

Whereas with the victory, San Jose Earthquakes captain Jeff Agoos won his second Major League Soccer Cup for the San Jose Earthquakes and his fifth Major League Soccer Cup overall;

Whereas San Jose Earthquakes forward Landon Donovan, who has been named United States National Team Player of the Year twice, scored 2 goals on 2 shots in the championship match, earning the Honda Major League Soccer Cup Most Valuable Player Award;

Whereas by winning the 2003 Major League Soccer Cup, the San Jose Earthquakes join DC United to become the second team in Major League Soccer history to win the Major League Soccer Cup more than once;

Whereas the San Jose Earthquakes have brought great pride to the City of San Jose and to the State of California;

Whereas Major League Soccer has become extremely popular in only 8 seasons; and

Whereas the success of Major League Soccer has contributed to the growing popularity of soccer in the United States in recent years: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the San Jose Earthquakes for winning the 2003 Major League Soccer Cup;

(2) recognizes the achievement of the players, coaches, staff, and supporters of the San Jose Earthquakes in bringing the 2003 Major League Soccer Cup to San Jose;

(3) commends the San Jose community for its enthusiastic support of the San Jose Earthquakes; and

(4) expresses the hope that Major League Soccer will continue to inspire fans and young players in the United States and around the world by producing teams of the high caliber of the San Jose Earthquakes.

**SENATE RESOLUTION 281—RELATIVE TO THE DEATH OF THE HONORABLE PAUL SIMON, A FORMER SENATOR FROM THE STATE OF ILLINOIS**

Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. FRIST, Mr. DASCHLE, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas the Honorable Paul Simon at the age of 19 became the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribute in Troy, Illinois, and built a chain of 13 newspapers in southern and central Illinois;

Whereas the Honorable Paul Simon used his newspaper to expose criminal activities, and in 1951, at age 22, was called as a key witness to testify before the U.S. Senate's Crime Investigating Committee;

Whereas the Honorable Paul Simon served in the Illinois legislature for 14 years, winning the Independent Voters of Illinois' "Best Legislator Award" every session;

Whereas the Honorable Paul Simon was elected lieutenant governor in 1968 and was the first in Illinois' history to be elected to that post with a governor of another party;

Whereas the Honorable Paul Simon served Illinois in the United States House of Representatives and the United States Senate with devotion and distinction;

Whereas the Honorable Paul Simon is the only individual to have served in both the Illinois House of Representatives and the Illinois Senate, and the U.S. House of Representatives and the U.S. Senate.

Whereas the Honorable Paul Simon was the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, Illinois, and taught there for more than six years in the service of the youth of our Nation;

Whereas the Honorable Paul Simon wrote over 20 books and held over 50 honorary degrees;

Whereas the Honorable Paul Simon was an unapologetic champion of the less fortunate and a constant example of caring and honesty in public service;

Whereas his efforts on behalf of Illinoisans and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Paul Simon, a former Senator from the State of Illinois.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased former Senator.

**SENATE RESOLUTION 282—PROVIDING THE FUNDING TO ASSIST IN MEETING THE OFFICIAL EXPENSES OF A PRELIMINARY MEETING RELATIVE TO THE FORMATION OF A UNITED STATES SENATE-CHINA INTER-PARLIAMENTARY GROUP**

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 282

*Resolved*, That—

(1) there is authorized within the contingent fund of the Senate under the appropriation account "MISCELLANEOUS ITEMS" \$75,000 for fiscal year 2004 to assist in meeting the official expenses of a preliminary meeting relative to the formation of a United States Senate-China interparliamentary group including travel, per diem, conference room expenses, hospitality expenses, and food and food-related expenses;

(2) such expenses shall be paid on vouchers to be approved by the President pro tempore of the Senate; and

(3) the Secretary of the Senate is authorized to advance such sums as necessary to carry out this resolution.

**SENATE RESOLUTION 283—AFFIRMING THE NEED TO PROTECT CHILDREN IN THE UNITED STATES FROM INDECENT PROGRAMMING**

Mr. SESSIONS (for himself, Mr. SHELBY, Mr. INHOFE, Mr. BROWNBAC, Mr. NICKLES, Mr. BUNNING, Mr. TALENT, Mr. CHAMBLISS, Mr. CRAIG, Mr. DOMENICI, Mr. KYL, and Mr. HOLLINGS) submitted the following resolution; which was considered and agreed to:

S. RES. 283

Whereas millions of people in the United States are increasingly concerned with the

patently offensive television and radio programming being sent into their homes;

Whereas millions of families in the United States are particularly concerned with the adverse impact of this programming on children;

Whereas indecent and offensive programming is contributing to a dramatic coarsening of civil society of the United States;

Whereas the Federal Communications Commission is charged with enforcing standards of decency in broadcast media;

Whereas the Federal Communications Commission established a standard defining what constitutes indecency in the declaratory order In the Matter of a Citizen's Complaint Against Pacifica Foundation Station WBAI(FM), 56 F.C.C.2d 94 (1975) (referred to in this Resolution as the "Pacifica order");

Whereas the Federal Communications Commission has not used all of its available authority to impose penalties on broadcasters that air indecent material even when egregious and repeated violations have been found in the cases of WKRK-FM, Detroit, MI, File No. EB-02-IH-0109 (Apr. 3, 2003) and WNEW-FM, New York, New York, EB-02-IH-0685 (Sept. 30, 2003);

Whereas the standard established in the Pacifica order focuses on protecting children from exposure to indecent language;

Whereas the standard established in the Pacifica order was upheld as constitutional by the United States Supreme Court in Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978);

Whereas the Enforcement Bureau of the Federal Communications Commission has refused to sanction the airing of indecent language during the broadcast of the Golden Globe Awards, at a time when millions of children were in the potential audience; and

Whereas as of December 2003, an application for review is pending before the Federal Communications Commission, requesting that the full Commission review that decision of the Enforcement Bureau: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Federal Communications Commission should re-consider the Enforcement Bureau's decision in the Matter of Complaints Against Various Broadcast Licensees Regarding Their Airing of the "Golden Globe Awards" Program, File No. EB-03-IH-0110, 2003 FCC LEXIS 5382, (Oct. 3, 2003), in light of the public policy considerations in protecting children from indecent material;

(2) the Federal Communications Commission should return to vigorously and expeditiously enforcing its own United States Supreme Court-approved standard for indecency in broadcast media, as established in the declaratory order In the Matter of a Citizen's Complaint Against Pacifica Foundation Station WBAI(FM), 56 F.C.C.2d 94 (1975);

(3) the Federal Communications Commission should reassert its responsibility as defender of the public interest by undertaking new and serious efforts to sanction broadcast licensees that refuse to adhere to the standard established in that order;

(4) the Federal Communications Commission should make every reasonable and lawful effort to protect children from the degrading influences of indecent programming;

(5) the Federal Communications Commission should use all of its available authority to protect the public from indecent broadcasts including: (1) the discretion to impose fines up to a statutory maximum for each separate "utterance" or "material" found to be indecent; and (2) the initiation of license

revocation proceedings for repeated violations of its indecency rules;

(6) the Federal Communications Commission should resolve all indecency complaints expeditiously, and should consider reviewing such complaints at the full Commission level; and

(7) the Federal Communications Commission should aggressively investigate and enforce all indecency allegations.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2227. Mr. FRIST (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

SA 2228. Mr. FRIST (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 2264, An act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

SA 2229. Mr. FRIST (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 2264, supra.

SA 2230. Mr. FRIST (for Mr. LEVIN) proposed an amendment to the bill S. 1267, to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes.

SA 2231. Mr. FRIST (for Mr. HATCH) proposed an amendment to the bill S. 1177, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

#### TEXT OF AMENDMENTS

SA 2227. Mr. FRIST (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; as follows:

On page 83, strike lines 14 through 16, and insert “807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended further by inserting after the”.

Beginning on page 112, strike line 16 and all that follows through page 113, line 6, and insert the following:

“(c)(1) In addition to the amount otherwise appropriated in any other law to carry out subsection (a) for fiscal year 2004, up to \$8,500,000 is authorized and appropriated and shall be used by the Commissioner of Social Security under this subsection for purposes of conducting a statistically valid survey to determine how payments made to individuals, organizations, and State or local government agencies that are representative payees for benefits paid under title II or XVI are being managed and used on behalf of the beneficiaries for whom such benefits are paid.

“(2) Not later than 18 months after the date of enactment of this subsection, the Commissioner of Social Security shall submit a report on the survey conducted in accordance with paragraph (1) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.”.

Beginning on page 118, strike line 19 and all that follows through page 123, line 12, and insert the following:

#### SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking “Prisoners” and all that follows and inserting the following: “Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees”;

(2) in paragraph (1)(A)(ii)(IV), by striking “or” at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

“(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed, or

“(v) is violating a condition of probation or parole imposed under Federal or State law.”;

(5) by adding at the end of paragraph (1)(B) the following:

“(iii) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

“(I) a court of competent jurisdiction has found the individual not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the individual for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

“(II) the individual was erroneously implicated in connection with the criminal offense by reason of identity fraud.

“(iv) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

“(I) the offense described in clause (iv) or underlying the imposition of the probation or parole described in clause (v) was non-violent and not drug-related, and

“(II) in the case of an individual from whom benefits have been withheld or otherwise would be withheld pursuant to subparagraph (A)(v), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.”; and

(6) in paragraph (3), by adding at the end the following:

“(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

“(i) the beneficiary is described in clause (iv) or (v) of paragraph (1)(A); and

“(ii) the location or apprehension of the beneficiary is within the officer’s official duties.”.

(b) CONFORMING AMENDMENTS TO TITLE XVI.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after “(4)”;

(C) in clause (i) of subparagraph (A) (as redesignated by subparagraph (A)), by striking “or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State” and inserting “or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed”; and

(D) by adding at the end the following:

“(B) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

“(i) a court of competent jurisdiction has found the person not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the person for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

“(ii) the person was erroneously implicated in connection with the criminal offense by reason of identity fraud.

“(C) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

“(i) the offense described in subparagraph (A)(i) or underlying the imposition of the probation or parole described in subparagraph (A)(ii) was nonviolent and not drug-related, and

“(ii) in the case of a person who is not considered an eligible individual or eligible spouse pursuant to subparagraph (A)(ii), the action that resulted in the violation of a condition of probation or parole was non-violent and not drug-related.”; and

(2) in paragraph (5), by striking subparagraphs (A) and (B) and inserting the following:

“(A) the recipient is described in clause (i) or (ii) of paragraph (4)(A); and

“(B) the location or apprehension of the recipient is within the officer’s official duties.”.

(c) CONFORMING AMENDMENT.—Section 804(a)(2) of the Social Security Act (42 U.S.C. 1004(a)(2)) is amended by striking “or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State” and inserting “or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of enactment of this Act.

On page 126, beginning on line 22, strike “guilty of” and all that follows through “shall be” on line 26, and insert “fined not more than \$5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be”.

Beginning on page 129, strike line 16 and all that follows through page 132, line 11, and insert the following: