—Each member of the Commission shall be a citizen of the United States who—

''(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

''(ii) is of outstanding character and recognized integrity; and

''(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

''(B) SPECIFIC QUALIFICATIONS FOR CERTAIN MEMBERS.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

''(C) DISINTERESTED PERSONS.—No member of the Commission may, while serving as a member of the Commission—

''(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

''(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

''(iii) serve as a member of a boxing commission.

''(3) BIPARTISAN MEMBERSHIP.—Not more than 2 members of the Commission may be members of the same political party.

''(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

''(5) TERMS.—

''(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

''(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

''(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

''(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may

serve after the expiration of that member's term until a successor has taken office.

''(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

''(c) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions 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 counsel and 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 pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"SEC. 203. 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, oversee all professional boxing matches in the United States;

''(4) work with the 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, 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 Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

''(6) review boxing 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 professional 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; or

''(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.

''(d) USE OF NAME.—The Commission shall have the exclusive right to use the name '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 '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 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 a boxer; and

''(ii) 2-year term for any other person.

''(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

''(b) LICENSING FEES.—

''(1) AUTHORITY.—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 practicable—

''(A) club boxing is not adversely effected;

''(B) 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 matches.

"SEC. 206. CONSULTATION REQUIREMENTS.

''The Commission shall consult with the Association of Boxing Commissions—

''(1) before proscribing 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.—

''(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

''(A) the license holder has violated any provision of this Act;

''(B) 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.

''(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 Commission except as provided in subparagraph (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 certifications under this subparagraph.

''(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the

revocation shall be for a period of not less than 1 year.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(1) AUTHORITY.—The Commission 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 or permit any person to file with it a statement in writing, under oath or otherwise as the Commission 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.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

''(1) any officer designated by the Commission may administer oaths and affirmations, subpena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

''(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

''(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.

''(3) ENFORCEMENT OF SUBPOENAS.—

''(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena. issued to, any person, the Commission 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. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an 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 is an inhabitant or in which the person may be found.

''(4) 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 documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, 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 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.

''(5) 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, 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) MANDAMUS.—Upon application of the Commission, 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 commanding any person to comply with the provisions of this Act or any order of the Commission.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—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 professional boxing filed in a district court of the United States.

''(2) AMICUS FILING.—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 COMMISSIONS.

''(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 professional boxing matches 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 promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

''Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

''(a) ANNUAL REPORT.—The Commission 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—

''(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

''(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

''(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission 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 Commission.

''(c) FIRST ANNUAL REPORT ON THE COMMISSION.—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 issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission 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) PBSA.—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:

''Section 1. Short title; table of contents.
''Sec. 2. Definitions.
''Title I—Professional Boxing Safety
''Sec. 101. Purposes.
''Sec. 102. Approval or sanction requirement.
''Sec. 103. Safety standards.
''Sec. 104. Registration.
''Sec. 105. Review.
''Sec. 106. Reporting.
''Sec. 107. Contract requirements.
''Sec. 108. Protection from coercive contracts.
''Sec. 109. Sanctioning organizations.
''Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
''Sec. 111. Required disclosures by promoters and broadcasters.
''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 Commission
''Sec. 201. Purpose.
''Sec. 202. Establishment of United States Boxing Commission.
''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 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 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) by striking ''of this Act'' each place it appears in sections 101 through 120, as redesignated, and inserting ''of this title''.

(2) COMPENSATION OF 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 respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not, later than 12 months after the date of the 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 rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 23. EFFECTIVE DATE.

(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 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 ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the full committee on Environment and Public Works be authorized to meet on Wednesday, March 31, at 9:30 a.m., to conduct a nominations hearing to consider the nominations of: Stephen L. Johnson, to be Deputy Administrator, EPA; Ann R. Klee, to be General Counsel, EPA; Charles Johnson, to be Chief Financial Officer, EPA; Benjamin Grumbles, to be Assistant Administrator for the Office of Water, EPA; and Gary Lee Visscher, to be a Member of the Chemical Safety and Hazard Investigation Board.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to hold a hearing on the effects of the Madrid terrorist attacks on U.S.-European cooperation in the war on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2004, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2004, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Wednesday, March 31, at 1:30 p.m., to conduct a hearing to consider the role of the U.S. Army Corps of Engineers in meeting the Nation's water resource needs in the 21st century.

The meeting will be held in SD 406.

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.

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 black brackets and insert 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.

[(a) SHORT TITLE.—This Act may be cited as the ''Professional Boxing Amendments Act of 2003''.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[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.

[''In this Act:

[''(1) ADMINISTRATION.—The term 'Administration' means the United States Boxing Administration.

[''(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

[''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

[''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

[''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

[''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

[''(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

[''(8) 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).

[''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

[''(10) 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.

[''(11) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, 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 the 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.

[''(15) PROMOTER.—The term 'promoter' means the person responsible for organizing, promoting, and producing a professional boxing match. The term 'promoter' does not include a premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

[''(A) the premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment has a promotional agreement with a boxer in the match; or

[''(B) there is another person responsible for organizing, promoting, and producing the match who is affiliated with the premium or other cable or satellite program service, hotel, casino, resort, or other commercial establishment.

[''(16) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a any 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, and any territory or possession of the United States, including the Virgin Islands.

[''(18) EFFECTIVE DATE OF THE CONTRACT.—The term 'effective date of the contract' means the day upon which a boxer becomes legally bound by the contract.

[''(19) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, 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.

[''(20) SUSPENSION.—The term 'suspension' includes within its meaning the revocation of a boxing license.

[''(21) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

[(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) CONTRACT WITH A BOXING COMMISSION.—A tribal organization that does not establish a boxing commission shall execute a contract with the Association of Boxing Commissions, or a boxing commission that is a member of the Association of Boxing Commissions, to regulate any professional boxing match held on Indian land under the jurisdiction of that tribal organization. If the match is regulated by the Association of Boxing Commissions, the match shall be regulated in accordance with the guidelines established by the United States Boxing Administration. If the match is regulated by a boxing commission from a State other than the State within the borders of which the Indian land is located, the match shall be regulated in accordance with the applicable requirements of the State where the match is held.

[''(c) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission 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 otherwise 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 Administration.''.

[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.

[''(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 Administration; and

[''(2) is supervised by the Association of Boxing Commissions or by a boxing commission that is a member 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 and with 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 match; or

[''(3) a match scheduled for 10 rounds or more.

[''(c) 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) 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 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 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 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

[(5) by striking ''match.'' 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 accordance with 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 ''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.'';

[(2) 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''; and

[(2) by striking ''each boxer registry.'' and inserting ''the Administration.''.

[SEC. 10. CONTRACT REQUIREMENTS.

[Section 9 (15 U.S.C. 6307a) is amended to read as follows:

[''SEC. 9. CONTRACT REQUIREMENTS.

[''(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, boxer-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) ADMINISTRATION.—A manager or promoter shall submit a copy of each boxer-manager 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 approved by it.

[''(c) 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 boxing commission in an amount acceptable to the boxing commission.''.

[SEC. 11. COERCIVE CONTRACTS.

[Section 10 (15 U.S.C. 6307b) is amended—

[(1) by striking paragraph (3) of subsection (a);

[(2) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

[SEC. 12. SANCTIONING ORGANIZATIONS.

[(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) 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, 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 Administration;

[''(3) provide the boxer an opportunity to appeal the ratings change; and

[''(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

[''(c) CHALLENGE OF RATING.—If a sanctioning organization receives an inquiry 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 request—

[''(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); and

[''(2) submit a copy of its explanation to the Association of Boxing Commissions and the Administration.''.

[SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

[Section 12 (15 U.S.C. 6307d) is amended—

[(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 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—'';

[(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

[(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

[SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.

[Section 13 (15 U.S.C. 6307e) is amended—

[(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

[''(a) DISCLOSURES TO BOXING COMMISSIONS AND ADMINISTRATION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State or on Indian land responsible for regulating the match, and to the Administration—'';

[(2) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

[(3) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a statement of all fees, charges, and expenses that have been, or will be,'';

[(4) by inserting ''a statement of'' before ''all'' in subsection (a)(3)(B);

[(5) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

[(6) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of that match shall provide to each boxer participating in the match a statement of—''; and

[(7) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''.

[SEC. 15. JUDGES AND REFEREES.

[(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

[(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

[(2) by striking ''certified and approved'' and inserting ''selected'';

[(3) by inserting ''or Indian lands'' after ''State''; and

[(4) by adding at the end the following:

[''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration or selected by a boxing commission.

[''(c) SANCTIONING ORGANIZATION NOT TO INFLUENCE SELECTION PROCESS.—A sanctioning organization—

[''(1) may provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

[''(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.

[''(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 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, the judge or referee shall also provide such a statement to the Administration.''.

[(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

[SEC. 16. MEDICAL REGISTRY.

[The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

[''SEC. 14. MEDICAL REGISTRY.

[(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

[''(b) 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; and

[''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

[''(c) 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 17(a) is amended by inserting ''no officer or employee of the Administration,'' after ''laws,''.

[SEC. 18. ENFORCEMENT.

[Section 18 (15 U.S.C. 6309) is amended—

[(1) by striking ''(a) INJUNCTION.—'' in subsection (a) and inserting ''(a) ACTIONS BY ATTORNEY GENERAL.—'';

[(2) by inserting ''or criminal'' after ''civil'' in subsection (a);

[(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 ''fines'' in subsection (c)(3) 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 insert ''**OR TRIBAL**'' in the section heading after ''**STATE**''; and

[(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 Administration 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; and

[''(C) is selected on the basis of training, experience, and qualifications and without regard to party affiliation.

[''(3) COMPENSATION.—Section 5315 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 4 years.

[''(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who 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 to carry out the functions 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 Administration 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 function of the Administration 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 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 Administration, oversee all professional boxing matches in the United States;

[''(4) work with sanctioning organizations, the Association of Boxing Commissions, and the 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 vigorously, effectively, and fairly enforced;

[''(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration 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, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

[''(8) 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

[''(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

[''(c) PROHIBITIONS.—The Administration 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 Administration.

[''(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 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 remedies 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 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 Administration 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 Administration, meets the standards established by the Administration 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 by the Administration.

[''(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 Administration.

[''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

[''(A) club boxing is not adversely effected;

[''(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 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 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 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) 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.—

[''(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) there are reasonable grounds for belief that a standard prescribed by the Administration 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 licensee has violated any provision of 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 suspension or denial of the license of a boxer 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 the standards and procedures for accepting certifications under this subparagraph.

[''(b) INVESTIGATIONS AND INJUNCTIONS.—

[''(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 title or any regulation prescribed under this title;

[''(B) require or permit 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 matters to aid 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.

[''(3) 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 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. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

[''(B) FAILURE TO OBEY.—Any failure to obey an 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 is an inhabitant or in which the person may be found.

[''(4) 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 documents 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.

[''(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 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.

[''(5) 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, 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) MANDAMUS.—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 commanding any person to comply with the provisions of this title or any order of the Administration.

[''(c) INTERVENTION IN CIVIL ACTIONS.—

[''(1) IN GENERAL.—The Administration, 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 professional boxing filed in a United States district court.

[''(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 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. The Administration shall keep appropriate records of the hearings.

["SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

[''(a) NONINTERFERENCE.—Nothing in this title 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 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 under this title.

["SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

[''Any employee of any executive department, agency, bureau, board, commission, office, 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 appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

["SEC. 210. REPORTS.

[''(a) 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.

[''(b) 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.

[''(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. 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 issued by a boxing commission expires on the earlier of—

[''(A) the date on which the license expires; or

[''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

["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) PBSA.—The Professional Boxing Safety Act or 1966, 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:

[''Section 1. Short title; table of contents.
[''Sec. 2. Definitions.

[''TITLE I—PROFESSIONAL BOXING SAFETY

[''Sec. 101. Purposes.
[''Sec. 102. Approval or sanction requirement.
[''Sec. 103. Safety standards.
[''Sec. 104. Registration.
[''Sec. 105. Review.
[''Sec. 106. Reporting.
[''Sec. 107. Contract requirements.
[''Sec. 108. Protection from coercive contracts.
[''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. 202. Establishment of United States Boxing Administration.
[''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 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 ''section 13'' each place it appears in section 113, as redesignated, and inserting ''section 111'';

[(E) by striking ''section 4.'' in section 117(a), as redesignated, and inserting ''section 102.'';

[(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 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

[(J) 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.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

[''The Administrator of the United States Boxing Administration.''.

[SEC. 22. EFFECTIVE DATE.

[(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 205 through 212 of the Professional Boxing Safety Act or 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Professional Boxing Amendments Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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.

''In this Act:

''(1) ADMINISTRATION.—The term 'Administration' means the United States Boxing Administration.

''(2) 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.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Administration for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

''(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) 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).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

''(10) 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.

''(11) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, 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.

''(15) PROMOTER.—

''(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 or other cable or satellite program service, hotel, casino, resort, or other commercial establishment hosting or sponsoring 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) ENTITIES ENGAGING IN PROMOTIONAL ACTIVITIES THROUGH AN AFFILIATE.—Notwithstanding subparagraph (B), an entity described in that subparagraph shall be considered to be a promoter if the person responsible for organizing, promoting, and producing a professional boxing match—

''(i) is 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.

''(16) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a any 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, and any territory or possession of the United States, including the Virgin Islands.

''(18) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, 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 its meaning the temporary revocation of a boxing license.

''(20) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

(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 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 otherwise 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 Administration.

''(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. 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.

''(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 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 and with 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 match; or

''(3) a match scheduled for 10 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 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 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 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

(5) by striking ''match.'' 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 accordance with 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 ''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 AND IDENTIFICATION CARDS TO BE SENT TO ADMINISTRATION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Administration.''.

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, licensee, manager, matchmaker, promoter, 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 ''48 business hours'' and inserting ''2 business days'';

(2) by striking ''boxing'' and inserting ''boxing''; and

(3) by striking ''each boxer registry.'' and inserting ''the Administration.''.

SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

''SEC. 9. CONTRACT REQUIREMENTS.

''(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, boxer-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) ADMINISTRATION.—A manager or promoter shall submit a copy of each boxer-manager 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 approved by it.

''(c) 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 boxing commission in an amount acceptable to the boxing commission.''.

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting ''OR ELIMINATION'' after ''MANDATORY'' in the heading of subsection (b); and

(3) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) 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, 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 Administration;

''(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 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); and

''(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. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the Administration, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a statement of—'';

(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

''(a) DISCLOSURES TO BOXING COMMISSIONS AND ADMINISTRATION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Administration, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—'';

(2) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

(3) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a statement of all fees, charges, and expenses that have been, or will be,'';

(4) by inserting ''a statement of'' before ''all'' in subsection (a)(3)(B);

(5) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

(6) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the match with whom the promoter has a promotional agreement a statement of—''; and

(7) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''.

SEC. 15. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

(2) by striking ''certified and approved'' and inserting ''selected'';

(3) by inserting ''or Indian lands'' after ''State''; and

(4) by adding at the end the following:

''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Administration.

''(c) SANCTIONING ORGANIZATION NOT TO INFLUENCE SELECTION PROCESS.—A sanctioning organization—

''(1) may provide 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 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, the judge or referee shall also provide such a statement to the Administration.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. MEDICAL REGISTRY.

''(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

''(b) 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; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) 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 17(a) (15 U.S.C. 6308(a)) is amended—

(1) by striking ''enforces State'' and inserting ''enforces 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 tribal 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);

(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 ''fines'' in subsection (c)(3) 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 insert ''**OR TRIBAL**'' in the section heading after ''**STATE**''; and*

(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 Administration 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 5315 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 4 years.

''(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration 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 to carry out the functions 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 Administration 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—

''(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 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 Administration, oversee all professional boxing matches in the United States;

''(4) work with the 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 vigorously, effectively, and fairly enforced;

''(6) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration 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, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Administration;

''(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 provisions of this title.

''(c) PROHIBITIONS.—The Administration 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 Administration.

''(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 remedies 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 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 Administration 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 Administration, meets the standards established by the Administration 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 by the Administration.

''(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 Administration.

''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

''(A) club boxing is not adversely effected;

''(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 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 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 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) 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.—

''(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) there are reasonable grounds for belief that a standard prescribed by the Administration 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.

''(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 suspension or denial of the license of a boxer 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 the standards and procedures for accepting certifications under this subparagraph.

''(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(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 or permit 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 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.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1), or any other proceeding under this Act, 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.

''(3) 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. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an 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 is an inhabitant or in which the person may be found.

''(4) 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 documents 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.

''(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 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.

''(5) 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 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) MANDAMUS.—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 commanding any person to comply with the provisions of this Act or any order of the Administration.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—The Administration, 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 professional boxing filed in a district court of the United States.

''(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. The Administration shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

''(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.

''Any employee of any executive department, agency, bureau, board, commission, office, 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 appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

''(a) 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—

''(1) a detailed discussion of the activities of the Administration for the year covered by the report; and

''(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

''(b) 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.

''(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. 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 issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2003.

"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) PBSA.—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. 1. Short title; table of contents.
''Sec. 2. Definitions.

''TITLE I—PROFESSIONAL BOXING SAFETY

''Sec. 101. Purposes.
''Sec. 102. Approval or sanction requirement.
''Sec. 103. Safety standards.
''Sec. 104. Registration.
''Sec. 105. Review.
''Sec. 106. Reporting.
''Sec. 107. Contract requirements.
''Sec. 108. Protection from coercive contracts.
''Sec. 109. Sanctioning organizations.
''Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
''Sec. 111. Required disclosures by 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. 202. Establishment of United States Boxing Administration.
''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 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 Administration 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 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) 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.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''The Administrator of the United States Boxing Administration.''.

SEC. 22. EFFECTIVE DATE.

(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 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.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, this legislation has been long in coming. Senator MCCAIN and I have worked on this for months. I think it is a tremendous step forward. It is a perfect example of how we have to cooperate with each other. This is not everything that Senator MCCAIN wanted, it is not everything I wanted, but it is legislation that now is going to pass the Senate. It is something that has been needed for some time. It is the Professional Boxing Safety Act, but it also will take a very

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 deaths that occur with boxers. 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's state-of-the-art resorts provide 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 led 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 had been 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 wasn't knocked out. He was hit once and started to walk away and collapsed. An autopsy later revealed that Brad technically died of a heart attack, but many acknowledge that the continual physical abuse inside the ring contributed to his untimely death.

Unfortunately, the rules governing professional boxing and the enforcement of those rules vary widely among States. This legislation today will help avoid future tragedies like Brad's, and ensure a vibrant future for the sport of boxing and the Nation's boxers. If this legislation had been enacted before Brad's death, it would have required that his fights be approved by a Federal Commission after either his 10th defeat or fifth consecutive knockout.

This bill creates the United States Boxing Commission, USBC. The USBC will prescribe and enforce uniform regulations for professional boxing in order to protect the health and safety of boxers and ensure fairness in the sport. While it will not supercede States with higher standards, like Nevada, it will establish minimum standards and conformity for all States. 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 hurt, and the ambulance takes him away, there is no remaining personnel or equipment for the other fights on the card. This poses unnecessary and sometimes fatal risks to boxers and ring personnel. The USBC will also review plans submitted by all State athletic commissions for uniformity.

This uniformity will discontinue the use of forum shopping that we witnessed in 2002 with the Mike Tyson v. Lennox Lewis fight. That fight was originally scheduled to take place in Las Vegas, but the Nevada State Athletic Commission declined to grant Tyson a license to 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 begins 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 regulated in the same manner. This is only fair. Many broadcasters control when the fighters fight, who they fight, where they fight, and how much they are paid. This is the role of the promoter, and the media companies are acting as the fighters' de facto promoters. However, despite the fact that these companies are acting as promoters, they are not regulated by boxing commissions. While traditional promoters are regulated under the Muhammad Ali Boxing Reform Act, Ali Act, and State athletic commission laws, the media companies have been virtually free from regulation.

This legislation will require the broadcaster to make certain disclosures to the USBC similar to what promoters must do. Broadcasters will have to provide to the USBC statements of fees paid and owed to promoters, copies of all contracts, and a list of the sources of income they receive from the broadcast of the match.

Additionally, the bill requires the USBC to study for one year the definition of a promoter and report back to Congress their proposed revised definition, speculatively, to include broadcasters as appropriate. When Congress enacted the Ali Act, one of the main goals was to protect boxers from being unfairly treated by promoters. The Ali Act provided contractual reforms that prevented exploitive business practices that at that time allowed for coercive and lengthy contracts tying a fighter to a promoter for years. Today, many fighters are entering into promotional agreements directly with the broadcaster. Thus, in order to really give the Ali Act any weight, it is necessary that those who are conducting the business of a promoter comply with the regulations set forth in the Ali Act. The broadcasters should not evade the restrictions placed on promoters by the Ali Act simply by slipping through some technical loopholes.

The USBC should focus on two particular issues when making this important promoters decision. Both, 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 match or in some cases several matches, 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 boxer. The broadcaster who hires this local promoter does not have to disclose to the fighter how much the broadcaster is earning for the fight. Since conventional promoters determine when a fighter fights, where he fights, who he fights and how much he is paid, the broadcaster 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 illustrated by the roles 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 a State athletic commission since 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 agreements for the fight, those 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 law to promoters.

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 boxer through this entity, the broadcaster should still be deemed 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. The USBC is also directed 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.

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 Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 596, 598, 599, 600, 601, 602, and all nominations on the Secretary's desk.

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

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 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. Bisson, 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 MATTHEW 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.

PN1408 Air Force nominations (53) beginning DOUGLAS R. ALFAR, and ending FI A. YI, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 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. BRAGGS, and ending CHARLES W. FOX, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2004.

PN1435 Air Force nomination of David W. Puvogel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1436 Air Force nomination of Terrance J. Wohlfiel, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

IN THE ARMY

PN1166 Army nominations (338) beginning DALE A. ADAMS, and ending NICHOLAS E. ZOELLER, which nominations were received by the Senate and appeared in the Congressional Record of November 21, 2003.

PN1248 Army nominations (56) beginning THOMAS M. BESCH, and ending ALBERT M. ZACCOR, 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. ZUPAN, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1251 Army nominations (315) beginning EILEEN M. AHEARN, and ending x4578, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1382 Army nomination of Gary W. Stinnett, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1383 Army nomination of James M. Ives, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1384 Army nomination of Paul Swicord, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1385 Army nomination of Stephen A. Bernstein, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1386 Army nomination James R. Hudson, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1387 Army nomination of Gary J. Garay, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1388 Army nomination of John W. Ervin, which was received by the Senate and appeared in the Congressional Record of February 23, 2004.

PN1402 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 26, 2004.

PN1403 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.

PN1409 Army nomination Randall J. Vance, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN1410 Army nomination of Craig M. Doane, which was received by the Senate and appeared in the Congressional Record of March 1, 2004.

PN1441 Army nomination of Carol A. Cullinan, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1442 Army nomination of Christopher B. Soltis, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1443 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.

PN1444 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.

PN1445 Army nominations (2) beginning MICHAEL J. HARRIS, and ending ROBERT L. LEGG, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1446 Army nominations (2) beginning DAVID N. AYCOCK, and ending DAVID E. LINDBERG, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1447 Army nomination of Michael T. Lawhorn, which was received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1448 Army nominations (20) beginning DERRON A. ALVES, and ending ALISA R. WILMA, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1449 Army nominations (27) beginning JOEL R. BACHMAN, and ending SHERRY L. WOMACK, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1450 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.

PN1451 Army nominations (129) beginning GINA M. *AGRON, and ending JEFFREY V. ZOTTOLA, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PN1453 Army nominations (4) beginning BRUCE M. FREDERICKSON, and ending WILLIAM A. PETTY, 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. Agle, 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 WOMBLE, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2004.

PROTOCOL TO THE AGREEMENT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY REGARDING SAFEGUARDS IN THE UNITED STATES—TREATY DOCUMENT 107–7

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.

I further ask that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the committee conditions and understandings be agreed to, that any statements be printed in the CONGRESSIONAL RECORD as if read, and that the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The treaty will be considered to have passed through the various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification reads as follows:

[(Treaty Doc. 107–7) The Protocol to the Agreement of the International Atomic Energy Agency Regarding Safeguards in the United States, with 2 conditions and 8 understandings;]

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.

The Senate advises and consents 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 Annexes, signed at Vienna June 12, 1998 (T. Doc. 107–7) subject to the conditions in section 2 and the understandings in section 3.

SEC. 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) CERTIFICATIONS 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 appropriate and necessary inter-agency guidance and regulation regarding such access; and

(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.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings:

(1) IMPLEMENTATION OF ADDITIONAL PROTOCOL.—Implemenation of the Additional Protocol will conform to the principles set forth in the letter of April 30, 2002, from the United States Permanent Representatives to the International Atomic Energy Agency and the Vienna Office of the United Nations to the Director General of the International Atomic Energy Agency.

(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 may disapprove an addition to the lists by joint resolution for reasons of direct national security significance, under procedures identical to those provided for the consideration of resolutions under section 130 of the Atomic Energy Act of 1954 (42 U.S.C. 2159).

(B) DELETED LOCATIONS.—The President shall notify the appropriate congressional Committees of any deletion from the lists of locations within the United States previously declared 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 that is due to such location having a direct national security significance, together with an explanation of such deletion, as soon as possible prior to providing the Agency information regarding such deletion.

(3) PROTECTION OF CLASSIFIED INFORMATION.—The Additional Protocol will not be construed to require the provision, in any manner, to the Agency of ''Restricted Data'' controlled by the provisions of the Atomic Energy Act of 1954.

(4) PROTECTION OF CONFIDENTIAL INFORMATION.—Should the President make a determination that persuasive information is available indicating that—

(A) an officer or employee of the Agency has willfully published, divulged, disclosed, or made known in any manner or to any extent contrary 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 and the Additional Protocol, any United States confidential business information coming to him or her in the course of his or her official duties relating to the implementation of the Additional Protocol, or by reason of any examination or investigation of any return, report, or record made to or filed with the Agency, or any officer or employee thereof, in relation to the Additional Protocol; and

(B) such practice or disclosure has resulted in financial losses or damages to a United States person;

the President shall, not later than 30 days after the receipt of such information by the executive branch of the United States Government, notify the appropriate congressional Committees in writing of such determination.

(5) REPORT ON CONSULTATIONS ON ADOPTION OF ADDITIONAL PROTOCOLS IN NON-NUCLEAR WEAPON STATES.—Not later than 180 days after entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report on measures that have been taken or ought to be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty.

(6) REPORT ON UNITED STATES ASSISTANCE TO THE AGENCY FOR THE PURPOSE OF ADDITIONAL PROTOCOL IMPLEMENTATION AND VERIFICATION OF THE OBLIGATIONS OF NON-NUCLEAR WEAPON STATES.—Not later than 180 days after the entry into force of the Additional Protocol, and annually thereafter, the President shall submit to the appropriate congressional Committees a report detailing the assistance provided by the United States to the Agency in order to promote the effective implementation of additional protocols to safeguards agreements signed by non-nuclear weapon states party to the Nuclear Non-Proliferation Treaty and the verification of the compliance of such parties with Agency obligations.

(7) SUBSIDIARY ARRANGEMENTS AND AMENDMENTS.—

(A) The subsidiary arrangement.—The Subsidiary Arrangement to the Additional Protocol between the United States and the Agency, signed at Vienna on June 12, 1998 contains an illustrative, rather than exhaustive, list of accepted United States managed access measures.

(B) Notification of additional subsidiary arrangements and amendments.—The President shall notify the appropriate congressional Committees not later than 30 days after—

(i) agreeing to any subsidiary arrangement with the Agency under Article 13 of the Additional Protocol; and

(ii) the adoption by the Agency Board of Governors of any amendment to its Annexes under Article 16.b.

(8) AMENDMENTS.—Amendments to the Additional Protocol will take effect for the United States in accordance with the requirements of the United States Constitution as the United States determines them.

SEC. 4. DEFINITIONS.

In this resolution:

(1) ADDITIONAL PROTOCOL.—The term ''Additional Protocol'' means the Protocol Additional to the Agreement between the United States and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes and a Subsidiary Agreement, signed at Vienna June 12, 1998 (T. Doc. 107–7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(3) NUCLEAR NON-PROLIFERATION TREATY.—The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970.

Mr. LUGAR. Mr. President, today 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.

Last February, at the National Defense University, President Bush called on the Senate to ratify the U.S. Additional Protocol, and today, I am pleased to bring this resolution of ratification to the floor on behalf of the Committee on Foreign Relations.

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 1969, 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 the world's advanced industrial 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 in 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 in states suspected of diverting 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, but Senate 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 forswore 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 without discrimination and in conformity with Articles I and II of this Treaty.

Those last words, ''in conformity with Article I and II of this Treaty,'' are key in our consideration of 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:

> [T]he 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 when 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 world 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.

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.

Iran'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 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, designs not declared to the IAEA. Iran has also failed to declare a pilot uranium enrichment facility, importation of many nuclear fuel cycle components, and experiments with plutonium separation.

Lastly, with regard to Iran, there are extremely disturbing press accounts of inspectors finding traces of highly enriched Uranium-235, which could have but one use, in a nuclear weapon. The United States has made no secret of our view that Iran is developing nuclear weapons.

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 weapons of mass 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 reactor 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 is not required 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 not 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, may exclude 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 witnesses. On March 4, the resolution of ratification before the Senate today was approved at a committee business meeting by a vote of 19 to 0. I thank Senator BIDEN and his staff for their cooperation in this effort. I am pleased to inform all Members that the administration fully supports the committee's recommended resolution of ratification, without changes.

In sum, I believe the Additional Protocol is necessary to further ensure effective verification and enforcement of the Article II obligations of Non-Nuclear Weapon States. Continued enjoyment of Article IV rights should come only with an increase in our ability to verify compliance with obligations to the IAEA and under the NPT. I do not believe that the Additional Protocol will be a burden for the United States, given that our ratification and implementation of the Protocol does not constitute a statement about U.S. adherence to nonproliferation commitments, but rather as a demonstration of our continued leadership in furtherance of the nonproliferation objectives contained in it. It is a first step toward realization of the objectives set forth by President Bush last February.

I urge my colleagues to support the committee's resolution of ratification and to ratify the Additional Protocol.

Mr. BIDEN. Mr. President, I am very pleased to recommend that the United States Senate give its advice and consent to ratification of the Additional Safeguards Protocol between the United States and the International Atomic Energy Agency, the IAEA. Ratification of the Additional Protocol will make a real contribution to U.S. nuclear non-proliferation efforts, and it will do so without putting at risk any sensitive national security information.

As my colleagues surely know, the Additional Protocol is an outgrowth of the world's discovery in 1991 that Iraq had come perilously close to developing a nuclear weapon, without the IAEA realizing it. One reason for Iraq's near-success was that the IAEA was allowed to inspect only those facilities that Iraq declared to it. If a uranium enrichment facility was across the hall from a declared facility—and in some cases it was about that bad—the IAEA had no mandate to inspect it. We, the world, and the IAEA itself realized that a revised safeguards regime was needed.

The Additional Protocol that was developed to address this concern 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 rightly wants to be adopted by all the 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 submit to safeguards on nuclear materials. He did this to assuage 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 power reactors 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. Similarly, our stated willingness to accept the Additional Protocol was crucial to gaining the world's agreement, in 1995, to the indefinite extension of the NPT. And our ratification of the Additional Protocol will strengthen our ability to convince more non-nuclear weapons states to sign their own additional protocols.

When the Additional Protocol enters into force, the United States will submit additional information on civil nuclear facilities on an annual basis and identify additional civilian facilities, a small number of which might someday be inspected. All implementation activities under the Additional Protocol will be subject to a ''National Security Exclusion,'' however, that will allow our Government to exclude the application of the Additional Protocol wherever it would result in ''access by the Agency to activities with direct national security significance to the United States or to locations or information associated with such activities.'' Just as under the Voluntary Offer, the United States will retain the trump card of not declaring a facility, not submitting certain information, or denying or halting an inspection if our national security interests come into play. If we decide to permit an IAEA inspection, we will also have the right to employ ''managed access'' to protect national security information. (All countries will have the right to use managed access to protect confidential business information; because the United States is a recognized nuclear weapons state, we will have the right to use managed access more broadly.)

The Senate Foreign Relations Committee has looked carefully at how our special rights would be invoked and whether sensitive facilities will be prepared to accept an IAEA inspection if the President or the interagency process decides to permit that inspection. We are satisfied that a Federal agency with a legitimate national security concern will have no difficulty ensuring that sensitive information is protected.

The resolution of ratification that the Committee recommends will ensure that the U.S.-IAEA Additional Protocol does not enter into force until the President certifies that all the necessary regulations will be in place and all the necessary site vulnerability assessments will have been completed within 180 days of entry into force. (No reporting to the IAEA is required until 180 days after entry into force, so no inspections of newly-declared facilities would occur before then.) The resolution of ratification also addresses the protection of classified and proprietary information, the addition or deletion of locations from U.S. reports to the IAEA, U.S. intent to use its special rights as a nuclear weapons state under the NPT, and the adoption of subsidiary arrangements or amendments under the Additional Protocol. In short, the Committee has covered all the bases to ensure that adoption of the Additional Protocol will support our nuclear non-proliferation policy without endangering sensitive national security information.

The resolution of ratification also calls for annual reports on U.S. efforts to get all the non-nuclear weapon states to adopt additional protocols and on U.S. help to the IAEA to conduct effective inspections. Those are important efforts that every member of this body should support. For all the difficulties it faces in gaining access to sites of concern, the IAEA has shown a real determination to get into those sites. Getting more states to sign and implement additional protocols will help the IAEA to gain that access. And once they get in, IAEA inspectors have shown a real ability to uncover information that rogue states thought they had concealed. But they are vitally dependent upon member states—and especially the United States—for the equipment and training that enable them to know what to look for and how to detect it in a manner that is scientifically valid, maximizes detection capabilities, and preserves a chain of custody so as to leave no doubt about the validity of their analysis.

U.S. ratification of our Additional Protocol is only one step among many that are needed to make nuclear non-proliferation work. Even to bring the Additional Protocol into force, we will then need to enact implementing legislation; the Executive branch will then have to promulgate appropriate regulations; and preparations for possible IAEA inspections will have to be completed.

In addition, the United States must marshal all its foreign policy tools to move states of concern away from nuclear weapons 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 cooperating 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 non-state entities.

At the same time, however, much remains to be done. For example, North Korea continues to move toward having a large enough nuclear arsenal that it might contemplate using it, or even selling or giving away some of its nuclear weapons or fissile material. Meanwhile, although we have engaged in six-party talks that included North Korea, both we and the North Koreans have yet to give our negotiators the authority to get down to business and discuss a phased agreement under which North Korea would gradually dismantle all its nuclear weapons and long-range ballistic missile programs, in return for various security assurances and diplomatic or economic benefits. So nothing significant has yet been achieved on the diplomatic front, while the clock keeps ticking on the nuclear weapons front. And we face the risk that South Korea, a crucial player on this issue, will develop a policy that is at odds with ours.

The situation regarding Iran is also difficult, although much has been achieved in the last year. Exposure of Iran's two decades of lying and deception regarding its nuclear activities has led Iran to sign the Additional Protocol and to permit IAEA inspections that have proven quite embarrassing to Iran. Pursuant to an agreement with the foreign ministers of the United Kingdom, France and Germany, Iran has also agreed to suspend all its uranium enrichment and reprocessing activities. Iran has tried to backtrack on its commitments, and I personally have no confidence that Iran has come clean on its nuclear weapons efforts. So we must continue to press Iran to realize 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 acceptance and world rejection. I don't think that Iran wants to become another North Korea. We must make clear that the path of nuclear weapons can lead only to such a fate, and also that the path of non-proliferation will lead to a better future for Iran and all of its people.

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 that, in return for forswearing nuclear weapons, they will enjoy the benefits of peaceful nuclear technology. That bargain has become frayed. 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 and 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 state, using 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 do things in a ham-handed 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 ''breakout'' 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 chance of success, however, 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 awesome and 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 deemed expired, the Journal of 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 welfare 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 previous order following the remarks of Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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 out of 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

aisle on the issue of energy because it was the other side of the aisle 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 bill 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 we had 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 shut off the spigot, 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 he voted to stop debate? Why couldn't 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, as an example, producing ethanol, 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 speech we just heard was a lot about 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 2002 and 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. When we establish 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 and votes in 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—because the whole new realm of lawsuits after tobacco and after 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 DULY CONSTITUTED COMMITTEE OF THE SENATE.

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

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 brigadier general

COL. CECIL 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 12203:

To be major general

BRIGADIER GENERAL JAMES J. BISSON
BRIGADIER GENERAL RONALD G. CROWDER
BRIGADIER GENERAL WILLIAM W. GOODWIN
BRIGADIER GENERAL MICHAEL A. GORMAN
BRIGADIER GENERAL ROBERT G.F. LEE
BRIGADIER GENERAL ROBERTO MARRERRO-CORLETTO
BRIGADIER GENERAL JOSEPH J. TALUTO
BRIGADIER GENERAL ARTHUR H. WYMAN

To be brigadier general

COLONEL FLOYD E. BELL, JR.
COLONEL JAMES A. BRUNSON
COLONEL JOSEPH J. CHAVES
COLONEL JOSEPH L. CULVER
COLONEL PAUL C. GENEREUX, JR.
COLONEL MARTIN L. GRABER
COLONEL MARK W. HAMPTON
COLONEL YAROPOLK R. HLADKYJ
COLONEL GEORGE E. IRVIN, SR.
COLONEL JAMES A. KRUECK
COLONEL ROGER A. LALICH
COLONEL JACK E. LEE
COLONEL RICHARD B. MOORHEAD

COLONEL JAMES W. NUTTALL
COLONEL BILLY L. PIERCE
COLONEL STEVER D. SAUNDERS
COLONEL WILLIAM D. SCHNEIDER
COLONEL KING E. SIDWELL
COLONEL MICHAEL C. SWEZEY
COLONEL OMER C. TOOLEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELIZABETH A. HIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) NANCY E. BROWN

AIR FORCE NOMINATION OF ARTHUR R. HOMER.
AIR FORCE NOMINATION OF WILLIAM R. KENT III.
AIR FORCE NOMINATION OF LORI J. FINK.
AIR FORCE NOMINATIONS BEGINNING PATRICIA K. COLLINS AND ENDING JEFFREY E. SHERWOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2004.
AIR FORCE NOMINATIONS BEGINNING CHRISTOPHER D. BOYER AND ENDING MATTHEW E. COOMBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2004.
AIR FORCE NOMINATION OF RICHARD G. HUTCHISON.
AIR FORCE NOMINATION OF JEFFERY C. SIMS.
AIR FORCE NOMINATIONS BEGINNING DOUGLAS R. ALFAR AND ENDING FI A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2004.
AIR FORCE NOMINATION OF CHRISTINE R. GUNDEL.
AIR FORCE NOMINATIONS BEGINNING BOIKAI B. BRAGGS AND ENDING CHARLES W. FOX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2004.
AIR FORCE NOMINATION OF DAVID W. PUVOGEL.
AIR FORCE NOMINATION OF TERRANCE J. WOHLFIEL.
ARMY NOMINATIONS BEGINNING DALE A ADAMS AND ENDING NICHOLAS E ZOELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 21, 2003.
ARMY NOMINATIONS BEGINNING THOMAS M. BESCH AND ENDING ALBERT M. ZACCOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.
ARMY NOMINATIONS BEGINNING KENNETH L. ALFORD AND ENDING JAMES R. YONTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.
ARMY NOMINATIONS BEGINNING THOMAS E. BAILEY AND ENDING DANIEL S. ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.
ARMY NOMINATIONS BEGINNING EILEEN M. AHEARN AND ENDING X4578, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.
ARMY NOMINATION OF GARY W. STINNETT.
ARMY NOMINATION OF JAMES M. IVES.
ARMY NOMINATION OF PAUL SWICORD.
ARMY NOMINATION OF STEPHEN A. BERNSTEIN.
ARMY NOMINATION OF JAMES R. HUDSON.
ARMY NOMINATION OF GARY J. GARAY.
ARMY NOMINATION OF JOHN W. ERVIN.
ARMY NOMINATIONS BEGINNING FLOYD T. CURRY AND ENDING JEFFREY B. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2004.
ARMY NOMINATIONS BEGINNING JOHN E ARMITSTEAD AND ENDING EUGENE R WOOLRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2004.
ARMY NOMINATION OF RANDALL J. VANCE.
ARMY NOMINATION OF CRAIG M. DOANE.
ARMY NOMINATION OF CAROL A. CULLINAN.
ARMY NOMINATION OF CHRISTOPHER B. SOLTIS.
ARMY NOMINATIONS BEGINNING JEFFREY A. TONG AND ENDING TIMOTHY M. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING JAMES M. GAUDIO AND ENDING BEVERLY A. HERARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING MICHAEL J. HARRIS AND ENDING ROBERT L. LEGG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING DAVID N. AYCOCK AND ENDING DAVID E. LINDBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATION OF MICHAEL T. LAWHORN.
ARMY NOMINATIONS BEGINNING DERRON A. ALVES AND ENDING ALISA R. WILMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING JOEL R. BACHMAN AND ENDING SHERRY L. WOMACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004. ARMY NOMINATIONS BEGINNING CURTIS J. *ABERLE AND ENDING PAMELA M. *WULF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING GINA M. *AGRON AND ENDING JEFFREY V. ZOTTOLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
ARMY NOMINATIONS BEGINNING BRUCE M. FREDERICKSON AND ENDING WILLIAM A. PETTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.
NAVY NOMINATION OF DAVID R. AGLE.
NAVY NOMINATIONS BEGINNING HUGH B BURKE AND ENDING JEANINE B WOMBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2004.