S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. RES. 107

At the request of Mr. INOUYE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as ''National Military Family Month''.

S. RES. 200

At the request of Mr. JOHNSON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 200, a resolution expressing the sense of the Senate that Congress should adopt a conference agreement on the child tax credit and on tax relief for military personnel.

AMENDMENT NO. 1140

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1140 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 1384

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1384 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 1386

At the request of Mr. BOND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Kentucky (Mr. BUNNING), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 1386 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1480. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the federal government. The name of the act accurately and succinctly describes its purpose: to ensure that the federal government supports domestic companies and domestic workers by buying American-made goods.

While I a strong supporter of the act, I am concerned that, through abuse of its 5 broad waivers, the spirit—if not the letter—of the act is being weakened time and again.

It only makes sense, Mr. President, for the federal government to make every effort to purchase goods that are made in America. A law requiring this common-sense approach should not be necessary. Unfortunately, this law is necessary, and the way in which its many loopholes are being used also makes strengthening it necessary.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. This Congress should do more to ensure that the federal government adheres to this sentiment by enforcing and strengthening the provisions of the Buy American Act.

As we all know the United States manufacturing industry is hemorrhaging, as jobs and companies move overseas or are lost all together. According to the AFL–CIO, the United States has lost more than 2.4 million manufacturing jobs since April 1998. This disturbing trend is of particular concern in my home state of Wisconsin.

A March 2003 report by the Wisconsin State Department of Workforce Development notes that ''a combination of weak domestic and global demand, mergers and consolidations, automation, globalization of operations, and uncertainty surrounding war have caused employment in Wisconsin's manufacturing sector to shrink in recent years.'' The Department found that there were 594,100 manufacturing jobs in Wisconsin in 2000, and the Department estimates that this figure had dropped to 517,100 jobs by June of this year. More than 77,000 jobs lost in just 2½ years, Mr. President. And the people of my state can expect more of the same during the rest of this decade if we don't take action soon.

While the Department expects some sectors to experience an upturn by 2010, it estimates that the people of my state can still expect to lose thousands more manufacturing jobs by 2010.

Much of this can be blamed on flawed trade agreements that the United States has entered into in recent years. The trade policy of this country over the past several years has been appalling. The trade agreements into which we have entered have contributed to the loss of key employers, ravaging entire communities. But despite that clear evidence, we continue to see trade agreements being reached that will only aggravate this problem

This has to stop. We cannot afford to pursue trade policies that gut our manufacturing sector and send good jobs overseas. We cannot afford to undermine the protections we have established for workers, the environment, and for our public health and safety. And we cannot afford to squander our democratic heritage by entering into trade agreements that supercede our right to govern ourselves through open, democratic institutions.

I will be introducing legislation in the near future to address that problem directly by establishing minimum standards for the trade agreements into which our nation enters. That measure is a companion to a resolution that will be introduced in the other body by my colleague from Ohio [Mr. BROWN].

Regrettably, some of the blame for the dire situation in which American manufacturing finds itself also lies in our own federal tax and procurement policies, some of which actually encourage American companies to move or incorporate abroad. The Buy American law was enacted 70 years ago to ensure that Federal procurement policies support American jobs.

Some argue that the Buy American Act has outlived its usefulness in today's global economy. I argue that it is as relevant today as it was when it was enacted in 1933. The passage of 70 years has not diminished the importance of this Act for American manufacturing companies or for those who are employed in this crucial sector of our economy. In fact, a strong argument can be made that this Act is even more necessary today than it was 70 years ago. With American jobs heading overseas at an alarming rate, the Government should be doing all it can to make sure that U.S. taxpayer dollars are spent to support American jobs.

Some argue that the Buy American Act is protectionist and anti-free trade. I disagree. Supporting American industry is not protectionist—it is common sense. The erosion of our manufacturing base needs to be stopped, and Congress should support procurement and trade policies that help to ensure that we do not continue to lose portions of this vital segment of our economy.

The legislation that I introduce today, the Buy American Improvement Act, would strengthen the existing Act by tightening existing waivers and would require that information be provided to Congress and to the American people about how often the provisions of this Act are waived by Federal departments and agencies.

As I noted earlier, there are currently five primary waivers in the Buy American Act. The first allows an agency head to waive the Act's provisions if a determination is made that complying with the Act would be ''inconsistent with the public interest.'' I am concerned that this waiver, which includes no definition for what is ''inconsistent with the public interest'' is actually a gaping loophole that gives broad discretion to department secretaries and agency heads. My bill would clarify this so-called ''public interest'' waiver provision to prohibit it from being invoked by an agency or department head after a request for procurement (RFP) has been published in the Federal Register. Once the bidding process has begun, the Federal Government should not be able to pull an RFP by saying that it is in the ''public interest'' to do so. This determination, sometimes referred to as the Buy

American Act's national security waiver, should be made well in advance of placing a procurement up for bid.

The Buy American Act may also be waived if the head of the agency determines that the cost of the lowest-priced domestic product is ''unreasonable,'' and a system of price differentials is used to assist in making this determination. My bill would amend this waiver to require that preference be given to the American company if that company's bid is substantially similar to the lowest foreign bid or if the American company is the only domestic source for the item to be procured.

I have a long record of supporting efforts to help taxpayers get the most bang for their buck and of opposing wasteful Federal spending. I don't think anyone can argue that supporting American jobs is ''wasteful.'' We owe it to American manufacturers and their employees to make sure they get a fair shake. I would not support awarding a contract to an American company that is price gouging, but we should make every effort to ensure that domestic sources for goods needed by the Federal Government do not dry up because American companies have been slightly underbid by foreign competitors.

The Buy American Act also includes a waiver for goods bought by the Federal Government that will be used outside of the United States. There is no question that there will be occasions when the Federal Government will need to procure items quickly that will be used outside the United States, such as in a time of war. However, items that are bought on a regular basis and are used at foreign military bases or United States embassies, for example, could reasonably be procured from domestic sources and shipped to the location where they will be used. My bill would require an analysis of the difference in cost for obtaining articles, materials, or supplies that are used on a regular basis outside the United States, or that are not needed on an immediate basis, from an American company, including the cost of shipping, and a foreign company before issuing a waiver and awarding the contract to a foreign company.

The fourth waiver allowed under the Buy American Act states that the domestic source requirements of the Act may be waived if the articles to be procured are not available from domestic sources ''in sufficient and reasonably available commercial quantities and of a satisfactory quality.'' My bill would require that an agency or department head, prior to issuing such as waiver, conduct a study that determines that domestic production cannot be initiated to meet the procurement needs and that a comparable article, material, or supply is not available from an American company.

The newest Buy American Act waiver, which was enacted in 1994, exempts purchases of less than $2,500 from the domestic source requirements of the Act. While this waiver is not addressed in my bill, I have requested that the General Accounting Office conduct a study of this so-called ''micro purchase'' exemption, including how often it is used and its impact on American businesses.

My bill also strengthens the Buy American Act in four other ways.

First, it expands annual reporting requirements regarding the use of waivers that currently apply only to the Department of Defense to include all Federal departments and agencies. My bill specifies that these reports should include an itemized list of waivers, including the items procured, their dollar value, and their source. In addition, these reports would have to be made available on the Internet.

The bill also increases the minimum American-made content standard for qualification under the Act from the current 50 percent to 75 percent. The definition of what qualifies as an American-made product has been a source of much debate. To me, it seems clear that American-made means manufactured in this country. This classification is a source of pride for manufacturing workers around our country. The current 50 percent standard should be raised to a 75 percent minimum.

My bill also addresses the crucial issue of dual-use technologies and efforts to prevent them from falling into the hands of terrorists or countries of concern. My bill would prohibit the awarding of a contract or sub-contract to a foreign company to manufacture goods containing any item that is classified as a dual-use item on the Commerce Control List unless approval for such a contract has been obtained through the Export Administration Act process.

Finally, my bill would require the General Accounting Office to report to Congress with recommendations for defining the terms ''inconsistent with the public interest'' and ''unreasonable cost'' for purposes of invoking the corresponding waivers in the Act. I am concerned that both of these terms lack definitions, and that they can be very broadly interpreted by agency or department heads. GAO would be required to make recommendations for statutory definitions of both of these terms, as well as on establishing a consistent waiver process that can be used by all Federal agencies.

I am pleased that this legislation is supported by a broad array of business and labor groups including: Save American Manufacturing, the U.S. Business and Industry Council, the International Association of Machinists and Aerospace Workers, the Milwaukee Valve Company, and the National and Wisconsin AFL–CIO.

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. 1480

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Buy American Improvement Act of 2003''.

SEC. 2. REQUIREMENTS FOR WAIVERS.

(a) IN GENERAL.—Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(b) SPECIAL RULES.—The following rules shall apply in carrying out the provisions of subsection (a):

''(1) PUBLIC INTEREST WAIVER.—A determination that it is not in the public interest to enter into a contract in accordance with this Act may not be made after a notice of solicitation of offers for the contract is published in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

''(2) DOMESTIC BIDDER.—A Federal agency entering into a contract shall give preference to a company submitting an offer on the contract that manufactures in the United States the article, material, or supply for which the offer is solicited, if—

''(A) that company's offer is substantially the same as an offer made by a company that does not manufacture the article, material, or supply in the United States; or

''(B) that company is the only company that manufactures in the United States the article, material, or supply for which the offer is solicited.

''(3) USE OUTSIDE THE UNITED STATES.—

''(A) IN GENERAL.—Subsection (a) shall apply without regard to whether the articles, materials, or supplies to be acquired are for use outside the United States if the articles, materials, or supplies are not needed on an urgent basis or if they are acquired on a regular basis.

''(B) COST ANALYSIS.—In any case where the articles, materials, or supplies are to be acquired for use outside the United States and are not needed on an urgent basis, before entering into a contract an analysis shall be made of the difference in the cost for acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies in the United States (including the cost of shipping) and the cost for acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies outside the United States (including the cost of shipping).

''(4) DOMESTIC AVAILABILITY.—The head of a Federal agency may not make a determination under subsection (a) that an article, material, or supply is not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality, unless the head of the agency has conducted a study and, on the basis of such study, determined that—

''(A) domestic production cannot be initiated to meet the procurement needs; and

''(B) a comparable article, material, or supply is not available from a company in the United States.

''(c) REPORTS.—

''(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, the head of each Federal agency shall submit to Congress a report on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

''(2) CONTENT OF REPORT.—The report required by paragraph (1) shall separately indicate the following information:

''(A) The dollar value of any articles, materials, or supplies for which this Act was waived.

''(B) An itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act.

''(C) A list of all articles, materials, and supplies acquired, their source, and the amount of the acquisitions.

''(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available by posting on an Internet website.''.

(b) DEFINITIONS.—Section 1 of the Buy American Act (41 U.S.C. 10c) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) FEDERAL AGENCY.—The term 'Federal agency' means any executive agency (as defined in section 4(1) of the Federal Procurement Policy Act (41 U.S.C. 403(1))) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and activities under the Architect's direction).''; and

(2) by adding at the end the following:

''(d) SUBSTANTIALLY ALL.—Articles, materials, or supplies shall be treated as made substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, if the cost of the domestic components of such articles, materials, or supplies exceeds 75 percent.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Buy American Act (41 U.S.C. 10a) is amended by striking ''department or independent establishment'' and inserting ''Federal agency''.

(2) Section 3 of such Act (41 U.S.C. 10b) is amended—

(A) by striking ''department or independent establishment'' in subsection (a), and inserting ''Federal agency''; and

(B) by striking ''department, bureau, agency, or independent establishment'' in subsection (b) and inserting ''Federal agency''.

(3) Section 633 of the National Military Establishment Appropriations Act, 1950 (41 U.S.C. 10d) is amended by striking ''department or independent establishment'' and inserting ''Federal agency''.

SEC. 3. GAO REPORT AND RECOMMENDATIONS.

(a) SCOPE OF WAIVERS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress recommendations for determining, for purposes of applying the waiver provision of section 2(a) of the Buy American Act—

(1) unreasonable cost; and

(2) inconsistent with the public interest.

The report shall include recommendations for a statutory definition of unreasonable cost and standards for determining inconsistency with the public interest.

(b) WAIVER PROCEDURES.—The report described in subsection (a) shall also include recommendations for establishing procedures for applying the waiver provisions of the Buy American Act that can be consistently applied.

SEC. 4. DUAL-USE TECHNOLOGIES.

The head of a Federal agency (as defined in section 1(c) of the Buy American Act (as amended by section 2) may not enter into a contract, nor permit a subcontract under a contract of the Federal agency, with a foreign entity that involves giving the foreign entity plans, manuals, or other information that would facilitate the manufacture of a dual-use item on the Commerce Control List unless approval for providing such plans, manuals, or information has been obtained in accordance with the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and the Export Administration Regulations (15 C.F.R. part 730 et seq.).

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 1481. A bill to prohibit the application of the trade authorities procedures with respect to implementing bills that contain provisions regarding the entry of aliens; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today to introduce the Congressional Responsibility for Immigration Act, a bill to deny fast-track procedures to trade agreements that include immigration provisions. We have witnessed outrage in both parties and in both houses of Congress to the inclusion of ''temporary entry'' provisions in the Free Trade Agreements (''FTAs''), with Chile and Singapore. Members of the House and Senate Judiciary Committees, along with other concerned Members, have stated clearly that they never again want to see trade agreements that include immigration provisions. This bill will allow us to do more than rely on the vague assurances that the Office of the U.S. Trade Representative has offered in response to our strongly-held concerns—it will provide a major deterrent that should prevent this Administration and future Administrations from ignoring Congress' authority over immigration policy. I am pleased that Senator FEINSTEIN—who has led the fight against the inclusions of immigration provisions in the Chile and Singapore agreements—Senator JEFFORDS, and Senator KENNEDY have joined me in introducing this bill.

This bill is simple and straightforward. It states that whenever the Senate considers legislation to implement a free trade agreement, any Senator could raise a point of order against the bill on the grounds that it includes an immigration provision. If the point of order were upheld, the bill would have to be considered under ordinary procedures, allowing us to amend it and strike provisions that violated our constitutional authority over immigration. Succeeding Administrations have told us for decades that they simply cannot pursue trade agreements without ''fast-track'' authority, and Congress has chosen to give that authority to the Executive Branch. Having surrendered some of our power, however, we must be all the more vigilant in ensuring that this surrender remains limited in scope.

It has been widely reported that the USTR considers the ''temporary entry'' provisions in the Chile and Singapore agreements to be models for future agreements. I have criticized those provisions because I share the concerns expressed by Senators FEINSTEIN, LINDSEY GRAHAM, SESSIONS and others that the United States Trade Representative should not be in the business of amending domestic immigration laws, as these treaties do. The decision to include immigration provisions was not only unauthorized but also unnecessary to achieve the Administration's stated goals. Congress has already created the H–1B program, which allows foreign workers with specialized skills to work in the United States. That program was established after a lengthy process of public hearings, debate, and negotiation, and it has worked to help meet labor shortages and strengthen our economy. If the Administration feels that the program needs to be changed, or a new visa category created, it should have sought to do so through the ordinary legislative process.

By including immigration provisions in trade agreements, the Executive Branch not only usurps Congress' authority to create programs, but also to amend them if they prove to be unsuccessful. Any amendments that Congress makes to immigration policies that are made through trade agreements are subject to challenge as violations of those agreements. As a result, our hands are tied not just at the time of the negotiation, but for all future legislative activity as well. This is simply unacceptable—it was not the purpose of our trade agreements and it is neither a wise nor a constitutionally appropriate means of creating our immigration policy. We must pass this bill and restore our proper separation of powers.

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. 1481

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Responsibility for Immigration Act''.

SEC. 2. LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, section 2103(b)(3) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)(3)) and the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) (trade authorities procedures) shall not apply to any bill implementing a trade agreement between the United States and any other country, if the implementing bill contains any provision relating to the immigration laws of the United States or the entry of aliens.

(b) POINT OF ORDER IN SENATE.—

(1) IN GENERAL.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subsection (a), and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the implementing bill under the procedures described in subsection (a).

(2) WAIVERS AND APPEALS.—

(A) WAIVERS.—Before the Presiding Officer rules on a point of order described in paragraph (1), any Senator may move to waive the point of order and the motion to waive

shall not be subject to amendment. A point of order described in paragraph (1) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(B) APPEALS.—After the Presiding Officer rules on a point of order under this paragraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in paragraph (1) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(C) DEBATE.—Debate on a motion to waive under subparagraph (A) or on an appeal of the ruling of the Presiding Officer under subparagraph (B) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the Senate, or their designees.

By Mr. INOUYE (for himself, Mr. STEVENS, and Mr. COCHRAN):

S. 1482. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. I am joined by my good friends, Senators TED STEVENS and THAD COCHRAN, as cosponsors of this measure. Restoration of this deduction is essential to the livelihood of small and independent businesses as well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

The business meals and entertainment expenses deduction was reduced from 80 percent to 50 percent in the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Its results have been detrimental to small businesses, the self-employed, and independent and traveling sales representatives. Research conducted by the National Restaurant Association (NRA) indicates that the great majority of business meal users are small businesses and of such businesses, one-fifth are self employed. On an average, business meal costs for small businesses is less than $15 per lunch. These groups rely on one-on-one meetings, usually during meals, for their marketing strategy, and the reduction of the business meals and entertainment deduction has impacted their marketing efforts.

An increase in the meal deduction would have a significant impact on the overall economy. Accompanying my statement is the NRA's State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 percent to 80 percent. The NRA estimates that an increase to 80 percent would increase business meal sales by $6 billion and create a $13 billion increase to the overall economy.

I urge my colleagues to join me in cosponsoring this important legislation. I ask unanimous consent that the NRA's State-by-State chart and the text of my bill be printed in the RECORD.

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

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50 PERCENT TO 80 PERCENT

[In millions]

State	Increase in business meal spending—50 percent to 80 percent deductibility	Total economic impact in the state
Alabama	$79	$163
Alaska	17	29
Arizona	116	229
Arkansas	43	85
California	856	1,896
Colorado	120	259
Connecticut	76	143
Delaware	21	37
District of Columbia	29	38
Florida	333	680
Georgia	198	443
Hawaii	41	79
Idaho	23	46
Illinois	293	688
Indiana	130	267
Iowa	51	108
Kansas	50	102
Kentucky	90	180
Louisiana	91	177
Maine	25	48
Maryland	115	239
Massachusetts	190	378
Michigan	210	409
Minnesota	113	255
Mississippi	44	84
Missouri	119	271
Montana	19	34
Nebraska	35	71
Nevada	66	116
New Hampshire	31	57
New Jersey	168	350
New Mexico	36	68
New York	396	774
North Carolina	188	394
North Dakota	12	22
Ohio	250	547
Oklahoma	67	143
Oregon	82	170
Pennsylvania	242	537
Rhode Island	27	50
South Carolina	89	177
South Dakota	15	30
Tennessee	130	285
Texas	499	1,165
Utah	41	88
Vermont	12	22
Virginia	146	308
Washington	172	349
West Virginia	28	49
Wisconsin	106	228
Wyoming	10	16

Source: National Restaurant Association estimates.

S. 1482

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

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2001	68
2002	74
2003 or thereafter	80.''.

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, Mr. EDWARDS, Mrs. CLINTON, Mr. ROCKEFELLER, and Mr. DASCHLE):

S. 1483. A bill to amend the Head Start Act to reauthorize that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased to be joined today by my colleague, the ranking member of the Committee on Health, Education, Labor, and Pensions, Senator KENNEDY, and Senators HARKIN, MIKULSKI, JEFFORDS, BINGAMAN, MURRAY, REED, EDWARDS, CLINTON, ROCKEFELLER and DASCHLE in introducing the Head Start School Readiness and Coordination Act.

Let's be clear about one fact: Head Start works. More than 21 million children have gone through Head Start since the program began in 1965 and currently around 900,000 children are enrolled.

Head Start has to be one of the most studied of all Federal programs. But, with each study, there is no question about the results—Head Start children are learning. Could they learn more? Could they make greater gains? That's what our bill is about.

Our bill has four basic points. Our bill will: strengthen the Head Start workforce by requiring stronger Head Start teacher credentials and wages more comparable to public school prekindergarten and kindergarten children; improve Head Start's academic focus, particularly instruction in preliteracy; expand Head Start to all eligible preschool children by 2008, including serving 200,000 infants and toddlers through Early Head Start by 2008; and, promote better coordination across all early care and education programs in every State.

The biggest problem today with Head Start is not the children Head Start serves, but the children who are left behind—those who are not participating in a Head Start program.

While the majority of Head Start children enter the program below national language and literacy norms for all children of similar ages, about 25 percent of children entering Head Start are extremely behind their peers. For these children, Head Start is a particularly important jump start to build school readiness skills.

If our goal is to help Head Start children make even greater gains than

they are currently making, then we need to raise the educational credentials of Head Start teachers. We require that within 3 years, all newly hired Head Start teachers must either have an Associate's degree or become enrolled in a program leading to an AA degree within a year from when they're hired. In addition, we require a teacher with a Bachelor's degree in every classroom over the next 8 years.

Currently, over half of State-funded pre-kindergarten programs require a teacher with a BA. We should require no less for Head Start children.

Unlike the House bill, we provide additional funding to meet this stronger teacher requirement—in fact, $3 billion over 5 years. The average Head Start annual salary is about $20,000. The average annual salary for a kindergarten teacher is $43,000. If we do not raise Head Start teacher salaries to be more in line with public school pre-kindergarten and kindergarten salaries, Head Start programs will never be able to attract and retain a stronger workforce.

Next, we improve the academic focus of Head Start. We require Head Start programs to align their curriculum and classroom practice with local school districts and state school readiness standards. We require every Head Start teacher to have on-going training in literacy instruction. And, we provide funds for more books for Head Start classrooms so that each classroom can truly be a literature-rich environment.

While the House bill does not even include enough funding to keep pace with inflation, our bill expands Head Start to all eligible preschoolers by 2008. In addition, we double the current setaside for Early Head Start from 10 percent of Head Start funding to 20 percent. To me, the earlier we can reach these children, the greater the likelihood that they can make even greater gains than current children, who, for the most part enter Head Start as 4 year-olds.

Last, this bill will promote better coordination across all early care and education programs in every state—without a block grant. We require that every state designate or create an advisory council on early care and education. The council will issue a report to serve as a roadmap for how States can better coordinate various early childhood programs and services.

An expanded State Head Start Collaboration office would work with the advisory council to ensure that Head Start fits into the big picture set by the state for early childhood education.

Children in Head Start can learn more. But, they can't learn more unless we require a stronger workforce and unless we invest the resources necessary to attract and retain that workforce. While I agree that we need to strengthen the literacy focus of Head Start, we cannot do it unless every Head Start teacher is provided with literacy training.

The Administration and House Republicans believe that we need a block grant to promote coordination and collaboration. I disagree. The block grant serves only to weaken the comprehensive services offered by every Head Start program.

Tell the 208,000 children who needed dental treatment, the 71,000 who needed speech and language help, the 21,961 who had developmental delays, the 47,280 who needed treatment for asthma, the 25,869 who had vision problems, and the 20,260 who had hearing problems, that they did not need the comprehensive services provided by Head Start.

Doctors don't water down medicine that's working, and neither should we when it comes to Head Start. But clearly House Republicans have chosen expediency over bipartisanship. That's wrong.

Our bill, the Head Start School Readiness and Coordination Act, will further improve Head Start, without weakening the comprehensive services that Head Start children need.

While we look forward to working with House and Senate Republicans in an effort to craft a bipartisan bill, we also wish to emphasize that we hold certain fundamental beliefs about Head Start that are in our bill and should be part of any final bill.

Last night my colleague, Senator ALEXANDER, introduced legislation to promote better coordination and the creation of Head Start Centers of Excellence. His interest and creativity help stake a marker for basic principles that in addition to my bill should be part of any final bill. I agree with my colleague that there is consensus around improving school readiness, improving coordination, and increasing accountability. I look forward to working with Senator ALEXANDER and Senator GREGG, the Chairman of the Senate Health, Education, Labor, and Pensions Committee and others who joined with me today in drafting a bipartisan bill to promote the strongest start possible for low income children prior to beginning kindergarten.

In the wake of the No Child Left Behind Act, now is not the time to leave Head Start children behind.

I ask unanimous consent that a short summary of the legislation be printed in the RECORD.

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

HEAD START SCHOOL READINESS AND COORDINATION ACT

Brief Summary: Head Start works. The Head Start School Readiness and Coordination Act will help Head Start work better. The Act strengthens the Head Start workforce by requiring stronger education credentials for Head Start teachers and wages more comparable to public school pre-kindergarten and kindergarten teachers; improves Head Start's academic focus, particularly in preliteracy instruction; expands Head Start to more children, including more younger children through the expansion of Early Head Start; and, promotes better coordination across all early care and education programs in the State.

EXPANDS HEAD START ENROLLMENT

Expands access to all eligible 3 and 4 year olds by 2008.

Serves over 200,000 infants and toddlers a year by 2008.

Increases funds for migrant Head Start programs from 4 percent annually to 5 percent.

Increases funds for tribal Head Start programs from 3 percent annually to 4 percent.

STRENGTHENS THE HEAD START WORKFORCE

Within 3 years, requires all newly hired teachers to have an Associate degree, or be enrolled in a program leading to an AA degree within 1 year of hire.

Requires a teacher with a Bachelor's degree in every classroom by 2008.

Provides the resources necessary to attract and retain a more educated workforce and to enable current Head Start teachers to go back to school.

STRENGTHENS HEAD START'S ACADEMIC FOCUS, PARTICULARLY PRE-LITERACY

Requires all Head Start teachers to receive on-going training in literacy.

Requires Head Start programs to align curriculum and classroom practice with local school districts and state school readiness standards.

Provides funds to increase the number of books in Head Start classrooms, promote partnerships with libraries, and foster books in the homes of Head Start children.

IMPROVES HEAD START'S COORDINATION AND COLLABORATION

Expands State Head Start Quality Improvement and Collaboration offices to better coordinate Head Start with other early childhood programs.

Promotes flexibility for Head Start to reach more children from working poor families.

PROMOTES BETTER COORDINATION ACROSS ALL EARLY CARE AND EDUCATION PROGRAMS

Requires States to designate or establish an advisory council on early care and education to review a State's overall needs for children from birth to school entry.

Allows States to administer Head Start training and technical assistance to better comply with Head Start performance standards and to promote professional development among Head Start teachers and other early care providers, if supplemented by the States.

Involves States as a member of the team monitoring and reviewing Head Start Performance and allows States to designate new Head Start agencies.

IMPROVES HEAD START ACCOUNTABILITY

Requires Head Start programs to conduct an annual review, with a team that includes a representative from the local school district, the State, and the HHS regional office.

Allows the Secretary of HHS to conduct periodic unannounced monitoring visits.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DODD and other colleagues in introducing the Head Start Coordination and School Readiness Act. Our goal is to reauthorize Head Start and continue this very successful federal program to prepare low-income children for school.

For nearly four decades, Head Start has enabled vulnerable, young pre-kindergarten children to enter school ready to learn. It provides a balanced educational curriculum to see that children develop early skills in reading, writing, and math, and positive social skills as well. It provides visits to doctors and dentists, and nutritious

meals to see that children are healthy. It provides outreach to parents to encourage them to participate actively in their child's early development.

It is clear that Head Start works. A federal evaluation found that Head Start children make gains during the program itself, and the gains continue when the children enter kindergarten. Once Head Start children complete their kindergarten year, they are near the national average of 100 in key areas, with scores of 93 in vocabulary, 96 in early writing, and 92 in early math.

In this legislation, we build on Head Start's proven track record and expand it to include thousands of low-income children who are not yet served by the program. We provide for better coordination of Head Start with state programs for low-income children. We strengthen Head Start's focus on school readiness and pre-literacy. We increase the education requirements and compensation for Head Start teachers. We provide greater accountability, including a high quality assessment of each Head Start program.

To strengthen Head Start, we have to begin by providing more resources for it. The need for Head Start is greater than ever. Child poverty is on the rise again. Today, only 60 percent of children eligible for Head Start participate in it. Over 312,000 three- and four-year-olds are left out because of the inadequate funding level of the program. Early Head Start serves only 3 percent of eligible infants and toddlers. It is shameful that 97 percent of the children eligible for Early Head Start have no access to it. It's long past time for Congress to expand access to Head Start to serve as many infants, toddlers, and preschool children as possible.

Throughout the 1990's, we tripled our investment, and Head Start expanded by 52 percent. But this year, the President's budget fails to reach out to a single new child. It provides only $148 million in additional funding for the coming year—only a quarter of the increase that Head Start received in recent years, and barely enough to cover inflation.

The bill that we introduce today will set a goal of fully funding Head Start over the next 5 years, in order to reach all eligible preschoolers. Each year, an additional 62,000 three- and four-year-olds would be served by the program. Funding will rise from $6.7 billion in the current fiscal year, to $8.5 billion in fiscal year 2004, and $16.3 billion in fiscal year 2008.

Early Head Start is an especially important lifeline for needy infants and toddlers. Research clearly shows its benefit to infants and toddlers and their families. Early Head Start children have larger vocabularies, lower levels of aggressive behavior, and higher levels of sustained attention than children not enrolled in the program. Parents are more likely to play with their children and read to them.

This bill will double the size of Early Head Start, providing resources to serve an additional 29,000 infants and toddlers each year, at an estimated cost of $1 billion in fiscal year 2004, and $3.2 billion in fiscal year 2008.

The current Federal-to-local structure of Head Start enables it to tailor its services to meet local community needs. Performance standards guarantee a high level of quality across all programs. Yet each program is unique and specifically adapted to the local community. Head Start is successful in serving Inuit children in Alaska, migrant-workers' children in Tennessee, and inner-city children in Boston. It is essential to maintain the ability of local Head Start programs to tailor their services to meet local community's needs.

To strengthen this coordination with local programs, our bill creates a Head Start Quality Improvement and Collaboration Office in every state to maximize services to Head Start children, align Head Start with kindergarten classrooms, and strengthen its local partnerships with other agencies. These offices will also work to expand training and technical assistance to Head Start grantees to better meet the goal of preparing children for school.

States will also have an active role in coordinating their early childhood programs and increasing their quality. Our bill designates an Early Care and Education Council in each State to conduct an inventory of children's needs in the state, develop unified data collection and make recommendations on coordination, technical assistance and training.

Over the past four decades, Head Start has built up quality and performance standards to guarantee a full range of services, so that children are educated in the basics about letters and numbers and books, and are also healthy, well-fed, and supported in stable and nurturing relationships. Head Start is a model program, and we can enhance its quality even more.

One way to do that is to strengthen Head Start's current literacy initiative. We know the key to later reading success is to get young children excited about letters and books and numbers. Our bill emphasizes language and literacy, by enhancing the literacy training required of Head Start teachers, by continuing to promote parent literacy, and by working to put more books into Head Start classrooms and into children's homes.

At the heart of Head Start's success are its teachers and staff. They are caring, committed persons who know the children they serve and are dedicated to improving their lives. They help children learn to identify letters of the alphabet and arrange the pieces of puzzles. They teach them to brush their teeth, wash their hands, make friends and follow rules. Yet their salary is still half the salary of kindergarten teachers, and turnover is high—11 percent a year.

Because a teacher's quality is directly related to a child's outcome, our bill sets a goal that every Head Start classroom has a teacher with a bachelor's degree within 8 years. It provides an additional $650 million over the next 5 years to see that teachers have the means to go back to school to earn a bachelor's degree, and it guarantees $3 billion over that period to see that teachers earn adequate wages to keep them in Head Start once they obtain their degree.

Finally, accountability is a cornerstone of excellence in education and should start early. Head Start should be accountable for its promise to provide safe and healthy learning environments, to support each child's individual pattern of development and learning, to cement community partnerships in services for children, and to involve parents in their child's growth.

Head Start reviews are already among the most extensive in the field. Every 3 years, a Federal and local team spends a week thoroughly examining every aspect of every Head Start program. They check everything from batteries in flashlights to how parents feel about the program. Our bill promotes even stronger monitoring of Head Start programs. It calls for periodic visits to programs, and strengthens annual reviews and plans for improvement.

Assessing outcomes for children is vital in promoting accountability and ensuring that the gains promised for Head Start children are actually achieved. But these steps have to be taken the right way.

Instead of rushing forward, as the Administration suggests, with a national assessment for every four-year-old in Head Start this fall, our bill calls on the National Academy of Sciences to guide the development and implementation of a high-quality assessment for Head Start children over the next four years. That assessment will be valid and reliable, fair to children from all backgrounds, balanced in what it measures, and assess the development of the whole child.

Unfortunately, the Administration and House Republicans have presented plans that would turn Head Start into Slow Start or No Start. It makes no sense to turn Head Start into a block grant to the states. To do so would dismantle the program and undermine Head Start's guarantees that children can see doctors and dentists, eat nutritious meals, and learn early academic and social skills. It would undermine the role of parents, who are better parents today, strong advocates, and enthusiastic volunteers as a result of Head Start.

The Head Start Coordination and School Readiness Act we are introducing today will keep Head Start on its successful path. I urge our colleagues on both sides of the aisle to join us in continuing and strengthening this program, and give children the head start they need and deserve to prepare for school and for life.

Mr. President, I ask unanimous consent that a letter of support and statement from the National Head Start Association be printed in the RECORD.

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

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington DC.

DEAR SENATOR KENNEDY: We are writing to voice our strong support for the legislation you plan to introduce today, the Dodd/Kennedy Head Start School Readiness and Coordination Act.

This legislation would reauthorize the Head Start program an build on it 38-year record of success in delivering high quality, comprehensive services to low-income children and their families. The Children's Defense Fund is working to ensure that we truly Leave No Child Behind in America. This bill takes an important step in making this promise a reality by proposing to expand Head Start to all eligible preschool children and double the current set-aside for infants and toddlers over the next five years.

We applaud the expanded funding as well as your efforts to strengthen and improve Head Start services for the nation's poorest children. Recognizing that teachers are critical to children's learning, the bill promotes advances education for Head Start teachers and guarantees the necessary federal resources to ensure that qualified teachers can afford to stay in Head Start classrooms. The bill also encourages new models for developing a comprehensive, coordinated system of preschool education. While preserving Head Start's existing federal to local funding structure, these strategies will ensure strong collaboration at both the local and start levels.

Your legislation is a marked improvement over the injurious bill passed by the House of Representatives last week. It is my fervent hope that the Senator wholesheartedly rejects the House approach in conference.

As always, we are deeply grateful for your extraordinary leadership of children and families and we look forward to working with you on this important piece of legislation.

Sincerely yours,
MARIAN WRIGHT EDELMAN.

STATEMENT BY SARAH GREENE, PRESIDENT AND CEO, NATIONAL HEAD START ASSOCIATION (NHSA)

Re Kennedy-Dodd Head Start bill.

WASHINGTON, D.C., July 29, 2003.—Sarah Greene, president and CEO of the National Head Start Association, released the following statement today:

''The National Head Start Association, representing 2,500 local Head Start providers, over 900,000 at-risk children, 47,000 teachers and parents and volunteers, is pleased to endorse the ''Head Start School Readiness and Coordination Act'' introduce today by Senators Edward Kennedy (D–MA) and Christopher Dodd (D–CT), ranking members of the Senate Health, Education, Labor and Pensions (HELP) Committee.

This legislation will strengthen the Head Start workforce by requiring stronger credentials for Head Start teachers and bring wages more into line with public school prekindergarten and kindergarten teachers; improve Head Start's academic focus, particularly in pre-literacy instruction; expand Head Start to reach more at-risk children, including more younger children through the expansion of Early Head Start; and promote better coordination across all early care and education programs within the states.

NHSA is proud to have been involved in the crafting of this expansive measure that will continue the long history of improving Head Start's program quality and outcomes for our neediest pre-schoolers. The Head Start community will work closely with members of the help Committee to assure passage of this important legislation.''

ABOUT NHSA

The National Head Start Association is a private not-for-profit membership organization dedicated exclusively to meeting the needs of Head Start children and their families. The Association provides support for the entire Head Start family by advocating for policies that provide high-quality services to children and their families; by providing extensive training and professional development services to all Head Start staff; and be developing and disseminating research, information, and resources that impact Head Start program delivery. NHSA provides a national forum for the continued delivery and enhancement of Head Start services for at-risk children and their families.

Mr. REED. Mr. President, I rise today as a cosponsor of the Head Start School Readiness and Coordination Act.

Since 1965, Head Start has provided comprehensive early childhood development, educational, health, nutritional, social and other services to low-income preschool children and their families. I believe our goal during the upcoming reauthorization must be to enhance, not dismantle, this essential program so it can continue its important and necessary work to lessen the effects of poverty and ensure that children are ready for school.

Head Start serves our poorest children and families but it does not reach enough of them. Although Head Start currently serves over 900,000 children, mainly 3- and 4-year-olds, 40 percent of eligible children, approximately 600,000, are currently not served. Early Head Start, arguably an even more critically important program for infants, toddlers and pregnant women given what we now know about early brain development, serves a mere 3 percent of those eligible.

Several measures are needed to improve Head Start while ensuring that its many important services are not reduced. We need to fully fund Head Start so that many more children can benefit. We need resources to improve the quality of Head Start teachers and adequately compensate them. And we need to improve coordination with child care and State-funded pre-kindergarten programs.

Unfortunately, the Administration's proposal and the House bill do none of these things. Instead they would create a block grant for States and, by doing so, eliminate both the program's Federal quality standards and the requirement for comprehensive services. With almost all States facing substantial budget deficits and many already cutting funding for early child care and pre-kindergarten programs, a block grant demonstration for one State, eight States, or more would jettison the Head Start guarantee of high quality programs and comprehensive services for our nation's low income children and families.

The Head Start School Readiness and Coordination Act preserves both the performance standards that ensure quality as well as the comprehensive services such as health screenings, immunizations, nutritious meals, emotional and behavioral supports, and direct support to parents of Head Start children. I will work hard to ensure that these important services are not diminished and that the effort to improve Head Start does not come at the expense or sacrifice of other aspects of the program.

A particular focus of mine during the past several education reauthorizations has been to ensure that our teachers get the training and continued professional development they need to help students succeed.

Currently, only 25 percent of Head Start teachers hold bachelor's degrees. A key provision in the Head Start School Readiness and Coordination Act would require all newly hired teachers to have a minimum of an Associate's degree and all classrooms to have a teacher with a Bachelor's degree by 2008. Importantly, the bill also provides funding for Head Start teachers to meet these requirements and to boost Head Start teacher's salaries to alleviate the shortage and turnover problem that currently exists. Head Start teachers typically earn half the salary of kindergarten teachers. If we expect a higher level of education from these teachers, then we must compensate them at higher levels.

Unfortunately, the House bill does not provide the means of achieving either of these goals. It is questionable whether the House bill even provides enough funding to cover the cost of inflation. It clearly does not provide funding to boost salaries or provide the additional educational training to achieve the degree requirements sought. Worse, the House bill reduces the minimum set-aside for training and technical assistance from 2 percent to 1 percent and introduces a cap of 2 percent. We will never attract and retain highly qualified teachers without financial support to enable their education and training and incentives to keep them in the Head Start program.

Another troubling aspect of both the Administration's proposal and House bill is that both would allow employment discrimination based on religion in Head Start programs run by religious groups.

Faith-based organizations are an integral part of Head Start, having already provided such services for years. We should continue to encourage their participation without allowing them to discriminate. Indeed, during the Health, Education, Labor and Pensions Committee hearing, the Administration witnesses were unable to provide any information on barriers faced by religious organizations in participating in Head Start, nor could they identify any research pointing to the efficacy of teaching by unified religious staff. I

will fight hard to prevent such discrimination in Head Start as I have in other bills moving through Congress.

I am pleased that provisions I worked on have also been included in The Head Start School Readiness and Coordination Act.

I am particularly pleased about the over-income provision that will allow more children to qualify whose families are above the poverty line but are still struggling to make ends meet. The parental involvement provisions will encourage the continuity of their involvement and improve the academic success of children in Head Start activities. The library and museum provisions will develop and enhance close collaborations of these institutions with Head Start programs to strengthen literacy skills and other educational outcomes for children.

I commend Senators KENNEDY and DODD on their work to draft this bill, and I urge my colleagues to consider and pass this important piece of legislation.

Mrs. CLINTON. Mr. President, I rise today to express my strong support for the Head Start Readiness and Coordination Act, of which I am a proud original co-sponsor. I want to commend Senator DODD and Senator KENNEDY for their hard work and commitment to making this bill the best it could be.

The Head Start Readiness and Coordination Act presents a clear contrast with what has been proposed by the Administration and what has been passed by the House of Representatives. What this Administration and the Republican Leaders in the House want to do will not provide a Head Start for children—it will be a giant step back. A step back from all of the great things that Head Start provides: family services, dental care, health care, and of course learning. We need to strengthen Head Start not weaken it. And we need to expand its reach, not limit it.

The way we create more opportunities for every child in New York and across the country is to build on our successes. And let met tell you Head Start has been a success since 1965. More than 20 million kids have benefited from this program. In this year alone, 50,000 New York families will participate.

And the trend every time reauthorization has come up is to build a program that helps even more children and their families. If it's not broken, don't fix it.

And that's what our ''Head Start Readiness and Coordination Act'' will do. We double the size of Early Head Start. We expand access to all eligible pre-schoolers. We provide better services for families and children who are still learning English—that's 25 percent of the Head Start population. And we improve coordination between the States so that children are ready for school and so that every child who needs it to have access to year-round care.

This bill builds on the remarkable success of the Clinton Administration in improving Head Start. During my husband's tenure in the White House, enrollment in Head Start increased by almost 30 percent and funding increased by 120 percent. In 1994, my husband created the Early Head program to provide critical care to infants who are in one of—if not the most—critical stage of development. And in the 1998 reauthorization, we doubled the Early Head Start program so that today it is serving 62,000 infants and toddlers.

The Clinton Administration also introduced outcome measures aligned with the successful performance standards to improve the quality of the program. And we ensured that 50 percent of all Head Start teachers have an Associates degree. At the time, many people said we were setting impossible standards, but today, the performance standards and outcomes are the backbone of every Head Start program, and the goal of 50 percent of teachers having Associates degrees has been exceeded.

So, I know that we can reform and improve Head Start. And that is why I will never support dismantling it. Head Start is more than just one of this country's most successful anti-poverty programs. It is a great equalizer. It is a place where a young girl might have a book read to her for the first time; a place where a young boy might have his first check-up, and a place where a mother or father might learn about nutrition, the early signs of lead poisoning, and how to encourage learning at home.

Head Start has lived up to its name and then some for millions of Americans. There is bipartisan support to preserve Head Start as we know it, to expand it, and to improve it. I look forward to working with my colleagues to make sure that this happens. We can do all of these great things without dismantling one of our greatest national endeavors for our children.

By Mr. WYDEN:

S. 1484. A bill to require a report on Federal Government use of commercial and other databases for national security, intelligence, and law enforcement purposes, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, I believe the United States can fight terrorism ferociously without gutting civil liberties. The point of the legislation I am introducing today is to address concerns that have arisen about the second part of this equation: an area of privacy that has gotten short shrift. That is the personal financial, medical and other data on millions of Americans that today is less than a mouseclick away from the computers of thousands of Federal bureaucrats. Access to and the use of that personal information by Federal bureaucrats is not protected by any comprehensive law.

The power of technology that allows the Federal Government to pry into the personal lives of millions of Americans is only beginning to be understood. It is a breath-taking power, and it has come partly to light through the Defense Department's Terrorism Information Awareness Program (TIA), and through the Transportation Security Administration's Computer Assisted Passenger Profiling System II or CAPPSII Program. These and more than two dozen other agencies wield that power with little or no restraint.

The legislation I am introducing with the support of a bipartisan group of privacy watchdog organizations, the Citizens' Protection in Federal Databases Act, will put the breaks on unchecked Federal data sweeps. It requires the Federal agencies with law enforcement or intelligence authority to share with Congress exactly what they are doing with private or public databases, why they are doing it, and most importantly, what, if any, privacy protections the agencies are affording the individuals' whose sensitive information is caught up in those databases.

The Citizens' Protection in Federal Databases Act also prohibits searches based on hypothetical scenarios.

Apparently, some government agencies are using valuable Federal resources chasing hypothetical situations dreamed up without regard to actual intelligence or law enforcement information.

The TIA Report to Congress in May of this year explained at length the program's intent to construct possible terrorist ''scenarios'' based on ''historical examples, estimated capabilities, and imagination.'' These scenarios would then be fed into database searches in an effort to substantiate the hypotheticals.

This Act bans such searches. This prohibition will promote the efficient use of Federal law enforcement time and money and help protect Americans from being subject to ''virtual goose chases.''

Since 9/11, there has been an abundance of stories regarding Americans being stopped, searched, or detained due to some mistaken information. For example, after 9/11, the FBI decided to share with companies across the country a list with names of people wanted for possible association with terrorism. This list, as part of ''Project Lookout,'' was sent to thousands of corporations, some of whom now use the list in lieu of background checks.

Here's the problem—this list is not necessarily accurate. First of all, the list quickly became obsolete as the FBI checked people off. That means even if people were cleared by the FBI of suspicion, their names were still on this list. Secondly, the list has been shared so many times, and passed from person to person, group to group—many names have become misspelled and now folks, due to one or two typos, are being stopped as suspected terrorists.

That story is just one example of what can happen when information is

mishandled. It is Congress's job to make sure mistakes like these do not happen.

The Citizens' Protection in Federal Databases Act is not the end of this issue. After shedding some light on what exactly is happening with personal information—the Congress must then address how to protect Americans from the misuse of this information.

I am happy to be working with a strong group of privacy advocates. The group includes the Electronic Privacy Information Center, the Electronic Frontier Foundation, the Center for Democracy and Technology, People for the American Way, the Free Congress Foundation, and the American Civil Liberties Union, and they have been instrumental in getting strong safeguards enacted against abuses in the TIA and other programs. I look forward to working with these groups, and my Senate colleagues, to see that this bill is enacted into law.

When tens of thousands of bureaucrats have at their fingertips all-too-easy access to such personal information from private and public databases as the use of passports, driver's licenses, credit cards, ATMs, airline tickets, and rental cars, the American people want to know what is happening to their information. They want to know who wants access to it and why. Their personal information deserves strong privacy protection, and that is what this legislation is all about.

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. 1484

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Citizens' Protection in Federal Databases Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Many Federal national security, law enforcement, and intelligence agencies are currently accessing large databases, both public and private, containing information that was not initially collected for national security, law enforcement, or intelligence purposes.

(2) These databases contain personal and sensitive information on millions of United States persons.

(3) Some of these databases are subject to Federal privacy protections when in private sector control.

(4) Risks to personal privacy are heightened when personal information from different sources, including public records, is aggregated in a single file and made accessible to thousands of national security, law enforcement, and intelligence personnel.

(5) It is unclear what standards, policies, procedures, and guidelines govern the access to or use of these public and private databases by the Federal Government.

(6) It is unclear what Federal Government agencies believe they legally can and cannot do with the information once acquired.

(7) The Federal Government should be required to adhere to clear civil liberties and privacy standards when accessing personal information.

(8) There is a need for clear accountability standards with regard to the accessing or usage of information contained in public and private databases by Federal agencies.

(9) Without accountability, individuals and the public have no way of knowing who is reading, using, or disseminating personal information.

(10) The Federal Government should not access personal information on United States persons without some nexus to suspected counterintelligence, terrorist, or other illegal activity.

SEC. 3. LIMITATION ON USE OF FUNDS FOR PROCUREMENT OR ACCESS OF COMMERCIAL DATABASES PENDING REPORT ON USE OF INFORMATION.

(a) LIMITATION.—Notwithstanding any other provision of law, commencing 60 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Justice, the Department of Defense, the Department of Homeland Security, the Central Intelligence Agency, the Department of Treasury, or the Federal Bureau of Investigation may be obligated or expended by such department or agency on the procurement of or access to any commercially available database unless such head of such department or agency submits to Congress the report required by subsection (b) not later than 60 days after the date of the enactment of this Act.

(b) REPORT.—(1) The Attorney General, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation shall each prepare, submit to the appropriate committees of Congress, and make available to the public a report, in writing, containing a detailed description of any use by the department or agency under the jurisdiction of such official, or any national security, intelligence, or law enforcement element under the jurisdiction of the department or agency, of databases that were obtained from or remain under the control of a non-Federal entity, or that contain information that was acquired initially by another department or agency of the Federal Government for purposes other than national security, intelligence or law enforcement, regardless of whether any compensation was paid for such databases.

(2) Each report shall include—

(A) a list of all contracts, memoranda of understanding, or other agreements entered into by the department or agency, or any other national security, intelligence, or law enforcement element under the jurisdiction of the department or agency for the use of, access to, or analysis of databases that were obtained from or remain under the control of a non-Federal entity, or that contain information that was acquired initially by another department or agency of the Federal Government for purposes other than national security, intelligence, or law enforcement;

(B) the duration and dollar amount of such contracts;

(C) the types of data contained in the databases referred to in subparagraph (A);

(D) the purposes for which such databases are used, analyzed, or accessed;

(E) the extent to which such databases are used, analyzed, or accessed;

(F) the extent to which information from such databases is retained by the department or agency, or any national security, intelligence, or law enforcement element under the jurisdiction of the department or agency, including how long the information is retained and for what purpose;

(G) a thorough description, in unclassified form, of any methodologies being used or developed by the department or agency, or any intelligence or law enforcement element under the jurisdiction of the department or agency, to search, access, or analyze such databases;

(H) an assessment of the likely efficacy of such methodologies in identifying or locating criminals, terrorists, or terrorist groups, and in providing practically valuable predictive assessments of the plans, intentions, or capabilities of criminals, terrorists, or terrorist groups;

(I) a thorough discussion of the plans for the use of such methodologies;

(J) a thorough discussion of the activities of the personnel, if any, of the department or agency while assigned to the Terrorist Threat Integration Center; and

(K) a thorough discussion of the policies, procedures, guidelines, regulations, and laws, if any, that have been or will be applied in the access, analysis, or other use of the databases referred to in subparagraph (A), including—

(i) the personnel permitted to access, analyze, or otherwise use such databases;

(ii) standards governing the access, analysis, or use of such databases;

(iii) any standards used to ensure that the personal information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate Government purpose;

(iv) standards limiting the retention and redisclosure of information obtained from such databases;

(v) procedures ensuring that such data meets standards of accuracy, relevance, completeness, and timeliness;

(vi) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(vii) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongfully incurred due to the access, analysis, or use of such databases;

(viii) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(ix) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases.

SEC. 4. GENERAL PROHIBITIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or other element of the Federal Government, or officer or employee of the Federal Government, may conduct a search or other analysis for national security, intelligence, or law enforcement purposes of a database based solely on a hypothetical scenario or hypothetical supposition of who may commit a crime or pose a threat to national security.

(b) CONSTRUCTION.—The limitation in subsection (a) shall not be construed to endorse or allow any other activity that involves use or access of databases referred to in section 3(b)(2)(A).

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) DATABASE.—The term ''database'' means any collection or grouping of information about individuals that contains personally identifiable information about individuals, such as individual's names, or identifying numbers, symbols, or other identifying

particulars associated with individuals, such as fingerprints, voice prints, photographs, or other biometrics. The term does not include telephone directories or information publicly available on the Internet without fee.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. SCHUMER, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Mr. REID, Mr. DODD, Mr. SARBANES, Ms. STABENOW, Ms. MIKULSKI, and Mrs. CLINTON):

S. 1485. A bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator HARKIN and other colleagues on this legislation to protect the right to overtime pay for millions of working men and women across America. The Bush administration has just announced new regulations that would deny overtime protections to more than 8 million hard-working men and women, including an estimated 200,000 workers in Massachusetts. Firefighters, police officers, military reservists, nurses, retail clerks, medical technicians, tech workers and many others would be harmed by the new rules.

In the current failing economy, these workers depend more than ever on overtime pay to make ends meet and to pay their bills for housing, food, and health care. Overtime pay often constitutes as much as a quarter of their total pay, and the administration's proposal will mean an average pay cut of $161 a week for them.

Our bill states clearly that no worker currently eligible for overtime protection can be denied overtime pay as a result of the new regulations.

We know that overtime protections make an immense difference in preserving the 40-hour work week. For over half a century, the Fair Labor Standards Act has discouraged employers from requiring longer hours of work, by making overtime more expensive. Instead of relying on fewer workers forced to work longer hours, employers are likely to hire additional workers to meet the employer's needs. That result creates more jobs, and reduces the unfair exploitation of workers.

The Bush administration is the first administration in 70 years in which the number of private sector jobs has declined. Not since President Hoover have we been hemorrhaging jobs like this. How could any fair administration possibly adopt regulations that will increase overtime working hours, and reduce the need to hire additional workers?

According to the Congressional General Accounting Office, employees exempt from overtime pay are twice as likely to work overtime as those covered by the protection. Americans are working longer hours today than ever before—longer than in any other industrial nation. At least one in five employees now has a work week that exceeds 50 hours, let alone 40 hours.

Clearly, workers are already struggling to balance their families' needs with their work responsibilities. Requiring them to work more hours for less pay will add an even greater burden to this daily struggle. Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation.

Sixty-five years ago, President Roosevelt signed into law the Fair Labor Standards Act to establish a minimum wage and maximum work hours. It was the midst of the Great Depression and President Roosevelt told the country that ''if the hours of labor for the individual could be shortened . . . more people could be employed. If minimum wages could be established, each worker could get a living wage.''

Those words are as true in 2003 as they were in 1938. The economy has lost more private sector jobs during this economic decline than in any recession since the Great Depression. What can the administration be thinking, to come up with this shameful proposal to weaken the overtime protections on which millions of workers rely? Is the administration so desperate to prop up business profits that it's willing to punish workers to do it?

As Senator HARKIN says, the President's policy is economic malpractice. Democrats will not sit idly by and watch Americans lose their jobs, their livelihoods, their homes, and their dignity. We will continue the fight to restore jobs to the economy, provide fair unemployment benefits, and raise the minimum wage. And we will do all we can to preserve the overtime protections on which so many Americans families depend. I urge my colleagues to support this essential legislation to keep the faith with the Nation's working families.

By Mr. CHAFEE (for himself and Mr. JEFFORDS):

S. 1486. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I introduce the POPs, LRTAP POPs, and PIC Implementation Act of 2003, along with Senator JEFFORDS. This legislation implements the Stockholm Convention on Persistent Organic Pollutants (POPs), the Convention on Long-range Transboundary Air Pollution (LRTAP POPs), and the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC). With advice and consent by the Senate and with passage of this legislation, the United States will appropriately become an active participant in these important international agreements.

Persistent organic pollutants (POPs) are highly toxic and cause adverse health effects, including cancer, reproductive disorders, and immune system disruptions. POPs may not break down for years or decades, can travel long distances through air and water, and are known to bioaccumulate in living organisms. PCBs, DDT, and dioxin are examples of POPs. The Stockholm Convention on Persistent Organic Pollutants seeks to globally eliminate or severely restrict the production and use of 12 of the most dangerous pesticides and industrial chemicals, ensure the environmentally sound management of POPs waste, and prevent the emergence of new chemicals with POPs-like characteristics. To date, there are 151 signatories and 33 Parties to the Convention.

The legislation we are introducing today implements the key provision of the POPs Convention which allows additional chemicals to be added to the Convention. The bill amends the Toxic Substances Control Act to create a process by which the Administrator of the Environmental Protection Agency would consider regulating a newly listed chemical to the POPs Convention or to the LRTAP POPs Protocol. Beginning 1 year after a chemical is added by the international body, any person may petition the Administrator to commence a rulemaking if one has not been commenced. Providing mechanism to include additional chemicals at a future date, with opportunities for public involvement, ensures that the United States will fully implement the POPs Convention.

This bill includes two titles: the first title amends the Toxic Substances Control Act (TSCA) and the second title amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Senator JEFFORDS and I have worked exclusively to forge a compromise on the first title amending TSCA. The second title amending FIFRA will be considered by the Committee on Agriculture, Nutrition, and Forestry. The language in this bill amending FIFRA is intended to serve as a place holder until the Committee on Agriculture, Nutrition, and Forestry has the opportunity to consider that title. It does not represent a compromise on that title.

I believe that this adding mechanism includes appropriate checks and balances, and requires the Environmental Protection Agency to balance the relevant factors when determining how to regulate a newly-listed chemical. While

different parties would craft these provisions differently if starting with a clean slate, I believe that this legislation represents a solid compromise that will allow the United States to fulfill its obligations when Governor Whitman signed the POPs treaty, and will engage the United States as a leading member of the international community regarding toxic substances.

By Mr. SPECTER:

S. 1487. A bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly the provisions of legislation I have introduced today that would direct the Secretary of the Army to award the Combat Medical Badge, CMB, or a similar badge to be designed by the Secretary of the Army, to pilots and crew of the Army's helicopter medical ambulance units—commonly referred to by their call sign ''DUST OFF''—who have flown combat missions to rescue and aid wounded soldiers, sailors, airmen, and Marines.

The legacy of the DUST OFF mission was recently brought to my attention by a group of Pennsylvania constituents who have been sharing the DUST OFF story in an attempt to persuade the Army to recognize the service and sacrifice DUST OFF crews made, especially during the Vietnam War, in saving the lives of thousands of fallen comrades by extracting the wounded from forward positions to bases where they would receive life-saving medical care.

The Army began using helicopters to evacuate wounded soldiers during the Korean War. However, because of their smaller size, Korean War helicopters were used solely as a means of transporting the wounded from the combat zones. It was not until the early 1960's that a group of Army aviators envisioned using the newer, larger, UH–1A ''Huey'' helicopters to serve as mobile air ambulances where a medic and crew could provide life-saving treatment en route to the medical aide station.

The road to establish air ambulance units within the Army was rocky and uncertain. Combat commanders often considered the use of helicopters for this purpose a diversion of valuable resources. However, through determination, skill, and the American fighting spirit, air ambulance crews proved they were a valuable and reliable resource in providing support to the combat mission. Indeed, between 1962 and 1973, DUST OFF crews evacuated more than 900,000 allied military personnel and Vietnamese civilian casualties to medical assistance sites.

Captain John Temperelli, Jr. was the first commander of the 57th Medical Detachment, Helicopter Ambulance, who would lead the first DUST OFF unit in Vietnam. Army Captain Temperelli is considered the ''pioneer'' of DUST OFF; however, it was Army Major Charles L. Kelly, the unit's third commander, who would establish the traditions and the motto that DUST OFF crews hold sacred today.

Major Kelly, like his predecessors, believed in the mission of rescuing fallen comrades—so much so that he gave his life to the mission. On July 1, 1964, Major Kelly and his crew received a call to evacuate a wounded soldier. When they arrived, Major Kelly was instructed by an American advisor on the ground to leave the area; the landing zone was too ''hot.'' Major Kelly responded with the phrase that would become the DUST OFF motto: ''When I have your wounded.'' As Major Kelly hovered over the battlefield, an enemy bullet struck him in the heart; he was killed. It was with news of Major Kelly's death and the story of DUST OFF's dedication to the wounded that DUST OFF earned its permanency in the Army.

I recently received a book written by a Pennsylvania native, Army Chief Warrant Officer 5 Mike Novosel, titled DUSTOFF: The Memoir of an Army Aviator. Mr. Novosel—a Medal of Honor recipient who served two tours in Vietnam and was a veteran of two other wars—knows first hand the sacrifice, courage and dedication to duty that DUST OFF crews displayed in Vietnam and continue to display today. In his two tours as a DUST OFF pilot in Vietnam, Mr. Novosel flew 2,543 missions and extracted 5,589 wounded. In his book, Mr. Novosel shares many amazing stories of landing in ''hot'' landing zones to allow his medic and crew chief, who were also exposed to enemy fire, to rescue and care for the wounded. But as Mr. Novosel has said, his experience as a DUST OFF pilot was not uncommon. Thousands of brave soldiers risked their lives every day by flying into combat zones to evacuate the wounded.

I am honored that Mr. Novosel and others have brought the story of DUST OFF to my attention. It is my sincere hope that the Army will recognize DUST OFF pilots and crew with an appropriate badge which acknowledges the combat service of these brave individuals. When the War Department created the Combat Medical Badge, CMB, in WWII, as a companion to the Combat Infantryman Badge, CIB, it did so to recognize that ''medical aidmen . . . shared the same hazards and hardships of ground combat on a daily basis with the infantry soldier.'' DUST OFF pilots and crew equally shared the hazards and hardships of ground combat with the infantry soldier. The fact that they were not directly assigned or attached to a particular infantry unit—a fact that, under current Army policy, makes them eligible to receive a CIB or CMB—should not bar special recognition of their service, service that one author has characterized as ''the brightest achievement of the U.S. Army in Vietnam.''

I had not introduced a bill until today because I wanted to hear testimony from DUST OFF participants about their experiences under fire. I also wanted to provide the Army with an opportunity to explain its position and, perhaps, rethink its opposition to the awarding of an appropriate designation to DUST OFF crew members. Earlier today, the Senate Committee on Veterans' Affairs held a hearing on the matter. Based on testimony offered today by three Vietnam veterans—Chief Warrant Officer, Ret., Michael J. Novosel, M.O.H., Chief Warrant Officer, Ret., John M. Travers, and Mr. William Fredrick ''Fred'' Castleberry—I am now more convinced than ever of the worthiness of this legislation. The Army again expressed its opposition today; I do hope that it will reconsider.

On the Vietnam Veterans Memorial are etched the names of over 400 medics, pilots, and crew that gave their lives so others might live. The forward thinking, enthusiasm, and dedication of DUST OFF crews in Vietnam are attributes seen in today's DUST OFF crews. I urge my colleagues to support this legislation which would recognize the nature of the service these individuals have performed, and continue to perform, while serving on DUST OFF crew.

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

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

S. 1487

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

SECTION 1. AWARD OF COMBAT MEDICAL BADGE (CMB) OR OTHER COMBAT BADGE FOR ARMY HELICOPTER MEDICAL EVACUATION AMBULANCE (MEDEVAC) PILOTS AND CREWS.

(a) REQUIREMENT TO ELECT AND AWARD COMBAT BADGE.—The Secretary of the Army shall, at the election of the Secretary—

(1) award the Combat Medical Badge (CMB) to each member of a helicopter medical evacuation ambulance crew; or

(2)(A) establish a badge of appropriate design, to be known as the Combat Medevac Badge; and

(B) award that badge to each member of a helicopter medical evacuation ambulance crew who meets such requirements for eligibility for the award of that badge as the Secretary shall prescribe.

(b) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who qualified for treatment as a member of a helicopter medical evacuation ambulance crew by reason of service during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary shall award a badge under subsection (a) to each such person with respect to whom an application for the award of such badge is made to the Secretary after such date in such manner as the Secretary may require.

(c) MEMBER OF HELICOPTER MEDICAL EVACUATION AMBULANCE CREW DEFINED.—In this section, the term ''member of a helicopter medical evacuation ambulance crew'' means any person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance.

By Mr. BINGAMAN:

S. 1488. A bill to establish the Native American Entrepreneurs Program to provide $3,000,000 in grants annually to qualified organizations to provide training and technical assistance to disadvantaged Native American entrepreneurs; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I rise to introduce the Native American Entrepreneurs Act of 2003. The purpose of this legislation is straightforward: it authorizes grants of $3 million in 2004, $4 million in 2005, and $5 million in 2006 to qualified organizations to provide training and technical assistance to Native American entrepreneurs.

In my State of New Mexico and all across the country Native Americans still confront the problem of economic development, this in spite of the many efforts that have been made over time, both by Congress and by the tribes themselves. Over the last decade, some tribes have found a way to address this problem by focusing on the creation of gambling centers. But while these clearly have assisted many tribes, from where I sit this is at best a short- or medium-term solution that does not address the foremost issue at hand—that being how we help individual Native Americans acquire the business skills to become self-sufficient.

In the 106th Congress the Senate and the House passed legislation that created a program at the Small Business Administration that was designed to help disadvantaged individuals gain access to the technical training and funds. The bill—the Program for Investment in Microentrepreneurs Act of 1999, or PRIME—was drafted by several Senators, myself included, who felt it was imperative to encourage investment in microentrepreneurial activities in the United States. The reason for the effort was simple: microenterprise was a proven mechanism for enabling individuals on the periphery to obtain the capital and technical training needed to start their own business and move up the economic ladder in their community. It was also a proven mechanism for creating jobs, alleviating poverty, and stimulating economic development. It deserved to be pushed to the forefront of our legislative efforts in the Senate.

Under the PRIME legislation, organizations that provide technical assistance and loans to Native American communities are eligible for grants. But while diversity in grant award are mandated under the legislation, specific amounts mandated for Native Americans are not. The legislation I am introducing today would change that. The legislation provides additional funding to the PRIME Act for organizations that work with Native Americans specifically. In other words, the funding does not negate the possibility that further funds be provided to Native Americans under PRIME, nor, because it is additional funds over and above current authorization levels, does it cut into the funds that are now available to microenterprise organizations under PRIME. But it does ensure that organizations that serve only Native Americans get specific funding for their efforts.

I will be the first to admit that the authorization levels in this bill are modest, but they are feasible given the current budget environment. I will also admit that the bill carves out a small portion of the problem currently facing Native Americans, but I consider it to be a first step. I intend to address others problems in future legislation. The most important thing is that this bill, if enacted, will have an immediate and concrete impact in Native American communities in New Mexico and the rest of the country. I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 204—DESIGNATING THE WEEK OF NOVEMBER 9 THROUGH NOVEMBER 15, 2003, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. AKAKA, Mr. ALLEN, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. KERRY, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 204

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by Americans;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 6, 2002, President George W. Bush issued a proclamation urging all Americans to observe November 10 through November 16, 2002, as National Veterans Awareness Week: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of November 9 through November 15, 2003, as ''National Veterans Awareness Week''.

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

(1) designating the week of November 9 through November 15, 2003, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of joining with 54 of my colleagues in submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as ''National Veterans Awareness Week.'' This marks the fourth year in a row that I have submitted such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm's way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current Armed Forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous