

Mr. FEINGOLD. I have no desire—
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I have no desire to take the floor away from the Senator from Pennsylvania, but back where I live, when the Government comes into your home and you do not know they have been rummaging around in your house and you find out 7 days later that they did this, you are upset. If you do not find out for 30 days, where I come from that is not a scintilla; that is a big deal. The U.S. Government coming into your house without giving you notice, as people expect under the fourth amendment, is not a triviality.

It is at the very core of one of the most important provisions of the Bill of Rights. I am not sure I am, in the end, even comfortable with this concept of a sneak and peek search. I think it has been demonstrated it may be needed in some cases, but why in the world can't a judge have to renew that every 7 days?

It is not a matter of trivia to the people of my State that the Government can come into their house without notice under the fourth amendment. And I reject the idea that it is a minor difference between 7 and 30 days.

Mr. SPECTER. Mr. President, the problem with the renewed argument by the Senator from Wisconsin is not on 7 days or 30 days, it is on 1 day. It is on any sneak and peek. It is on any delayed notification. Law enforcement has that latitude because they need to continue the investigation. If a disclosure is made, it will impede an investigation. A short period of time enables them to continue the investigation without alerting the target.

One day would be too long for the argument which is made by the Senator from Wisconsin. We are conducting this debate as if we have a law enforcement community in this country made up totally of rogues who have no regard for the rights of the individual. And when they get a delayed notice warrant, bear in mind, my colleagues and the Senator from Wisconsin, they have gotten judicial review on this sneak-and-peek warrant. On this delayed notification warrant, they have gone to a judge and have gotten leeway on standards which are set forth and articulated in the PATRIOT Act.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

Mr. SPECTER. Back to the substance of the argument: this period of time, the less, the closer to the Senate position the better. But this is not some random act of a rogue law enforcement officer. This is a delayed notice warrant which has been obtained by going to an impartial magistrate and by showing cause and by showing reason to have this delayed notice.

Mr. President, the Senator from New Hampshire was on the floor earlier today and has raised a number of argu-

ments. I see other of my colleagues on the floor seeking recognition so I will not take these up at this time. But I would invite my colleagues to examine what the Senator from New Hampshire has had to say in the context of the debate which I have had with the Senator from Wisconsin because I think they are covered. But I will want to deal with them specifically.

I would point out—I am looking through the transcript for a moment on some of the things which he has had to say. There are also some comments made by the Senator from Vermont, the distinguished ranking member, which I will comment about later. We will have a debate.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. SPECTER. Mr. President, I want to take an additional moment or two, while I have the floor, to make a brief argument in support of the motion which is going to be offered by Senator DEWINE and Senator BYRD to instruct the budget conferees to drop the repeal of the Continued Dumping and Subsidy Offset Act.

This legislation was passed in the year 2000 under a program which allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped or unfairly subsidized imports.

Over 700 companies in almost every State of the Union, including many small- and medium-sized companies, have received distributions under this act, benefitting producers and workers in lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips, and a broad range of other industries across the Nation hurt by continued unfair trade.

My State, Pennsylvania, has been a victim to a very substantial extent. Companies in a variety of industries, including those that produce steel, cement, agriculture, and food products, have benefitted from the \$1.261 billion since this program was put into operation. The World Trade Organization has objected to this provision, and it is my hope that the administration will fight the World Trade Organization's conclusion. There have been instances in the past where the World Trade Organization has said our practices violate their laws, and our executive branch has gone to fight them to make a change. I think that is what they should do here.

This compensates the companies and the workers who have been victimized by these unfair trade practices. As a matter of basic and fundamental fairness, this money ought to continue going to that.

In the interest of brevity, I ask unanimous consent that the complete text of my statement be printed in the RECORD following my oral remarks.

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

DEWINE MOTION TO INSTRUCT CONFEREES TO
DROP THE REPEAL OF CSDOA STATEMENT
OF SENATOR ARLEN SPECTER

Mr. SPECTER. Mr. President, as I have said, I have sought recognition to express my opposition to section 8701 of H.R. 4241, the House-passed budget reconciliation bill, which seeks to repeal the Continued Dumping and Subsidy Offset Act, CDSOA, or Byrd amendment, and to express my support for the DeWine motion to instruct conferees to not include this provision in the conference report.

CDSOA was enacted in 2000 to enable U.S. businesses and workers to survive the face of continued unfair trade. The program allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped and unfairly subsidized imports.

Over 700 companies in almost every State of the Nation, including many small- and medium-sized companies, have received distributions under CDSOA, which benefits procedures of lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips and a broad range of other industries across the Nation hurt by continued unfair trade.

In Pennsylvania, companies in a variety of industries, including steels, cement, agriculture, and food products have benefitted from these distributions by investing in research and development, infrastructure improvements, and improvements to pension programs. In doing so, companies have been able to continue operations and, in some situations, increased capacity.

Overall, disbursements have totaled \$1.261 billion since its inception in 2000, \$226 million in fiscal year 2005. Pennsylvania companies, alone, have received over \$111 million in disbursements under CDSOA from fiscal year 2005 through fiscal year 2005 approximately \$22 million annually—approximately 9 percent of the total distributions.

Repealing or modifying this act would negatively impact U.S. workers and businesses, leading to the loss of the U.S. jobs to foreign competition, which would cost thousands of American workers their health insurance and pension benefits and contribute to the further outsourcing of Americans jobs.

This provision has had broad support in this body, where some 75 Senators have signed letters to the administration urging retention of this vital provision in the face of an adverse WTO decision allowing countries to retaliate by imposing tariff surcharges on U.S. products.

Congress directed the administration to resolve the WTO issued in ongoing trade negotiations in the fiscal year 2004 and fiscal year 2005 omnibus appropriations bills, and the fiscal year 2006 CJS appropriations bill that became law last month. That language requires the administration to hold negotiations to recognize the right of countries to distribute duties collected from unfair trade as they deem appropriate.

I urge my colleagues to support the motion.

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated November 4, 2005, and a letter which I signed along with some 69 other Senators, dated February 4, 2003, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, November 4, 2005.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST, It is our understanding that the House of Representatives will include the repeal of the Continued Dumping and Subsidy Offset Act (CDSOA) in their budget reconciliation measure. We do not believe that the budget reconciliation process should be used to substantively change U.S. trade law.

The goal of our trade laws is to ensure that an even playing field is provided for American and foreign producers of goods. As you know, Congress passed CDSOA in response to concerns about the consistent, unfair trade practices in which some of our trading partners have been engaged. Under CDSOA, hundreds of companies, farmers, ranchers, and worker groups, from all across America, have received distributions from duties collected from our trading laws. Recipients include large, medium and small companies, worker representatives and farmers in nearly every state in the country.

Seventy-two senators have made their opposition to repealing CDSOA public. Should legislation regarding budget reconciliation move towards conference, we would urge the Senate not to accede to any provisions that may be included in the House bill that would repeal CDSOA.

Sincerely,

Mike DeWine, John Warner, Elizabeth Dole, Larry E. Craig, George V. Voinovich, Arlen Specter, Johnny Isakson, _____, Rick Santorum, Conrad Burns, Norm Coleman, Mel Martinez, Saxby Chambliss.

Richard Shelby, Olympia Snowe, George Allen, John Thune, Susan M. Collins, Mike Crapo, Jim Bunning, David Vitter, John Cornyn, Thad Cochran, Trent Lott, Michael B. Enzi.

U.S. SENATE,

Washington, DC, February 4, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our strong interest regarding the approach that may be taken by the U.S. Government in response to the WTO Appellate Body's January 16, 2003, ruling that the United States violated its WTO obligations when it enacted the Continued Dumping and Subsidy Offset Act (CDSOA) in 2000. In our view, the WTO has acted beyond the scope of its mandate by finding violations where none exists and where no obligations were negotiated.

CDSOA is a payment program established by Congress to address policy objectives that can enable our domestic producers to continue to invest in their facilities and workers. Its continued operation is critical to preserve jobs that will otherwise be lost as the result of illegal dumping or unfair subsidies and to maintain the competitiveness of American industry.

In its November 2002 statement to the Appellate Body defending this law, the Administration stated that, "[T]he Panel in this case has created obligations that do not exist in the WTO Agreements cited. The errors committed are serious and many about a statute which, in the end, creates a payment program that is not challenged as a subsidy." We concur with this statement and consequently believe that America's trading partners must be pressed into negotiations on CDSOA prior to any attempt to change our laws.

Specifically, we urge you to: (1) seek express recognition of the existing right of WTO Members to distribute monies collected

from antidumping and countervailing duties; (2) promptly integrate the Administration's recent Report to Congress on the WTO Dispute Settlement Process; and (3) consult closely with the Congress on the particulars of any approach taken in negotiations on this issue.

We look forward to consultations with your Administration on this important matter and to obtaining a positive resolution that preserves the law for American companies and their workers.

Sincerely,

Robert C. Byrd, Max Baucus, Mark Dayton, Tom Daschle, Jay Rockefeller, John Breaux, Kent Conrad, John F. Kerry, Jeff Bingaman, Mike DeWine, Rick Santorum, Larry E. Craig, Trent Lott, Jim Bunning, _____, Olympia Snowe, George V. Voinovich, Arlen Specter, Dianne Feinstein, Dick Durbin.

Blanche L. Lincoln, John Edwards, Fritz Hollings, Joe Biden, Hillary Rodham Clinton, Jon Corzine, Byron L. Dorgan, _____, Saxby Chambliss, Susan

Collins, Mike Enzi, Evan Bayh, Robert E. Bennett, Craig Thomas, Pete Domenici, Thad Cochran, Richard Shelby, Russell D. Feingold, Ron Wyden.

Tom Harkin, Debbie Stabenow, Daniel Inouye, Frank R. Lautenberg, Mark Pryor, _____, Zell Miller, Paul Sarbanes, Mike Crapo, John Warner, Harry Reid, Jeff Sessions, Ben Nighthorse Campbell, Jack Reed, E. Benjamin Nelson, Barbara A. Mikulski, _____, Ted Kennedy, Patrick Leahy, Jim Jeffords.

Herb Kohl, Joseph Lieberman, Chris Dodd, Tom Carper, Carl Levin, Barbara Boxer, Bill Nelson, Mary L. Landrieu, Daniel K. Akaka, Judd Gregg.

Mr. SPECTER. I thank the Chair and thank my colleague from New Mexico, who has been waiting patiently, or at least waiting, and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

MEDICAID

Mr. BINGAMAN. Mr. President, I rise to speak briefly in support of the motion that I understand is to be made by the Senator from Montana, Mr. BAUCUS, who is here on the floor, to instruct conferees with respect to the Medicaid Program.

The motion to instruct conferees on the Medicaid Program highlights one of the many ways in which the House of Representatives budget reconciliation bill radically departs from the Senate bill. Let me spend a very few minutes highlighting the differences between the House and Senate packages on Medicaid, particularly with regard to the health of children.

The contrast between the two bills could not be more stark. The Senate bill arguably improves coverage of children through the inclusion of the Family Opportunity Act that provides a State option to expand Medicaid coverage to children with disabilities and through inclusion of outreach and enrollment funding based on legislation that Senator FRIST and I introduced earlier this year.

In sharp contrast, however, according to the Congressional Budget Office, the

House budget reconciliation package imposes increased cost sharing on low-income Medicaid beneficiaries and reduces health services by \$6.5 billion over 5 years and by \$30.1 billion over 10 years.

For children, the impact of the House bill would be devastating. Medicaid covers more than 27 million children, almost one in four in this country. Medicaid also covers more than a third of all the births and health care costs of newborns in the United States each year.

In spite of the importance of Medicaid for children, the House budget package increases cost sharing for all children who rely on it for prescription drugs or for emergency room services. The bill also allows States to impose premiums for the first time under Medicaid for children's coverage and to deny children coverage even if their family cannot afford to pay the premium or other cost sharing.

The House budget bill also allows States to eliminate the early and periodic screening diagnosis and treatment benefit rules that are so critical to the health of children with special health care needs and disabilities. Benefits that could be lost include comprehensive developmental assessments, assessment and treatment for elevated blood lead levels, eyeglasses, dental care, hearing aids, wheelchairs and crutches, respiratory treatment, comprehensive mental health services, prescription drugs and speech and therapy services. In short, three-fourths of the savings in the House bill come at the expense of low-income Medicaid beneficiaries. By CBO's estimate, half of the beneficiaries affected by the increased cost-sharing provisions in the House package are imposed on children, and half of those who will lose Medicaid benefits would be children.

In CBO's own words:

We estimate that the number of affected enrollees [due to increased cost-sharing requirements] would increase from 7 million in 2010 to 11 million in 2015, and that about half of those enrollees would be children.

CBO adds that, due to added premiums, "about 70,000 enrollees would lose coverage in fiscal year 2010 and 110,000 would lose coverage in fiscal year 2015 because of the imposition of premiums."

Furthermore, CBO estimates that the flexibility in the House bill to reduce benefits will also heavily impact children. CBO estimates that "benefit reductions would affect an estimated 2.5 million Medicaid enrollees in 2010 and about 5 million enrollees by 2015—about 8 percent of the Medicaid population—and that about one-half of those receiving alternative [or reduced] benefit packages would be children."

Without the Medicaid Program, the number of children without health insurance, which was 8.3 million in 2004, would be substantially higher. In fact, the number of uninsured children has dropped by over 300,000 over the past 4 years due in large part to Medicaid and