



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, WEDNESDAY, APRIL 7, 2004

No. 48

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2004, at 2 p.m.

Senate

WEDNESDAY, APRIL 7, 2004

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord our God, whose power and love destroyed the darkness of death and sin, thank You for hardships that keep us humble and for misfortunes that keep our minds on You. Rule our wills by the might of that love wherewith You have set us free. Keep us from untimely and self-made cares, as we continue to look to You, the author and finisher of our faith.

Support our Senators with Your grace. Give them faith to look beyond today's challenges and trials and to know that neither life nor death can separate them from Your love. Help each of us to prove our gratitude to You by selfless service for those who need our love and care. We pray this in the Name of our redeemer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. This morning, the Senate will conduct a period of morning business until 10:45 a.m. We may make some adjustments to that because we want a full hour of morning business. There will be some leader time used by myself and the Democratic leader. Morning business will be for an hour, with the first half under the control of the Democratic leader and the second half under the control of the majority leader.

Following that 1 hour of morning business, the Senate will begin 2 hours for debate with respect to the motion to proceed to the Pregnancy and Trauma Care Access Protection Act of 2004.

Following the debate, the Senate will recess until 2:15 for the weekly policy luncheons to occur. When the Senate reconvenes at 2:15, there will be a vote on invoking cloture on the motion to proceed to the consideration of the Pregnancy and Trauma Care Access Protection Act. This procedural vote will require 60 votes. Unfortunately, it became necessary due to objections from the other side of the aisle.

Following that vote, the Senate will conduct a second cloture vote relating to the FSC/ETI, the JOBS bill. This will be the second cloture vote with respect to this JOBS bill, the FSC/ETI bill. I hope we will be successful in invoking cloture and bringing this FSC/ETI issue to conclusion.

An issue we need to address this week is the pension equity conference report. That conference report has passed the House by a large margin, and it is now at the desk. We need to consider that measure prior to adjourning for the Easter recess. I will be talking to the Democratic leader after our statements this morning about reaching an agreement for a period of debate and a vote on the pension equity conference report.

I will briefly comment on the JOBS bill, the FSC/ETI bill. The progrowth policies this Senate, this body has passed in 2001 and 2003 are policies which keep more money in the hands of individuals and businesses and out of the grasp of Government. These policies have begun to pay dividends, dividends we have seen over the last several months, realized in the improvement in the economy and in the job

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3869

creation numbers, which have steadied and now begun to increase.

The point is, we can, we should, and we will do more. Today, we have an opportunity to further enhance the creation of jobs which are so needed here at home, by taking positive action to move the JOBS bill—that is, the Jumpstart Our Business Strength Act, the FSC/ETI bill—through this whole maze of parliamentary obstacles that are currently handcuffing this bill. It is important for us to do. We absolutely must accomplish that this week.

As most know, this bill brings together our trade and tax laws. It brings them in compliance with our trade agreements. It will also create tens of thousands of new jobs over the next several years. Given that much of the benefit of that legislation goes to U.S. manufacturing firms, these jobs are likely to be high-wage, high-skill jobs that are necessary to ensure strong economic growth.

As many of my colleagues know, the Europeans are already imposing tariffs on our exports. The tariffs started last month, March 1, at 5 percent of the \$4 billion authorized. They will increase 1 percent; that is, \$40 million, each and every month that passes. The tariffs, in effect, are a European tax on U.S. manufacturers, and they are devastating U.S. businesses.

According to the American Forest and Paper Association, in the forest products industry alone, approximately 1,400 jobs are at risk due to these tariffs. It is time for us to act; it is causing real economic hardship.

There is a company with operations in both Ohio and Wisconsin called Robbins Sports Surfaces. Jonathan Turner is their director of purchasing. He wrote an e-mail that summarizes why we need to act and to act now:

The estimated average value per year for all items that the EU has sanctioned has been about \$300,000.00 for my company. . . . Because competition is so fierce in these markets, any import duty will likely cost us that business to a European competitor. With the initial import duty, we cannot compete effectively in Europe at this time. We need to sell our products to the EU and are in favor of discontinuing this duty. For 10 years we have exported to the EU and are in danger of losing that market if FSC/ETI is not resolved.

That is just one example—Jonathan Turner's words in an e-mail.

A vote against cloture is a vote in support of this Euro tax, whether it is on Jonathan Turner or Robbins Sports Surfaces or thousands of other companies also facing these tariffs. So I do hope my colleagues will join me and others in voting in favor of cloture this afternoon so we can move forward on this important bill.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I mentioned earlier that we do want our colleagues to have a full 60 minutes for morning business. So at this juncture, I ask unanimous consent that the

morning business period be extended for the full 60 minutes, with the time divided as under the previous order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the morning business allotted to the Democratic side be divided 15 minutes for the Senator from New Jersey, Mr. CORZINE, first; and 15 minutes for the distinguished Senator from Oregon, Mr. WYDEN, second.

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

CONSIDERATION OF FSC/ETI

Mr. DASCHLE. Mr. President, I wanted to come to the floor to respond, if I could, to the comments made by the distinguished majority leader. He made a very good statement about the importance of the FSC/ETI bill. I do not know whether there is unanimous support for FSC/ETI, but I do know there is strong support for it. It passed by a large margin out of the Finance Committee, and I think there is a great deal of interest in passing it on the Senate floor. So this is not a question whatsoever about support for the bill.

We have been on the bill now for 7 days. This is the seventh day. We have actually had a vote on one amendment having to do with outsourcing—7 days, one vote. I am absolutely convinced if we had spent these 7 days working through the list of amendments—and I have the list in front of me—we would have finished this bill by now.

In fact, Mr. President, I ask unanimous consent that the list of amendments be printed in the RECORD.

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

S. 1637, FSC/ETI BILL (2ND LIST)—UPDATED 1 P.M., MONDAY, MARCH 29, 2004

Bayh: (1) China trade laws; and (2) manufacturing.

Breaux/Feinstein: (1) Re-patriation.

Cantwell: (1) UI.

Corzine: (1) Trade barriers; (2) COBRA; and (3) trade enforcement.

Daschle: (1) Job creation package.

Dayton: (1) Strike all international provisions; (2) capturing tax credit; (3) housing; and (4) check the box.

Dorgan/Mikulski: (1) Runaway plants.

Feingold: (1) Buy America provisions.

Graham: (1) Strike international manufacturing and replace with job credit; (2) repeal of international title; and (3) relevant.

Harkin: (1) Overtime.

Harkin/Wyden: (1) No tax deduction for outsourcing.

Hollings: (1) Strike all international provisions.

Kennedy: (1) Family opportunity act; (2) strike some international provisions; and (3) notification (with Daschle).

Lautenberg: (1) Foreign subsidiaries doing business with terrorist nations.

Levin: (1) Tax shelters.

Miller: (1) Green bond.

Murray/Durbin: (1) Malpractice insurance tax credit.

Pryor: (1) IRA.

Reid/Dorgan/Coleman: (1) Production tax credit.

Schumer: (1) NY; and (2) China.

Stabenow: (1) Tax benefits for domestic production.

Wyden/Rockefeller: (1) TAA for services and health care.

Mr. DASCHLE. I have indicated to Senator FRIST that I feel strongly about the importance of working with him to try to finish deliberations on this bill. Instead, what we have gotten from some on the other side is just a lot of posturing.

This was the original bill: 378 pages. Well, they denied the Democrats the opportunity to vote on one amendment and came back with the second version; this has 567 pages. They denied the opportunity, once again, to offer Democratic amendments, but now they have 969 pages of new amendments. So what they are telling us this morning is that this amendment is OK, but Senate Democrats cannot offer any of their amendments that are relevant, that are certainly appropriate, but that would fall under cloture today.

I have urged my colleagues to reduce the number of amendments that they had intended to offer, and virtually every one of them has obliged. We started out with about 75 amendments. It came down to 40 amendments. Now it is down to around 25 amendments. If we had a finite list, I am sure we could work those down even more as we debated these amendments.

So I am troubled and, frankly, somewhat frustrated. Senator FRIST, since he has been majority leader, has had a very good managerial style, where he has come to the floor, he has allowed Democrats to offer their amendments, and we have worked through bill after bill, including a very complicated highway bill in a very short period of time. Well, this is not in keeping with that practice, and it is troubling to me.

About a week ago, I also indicated we would be prepared to finish the welfare bill this week if we could work through the amendments, and that was not possible either.

I hope people understand this has nothing to do with support of the bill. This has to do with support of having an opportunity to do what this Senate is supposedly known for, which is to have a vigorous debate in what is called the most deliberative body. Having one amendment in 7 days is not my idea of thoughtful deliberation. We have been hung up on procedure and hung up on issues that have nothing to do with the FSC/ETI bill as it relates