At the request of Mr. VOINOVICH, his name was added as a cosponsor of amendment No. 2937 proposed to H.R. 4, supra.

AMENDMENT NO. 2939

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2939 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2942

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2942 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 4, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. CHAMBLISS, Mr. ALLEN, Mr. GREGG, Ms. COLLINS, Ms. MURKOWSKI, Mr. WARNER, and Mr. THOMAS):

S. 2258. A bill to revise certain requirements for H–2B employers for fiscal year 2004, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Summer Operations and Services or ''SOS'' Relief and Reform Act, S. 2258.

Across our Nation, there are businesses, many of which are small, which look forward to the summer time each year as an opportunity to conduct their seasonal operations. From Utah to Alaska to New England and down to the Southern States, innkeepers, swimming pool operators, and fishermen rely on the income generated during the summer months to feed their families, employ their neighbors, and contribute to their local economies. Individually, these businesses may not be big operations, but collectively, they are an integral part of the American economy.

Because of the nature of our country's labor market, and perhaps because of the unattractiveness of seasonal versus permanent work, these operations have traditionally relied upon the H–2B visa program to bring needed workers from abroad. For those who may not understand the purpose for this program, let me explain it. An employer is only allowed to request an H–2B worker when no American worker is available for the same job. An employer is not allowed to pay lower wages to these foreign visa holders. Throughout our immigration history, the H–2B program has remained noncontroversial.

This year, perhaps as a sign of our economy's increasing vitality, the H–2B annual cap of 66,000 visas has already been reached. Meanwhile, small businesses across the country warn that if Congress does not make some sort of accommodation, they stand to suffer immeasurable losses. Failing to act would not only be detrimental to these small businessowners, many of whom simply cannot afford to lose an entire year's worth of profit, but would hurt the Americans whose jobs also depend on the stability of these businesses. The negative impact upon the hospitality and tourism sectors would be severe as well. In other words, unless we act quickly and give these seasonal operations the resources they need, we are facing a very bleak summer for many hard-working Americans and entrepreneurs.

That said, as much as I want to do all that I can to save this summer of seasonal work, I also want to make sure that in our haste, we do not establish unsound policy and set a bad precedent for the future. Many immigration reformists oppose increasing numbers in any immigration program. I oppose simply raising the numbers indiscriminately. Instead, what we need is a program that is tied to the realities of our economy and our job market. The reform I propose in ''SOS'' will bring us closer to this ultimate goal.

Specifically, S. 2258 does not raise the visa cap number. Instead, it exempts those who were admitted on an H–2B visa during the past 2 fiscal years from the cap for the remainder of this year. This is a good reform approach for several reasons: First, the number of actual workers admitted will be dictated by the strength of the economy, and not by a random number that resulted from political compromise. Second, it gives preferential treatment to those who have used the program before, and who have complied with the law and returned to their home countries at the end of the season. Third and finally, it would allow the Secretary of Homeland Security to delegate to the Secretary of Labor the specific as well as inherent authority to investigate fraudulent immigration and employment practices. No immigration reform can be complete without addressing that issue. Of course, this bill does not represent all of the reforms that are needed, but is it a step in the right direction, while providing immediate relief for our seasonal businesses.

I thank Chairman CHAMBLISS of the Judiciary Committee's Immigration Subcommittee for his valuable input and for being our lead cosponsor on this bill. I also want to thank the administration for its contribution and expertise in reforming the H–2B visa program in an administratively feasible manner. Finally, I would be remiss if I did not recognize the contribution made by the other original cosponsors, Senators ALLEN, GREGG, COLLINS, MURKOWSKI, WARNER, and THOMAS.

Let me conclude by emphasizing that without our immediate attention to this pressing problem, local economies will face substantial losses. Let us work together to prioritize the health of America's seasonal businesses, and safeguard the livelihood of all the people who depend on them. I ask my colleagues for their bipartisan cooperation in the timely passage of this bill.

By Mr. DORGAN (for himself, Mr. BENNETT, and Mr. CONRAD):

S. 2259. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, 15 years ago the U.S. Supreme Court, in a 5 to 4 decision, struck down a Texas flag protection statute. The Supreme Court ruled that burning an American flag was a form of ''speech,'' and therefore protected under the first amendment of the Constitution.

I disagreed with the Court's decisions then and I still do. I don't believe that the act of desecrating a flag is an act of speech. And I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision, I have supported Federal legislation that would make flag desecration illegal. Yet on several occasions, I have also voted against amendments to the Constitution to do the same.

I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely, and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials published by constitutional scholars and courts on all sides of this issue. After that review, I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. So I am joining Senator BENNETT today to introduce bipartisan legislation that accomplishes that goal.

The bill we introduce today protects the flag but does so without altering the Constitution. A number of respected constitutional scholars tell us they believe this type of statute will be upheld by the U.S. Supreme Court.

This statute protects the flag by criminalizing flag desecration when its intended purpose is to incite violence.

I know that supporters of a constitutional amendment will be disappointed by my decision to support this statutory remedy to protect the flag, rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong.

I have wrestled with this issue for a long time, and I wish I were not, with my decision, disappointing those, including many of my friends, who passionately believe that we must amend the Constitution to protect the flag. But, in the end, I know that our country will be better served reserving our attempts to alter the Constitution only for those things that are, in the words of James Madison, ''extraordinary occasion.''

More than 11,000 constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of Rights in 1791 only 17 amendments have been enacted. These 17 include 3 reconstruction era amendments that abolished slavery and gave African Americans the right to vote.

The amendments included giving women the right to vote, limiting Presidents to two terms, and establishing an order of succession in case of a President's death or departure from office. The last time Congress considered and passed a new constitutional amendment was when it changed the voting age to 18, more than a quarter of a century ago. All of these matters were of such scope they required a constitutional amendment to be accomplished. They could not have been accomplished otherwise.

But protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point.

The bill we are introducing today, on a bipartisan basis, outlaws three types of illegal flag desecration.

First, anyone who destroys or damages a U.S. flag with a clear intent to incite imminent violence or a breach of the peace may be punished by a fine of up to $100,000, or up to 1 year in jail, or both. Second, anyone who steals a flag that belongs to the United States and destroys or damages that flag may be fined up to $250,000 or imprisoned up to 2 years, or both. And third, anyone who steals a flag may also be fined up to $250,000 or imprisoned up to 2 years, or both.

Constitutional scholars, including those at the Congressional Research Service, the research arm of Congress, and Duke University's Professor William Alstyne, have concluded that this statute passes constitutional muster, because it recognizes that the same standard that already applies to other forms of speech applies to burning the flag as well.

This is the same standard which makes it illegal to falsely cry ''fire'' in a crowded theater. Reckless speech that is likely to cause violence is not protected under the ''fighting words'' standard, long recognized by the Supreme Court of the United States.

So we are offering this bipartisan legislation with the confidence that its passage would meaningfully and effectively protect our cherished flag.

I believe that future generations, and our Founding Fathers, would agree that it is worthwhile for us to find a way to protect our flag without altering the Constitution. And so I ask those colleagues who, like me, care deeply about both our flag and our Constitution, to support this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

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

S. 2259

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 ''Flag Protection Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world;

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(b) PURPOSE.—The purpose of this Act is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

''§ 700. Incitement; damage or destruction of property involving the flag of the united states

''(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

''(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than $100,000, imprisoned not more than 1 year, or both.

''(c) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(d) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than $250,000, imprisoned not more than 2 years, or both.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.''

(b) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

700. Incitement; damage or destruction of property involving the flag of the United States.''

By Mr. SANTORUM:

S. 2260. A bill to amend title XVIII of the Social Security Act to provide for fairness in the calculation of medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am introducing today the Medicare DSH payments for Puerto Rico Hospitals Fairness Act of 2004. This legislation seeks to provide fairness for Puerto Rico hospitals in their qualification for disproportionate share payments under the Medicare Program.

The primary purpose of the DSH program is to reimburse hospitals for the higher Medicare costs associated with treating low-income Medicare patients. Under current law, hospitals providing essential health care to low-income Medicare patients in Puerto Rico are effectively denied equitable reimbursement, because the law is being applied in such a way that a significant portion of the low-income population served by Puerto Rico hospitals is not allowed to count toward DSH calculations.

The legislation that I am introducing today would amend section 1886(d)(9)(D)(iii) of the Social Security Act to help ensure that Puerto Rico's low-income Medicare beneficiaries and hospitals that treat them have access to the same health care as the mainland.

I ask unanimous consent that the next 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. 2260

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 ''Medicare DSH Payments for Puerto Rico Hospitals Fairness Act of 2004''.

SEC. 2. CALCULATION OF MEDICARE DSH PAYMENTS FOR PPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2004, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of a subsection (d) Puerto Rico hospital's patient days for a cost reporting period that are made up of patients who (for such days) were entitled to benefits under part A of this title and were recipients of aid under the State plan approved under title XVI that provides for grants to States for aid to the aged, blind, or disabled.''.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. BAUCUS, Mr. CHAFEE, Mr. DODD, Mr. NELSON of Florida, Mr. VOINOVICH, and Mr. SUNUNU):

S. 2261. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

Mr. DEWINE. Mr. President, today we have an opportunity to reach out to the least developed country in the Western Hemisphere—we have an opportunity to reach out to the island nation of Haiti.

I am pleased to join Senators GRAHAM of Florida, LUGAR, BAUCUS, CHAFEE, DODD, VOINOVICH, and NELSON of Florida in introducing the Haiti Economic Opportunity Act of 2004. I also would like to thank Representative SHAW, as well as our other House cosponsors, for their support of this bill.

Our bill would use trade incentives to encourage the post-Aristide government to make much needed reforms, while encouraging foreign direct investment—the most powerful, and yet underutilized, tool of development. The bill's provisions apply the least developed country provisions of the African Growth and Opportunity Act, AGOA, to Haiti—the least developed country in our Hemisphere.

Specifically, our bill would provide duty-free entry to apparel articles assembled in Haiti contingent upon Presidential certification that the new government is making significant political, economic, and social reforms. The bill also caps the amount of duty-free articles at 1.5 percent of the total amount of U.S. apparel imports, growing to 3.5 percent over 7 years. Currently, Haiti accounts for less than one-half of 1 percent of all U.S. apparel imports, and although these provisions seem modest by U.S. standards, in Haiti they are substantial.

The enactment of this legislation would promote employment in Haitian industry by allowing Haiti to become a garment production center again. Haiti has a labor advantage that makes it competitive compared to other countries in the region, and at one time several years ago over 100,000 people were employed in assembly jobs. Now, that number stands at just 30,000, and regional and global economic conditions are quickly converging to eliminate any chance of Haiti reestablishing a foothold in the garment production market.

Our window of opportunity to act expires at the end of the year, when quotas are phased out of the global market for textiles and apparel, and countries, such as China, are allowed to fully enter the market. In addition, Haiti has been largely left out of the Central American Free-Trade Agreement negotiations, gaining only small concessions for coproduction with the Dominican Republic. These concessions are necessary but far from sufficient for creating jobs.

I have traveled to Haiti 13 times, and there is no doubt that Haiti needs this opportunity. No other nation in our hemisphere is as impoverished. Today, at least 80 percent of all Haitians live in abject poverty, with at least 80 percent under- or unemployed. Per capita annual income is less than $400.

No other nation in our hemisphere has a higher rate of HIV/AIDS. Today, AIDS is the No. 1 cause of all adult deaths in Haiti, killing at least 30,000 Haitians annually and orphaning 200,000 children.

No other nation in our hemisphere has a higher infant mortality rate or a lower life expectancy rate.

And, no other nation in our hemisphere is as environmentally strapped. Haiti is an ecological disaster, with a 98-percent deforestation level and extreme topsoil erosion.

Despite this, U.S. assistance has reached its lowest level in over a decade. This needs to change. Haiti is in our backyard, inexorably linked to the United States by history, geography, humanitarian concerns, the illicit drug trade, and the ever-present possibility of waves of incoming refugees. Haiti's problems are our problems.

In an environment such as this, foreign assistance is not enough to create economic opportunities, promote development, and reverse these dire conditions. Economic development is the answer, bringing with it lower unemployment, increased infrastructure development, and spillover effects for the rest of Haiti's population.

This bill is not the ''silver bullet'' for Haiti, because there is no silver bullet. Rebuilding Haiti is going to require time, attention, and determination on the part of the people of Haiti, the countries in the region, and ultimately the entire international community. This bill would be a powerful indicator that Haiti has the support necessary to move forward. I encourage all of my colleagues to cosponsor this important piece of legislation.

Mr. President, 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. 2261

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 ''Haiti Economic Recovery Opportunity Act of 2004''.

SEC. 2. TRADE BENEFITS TO HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

''SEC. 213A. SPECIAL RULE FOR HAITI.

''(a) IN GENERAL.—In addition to any other preferential treatment under this Act, beginning on October 1, 2003, and in each of the 7 succeeding 1-year periods, apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from Haiti shall enter the United States free of duty, subject to the limitations described in subsections (b) and (c), if Haiti has satisfied the requirements set forth in subsection (d).

''(b) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this subsection are apparel articles that are wholly assembled or knit-to-shape in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns without regard to the country of origin of the fabrics, components, or yarns.

''(c) PREFERENTIAL TREATMENT.—The preferential treatment described in subsection (a), shall be extended—

''(1) during the 12-month period beginning on October 1, 2003, to a quantity of apparel articles that is equal to 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period beginning October 1, 2002; and

''(2) during the 12-month period beginning on October 1 of each succeeding year, to a quantity of apparel articles that is equal to the product of—

''(A) the percentage applicable during the previous 12-month period plus 0.5 percent (but not over 3.5 percent); and

''(B) the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period that ends on September 30 of that year.

''(d) ELIGIBILITY REQUIREMENTS.—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti—

''(1) has established, or is making continual progress toward establishing—

''(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

''(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

''(C) the elimination of barriers to United States trade and investment, including by—

''(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

''(ii) the protection of intellectual property; and

''(iii) the resolution of bilateral trade and investment disputes;

''(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

''(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

''(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(2) does not engage in activities that undermine United States national security or foreign policy interests; and

''(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2003.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2003, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

AMENDMENTS SUBMITTED & PROPOSED

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, supra.

SA 2946. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2947. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2948. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2949. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2950. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2951. Mr. SMITH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2952. Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2953. Mr. BAUCUS (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2954. Mr. ALEXANDER (for Mr. MCCAIN (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. KERRY)) proposed an amendment to the bill H.R. 2443, to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

SA 2955. Mr. ALEXANDER (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2443, supra.

TEXT OF AMENDMENTS

SA 2944. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 12 and all that follows through page 213, line 6, and insert the following:

''(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN EDUCATIONAL ACTIVITIES.—

''(i) IN GENERAL.—Except as provided in paragraph (1)(C)(ii)(I) and clause (ii), for purposes of subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are—

''(I) determined (without regard to individuals participating in a program established under section 404(l)) to be engaged in work for the month by reason of participation in vocational educational training (but only with respect to such training that does not exceed 12 months with respect to any individual); or

''(II) deemed to be engaged in work for the month by reason of subparagraph (C) of this paragraph.

''(ii) EXCEPTION FOR EDUCATION IN PREPARATION FOR SECTOR-SPECIFIC, HIGH-SKILL OCCUPATIONS TO MEET EMPLOYER DEMAND.—

''(I) IN GENERAL.—Notwithstanding clause (i) and subsection (d)(8), for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) with respect to an individual who is enrolled, in preparation for a sector-specific, high-skill occupation to meet employer demand (as defined in subclause (II)), in a postsecondary 2- or 4-year degree program or in vocational educational training—

''(aa) the State may count the number of hours per week that the individual attends such program or training for purposes of determining the number of hours for which a family is engaged in work for the month without regard to the 30 percent limitation under clause (i); and

''(bb) the individual shall be permitted to complete the requirements of the degree program or vocational educational training within the normal timeframe for full-time students seeking the particular degree or completing such vocational educational training.

''(II) SECTOR-SPECIFIC, HIGH-SKILL OCCUPATION TO MEET EMPLOYER DEMAND DEFINED.—In subclause (I), the term 'sector-specific, high-demand, high-skill occupation to meet employer demand' means an occupation—

''(aa) that has been identified by the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors or that has been defined by the State agency administering the State program funded under this part as within the needs of the State with regard to current and projected employment opportunities in specific industry sectors and is consistent with high demand jobs identified in the State plan in accordance with section 402(a)(1)(A)(vi)(I);

''(bb) that requires occupational training; and

''(cc) that provides a wage of at least 75 percent of the State median hourly wage, as calculated by the Bureau of Labor Statistics on the basis of the most recent Occupational Employment and Wage Survey.

SA 2945. Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 2004''.

(b) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2004;

''(B) $6.45 an hour, beginning 12 months after that 60th day; and

''(C) $7.00 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of