

We know there are folks who benefit by the current system. The pharmaceutical industry and insurance industry do well. They control what the price will be, what the access will be, and they don't want to change. They and their spokespeople will come forward and scare people, that somehow to do any change at all means some big, bureaucratic, top-down government system and socialized medicine, and they use all these other words, but it is used to scare people and to stop us from moving together and doing what needs to be done.

We need to be working together, partnering with business, with communities, with local governments and State and Federal Government to create a system where we make better decisions, provide health care to people on the front end rather than when they are very sick and walking into an emergency room, and bringing prices down by designing a system that works for us.

There is no doubt in my mind that we are capable of doing that. If we have the will, the political will and the right leadership in this country, there is no question that we cannot sit down, figure out a system that provides and maintains the best of what is great about American medicine and American health care, and also create some new opportunities to benefit from what is the best and yet create a better system for everyone.

We can do that. But first we have to have the right leadership, which is why I am supporting JOHN KERRY and JOHN EDWARDS. They understand. Senator KERRY has said his first initiative to come forward to the Congress as President of the United States will be on health care. My biggest concern since coming here, related to health care, has been there is not the sense of urgency we need to sit down and get this done. We need the political will to stand up to folks, the special interests with a lot of money who benefit from the way the system is today. We need to have the courage and the leadership to be able to design a system and tackle this in a way that makes sense for people.

There is absolutely no doubt in my mind that this can be done. There is also absolutely no doubt in my mind that it must be done. If our businesses are going to survive in a global economy, if our families are going to survive, in terms of providing health care for their children and moms and dads and grandpas and grandmas, if we are going to survive in terms of older care and care for the disabled in this country, if we are going to continue to have the quality of life Americans need and deserve, we have to tackle the health care issue and have more than just slogans and scare tactics for people.

We have to do better than the last 4 years. Real household income is down. Family health care premiums are up. This is the wrong direction. We can do better and with a change in adminis-

trations, working together in a bipartisan way, we will do better.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 25, 2000, in Palm Springs, CA, a judge ordered a U.S. Marine, Lance Horton, to pay \$4,300 to a gay couple he admitted beating and to complete charity work as part of his 5-year probation. Horton pleaded guilty to two counts of assault and to two hate crimes.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### NOTICE OF CHANGE IN SENATE PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that in accordance with Title V of the Rules of Procedure of the Senate Committee on Rules and Administration, the Committee has updated the Senate Public Transportation Subsidy regulations effective October 1, 2004.

Based on the Committee's review of the 1992 regulations which authorize the issuance of tax free "de minimis fringe benefit": transit fare media, and a review of the Transportation Equity Act for the 21st Century (P.L. 105-78), the Committee has concluded that its regulations should be updated to reflect statutory changes in the dollar amount allowed to be issued as a "de minimis fringe benefit." In addition, the Committee has streamlined the process for office participation in this program.

##### PUBLIC TRANSPORTATION SUBSIDY REGULATIONS

###### Sec. 1. Policy

It is the policy of the Senate to encourage employees to use public mass transportation in commuting to and from Senate offices.

###### Sec. 2. Authority

The Tax Reform Act of 1986, as amended by the Transportation Equity Act for the 21st Century (P.L. 105-78) allows employers to give employees as a tax free "de minimis fringe benefit" transit fare media of a value not exceeding \$100 per month. The Fiscal Year 1991 Treasury-Postal Appropriations Act (Pub. L. 101-509) allows Federal agencies

to participate in state or local government transit programs that encourage employees to use public transportation.

###### Sec. 3. Definitions

(a) Public Mass Transportation—A transportation system operated by a State or local government, e.g. bus or rail transit system.

(b) Fare Media—A ticket, pass, or other device, other than cash, used to pay for transportation on a public mass transit system.

(c) Office—Refers to a Senate employee's appointing authority, that is, the Senator, committee chairman, elected officer, or an official of the Senate who appointed the employee. For purposes of these regulations, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee, whose appointing authority is the Senator holding such position.

(d) Qualified Employee—An individual employed in a Senate office whose salary is disbursed by the Secretary of the Senate, whose salary is within the limit set by his or her appointing authority for participation in a transit program under these regulations, and who is not a member of a car pool or the holder of any Senate parking privilege.

(e) Qualified program refers to the program of a public mass transportation system that encourages employees to use public transportation in accordance with the requirements of Pub. L. 101-509 whose participation in the Senate program in accordance with these regulations has been approved by the Committee on Rules and Administration.

###### Sec. 4. Program requirements

(a) Each office within the Senate is authorized to provide to qualified employees under its supervision a de minimis fringe employment benefit of transit fare media of a value not to exceed the amount authorized by statute currently not to exceed \$100 per month.

(b) Each appointing authority may establish a salary limit for participation in this program by his or her employees. If such salary limit is established, all staff paid at or below that limit, and who meet the other criteria established in these regulations, must be permitted to participate in this program.

(c) For purposes of these regulations, an individual employed for a partial month in an office shall be considered employed for the full month in that office.

(d) The fare media purchased by participating offices under this program shall only be used by qualified employees for travel to and from their official duty station.

(e) Any fare media purchased under this program may not be sold or exchanged although exchanges of Metro Card Media for transportation on the Virginia Railway Express (VRE) or the Maryland Transit Administration's MARC trains are permissible.

(f) In addition to any criminal liability, any person misusing, selling, exchanging or obtaining or using a fare media in violation of these regulations shall be required to reimburse the office for the full amount of the fare media involved and may be disqualified from further participation in this program.

###### Sec. 5. Office administration of program

Each office electing to participate in this program shall be responsible for its administration in accordance with these regulations, shall designate an individual to manage its program, and may adopt rules for its participation consistent with these regulations.

An employee who wishes to participate in this program shall make application with his or her office on a form which shall include a