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Senate

The Senate met at 12 noon and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our rock, our health, and our life, we thank You that You have been to us a high tower and a strong defense. Thank You for helping us to conquer our anxieties and fears, our sins and follies, our failures and doubts. Lord, we put our trust in You, for our times are in Your hands.

Today, give our Senators the light of Your truth. May they find in You the source of highest joy. Take each of us beyond secondhand faith into an experiential relationship with You. Stir us to new heights of excellence, as You show us Your majesty and glory. Let Your strong right arm defend us. We pray this in Your wonderful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable Michael B. Enzi, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENZI thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will again resume debate on H.R. 3108, the pension rate bill. It is our hope to complete the bill either today or early tomorrow. In accordance with the consent agreement entered yesterday, we will vote at 2:30 p.m. today in relation to the Kyl amendment, No. 2234, which is the PBGC hold harmless language. Senator KYL has an additional amendment pending, and I will be talking to the Democratic leadership as to a time certain for a vote in relation to that amendment. There are a number of meetings this afternoon with Members on both sides. So we will be looking for an appropriate time today for that vote.

In addition, one other Senator has expressed an interest in offering an amendment, and we will be trying to schedule that amendment for consideration as well. Having said that, additional votes will, therefore, occur this afternoon as we attempt to finish the pension rate bill today or tomorrow.

I thank Members for their cooperation in letting us move forward on this legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the announcements of the majority leader and will work with him to see if we can't finish the pension bill, if not today, certainly by tomorrow. I think we have had a good debate. There are a lot of good issues that have been addressed. It is an important bill. Even though it is a temporary measure, I think it goes a long way to addressing some of the concerns.

WHITE HOUSE LEAKS AND NATIONAL SECURITY

Mr. DASCHLE. Mr. President, I wish to address an issue that I think deserves even greater attention in the Senate. It has been 6 months now since a senior White House official publicly disclosed one of this Nation's most protected and valuable national security secrets: the identity of an intelligence operative. This act of political retribution not only placed at risk the life of an intelligence operative, it put at risk the security of every American.

In the war on terrorism, the importance of intelligence agents to our national security simply cannot be overstated. Human intelligence is our best weapon against terrorists. By revealing the name of this operative, the senior White House official or officials responsible acted in an unprecedented manner to break a fundamental bond of trust that protects both the mission and the lives of intelligence officers.

Secretary of Defense Donald Rumsfeld summarized the stakes involved when he said:

Leaks put people's lives at risk. And I think that the people in any branch of Government have the obligation to manage their mouths in a way that does not put people's lives at risk. Folks that leak and put people's lives at risk ought to be in jail.

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



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S265

Former President George H.W. Bush put it even more succinctly:

I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors.

While Republicans, including President Bush and members of his Cabinet, have been quick to condemn the act of leaking sensitive information, it took the Justice Department nearly 3 months after this leak to announce it was launching an investigation.

Several more months ensued before Attorney General Ashcroft, in response to criticism about a potential conflict of interest, removed himself from heading up the investigation and turned it over to another Justice Department attorney. Not surprisingly then, given these twists and turns, the identity of the leaker remains unknown to this day.

Last week, unsatisfied with its apparent lack of progress, a group of former intelligence officers asked Congress to open an immediate inquiry into the disclosure of Valerie Plame's name to the media. They said:

The disclosure of Ms. Plame's name was an unprecedented and shameful event in American history, and, in our professional judgment, has damaged U.S. national security, specifically the effectiveness of U.S. intelligence gathering using human sources.

These former intelligence officers took this extraordinary step because they feared that the Justice Department investigation underway may not uncover those responsible or may attempt to explain away the incident as little more than an unfortunate event that does not rise to the level of criminal behavior.

No American—Democrat or Republican—can afford to allow this affair to be swept under the rug. The cloud of uncertainty hangs over our intelligence community. Intelligence agents report growing fear that the community is increasingly viewed as a political tool rather than as an instrument of independent and objective discovery and analysis.

Too many agents and analysts are beginning to wonder what will happen to them if they come forward with facts or analyses that contradict official policies of the administration.

In addition to affecting their work, we should all be concerned about the chilling effect this could have on the willingness of foreign nationals to cooperate with our agents if they, too, come to fear their identities could come to be disclosed. These fears are justified. Leaking the names of covert agents or other intelligence assets represents a direct assault on our intelligence community and our ability to work with foreign agencies and assets.

The nature of intelligence officers' work prevents them from ever receiving from the American people the recognition or thanks they deserve. In fact, despite the incredible risks they assume on our behalf, they do not ask for recognition or thanks. All they ask

is that we keep faith with them and offer them the protection they need to do their jobs.

Someone in the White House betrayed that trust, and we owe it to every intelligence officer—indeed, to every American—to uncover the truth about this leak and punish those responsible to the fullest extent.

In order to shed more light, House Democratic Leader NANCY PELOSI, several colleagues, and myself have requested that the GAO investigate whether or not the White House complied with the administrative requirements to safeguard classified information in the case of CIA operative Valerie Plame.

This investigation is fundamentally different from the Justice Department investigation currently underway. That investigation will assess whether any criminal statutes have been violated.

We have asked the GAO to assess a separate, yet equally important, question of whether the White House followed appropriate internal administrative procedures protecting Ms. Plame's identity and responding to the leak once it occurred.

In order to safeguard the lives of our intelligence agents and the integrity of our intelligence process, we have an obligation to discover the truth about this affair and hold those responsible accountable.

Yesterday at this time I discussed the growing consensus that Iraq did not, in fact, have weapons of mass destruction prior to the start of the war, as we had been told.

I said then and I will say today, every Member of this body has a responsibility to review matters such as these and see that this Senate lives up to its obligations. We simply cannot afford to ignore what happened, why it happened, and our own responsibility to ensure that it does not happen again.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I address the legislation at hand, I will make a brief response to the distinguished Democrat leader's statement concerning our efforts in Iraq and weapons of mass destruction. I think the Senator from South Dakota has a legitimate point in that there needs to be a thorough evaluation of the intelligence and what happened that led us to believe that perhaps some of that information was incorrect. I point out, again, that I am very pleased to note that the overwhelming majority of the American people still believe we did the right thing in Iraq. There is very little doubt in anyone's mind, including the previous administration's statements, that Saddam Hussein had acquired weapons of mass destruction, used weapons of mass destruction, and there is no doubt in this Senator's mind that if he were still in power he would be attempting to acquire weapons of mass destruction.

Certainly we need to find out all the elements that went into the estimates concerning weapons of mass destruction, but at the same time there is a clear record in statements made by the previous President, as well as this President, concerning Saddam Hussein's intentions.

Mr. REID. Mr. President, I wish to say very briefly that Senator DASCHLE's statement regarding the leaking of the name of the informant—someone who worked for the CIA—had nothing to do about whether there were or were not weapons of mass destruction in Iraq. Senator DASCHLE had to leave but he wanted to make sure I made the record clear. His statement had no reflection on whether there were or were not weapons of mass destruction in Iraq. His statement simply relates to the fact that there simply should be an investigation into who leaked the most sensitive information regarding someone who worked for the CIA.

PENSION FUNDING EQUITY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3108, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

Pending:

Grassley amendment No. 2233, of a perfecting nature.

Kyl amendment No. 2234 (to amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected.

Kyl amendment No. 2236 (to amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 12:30 p.m. shall be equally divided between the bill managers or their designees.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, a series of high profile events, including the Iowa caucuses, the State of the Union Address, the passage of a massive Omnibus appropriations bill, and today's primary in New Hampshire have overshadowed our consideration of this measure, and that is regrettable.

The pension bill that is almost sure to pass this Chamber is folly. The amendment offered by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, while addressing the short-term interests of a handful of special interests, could further exacerbate a severe pension underfunding problem. I might say this measure is recognized as such by the administration.

As an editorial in yesterday's Washington Post noted:

Not for the first time, Congress has muscled up to an important problem, taken a good look at it and resolved to make it worse.

I ask unanimous consent that the editorial of Monday, January 26, entitled "Pension Perniciousness" be printed in the RECORD.

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

[From the Washington Post, Jan. 26, 2004]
PENSION PERNICIOUSNESS

Not for the first time, Congress has muscled up to an imported problem, taken a good long look at it and resolved to make it worse. The problem is the vast hole in the nation's corporate pension schemes, and the perverse rules that helped create them. Congress's solution, championed in the Senate by an alliance of Sens. Charles E. Grassley (R-Iowa), Judd Gregg (R-N.H.), Max Baucus (D-Mont.) and Edward M. Kennedy (D-Mass.), is to reward the hole-diggers with what amounts to a \$16 billion loan from taxpayers.

About one in five private-sector workers has a "defined-benefit" pension, the sort in which an employer guarantees a certain pension to its workers when they retire. To pay for these future benefits, employers are supposed to put sufficient money into a pension fund; the problem is they often don't. The gap between money put aside and money needed in the underfunded pension plans comes to an enormous \$350 billion. When companies go bust, the Pension Benefit Guaranty Corp., the government-backed entity that insures pensions, gets saddled with plans that are in deficit. As a result, the PBGC itself has a deficit of 11.2 billion, which taxpayers may have to plug eventually. As more companies go bust, more of the \$350 billion problem out there in the private sector will land on taxpayers' shoulders.

Why do companies run these pension deficits? Because regulations perversely encourage them to do so. If a firm gives workers a pay raise, it will have to pay for that immediately; if it gives them an increase in their pension, accounting rules allow it to defer the cost into the future. This deferral is especially tempting for cash-strapped companies—which often means ones with a strong chance of going bust. Bethlehem Steel, for example, upped its pension promises and declared bankruptcy three years later. Wobbly companies that underfund their pensions would pay extra insurance premiums if the insurer were a private company. But the PBGC's rules do not allow it to price risk properly, adding a further incentive for shaky companies to hitch a free ride with the others.

There is, as Congress is demonstrating, no political constituency for fixing this problem. Weak companies with underfunded pensions lobby lawmakers for permission to continue their imprudence; labor leaders from those same firms lobby lawmakers in the same direction; nobody is on the other side. In the deal currently being cooked up, a group of hard-pressed companies led by the steel industry and the airlines will be given a special break for two years; if any of these firms goes bust in the meantime, the public will end up shouldering the deficits, which is why the congressional measure amounts to a taxpayer loan.

Yet taxpayer support for people in defined-benefit pension plans is a perverse notion. Fully one in two private-sector workers has no company plan whatever. Why should the less fortunate bail out the lucky ones?

Mr. MCCAIN. Mr. President, the editorial goes on to say:

There is, as Congress is demonstrating, no political constituency for fixing this problem. Weak companies with underfunded pensions lobby lawmakers for permission to continue their imprudence; labor leaders from those same firms lobby lawmakers in the same direction; nobody is on the other side. In the deal currently being cooked up, a group of hard-pressed companies led by the steel industry and the airlines will be given a special break for two years; if any of these firms goes bust in the meantime, the public will end up shouldering the deficits, which is why the congressional measure amounts to a taxpayer loan.

Yet taxpayer support for people in defined-benefit pension plans is a perverse notion. Fully one in two private-sector workers has no company pension plan whatever. Why should the less fortunate bail out the lucky ones?

Once again, Congress is poised to give another handout to certain airline, steel, and labor interests, regardless of the costs this could impose on the employees and retirees of these businesses and ultimately on American taxpayers. By allowing these entities to dig their already underfunded plans further into debt, we are creating a very real risk of defaults. When this occurs, the Federal agency that ensures private sector fixed benefit plans, the Pension Benefit Guaranty Corporation, or PBGC, will be the first to try to cover this liability. The PBGC itself is hugely in deficit and ultimately the American taxpayer is on the hook.

I join the PBGC in opposing this proposal that relieves severely underfunded pension funds of the obligation to make deficit reduction contributions, or DRCs, to catch up on their deficits. As the PBGC's director has said:

Giving a special break to weak companies with the worst-funded plans is a dangerous gamble.

In a letter to the majority leader last week, the directors of the PBGC, Cabinet Secretaries Chao, Snow, and Evans, wrote:

It would be irresponsible to amend the interest rate bill with any additional provisions that would significantly further exacerbate systemic plan underfunding. If H.R. 3108 were amended to do so, we as the PBGC board would recommend that the President veto the legislation.

The Grassley, Baucus, Gregg, and Kennedy amendment does just that. In addition to being fiscally irresponsible, the amendment is grossly unfair, once again lavishing Federal largesse on selected industries and companies.

Explaining why the pension system is already in jeopardy, the PBGC directors wrote:

The PBGC reported a record single-employer program deficit of \$11.2 billion through the end of 2003, three times larger than any previously recorded deficit. Last year, the General Accounting Office added the PBGC's single-employer pension program to its "high risk" Federal program list. In addition, the PBGC remains exposed to \$85 billion in pension underfunding in single-employer plans sponsored by financially weak employers. The PBGC also reported the first multiemployer deficit in two decades.

As the Secretaries explained in another letter sent last November:

The DRC rules were put into place to guard against the continuing deterioration of funding levels in underfunded plans. These rules were designed to protect participants' accrued benefits and the financial integrity of the pension insurance system. Suspension of the DRC rules would mean a significant further reduction in the resources available to meet the promises made to existing and future retirees. Moreover, suspending DRC rules would jeopardize pension funding in the future, as companies begin to fund their plans less prudently in anticipation of extraordinary relief from their contributions when the plans become underfunded.

Despite these warnings and a \$400 billion gap between what companies have contributed to their pension funds and what they owe under their plans, why is the Senate ready to give companies whose pensions are severely underfunded a pass on their obligations to ensure their employees' retirement pay? Because, we are told, economic forces beyond anyone's control have come together to create a "perfect storm."

The extraordinary coincidence of low interest rates and a poorly performing stock market, proponents claim, has led to big losses and created a unique hardship for these companies' pension funds.

A look at historical contributions suggests, however, that the anomalous "perfect economic weather" of the last decade is as likely an explanation for the current sorry shape of pension plans as the "perfect economic storm." In the 1990s, record stock market returns allowed companies radically to reduce or simply not budget for pension contributions. Whereas single-employer pension contributions totaled \$63 billion between 1980 and 1984, between 1990 and 1995 single-employer pension contributions amounted to only \$26 billion.

Clearly, today's economic climate is not what it was in the late 1990s, and I do not question that many companies now face significant liabilities to their pension funds. I am not proposing that nothing be done, and the base bill, H.R. 3108, provides enormous relief to all pension funds by adjusting the way in which contributions and assets are calculated so as to reduce companies' obligations to their pension funds by \$80 billion.

The Grassley, Baucus, Gregg, and Kennedy amendment, however, would give another huge break to a very select group of entities. Why, when companies' pension liabilities are so high, should we let a favored few walk away from their responsibilities to their employees and retirees? Why should the Senate permit these select entities to use money that should go to reduce their pension deficits for other purposes, and invite them to dig themselves deeper in the hole, especially when it is likely that the American taxpayers, many of whom have no pension plans, are going to have to bail them out?

We can talk about economic "perfect storms," interest rates, and bull and bear markets, but I hope that people understand that we are really talking about the ability of retirees to pay their heating bills, buy needed medicine and groceries, and visit their grandchildren. Even if, as I suspect the managers and union officials who support the amendment cynically calculate, the PBGC will assume pension liabilities if plan sponsors default, the benefits that participants will get from PBGC will likely be far less than what they were counting on receiving.

There is no doubt that current pensions laws are in desperate need of reform, but I don't support DRC relief in a vacuum.

The amendment contains yet another bailout of certain airlines, steel producers, and one apparently very special labor union. DRC relief is granted to these entities with no restrictions. Any other entity that wants to receive DRC relief has to show that it is able to meet its future contributions in a timely manner. Let me repeat that. Any other entity that wants DRC relief must show that it can make its future contributions. Certain passenger airlines, steel producers, and one union, however, get a DRC break, regardless.

Let us talk about the airline industry. I was one of the first people to support giving financial assistance to this industry in the aftermath of September 11. At the onset of the Iraq War, I supported, with some reservations, additional temporary relief to the industry. But here we are again facing another cry for help and an outstretched hand. Let us review the assistance to the airlines over the past few years.

After September 11, Congress provided to the airlines \$5 billion in direct payments to compensate for losses stemming from the September 11 attacks; \$10 billion in loan guarantees; Federal terrorism insurance; \$68 million in reimbursements for increased insurance costs; and, liability protection against claims arising in connection with the September 11 attack.

Later in 2001, Congress provided that the Federal Government assume responsibility for security from the airlines.

In the legislation that established the Department of Homeland Security, Congress extended the terrorism insurance.

In the Iraq Wartime Supplemental Appropriations Act, Congress provided \$2.3 billion directly to the airlines in the proportional share each carrier has paid the TSA or collected in passenger security and air carrier security fees, and suspended security fees from June 1 through September 30, 2003. This has been estimated to provide a savings of \$700 million to airlines.

Congress has appropriated almost \$200 million to reimburse airlines for hardened cockpit door installation.

In the FAA reauthorization bill that was just signed into law Congress once again extended terrorism insurance—through March 30, 2008.

I don't begrudge the airlines the assistance Congress has provided to date, and I understand that the industries' health is inextricably bound to the well-being of our economy. That said, I won't continue to support special aid to airlines without some accountability. We can't seem to go more than 6 months without the airline industry asking Congress for another handout. I have not doubt that they will be up here again soon asking for tax relief, relief from security fee obligations, or some other form of aid.

I urge my colleagues to stand up for workers and taxpayers, and against a bailout. Disregarding the interests of their employees and members, management and labor have joined in urging Congress to support the amendment by Senators GRASSLEY, BAUCUS, GREGG, and KENNEDY, that is premised on the hope that companies' currently inadequate pension assets will recover, not through contributions, but through rising interest rates and a robust stock market. I know the Super Bowl is coming up, but this "Hail Mary" pass is not the right move. Let us spend a little time crafting a true pension reform bill rather than simply rushing through a bill that will benefit a handful of coddled industries at the risk of workers and taxpayers throughout this country.

If, as I am afraid will happen, however, the amendment providing select DRC relief is adopted, and this folly is enacted into law, I would expect that companies and unions that avail themselves of this relief will freeze the compensation of their highest paid officials at the same time. If companies and unions determine that they cannot or will not make contributions to their severely underfunded pension plans and honor their obligations to their rank and file, they should not then turn around and increase the princely sums being paid to their top executives. We will be watching.

To reiterate, the airlines were major recipients of this pending amendment, the Grassley-Baucus-Gregg-Kennedy amendment. After September 11, Congress already provided the airlines \$5 billion in direct payments to compensate for losses stemming from September 11, \$10 billion in loan guarantees, Federal terrorism insurance, \$68 million in reimbursement for increased insurance costs, and liability protection against claims arising in connection with September 11. Later, Congress provided that the Federal Government assume responsibility for security for the airlines. The list goes on and on about what we have already done for the airlines and now another bailout for the airlines. I really strongly object to the selectivity of this amendment and I don't know how you rationalize it.

I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, is there a time limit?

The ACTING PRESIDENT pro tempore. There is a time limit. The Senator has 9 minutes 42 seconds remaining.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I have an additional 5 minutes. Perhaps it has to be yielded to me by someone.

Mr. REID. Mr. President, I ask unanimous consent that the request be modified so that if someone from the majority wishes to speak for an extra 5 minutes after Senator BAUCUS, they be allowed to do so.

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

WORKING FOR A BETTER AMERICA

Mr. BAUCUS. Mr. President, I simply wish to say thank you. I rise to say thanks to all my colleagues, particularly here in the Senate, my friends and family in Montana and across the country, my wife Wanda and my son Zeno, my mother, and so many others. Thank you for the best wishes, the get-well cards, flowers, phone calls, and e-mails for the past few weeks. It is astounding how much we do live in kind of a global village and how connected we are. I deeply appreciate the concern of so many of my very good friends.

A few weeks ago, I underwent surgery for a condition known as subdural hematoma which was the result of a fall I took in November while running in what is called the JFK 50 Miler in Maryland. You might ask, Why in the world would someone want to run 50 miles? I sometimes ask myself. Nonetheless, it was then that I took a fall, and as a consequence of that fall, I had this condition called subdural hematoma.

I must say I am very grateful to the doctors, nurses, and everyone who was very helpful. They have encouraged me to take my time. They didn't want me to do something stupid or dumb, or to get back to work too quickly. Unfortunately, as you well know, we have 24-hour news service these days. When I was at home, I had an extremely bad case of cabin fever. I could hardly wait to get back to work. The doctor said stay home. Wanda said stay home. My friends said stay home. So I stayed home for a little while.

In all seriousness, I am very delighted to be back in this Chamber and back in the Senate with all of you, doing what I love; that is, representing Montanans and working to make their lives better.

Following the surgery, I have been asked several times if any of this has changed my perspective. Does it give me pause? The answer, obviously, is that it does; clearly, it does. It gives you a deeper sense of perspective. It is humbling. I am sure the response would be different for different people, but for me, it caused me to just think a little more clearly and deeply about what we are all about and what we are doing.

I must say I think it has been very helpful. It makes one deeply appreciate what we have in life—our family, our friends, including our health. It also reinforces one's resolve. It makes you want to keep driving, pushing, working to create change and help people. You realize, even more, that we have only a finite amount of time here to get our work done. It subtly reminds you about the ever-daunting deadline that time imposes on all of us, the sense we have to get as much done as we can in the short time we have been given so as not to waste one day, an hour, or a minute.

It also reinforces what my Indian friends taught me so long ago in Montana—that we have a moral obligation to leave this place in as good or better shape than we found it, to pass on to our kids and our grandkids an America as great as our parents bestowed upon us.

It is written in Scripture that much is expected from those to whom much has been given. As Americans—particularly as Members of the Senate—we have been given an awful lot. We have a lot of work ahead of us.

That is why it is imperative we look to the example of leadership set by so many here in this Chamber—courageous yet humble leaders such as my friend and mentor, former majority leader of the U.S. Senate, Ambassador Mike Mansfield. I don't know of a more gentle, a more strong, or, in a sense, a more profound man than Mike Mansfield. He is a man to whom we should all look up for leadership and try to exemplify, although we may never get there, as much as possible.

We have a big year ahead of us. For my part, I will continue to work together with all of you—my distinguished colleagues on both sides of the aisle—to make America an even better place to live, to work, and to raise a family.

I look forward to passing a new transportation bill that will create jobs and ensure safety on our Nation's roads.

I look forward to reforming our pension system to ensure that workers and their families' life savings are protected.

I look forward to working with my good friend, chairman of the Finance Committee, Senator CHUCK GRASSLEY, to pass our JOBS bill, otherwise known as FSC/ETI reform, and to give a boost to domestic manufacturing and create jobs.

I look forward to working together to boost agriculture in our country and get international markets open to U.S. beef as soon as possible.

I look forward to cracking down on tax cheats. There are too many people who cheat Americans by breaking the law in our income tax code. I look forward to making a greater investment in education, something we do not do enough of in this Chamber.

I look forward to working together to curb the rising number of uninsured

Americans. I was lucky. I had surgery performed by excellent people. I am fortunate enough to have good health insurance coverage. A lot of Americans do not. An event like this reminds us that the 43.6 million Americans who go without health insurance must have it. We in Congress, who do have the security of good health insurance, must do much more to assure that more Americans and soon all Americans have health insurance. We are not doing enough.

We tend to get all involved in lots of peripheral issues and not spend enough time on the core issues. I daresay that health insurance inadequacy, the cost of health insurance, is probably the first, second, and third most important issue facing Americans. We do not spend enough time on it.

We have an aggressive agenda before the Senate. It is up to us to fulfill the promises we made, set aside partisan differences, and work together—not talk about it but do it. Do what is right for America. Move our country forward. It is up to us to lead. People want Congress to do what is right. Most Americans are not partisan. They are not very rightwing or very leftwing. Most Americans are in the big middle. They want the Congress to do what is right. It is up to us to provide that leadership.

I say thank you. I deeply appreciate my colleagues in the Senate. It is my distinct honor and privilege to serve here.

I also will address the pension bill and the pending managers' amendment that will be before the Senate later today. First, I thank the chairman of the committee, Senator GRASSLEY, and also Senator KENNEDY, who gave some very kind remarks a few days ago, and Chairman GREGG for their collective persistence, determination, and their willingness to work together. Here is a good example of the two committees, the leadership from both committees on both sides of the aisle, working together to craft a very important piece of legislation. The amendment before the Senate is truly bipartisan. I also thank again Senator KENNEDY for managing the bill in my absence and I deeply appreciate his kind words on the floor a few days ago.

Now let me turn back to the pension bill and the managers' amendment. This legislation helps address the retirement security of literally millions of workers and retirees. It seeks to support the pension benefits they have earned and upon which they rely for their economic well-being. It is an important step to help preserve the embattled defined pension benefit plan. And it is embattled.

The security of our pension system is at stake. Daily we hear employers are dropping out of the defined benefit plan system. The reasons are simple. The defined benefit plans require a commitment on the part of the employer. This is a commitment many employers are no longer willing to make or can afford to make.

A recent survey found that 15 percent of the defined benefit plan sponsors have frozen plans since January 1, 2001. That means these plans will no longer allow workers to earn more benefits. Another 6 percent are actively considering freezing the defined benefit plans. This could mean that more than one in five employees earning a guaranteed retirement benefit will not earn future benefits.

We need to ask what caused this and what can we do. According to the survey, the most common reason for freezing the defined benefit plans is the cost—not just the total cost but also the volatility and unpredictability of the cost. It is one thing to have an obligation you can put in the budget projections. Businessmen love to know what is going on. We understand that. Then business can build a plan to meet certain obligations. It is another thing to have costs that vary wildly from year to year. You do your best to project these costs, but it is difficult. Having cash available for investment in growth and expansion is critical to a successful business. Fluctuating minimum contribution requirements make good business plans very difficult.

In the worst of times, a large unexpected contribution requirement can spell disaster. It can bankrupt an enterprise. That enterprise has to turn the unfunded pension liability over to the Pension Benefit Guaranty Corporation, known as the PBGC.

Last September, the Finance Committee marked up the National Employee Savings and Trust Equity Guarantee Act, a bill that includes a set of long-term funding changes to address the situation. That bill provides temporary relief for companies that are suffering. It provides a temporary substitute for the 30-year Treasury rate, similar to the provision in the amendment before the Senate today. It also provides temporary relief for the deficit reduction contribution for companies that were well funded in the year 2000. These provisions were designed to give companies relief from large contribution cash demands.

The Finance Committee bill includes provisions to allow companies to put more money into their plans when times are good, and the bill provides for long-term replacement of the 30-year Treasury rate with a yield curve, which is a conservative basis for liability measurement.

We need to look at long-term reforms such as those included in the Finance Committee bill. I hope we will do that later this year.

We have an immediate, more pressing need to deal with the problems we face today: low interest rates, the effects of recent market downturns, and the resulting high contribution requirements that companies will face if we do not take action today. Normally, low interest rates are good, but in this case they tend to exacerbate the problem with respect to defined benefit guarantee plans. Increased payments

would have to be made as early as April 15. We must act quickly to provide the needed relief.

The pending managers' amendment has three important components to deal with the immediate problems we face. First, it substitutes the long-term corporate bond rate with a 30-year Treasury rate. Second, it provides partial relief from deficit reduction contributions from companies that did not make a deficit reduction contribution in 2000. And it provides temporary relief from experience loss amortization payments for multiemployer plans.

These are not long-term solutions. They will provide short-term relief from contribution volatility for employers who have been generous enough to provide defined benefit programs for their employees.

The more important factor in the health of the defined benefit system and of the PBGC, which guarantees the benefits of the system, is the health of the employers in response to the plans. The short-term relief provisions will help. The more employers who stay in the system, the healthier those employers and the stronger the system.

I look forward to working with my colleagues to come up with a long-term solution. But the provisions in this bill cannot wait. The retirement security of millions of workers hangs in the balance. I urge my colleagues to support this amendment.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CRAIG).

PENSION FUNDING EQUITY ACT OF 2003—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, the time until 2:30 will be equally divided between the Senator from Arizona, Mr. KYL, and the Senator from Montana, Mr. BAUCUS, or their designees.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from Montana is otherwise occupied for the moment, so we are going to turn our attention, through myself and Senator KYL, to the legislation we are considering, which is critically important and which has to do with pension plans and offering predictable solutions.

There are many people who I would like to thank, but I will not do that because I only have 7½ minutes.

The legislation we are considering enacts critical reforms that will shore up defined benefit pension plans upon which so many Americans depend. Today, we are updating the interest

rate that companies must use when they calculate the liabilities of their pension plans. An index of long-term corporate bond rates is surely more accurate as a measurement of expected investment return than the now entirely defunct 30-year Treasury rate.

This bill also provides a grace period for pension plans, including multiemployer plans, which have experienced extraordinary losses in the recent stock market declines. Make no mistake, if companies are not accorded reasonable flexibility in funding their plans, then they will not be able to maintain or afford plans for their workers, and their workers will hurt. I know of that because I live in a State where that surrounds me.

I hope today's action is only the first step in a thoughtful and careful process to provide meaningful reforms for the defined benefit pension plan system. Congress ought to do all it can to encourage employers to provide retirement security through such plans.

Today, only 35,000 companies provide defined benefit pension plans, which is less than a quarter of the plans available 20 years ago. That is a big loss. Given the volatility we have seen in the stock market over the last few years, more employees would benefit from having the opportunity to earn secure, predictable pension benefits.

I stand ready to work with my colleagues to address the other important issues facing companies that are interested in providing defined benefit pension plans. For example, Congress ought to reconsider the funding rules to ensure that companies are able to invest appropriately in their pension plans when business is good and profits are strong. We also need to consider ways to strengthen the Pension Benefit Guaranty Corporation which, to say the very least, is stretched dangerously thin.

I hope my colleagues will work with me on important reforms such as these so we can improve retirement security for millions of Americans. As I ask my colleagues to do exactly that, I remind them of the people who are dependent upon us. I have met with many West Virginians who have worked hard all of their lives—as they say, played by the rules—and earned pension benefits from their employers, only to have the rug pulled out from under them in retirement. It is a painful, painful sight.

Wheeling Pittsburgh Steel, Weirton Steel, Kaiser Aluminum, and Special Metals—and I am talking about companies in West Virginia—have been taken over by the PBGC in recent years. Retirees who dedicated their working years to those companies have told me how scared they are. Many have also lost their health insurance. Without their full pension benefits, they have no way to provide for their health care needs.

Some people—and I am talking about seniors who are 60 or 65 years old—have told me they are looking for work. Part of their so-called retirement will

be spent on the job because the pension benefits they were promised—the benefits they did earn—have been taken away.

The legislation we are considering today will not solve all problems. More comprehensive pension reform is needed. But I am pleased this bill will help companies maintain pension plans that otherwise might have been canceled.

AMENDMENT NO. 2234

I would also like to take a moment to address the amendment that has been offered by my colleague from Arizona. On behalf of the steelworkers of my State and the steelworkers of the State of the Presiding Officer, and on behalf of steelworkers across this country and many other hundreds of thousands of working people, I want to oppose the amendment that the Senator has offered.

The legislation that Congress is considering today is designed to help companies maintain critical pensions on which workers are depending. We are doing so to protect workers from losing benefits that they have been promised. We understand some companies, faced with particularly hard times, are unable to immediately make up the investment losses recently suffered by pension plans. If companies cannot afford to meet strict deficit reduction contribution requirements, they might be compelled to abandon pension plans and leave workers without secure retirement benefits.

Having said this, the Kyl amendment would dramatically decrease the security of hard-earned retirement benefits. The amendment fundamentally undermines the guarantee provided by the Pension Benefit Guaranty Corporation which insures the defined benefit retirement plans. Let me be very clear about that because the PBGC is, unfortunately, something that we know a great deal about in the part of the country I come from. I repeat, the Senator's amendment would dramatically decrease the security of hard-earned retirement benefits. It undermines the guaranteed portion of the Pension Benefit Guaranty Corporation. If Congress is going to change the guarantee provided by the PBGC, we must look for ways to improve the guaranteed benefit, not undermine it.

Hundreds of thousands of Americans currently depend on PBGC for their retirement security. These are people who toiled away for years, often in very dangerous occupations, in all kinds of them. It is absolutely essential that we do not erode the already inadequate guarantee that protects these workers in their old age. Retirees depend upon PBGC payments to pay for food, housing, and, increasingly, to cover health care costs when retiree health benefits have been reduced or eliminated, as is so often the case. It would be unconscionable for Congress to provide relief to cash-strapped companies to help them maintain the pension plans they offer, only to punish the employees of those companies by

denying them the benefits they have earned.

I hope my colleagues will join me in standing up for workers and defeat this amendment.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona.

Mr. KYL. Mr. President, it is my understanding that I have 7½ minutes to speak to the amendment which I have offered.

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. Let me point out what we are doing here and then explain the very modest amendment I have offered which would not undermine the pension guarantee for employees.

The basic problem we have is that the Treasury note that was used to calculate the payments that companies make to the fund to guarantee pensions for their employees is no longer being issued, so some substitute had to be found. The underlying bill uses the 30-year Treasury note as that substitute. I think everybody agrees that needs to be done on a temporary basis.

There was a deficit created in the pension fund because companies were not paying in the appropriate amount during the period of time that the Treasury note was not being issued. As a result, the fund accrued a deficit. It is over \$11 billion. So companies are being asked to pay in a deficit reduction contribution to make sure that the fund has the money that is required to ensure that employees will receive their benefits.

Ironically, it is the proponents of the amendment that are undercutting the fund because what they are saying is not everybody will have to pay their fair share into the fund to guarantee payments to employees; that for a couple of steel companies and a couple of airlines, they will not have to make the full deficit reduction contribution. Instead, in the first year, they only have to pay 20 percent of what is required. In the second year, they would only pay 40 percent of what is required. That, obviously, is going to mean, for those companies, they are not paying in what they should be to ensure that their employees are fully covered.

All my amendment does is say that given the fact that in this situation an employer is not paying in the full amount, the pension guaranty board should not be on the hook for benefits that are accrued just during this period of time. So what we say is that if a business takes advantage of this special rule, and if it fails during the 2-year period that this is in effect or 2 years thereafter, then all of the benefits that accrued during that period of time would not be guaranteed by the board. In other words, the corporation would have to hold harmless the pension guaranty board.

If we don't do this, then the prediction that the board members who are in charge made in their recent letter would potentially come true. The Pension Benefit Guaranty Corporation

has three board members: The Secretary of Treasury, the Secretary of Commerce, and the Secretary of Labor. They wrote a letter to Leader FRIST on January 22 and this is among the things they said:

We believe that H.R. 3108 would best protect pensions and pensioners if passed free of any provisions to alter the Deficit Reduction Contribution rules.

The underlying amendment does, in fact, alter the deficit reduction contribution rules.

Specifically, it would be irresponsible to amend the interest rate bill with any additional provisions that would significantly further exacerbate systemic pension plan underfunding.

Obviously, if you don't require all of the companies to pay in their fair share, you are, in fact, undermining the fund. They conclude by saying:

If H.R. 3108 were amended to do so, we as the PBGC board would recommend that the President veto the legislation.

My point in mentioning this is to note that it may be that the amount of money we are talking about would not be interpreted as significantly underfunding. That would be the hope because if it would be, then I don't think any of us would be happy. But what I would suggest is that as a way of ensuring that the impact is minimized, my amendment should be adopted. It is very minimal. It simply says for those companies, if any, that choose to take advantage of this special waiver from the deficit reduction contribution, if they fail during this 2-year waiver period, then only the benefits that are accrued during that period would not be covered. That is to say, they would have to hold harmless the pension guaranty board for that amount of money.

The reason is obvious: They are not paying in. They should not receive the benefit of the guarantee. If they want to receive the benefit of the guarantee for those benefits, then pay in their fair share. Obviously, they are totally covered for all of the benefits accrued up to that date because they paid in up to that date. So we are basically saying: If you choose as a corporation to take advantage of this waiver and not pay in what everybody else has to pay in, you should be on the hook for that amount of money. You should not ask the taxpayers or your rivals in business, your competitors, or the board to try to make up that difference.

The reality is, we are not talking about a great deal of money. The principle is important and would help to make this underlying amendment a little bit more palatable to some of us on this side and to the administration.

I yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want my colleague from Arizona to listen. If I misstate this, I hope he will correct me. I urge our colleagues to vote in favor of the Kyl amendment.

The Pension Benefit Guaranty Corporation is in trouble. It guarantees

pensions, both single-employer plans and multiemployer plans, and it doesn't have enough money to provide the guarantees that it has already made.

So there is a catchup provision that says, well, you should pay up; you should help. This bill we are getting ready to pass is going to make it easier on some companies—airlines and steel—so they don't have to pay as much on the catchup. The Senator's amendment says if those companies grant additional benefits, i.e., increased pensions, and if they go upside down—declare bankruptcy—PBGC will not be held for any incremental benefits increase during this 2-year period of time; is that correct?

Mr. KYL. Mr. President, if I may correct one aspect. Theoretically, a new employee would be a new benefit, but the reality is that since the accrual or the benefit is usually a 3- to 5-year time period, new employees would not in fact be covered.

Mr. NICKLES. If the Senator will yield further, you want to make sure people are not receiving additional pension changes, i.e., increasing benefits by 10 percent for all covered employees?

Mr. KYL. Mr. President, that is one of the purposes of this. To be clear, technically, a new employee would be counted, but since the benefits don't accrue for 3 to 5 years anyway, it probably would be de minimis.

I urge my colleagues to support the Kyl amendment.

The PRESIDING OFFICER. All time has expired.

Mr. ROCKEFELLER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the Kyl amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "nay."

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 25, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—67

| | | |
|-----------|-------------|-------------|
| Akaka | Domenici | Lugar |
| Alexander | Dorgan | McConnell |
| Allen | Durbin | Miller |
| Bayh | Enzi | Murray |
| Bennett | Feingold | Nelson (FL) |
| Bingaman | Feinstein | Nelson (NE) |
| Bond | Frist | Pryor |
| Boxer | Graham (FL) | Reed |
| Breaux | Grassley | Roberts |
| Brownback | Gregg | Rockefeller |
| Byrd | Harkin | Sarbanes |
| Cantwell | Hatch | Schumer |
| Carper | Hollings | Shelby |
| Clinton | Inouye | Smith |
| Cochran | Jeffords | Specter |
| Coleman | Johnson | Stabenow |
| Collins | Kennedy | Stevens |
| Conrad | Kohl | Talent |
| Corzine | Landrieu | Voinovich |
| Daschle | Lautenberg | Warner |
| Dayton | Leahy | Wyden |
| DeWine | Levin | |
| Dodd | Lincoln | |

NAYS—25

| | | |
|----------|-------------|----------|
| Allard | Ensign | Nickles |
| Bunning | Fitzgerald | Reid |
| Burns | Graham (SC) | Santorum |
| Campbell | Hagel | Sessions |
| Chafee | Hutchison | Snowe |
| Cornyn | Kyl | Sununu |
| Craig | Lott | Thomas |
| Crapo | McCain | |
| Dole | Murkowski | |

NOT VOTING—8

| | | |
|-----------|---------|-----------|
| Baucus | Edwards | Lieberman |
| Biden | Inhofe | Mikulski |
| Chambliss | Kerry | |

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could I have the attention of the chairman of the Finance Committee? Would the Senator enlighten us as to what he expects as far as when we are going to complete this legislation? As the Senator well knows, we have been on it Wednesday, Wednesday afternoon, Thursday afternoon, Friday, Monday, and today. We have had one amendment. I know we are going to run into all kinds of problems later on in the session about time, and I was just wondering what the leadership intended to do on this bill.

Mr. GRASSLEY. We hope to work out agreements on all of the remaining amendments yet today and then have a vote tomorrow and close down very shortly because of weather.

Mr. KENNEDY. Fine. I do not believe there are any amendments on this side.

Mr. GRASSLEY. There is one more on this side.

Mr. KENNEDY. Fine. I look forward to working with the chairman. We are together on this.

Mr. GRASSLEY. Yes.

Mr. KENNEDY. As a matter of interest, Members on our side have inquired about how we were going to proceed on

the legislation. I wanted to give them some opportunity. I thank the Senator.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, over the past few days we have had a good debate and discussion of the challenges facing the defined benefit pension plan system. I thank my colleagues for engaging with us on these issues that are so vital to the well-being of American workers and their families.

As I and others have mentioned, defined benefit pension plans provide a greater certainty and greater security to retirees. Every American deserves this kind of security in his or her old age in terms of retirement. There are savings, which are so important, Social Security and pensions. We have seen savings reduced significantly with our economic downturn and we have also seen the pensions of so many of our citizens threatened.

This legislation is designed, as pointed out earlier, to try to deal with a particular challenge in a temporary way until we can reach a final determination on how we are going to proceed. But it is absolutely essential.

This week we have taken the first important step to stabilizing our Nation's pension plans, which have been battered by a perfect storm of economic conditions over the last 3 years.

I again thank Chairman GRASSLEY, the ranking minority member, Senator BAUCUS, as well as our HELP committee chairman, Senator GREGG, for working with all of us to develop a moderate bipartisan measure to address the pension system's short-term problems. This amendment does not weaken the existing funding bill. It simply provides temporary, moderate relief to give companies and workers the breathing room needed to take steps to further protect these pension plans. We must take advantage of this time to improve and expand our pension system.

More and more American workers are finding themselves without a pension. Since 2000, 3.3 million Americans have lost their pension coverage. In 2002, only 53 percent of our Nation's workers were participating in retirement plans—the lowest level in over a decade. Only one in five workers today has a secure defined benefit plan.

This drop in pension coverage is part of an overall decline in the quality of jobs and the quality of benefits that American workers are receiving. American workers are working harder than ever, but they are getting less and less for their effort.

I want to take a few moments here on the floor of the Senate to remind our friends and colleagues what the real state of the union is with regard to workers in our country at this time.

As recently as today, there were statements and comments by the chairman of the Federal Reserve. On CNN, they asked the question: Do you agree with Federal Reserve Chairman

Alan Greenspan's comment that new jobs will replace old jobs as they always have?

We could ask that in this Chamber. I wonder what the answer would be. The American people get it—certainly the viewers of CNN do. This is nonscientific, but it is a reaction. Those who believe Mr. Greenspan was right were 11, and those who believe he was wrong were 89 percent.

Americans are getting it. They are understanding it.

The Federal Reserve Bank publication Economics and Finance, last summer said—I will include the appropriate references—that the downward turn in the mid-1970s and early 1980s shows an even mix of cyclical and structural adjustments—those who lost their jobs as temporary workers and who lost their jobs which are more permanent in nature. During these episodes, half the unemployment was structural and half was cyclical. The pattern changed in the early 1990s when industry was undergoing structural adjustments and increased its share of total employment to 57 percent.

The greatest change, however, is apparent. In the 2001 downturn, 79 percent of the employees worked in industries affected more by structural shifts than by cyclical shifts. That means, in simple language, those who responded to the CNN poll understand that 80 percent of the jobs that are lost today are permanently lost. This has to be a major concern.

This chart indicates that the Federal Reserve reports the Bush job loss is permanent. In the 1950s, the permanent job loss was 51 percent; in the 1980s, again 51 percent; and, early 1990s, only 57 percent. Now, there is an 80 percent permanent job loss—the first time in the history of this country.

There is a report from the Department of Labor which shows that 36 States have lost jobs since President Bush took office, and 27 States lost more jobs in the last month alone. The rate of job loss in my State of Massachusetts since President Bush took office is higher than in any other State.

I say to the Chair, my friend and colleague from Rhode Island, I doubt if Rhode Island is very far behind. Over the last 3 years, 193,000 jobs disappeared, and 200,000 Massachusetts residents are currently unemployed. In Massachusetts, 2,500 workers a week are running out of benefits because our Republican friends and the Bush administration refuse to extend the unemployment compensation temporarily for 13 weeks to permit these families to pay a mortgage and to put food on the table. These workers have paid into the fund. The fund has \$17 billion in surplus. The cost of this legislation for 13 weeks is \$7 billion. But no.

Look at what the President of the United States said at the time of his State of the Union. He said, "This economy is strong and growing stronger." Applause. And then he said, "Jobs are on the rise." Applause.

That really defies the facts and reality in terms of what is happening across the United States in terms of real jobs.

I referred previously to the excellent article and report of just last Friday. This information is current. These figures are current with regard to my own State of Massachusetts. The statement of the chairman of the Federal Reserve is current. The study of the Federal Reserve is current.

Here is the Wall Street Journal pointing out that the gap in wages and equality is growing for U.S. workers. The gap between the highest and lowest earners in America is widening again, with election year ramifications. The trend is a reflection of the job market. The exceptionally weak response to the current economic recovery as well as the long-term technological and economic changes have eroded the bargaining power of America's lowest paid workers. Data show that younger workers, who currently have fewer job prospects than a few years ago, in particular are bearing the brunt. The numbers indicate a movement to greater wage inequality around the time President Bush succeeded President Clinton.

This is the Wall Street Journal. This is not a Democratic organ I am quoting.

The disparity started under President Bush with the economic slide into recession 3 years ago. The trend represents a reversal of the late 1990s when the lowest rates in a generation enabled the lowest paid workers to keep pace with those at the top. Mr. President, we will look at the jobs referred to in the President's State of the Union. He talked about these jobs as being on the rise.

Look at this chart. This refers to what is happening in the job market.

The late 1990s, 1998 to 2000, all the fourth quarter—the same quarter we were coming out of the recession—for every job that paid \$16.31, the new job paid \$18.32, a \$2 bonus. Lost your job? Get a new job and get better pay. This is the average of all the new jobs.

What is it today? Under the Bush recovery, for every job that was paying \$16.92, the replacement job is \$15.65—22 percent nationwide; 35 percent in the State of New Hampshire where so many of our friends and colleagues are today. No wonder the citizens of New Hampshire are concerned about the state of the economy, the cost of tuition, and the cost of health care.

Look what is happening in the industries across the country at the point of hiring. We find workers are working harder, working longer, and they are making less. This is the real state of the Union.

This chart shows nationwide only two States—Nebraska and Nevada—have actually increased employment and had a pay increase over the employment figures when the President took office. Every other State has seen a decline.

How does the recovery stack up with other recoveries, the last nine recoveries, going back to 1949? This chart compares the constant quarter used when the recession ended. What happened to wages? Going back to 1949, they went up 16 percent; 10 percent in 1954; 10 percent again in 1958; in 1961, 7.9 percent; 9.2 percent in 1982; 1991, 6.1 percent; and 2001, 1.58.

That is what is happening out here among workers in the workplace. No wonder, as CNN reported last week, that American workers are finding themselves competing with cheap foreign labor just to hold on to their jobs. They are overwhelmed because they feel as if forces way beyond their control are making decisions that affect their lives. They are exhausted because they are working harder and longer and faster just to stand still.

Who is making out with this recovery? This chart compares the recovery in the 1990s and the recovery today. In the Bush economy, corporate profits ballooned compared to workers' wages. With the recovery in the early 1990s, 60 percent of the new economic activity was reflected with 60 percent going to the workers' wages; with the recovery in the 1990s, 40 percent went to corporate profits. With today's recovery, 86 percent goes to corporate profits and 13 percent goes to the workers in this country.

Talk about disparity. Talk about fairness. What is going on is the most dramatic change and shift in recent history in terms of the relationship between the profits and what the workers are earning.

That is absolutely wrong. The results are dramatic. In the year 2000, there were 31 million Americans living in poverty. Today, there are 34 million Americans living in poverty, according to the Department of Commerce.

It is not just what is happening in the job markets; it is happening in health care costs. We see this in the most recent Time magazine, February 2, "Why Your Drugs Cost So Much More." The report shows Americans spent \$162 billion on prescription drugs in 2002, up from less than \$100 billion a decade ago.

Health care spending continues to rise; 9.3 percent in 2002, according to the trade journal Health Affairs. That is the largest increase in 11 years. Employers tighten coverage to cut costs; consumers are more resentful of what they are paying at the drugstore. While prescriptions represented only 10 percent of the total health care costs in the United States in 2002, they amount to 23 percent of the out-of-pocket costs for the consumer.

We passed a drug bill last fall. One would think we would look at coverage and try to do something about costs. No way. Written into that, behind closed doors, were the provisions that this Bush administration and the Republicans prohibited the Secretary of HHS to be able to bargain with the drug companies in order to see some re-

duction. The Secretary for Veterans Affairs can do it and it means a 47-percent reduction for veterans' prescription drugs. But this was prohibited in the legislation.

Hopefully in this Congress under the leadership of TOM DASCHLE and Congresswoman PELOSI, we will address what is happening with health care costs. Prescription drug costs are a special problem because the cost of prescription drugs is out of control. We have to do something for our fellow Americans, primarily our seniors but for others as well, and about the costs of health care generally.

Workers are working harder, longer, and for less. They are worried about their health care. The costs are going through the roof, with very little insight to get a handle on that cost.

We look not only at what workers are looking for in terms of their costs for health care and the costs of health care for their parents. Look at the costs of college education. This chart is a comparison of tuition at a 4-year public university: it was \$3,700 in 2001-2002; now it is \$4,700. That's a 26-percent increase since 2001.

How can average working families afford to send their child to school? How do they afford their health care costs, their prescription drug costs, their tuition?

Look what has happened to wages—nothing. That is the real state of the Union, not this "jobs are on the rise, and the economy is strong and getting stronger."

This is the description of what is happening out there to American workers. What is the answer of this administration? We say, with regard to the lowest workers, let's see an increase in the minimum wage.

The minimum wage has not been increased in 7 years. By the end of this year it will be at its lowest purchasing power, in real terms, in the history of the minimum wage. We say: Let's get an increase. There is a majority of the Members in this body who would vote for an increase in the minimum wage, and we have been prohibited from getting it because the Republican leadership will not let us get a vote on the issue.

Seven million Americans are entitled, when they are working 40 hours a week, 52 weeks a year, not to have to live in poverty. That is what we believe on this side. We challenge the other side to give us an opportunity to let the Senate express itself.

We have the second issue that I have mentioned, unemployment compensation. Mr. President, 90,000—think of that number of people—90,000 individuals a week are losing their unemployment compensation. I do not know how those families do it. How does a father and mother come back and look into the eyes of their children when they lose that unemployment compensation, having worked hard all of their lives, paid into the fund, and it is suddenly gone? And they cannot find a job because we are in a jobless recovery. As

the figures show, in the last month, this administration said there would be 300,000 jobs. There have been 1,000 jobs created. It is a jobless recovery.

How do those parents deal with it? How do those children react? That is what is happening. Now we cut away their lifeline, the temporary unemployment compensation. No, you cannot have it. You cannot have an increase in the minimum wage to provide some relief. And that is a family value issue because most of those who work for the minimum wage are women, and many of the women have children. It is a family issue, a children's issue, a women's issue, a civil rights issue, a fairness issue. Yet we cannot have a raise in the minimum wage. We cannot have an extension of unemployment benefits.

Beyond that, we are going to stick it to 8 million Americans in denying them overtime. We had the debate on that earlier, that proposed regulation by the administration to restrict overtime coverage for 8 million Americans. It was rejected here under the leadership of my friend and colleague, Senator HARKIN. It came up in the House of Representatives. It was rejected there. Then those provisions rejecting this regulation were stripped out of the omnibus bill behind closed doors in the middle of the night.

That is unfair to a number of different professions. It is unfair to nurses, firefighters, and police officers. They are the backbone of homeland security. But it is unfair to others as well, including many professions which have predominantly women in them. It is very unfair to working women.

The cruelest part of this whole proposal was the part of the regulations that said if service men and women, when they are over in Iraq defending this country, and Afghanistan or other parts of the world, got a little specialized training, when they come back and take a job, if they had that specialized training, they would not be eligible for overtime.

Can you imagine that? We use these training programs as an incentive for people to go into these services. I have asked on the floor and would love to see the exchange of information between the Secretaries of Labor and Defense on that issue because this is a major incentive—training programs, education—for young people who perhaps do not have the resources to be able to go on to college and do not want to be a burden on their parents. They go into the service—proudly go into the service—and wear the uniform of our country, and defend our country, but they also try to get that help and assistance in the form of training and education.

I will end on this issue with this letter from Randy Fleming, a veteran, and what this proposal would mean to veterans. He is a Boeing employee worried about losing his overtime. This is what his letter says:

My name is Randy Fleming. I live in Haysville, Kansas—outside Wichita—and I

work as an Engineering Technician in Boeing's Metrology Lab.

I'm also proud to say that I'm a military veteran. I served in the U.S. Air Force from August 1973 until February 1979.

I've worked for Boeing for 23 years. During that time I've been able to build a good, solid life for my family and I've raised a son who now has a good career and children of his own. There are two things that helped make that possible.

First, the training I received in the Air Force made me qualified for a good civilian job. That was one of the main attractions when I enlisted as a young man back in Iowa. I think it's still one of the main reasons young people today decide to enlist. Military training opens up better job opportunities—and if you don't believe me, just look at the recruiting ads on TV.

The second thing is overtime pay. That's how I was able to give my son the college education that has opened doors for him. Some years, when the company was busy and I had those college bills to pay, overtime pay was probably 10% or more of my income. My daughter is next. Danielle is only 8, but we'll be counting on my overtime to help her get her college degree, too, when that time comes. For my family overtime pay has made all the difference.

That's where I'm coming from. Why did I come to Washington? I came to talk about an issue that is very important back home and to me personally as a working man, a family man, and a veteran. That issue is overtime rights.

The changes that this administration is trying to make in the overtime regulations would break the government's bargain with the men and women in the military and would close down opportunities that working vets and their families thought they could count on.

When I signed up back in 1973, the Air Force and I made a deal that I thought was fair. They got a chunk of my time and I got training to help me build the rest of my life. There was no part of that deal that said I would have to give up my right to overtime pay. You've heard of the marriage penalty? Well I think that what these new rules do is to create a military penalty. If you got your training in the military, no matter what your white collar profession is, your employer can make you work as many hours as they want and not pay you a dime extra.

If that's not bait and switch, I don't know what is.

And I don't have any doubt that employers will take advantage of this new opportunity to cut our overtime pay. They'll tell us they have to in order to compete. They'll say if they can't take our overtime pay, they'll have to eliminate our jobs.

It won't be just the bad employers, either—because these rules will make it very hard for companies to do the right thing. If they can get as many overtime hours as they want for free instead of paying us time-and-a-half, they'll say they owe it to the stockholders. And the veterans and other working people will be stuck with less time, less money, and a broken deal.

I'm luckier than some other veterans because I have a union contract that will protect my rights for a while anyway. But we know the pressure will be on, because my employer is one that pushed for these new rules and they've been trying hard to get rid of our union.

And for all those who want to let these military penalty rules go through, I have a deal I'd like to propose. If you think it's okay for the government to renege on its deals, I think it should be your job to tell our military men and women in Iraq that when they come home, their service of their

country will be used as a way to cut their overtime pay.

You can't say it any better than that. And the cruelest part of it all is that the Labor Department puts out a publication to show employers how to go about cutting his overtime pay.

Mr. President, just finally, I want to make mention of something we ought to be concerned with—and we ought to be concerned about all workers—but it just came to my attention that the administration's overtime proposal will affect the U.S. Capitol Police.

The Capitol Police was first created in 1828 with the sole mission of providing security for the U.S. Capitol Building. These dedicated officers protect our lives, the lives of our staff, and the security of the Nation's Capitol every single day.

Nearly 2,000 officers are responsible for these duties, and hundreds of them could lose their overtime pay under the Bush plan.

After September 11, many of these officers worked around the clock to secure our safety. During the anthrax attacks, the officers dedicated hours and hours away from their families to secure the Capitol against further biochemical attacks.

If you walk through these halls, you can hear the buzz among these officers: Are we going to be affected by this overtime proposal? How could they do this to us?

Not every officer would be affected, but many with the specific duties listed in the Bush proposal could lose their overtime protections. Denying overtime protections to even one Capitol Police officer is too much.

Sergeants and other officers who spend most of their time on nonmanagerial activities but who supervise two other officers could lose their overtime protection.

And for the first time in the history of the Fair Labor Standards Act, nearly 40 percent of the Capitol Police force—those earning above a certain amount who meet just one of the exemption criteria—will not have access to overtime protections.

Well, this is where we are. We want to give the assurance to the American workers, to their families, to parents and their children that we are going to battle.

We are going to battle to make sure this administration doesn't implement those overtime rules. We are going to battle every moment we have, every opportunity we have, to extend unemployment compensation. And we are going to battle time and time again to increase the minimum wage. Let there be no mistake about it. It is going to come up in the Senate time and time and time and time again, until we provide some justice for workers in America.

AMENDMENT NO. 2264 TO AMENDMENT NO. 2233

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the pending

amendment be set aside for the purpose of offering another amendment that has been agreed to.

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

Mr. GRASSLEY. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. NICKLES, proposes an amendment numbered 2264 to amendment No. 2233.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to the status of private pension plans)

At the appropriate place, insert:

SEC. ____ SENSE OF THE SENATE ON STATUS OF PRIVATE PENSION PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) The private pension system is integral to the retirement security of Americans, along with individual savings and Social Security.

(2) The Pension Benefit Guaranty Corporation (PBGC) is responsible for insuring the nation's private pension system, and currently insures the pensions of 34,500,000 participants in 29,500 single-employer plans, and 9,700,000 participants in more than 1,600 multiemployer plans.

(3) The PBGC announced on January 15, 2004, that it suffered a net loss in fiscal year 2003 of \$7,600,000,000 for single-employer pension plans, bringing the PBGC's deficit to \$11,200,000,000. This deficit is the PBGC's worst on record, three times larger than the \$3,600,000,000 deficit experienced in fiscal year 2002.

(4) The PBGC also announced that the separate insurance program for multiemployer pension plans sustained a net loss of \$419,000,000 in fiscal year 2003, resulting in a fiscal year-end deficit of \$261,000,000. The 2003 multiemployer plan deficit is the first deficit in more than 20 years and is the largest deficit on record.

(5) The PBGC estimates that the total underfunding in multiemployer pension plans is roughly \$100,000,000,000 and in single-employer plans is approximately \$400,000,000,000. This underfunding is due in part to the recent decline in the stock market and low interest rates, but is also due to demographic changes. For example, in 1980, there were four active workers for every one retiree in a multiemployer plan, but in 2002, there was only one active worker for every one retiree.

(6) This pension plan underfunding is concentrated in mature and often-declining industries, where plan liabilities will come due sooner.

(7) Neither the Senate Committee on Finance nor the Senate Committee on Health, Education, Labor and Pensions (HELP), the committees of jurisdiction over pension matters, has held hearings this Congress nor reported legislation addressing the funding of multiemployer pension plans;

(8) The Senate is concerned about the current funding status of the private pension system, both single and multi-employer plans;

(9) The Senate is concerned about the potential liabilities facing the PBGC and, as a

result, the potential burdens facing healthy pension plans and taxpayers;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance and the Committee on Health, Education, Labor and Pensions should conduct hearings on the status of the multiemployer pension plans, and should work in consultation with the Departments of Labor and Treasury on permanent measures to strengthen the integrity of the private pension system in order to protect the benefits of current and future pension plan beneficiaries.

Mr. GRASSLEY. Mr. President, as I indicated, this amendment has been cleared on both sides. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 2264) was agreed to.

Mr. GRASSLEY. Mr. President, there have been some inquiries about other amendments. We have some other amendments on which we are working. I will file them. Then I believe that would be the end of consideration of this legislation today. I will come back later on to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I would like to offer a comment or two about the legislation before us and express my thanks to two Members of the Senate who have been very involved in shaping this legislation, Senator GRASSLEY and Senator KENNEDY. I thank them for the work they have done.

There is a lot of concern in this country about the exodus of manufacturing jobs and technology jobs. The legislation before us is a thoughtful, timely response to a number of employers, large and small, who are concerned that unless we address this problem with respect to selecting an appropriate successor to the 30-year Treasury bond, an appropriate measure to determine what magnitude of money should be contributed to pension funds, we are going to otherwise increase the exodus of jobs, manufacturing and otherwise.

We are doing good work. My hope is we will be able to finish this legislation this week and get on with our business and allow employers to get on with theirs.

ENERGY EFFICIENCY FOR AIR CONDITIONERS

Mr. CARPER. Mr. President, about a week or so ago I learned that a U.S. circuit court of appeals, I believe for the Second District, had released a decision that is a major victory for energy efficiency. It offers significant savings for consumers of electricity. It is important for our Nation's energy future. Finally, it will help to improve the quality of air we breathe.

Let me take a moment to talk more about this decision and its impact. To provide a bit of background, among the U.S. Department of Energy's respon-

sibilities is to establish energy efficiency standards for electrical appliances. Central air-conditioners, the type that cool most of our homes and offices, must meet the appropriate seasonal energy efficiency rating, better known as SEER. During warm summer days—which seem a long way away now—central air-conditioners account for more than half of the electricity we use. Increasing the efficiency of these necessary modern comforts will result in significantly less stress on our Nation's electricity grid and reduce the occurrence of blackouts.

According to the Alliance to Save Energy, requiring energy-efficient air-conditioners would avoid having to construct as many as 48 new electric powerplants over the next 16 years. It would also result in less greenhouse gases and harmful air pollution being released into the atmosphere because of reduced electricity demand.

Some of you may recall at the close of the Clinton administration, after exhaustive research, review, and comment, the Department of Energy set forth a new standard known as SEER 13. In doing so, the Energy Department directed that central air-conditioners, sold beginning in 2006, would need to be 30-percent more energy efficient than those currently available.

Unfortunately, that standard was withdrawn a couple of years ago when the current administration took office. That standard was replaced with a less efficient, less rigorous requirement. The revised standard, known as SEER 12, would have required just a 20-percent increase in energy efficiency.

In response to the administration's actions, 10 States, several consumer groups, and the Natural Resources Defense Council filed suit at that time in an attempt to overturn this weakened standard.

It was 2 years ago, as the Senate was beginning to consider the Energy bill, that I was encouraged that the legislation we are considering should have restored the higher SEER 13 standard originally embraced by the Clinton administration. Unfortunately, that language was removed during the debate on the bill and the weaker SEER 12 standard was allowed to stand.

Last year, I discussed options for reinstating the higher SEER 13 standard but decided to hold off until the pending court case was decided. As I said, I was gratified to learn last week that the U.S. Circuit Court of Appeals for the Second Circuit had decided in favor of the original, more rigorous standard. The court's decision means that consumers will be able to purchase energy-efficient air-conditioners that could cut electricity bills for them by over \$1 billion per year. The administration could decide to appeal the court's decision to the Supreme Court. I urge them today not to do so.

As we debate again and again the future of energy policy, this court decision is one that should be embraced and encouraged, not appealed. We

should take every opportunity to increase our energy security. This is one of those opportunities.

I yield the floor and thank Senator DURBIN for his consideration.

The PRESIDING OFFICER. The Senator from Illinois.

CBS REJECTION OF MOVEON.ORG AD

Mr. DURBIN. Mr. President, I thank the Senator from Delaware for his statement and for holding to the time limit he promised. He is a man of his word.

Recently I learned that the CBS television network, which claims to be the No. 1, most-watched network, with more than 200 affiliated stations, rejected an ad for its upcoming Super Bowl broadcast that will be on Sunday. CBS's explanation for rejecting this ad was that their network prohibited the showing of advertisements that take stands on controversial public policy issues.

So what was this controversial, dangerous ad which CBS is protecting American viewers from watching? Well, it was an ad sponsored by a non-profit organization called MoveOn.Org. You can find it on your Web site at MoveOn.Org. You can see the ad. This 30-second ad shows several children working unhappily in a variety of grownup jobs.

When you go to the Web site and bring up this ad, you can see a little girl cleaning the floor of a commercial building with music playing in the background, a boy washing dishes at a restaurant, another youngster working on an assembly line in a factory, another fixing tires at an automobile shop, and another collecting trash for the back of a truck.

The ad ends with this line:

Guess who's going to pay off President Bush's \$1 trillion deficit?

That is the controversial ad. The ad that CBS doesn't want America to see, which those who are following this debate can go to MoveOn.org/cbs/ad and see this "dangerous," "controversial" ad that crosses the line, an ad which CBS is going to protect the American people from even getting a chance to see. These are some of the still photos from that ad showing kids in working situations, and closing with one short tag line:

Guess who's going to pay off President Bush's \$1 trillion deficit?

CBS is afraid of this ad. They are afraid if the American people see it, they would be so caught up in the controversy of this ad, it would just be unfair.

Is it controversial? Is this ad too hot for network TV? Would America be traumatized and changed forever viewing this dangerous, controversial, 30-second ad? Well, clearly not. This ad makes two factual assertions every American knows to be true. First, it says we are facing a growing national debt, a debt exceeding \$1 trillion, which has to be paid off by future generations. Guess what. Those future gen-

erations are going to be comprised of our children.

Second, in those few words at the close of the ad, it says President Bush and his administration have to accept responsibility for creating this debt—a fact President Bush's own budget documents readily admit, a fact substantiated by President Bush's programs of tax cuts for the wealthy. Everybody with even a short-term memory recalls that only a few years ago we were dealing with a budgetary surplus under the Clinton administration. Now we are deep in historic debt year after year after year during the Bush administration. To argue the Bush administration's hands are clean when it comes to America's debt defies common sense and history. So what is so controversial about these unambiguous facts that our children will be inheriting a large national deficit created since the time President George W. Bush took office? Since when has stating the truth—and obvious truth at that—turned out to be too controversial for America to witness?

Think about it for a moment. CBS was the network, 30 years ago, that dared to put on a sitcom called "All in the Family." In that sitcom about a blue-collar, opinionated, rough-talking guy named Archie Bunker, we heard the reality of a family saying some things which, frankly, we had never heard before on television. Can you imagine if these timid souls running from controversy at CBS today were asked to look at a pilot for a sitcom with Archie Bunker? Frankly, I guess they would force Archie Bunker to wear a suit and tie and call Meathead his beloved son-in-law. Otherwise, it just might be too controversial, too risky for the American people.

Maybe controversy is in the eye of the beholder, and the eye of CBS now runs from controversy. Or maybe there is another dynamic at work. Maybe network executives at CBS are so afraid of political pressure from the rightwing and their business advertisers who are in league with the rightwing politics of America that they are afraid to put anything on the air that might in fact make things uncomfortable. If that is the case, it is time for CBS to announce the name of their network is the "conservative broadcasting system" and come clean with American viewers.

Look at the record, though. CBS has run controversial ads, many of which were good for America to see. Ads sponsored by the White House Drug Control Policy Agency confronted a tough issue, maybe in controversial terms to some, but ads that were important. The White House Drug Policy ad that ran during last year's Super Bowl accused American drug companies of directly supporting international terrorism that led to the taking of lives of American citizens. Risky, edgy, controversial? Yes. Did we have a right to see that as Americans? You bet we did.

Why was CBS ready to run those ads a year ago, but won't let MoveOn.org address the issue of the debt of America that will be borne by our children? CBS also runs ads by tobacco companies and antismoking groups to advocate viewpoints on health. In fact, they are scheduled to run during the Super Bowl—ads from two different groups, which are the American Legacy Foundation and Phillip Morris, which are basically antismoking ads. I fully support these ads. Some may view them as controversial. But so what. If these airwaves are truly the realm of the public to learn, why do we run away from a controversial ad even if it relates to a public health policy some disagree with?

CBS also routinely runs a whole range of controversial, if not downright offensive, ads during the Super Bowl. We have seen that CBS has no qualms about running ads featuring comely young women mud wrestling while a couple of beer-drinking fellows look on. Controversial? Perhaps to some, but they will run those ads. It appears CBS executives consider it important to run not one, two, but three separate ads promoting drugs for sexual dysfunction during the Super Bowl. They believe in a national debate on such sexual problems is more important to the public interest than a discussion about the future of this Nation. In the CBS eye, sexual dysfunction is a topic families with children can watch. But budgetary dysfunction, which our children will pay for, is just too controversial, too hot to handle.

So how does CBS define controversial content? Let's take a look at what goes into their thinking. Remember the series on President Ronald Reagan? The CBS executives did a complete reversal overnight and pulled the plug on the miniseries, "The Reagans," after spending millions of dollars producing it. We learned that the decision was made after conservative Republicans barraged the boardroom and executives and said we cannot run this, even though we have not seen it. In fact, CBS caved in, without the public ever having seen one single episode.

These are the same executives at CBS, incidentally, who, during 1999 and 2000 gave 98 percent of their soft money political contributions to the Republican Party. They decided this MoveOn.org ad, which just might raise a question about President Bush's policies leading this Nation, and the deficit and debt our children face, those same CBS executives said we don't think we ought to step into this controversial area.

The major pharmaceutical companies, which will be running ads on three different sexual dysfunction drugs during the Super Bowl, have also been consistently placed among the five top spenders on lobbying the Republican Congress and in soft money and PAC contributions to Republican candidates.

Now let's connect all the dots because there is something more direct

and topical behind this CBS decision, from my point of view. These are the same executives at CBS who successfully lobbied this Congress to change the FCC rules on TV station ownership to their corporate advantage. The provision that was sneaked into the Omnibus appropriation bill that passed last week and has been signed by the President. It establishes a new ceiling of 39 percent as the maximum percentage of American TV viewers in a market that may be reached by TV stations owned by any one company. Remember that number, 39 percent.

Before the FCC adopted rules in June to raise the cap to 45 percent, the cap was limited to 35 percent. Upset at what the FCC had done, a strong majority in the House and Senate agreed to roll back the FCC rule and take it back down to 35 percent. Why is this important? The White House and the Republicans in this conference on this Omnibus appropriation bill, with no Democrats present, came up with a figure of 39 percent as the new cap—39 percent. What is so magic about 39 percent? Allow me to explain. This wasn't chosen at random; it wasn't a good-faith compromise. No, it just so happens that Viacom, which owns CBS, currently owns stations reaching 38.8 percent of American households, and Rupert Murdoch's news corporation, the owners of that "fair and balanced" Fox Network, owns stations reaching 37.8 percent.

Interesting. Interesting that the White House and Republican leaders in Congress pushed a provision in a spending bill in the dark of night, without Democrats present, that benefited two corporations when it came to their ownership of television stations—Fox, which is a wholly owned subsidiary of the Republican Party, and now Viacom, CBS. Both entities currently violate the old FCC limitation. They needed this new language. They would have been forced to sell off stations if their Republican friends in Congress and the White House had not come through for them.

So the White House and the congressional Republicans give CBS a significant corporate favor and CBS rewards them by killing an ad critical of the Bush White House during the Super Bowl. Doesn't that sound like a perfect subject for a "60 Minutes" investigation? Oh, I forget. "60 Minutes" is a CBS program. I don't think we are going to hear about this on "60 Minutes." I don't think Mike Wallace and Lesley Stahl are going to be taking an undercover camera into the boardrooms of CBS to find out what is going on there.

Listen to what our colleague, Senator JOHN MCCAIN of Arizona, said about this provision that was sneaked into this bill at the last minute to benefit Viacom and CBS, the biggest corporate favor they could ever ask for. I am quoting my colleague, Senator JOHN MCCAIN, who said on the floor:

This provision is objectionable because while purporting to address public concerns

about excessive media consolidation, it really only addresses the concerns of special interests. It is no coincidence, my friends—

And this is JOHN MCCAIN speaking—that the 39 percent is the exact ownership percentage of Viacom and CBS. Why did they pick 39 percent? So that these two major conglomerates would be grandfathered in, purportedly, in order to reduce the media ownership, which was voted down 55 to 40 in the Senate. The fact is now they are endorsing Viacom and CBS's 39 percent ownership, grandfathering them in because they should have been at 35 percent.

In the words of Senator MCCAIN:

Remarkable.

It is clear from the examples, such as the rejection of MoveOn.org's ad, that CBS and other media companies are dominant in a marketplace that exercises vast influence over what the American people can see on television. This is exhibit A in the case against media concentration.

Too much power has been given to media executives who now are going to pick and choose and censor the content of political material which we as Americans can see. They can decide on one hand that their friends will be favored with ads and then reject ads critical of their political friends as just too controversial for America to witness.

That is exactly what they have done on this MoveOn.org ad. CBS is able to reject MoveOn.org and anyone else whose views they disagree with because the executives know there are thousands of other companies standing in line ready to pay for ads during the Super Bowl.

It all comes down to this: Through years of deregulation, we have created a situation in America where massive media conglomerates, such as CBS, are operating without any effective oversight and with little or no feeling of responsibility to the public.

It used to be people remembered that the airwaves these TV stations use don't belong to these TV stations, they don't belong to the media giants, such as Viacom, they don't belong to CBS. They belong to you, me, and every American. We allow these companies to use the airwaves, and they make a fortune. We licensed them for that purpose. We used to say, before the Reagan administration changed the law: If you are going to use America's airwaves, you have to be fair in the use of the airwaves. The fairness doctrine was thrown out. Now the only standard is that they only have to serve the public interest.

It is such a vague term, "serve the public interest," that CBS, undoubtedly, can get by with rejecting ads for political reasons, such as their rejection of this MoveOn.org ad. But if the public interest standard is to mean anything, it must require broadcast licensees to air diverse points of view on issues of national interest.

It is all right for me as an American to watch something on television with which, frankly, I disagree. Maybe I want to pick up the phone and call the

station manager or register my complaint with one group or the other. Isn't that what free speech in America is all about? Not from CBS's point of view. From the CBS point of view, they will pick and choose what you can watch. Ads for beer with young folks doing things which maybe you don't want your children to see—not controversial. Ads by pharmaceutical companies for sexual dysfunction drugs you may not want your children to watch—not controversial. But an ad which says that our children are going to pay off a \$1 trillion national debt created by this administration—over the line, way too scandalous, way too controversial. Children and good American families should not be subjected to that, in the eyes of CBS. I certainly disagree.

Broadcasters and executives running broadcast stations should remember that, first and foremost, they are journalists. They have a responsibility to the American people to speak the truth, to give us the information and let us decide. They have a professional and ethical obligation to be fair and balanced, even if it means they have to set aside their own political views and prejudices and perhaps—perhaps—just once in a while, step on the toes of their political allies and friends, even the ones who just handsomely rewarded them with the provision in the recent appropriations bill.

While broadcasters may wish to exercise their discretion in selecting ads that would run afoul of a community's decency standards, broadcasters should not and must not become censors of content. That is the fundamental promise of the first amendment. It is wrong for the Government to censor content. It is wrong for corporate stewards of our public airwaves to do so.

If you believe, after watching this ad by MoveOn.org, that CBS was wrong, that CBS should have allowed this ad, which shows children at work and says, in its closing frame, "Guess who's going to pay off President Bush's \$1 trillion deficit?"—if you think CBS made a mistake, you have a right, as an American, to contact them. You can write to them at: CBS Television Network, 51 West 52nd Street, New York, NY, 10019, or you can call them: (212) 975-4321. Ask to talk to the corporate executive who decided this ad was too controversial for your family to see. Make certain they understand, as I feel and hope you feel, that America is ready for an ad which tells the truth, an ad which may be controversial in the eyes of one political party but certainly deserves to be aired so the public can finally decide what is right and what is wrong.

I hope the American people will not sit idly by and watch as these media giants, such as CBS, become bigger, more powerful, and decide just exactly what we as Americans will get to see on TV.

I urge everyone watching to call CBS and remind the executive that you, the American people, are the owners of the American public airwaves.

For CBS, let me say this: The CBS eye has been closed to truth, closed to fairness, closed to presenting the facts honestly to the American people. CBS has a great legacy. It is a storied name when it comes to public information in America. This chapter is sad and disgraceful.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 (Mr. CRAPO). Without objection, it is so ordered.

AMENDMENT NO. 2261, AS MODIFIED, TO
AMENDMENT NO. 2233

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Kyl amendment be temporarily set aside and, further, that the Senate now proceed to the consideration of amendment No. 2261, as modified, which is at the desk. I further ask consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

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

The amendment (No. 2261), as modified, was agreed to, as follows:

(Purpose: To extend transfers of excess pension assets to retiree health accounts, and for other purposes)

At the appropriate place add:

SEC. ____ . EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking “December 31, 2005” and inserting “December 31, 2013”.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2014”, and

(B) by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

SEC. ____ . CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 501(c)(15)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

“(i) the gross receipts for the taxable year do not exceed \$600,000, and

“(ii) more than 50 percent of such gross receipts consist of premiums.”.

(b) CONTROLLED GROUP RULE.—Section 501(c)(15)(C) of the Internal Revenue Code of

1986 is amended by inserting “, except that in applying section 1563 for purposes of section 831(b)(2)(B)(ii), subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded” before the period at the end.

(c) CONFORMING AMENDMENT.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “exceed \$350,000 but”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ . DEFINITION OF INSURANCE COMPANY FOR SECTION 831.

(a) IN GENERAL.—Section 831 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) INSURANCE COMPANY DEFINED.—For purposes of this section, the term ‘insurance company’ has the meaning given to such term by section 816(a).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ .

On page 12, line 5, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

On page 16, line 18, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

SEC. ____ . FUNDS FOR REBUILDING FISH STOCKS.

Section 105 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of the Consolidated Appropriations Act, 2004) is repealed.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pension rate bill tomorrow, there be 30 minutes of debate equally divided between the chairman and ranking member or their designees, with an additional 10 minutes under the control of Senator KYL. I further ask consent that following the use or yielding back of the time, the Senate proceed to a vote in relationship to the Kyl amendment No. 2236; provided further, that following the disposition of the Kyl amendment, the Senate then proceed to a vote on the adoption of the Grassley amendment No. 2233, with no intervening action or debate. Finally, I ask consent that following the disposition of that amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, again, with no intervening action or debate.

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

Mr. REID. Mr. President, if my friend from Iowa will yield, I express my appreciation, for the Senate and the staff, to the leader for getting us out of here as early as possible. The weather is treacherous. There was a meeting at the White House that prevented us from getting out earlier. For everyone, I express my appreciation to the leader for adjourning at this time.

Senator INHOFE and I just finished a very constructive conversation. I have spoken to Senator JEFFORDS and to Senator BOND. We feel very good about moving forward on the highway bill next week. I know the chairman of the Finance Committee is here. They are going to meet on Monday to work on a

provision on taxes. We can't do the bill unless they do that. I have spoken to the Senators from Alabama and Maryland, Senator SARBANES and Senator SHELBY. They are going to mark their provision up on Tuesday as it deals with mass transit.

I hope this most important bill, creating hundreds of thousands, if not millions, of jobs over the next 5 years can be completed before we go for our break in the middle of February.

Mr. GRASSLEY. Mr. President, I associate myself with the remarks the distinguished assistant Democratic leader just made about the highway bill. It is one of the most important jobs bills we can have before the Senate this year. It should have been done last year. We couldn't get it done. But we can do that now and the Senate is committed to that. I think the leadership in the House is committed to it. Obviously, we need to get it done.

I thank the Senator from Nevada.

MOULIN ROUGE HOTEL AND CASINO

Mr. REID. Mr. President, March 24, 1955, was a significant date in the history of Las Vegas. That date marked the opening of Nevada's first racially integrated hotel—the Moulin Rouge Hotel and Casino.

At that time, the city of Las Vegas was already earning international recognition as an entertainment and resort mecca. However, black entertainers performing in Las Vegas were not allowed to stay in the hotels where they performed, nor were they allowed to enter the casinos or restaurants on the Las Vegas Strip. Instead, entertainers such as Sammy Davis Jr., Nat “King” Cole, and Lena Horne were forced to seek accommodations in local boarding houses.

The Moulin Rouge changed all that. When the Moulin Rouge opened, it immediately became the night spot for top stars such as Davis, Harry Belafonte, and Frank Sinatra. They were joined by Ella Fitzgerald, Lionel Hampton, Count Basie, Bob Hope, Tallulah Bankhead, Louis Armstrong, and many more.

When shows on the Strip ended, entertainers and their followers flocked to the Moulin Rouge where they would continue performing into the wee hours of the morning.

The hotel became home to black entertainers headlining on the Strip, and a venue where they performed, alongside their white peers, to audiences of all races.

The Moulin Rouge closed in October of 1955, just 6 months after its celebrated opening. However, its impact lived on. Other Las Vegas hotels began their own efforts at desegregation. And when the civil rights movement reached full swing in early 1960, the old Moulin Rouge became the site of an historic meeting between Governor Grant Sawyer, leaders in the African-American community, and Las Vegas

hotel operators. The meeting resulted in an agreement by resort operators to end their segregation practices, and to make their casinos, restaurants, and hotel rooms accessible to all people regardless of race.

The "Moulin Rouge Agreement" made national news, and the building has since been listed on the National Register of Historic Places. It is a living symbol and tribute to the struggle for equality and civil rights. Over the years, a number of owners tried to bring the Moulin Rouge back as a viable resort, but none was ultimately successful. Then, last year, a tragedy occurred. On May 29, 2003, one day before a new owner was scheduled to take over the property, an arsonist's fire ravaged the casino. The three-alarm blaze destroyed many irreplaceable historic photos and relics, including the famous Moulin Rouge wall mural and its unique mahogany bar.

Miraculously, the entire front facade and the historic Moulin Rouge neon sign survived the fire, along with the original tile-covered columns and the signature tower. These structures, along with the original hotel building which also survived, will provide the foundation from which a new Moulin Rouge will rise.

This year marks the 40th anniversary of the landmark Civil Rights Act of 1964, so it seems fitting to announce that the Moulin Rouge, a symbol of civil rights change in Las Vegas, will rise from the ashes.

The Moulin Rouge Development Corporation, which was stymied in its efforts to purchase the hotel by the tragic fire, will soon finalize purchase of the property. This Thursday, January 29, the company will publicly announce its plans for the new Moulin Rouge.

These plans call for restoration of the original facade and the original hotel, along with construction of a new hotel, casino, and shopping mall. This new facility will include museum exhibits, provided by the Moulin Rouge Museum and Cultural Center, that celebrate the history of the property and the achievements of minority leaders, entertainers, and other pioneers of the civil rights era.

I congratulate Dale Scott, Rod Bickerstaff, Chauncey Moore, and other officials of the Moulin Rouge Development Corporation for their vision and hard work in bringing forth this proposal.

It has been a long road. But those of us who love history are delighted that the Moulin Rouge will be saved, and that its famous neon sign will shine once again. It will serve as a reminder of how far we have come, and how much remains to be done.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO BRIAN D.
HAZELGROVE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a

brave young man from Edinburgh, IN. CWO2 Brian D. Hazelgrove, 29 years old, died outside of Mosul, Iraq, on January 23, 2004, after his Kiowa Warrior helicopter crashed while returning from a combat mission. Brian joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Brian was the 24th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Brian leaves behind his father, Ron; his wife, Kimmi; his half brother, Brad; and his children, Taylor, Zachary, Brandon, and Katelyn. May Brian's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Brian's family, his friends, and the entire Edinburgh community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Brian, a memory that will burn brightly during these continuing days of conflict and grief.

Brian graduated from Edinburgh High School in 1994, where he played on the basketball team. Friends and family members remember Brian for the love he shared with his entire family, his energetic personality and his unfailing sense of humor. His half brother Brad spoke for all who were blessed to have known Brian when describing him to the Indianapolis Star as "just a joy . . . the guy was amazing."

After joining the Army in 1994, Brian began his military career in intelligence. He later became a helicopter pilot, serving with the 3rd Squadron, 17th Air Cavalry Regiment from the 10th Mountain Division at Fort Drum, NY. Prior to Brian's service in Operation Iraqi Freedom, he also served two tours of duty in South Korea. He was deployed to the Middle East in November.

As I search for words to do justice in honoring Brian's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brian's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brian D. Hazelgrove in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just

cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brian's can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God bless us all.

TRIBUTE TO SGM PHILIP ALBERT

Mr. DODD. Mr. President, I rise in tribute to U.S. Army SGM Philip Robert Albert, of Plymouth, CT, who lost his life on duty in Afghanistan on November 23, 2003. He was 41 years old.

Sergeant Major Albert, a member of the 2nd Battalion of the 87th Infantry Regiment, 10th Mountain Division, was killed along with four other soldiers in a helicopter crash in northeastern Afghanistan. His service to his country will not be forgotten.

Philip Albert was a career military man. He enlisted in the Army after graduating high school at 18 years of age, and he never looked back. He fought in the first Gulf War in 1991 and was serving his second tour of duty in Afghanistan. Sergeant Major Albert was on the front lines in the war on terror, searching the mountains of Afghanistan for members of al-Qaida and the Taliban, protecting coalition forces as well as the Afghan people.

Like so many of the men and women who serve in our Armed Forces, Philip Albert didn't consider himself a hero. For him, putting his life on the line for his country was simply part of his job—a job he did with dignity, courage, and honor.

Sergeant Major Albert's devotion to his country was matched only by his love for his family. The youngest of 8 siblings, he enjoyed the company of his brothers and sisters, and he was especially fond of the time he spent with his many nieces and nephews.

In recent years, Sergeant Major Albert had spoken with his family and friends about the possibility of retiring from the Army. But it was difficult for an individual like Philip Albert to walk away from the job he loved. After he witnessed the horrific attacks of September 11, he must have decided that America could use his experience, his dedication, and his service. Because once again, when his country called on him, Philip Albert answered the call.

Philip Albert perished just a few days before Thanksgiving. The Thanksgiving holiday will obviously have a very different meaning for his family and friends for many, many years to come. But I would like them to know that each and every one of us in the Senate—and indeed every single American—owes a tremendous debt of thanks to Philip Albert.

It is people like Sergeant Major Albert who make it possible for us to live each and every day in freedom, peace, and security. It is their sacrifices, in lands thousands of miles away, that keep us safe here at home. We must

never forget those sacrifices—especially those of people like Philip Albert who have left us with a debt we can never repay.

I offer my deepest sympathies to Philip Albert's family, and to everyone who knew and loved him.

IN MEMORY OF PFC JEFFREY BRAUN

Mr. President, I also rise to speak in memory of PFC Jeffrey Braun, of Stafford, CT, who was killed in Iraq on December 11, 2003. He was 19 years old.

Private Braun was truly an inspiration to everyone who knew him. He joined the Army shortly after the attacks of September 11, motivated by a desire to be part of the global campaign to rid the world of terror. After completing his senior year at Stafford High School in 2002, he became a paratrooper in the 82nd Airborne Division.

Jeff Braun's heroic sacrifice in Iraq will never be forgotten. But in the words of a friend, Adrian Scarpa, "He was a hero even before he went over."

No matter what he did, Jeff Braun was always striving to be part of something greater than himself. At Stafford High School, wherever you looked, you could find Jeff Braun. He played soccer, wrestled, and ran track. He sang, acted in school plays, and was active in local community service projects.

Jeff's friends and family members knew him as a young man who always had a kind word, a smile, and an outgoing and infectious sense of humor. He would make friends with classmates who were lonely. He would give away his own lunch to students who didn't have any.

Jeff Braun was a fascinating person, and he had a fascinating life story. He was born in the village of San Pedro Sula in Honduras. When he was 6 months old, he was adopted by Meredith and William Braun, who brought him to Stafford. He came to love his adopted country so much that he joined its armed forces. But he also shared a deep and meaningful connection with his homeland. Even while in Iraq, Jeff was actively pursuing his dream of building an orphanage in his native Honduras. It's a dream that Jeff's parents have said they will strive to make a reality.

Jeff didn't have to enlist in the military. But with his enthusiasm, his generosity, his spirit, and his character, he simply couldn't stay on the sidelines and watch as his fellow countrymen fought overseas in defense of freedom. Jeff saw a job that needed to be done—and he knew that he had to be a part of it.

I join the town of Stafford, the State of Connecticut, and the entire United States Senate in mourning the loss of Private Jeffrey Braun, a truly remarkable individual who was taken from us far, far too soon.

I offer my deepest sympathies to Jeff's parents William and Meredith, to his sister Julie, his entire family, and the many, many people whose lives were touched by Jeff Braun.

OMNIBUS APPROPRIATIONS

Mr. LEAHY. Mr. President, I see my good friend from Kentucky on the floor, and I want to take this moment to clarify a couple of funding issues in the Foreign Operations portion of the Omnibus Appropriations bill.

I notice that the conference report is silent on the issue of funding for Laos. Is it the chairman's intention that the administration should implement the language contained in the Senate Foreign Operations Appropriations Report, 108-106?

Mr. MCCONNELL. I thank the Senator from Vermont. Before I respond, I was wondering if he could take a moment to read the Senate report language for the benefit of our colleagues.

Mr. LEAHY. I would be happy to. It reads:

The Committee recommends that USAID provide \$2,000,000 in Child Survival and Health Programs Fund and Development Assistance to Laos—one of the world's poorest and most repressive countries—through non-governmental organizations. The Committee intends that these funds will not be used to offset or substitute INL funding that would otherwise go to Laos.

The Committee is concerned by the actions of the regime in Laos, which continues to be responsible for serious human rights abuses. The Committee is also concerned by the recent detention and trial of an American citizen and two foreign journalists in Laos. While the Committee is pleased that these individuals have recently been released, it is deeply troubled that the fate of four Laotian citizens accompanying the journalists is still unknown.

Mr. MCCONNELL. As I know my friend from Vermont is particularly interested in this issue, it would be both accurate and fair to say that it is our collective intention that this language be implemented.

Mr. LEAHY. I am pleased we are in agreement. As I know of your strong interest in the region, I hope we can continue to work together to support United States funded programs through Southeast Asia.

Mr. MCCONNELL. I look forward to our continued cooperation, and urge the State Department and USAID to meet with our respective staffs to discuss countries of particular concern, including Laos, Vietnam, Cambodia, Thailand, and Burma.

Mr. LEAHY. On the issue of Burmese refugees along the Thailand-Burma border, is it the chairman's expectation that funds from the ERMA account should be used to provide funding for these refugees?

Mr. MCCONNELL. Yes, it is. The situation on the Burma-Thailand border is disturbing, and if sufficient funds cannot be found from the MRA budget then the administration should consider using ERMA funds to ameliorate this situation.

Mr. LEAHY. I thank the Chairman.

BLACK ON BLACK CRIME PREVENTION MONTH

Mr. PRYOR. Mr. President, 1 year ago this month, a powerful new force

joined together and it has since swept through the neighborhoods in Arkansas. Its members said enough to the homicides plaguing our streets, enough to the violence in our schools and homes and enough to standing by to watch our communities crumble.

Members of the community saw that although African Americans comprised 12 percent of the national population, a staggering 45 percent of all murder victims in 2002 were black. A resounding 91 percent of those murders were incidents of black on black crime.

Homicide was and is still literally tearing apart African-American families, serving as the leading cause of death for black men ages 15 to 24, and the second leading cause of death for black women of the same age group. Black-on-black crime remains an epidemic, having a devastating impact on our families and ultimately compromising the safety and quality of life in my great State of Arkansas.

One year ago this month, community leaders, faith leaders, government officials, community organizations, and businesses did more than just say enough is enough. They formed the Black on Black Crime Coalition to inform and educate the citizens of Little Rock about black-on-black crime, but also to implement programs and initiatives to reduce homicides, reduce violent crimes and take back their streets and neighborhoods.

I am proud to be a partner of this coalition, to join with coalition members and its wide array of partners and raise public awareness about black-on-black crime. The coalition has spent its first year creating and supporting intervention and mentoring programs, conducting workshops for community organizations, supporting neighborhood associations, implementing youth programs and lobbying elected officials to implement policies for effective change. The coalition is working through the statistics, trying to understand the systemic causes, determining the solutions and reversing this epidemic that is stealing away our future leaders.

This January, in Arkansas, we celebrate Black on Black Crime Prevention Month. The coalition has organized a month filled with ceremonies, roundtable discussions, town meetings, and prayer to help meet its mission. By all means, these efforts are contributing to a better understanding of the challenges that Arkansas' black communities face each and every day, but we are also learning and implementing strategies to beat back and overcome these challenges.

As the former attorney general of my State, I have worked closely with law enforcement officers and the community to make Arkansas a safer place to live and raise a family. As a Senator, I have continued to fight for legislation, programs, technology and budgets to accomplish this goal. And I pledge to continue this commitment.

It is a tremendous responsibility that the Black on Black Crime Coalition

has accepted. I commend the members of this coalition for their dedication and teamwork, and congratulate them for several meaningful and successful events during this year's Black on Black Crime Prevention Month and for their unyielding efforts throughout the year.

ISRAEL'S DESIGNATION OF JANUARY 27, 2004 AS "NATIONAL DAY TO COMBAT ANTI-SEMITISM"

Mr. LEVIN. Mr. President, today, people in Israel and around the world are joining in solidarity to commemorate January 27, 2004, as a "National Day to Combat Anti-Semitism." At a time when many Jewish communities are facing a rising tide of anti-Semitism, it is important that all people of goodwill work together to educate and fight anti-Semitism. This insidious form of hatred has lingered in this world for so long that it has been dubbed "the longest hatred."

Today marks the 64th anniversary of the liberation of Auschwitz. While six decades have passed since the genocidal regime of Adolf Hitler fell, the urgency of combating anti-Semitism has never ceased. In the past year, numerous anti-Semitic acts have occurred across the world. In many European countries, including several countries that are amongst our closest allies, the frequency of anti-Semitic attacks are increasing. Jewish cemeteries, schools, synagogues, and individuals have been the center of an increasing number of violent incidents.

These targets have essentially remained the same over the millennia. Such attacks seek to intimidate and threaten individuals and desecrate institutions. We face an increasing array of groups who would perpetrate these acts.

In November 2003, people across the world were horrified when suicide bombers targeted two synagogues in Istanbul, Turkey. At least 25 people were killed and almost 300 people, both Jewish and Muslim, were wounded. One of the synagogues was Neve Shalom, the center of Turkey's Jewish community. This crowded congregation was celebrating a young boy's Bar Mitzvah at the time of the bombing. This attack was, without question, a specific and politically charged choice, given Turkey's close ties with Israel, the United States and NATO as well as its commitment to democracy.

Another widely reported anti-Semitic act came a month earlier when former Malaysian Prime Minister Mahatir Muhammed stated that, "The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them." That a leader would make allusions to a worldwide Jewish conspiracy, one of the foremost claims of anti-Semitic hatred, is particularly appalling. It is unconscionable to think that a longtime leader of a sovereign nation would fan the flames of hatred and recrimination against people of the Jewish faith. It is

more disconcerting that 57 leaders of the countries in the Islamic conference stood and applauded his speech. Mahatir's rhetoric was both ignorant and dangerous.

Even while these two events splashed the front pages of newspapers worldwide, numerous other incidents that hardly received notice caused irreversible damage all the same.

During an exhibit held in Australia last month called "Courage to Care," two extremist groups sprayed a museum with anti-Semitic and racist slogans and covered it with swastikas. This was an exhibit that commemorated Australian survivors of the Holocaust. The criminals also left papers at the scene that portrayed a skull and crossbones and said, "Death to Israel."

In an attack in a suburb of Paris that coincided with the synagogue bombings in Turkey, a Jewish school was set on fire. Just a month earlier in Paris, a rabbi was verbally and physically attacked on his way to synagogue. In October, tombstones in a Jewish cemetery east of Berlin, Germany, were defaced by vandals who painted swastikas and anti-Semitic statements such as "you got what you deserved," and "Heil Hitler."

The United States has not been free from such attacks, either. Earlier this year, a Holocaust Museum in Terre Haute, IN, was destroyed by arson, with only the words "Remember Timmy McVeigh," left behind.

In April 2002, I joined with 99 of my colleagues in sending a letter to President Bush that requested that he and his administration "make every effort possible to raise, at the highest level, our concerns about anti-Semitic acts in Europe and anti-Semitic portrayals in the Arab media."

I was heartened by German Foreign Minister Joschka Fischer's statement at a conference on anti-Semitism last fall that, we are firmly committed to countering every kind of anti-Semitism, every kind of racism and xenophobia." In addition, French Prime Minister Chirac announced that "attacking a Jew in France is an attack on all of France." Such remarks fully acknowledge the threat posed by anti-Semitism. Anti-Semitism is not merely the enemy of Jews. It is the enemy of tolerance, freedom and openness; the very core values of all democracies.

Attacks on one religion, race or ethnicity threaten all of us. We have learned that when hatred is allowed to fester and grow, it can spread with a frightening degree of rapidity and virulence. It is imperative that the global community work to address not only the continuing prevalence of anti-Semitism, but also hatred against all religious and ethnic minorities.

I hope all my colleagues will join with me in commemorating Israel's "National Day To Combat Anti-Semitism," and in rededicating their commitment to fight hatred wherever it may be found.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO HOSKINS COIN AND JEWELRY

• Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. and Mrs. Charles and Doris Hoskins of Paducah, KY on their dedication and entrepreneurial spirit in their 50th year of business at Hoskins Coin and Jewelry, Inc.

Mr. and Mrs. Hoskins opened business together in 1953, selling mostly furniture in downtown Paducah, KY. Mr. Hoskins, building on his military service in World War II, joined the Paducah police force and served for the next 16 years. Meanwhile, Mrs. Hoskins ran their small business and kept its books.

Over the last few decades, their business has flourished as evolved. This small family business looked for opportunities to expand—moving to a larger location down Third Street. Following the passions of Mr. and Mrs. Hoskins, the store started to buy and sell coins, estate jewelry and eventually began to offer a full line of retail jewelry.

Hoskins Coin and Jewelry, Inc. is now a staple of downtown Paducah. Their children, Ronnie and Linda Hoskins Duff, work alongside their parents who have even found room for grandson Brent Hoskins to work part-time. Local residents walk into this families store looking for a special gift, to learn about the latest coin they have found or just to talk about the community. This small family business is a shining example of one of the many small businesses that form the local economic foundations in Kentucky.

Thank you, Charles and Doris, for your commitment to the city of Paducah and your entrepreneurial spirit. I have sincere appreciation for your work. I wish you and your family continued success and happiness. •

TRIBUTE TO THE SPIRIT OF IDAHO AWARD RECIPIENTS

• Mr. CRAPO. Mr. President, today I honor over 158 individuals and organizations working every day to make Idaho a great place to live. I'm talking about the recipients of the Spirit of Idaho Award. I created this award almost 3 years ago to recognize and bring attention to the many deeds of service that happen in local Idaho communities that are not always recognized by the media or the general public. Recipients of this award improve lives every day with their selfless giving and shining examples. I would like to take a moment today and recognize each of these outstanding individuals.

Kamrud Jacobson delivers newspapers in Twin Falls. While completing his route one day, Kamrud noticed unusual smoke coming from the chimney of a nearby house. He quickly asked a neighbor to call 911. The Fire Department responded and put out a growing house fire. Kamrud's vigilant actions effectively saved the house from burning to the ground. Kamrud's efforts embody the qualities of service and

selflessness the Spirit of Idaho award hopes to recognize.

Alex and Jay Phelps are truly life-savers for one woman. The two, who deliver newspapers in Twin Falls, noticed several newspapers piling up at a particular house on their route. Concerned by this development, the boys explained the situation to their mother, who then contacted authorities. The boys were right to be concerned; the resident of the house had had a stroke and was in need of medical care. As a result of the efforts of these two boys, the resident was rescued and received medical care.

Ten members of the Wood River Winter Recreation Coalition in Sun Valley worked together for hundreds of hours on a volunteer basis to offer a community-based, historic recreation agreement that will be implemented in the Sawtooth National Forest. The members crafted what is often extremely difficult to create: a collaborative solution to a perplexing problem. Both user groups and our forest are the beneficiaries of the Coalition's outstanding work.

Barbara Dehl of Nampa authored and lobbied the Idaho State Legislature and the U.S. Congress for passage of "Cassie's Law," a law intended to prevent abusive dating relationships, as well as assist victims of such abuse. Ms. Dehl courageously battled for this legislation at both the State and Federal level after the tragic death of her daughter Cassie in December of 1999. She has been the catalyst behind important progress in the fight against violence.

Idaho Working Partners, through Janet Miller their State Chairwoman, are models of community service, assisting numerous organizations in and around Boise. The Salvation Army, the Hope House, and the Booth Family Center, to name a few, have all been helped. Food drives, donations for flood ravaged areas, and Christmas projects for the needy have been just a few of the outstanding projects engaged in by Idaho Working Partners. They are to be commended for their efforts.

Dr. Dan Prinzing, Social Studies and Curricular Materials Coordinator for Idaho's State Department of Education and a former teacher for the Boise School District, is Idaho's first contact for projects, scholarships, and special programs in areas of civics, U.S. history and government, economics, and responsible citizenship. Dr. Prinzing is also an advocate for the need to improve international education for Idaho's students, and works closely with a variety of civic organizations to promote student involvement in programs focusing on an understanding of the U.S. Constitution and state and federal laws.

Jackie Phelps has been an exemplary volunteer with Meals on Wheels in Boise. For many years, she has delivered meals to shut-in seniors who aren't able to pick-up or prepare meals themselves. Jackie has benefited many

in need through her constant, dedicated service. I commend her for her caring.

Gail Chumbley and her students at Eagle High School in Boise have worked diligently to honor Idaho veterans. Ms. Chumbley has spearheaded a local effort to document the personal histories of a number of Idaho veterans through classroom assignments where students interview veterans. Her work has earned the notice of the VFW and the Idaho State Historical Society Library and Archives, among others. Chumbley and her students also conducted a drive to raise money for the national World War II veteran's memorial to be built on the Capitol Mall in Washington, DC. Through her work introducing so many Idaho veterans to Idaho school children, Gail Chumbley honors herself, her profession, and all of Idaho's veterans. In addition, her students have demonstrated a respect for past sacrifices and service, and in so doing have enriched their educational experience.

Students at Eagle High School in Boise went the extra mile to help the less fortunate during a recent Christmas season. The Salvation Army enlisted the help of local high schools during their Christmas food drive. Eagle High's generosity was clear as they took in the most poundage of all the local high schools. These students coupled their feelings of compassion with actions of kindness.

Kyle Enzler of Eagle completed a cross-country bicycle trip to raise money and awareness for needy children around the world. Enzler is the founder and organizer of Trek for Kids, the foundation behind his cross-country trek. His journey covered over 4,500 miles in 15 weeks, raising over \$1,000 for the cause. Kyle is a great example, choosing to make meaningful contributions in fighting the world's problems.

Sherrill and James Cooper of Lewiston are saints to numerous children they have taken in through over 30 years of caring for young people in need. Children have arrived at their house in Lewiston Orchards at all hours lonely, frightened, traumatized, angry, sometimes hurt and the Coopers have opened their doors and hearts. These wonderful people have also been recognized with the Angels in Adoption award for their work in this critical labor of love.

Blaine County Senior Center of Hailey was honored for the work of their senior citizens on behalf of KidShop, an after school program in the Blaine County School District. The seniors raised \$5,000 through the Festival of Trees to provide healthy snacks to the children. The endeavor was also very successful in bridging the generation gap and allowing "juniors and seniors" to get to know one another. Each of these seniors is to be commended for supporting this very important endeavor.

Pete Mecham of Idaho Falls received the Sammy Award. The Sammy Award

recognizes outstanding scholar athletes based on academic performance, athletic excellence, leadership, and community service. With over 19,000 applicants and just 25 recipients, Pete's award is quite an honor. His activities and honors, which are nearly too numerous to mention, include National Honor Society, High School Seminary President, Eagle Scout, numerous wrestling championships, and the U.S. Marine Corps Distinguished Athlete Award.

Pam Davison of Malad works for the USDA Rural Development office in Blackfoot and has spent many hours working with Southeast Idaho senior citizens to improve their homes under a Federal self-help program. Through the program and Pam's dedicated work, seniors have been able to winterize their homes and save money on energy bills. In times of tight budgets and rising energy prices, the help Pam has provided to our seniors is invaluable.

Jay Heuser of Preston has worked diligently in economic development for the city of Preston. His outstanding projects include a business incubator, new water tank, and city industrial park improvements. Jay has been a dedicated public servant, serving as mayor, and improving the lives of the residents of Preston.

Rosa Moosman of Montpelier is the editor and manager of The News Examiner. Rosa has reported on lumber and Forest Service issues in a professional and polished manner for the community. In a State with a large lumber industry, this reporting has been an invaluable public service. She has also been a great example for journalists statewide.

Jensen Lumber Company of Montpelier uses small-diameter timber in productive ways. A necessary component of healthy national forests is the thinning of these small trees, and Jensen Lumber has put these trees to good use. In doing so, they have made great economic contributions to the community.

Heritage Safe Company is a model to many businesses, and an economic force in the community of Grace. Heritage Safe started as a small business in a small town. However, it is quickly becoming one of the country's largest makers of gun safes. Heritage Safe Company is recognized for its economic contributions to the community.

After the terrorist attacks on September 11, 2001, Idaho Red Cross volunteers responded by the dozens. These selfless life-savers provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies. In times of need, these individuals have come forward to help. These volunteers included: Richard Kaylor, Mary Wolf, Cheryle Andrews, Glenda Loomis, Cindy Bahora, Allison Mallow, Marlene Bailey, Jim Manning, Marva Barnes, Brooks Mathern, Julie Benintendi, Gordon McAllister, Robert Bones, Carol McAllister, Steve Button,

Linda McGuire, Farrell Byington, Tempe McFarlane, Bonnie Capell, Joseph Morissette, Sherri Carpenter, Lynette Muson, Ben Cavaness, Roger Olson, David Chehey, Kathlene Parsons, Richard Cripe, Shirley Perkins, Frank Dalley, Ray Ragan, Julie Dillehay, Lorraine Roberts, Kathy Dutt, William Roberts, Germaine Eslinger, Carolyne Rucker, Lynn Farnworth, Susan Saldin, Sarah Farnworth, Kent Schaufelberger, Sean Farrell, Rick Sonnenberg, Gloria Fastabend, Cynthia Schulze, Richard Fesler, Barbara Stevens, Leslie Freeman, Joseph "Bill" Stevens, Jim Fulfer, Colleen Stevens, Michele Gamblin, James Stumpf, Rich Gorman, Jennifer Swanberg, Jeri Gowen, Donna Taylor, Gina Gridley, Jana Thomas, Jim Grigg, Terry Tippery, Oreanna Harless, Steve R. Tryk, Susan Hill, Barbara Webster, Allen Howard, Patsy Walton, Rick Huffard, Daniel Weigel, Ronald Jacques, Phillip White, Sharon Katz, Mimsi Wise, Rich Kaylor, Stephanie Witt, Edward Kinghorn, Mary Wolf, and Daunna Kirkham of Boise, Nampa, Meridian, McCall, Arco, Lewiston, Idaho Falls, Eagle, Coeur d'Alene, Black Foot, Kimberly, Moscow, Rathdrum, Rexburg, and Terreton.

Mark Langlois, Robert Macfarlane, James Pollard, and David Larson of Idaho Falls are Idaho National Engineering and Environmental Laboratory engineers who assisted recovery efforts in New York, Pennsylvania, and Washington, DC, following the tragic events of September 11, 2001. At a time of great need and obvious peril, these selfless individuals rushed to help their countrymen.

Dan O'Brien, a name you may know for his Olympic competitions, has diligently served the cause of youth sports in Moscow. His dedication not only serves the youth of Moscow, but also the community as a whole. His hard work and dedication have been recognized on several fronts, receiving not only the Spirit of Idaho, but also the Sporting Goods Manufacturers Association Hero Award. I commend Dan on his outstanding efforts.

Students at Peregrine Elementary of Meridian were chosen by the Red Cross as winners of the "Your Coins Count" statewide campaign not once, but twice. The "Your Coins Count" campaign offers schools educational programs about Red Cross services and history, then asks students to collect spare change and donate the money to the Red Cross in support of local services like disaster relief. These students' shining example proves that each of us can make a difference in the lives of others.

The fight against child pornography needs more warriors like those at the FBI child pornography unit in Pocatello. This unit analyzes illegal computer traffic in order to find and prosecute those that are victimizing children. Each of our children are safer thanks to the work of these dedicated professionals.

Moscip Family and Bandana's Running and Walking Shop of New Plymouth have been pillars of support for young people wishing to participate in the local high school cross country and track programs. For the past three years these two groups have joined to provide affordable running shoes to local youth involved in the cross country and track programs at the New Plymouth High School. As a strong supporter of healthy living, I applaud the efforts of these two organizations.

Ana Marie Schachtell has served the cities of Nampa and Treasure Valley well, organizing the Fiesta Idaho events. This event helps groups with differing backgrounds to come together in a spirit of understanding and respect. Under Ana's leadership and vision the annual Fiesta Idaho celebration has blossomed into a major event celebrated each fall in several locations in and around Nampa.

Jim Olson and George Gorino are Boise American Legion members. In addition to their service in this organization, and their military service for our country, these two have gone the extra mile to honor the victims of September 11, 2001, as well as military personnel involved in the war on terror. As a result of their dedication, a monument and flag have been erected on Freezeout Hill in Gem County honoring these groups. Today, it is Jim and George who are honored.

John Jackson of Nampa owns the successful Jackson Food Stores, and has used his success to help others. John donated funds to build an indoor track and field facility next to the Idaho Center. The facility is very important to the Boise State University track team, as well as local youth and adult track clubs. The site is also scheduled to host some significant competitions in the coming years. John's selfless and important donation has also spurred additional economic development in the area.

Wiley Dobbs of Twin Falls has served as an Idaho Congressional Award Board Member since 1993, where he has spent thousands of hours working as a student advisor, making presentations to different groups, and talking to parents. Idaho leads the United States in the number of participants in this prestigious award program and the Twin Falls region leads the way in Idaho, thanks in large part to Wiley and his associates.

Sixteen-year-old Jessy Peterson of Castleford saved a man's life in December 2002. As he headed home late one evening, Jessy spotted a fire burning in the garage of a house. Jessy was able to successfully awaken the resident of the house, who escaped without harm. He then went one step further and helped the resident to extinguish the fire. Jessy's courageous actions speak to his depth of character.

Bob Harmon of Meridian is a hero in the war on terror, but he doesn't wear a uniform or carry a gun. Bob owns Harmon Travel and used his business

to support our troops. He donated airline tickets for family members to attend the burial of a soldier killed in Operation Iraqi Freedom. Bob Harmon gave freely to help a military family in a time of need.

Scott Andrews of Blackfoot is the Bingham County Prosecutor. As part of his efforts to keep his county safe and make the Prosecutor's Office more accessible, Scott has created a new website. The website: www.co.bingham.id.us/prosecutor/prosecuting_attorney.htm, provides people with quick and easy access to important information about matters handled by the Prosecutor's Office, including information on victim and witness services, the public record, and legal research links. Scott has made our judicial system more responsive with his innovative approach to his office.

Taylor and Alyssa Jensen's story is truly touching. These two Pocatello sisters literally gave of themselves to help others less fortunate than they. Seeing the needs of cancer victims, Taylor and Alyssa cut and donated their long hair to make wigs for those who had lost their hair as a result of chemotherapy. They are to be commended for this exceptional act of service.

Jared Helm is a senior at Lewiston High School. He is dedicated to volunteering and making the community a better place. He is also a role model for younger children and stresses the importance of volunteering to them. Last year he volunteered over 450 hours, has a 4.0 GPA, and is a Lewiston High School Student Body officer. Such commitment embodies "The Spirit of Idaho."

"Grandma" Gay Reese plays an important role for the "America Reads" program every day at Lincoln Elementary School in Twin Falls. For the past five years, she has helped young students learn to read. Gay's remarkable dedication has helped to instill a lifelong love of reading within several hundred Magic Valley children. In addition, she has been instrumental in recruiting new Grandparents to the America Reads program. "Grandma" Reese embodies the selfless service honored by the Spirit of Idaho award.

The Hospice of Eastern Idaho provides a full range of supportive services for terminally ill individuals and their families while they are in the latter stages of a terminal illness. This critical service depends largely on volunteers. The following individuals have given of their time and talents for the benefit of others:

Donna Stone has been a Hospice Volunteer for three years. Last year she provided 195 volunteer hours for one patient, consistently showing up twice a week to give respite care for the patient's husband for two to three hours at a time. Her willingness and faithfulness week after week are inspiring.

Since becoming volunteers in spring 2002, Buck and Debbie Horton have each worked almost 200 volunteer

hours for many different families under the care of the Hospice. They are both retired and have dedicated themselves to helping others in the community. Those at the Hospice of Eastern Idaho are fortunate to be able to call upon these outstanding individuals at any time to help patients and their families.

Larry and Evelyn Miller are Mormon missionaries, assigned to the Hospice of Eastern Idaho by the LDS Church. They serve as volunteer spiritual liaisons for patients and families, but also are available to give families respite care when needed. These volunteers have given hundreds of hours of respite care to many in need.

Donna Meyer has been a Hospice Volunteer since 1994 and has put in over a 100 hours helping patients. Since 2002, she has been visiting and reading to one particular patient who does not speak. Donna reads to her and puts cream on her face and hands to let her know that someone cares. Recently she purchased a bird feeder to place outside the patient's window so she might enjoy watching the birds. Donna connects with this woman, even though there is not a word spoken during the visit.

Dorothy Wayne has been a Hospice Volunteer since 1989 and has given over 100 hours to a variety of patients. She has traveled extra miles to stay with patients when necessary, often during the evening hours or even on weekends when needed. She is a retired nurse and uses her excellent training and experience to the benefit of all involved with the Hospice.

Fern Jones has been a Hospice Volunteer for 10 years while continuing to work full time. She has spent over 100 hours visiting patients during her lunch hour, after work, or on weekends when necessary. Soon she will retire. I am confident that her self-sacrificing spirit will continue to shine as she carries on with her important work.

Bob Siedelmann has been a Hospice Volunteer since 1999, and has volunteered for over 100 hours of service. He is always willing to stay with a patient, even if he has to change his plans to make the time work. Recently he attended the early service at his church so that he could be with a patient by 10:30 a.m. on Sunday. Bob's help and caring have improved the lives of many of the Hospice's male patients.

Vince Aquino has always been willing to visit with any patient, even if that patient did not know he was there and could not communicate with him. He has spent many hours in the secure units of more than one nursing home to be with patients suffering from dementia or Alzheimer's. He has been a Hospice Volunteer since 1999, putting in over 100 hours of service.

Connie Staffel is a professional counselor who works full-time at Eastern Idaho Technical College. Since becoming a volunteer last October, Connie has worked many Saturdays to facili-

tate a support group for grieving family members. In addition she has been available for patient care when her schedule permits. With her specialized training and experience, Connie has been a valuable resource for the Hospice.

Leora Cornia, a volunteer first with District 7 and now with Hospice of Eastern Idaho, has given 100 hours to a variety of patients. She is willing to give of her time to any and all that need her, though I am told her favorite activity is conversing with patients. Leora's service is invaluable to the Hospice and its patients.

Jim McCue is a volunteer who began with District 7 and now works with Hospice of Eastern Idaho. Jim has spent countless volunteer hours listening intently to his patients. He prefers to report on his visits in poetic form, and after visiting his most recent patient wrote: "I can already see it getting harder, I can already see it ending hard. I can already see it lasting too long, and not long enough." The Hospice Staff appreciates his insight and poetry as they work to assist the Hospice's patients.

When the Hospice had patients in the St. Anthony, Rexburg area, Barry Leeck of Chester was, for an extended period, the only volunteer close enough to be of assistance. He has always been willing to fit patients into his work schedule, and often visits patients after work or on his days off. His volunteer hours also include helping the Hospice office with clerical matters. I commend him for his service.

Domestic violence is a terribly destructive, hurtful thing. The victims of this horror need help and protection. The Family Service Alliance of Pocatello provides this support. Many women and children in southeast Idaho have been the beneficiaries of the safe haven provided by the Alliance. This organization also provides counseling to victims of rape. This important organization is truly representative of the "Spirit of Idaho."

It was an honor to present the Spirit of Idaho award to a group of dialysis patients from Coeur d'Alene. This group rides stationary bicycles to remain healthy during treatment. The group collectively set a goal to ride the miles equivalent to a biking trip across the United States. Their journey had a special destination for me—they were pedaling to Crapo, Maryland. As a result, this group is affectionately called the "Crapo Bikers." Day after day, these dedicated individuals biked for miles, moving a pin across the map of the United States. Despite adversity this group reached their goal. Their resolute determination stands as an example for all.

Jenny Busdon, a world champion gold medal recipient in cross country skiing, has worked on multiple fundraising projects over the past decade to benefit the Harriman Trail system and Galena Lodge in Sun Valley. She promotes increased participation in cross

country skiing and overall awareness of the sport. As a strong supporter of healthy living, and an avid sportsman, I applaud Jenny's efforts.

Carol Harlig of Ketchum is a two-time breast cancer survivor who mentors others with the disease and serves on numerous community boards for breast cancer awareness. She also serves at the Ketchum Library. Recently she also put together care packages for Blaine County troops stationed in Iraq. Even with all of these important responsibilities, Carol finds time to mentor at-risk elementary school children. She is a great example for others in Idaho.

I honor all Spirit of Idaho recipients, past and future, for their exceptional contributions and accomplishments. It is a privilege to pay tribute to these individuals for their important efforts on behalf of the citizens and communities of the great State of Idaho. ●

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-5951. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC-5952. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's 2003 Performance and Accountability Report; to the Committee on Environment and Public Works.

EC-5953. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to the Adjudicatory Process" (RIN3150-AG49) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5954. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting several documents related to the Agency's regulatory programs; to the Committee on Environment and Public Works.

EC-5955. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, and -24PHB Revision" (RIN3150-AH28) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5956. A communication from the Administrator, General Services Administration, transmitting copies of Reports of Building Project Survey for Ft. Lauderdale, FL, Benton, IL, Greensboro, NC, and Sioux Falls, SD; to the Committee on Environment and Public Works.

EC-5957. A communication from the Program Analyst, Directorate Civil Works, Army Corps of Engineers, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area Cooper River and Tributaries, Naval Weapons Station Charleston, Charleston, SC" received on December 30, 2003; to the Committee on Environment and Public Works.

EC-5958. A communication from the Program Analyst, Directorate Civil Works, Army Corps of Engineers, transmitting, pursuant to law, the report of a rule entitled "United States Navy Restricted Area, Naval Weapons Statin Earle, Sandy Hook Bay, New Jersey" received on December 30, 2003; to the Committee on Environment and Public Works.

EC-5959. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Solicitor, Department of the Interior, received on December 30, 2004; to the Committee on Environment and Public Works.

EC-5960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two Uniform Resource Locators (URLs) for documents that the Agency has recently issued; to the Committee on Environment and Public Works.

EC-5961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Phase 2 Requirements for Spark-Ignition Nonroad Engines at or Below 19 Kilowatts" (FRL#7606-1) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference" (FRL#7601-2) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5963. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa; Correction" (FRL#7608-3) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5964. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL#7608-9) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5965. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL#7608-8) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5966. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Disapproval of State Implementation Plan Revisions, San Joaquin Valley Unified Air Pollution Control District" (FRL#7607-6) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5967. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL#7600-9) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled "State Implementation Plans; States of Arizona, California, and Nevada; Correction" (FRL#7609-4) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5969. A communication from the Assistant Secretary, Department of the Army, transmitting, pursuant to law, a report relative to the Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC-5970. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Part 71—Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" (RIN3150-AG71) received on January 13, 2004; to the Committee on Environment and Public Works.

EC-5971. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, -61BT, -32PT, -24PHB, and -32PT Revision" (RIN3150-AH36) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5972. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-UMS Revision" (RIN3150-AH25) received on January 5, 2004; to the Committee on Environment and Public Works.

EC-5973. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the 1998, 1999, and 2000 Annual Reports compiled by the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies; to the Committee on Environment and Public Works.

EC-5974. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification that the Deputy Secretary of State has determined that the export to Iraq of composite armor panels for uses other than body armor is in the national interest of the United States; to the Committee on Foreign Relations.

EC-5975. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the lack United Nations' grants of official status, accreditation, or recognition to any nation which promotes, condones, or seeks the legalization of pedophilia; to the Committee on Foreign Relations.

EC-5976. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Part 126 of the International Traffic in Arms Regulations, promulgated pursuant to the Arms Export Control Act; to the Committee on Foreign Relations.

EC-5977. 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-5978. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of Presidential Determination

2004-07 relative to military assistance under the Rome Statute and an accompanying report; to the Committee on Foreign Relations.

EC-5979. 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-5980. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of Presidential Determination 2004-17 relative to military assistance under the Rome Statute and an accompanying report; to the Committee on Foreign Relations.

EC-5981. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of vacancy for the position of Assistant Administrator, Agency for International Development received on December 30, 2003; to the Committee on Foreign Relations.

EC-5982. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2004-3) received on January 13, 2004; to the Committee on Finance.

EC-5983. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Procedures for Letter Rulings and Determination Letters" (Rev. Proc. 2004-1) received on January 13, 2004; to the Committee on Finance.

EC-5984. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-4" (Rev. Proc. 2004-4) received on January 13, 2004; to the Committee on Finance.

EC-5985. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Information Reporting With Respect to Foreign Disregarded Entities" (Announcement 2004-4) received on January 13, 2004; to the Committee on Finance.

EC-5986. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Abusive Roth IRAs" (Notice 2004-8) received on January 13, 2004; to the Committee on Finance.

EC-5987. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Income for Trust Purposes" (RIN1545-AX96) received on January 13, 2004; to the Committee on Finance.

EC-5988. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Credit for Increasing Research Activities" (RIN1545-AY82) received on January 13, 2004; to the Committee on Finance.

EC-5989. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Deduction and Capitalization of Expenditures" (RIN1545-BA00) received on January 13, 2004; to the Committee on Finance.

EC-5990. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores" (Rev. Rule 2004-7) received on January 13, 2004; to the Committee on Finance.

EC-5991. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Agent for Certain Purposes" (RIN1545-AY94) received on January 13, 2004; to the Committee on Finance.

EC-5992. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Administrative, Procedural, and Miscellaneous" (Rev. Proc. 2004-13) received on January 13, 2004; to the Committee on Finance.

EC-5993. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Definition of Agent for Certain Purposes" (RIN1545-AY94) received on January 13, 2004; to the Committee on Finance.

EC-5994. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Administrative, Procedural, and Miscellaneous" (Rev. Proc. 2004-13) received on January 13, 2004; to the Committee on Finance.

EC-5995. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-6" (Rev. Proc. 2004-6) received on January 13, 2004; to the Committee on Finance.

EC-5996. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-5" received on January 13, 2004; to the Committee on Finance.

EC-5997. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Improper to Proper Depreciation Changes" (Rev. Proc. 2004-11) received on January 13, 2004; to the Committee on Finance.

EC-5998. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 2004-7) received on January 13, 2004; to the Committee on Finance.

EC-5999. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2003-8" (Rev. Proc. 2003-8) received on January 13, 2004; to the Committee on Finance.

EC-6000. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Changes in Computing Depreciation" (RIN1545-BC17) received on January 13, 2004; to the Committee on Finance.

EC-6001. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 42 Carryover and Stacking Rule Amendments" (RIN1545-BA85) received on January 13, 2004; to the Committee on Finance.

EC-6002. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Video Teleconferencing Appeal" (RIN0960-AE97) received on January 13, 2004; to the Committee on Finance.

EC-6003. A communication from the Chairman, Medicare Payment Advisory, transmitting, pursuant to law, a report relative to outpatient dialysis payment rates; to the Committee on Finance.

EC-6004. A communication, transmitting, pursuant to law, the report of a rule entitled

"Medical Devices: Classification of the Dental Sonography Device and Jaw Tracking Device" (Doc. No. 200N-0305) received on January 13, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6005. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to increasing health care to non-elderly, low-income populations; to the Committee on Health, Education, Labor, and Pensions.

EC-6006. A communication from the Regulations Coordinator, Administrator for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule on Head Start Transportation" (RIN097-AC16) received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6007. A communication from the President, Midwestern Higher Education Compact, transmitting, the report of a resolution regarding the reauthorization of the Higher Education Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 129. A bill to provide for reform relating to Federal employment, and for other purposes (Rept. No. 108-223).

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. CORNYN (for himself, Mr. DODD, and Mr. LOTT):

S. 2031. A bill to authorize the States to implement such mechanisms as are necessary in a time of national crisis to ensure the continuity of the Senate in the event that a quorum of the Senate is not present due to the inability of members of the Senate to discharge the powers and duties of their office; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. 2032. A bill to provide assistance and security for women and children in Afghanistan and for other purposes; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2033. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. DODD):

S. Res. 292. A resolution designating the week beginning February 2, 2004, as "National School Counseling Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 664

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 846

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 910

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 910, a bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

S. 1035

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1035, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55.

S. 1189

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1189, a bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1326

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1326, a bill to establish the position of Assistant Secretary of Commerce for Manufacturing in the Department of Commerce.

S. 1354

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1354, a bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

S. 1398

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1706

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1706, a bill to improve the National Instant Criminal Background Check System, and for other purposes.

S. 1786

At the request of Mr. ALEXANDER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1786, a bill to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act.

S. 1888

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 1948

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1961

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1961, a bill to provide for the revitalization and enhancement of the American passenger and freight rail transportation system.

S. 1986

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1986, a bill to amend the Help America Vote Act of 2002 to re-

quire voter verification and improved security for voting systems under title III of the Act, and for other purposes.

S. 2006

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2006, a bill to extend and expand the Temporary Extended Unemployment Compensation Act of 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 2032. A bill to provide assistance and security for women and children in Afghanistan and for other purposes; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, yesterday was an important and historic day for Afghanistan. President Hamid Karzai signed a new constitution that guarantees the equal rights of all Afghans, including women.

Given the terrible hardship women and girls in Afghanistan faced during the years of war, drought and the draconian policies of the Taliban, this new constitution is an important step forward.

However, yesterday's victory will be sort-lived if the constitution is not implemented and women continue to suffer from discrimination and violence, and are denied access to health care, education and job training.

The biggest challenge facing women today is a lack of basic security. Human Rights Watch reported earlier this month that:

women and girls bear some of the worst effects of Afghanistan's insecurity. Conditions are generally better than under the Taliban, but women and girls continue to face severe governmental and social discrimination. Those who organize protests or criticize local rulers face threats and violence. Soldiers and police routinely harass women and girls, even in Kabul city. Many women and girls are afraid to remove the burqa. Because soldiers are targeting women and girls, many are staying indoors, especially in rural areas, making it impossible for them to attend school, go to work, or actively participate in the country's reconstruction.

Today, I am introducing legislation that will ensure that women and children are able to thrive in a post-Taliban Afghanistan.

This legislation authorizes \$300 million each year to provide assistance to Afghan women and children with four specific goals. First, the bill seeks to enhance the political and human rights of women by providing assistance to help them exercise property, inheritance and voting rights and to enforce provisions in the new constitution that ensure equal rights for women.

Second, the bill provides funding for health care, including assistance to reduce maternal and infant mortality and to train midwives, nurses and traditional birth attendants.

Third, funding is authorized to be used for education and training, including expanding schools for women and

girls, technical and vocational training and literacy programs.

Finally, the bill addresses the issue of security by providing programs to prevent the trafficking of women and girls, support the return of refugees, and provide general security to prevent violent attacks against schools. The bill also calls for an expansion of international peacekeeping forces throughout the country.

We have heard many times that failure is not an option in Afghanistan. Passage of this legislation will go a long way to ensure the success of a democratic and peaceful nation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2033. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill to rename the Federal building in Roswell, NM, after my dear friend, Representative Joe Skeen. On December 7, 2003, Joe lost his valiant battle with Parkinson's Disease. He will be deeply missed.

I first met Joe more than 40 years ago when I was fresh out of law school and Joe was a rising star within the New Mexico Republican party. From that moment, I knew that Joe was destined for great things. To the great benefit of the people of the State of New Mexico and the Nation, Joe chose to dedicate his life to public service.

For those of us who knew Joe, it came as no surprise when he became only the third person in our Nation's history to win a U.S. House seat as a write-in candidate in 1980. During his 22 year tenure as New Mexico's representative for the 2nd Congressional District, Joe was a powerful voice for the people of his district and its rural lifestyle. For instance, he was a staunch defender of New Mexico's farming and ranching interests.

Many have described Joe as one of the most powerful members of Congress that New Mexico ever sent to Washington, DC. But Joe never forgot who he was and where he was from. He was part and parcel of this land and its people. Joe truly represented the people of the 2nd Congressional District, both politically and in spirit.

Joe sought committee assignments that would most benefit the largely rural district that he represented. During his time in the U.S. Congress, Joe served 17 years on the House Appropriations Committee, serving as Chairman of both the Interior Appropriations Subcommittee and the Agriculture Appropriations Subcommittee.

In 2002 Joe retired from Congress. After 11 terms in Congress, Joe decided to return to his ranch, a place that he described as being "at the center of my upbringing and which shaped my character and principles in life." I feel truly blessed to have had the honor to

serve with Joe for those 22 years. I know Washington will go on without Joe, but it will not be nearly as good a place.

For all the good that Joe accomplished during his 22 years as a Congressman, I know he could not have done it alone. We owe a great debt of gratitude to Mary, his wife of 57 years. She and the Skeen children deserve great credit for making his life so remarkable.

Today I introduce legislation that would designate the Federal Building in Roswell, NM, the "Joe Skeen Federal Building." I would like to thank my distinguished colleague Senator JEFF BINGAMAN for co-sponsoring this legislation. Additionally, Representatives WILSON, PEARCE and UDALL will introduce shortly a companion bill honoring Joe for his service to his State and Nation.

Joe was born in Roswell, NM, represented the people of the Second Congressional District for 22 years and spent his final days in Roswell, NM. It is fitting that the Roswell Federal Building bear his name. One of Joe's first actions after he took office in 1981 was to introduce legislation to name the Federal Building in Las Cruces after the man he replaced, the late Congressman Harold Runnels. I believe it's appropriate, 22 years later, to return the favor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2033

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 292—DESIGNATING THE WEEK BEGINNING FEBRUARY 2, 2004, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 292

Whereas the American School Counselor Association has declared the week beginning February 2, 2004, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the American education system must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism inflicted on the United States on September 11, 2001, and its aftermath;

Whereas students face myriad challenges every day, including peer pressure, depression, and school violence;

Whereas school counselors are usually the only professionals in a school building that are trained in both education and mental health;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 485 to 1 is more than double the 250 to 1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of the Nation's students: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL SCHOOL COUNSELING WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning February 2, 2004, as "National School Counseling Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning February 2, 2004, as "National School Counseling Week"; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform within the school and the community at large to prepare students for fulfilling lives as contributing members of society.

Mrs. MURRAY. Mr. President, today I am pleased to submit a resolution designating the week of February 2, 2004, as "National School Counseling Week," on behalf of my colleagues Senator BIDEN, Senator DORGAN, Senator JOHNSON and Senator DODD. This resolution would honor and celebrate the important work of school counselors, which the Senate has recognized since 1965 through the inclusion of school counseling in the Elementary and Secondary Education Act.

Across the country, there are approximately 95,000 school counselors, including 2,100 in Washington State. School counselors are critical components of a successful school and contribute significantly to the growth and

success of students. In fact, school counselors were instrumental in helping students, teachers, and parents deal with the trauma of terrorism on September 11, 2001, and its aftermath. However, despite their important service, counselors are expected to serve, on average 485 students each, and are overwhelmed. The American School Counseling Association, the American Medical Association, and the American Psychological Association recommend the ratio of students to school counselors be 250 students to 1 school counselor.

I want to share just a few examples of how school counselors throughout America are helping students.

In a middle school in southern California, school counselors realized that 257 students were in danger of not passing onto the next grade. They discovered that only 15 percent of the students understood the promotion and retention requirements. The school counselors presented a series of individual and small group lessons on promotion and retention criteria. After the lessons, 100 percent of the students understood the requirements. As a result, 72 of the 257 students, about 28 percent, avoided retention that year.

In a high school in Racine, WI, a math teacher realized that 100 of his students failed algebra in the first quarter of the year. He asked a school counselor for help. Together, they discovered some of the reasons why students were failing. They initiated several programs, such as peer tutoring and homework assistance. As a result, 93 of the 100 students passed algebra by the end of the year and were able to move on to the next level of math.

A school district in Kentucky realized that the retention rate among ninth grade students was unacceptably high. School counselors, teachers and administrators worked together to develop and implement strategies targeted at helping ninth graders move to 10th grade. As a result, retention rates improved in 16 of the 17 high schools in the county in just one year. One school saw the retention rate improve more than 25 percent.

This resolution is merely the beginning of what we need to be doing to support school counselors. We need to reduce the ratio of students to counselors to, at the most, 250 to 1. We need to help schools maintain their funding so that school counselors are not cut from school budgets. And we need to support our school counselors so that they can continue to be integral in the fabric of our schools and help our students achieve success in high school and beyond.

School counselors design and implement comprehensive developmental school counseling programs that are integral to the success of every student. They help students improve academic achievement, develop personally and socially and prepare for successful careers that will enable them to be contributing members of society. National School Counseling Week focuses

public attention on the unique contribution of professional school counselors and highlights the tremendous impact that school counselors have in helping students achieve success in school and beyond.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2262. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table.

SA 2263. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, *supra*; which was ordered to lie on the table.

SA 2264. Mr. GRASSLEY (for Mr. NICKLES) proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, *supra*.

TEXT OF AMENDMENTS

SA 2262. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ RESTORATION OF CERTAIN PLANS TERMINATING IN 2003.

(a) IN GENERAL.—The provisions of subsection (b) shall apply to any defined benefit plan that was—

(1) maintained by a commercial passenger air carrier,

(2) maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement, and

(3) terminated during the calendar year 2003 while the employer was in bankruptcy under chapter 11 of title 11 of the United States Code.

(b) RESTORATION OF PLAN.—The Pension Benefit Guaranty Corporation shall restore any plan described in subsection (a), pursuant to the terms described in subsection (g), and the control of the plan's assets and liabilities shall be transferred to the employer. The date of restoration shall be not later than 60 days after the date the terms of the plan are determined pursuant to subsection (g).

(c) EXCLUSION OF EXPECTED INCREASE IN CURRENT LIABILITY.—In applying section 412(l)(1)(A)(i) of the Internal Revenue Code of 1986 and section 302(d)(1)(A)(i) of the Employee Retirement Income Security Act of 1974 with respect to a plan restored under subsection (b), any expected increase in current liability due to benefits accruing during each plan year as described in section 412(l)(2)(C) of such Code and section 302(d)(2)(C) of such Act shall be excluded.

(d) AMORTIZATION OF UNFUNDED AMOUNTS UNDER RESTORATION PAYMENT SCHEDULE.—

(1) POST-RESTORATION INITIAL UNFUNDED ACCRUED LIABILITY.—In the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the initial restoration amortization base for a plan described in subsection (a) shall be an amount equal to the excess of—

(i) the accrued benefit liabilities returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the initial restoration amortization base shall be amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date, and the funding standard account of the plan under section 412 of such Code and section 302 of such Act shall be charged with such installments.

(2) UNFUNDED SECTION 412(l) RESTORATION LIABILITY.—For purposes of section 412 of such Code and section 302 of such Act, in the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the unfunded section 412(l) restoration liability shall be an amount equal to the excess of—

(i) the current liability returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the unfunded section 412(l) restoration liability amount shall be equal to the unfunded section 412(l) restoration liability amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date.

(3) RULES OF SPECIAL APPLICATION.—In applying the 30-year amortization described in paragraph (1)(C) or (2)(C)—

(A) the assumed interest rate for purposes of paragraph (1)(C) shall be the valuation interest rate used to determine the accrued liability under section 412(c) of such Code and section 302(c) of such Act,

(B) the assumed interest rate for purposes of paragraph (2)(C) shall be the interest rate used to determine current liability as of the initial post-restoration valuation date under section 412(l) of such Code and section 302(d) of such Act,

(C) the actuarial value of assets as of the initial post-restoration valuation date shall be reset to the market value of assets with a 5-year phase-in of unexpected investment gains or losses on a prospective basis, and

(D) for plans using the frozen initial liability (FIL) funding method in accordance with section 412(c) of such Code and section 302(c) of such Act, the initial unfunded liability used to determine normal cost shall be reset to the initial restoration amortization base.

(e) QUARTERLY CONTRIBUTIONS.—The requirements of section 412(m) of such Code and section 302(e) of such Act shall not apply to a plan restored under subsection (b) until the plan year beginning on the initial post-restoration valuation date. The required annual payment for that year shall be the lesser of—

(1) the amount determined under section 412(m)(4)(B)(i) of such Code and section 302(e)(4)(B)(i) of such Act, or

(2) 100 percent of the amount required to be contributed under the plan for the plan year beginning January 1, 2003, and ending on the date of plan termination.

(f) RESETTING OF FUNDING STANDARD ACCOUNT BALANCES.—In the case of a plan restored under subsection (b), any accumulated funding deficiency or credit balance in the

funding standard account under section 412 of such Code or section 302 of such Act shall be set equal to zero as of the initial post-restoration valuation date.

(g) TERMS OF RESTORED PLAN.—

(1) IN GENERAL.—The terms of a plan which is restored pursuant to subsection (b) shall be determined by mutual agreement of the employer and the collective bargaining representative of employees covered by the plan. If such parties are unable to reach mutual agreement on such terms, then the terms of the restored plan will be determined by a neutral arbitrator. The neutral arbitrator will be selected by the parties within 7 days after the earlier of the date the parties reach an impasse or 60 days after the date of the enactment of this Act. The neutral arbitrator will be selected by the parties from a panel of neutrals provided by the National Mediation Board. The neutral arbitrator will render his or her determination not later than 120 days after the date of the enactment of this Act. Such determination shall be final and binding on the parties.

(2) SPECIFIC TERMS.—The terms of the restored plan are subject to the following:

(A) Benefits under the restored plan for any participant or group of participants may not be greater than, but may be less than, those under the plan prior to its termination, and forms of distribution under the restored plan for any participant or group of participants may exclude forms available under the plan prior to its termination, and any such reductions in benefits or forms of distribution shall be deemed to comply with section 411(d)(6) of such Code and section 204(g) of such Act.

(B) For any participant, benefits under the restored plan shall be offset by the value of contributions made on behalf of such participant to any defined contribution pension plan established by the parties in conjunction with the termination of the restored plan.

(C) The amortization periods for the initial restoration amortization base and the unfunded section 412(l) restoration liability shall not exceed 30 years.

(D) The minimum required cost of the restored plan shall not be less than the greater of—

(i) the projected cost of any defined contribution pension plan established in conjunction with the termination of the restored plan, or

(ii) the amount allowed as costs under the employer's original plan of reorganization for all of the employer's retirement plans minus the minimum required cost determined as of the plan restoration date of all of the employer's retirement plans excluding the restored plan.

(h) PBGC LIABILITY LIMITED.—In the case of any plan which is described in subsection (a), which is restored pursuant to subsection (b), and which subsequently terminates with a date of plan termination before the end of the fifth calendar year after the date of restoration, section 4022 of the Employee Retirement Income Security Act of 1974 shall be applied as if the plan had been amended to provide that participants would receive no credit for benefit accrual purposes under the plan for service on and after the first day of the plan year beginning after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2002.

SA 2263. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based

on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ RESTORATION OF CERTAIN PLANS TERMINATING IN 2003.

(a) IN GENERAL.—The provisions of subsection (b) shall apply to any defined benefit plan that was—

(1) maintained by a commercial passenger air carrier,

(2) maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement, and

(3) terminated during the calendar year 2003.

(b) RESTORATION OF PLAN.—The Pension Benefit Guaranty Corporation shall restore any plan described in subsection (a), pursuant to the terms described in subsection (g), and the control of the plan's assets and liabilities shall be transferred to the employer. The date of restoration shall be not later than 60 days after the date the terms of the plan are determined pursuant to subsection (g).

(c) EXCLUSION OF EXPECTED INCREASE IN CURRENT LIABILITY.—In applying section 412(l)(1)(A)(i) of the Internal Revenue Code of 1986 and section 302(d)(1)(A)(i) of the Employee Retirement Income Security Act of 1974 with respect to a plan restored under subsection (b), any expected increase in current liability due to benefits accruing during each plan year as described in section 412(l)(2)(C) of such Code and section 302(d)(2)(C) of such Act shall be excluded.

(d) AMORTIZATION OF UNFUNDED AMOUNTS UNDER RESTORATION PAYMENT SCHEDULE.—

(1) POST-RESTORATION INITIAL UNFUNDED ACCRUED LIABILITY.—In the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the initial restoration amortization base for a plan described in subsection (a) shall be an amount equal to the excess of—

(i) the accrued benefit liabilities returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the initial restoration amortization base shall be amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date, and the funding standard account of the plan under section 412 of such Code and section 302 of such Act shall be charged with such installments.

(2) UNFUNDED SECTION 412(l) RESTORATION LIABILITY.—For purposes of section 412 of such Code and section 302 of such Act, in the case of a plan restored under subsection (b)—

(A) the initial post-restoration valuation date for a plan described in subsection (a) shall be January 1 of the calendar year following the date of restoration,

(B) the unfunded section 412(l) restoration liability shall be an amount equal to the excess of—

(i) the current liability returned by the Corporation, over

(ii) the market value of plan assets returned by the Corporation, and

(C) the unfunded section 412(l) restoration liability amount shall be equal to the unfunded section 412(l) restoration liability amortized in level annual installments over a period determined pursuant to subsection (g) but not to exceed 30 years after the initial post-restoration valuation date.

(3) RULES OF SPECIAL APPLICATION.—In applying the 30-year amortization described in paragraph (1)(C) or (2)(C)—

(A) the assumed interest rate for purposes of paragraph (1)(C) shall be the valuation interest rate used to determine the accrued liability under section 412(c) of such Code and section 302(c) of such Act,

(B) the assumed interest rate for purposes of paragraph (2)(C) shall be the interest rate used to determine current liability as of the initial post-restoration valuation date under section 412(l) of such Code and section 302(d) of such Act,

(C) the actuarial value of assets as of the initial post-restoration valuation date shall be reset to the market value of assets with a 5-year phase-in of unexpected investment gains or losses on a prospective basis, and

(D) for plans using the frozen initial liability (FIL) funding method in accordance with section 412(c) of such Code and section 302(c) of such Act, the initial unfunded liability used to determine normal cost shall be reset to the initial restoration amortization base.

(e) QUARTERLY CONTRIBUTIONS.—The requirements of section 412(m) of such Code and section 302(e) of such Act shall not apply to a plan restored under subsection (b) until the plan year beginning on the initial post-restoration valuation date. The required annual payment for that year shall be the lesser of—

(1) the amount determined under section 412(m)(4)(B)(i) of such Code and section 302(e)(4)(B)(i) of such Act, or

(2) 100 percent of the amount required to be contributed under the plan for the plan year beginning January 1, 2003, and ending on the date of plan termination.

(f) RESETTING OF FUNDING STANDARD ACCOUNT BALANCES.—In the case of a plan restored under subsection (b), any accumulated funding deficiency or credit balance in the funding standard account under section 412 of such Code or section 302 of such Act shall be set equal to zero as of the initial post-restoration valuation date.

(g) TERMS OF RESTORED PLAN.—

(1) IN GENERAL.—The terms of a plan which is restored pursuant to subsection (b) shall be determined by mutual agreement of the employer and the collective bargaining representative of employees covered by the plan. If such parties are unable to reach mutual agreement on such terms, then the terms of the restored plan will be determined by a neutral arbitrator. The neutral arbitrator will be selected by the parties within 7 days after the earlier of the date the parties reach an impasse or 60 days after the date of the enactment of this Act. The neutral arbitrator will be selected by the parties from a panel of neutrals provided by the National Mediation Board. The neutral arbitrator will render his or her determination not later than 120 days after the date of the enactment of this Act. Such determination shall be final and binding on the parties.

(2) SPECIFIC TERMS.—The terms of the restored plan are subject to the following:

(A) Benefits under the restored plan for any participant or group of participants may not be greater than, but may be less than, those under the plan prior to its termination, and forms of distribution under the restored plan for any participant or group of participants may exclude forms available under the plan prior to its termination, and any such reductions in benefits or forms of distribution shall be deemed to comply with section 411(d)(6) of such Code and section 204(g) of such Act.

(B) For any participant, benefits under the restored plan shall be offset by the value of contributions made on behalf of such participant to any defined contribution pension plan established by the parties in conjunc-

tion with the termination of the restored plan.

(C) The amortization periods for the initial restoration amortization base and the unfunded section 412(l) restoration liability shall not exceed 30 years.

(D) The minimum required cost of the restored plan shall not be less than the greater of—

(i) the projected cost of any defined contribution pension plan established in conjunction with the termination of the restored plan, or

(ii) the amount allowed as costs under the employer's original plan of reorganization for all of the employer's retirement plans minus the minimum required cost determined as of the plan restoration date of all of the employer's retirement plans excluding the restored plan.

(h) PBGC LIABILITY LIMITED.—In the case of any plan which is described in subsection (a), which is restored pursuant to subsection (b), and which subsequently terminates with a date of plan termination before the end of the fifth calendar year after the date of restoration, section 4022 of the Employee Retirement Income Security Act of 1974 shall be applied as if the plan had been amended to provide that participants would receive no credit for benefit accrual purposes under the plan for service on and after the first day of the plan year beginning after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2002.

SA 2264. Mr. GRASSLEY (for Mr. NICKLES) proposed an amendment to amendment SA 2233 proposed by Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GREGG, and Mr. KENNEDY) to the bill H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ SENSE OF THE SENATE ON STATUS OF PRIVATE PENSION PLANS.

(a) FINDINGS.—Congress makes the following findings:

(1) The private pension system is integral to the retirement security of Americans, along with individual savings and Social Security.

(2) The Pension Benefit Guaranty Corporation (PBGC) is responsible for insuring the nation's private pension system, and currently insures the pensions of 34,500,000 participants in 29,500 single-employer plans, and 9,700,000 participants in more than 1,600 multiemployer plans.

(3) The PBGC announced on January 15, 2004, that it suffered a net loss in fiscal year 2003 of \$7,600,000,000 for single-employer pension plans, bringing the PBGC's deficit to \$11,200,000,000. This deficit is the PBGC's worst on record, three times larger than the \$3,600,000,000 deficit experienced in fiscal year 2002.

(4) The PBGC also announced that the separate insurance program for multiemployer pension plans sustained a net loss of \$419,000,000 in fiscal year 2003, resulting in a fiscal year-end deficit of \$261,000,000. The 2003 multiemployer plan deficit is the first deficit in more than 20 years and is the largest deficit on record.

(5) The PBGC estimates that the total underfunding in multiemployer pension

plans is roughly \$100,000,000, and in single-employer plans is approximately \$400,000,000. This underfunding is due in part to the recent decline in the stock market and low interest rates, but is also due to demographic changes. For example, in 1980, there were four active workers for every one retiree in a multiemployer plan, but in 2002, there were only two active workers for every one retiree.

(6) This pension plan underfunding is concentrated in mature and often-declining industries, where plan liabilities will come due sooner.

(7) Neither the Senate Committee on Finance nor the Senate Committee on Health, Education, Labor, and Pensions (HELP), the committees of jurisdiction over pension matters, has held hearings this Congress nor reported legislation addressing the funding of multiemployer pension plans;

(8) The Senate is concerned about the current funding status of the private pension system, both single and multi-employer plans;

(9) The Senate is concerned about the potential liabilities facing the PBGC and, as a result, the potential burdens facing healthy pension plans and taxpayers;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance and the Committee on Health, Education, Labor, and Pensions should conduct hearings on the status of the multiemployer pension plans, and should work in consultation with the Departments of Labor and Treasury on permanent measures to strengthen the integrity of the private pension system in order to protect the benefits of current and future pension plan beneficiaries.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2005 budget.

The Committee will hear testimony from the following:

1. The Department of Energy on Tuesday, February 10, 2004, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

2. The Department of the Interior on Thursday, February 12, 2004, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Forest Service on Tuesday, March 2, 2004, beginning at 10 a.m., in room SF-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information on these hearings, please call Carole McGuire, Deputy Staff Director at (202) 224-0537; or Shane Perkins, Staff Assistant, (Department of Energy hearing) at (202)-224-7555 or Meghan Beal, Staff Assistant, (Department of the Interior and Forest Service hearings) at (202) 224-7556.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Tuesday, January 27, 2004. The purpose of this hearing will be to examine the current situation regarding the discovery of a case of bovine spongiform encephalopathy in a dairy cow in Washington State as it relates to food safety, livestock marketing, and international trade.

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 Tuesday, January 27, 2003 at 10 a.m. to hold a hearing on "Afghanistan Stabilization & Reconstruction: A status report."

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, January 27, 2004, at 9:30 a.m. on "Ensuring the Continuity of the United States Government: A Proposed Constitutional Amendment to Guarantee a Functioning Congress," in the Dirksen Senate Office Building Room 226.

Witness List: Hon. Alan K. Simpson, Co-Chairman, Continuity of Government Commission, Former United States Senator [R-WY], Cody, WY and Prof. Sanford V. Levinson, W. St. John Garwood and W. St. John Garwood, Jr., Centennial Chair in Law and Professor of Government, University of Texas Law School, Austin, TX.

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

SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, January 27, 2004 from 10 a.m.-12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET AND INTERNATIONAL SECURITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Tuesday, January 27, 2004 at 10 a.m. for a hearing titled, "Oversight Hearing on Mutual Funds: Hidden Fees, Misgovernance, and Other Practices that Harm Investors."

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on Tuesday, January 27, 2004, at 11:15 a.m., on "Covering the Waterfront—A Review of Seaport Security since September 11, 2001," in the Dirksen Senate Office Building Room 226.

Witness List: Larry Hereth, Rear Admiral, Director of Port Security, United States Coast Guard, Alexandria, VA; Mr. Robert M. Jacksta, Executive Director, United States Customs and Border Patrol, Fairfax, VA; and Mr. Gary M. Bald, Inspector—Deputy Assistant Director FBI, Washington, DC.

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

ORDERS FOR WEDNESDAY, JANUARY 28, 2004

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Wednesday, January 28. 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 resume consideration of H.R. 3108, the pension bill, as provided under the previous order.

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

PROGRAM

Mr. GRASSLEY. Tomorrow morning the Senate will resume consideration of H.R. 3108, the pension bill. Under the previous order, there will be 40 minutes of debate prior to the vote in relation to the Kyl second-degree amendment regarding waivers. Following the disposition of the Kyl amendment, we should be prepared to quickly move to a vote on passage of the underlying legislation. Senators should therefore expect a vote or maybe two votes prior to noon tomorrow. In addition to the pension rate bill, the Senate may consider any judicial nominations that can be cleared for action. Additional votes are, therefore, possible during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. GRASSLEY. 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.

There being no objection, the Senate, at 4:49 p.m., adjourned until Wednesday, January 28, 2004, at 11 a.m.