S. 2057

At the request of Mr. DAYTON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2057, a bill to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

S. 2090

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2090, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mr. LOTT) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 168

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 168, a resolution designating May 2004 as ''National Motorcycle Safety and Awareness Month''.

S. RES. 293

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 293, a resolution expressing the sense of the Senate that the President and United States Trade Representative should ensure that any future free trade agreements do not harm the dairy industry of the United States.

S. RES. 299

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 299, a resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. BREAUX):

S. 2112. A bill to prohibit racial profiling by Federal, State, and local law enforcement agencies; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, today, Senator BREAUX and I introduced a bill entitled the ''Uniting Neighborhoods and Individuals to Eliminate Racial Profiling Act of 2004'' (UNITE) that I believe will put us on the road to preventing problems caused by racial profiling and help begin reconciliation in communities torn apart by racial unrest.

Rooted in the belief that education and dialogue are the most effective tools for bridging racial divides, our bill bans racial profiling by Federal, State and local law enforcement officers. Our bill also provides important new tools to help law enforcement leaders train their officers in eliminating the practice, including the creation of a National Task Force on Racial Profiling within the U.S. Department of Justice, a Racial Profiling Education and Awareness Program, a nondiscriminatory State-based administrative complaint procedure that allows individuals to file complaints with the State, and a grant program to assist State and local law enforcement agencies in developing programs to eliminate racial profiling.

I am personally aware of this issue because of the time I spent as Mayor of Cleveland. I worked for 10 years to promote understanding and positive race relations, and my work there has spurred me to continue on this path at the national level. We've heard all too often of situations in cities and towns across the country in which poor race relations are creating serious divisions between communities and law enforcement agencies. Despite the shared interest we all have in fighting crime and making neighborhoods safer, mistrust and wariness often stands in the way of cooperation.

To name just a few examples: A January 21, 2004 state study of racial profiling in Massachusetts has found that minority drivers are disproportionately ticketed and searched by police officers in dozens of communities, including Boston. According to a joint study completed by the Council on Crime and Justice (CCJ) and the Institute on Race & Poverty (IRP) at the University of Minnesota Law School and released on September 24, 2003, African-American, Latino and to a lesser extent American-Indian motorists are stopped and their cars searched at rates significantly greater than white motorists. The study found that racial profiling is widespread throughout Minnesota and cuts across urban, suburban and rural police boundaries. In February, 2004, a study was released by the Steward Research Group analyzing data from 413 Texas law enforcement agencies. The study found that based on racial disparities in stop and search rates, there is a pattern of racial profiling by law enforcement agencies across Texas.

While studies such as these are not widespread among the States, I do believe these results, along with many other cases clearly indicate that we have a nationwide problem. And while the overwhelming number of police officers discharge their duties professionally and without bias, I think we need to address those that do not.

As I mentioned before, my experience as Mayor of Cleveland and Governor of Ohio has taught me that reaching the hearts and minds of people is the most effective means of dealing with intolerance and the problems that result.

As mayor of Cleveland I established the city's first urban coalition, the Cleveland Roundtable, to bring together representatives of the City's various racial, religious and economic groups to create a common agenda. When we found that members of the police department weren't receiving proper diversity training, we completely revised the police academy program, establishing sensitivity training for all Cleveland police officers and creating six police district community relations committees to open lines of communication between police officers and community members. We eventually put all City employees through this diversity training, and you know what? It worked.

As governor, in my first State of the State Address I said, ''We must never forget that the infrastructure of good race relations and human understanding is more important than any roads or bridges we might build.'' We launched efforts to increase community outreach by law enforcement in order to foster a cooperative, rather than adversarial, relationship between citizens and law enforcement. Through our biannual ''Governor's Challenge,'' conferences I worked to bring members of local communities together with law enforcement officials and members of the business community in order to educate and break down barriers that lead to intolerance. We recognized and shared ''best practices'' procedures so that communities could benefit from the success of others—all with an emphasis on rewarding those that are doing a good job. We made wonderful progress and outstanding communities were recognized for their efforts.

As I said earlier, the overwhelming majority of state and local law enforcement agents throughout the nation discharge their duties professionally and justly. I salute them for their dedication efforts in what is one of America's toughest jobs. It is unfortunate that the misdeeds of a minute few have such a corrosive effect on the police-community relationship. Based on my experiences in Ohio—10 years as Mayor of Cleveland and 8 years as Governor of Ohio, I know what works. Through education and dialogue we can help turn situations around so that groups who

once thought they had little in common can realize how much they actually have to gain by working together to make our communities safer places to live.

Mr. BREAUX. Mr. President, I rise today with my colleague, Senator VOINOVICH, to introduce the Uniting Neighborhoods and Individuals to End Racial Profiling Act, also known as the UNITE Act.

In the fall of 2002, there was a meeting in my office with a number of African-American leaders from Louisiana. They told me that the single most important issue they want to resolve is racial profiling.

I turned to Senator VOINOVICH, who has been a leader on this in Ohio and in the Senate, to come up with the first, truly bipartisan racial profiling bill to be introduced in the Senate. After more than a year of hard work, we have finally come up with a bill that meaningfully responds to the issue of racial profiling while striking the right balance between the concerns of law enforcement and the minority community. Most importantly, our UNITE Act will begin to end racial profiling in this country.

This bill strives to fix the real incidents of racial profiling through education, public outreach and oversight. It also combats the perception that law enforcement is engaging in racial biased policing. By banning racial profiling, putting safeguards in place and providing the public with a meaningful complaint procedure, this bill responds to the concerns of minority communities and hopefully helps rebuild their trust in law enforcement agencies.

I believe we have crafted the first, reasonable and passable solution to the issue of racial profiling.

I hope as we unveil this legislation publically for the first time today, that both the civil rights and law enforcement communities will see this bill as a good starting point to find a solution to this serious problem. I look forward to working with my colleagues, law enforcement and the civil rights community to get this legislation passed and signed by the President this year.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2113. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Michigan; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing legislation with my distinguished colleague, Senator CARL LEVIN, that would protect my State of Michigan from being forced to participate in an experiment that could lead to the unraveling of Medicare as we know it.

This project, mandated under the Medicare reform bill approved in late 2003, effectively replaces Medicare in the designated demonstration area with private voucher coverage in six sites in 2010. I have strongly opposed the portion of the Medicare bill that authorizes this project, and I particularly oppose Michigan seniors being forced to participate in this ill-advised experiment.

If Michigan is included in one of these areas, then older and sicker seniors who want to stay in traditional Medicare will be forced to pay higher premiums. This is wrong, and my bill will stop this from happening to my constituents.

By Mr. BINGAMAN:

S. 2114. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Mexico; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would prohibit the comparative cost adjustment (CCA) or premium support demonstration that was included in the Medicare prescription drug bill last year from operating in the State of New Mexico.

There are many problems with the demonstration that I will describe which will have the result of fundamentally undermining the traditional Medicare program and directly conflicts with the President's commitment in his State of the Union address in 2003 when he said, ''Seniors happy with the current Medicare system should be able to keep their coverage just the way it is.'' That would not be the case in what is being referred to as the comparative cost adjustment program.

What is the comparative cost adjustment program? Starting in 2010, the Medicare prescription drug bill provided for a six-year demonstration in selected demonstration sites where private health plans and traditional Medicare would supposedly compete on the basis of price. The demonstration will be conducted in up to six metropolitan areas in which at least 25 percent of eligible beneficiaries are enrolled in some type of managed care plan.

Albuquerque, NM, already has an enrollment in private plans that exceeds 25 percent and so would obviously be a targeted community for the demonstration. Santa Fe, NM, could also be on the demonstration list by 2010 as its current reported managed care enrollment is at 17 percent and that is why Congressman TOM UDALL is joining us here today in introducing the companion bill in the House of Representatives.

Congressman UDALL and I oppose our Medicare beneficiaries being subjected to a grand experiment, just as similarly proposed premium support demonstrations have been blocked in recent years in Baltimore, Denver, Phoenix, and Kansas City, Missouri.

Just as members of Congress blocked those proposed demonstrations, the legislation I am introducing today would protect the entire State of New Mexico from being subjected to such an experiment. I understand that other Senators and Congressmen are introducing similar legislation today to protect the citizens of their respective states as well.

I am opposed to the comparative cost adjustment or premium support demonstration being imposed upon the Medicare beneficiaries in New Mexico because the demonstration: 1. fails to truly provide for a level playing field of competition between traditional Medicare and private health plans; 2. leads to much higher volatility and uncertainty in the Medicare program as beneficiaries would have their premiums vary dramatically according to the plan chosen during the demonstration from year to year and from region to region; 3. directly contradicts President Bush's guarantee and the promise of the current multi-million advertising campaign by the Centers for Medicare and Medicaid Services that people can keep their traditional Medicare as is; and, 4. pushes traditional Medicare in such regions into what health economists refer to as a ''death spiral.''

Proponents of the premium support demonstration argue that the intent of the experiment is, according to the conference report, ''to test whether competition between private plans and the original Medicare FFS program will enhance competition in Medicare, improve health care delivery for all Medicare beneficiaries, and provide for greater beneficiary savings and reduction in government costs. . . . ''

The conference report adds that the demonstration ''will level the playing field between all options available to Medicare beneficiaries.''

Unfortunately, the demonstration will not focus competition or choice on either price or quality precisely because it fails to provide for a level playing field. Under the guise of making Medicare more efficient, the legislation dramatically overpays private health plans in comparison to traditional Medicare.

In fact, during testimony before the Senate Finance Committee a few weeks ago, Health and Human Services Secretary Tommy Thompson acknowledged that both the Congressional budget Office and the Office of Management and Budget believe the prescription drug bill creates a situation whereby every percentage increase of enrollment by Medicare beneficiaries will cost the Medicare program and American taxpayers billions of dollars. How is this possible?

The bill creates this situation by intentionally paying private health plans, on average, an estimated 107 percent of the cost of traditional Medicare. Health plans are receiving disproportionate share hospital payments, graduate medical education funding, and other complicated formula adjustments that ensure payments well in excess of the Medicare fee-for-service program.

In addition, health plans, by enrolling healthier patients than traditional Medicare, receive an additional estimated benefit of about eight percent over fee-for-service Medicare. Numerous studies, including those by the General Accounting Office, find that high-cost beneficiaries—including the functionally disabled, the mentally impaired, and the chronically ill—were less likely to join a Medicare HMO.

When you combine all the factors, health plans will be paid at least 115 percent of the cost of traditional Medicare.

This makes absolutely no sense, particularly when you consider that the bill provides for this despite the fact that studies by Marilyn Moon, Karen Davis, and other respected health care analysts have consistently shown that traditional Medicare provides Medicare beneficiaries a less expensive product with greater patient satisfaction and greater access to providers than private health plans.

Although the demonstration would strip out graduate medical education payments to HMOs, it fails to fully eliminate excessive payments to health plans caused by risk selection and includes disproportionate share hospital payments in the FFS benchmark—inevitably raising FFS premiums in comparison to private health plans.

Furthermore, there is no level playing field if HMOs enroll healthier and lower cost patients than traditional Medicare and do not have to make the billions of dollars in disproportionate share hospital payments that traditional Medicare must make.

Second, a hallmark of the Medicare program has been its beneficiary satisfaction ratings despite the lack of prescription drugs or preventive health benefits. Medicare beneficiaries strongly prefer the guarantee and predictability of coverage and the greater level of access to providers than is provided by private health plans.

The demonstration undermines this because it would lead to differential premiums among Medicare beneficiaries in different regions of the country based on rapidly changing health plans options offered and chosen annually.

In fact, premiums will fluctuate under the demonstration on an annual basis because the government contribution will be based on the bids of all plans during a particular year. As a result, even if a plan's costs does not increase from one year to the next, the amount paid by a beneficiary can change due to changes in other health plans in the region and changes in the region's benchmark.

This makes absolutely no sense and is the second reason why I oppose the premium support demonstration.

Third, as noted before, in the President's 2003 State of the Union address, he committed that Medicare beneficiaries would be able to keep their Medicare coverage as is. Moreover, the Centers for Medicare and Medicaid Services, or CMS, is currently spending millions of dollars in an advertising campaign with the assertion that ''you can always keep your same Medicare coverage.''

The comparative cost adjustment program or premium support demonstration completely undermines traditional Medicare and should, as a result, be repealed. Neither the President nor the Federal Government should be telling our Nation's Medicare beneficiaries one thing when the reality is clearly something different, particularly under the demonstration program.

This occurs due to the ''death spiral'' that health care economists note will likely occur under the demonstration. If, as numerous studies indicate, private health plans continue to enroll healthier and less costly Medicare beneficiaries than fee-for-service Medicare, then fee-for-service Medicare would be more likely to have higher premiums. Over time, if sicker individuals stay with traditional Medicare and healthier ones move away as premiums rise, traditional Medicare is likely to enter in what is known as a ''death spiral.'' Despite the President's guarantee that ''[s]eniors happy with the current Medicare system should be able to keep their coverage just the way it is . . .,'' that would clearly not be the case in these comparative cost adjustment program demonstrations.

If the administration and Congress wants real competition, private plans should be required to compete with traditional Medicare in a manner where both traditional Medicare and private plans are paid the same amount on a risk adjusted basis for the same services. If that were the case, Medicare beneficiaries could select whether they would like to enroll in traditional Medicare or in a competing private health plan based on factors such as quality, access, and cost.

Unfortunately, the administration and proponents of premium support know that private plans cannot successfully compete with traditional Medicare. Ironically, in the name of reforming Medicare through competition, they have purposely tilted the playing field toward private health plans. Taxpayers should not have to bear the billions of dollars in additional Medicare spending that overpayment to private plans will cost them over the next 10 years and Medicare beneficiaries should not be subjected to a grand premium support experiment in 2010 where the winner has already been pre-determined.

Mr. President, I ask unanimous consent that the text of the bill and a document from Families USA be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2114

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN NEW MEXICO.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN NEW MEXICO.—A CCA area shall not include an MSA any portion of which is within the State of New Mexico.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

[Report from FamiliesUSA, June 24, 2003]

WHAT HAPPENS WHEN TRADITIONAL MEDICARE HAS TO BID AGAINST PRIVATE PLANS?

AN EXAMPLE OF HOW THE HOUSE BILL WOULD PRIVATIZE MEDICARE

The U.S. House of Representatives is considering legislation that would force the traditional Medicare program to bid competitively against private insurance plans, beginning in 2010. This proposal, embedded in the House Medicare prescription drug bill, may sound reasonable, but let's look at how it would really work.

We start with five Medicare beneficiaries, with the following yearly medical expenses: Bill—$1,000; Jane—$4,000; Joan—$5,000; James—$6,000; and Sam—$10,000. Amongst them, they have total medical expenses of $26,000, or an average of $5,200 each.

Now imagine that Congress has enacted the House Medicare drug bill, which requires the traditional Medicare fee-for-service program to enter into competitive bidding with private insurance plans.

So traditional Medicare would bid $5,200 per person for Bill, Jane, Joan, James, and Sam, since that's been the average cost of caring for these five folks.

But a private plan, DollarCare, knowing roughly what the traditional Medicare bid is, bids $5,000 per member. Since they are clever about their marketing (they advertise at athletic clubs and recreational facilities), DollarCare enrolls healthy beneficiaries (like Bill) who only cost $1,000 each. This ensures that they have a high profit ($5,000 bid −$1,000 expenses = $4,000 profit per enrollee). The existing Medicare law requires DollarCare to give Bill some extra benefits; these extra benefits make the plan more attractive to other people when they hear about the ''extras.'' (Jane, Joan, James, and Sam decide to stick with traditional Medicare so they can keep their long-time family doctors.)

And there's another wrinkle. The new House bill rewards beneficiaries who choose ''cheaper'' plans. Here's how it works: Each year, the government will compute a new ''benchmark'' by calculating the average payment for each Medicare beneficiary. In the beginning, the benchmark is $5,200 (that's what Medicare has been paying, on average, for the five people). Because the DollarCare bid of $5,000 is $200 under the ''benchmark'' of $5,200, Bill and the government get to split the difference: Bill gets to pocket 75 percent of the savings ($150), and the government/Medicare saves the other 25 percent ($50).

So a year passes, and it's time for a second round of competitive bids. What happens to the bids in the second year? The four people left (Jane, Joan, James, and Sam) had combined expenses of $25,000, so traditional Medicare submits a bid of $6,250 per person, the average cost for caring for these four people. DollarCare has a good thing going, so they bid $5,000 again.

Then the benchmark is adjusted to reflect the average per-person cost of everyone in Medicare—those in traditional Medicare and those in private plans. The new benchmark is $6,000 (Bill in DollarCare at $5,000 and the four others still in traditional Medicare at $6,250).

Now all the people in traditional Medicare have to pay an extra $250 in premiums because their ''plan'' (that is, the traditional Medicare program) has submitted a bid $250 higher than the benchmark plan ($6,000). Meanwhile, lucky Bill gets 75 percent of the $1,000 ''savings,'' the difference between DollarCare's $5,000 bid and the $6,000 benchmark.

DollarCare keeps advertising at gyms and other recreational facilities and attracts fairly healthy Jane.

Obviously, traditional Medicare's premiums will spiral upward as this process repeats itself each year. Traditional Medicare will become a plan of the very sick, very frail, very elderly—those who need lots of services, want to keep their long-time doctors, etc.

This is the beginning of an insurance death spiral that will ultimately destroy the traditional Medicare fee-for-service program. The older, chronically ill people who need the types of services offered by traditional Medicare will face ever-spiraling costs. As the premiums for traditional Medicare rise, the price tag will drive them into private plans like DollarCare, even though studies have shown that private plans are not good for the very old, chronically ill.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2115. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of South Dakota; to the Committee on Finance.

Mr. DASCHLE. Mr. President, I ask uanimous 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. 2115

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN SOUTH DAKOTA.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN SOUTH DAKOTA.—A CCA area shall not include an MSA any portion of which is within the State of South Dakota.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mrs. BOXER:

S. 2116. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of California; to the Committee on Finance.

Mrs. BOXER. Mr. President, in accordance with the Medicare legislation that Congress passed and the President signed into law last year included, beginning in 2010, a ''premium support'' demonstration project in up to 6 areas of the country. If included in this project, seniors will face increased premiums if they choose to stay in traditional ''fee-for-service'' Medicare instead of joining an HMO. They call it a ''demonstration project'' but it ought to be called a ''demolition project'' because this plan will demolish Medicare for millions of seniors.

CBO estimates that 1 to 1.5 million Medicare beneficiaries are likely to be involved in the demolition project. In reality, the numbers could be much higher—one in six Medicare beneficiaries could be forced to participate in this experiment. In California, 12 of its metropolitan statistical areas (MSAs) now qualify for the demonstration project. If the two largest MSAs are chosen for this demonstration project, 1.4 million Californians will be forced into this experiment and will be faced with a Hobson's choice. They will be required to join an HMO or pay higher premiums.

We know what happens in these situations. Healthy people will choose the HMO, leaving sicker seniors in fee-for-service plans. As costs in traditional Medicare spiral even higher due to its pool of sicker seniors, the costs of Medicare will rise. Medicare will be weaker.

That brings us to the real question: Why is this necessary? Is it because seniors can't choose HMOs under the current system? No. Seniors can choose to join an HMO right now if they wish. I'll tell you why: It is a backdoor attempt to achieve Newt Gingrich's vision for a Medicare that will ''whither on the vine.''

Twenty-two of my colleagues are introducing bills to exempt their States from this demolition project. Along with them, I am introducing a bill that will exempt California as well. I do not want California seniors to be forced to swallow the bitter choice between high costs or lower quality HMO service.

I urge my colleagues to support this legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2117. A bill to amend part C of title XVII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Jersey; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today with my colleagues from New Jersey, Senator FRANK LAUTENBERG, and Congressmen FRANK PALLONE and ROB ANDREWS, who are introducing comparable legislation in the House of Representatives today, to introduce a bill to protect from privatization the Medicare program that more than 1 million New Jersey seniors rely on.

As a result of a provision in the new Medicare law, more than 1 million Medicare beneficiaries nationwide, including 186,000 New Jersey Medicare beneficiaries who live in Camden, Salem, Burlington and Gloucester counties, will be subject to a risky Medicare privatization scheme beginning in 2010. This scheme, which is called premium support, will give seniors a set Medicare premium payment—similar to a voucher—that would be based on a combination of the prices that private plans in their area charge and the cost of Medicare fee-for-service in their area. Seniors choosing to enroll in a plan that costs more than the amount of that voucher would have to pay the difference.

While it may seem like an easy and straightforward choice to seniors who currently enjoy and thrive on traditional Medicare to choose to remain in the fee-for-service program, under this privatization scheme, those seniors who make that choice will end up paying significantly higher premiums than their counterparts in private plans. Because the private plans will be able to cherry pick the healthiest seniors to enroll in their plans and will receive huge subsidies from the federal government, they will be able to provide lower cost health care than the traditional Medicare program. That means that sicker, older beneficiaries will remain in the traditional Medicare, thereby increasing costs in that program, while younger, healthier beneficiaries will choose to enroll in private plans where they will pay lower premiums.

That's right, Under this privatization scheme, seniors who choose to remain in the Medicare program they know and trust will pay more—significantly more than they pay now—for their coverage.

Not only will these seniors pay significantly higher premiums than they do now for fee-for-service Medicare, and much more than they would if they enrolled in a private plan, but also depending on where a senior lives they will pay a different price for the same Medicare coverage that a senior in a neighboring community might pay. So, for the first time in history, seniors in some areas will pay higher premiums for their Medicare coverage than seniors in other areas.

How much more will seniors who want to stay in the traditional Medicare program pay? According to documents released by the Centers for Medicare and Medicaid Office of the Actuary on August 9, 2003, seniors living in Gloucester and Hudson counties in New Jersey could pay as much as $1,700 more than they pay now for traditional Medicare. Yet, seniors in these counties could, depending on the plan they select, join an HMO for a premium that is $2,000 less. Why is that? This is because private plans will select healthier seniors will offer fewer choices than traditional Medicare and, at the same time will receive grossly inflated payments from the government.

In fact, the new Medicare law overpays private plans by $1,920 per beneficiary—at a total cost of $14 billion to taxpayers—so that these plans may compete with Medicare. This sounds like socialized privatization to me. Indeed, in the last 6 months I have struggled to understand the logic behind paying private plans more than we pay Medicare. The only logical reason I've come up with is that this is the perfect plan to make the Medicare program fail—to give my Republican colleagues the read meat they need to raid and privatize Medicare.

This is not competition. It is a plan to force seniors into private plans and out of the Medicare program they trust. There is no real choice here. Very few seniors will have the luxury of choosing to pay $2,000 more a year for traditional Medicare. Most seniors will be forced into managed care plans.

Seniors in my State want no part of this privatization scheme. Baby boomers in my State want no part of this. New Jerseyans want to know that the Medicare program, as we know it, will be there for them when they need it. My legislation provides that assurance. Under my bill, no New Jersey county and no New Jersey senior will be subject to this disastrous privatization scheme.

In closing, I urge my colleagues to pass this bill and the many other bills that Democratic members are introducing today to exempt their States from this program and to protect and preserve the Medicare program for our seniors today and our seniors tomorrow.

By Mr. REID:

S. 2121. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Nevada; to the Committee on Finance.

Mr. REID. Mr. President, there is nothing more important we could do for our senior citizens than help them with the soaring cost of health care, especially the high cost of prescription drugs.

Unfortunately the Medicare bill passed by this Congress and signed into law by President Bush doesn't do this. In fact, for many seniors this law will do more harm than good.

One provision of this new and overly complicated law establishes ''comparative cost adjustment'' demonstration programs that will take place in six metropolitan areas. ''Comparative cost adjustment'' is just a fancy term that really means: How much you pay for your Medicare premiums depends on where you live.

In other words, some Medicare recipients will pay more than others for the exact same coverage, simply because of where they live.

Medicare premiums for seniors living in the six regions selected to participate in the pilot program would be based on a set payment—like a voucher—from the government. This payment would be based on a combination of the prices charged by private plans and the cost of Medicare fee-for-service in their area.

Seniors would enroll in either a private plan or in fee-for-service Medicare. But those who chose a plan that cost more than the defined contribution would have to pay the difference out of their own pockets.

And since senior citizens in the fee-for-service program tend to be older and sicker than those who enroll in Medicare HMOs, costs for that group would probably be higher, and the defined contribution likely would not cover the entire cost of the fee-for-service premium.

So over time, seniors who want to remain in the traditional Medicare program, because they want to keep choosing their own doctor or for any other reason, would have to pay more and more out of their own pockets.

Under this experimental program, I fear that traditional Medicare would become too expensive for many patients simply because of where they happen to live. We have a large population of retirees in north and south Nevada, and I am told there is a good chance one or both of these areas will be selected for this experimental pilot program. That would place a disproportionate burden on seniors in my State who are already struggling to make ends meet and pay for their health care.

So the legislation I am introducing today will prohibit any of the six demonstration programs from occurring in Nevada.

Senior citizens in Nevada should not have to pay more than their neighbors for the same Medicare services. I will keep fighting to protect Nevadans from being used as guinea pigs in this ill-advised experiment.

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. 2121

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN NEVADA.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN NEVADA.—A CCA area shall not include an MSA any portion of which is within the State of Nevada.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. AKAKA:

S. 2122. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Hawaii; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to prohibit the comparative cost adjustment program, which is commonly known as premium support, from operating in Hawaii.

The Medicare Prescription Drug Improvement and Modernization Act of 2003 included the creation of premium support demonstration programs in select metropolitan statistical areas starting in 2010. In these demonstration programs, seniors would be provided with a defined contribution payment for Medicare Part B rather than a defined benefit. Seniors would receive a set minimum payment to be used towards enrolling in either traditional fee-for-service Medicare or a managed care plan. Seniors that choose options that are more expensive than the defined premium would have to pay the difference themselves.

Many of the older and less healthier seniors stay in the traditional fee-for-service Medicare rather than enrolling in Medicare managed care programs. The defined contribution premium will likely not be able to cover the entire cost of their fee-for-service premium. So, they may not be able to afford to stay in the traditional Medicare program and will be forced to enroll in lowest-cost health maintenance organization, HMO, or preferred provider organization, PPO, in their community. Seniors deserve to have their right to choose whether to remain in traditional Medicare or enroll in a managed care program based on their health care needs and not be forced into managed care programs because they are not able to pay the increased premium required for traditional Medicare.

Now, seniors across the country pay the same premium for Medicare Part B services. After the implementation of the premium support demonstration programs, this will not be the case. Not only are there likely to be wide variations in Medicare Part B premium rates for beneficiaries across the country, but there will even be differences among seniors within the same State. This is unjust. Seniors that receive the same benefits should be paying the same premium in an entitlement program such as Medicare.

Proponents of the premium support plan believe that this will help control Medicare costs and save money. However, this proposal will only work if more of the costs are shifted to seniors who will have to pay higher premiums or have their benefits reduced.

It is my hope that these demonstration projects are never implemented in any state. My legislation would ensure that the residents of Hawaii are protected from having this demonstration program impair their Medicare Part B choices. I am pleased that several of my colleagues have also introduced

legislation to protect seniors in their states from the premium support demonstration projects.

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. 2122

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN HAWAII.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN HAWAII.—A CCA area shall not include an MSA any portion of which is within the State of Hawaii.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 2127. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Stabilization and Reconstruction Civilian Management Act. Senator BIDEN is an original co-sponsor and his involvement in the Committee's work on this issue and the resulting legislation is deeply appreciated.

Over the past decade the United States has undertaken a series of post-conflict stabilization and reconstruction operations that have been critical to U.S. national security. In the Balkans, Afghanistan, and now in Iraq, the U.S. government has cobbled together plans, people and resources in an ad hoc fashion with the Defense Department in the lead.

The efforts of those engaged have been valiant, but these emergencies have been complex and time sensitive. Our ad hoc approach has been inadequate to deliver the necessary capabilities to deal speedily and efficiently with complex emergencies. The purpose of this bill is to establish a more robust civilian capability to respond quickly and effectively to post-conflict situations or other complex emergencies.

The prevailing inclination to deal with these problems through ad hoc methods has stemmed, in part, from our bipartisan hope that post-conflict stabilization efforts will not be required of us on a frequent basis. But we should not engage in wishful thinking. Crises are inevitable, and in most cases, U.S. national security interests will be threatened by sustained instability. The war on terrorism necessitates that we not leave nations crumbling and ungoverned. Our tolerance for failed states has been reduced by a global war against terrorists. We have already seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a black market where all kinds of weapons are for sale.

In this international atmosphere, the United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay of a few weeks, or even days, in our response can mean the difference between success and failure. As a Nation, we have accepted stabilization and reconstruction challenges in the Balkans, Iraq and Afghanistan, but we need to go a step further and create structures that can plan and execute strategies to deal with future emergencies.

While recognizing the critical challenges that our military has undertaken with skill and courage, we must acknowledge that certain non-security missions would have been better served by a civilian response. Our post-conflict efforts frequently have had a higher than necessary military profile. This is not the result of a Pentagon power grab or institutional fights. Rather, the military has led post-conflict operations primarily because it is the only agency capable of mobilizing large amounts of people and resources for these tasks. As a consequence, the resources of the Armed Services have been stretched and deployments of military personnel have had to be extended beyond expectations. If we can improve the surge capacity and capabilities of the civilian agencies, they can take over many of the non-security missions that have burdened the military.

The Senate Committee on Foreign Relations embarked on a bipartisan experiment beginning in late 2003, assembling an impressive array of experts from inside and outside of government to provide advice on how best to achieve this goal. This Policy Advisory Group held a series of discussions in which Senators, group members, and invited experts spoke frankly about their ideas to improve the U.S. response to post-conflict reconstruction problems and complex emergencies. The bill that Senator BIDEN and I are introducing draws on these discussions and the comments of participants. I believe that we need structural change, accomplished through legislation, to guarantee improvements in our capabilities.

Serving as members of the Policy Advisory Group were Ambassador James Dobbins, Director of International Security and Defense Policy at the RAND Corporation; Dr. John Hamre, President and CEO of CSIS; Gen. George Joulwan, former Supreme Allied Commander Europe; Gen. William Nash, Senior Fellow and Director of the Center for Preventive Action of the Council on Foreign Relations; Mr. Walter Slocombe, former Senior Advisor for National Security to the Coalition Provisional Authority; and Dr. Arnold Kanter of the Scowcroft Group. Other participants included Mr. Marc Grossman, Undersecretary of State for Political Affairs; Mr. Andrew Natsios, Administrator of USAID; Dr. Joseph Collins, Deputy Assistant Secretary of Defense for Stability Operations; Mr. James Kunder, Deputy Assistant Administrator of USAID; Mr. J. Clint Williamson, Director of Transnational Crime Issues on the NSC; Dr. Hans Binnendijk of the National Defense University; Ms. Sheba Crocker of CSIS; Mr. Frank Kramer of Shea and Gardner; Mr. Bernd McConnell, formerly with USAID and now with the Department of Defense; Mr. Larry Nowels of the Congressional Research Service; Ambassador Robert Oakley of the Institute for National Security Studies at the National Defense University; Mr. Robert Perito of the U.S. Institute of Peace; and Ms. Julia Taft of the UNDP.

Although I have tried to incorporate as many of the insights of the group as possible, not every participant will agree with every provision in the bill. This is not surprising given that one of our goals in constructing the group was guaranteeing a diverse set of perspectives. Nevertheless, there were several themes developed that achieved, or at least approached, a consensus: The civilian foreign affairs agencies should be better organized for overseas crisis response and the Secretary of State should play a lead role in this effort. There should be improved standing capacity within the civilian agencies to respond to complex emergencies and to work in potentially hostile environments. The agencies must be capable and flexible enough to provide a robust partner to the military when necessary or to lead a crisis response effort when appropriate. The rapid mobilization of resources must be shared by the civilian agencies and the military. While the need to ensure security will continue to fall on the shoulders of the military, the post-conflict demands on the military for stabilization and reconstruction would be lessened by tapping into the expertise of civilian forces.

During this process, the Bush Administration was extremely helpful and forthcoming. Officials from the State Department, the Defense Department, the NSC, and USAID attended as guests of the group and participated in their private capacities. The participation of these officials does not constitute an official endorsement of this legislation by their employing agencies, but the final product was greatly improved by their collective experience and wisdom. We are extremely grateful to the Administration for its willingness to engage the Foreign Relations Committee during this process.

This bill urges the President to create a Stabilization and Reconstruction

Coordinating Committee to be chaired by the National Security Advisor. This Coordinating Committee would have policy oversight responsibility for ensuring appropriate interagency coordination in the planning and execution of stabilization and reconstruction efforts. The Coordinating Committee would have representation from the Department of State, USAID, and the Departments of Commerce, Justice, Treasury, Agriculture, and Defense and other agencies as appropriate.

This bill would authorize the creation of an office within the State Department to be the focal point for coordinating the civilian component of stabilization and reconstruction missions. The Office would be headed by a Coordinator who is appointed by the President and reports directly to the Secretary of State. The Coordinator would also work to ensure that civilian components of the United States Government are prepared for joint civilian/military operations if they become necessary.

The bill would authorize the Secretary of State to establish a Response Readiness Corps with both active duty and reserve components available to be called upon at a moments notice to respond to emerging international crises. In the reserves would be both federal government officials from the non-foreign affairs agencies who have volunteered to participate and members recruited from the private sector based on the applicable skills each could contribute to the mission.

The bill urges the Foreign Service Institute to work with both the National Defense University and the United States Army War College to establish an educational and training curriculum to bring together civilian and military personnel to enhance their stabilization and reconstruction skills and increase their ability to work together in the field.

I introduce this bill today to set in motion legislative efforts to strengthen the capacity of our civilian agencies to handle complex emergencies overseas, including post-conflict stabilization and reconstruction efforts. I am hopeful that this legislation will garner further bipartisan support. Its intent is not to critique past practices, but rather to improve our stabilization and reconstruction capacity for the future. We recognize that the bill does not address many facets of this issue that fall under the jurisdiction of the military and the Armed Services Committee. I know that my colleagues on that committee have thought about many of these issues, and they may recommend additional steps.

The inevitable post-conflict stabilization and reconstruction demands of future crises will require a formidable capacity to respond to challenges—both military and diplomatic. It is crucial to our success that the necessary resources and plans be put in place now. Let us give the President the tools he needs to carry out these most demanding foreign policy missions.

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. 7127

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 ''Stabilization and Reconstruction Civilian Management Act of 2004''.

SEC. 2. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this Act is to provide for the development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out stabilization and reconstruction activities in a country or region that is in, or is in transition from, conflict or civil strife.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) DEPARTMENT.—Except as otherwise provided in this Act, the term ''Department'' means the Department of State.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(5) SECRETARY.—Except as otherwise specifically provided in this Act, the term ''Secretary'' means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future stabilization and reconstruction activities in foreign countries or regions that are in, or are in transition from, conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out stabilization and reconstruction activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be further encouraged to participate in planning and organizing stabilization and reconstruction activities in such countries or regions;

(4) the President should establish a new directorate of stabilization and reconstruction activities within the National Security Council to oversee the development of interagency contingency plans and procedures, including plans and procedures for joint civilian-military operations, to address stabilization and reconstruction requirements in such countries or regions;

(5) the President should establish a standing committee to exercise responsibility for overseeing the formulation and execution of stabilization and reconstruction policy in order to ensure appropriate interagency coordination in the planning and execution of stabilization and reconstruction activities, including joint civilian-military operations, of the United States Government, and should provide for the committee—

(A) to be chaired by the Assistant to the President for National Security Affairs; and

(B) to include the heads of—

(i) the Department;

(ii) the United States Agency for International Development;

(iii) the Department of Labor;

(iv) the Department of Commerce;

(v) the Department of Justice;

(vi) the Department of the Treasury;

(vii) the Department of Agriculture;

(viii) the Department of Defense; and

(ix) other Executive agencies as appropriate;

(6) the Secretary and the Administrator should work with the Secretary of Defense to establish a personnel exchange program among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(7) the heads of other Executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR STABILIZATION AND RECONSTRUCTION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A STABILIZATION AND RECONSTRUCTION CRISIS.

''(a) AUTHORITY.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis and authorize the export of goods and services needed to respond to the crisis.

''(b) SPECIAL AUTHORITIES.—To provide assistance authorized in subsection (a), the President may exercise the authorities contained in sections 552(c)(2), 610, and 614 of this Act without regard to the percentage and aggregate dollar limitations contained in such sections.

''(c) AUTHORIZATION OF FUNDING.—

''(1) INITIAL AUTHORIZATION.—There is authorized to be appropriated, without fiscal year limitation, $100,000,000 in funds that may be used to provide assistance authorized in subsection (a).

''(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended as provided under paragraph (1). Funds authorized to be appropriated under this paragraph shall be available without fiscal year limitation for the same purpose and

under the same conditions as are provided under paragraph (1).''.

SEC. 6. OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

''SEC. 59. INTERNATIONAL STABILIZATION AND RECONSTRUCTION.

''(a) OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Department of State an Office of International Stabilization and Reconstruction.

''(2) COORDINATOR FOR INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—The head of the Office shall be the Coordinator for International Stabilization and Reconstruction, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador-at-Large.

''(3) FUNCTIONS.— The functions of the Office of International Stabilization and Reconstruction include the following:

''(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

''(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

''(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

''(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Stabilization and Reconstruction Civilian Management Act of 2004.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve established under subsection (b) or to otherwise participate in or contribute to stabilization and reconstruction activities.

''(G) Ensuring that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

''(H) Sharing information and coordinating plans for stabilization and reconstruction activities with rapid response elements of the United Nations and its specialized agencies, nongovernmental organizations, and other foreign national and international organizations.

''(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

''(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

''(b) RESPONSE TO STABILIZATION EMERGENCY.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for International Stabilization and Reconstruction, shall—

''(1) assess the immediate and long-term need for resources and civilian personnel;

''(2) identify and mobilize non-military resources to respond to the crisis; and

''(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.''.

SEC. 7. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 59 of the State Department Basic Authorities Act of 1956 (as added by section 6) is amended by adding at the end the following new subsection:

''(c) RESPONSE READINESS FORCE.—

''(1) RESPONSE READINESS CORPS.—

''(A) ESTABLISHMENT AND PURPOSE.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish a Response Readiness Corps (hereafter referred to in this section as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are in, or are in transition from, conflict or civil strife.

''(B) COMPOSITION.—The Secretary and Administrator of the United States Agency for International Development should coordinate in the recruitment, hiring, and training of—

''(i) up to 250 personnel to serve in the Corps; and

''(ii) such other personnel as the Secretary, in consultation with the Administrator, may designate as members of the Corps from among employees of the Department of State and the United States Agency for International Development.

''(C) TRAINING.—The Secretary shall train the members of the Corps to perform services necessary to carry out the purpose of the Corps under subparagraph (A).

''(D) COMPENSATION.—Members of the Corps hired under subparagraph (B)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962 and 22 U.S.C. 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

''(2) RESPONSE READINESS RESERVE.—

''(A) ESTABLISHMENT AND PURPOSE.—The Secretary, in consultation with the heads of other relevant Executive agencies, is authorized to establish and maintain a roster of personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1)(A). The personnel listed on the roster shall constitute a Response Readiness Reserve to augment the Corps.

''(B) FEDERAL EMPLOYEES.—The Response Readiness Reserve may include employees of the Department of State, including Foreign Service Nationals, employees of the United States Agency for International Development, employees of any other Executive agency (as that term is defined in section 105 of title 5, United States Code), and employees from the legislative and judicial branches who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

''(ii) have volunteered for deployment to carry out stabilization and reconstruction activities.

''(C) NON-FEDERAL PERSONNEL.—The Response Readiness Reserve should also include at least 500 personnel, which may include retired employees of the Federal Government, contractor personnel, nongovernmental organization personnel, and State and local government employees, who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

''(ii) have volunteered to carry out stabilization and reconstruction activities.

''(3) USE OF CORPS AND RESERVE.—

''(A) RESPONSE READINESS CORPS.—The members of the Corps shall be available—

''(i) if responding in support of stabilization and reconstruction activities pursuant to a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, for deployment in support of such activities; and

''(ii) if not responding as described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

''(B) RESPONSE READINESS RESERVE.—The Secretary may deploy members of the reserve under paragraph (2) in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.''.

(b) EMPLOYMENT AUTHORITY.—The full-time personnel authorized to be employed in the Response Readiness Corps under section 59(b)(1)(B)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Response Readiness Corps and the Response Readiness Reserve under this section. The report shall include recommendations—

(1) for any legislation necessary to implement subsection (a); and

(2) related to the regulation and structure of the Response Readiness Corps and the Response Readiness Reserve, including with respect to pay and employment security for, and benefit and retirement matters related to, such individuals.

SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

''(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

''(2) CURRICULUM CONTENT.—The curriculum shall include the following:

''(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

''(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

''(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

''(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

''(E) A study of the United States interagency system.

''(F) Foreign language training.

''(G) Training and simulation exercises for joint civilian-military emergency response operations.''.

SEC. 9. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 59(b) of the State Department Basic Authorities Act of 1956 (as added by section 7), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 8) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this Act.

SEC. 10. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—The Secretary, or the head of another Executive agency authorized by the Secretary, may, upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, procure the services of individuals or organizations by contract to carry out the purposes of this Act. Individuals so performing such services shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or other authorized Executive agency head may determine the applicability to such individuals of any law administered by the Secretary or other authorized Executive agency head concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—Upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the Secretary and Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary and the Administrator are authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis in order to meet the purposes of this Act. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary and the Administrator may waive the application of the provisions of sections 8344 (a) through (h) and 8468 (a) through (e) of title 5, United States Code, with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM AND FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064), for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act.

(e) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(f) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary and the Administrator may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(g) INCREASE IN PREMIUM PAY CAP.—The Secretary is authorized to compensate an employee detailed, assigned, or deployed to carry out stabilization and reconstruction activities in accordance with this Act without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary, or the head of an Executive agency authorized by the Secretary, may, upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, accept volunteer services to carry out stabilization and reconstruction activities under this Act and section 59 of the State Department Basic Authorities Act of 1956 without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary, or the head of an Executive agency authorized by the Secretary, shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF PROVISIONS RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 171 of title 28, United States Code, relating to tort claims.

(C) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this Act and the amendments made by this Act.

(b) OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—Of the amounts authorized to be appropriated in subsection (a), $8,000,000 is authorized to be made available to pay the salaries, overhead, travel, per diem, and related costs associated with establishing and operating the Office of International Stabilization described in section 59 of the State Department Basic Authorities Act of 1956 (as added by sections 6 and 7).

Mr. BIDEN. Mr. President, I rise today in support of the Stabilization and Reconstruction Civilian Management Act of 2004, a bill that will increase the ability of our civilian agencies to effectively respond to complex emergencies and stabilize countries in the wake of war or crisis.

I commend and express my gratitude to Chairman LUGAR for his leadership on this issue. Since December of last year, the chairman and I have been engaged in discussions with experts from

in and outside government on whether the United States is adequately organized and equipped, and its personnel trained, to deal with post-conflict reconstruction. Our premise was this: in the last decade, the United States has taken on post-conflict stabilization missions in countries such as Bosnia, East Timor, Haiti, Somalia, and now Afghanistan and Iraq. In the decade to come, whether we like it or not, nation building will remain vital to our national security.

We have learned a lot from our efforts. And we have made a lot of mistakes in the process. One lesson that I think is clear is that we have not done a very good job of turning our experience into tools for the future. So the chairman and I put together a group of outside advisers who had held senior positions in the last two administrations; we also invited officials from this administration to give their ideas. The bill we are introducing today is the product of those consultations. I wish to thank all of the participants of the group for their invaluable input to this bipartisan initiative.

Addressing the needs present in post-conflict reconstruction—and in particular, in countries that are on the verge of becoming failed states—is one of the greatest challenges we face today. It matters to the people living in those nations, and it matters to the American people. A bipartisan commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that ''failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as pose grave humanitarian challenges and threats to regional stability.''

We should not have to reinvent the wheel every time we are faced with a stabilization crisis—it's inefficient and ineffective. Rather than address crises on an ad hoc basis—cobbling together plans, procedures, and personnel—as we have been doing, we need to be forward-thinking, comprehensive, and strategic.

The thrust of this legislation is to do precisely that. The bill authorizes the creation of an office within the State Department that will be the focal point for creating plans and procedures to respond to crises, and it establishes a corps of active duty and reserve personnel who will be able to deploy rapidly when and where critical needs arise.

Mr. President, this bill is not a cure-all. But I believe it is a good start to addressing a critical need: that of strengthening our civilian capacity to handle complex emergencies overseas. Again, I thank Chairman LUGAR and the members of our policy advisory group for their work on this issue.

I yield the floor.

By Mr. NICKLES (for himself, Ms. LANDRIEU, and Mr. INHOFE):

S. 2128. A bill to define the term ''natural born Citizen'' as used in the Constitution of the United States to establish eligibility for the Office of President; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, as we take time to celebrate President's Day and remember the contributions of two of our greatest leaders George Washington and Abraham Lincoln, I rise along with my colleagues Senator LANDRIEU and Senator INHOFE to introduce legislation that will guarantee children born to and adopted by American citizens the opportunity to become this country's next great president. The purpose of this bill is to define the term ''natural born Citizen'' as used in Article II of the Constitution to include any person born in the United States, any person born outside the United States to citizen parents, and any foreign-born child adopted by citizen parents.

For many decades legal scholars have debated the meaning of the term ''natural born Citizen.'' There are many law review articles that examine the issue from every angle and come to several different conclusions. Some scholars, such as Pinkney G. McElwee in his article entitled Natural Born Citizen and Isidor Blum's article published in the New York Law School Journal, conclude that the term ''natural born'' is synonymous with ''native born.'' Others, such as Charles Gordon in the Maryland Law Review and Warren Freedman in the Cornell Law Quarterly, decide that the definition of ''natural born'' includes all people who are citizens at birth. And these scholars disagree as to who is a citizen at birth.

The issue came to the public's attention when George Romney was seeking the Republican nomination for President in 1968. He was born of American missionary parents in Mexico. Some questioned his eligibility to be President under the Constitutional requirement that a President be a ''natural born citizen.'' The issue was never decided since Mr. Romney did not become the Republican nominee. Although at least two Federal court decisions have suggested what the term ''natural born citizen'' means, the issue has never been squarely resolved by a court.

Today the question remains unanswered. This bill presents us with an historic opportunity. In this bill, we have the opportunity to end the uncertainty surrounding the qualifications for the presidency, and provide a fair and equal chance to children of American citizens to pursue their dreams.

There is obviously a need for clarification. In the absence of a judicial interpretation, Congress can express a legislative interpretation of Constitutional terms. We should not wait for an election to be challenged and the courts to decide what ''natural born'' means. This bill answers the need for clarification and gives certainty to our citizens whose children may be born abroad such as armed service members, foreign service members, expatriate families, and certainty to families that have adopted foreign born children, that their children, too, are eligible to seek the office of President of the United States.

Part of the American dream is that any child of an American can grow up to be anything he or she wants to be including President of the United States. That it does not matter what your last name is, or how much property you own, or how wealthy you are. That the son or daughter of the humblest upbringing could one day lead this great country. This is why America is truly the land of opportunity. It should not matter if you are born to American parents in a foreign country or adopted by American parents from a foreign country. In either case, you are a child of America.

This bill makes clear that a child born to American citizens abroad is eligible to hold the office of the presidency. The term ''natural born'' was used by the framers of the Constitution to reinforce their wish that the president would feel loyalty and allegiance to the United States. That the president would have a ''native feeling.'' Children born to American citizens abroad, especially those born to members of the American armed forces and foreign service, certainly have that ''native feeling.'' They are as patriotic as any American. Statutorily, they are citizens from birth, raised by Americans with American values. And they should have the same opportunities as children born on American soil. They should not be denied the chance to seek the highest office in our land because they happened to be born while their parents were stationed or working abroad.

The Constitution also requires that the president have resided in the United States for fourteen years. This provision shows us that the framers believed that the president need not spend his whole life in the United States. It is possible for a person to reside in another country for a time and still be eligible to be President of the United States. So it follows that an American child born abroad should be just as eligible to be president just as any child born in the United States that happens to reside abroad for a time. This bill makes it clear that such a child is eligible to be president.

This bill also makes clear that foreign born children adopted by American families will have the same opportunities as biological children of American citizens. All of the same arguments apply for foreign adopted children that apply for children born biologically to citizen parents abroad. These children are no less loyal to the United States. They are raised by Americans in America. They are not any less of a citizen than any other American. And they should be no less

eligible to be president than any other American child.

Furthermore, adoption law says that once a child is fully and finally adopted, they are entitled to the same rights, duties and responsibilities as biological children. They are to be treated as ''natural issue'' of their adoptive parents. All blood ties are severed from their biological families. As such, foreign adopted children living in America are treated as if born to their adoptive American parents. But there is one remaining difference. Without this bill, they will be unable to pursue the opportunity to run for President. Removal of this inequality is the last step needed to truly provide equality to the foreign adopted children of American citizens.

In 1990, Americans adopted more than 7,000 children from abroad. By 2002, that number grew to more than 20,000 children. These children are members of American families, and should be treated as such. They should be allowed to have the same dreams as any other American child, including the dream that they, too, could grow up to be President of the United States. This bill makes sure they can.

Foreign adopted children and children born to American citizens abroad are as invested in the well-being of this country as the rest of us. These children grow up with the benefits of being an American citizen, and they contribute back to this country. They grow up to work here, pay their taxes here, and raise their children here. These children could grow up to be America's next great writers, actors, scientists, lawyers or doctors. They could be ministers or mill workers, farmers or Senators. They should also be allowed to grow up to be the President.

This bill ensures that children born to or adopted by American parents have claim to the full meaning of the American dream. That not only can they have the freedom to speak, the freedom to worship in any style they wish, the freedom to own a home and pursue happiness, but that they can also have the freedom to choose to run for president.

Over my years as a Senator, my office has received letters and inquiries from many foreign adopted children and their families seeking a change in the law to allow them to pursue the office of President of the United States. I ask my colleagues today to join with us in support of this bill to make America truly the land of opportunity for all its citizens' children whether born here, born abroad or adopted abroad.

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. 2128

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 ''Natural Born Citizen Act''.

SEC. 2. DEFINITION OF "NATURAL BORN CITIZEN".

(a) IN GENERAL.—Congress finds and declares that the term ''natural born Citizen'' in Article II, Section 1, Clause 5 of the Constitution of the United States means—

(1) any person born in the United States and subject to the jurisdiction thereof; and

(2) any person born outside the United States—

(A) who derives citizenship at birth from a United States citizen parent or parents pursuant to an Act of Congress; or

(B) who is adopted by 18 years of age by a United States citizen parent or parents who are otherwise eligible to transmit citizenship to a biological child pursuant to an Act of Congress.

(b) UNITED STATES.—In this section, the term ''United States'', when used in a geographic sense, means the several States of the United States and the District of Columbia.

Mr. INHOFE. Mr. President, I rise today to join my colleagues, Senator NICKLES and LANDRIEU, in introducing this bill, which will profoundly impact generations to come. It will clarify who is eligible to become President of the United States of America. The term ''natural born citizen'' as used in the Constitution, would be defined as any person born in the United States, any person born outside the United States to citizen parents, and any foreign-born child adopted by citizen parents.

In the absence of a judicial interpretation of constitutional language, Congress can express a legislative interpretation of constitutional terms. In the Naturalization Act of 1790, Congress used this ability to define ''natural born'' to include children born abroad to citizen parents. Although this language was not kept in the naturalization laws, the ability of Congress to define this term was not challenged.

This bill is intended to further describe the term ''natural born citizen'' as it relates to Presidential qualification. The Framers used this phrase to support the criteria that the President be loyal and faithful to the United States. Children born to military, or State Department parents living abroad have exceeding loyalty to the United States. They should not be punished for their parents' willingness to serve their country abroad.

Furthermore, internationally adopted children should not bear this penalty either. In recent years, the number of children adopted by Americans from overseas has grown to more than 20,000. They are considered ''natural issue'' of their adoptive parents and share a similar loyalty to the United States. These children should have the same rights, duties, responsibilities, and privileges as biological children. They should be able to pursue their dreams.

About two and a half years ago, my daughter adopted a little girl from Ethiopia. While my granddaughter shares most freedoms granted by the Constitution with her biologically born brothers, including the freedom of speech, the freedom to worship, and the freedom to pursue happiness, she does not have the freedom to pursue any job she wants. Without this interpretation she does not have the freedom to run for President of the United States.

I urge my colleagues to join in support of this bill to allow all American citizens, no matter where they are born, an equal opportunity to pursue their dreams, including to run for President of the United States.

By Mrs. BOXER:

S. 2129. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety device in connection with the transfer of a handgun and to provide safety standards for child safety devices; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, we would all agree that we need to protect our children from violence. However, too many of our children continue to be injured or killed by guns. That is why I am introducing the Child Safety Device Act.

This is a very simple measure. Every handgun sold must come with a child safety device. This can be a lock using a key or combination, a device that locks electronically, a lock box, or technology that is built into the gun itself. With this safety measure in place, we can reduce the number of accidental gun deaths among our children.

More than 22 million children live in homes with guns. And more than 3.3 million of them live in homes where the guns are always or sometimes kept loaded and unlocked. The result is the accidental deaths of 182 young people each year—that's one every 48 hours.

We ''childproof'' our medicine bottles; we put gates up near stairs; we make sure that toys are not toxic. But we don't require that guns come with safety devices. We should.

And to ensure that those devices are effective, my bill requires that the Consumer Product Safety Commission establish standards for their design, manufacture, and performance. When parents use a child safety device, they should have confidence that it works as intended.

The Child Safety Device Act will improve the safety of our children—and it will help save lives.

By Mr. CAMPBELL (for himself, Ms. SNOWE, Mr. INOUYE, Mrs. HUTCHISON, Mr. LEVIN, Mr. MILLER, Mr. BIDEN, Mr. BREAUX, Mrs. BOXER, Mr. LUGAR, Mr. LAUTENBERG, Ms. COLLINS, Ms. STABENOW, Mr. BURNS, Mr. SMITH, Ms. MURKOWSKI, Mr. LIEBERMAN, Mr. KENNEDY, Mr. FRIST, Mr. BINGAMAN, Mr. SPECTER, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLARD, Mr. ENSIGN, Mr. CRAPO, Mr. STEVENS, Mr. GRAHAM of South Carolina, Mr. DURBIN, Mr. BENNETT, Mr. SESSIONS, Mr. DAYTON, Mr. BOND, and Mr. JOHNSON):

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES 28

Whereas June 6, 2004, marks the 60th anniversary of D-Day, the first day of the Allied landing at Normandy during World War II by American, British, and Canadian troops;

Whereas the D-Day landing, known as Operation Overlord, was the most extensive amphibious operation ever to occur, involving on the first day of the operation 5,000 naval vessels, more than 11,000 sorties by Allied aircraft, and 153,000 members of the Allied Expeditionary Force;

Whereas the bravery and sacrifices of the Allied troops at 5 separate Normandy beaches and numerous paratrooper and glider landing zones began what Allied Supreme Commander Dwight D. Eisenhower called a ''Crusade in Europe'' to end Nazi tyranny and restore freedom and human dignity to millions of people;

Whereas that great assault by sea and air marked the beginning of the end of Hitler's ambition for world domination;

Whereas American troops suffered over 6,500 casualties on D-Day; and

Whereas the people of the United States should honor the valor and sacrifices of their fellow countrymen, both living and dead, who fought that day for liberty and the cause of freedom in Europe: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the 60th anniversary of the Allied landing at Normandy during World War II; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the anniversary with appropriate ceremonies and programs to honor the sacrifices of their fellow countrymen to liberate Europe.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 91—DESIGNATING THE MONTH OF APRIL 2005 AS ''AMERICAN RELIGIOUS HISTORY MONTH''

Mr. BROWNBACK (for himself and Mr. INHOFE) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 91

Whereas religion has made a unique contribution in shaping the United States as a distinctive and blessed Nation and people;

Whereas deeply held religious convictions led to the early settlement of our nation;

Whereas religious teachings from the Bible inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas the history of our Nation clearly illustrates the value of voluntarily applying religious teaching in the lives of individuals, families, and society;

Whereas the profoundly held religious belief that all people are created in the image of God and are therefore equal in the eyes of God ultimately led to the abolition of the deeply entrenched institution of slavery;

Whereas many of our great national leaders acknowledged that religion is the basis of national morality, as evidenced by President Washington who said that ''reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle'';

Whereas the Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas renewing our knowledge of a faith in the God of our Founding Fathers can strengthen us as a Nation and a people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the month of April 2005 as ''American Religious History Month'' in recognition of both the formative influence that religion has been on our Nation, and our national need to study and apply the religious teachings embraced by our Founding Fathers; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 92—CONGRATULATING AND SALUTING FOCUS: HOPE ON THE OCCASION OF ITS 35TH ANNIVERSARY AND FOR ITS REMARKABLE COMMITMENT AND CONTRIBUTIONS TO DETROIT, THE STATE OF MICHIGAN, AND FOR THE UNITED STATES

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 92

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was co-founded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired to establish Focus: HOPE by the work of Dr. Martin Luther King Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown to one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement states: ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.'';

Whereas one of Focus: HOPE's early efforts was to support African American and female employees in a seminal class action suit against AAA, resulting in one of the finest affirmative action commitments made by any corporation up to that time;

Whereas Focus: HOPE helped to conceive of and develop the Department of Agriculture's Commodity Supplemental Food Program which has been replicated in 32 states, and through this program Focus: HOPE helps to feed 43,000 people per month throughout Southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and beyond for careers in advanced manufacturing and precision machining since 1981, and has sent forth nearly 2,500 certified graduates, providing an opportunity for primarily under-represented minority youth, women, and others to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE, with assistance from Michigan, the Department of Housing and Urban Development, and other generous private and public partners, has within the last two years invested over $10 million to complete the renovation of the industrial building housing its Machinist Training Institute;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs that would contribute to the participation of under-represented urban individuals in these critical sectors;

Whereas, in 1982, Focus: HOPE began a for-profit subsidiary that was initiated for community economic development purposes and is now designated with Federal HUBZone status;

Whereas Focus: HOPE created two pioneering programs—FAST TRACK and First Step—designed to help individuals improve their reading and math competencies by a minimum of two grade levels in 4–7 weeks;

Whereas these programs have graduated over 7,000 individuals since their inception, a new offsite training facility in Detroit's Empowerment Zone in southwest Detroit has been established to reach out to individuals in other parts of the city, and the success of the programs has inspired Michigan (in its State-wide FAST BREAK program) and other States to replicate the efforts of Focus: HOPE;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as a Center for Children, which has now served over 5,000 children of colleagues, students, and neighbors with quality child care, including latchkey, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented co-operative agreement between the Departments of Defense, Commerce, Education, and Labor, established a National demonstration project—the Center for Advanced Technologies—in which candidates earn associates and bachelors degrees in either manufacturing engineering or technology, and engage in hands-on manufacturing within-real world conditions, producing parts for DaimlerChrysler, Detroit Diesel, Ford Motor Company, General Motors Corporation, the Department of Defense, and others;

Whereas Focus: HOPE has caused over $22 million to be invested in renovating a previously obsolete building to house the Center for Advanced Technologies, transforming the building into a model facility for 21st century advanced manufacturing, education, and research;

Whereas Focus: HOPE has made outstanding contributions toward increasing diversity within the traditional homogeneous science, math, engineering, and technology fields, and 95 percent of currently enrolled