

Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

**SEC. 602. PROHIBITION AGAINST COVERING CHILDLESS ADULTS WITH SCHIP FUNDS.**

(a) PROHIBITION ON USE OF SCHIP FUNDS.—

(1) IN GENERAL.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

“(f) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding subsection (e)(2)(A) and section 1115(a), the Secretary may not approve a waiver, experimental, pilot, or demonstration project, or an amendment to such a project that has been approved as of the date of enactment of this subsection, that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to childless adults. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”.

(2) CONFORMING AMENDMENT.—Section 2105(c)(1) (42 U.S.C. 1397ee(c)(1)) is amended by inserting before the period the following: “and may not include coverage of childless adults. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”.

(b) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to—

(1) authorize the waiver of any provision of title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) that is not otherwise authorized to be waived under such titles or under title XI of such Act (42 U.S.C. 1301 et seq.) as of the date of enactment of this Act; or

(2) imply congressional approval of any waiver, experimental, pilot, or demonstration project affecting the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act that has been approved as of such date of enactment.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date of enactment of this Act and apply to proposals to conduct a waiver, experimental, pilot, or demonstration project affecting the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act, and to any proposals to amend such projects, that are approved or extended on or after such date of enactment.

**TITLE VII—EFFECTIVE DATE**

**SEC. 701. EFFECTIVE DATE.**

(a) IN GENERAL.—Subject to subsection (b) and except as otherwise provided, the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day

of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Nevada is recognized.

**MORNING BUSINESS**

Mr. REID. Mr. President, the chairman of the Finance Committee will not be here until about 1:30. We should not start the bill until he arrives. I have spoken to Senator BAUCUS. He agrees. I think until then perhaps we should be in a period of morning business until 1:30.

Mr. FRIST. Mr. President, why don't we have morning business. I ask unanimous consent that there be a period of morning business with the time divided accordingly until 1:30 today.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**ORDER OF PROCEDURE**

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

Mr. DORGAN. Will the Senator from Oregon yield for a question?

Mr. WYDEN. I am happy to.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes following the Senator from Oregon.

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

**RIISING GAS PRICES**

Mr. WYDEN. Mr. President, I rise to reiterate how important it is that Congress and the administration act to protect the American people from rising gas prices. I call on the Bush administration to stop its campaign of inaction on this critical consumer issue.

This week the Organization of Petroleum Exporting Countries, OPEC, will vote on whether to cut their cartel's production by 1 million barrels a day. This vote comes at a time when the American Automobile Association tells

us that the national average price of gasoline is the highest it has ever been. Of course, we know it is not yet the peak driving season. In California, consumers consistently pay over \$2 a gallon. In my home State, it is \$1.80, and in some towns, \$1.85, such as Eugene and Medford. Consumers in Oregon are getting clobbered.

The vote OPEC will be making comes at a time when according to the Associated Press private gasoline inventories are already down by 2.5 million barrels. The vote comes at a time when, in spite of these very low supplies, the Bush administration stubbornly persists in filling the Strategic Petroleum Reserve instead of steps that I and others favor, which are to put more oil on the market.

In my view, it is imperative that the United States push OPEC in every possible way not to cause further harm to our already injured gasoline market and to vote against any further production cuts. The Lundberg Survey tells us that even if OPEC were to agree this week not to cut production, we would still face skyrocketing prices. Here is how I read that: If OPEC doesn't agree not to cut production, the problem will be that much worse.

When oil prices were high in September of 2000, then-candidate George W. Bush blasted former President Clinton for not pushing OPEC to increase production. Prices at that time were not as high as they are today. And at least the administration at that time was making some efforts to wring some relief out of OPEC. But still then Texas Governor Bush said:

We need to be mindful of the power of strong and consistent diplomacy. We need to start playing with chips we have earned in the past on behalf of American consumers.

If anybody has chips to play now in order to get a fair shake for the consumer, it is this President. Certainly he has chips to play with the domestic oil producers who enjoy the tax breaks he favors and environmental breaks and help when those companies are having difficulty supplying their refineries.

With regard to the OPEC vote, we ought to be clear. I hope the President of the United States will follow the advice he gave years ago. I hope he will do everything possible to push those OPEC countries now, telling them they should not allow the gas problem in this country to worsen with yet another production cut. Pushing OPEC to stop a planned production cut is the very least this administration could do for the gasoline consumer. It would be the least that could be done, but at least it would be something. At least it would end the weeks' long, months' long campaign of inaction that this administration has waged as gasoline prices have crept higher and higher and clobbered consumers in every part of the United States.

For several weeks now OPEC's per barrel price has been well above their target per barrel price range of \$22 to

\$28. OPEC committed to keeping prices in this range. They long ago discarded that commitment, and yet nobody has heard anything from the administration until just in the last week or so, as I and others started calling for answers.

We sure heard from the White House last week when OPEC prices dropped to \$35.51 per barrel. They said: Well, we are making progress. But the fact is, that amount is more than \$7 higher than the top of OPEC's target price range. So any pressure this administration has put on OPEC is a day late and more than \$7 short. Taking credit after the fact for a pittance of accommodation from OPEC is not going to solve this Nation's gasoline price problems, and it certainly is not going to provide the consumer any real relief.

I will tell you what else is not going to help American consumers. That is for the administration to continue to turn a blind eye to the rampant anticompetitive and anticonsumer practices that are plaguing our country's gasoline markets. Scores of communities, including those in my State, have few if any choices for the gasoline consumer. Nationwide the gas market in Oregon and at least 27 other States is considered tight oligopolies where four companies control more than 60 percent of the gasoline at the pump. In these tightly concentrated markets, numerous studies have found oil company practices have driven the independent wholesalers and detailers completely out of the market. They use red lining and zone pricing. The fact is, with these and other practices, the independent stations can't compete. They go out of business, and the oil companies can widen their net to grab even more cash from the consumers.

The Federal Trade Commission, when they have looked at these practices in the past, have admitted that they are anticompetitive and drive prices higher. They just say they don't have the power to do much about it. I don't think that is true. To be fair, the past administration didn't do a whole lot either when it came to going to bat for the consumer to stop these oil company anticompetitive practices. But this administration has proven that if they want to make something happen administratively, they certainly can do it. They have done that in area after area.

It seems to me that if the administration will end its campaign of inaction to stop the price-pumping shenanigans of private oil companies, they could certainly take steps now to help the American consumer.

In December of 2002, they stepped in to stop filling the Strategic Petroleum Reserve to keep more oil on the market, when the oil companies couldn't keep their refineries full. But now when American consumers are paying \$2 a gallon at the pump, we don't see any effort to stop filling the Strategic Petroleum Reserve. So the fact is, what this administration is unwilling

do for the driving public, they are willing to do for big oil.

What ought to be done in the face of this campaign of inaction? Certainly, you can make a start by having congressional action. I sponsored S. 1737, which would give the Federal Trade Commission additional tools to promote competition in these very tight markets. They would have the power to issue cease and desist orders to prevent companies from gouging consumers. That is a vehicle that can be used right now to help the American consumer. We are certainly going to have problems in the days ahead. And even the oil companies admit that the market won't solve the problems on its own.

Last August a report by the Rand Corporation revealed that even oil industry officials are predicting more price volatility in the future. Last November the Energy Information Administration also issued a report on the causes of last summer's record high gas prices.

They said—and this is the position of the Federal Government—"There is continuing vulnerability to future gasoline price spikes."

The Congress needs to act now before gasoline rises to \$3 per gallon, and we are hearing that from some independent oil industry analysts.

The administration, however, has the power to act now. They need to be on the phone. They need to be pushing OPEC today. They need to get off the dime at the Federal Trade Commission, where action can be taken administratively. Rising gas prices don't just hit families in the pocket during the weekly fill-up; those rising gasoline prices are producing a disturbance and causing ripples throughout our economy. There are huge consequences of this price manipulation.

When gasoline costs more, businesses' transportation costs go up. Their profits go down. So either the price of the goods they sell to consumers has to go up, or the number of people they employ must plummet. So higher gas prices either mean bigger costs for consumer goods, or fewer jobs in an economy that certainly cannot afford to lose any more.

Let me close by saying that I hope my legislation, S. 1737, will pass in the days ahead. Right now, consumers are getting socked at the pumps in person. That is not acceptable to me and should not be acceptable to any Member of the Senate. It is time to stand up to the status quo.

It is time for the Bush administration to take the lead. They ought to do it with OPEC and with the Federal Trade Commission. If the administration doesn't support the proposals I offer today, they ought to end their campaign of inaction and offer their own. I hope we will have a chance to debate this on the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

# NATIONAL SEX OFFENDER REGISTRY ACT OF 2004

Mr. DORGAN. Mr. President, last December, there were news reports around the country about the disappearance of a young student at the University of North Dakota whose name was Dru Sjodin.

I am sorry to tell you that Dru Sjodin has never been found. It is likely that she has been murdered. The person who allegedly committed that murder is now under lock and key in a North Dakota jail, awaiting a trial. And, as is too often the case, the man that apparently committed this crime had earlier been released from prison for committing similar offenses.

Let me talk for a moment about this case and about some legislation I have introduced in the Senate—bipartisan legislation—to respond to it.

Dru Sjodin was a student at the University of North Dakota. On a December afternoon, she was abducted in a parking lot at the shopping center in Grand Forks, ND.

The suspect who was arrested for that disappearance was a man named Alfonso Rodriguez, Jr. Law enforcement has released some details, saying that a knife with blood of the type of Dru Sjodin's blood was found in the automobile of Mr. Alfonso Rodriguez.

Mr. Rodriguez had only been released 6 months earlier from a 23-year sentence that he served in a prison for a previous rape and sexual assault in Minnesota. In fact, the Minnesota Department of Corrections had rated Mr. Rodriguez a "type 3" sexual offender, meaning that he was at the highest risk for reoffending.

In an evaluation conducted in January 2003, a little over a year ago, a prison psychiatrist wrote that Mr. Rodriguez had demonstrated "a willingness to use substantial force, including the use of a weapon, in order to gain compliance from his victims."

Yet Mr. Rodriguez was released in May of 2003—not yet a year ago—by the Minnesota Department of Corrections. He had served 23 years; he had served his full sentence, and the Department of Corrections released him and imposed no further supervision for his release.

The Minnesota Department of Corrections could have recommended that the State Attorney General seek what is known as a civil commitment. That means a State court would have required Rodriguez to be confined in prison as long as he posed a significant threat to the public, even if he had already served his original sentence. But the Attorney General was not notified of Mr. Rodriguez's release, and so no action was taken there.

Upon his release, Mr. Rodriguez went to live in Crookston, MN, unsupervised, just a short distance from the Grand Forks, ND, shopping mall where Dru Sjodin was abducted. Mr. Rodriguez was listed on a list of sexual predators in Minnesota. But each State has listings of sexual predators. If concerned