

I have related repeatedly on the floor of the Senate the importance of this bill, the importance of finishing this bill. I do hope Members on both sides of the aisle will show restraint as we put together a number of amendments to be considered on the FSC/ETI bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, and the second 30 minutes under the control of the Democratic leader or his designee.

Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBAC. Mr. President, I believe I have time reserved under the majority leader's time to speak this morning in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. REID. If the Senator will withhold, Senator DASCHLE wishes to give a speech. He has said to go ahead.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kansas is recognized.

Mr. BROWNBAC. Madam President, I thank the Senator from Nevada for the thoughts he put forward.

MARRIAGE

Mr. BROWNBAC. Madam President, what I wish to talk about this morning is the overall issue of marriage, and I will go through some charts, factual information, and some data. It is a current topic. It is one of great interest in the country. What I want to do is back up and say, Why is this institution even significant to us as a country? Why would a governing body be interested in marriage at all? Isn't this just simply a private matter?

What I want to do is go through, on a factual basis, and outline and make clear why marriage is so important to a government. At the end of the day, it comes back to raising children in a society to be productive, good, strong, healthy citizens, and the best setting to do that in is between two married biological parents, if at all possible, male and female. That is what all the statistical studies show. That is what the sociological studies show. I want to go through that because it lays the groundwork for why we are interested in marriage in a governmental body.

It turns out that if you have strong families, at the end of the day you are going to need less government infrastructure and support for them. If you

have a very weakened family structure, you are going to need a lot more governmental structure to surround that child to make up for the lack of two dedicated male-female biological parents.

This is not to say people cannot raise good children outside of that setting, because people do, and they struggle sometimes heroically to get it done, and they get it done. I want to recognize and honor them as well.

I want to talk about the macropicture as a broad society. As a society of millions of people, why are we interested in it? The reason is that, by and large, it produces stronger, more capable citizenry.

In the wake of all the recent debates about defending marriage from some of the new and unique challenges it faces and promoting marriage as an essential component in addressing some of our more intractable social problems in this country, I think it is important we come back to some fundamental questions: What is marriage? Why is it important to the health and continuance of our society? Why is the Government interested in marriage at all?

The answers to these fundamental questions are no longer so obvious or self-evident, as is apparent from the fact that many today question our civilization's traditional understandings of the institution of marriage, its purpose, its necessity for society, and its role in preventing social breakdown.

Before we can argue fruitfully about what marriage is not, we have to have a good understanding of what it is, why it is valuable, and why it must be defended as an essential bulwark of this great Nation of ours. The stronger the marriages we have between a man and woman in this country, bonded together for life, the stronger the country is going to be.

Marriage has been central to the understanding of family in Western culture from the beginning, and central to our historical concept of marriage has been the rearing of and orientation toward children. It is in this setting that children have the most likelihood of coming out successfully. This traditional understanding is a far cry from a postmodern deconstruction of marriage by a large number of sociologists and academics today, many of whom hold that the unique character of marriage is simply "public approval and recognition." In other words, marriage is whatever controlling public authority says it is, whatever current public opinion is.

Our civilization's historical understanding of marriage and the consequent recognition by the State of the unique nature of this one relationship reflect the fact that the public recognition of the institution of marriage is not primarily about the granting of rights and liberties but about the imposition of burdens.

Under the law, marriage limits rather than increases individual freedom. As family scholar Allan Carlson points

out, marriage laws commonly mandate the sharing of earnings and debts, compelling obligations of mutual support, and limit rights to terminate the relationship. These are all limitations on the two people involved.

Why is it that governments leave all other relationship between individuals free but continue to register and in a sense burden these heterosexual unions? The answer—and I will go through this in a number of charts and statistics—is children, beings at once highly vulnerable and essential for the future of every community. Strong and stable marriages receive public approbation because it is a source of citizens able to practice ordered liberty. So children are the key to the puzzle about the unique treatment of heterosexual unions and traditional marriage.

As author Maggie Gallagher has written:

Marriage is the place where having children is not only tolerated but welcomed and encouraged, because it gives children mothers and fathers.

That should seem very basic. This is not to say that marriage is not important to society for a host of other reasons as well. Traditional marriage is a boon to society in a variety of ways, and Government has a vital interest in encouraging and providing the conditions to maintain as many traditional marriages as possible.

Marriage has economic benefits, not only for the spouses but for the economy at large. Even in advanced industrial societies such as ours, economists tell us that the uncounted but real value of home activities, such as childcare, home carpentry, and food preparation, is still at least as large as that of the official economy. Not least of the reasons marriage is a positive social good is the fact that in the married state, adults of both sexes are vastly healthier, happier, safer, wealthier, and live longer.

Here is an instance where social science, viewed honestly, confirms what common wisdom has always told us: Traditional marriage between a man and a woman is a good thing. It is not only good for the spouses, it is absolutely vital for the children.

Now again, we know from study after study that the children of intact traditional marriages are also much healthier in body, spirit, and mind, more successful in school and life, and much less likely to use illegal drugs, abuse alcohol, or engage in crime. That is not to say people cannot raise healthy children in other settings. They can and they do, and they struggle mightily to get it done. This is the best setting.

As a result, though, one can always confidently conclude that traditional marriage is also a social good because it dramatically reduces the social costs associated with dysfunctional behavior. Supporting and strengthening marriage significantly diminishes public

expenditures on welfare, raises Government revenues, and produces a more engaged responsible citizenry.

On the other hand, as seen today, most dramatically in modern societies such as ours, where the institution of marriage has been threatened and under attack for decades, with high rates of divorce and cohabitation, combined with low birthrates, there is a real question about the vibrancy of future societies that do not uphold traditional marriage. It is ironic, then, that the very governments that benefit from intact traditional unions have in recent years seemed determined to follow policies that have the effect of weakening marriage.

There is a clear consensus about the benefits of stable marriages to children, and that consensus is growing. Child Trends, a mainstream child welfare organization, has noted that:

Research clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes. . . .

Not that they do not have in many cases very good outcomes, but they face higher risk of poor outcomes.

There is thus value for children in promoting strong, stable marriages between biological parents.

It is not just any relationship between any two adults that provides children with the stability and nurture they need to thrive; it is a strong, stable marriage between biological parents. Again, social science seems to confirm what our common sense tells us: Children need a mom and a dad.

We cannot lose sight of the importance of fathers in this discussion of marriage. While it has become fashionable to champion a wide variety of alternative family forums, it is abundantly clear that children are much less likely to thrive in the absence of their biological father. Children who grow up without their fathers are two to three times more likely to fail at school and two to three times more likely to suffer from an emotional or behavioral problem. They are five times more likely to be poor. Nearly 80 percent of all children suffering long-term poverty come from broken or never-married families.

This is the first chart I wanted to show about developmental problems are less common in two-parent families, the red chart being single-parent families and the second one being two-parent families. Virtually half the level, the lower half of class academically, developmental delay, emotional or behavioral problems—all of those problems are nearly cut in half in a two-parent family.

I want to show next, on the child poverty issue, nearly 80 percent of all children suffering long-term poverty come from broken or never-married families.

This is the number of children, total population, that are in the situation of poverty. Twenty-two percent are children of intact married couples, and the rest in the various other areas are children born in marriage subsequently divorced; children born out of wedlock, mother subsequently married; children of never-married mothers. Virtually 80 percent are those involved in poverty.

The crisis of child poverty in this country is, in large degree, a crisis of marriage. That is why in the welfare reform bill there has been so much push on the issue of marriage, because with marriage comes a much better chance that this child is not going to be in a situation of poverty. It is not saying that is going to be in all circumstances; it is not. But the odds get much improved. The percentage of children of intact families living in poverty is very small compared to those in families where the father is not present.

Marriage has the effect of lifting families and children out of poverty. After the birth of a child out of wedlock, only 17 percent of poor mothers and children remain poor if the mother marries the child's father. More than half of those mothers and children remain poor if the mother remains single.

I am saying this, and some people may be uneasy about what the facts say, but this is what the situation is. We have had this vast social experiment of fathers being removed from families or leaving families in an increasing amount over the past number of decades and we have the data now. It is important for governments that we have a two-biological-parents traditional family.

This chart indicates the impact of marriage on poverty based on the non-married father's actual earnings, percentage of mothers and children who are poor. If the mother remains single, it is 55 percent; if the mother marries the child's father, it is 17 percent. Divorce, on the other hand, impoverishes families and children. It has been estimated the average income of families with children declines by 42 percent after divorce. Divorce has hit my family. It has hit many families—most families across this country. I know the impact of it, in siblings in my family.

Children who grow up fatherless are also at a much increased risk of serious child abuse. A child whose mother cohabits with a man who is not the child's father is 33 times more likely to suffer abuse than a child living with both biological parents in an intact marriage. What a tough situation for that child.

Married mothers are also half as likely to be victims of domestic violence than mothers who have never been married. As teenagers, fatherless children are more likely to commit crime, engage in early and promiscuous sexual activity, and to commit suicides.

It is clear both children and societies as a whole pay an enormous price for

fatherless homes. The American people realize this. There is a Gallup poll from several years ago that showed almost 80 percent of the public agrees with the proposition that "the most significant family or social problem facing America is the physical absence of the father from the home."

It is a problem that requires urgent attention in our country. Nearly 25 million children today reside in a home where the father is absent—25 million children. Half of these children have never stepped foot in their father's home—12.5 million have never stepped foot in their father's home.

Less than half of all teenagers currently live with their married biological mothers and fathers. On this chart, that is the point I just made: Less than half of all teenagers live with their married biological mothers and fathers.

This year, approximately 1 million children will endure the divorce of their parents and an additional 1.2 million will be born out of wedlock. Altogether the proportion of children entering broken families has more than quadrupled since 1950.

This is a crisis for both our children and our country, the fact that so many children are growing up without dads. It has been exacerbated by the decline of the institution of marriage.

In the year 2000, the proportion of never-married women between the ages of 25 to 29 reached 39 percent; in 1965 it was less than 10 percent. Among men, the proportion who have never married from that age group went from 18 percent to 44 percent in the same time period. According to the Census Bureau, the number of cohabiting couples has increased from half a million to almost 5 million in the last 30 years. The number of households with neither marriage nor children present has gone from about 7 million in 1960 to just under 41 million in 2000. While married-couple families were 76 percent of all households in 1960, they constitute barely 50 percent today. Divorce rates have doubled every decade between 1960 and 1990, and while now they appear to have leveled off, they are still at historically high levels.

This is the percentage of adults in the population that is married compared to the percentage of the population that is divorced. You can see what it was in 1970: married 72 percent, divorced 3 percent; in 2002, 59 percent married, 10 percent divorced.

Public policy must focus on reinforcing the institution of marriage if we are to make progress in addressing many of the most difficult problems we face as a society. While welfare reform, for instance, has been an undeniable success in cutting half the caseloads, it is clear the next step must include addressing what is the core issue, the decline of marriage and the absence of fathers from families. We certainly cannot mandate the involvement of biological fathers with their families, but we can do everything possible to support the most proven and effective

pathway to responsible parental engagement, and that is marriage. We must continue to work to change the policies that in effect punish the decision to marry, such as welfare rules that make it more difficult for married couples with children to qualify in comparison to single-parent families.

We must work to address the decline of traditional marriage. Unless we provide, as a society, cultural reinforcement for the often difficult path of loyal, committed, monogamous, heterosexual unions, we should not expect to see the institution of marriage thrive.

If society says the family structure does not matter, what is the incentive to get or to stay married when the road gets rough, which it often does? As one marriage expert has said, "If marriage is just a way of publicly celebrating private love, then there is no need to encourage couples to stick it out for the sake of children. If family structure does not matter, why have marriage laws at all? Do adults or do they not have a basic obligation to control their desires so that children can have mothers and fathers?"

That, my colleagues, is the real question in the marriage debate. That is why we have a vital interest in defending the institution of traditional marriage from attempts to define it out of existence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent the period for morning business be extended by 10 minutes on each side.

Mr. REID. Madam President, reserving the right to object, the Democratic leader wanted to speak. He yielded to the Senator from Kansas. If the Senator from Texas will withhold for a minute, he should be coming here.

Mr. CORNYN. I am sorry, Madam President, is there objection?

Mr. REID. Yes, there is, until the Democratic leader gets here.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas has the floor.

Mr. REID. How much time is remaining on—

The PRESIDING OFFICER. There are 7 minutes, 15 seconds that remain.

Mr. REID. I would say, Madam President, we have no objection.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. CORNYN. For a question? May I ask how much time we have remaining?

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. CORNYN. There was an objection to the request for extension on each side for morning business?

The PRESIDING OFFICER. Yes, that objection was heard.

Mr. CORNYN. There was objection.

The PRESIDING OFFICER. Yes.

RICHARD CLARKE ALLEGATIONS

Mr. CORNYN. Madam President, I want to say a few words regarding some of the accusations we have seen in recent times coming out of the 9/11 hearing and the Richard Clarke allegations in his book. I think it is important, through all the clutter, for the American people to understand one point, if they understand anything, about all the debate and the politics and the political rhetoric and posturing that is going on surrounding this issue. That is a question that was asked during the course of the Commission hearing by Commissioner Gorton.

I think it is absolutely critical for the American people to understand both this question and this answer by Mr. Clarke. The question is from Commissioner Gorton of the 9/11 Commission, inquiring into the causes and circumstances giving rise to 9/11:

... Assuming that the recommendations that you made on January 25th of 2001 ... which had been an agenda item at this point for 2½ years without any action ... assuming that that had all been adopted say on January 26th, [when President Bush came to office] year 2001, is there the remotest chance that it would have prevented 9/11?

Mr. Clarke answered, "No."

I believe the American people need to understand that Mr. Clarke is not assigning blame to President Bush or his administration for what happened on 9/11, nor could he. As a matter of fact, we had seen, during the preceding years of the Clinton administration when Mr. Clarke held the role of counterterrorism chief, a number of attacks against the United States of America and against our soil.

In 1993, Osama bin Laden directed al-Qaida's first successful terrorist attack on U.S. soil, blowing up a car bomb in the basement garage of the World Trade Center in New York City killing 6 and wounding 1,000. In 1996, there was another attack on the U.S. Air Force's Khobar Towers barracks in Saudi Arabia killing 19 Americans and wounding 515 Americans and Saudis. In 1998, U.S. embassies in Kenya and Tanzania were attacked by al-Qaida suicide bombers who killed 234 people and wounded more than 5,000. In 2000, al-Qaida attacked the USS *Cole* killing 17 American sailors and wounding 39.

So it is clear that during the preceding 8 years that Osama bin Laden had been terrorizing America and taking American lives in the process.

It is simply unfair for Mr. Clarke, or anyone else for that matter, to suggest that during the 8 months President Bush was in office that he should have or could have somehow done anything more than was done to try to prevent the events of 9/11. And, indeed, Mr. Clarke in a flash of candor through all of the attempts he has made to try to promote his new book—and, by the way, he has been very successful; I see on Amazon.Com his book is the No. 1 or No. 2 most ordered book. He has been very successful in promoting his book—but in a flash of amazing candor,

we see that he now admits there is nothing the Bush administration could have done in 8 months that the Clinton administration had not done in 8 years to prevent the tragic events of 9/11.

Some in Washington, DC, I guess we have all come to learn, are world-class second guessers. Now armed with the benefit of hindsight, there are those who want to pick through the rubble, through e-mails, and through memos to try to assign blame.

But we ought to be clear about this: The blame for what happened on 9/11 lies squarely with Osama bin Laden and al-Qaida—not on the American people, not on President Clinton and his administration, and not on the President or his administration. These are good, patriotic Americans who I am confident were doing everything they knew of that they could possibly do to prevent the terrible tragedy this Nation suffered on 9/11.

It is insulting that anyone would suggest this administration or the previous administration, now with the benefit of 20-20 hindsight, might have done something to stop this unfathomable horror.

It is important to place responsibility where it lies; and that is with al-Qaida and Osama bin Laden.

We also find ourselves in a strange new dimension where on the one hand President Bush is criticized for acting too decisively to take out al-Qaida, to take down the Taliban government in Afghanistan and then remove a blood-thirsty tyrant in Saddam Hussein, and now, on the other hand, these same critics want to complain that he should have done more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Madam President, I was told that the Senator from Texas didn't understand what I said. What I said earlier was that Senator DASCHLE wanted to speak and that is why I objected. I ask unanimous consent that the time on both sides be extended for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I thank the Senator from Nevada.

We ought to be very clear about where the blame lies for the events of September 11.

But I point out one thing: President Bush has acted as decisively as any leader could have possibly acted in removing the Taliban from Afghanistan, by disrupting the training camps of al-Qaida in that country and then acting decisively against Saddam Hussein. The United Nations issued 14 different resolutions threatening him with the use of force if he did not comply with those resolutions, which he had never complied with during the entire course of the post-gulf-war period from 1991.

I think most Americans would be a little surprised to learn we never had a peace treaty after 1991, because Saddam Hussein continued to defy the