United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, APRIL 29, 2004 No. 57

# House of Representatives

The House met at 10 a.m.

The Reverend Dr. Nathan D. Baxter, Rector, St. James Episcopal Church, Lancaster, Pennsylvania, offered the following prayer:

Let us pray.

Blessed Lord, we pause at the beginning of this House's work to acknowledge You, the author of liberty. We thank You for the spirit of freedom so deeply endowed in the heart of this Nation. We also thank You for the great work of democracy, the fruit of liberty, to which this House is dedicated.

We pray for its Members, its officers and staff. For just as we believe democracy is inspired of You, we also know its human work can be difficult and complex, especially in these times of momentous decisions for our Nation and beyond, times of war and terrorist threat, times of economic uncertainty. We need the strength of Your spirit.

So hear our prayer for those we have chosen to represent us in these times. We ask that You would grant each one an extra measure of courage to act rightly when partisan passions beckon, and give them the grace of patience in discerning answers when truth is not clear.

Finally, we pray not just for this House, but for all of us, legislators and citizens, that neither the diligent work of democracy nor the privilege of its fruits will ever long distract us from the truth of its purpose, which is liberty and justice for all. Blessed Lord, hear our prayer. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. STENHOLM) come forward and lead the House in the Pledge of Allegiance.

Mr. STENHOLM 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.

## IRAQ OIL-FOR-FOOD PROGRAM

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, the Iraq Oil-for-Food Program was established in 1996 to ensure adequate food, medicine, and supplies were available for the Iraqi people despite U.N.-imposed sanctions. It was meant to keep food on the table of the oppressed, not money in the hands of the oppressors. We are now finding out the program was filled with corruption and the Iraqi people were not in fact the beneficiaries.

The very leader that kept them in utter poverty was using the program to line his own pockets and enrich his friends. This corruption was made possible by U.N.-member countries and senior U.N. officials.

Saddam Hussein stole $10 billion; and, in exchange for their help, several members of the U.N. Security Council secretly received billions of barrels of Iraqi crude at cut-rate prices. These nations publicly supported the goals of the Oil-for-Food Program while privately undermining it.

For the United Nations to allow this to go on for 7 years is unconscionable. The U.N. was responsible for overseeing a program designed to provide aid to Iraqi citizens; and, instead, on the U.N.'s watch, the program strengthened the Hussein regime.

Now some are calling for increased reliance on the United Nations to determine our foreign policy? I do not think so.

## U.S. FARM PROGRAMS

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, this week a ruling by a committee of the WTO seems to have been interpreted by too many in the press that this was the end of farm programs in the United States. Furthest from the truth.

Let me encourage everyone to be patient until the 400-something-page report is read and deciphered by the House Committee on Agriculture and the Department of Agriculture, and then let us see exactly what they have said. Do not panic.

And let me remind everyone in the United States that we are truly blessed to live in a country that has the most abundant food supply, the best quality of food, the safest food supply, at the lowest cost to our people of any other country in the world. And to those who are critical of our farm programs that feed the American people in this way, take a good hard look and realize when you sit down at the dinner table tonight it is because of the American farmer and rancher.

## APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 4, 2004

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
*April 29, 2004.*

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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to sign enrolled bills and joint resolutions through May 4, 2004.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## ARMOR FOR SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, a couple of weeks ago, some of my constituents who are currently serving in Iraq with the 419th Transportation Company learned that their deployment would be extended. These Army Reservists and their unit have already served with great distinction since March of 2003. Their families and loved ones are understandably concerned that these soldiers will not return home this week, as was originally planned, but instead will remain in Iraq.

The continued turmoil in Iraq obviously calls on greater sacrifices from members of the Armed Forces, but what is of particular concern is that these soldiers may not be adequately equipped for their mission. Though all members of the 419th have body armor, it has been reported to me that none of their vehicles have been armored. Given that this unit may travel along dangerous and challenging routes in southern and central Iraq, armored plating on all vehicles is not only common sense but it is imperative.

Congress has provided many defense resources via the appropriations process, as well it should; and it was my understanding that this funding was to ensure that all soldiers have body armor and armored vehicles. If not, I would hope that the Department of Defense would be quick to ask for additional support from the Congress, as I am certain that providing the best possible tools for soldiers in theater is of paramount priority for many in Congress, like myself.

I am well aware of the current demands faced by American soldiers and the sacrifices made by family members and loved ones. American soldiers have always excelled in their military duties at a time when many of our troops are deployed for a year or more. I think it is imperative that Congress and the Federal Government adequately provide for them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHESON) to revise and extend their remarks and include extraneous material:)

Mr. MATHESON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

## ADJOURNMENT

Mr. COBLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes a.m.), the House adjourned until Friday, April 30, 2004, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7870. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Tolerance Exemptions for Certain Biopesticides [OPP-2003-0416; FRL-7353-5] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7871. A letter from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting Report on the quality of health care furnished under the health care programs of the Department of Defense covering FY 2002, pursuant to 10 U.S.C. 1071 Public Law 106—65, section 723; to the Committee on Armed Services.

7872. A letter from the Acting Under Secretary, Department of Defense, transmitting the Secretary's certification that the full-up, system level Live Fire Test and Evaluation (LFT&E) of the Department of the Navy's lead CVN 21 aircraft carrier would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

7873. A letter from the Under Secretary, Department of Defense, transmitting a letter

on the approved retirement of Lieutenant General Edward G. Anderson III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7874. A letter from the Acting Under Secretary, Department of Defense, transmitting a report presenting the specific amounts of staff-years of technical effort to be allocated for each defense federally funded research and development center (FFRDC) during FY 2005, pursuant to Public Law 108—87, section 8029(e); to the Committee on Armed Services.

7875. A letter from the Acting Under Secretary, Department of Defense, transmitting purusant to section 2433 of title 10, United States Code, certification with respect to the Evolved Expendable Launch Vehicle (EELV) major defense acquisition program that: such acquisition program is essential to the national security; there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost; the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and the management structure for the acquisition program is adequate to manage and control program acquisition cost or procurement unit cost; to the Committee on Armed Services.

7876. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7877. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin [Docket No. 1995F-0221] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7878. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Reponse Act of 2002; Reopening of Comment Period [Docket No. 2002N-0276] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7879. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period [Docket No. 2002N-0278] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7880. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2002F-0181] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7881. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Bar Code Label Requirement for Human Drug Products and Biological Products; Correction [Docket No. 2002N-0204] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7882. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Extension of Temporary Placement of Alpha-Methyltryptamine (AMT) and 5-Methoxy-N, N-Diisopropyltryptamine (5-MeO-DIPT) in Schedule I of the Controlled Substances Act [Docket No. DEA-251E] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7883. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates [OAR-2003-0083; FRL-7651-8] (RIN: 2060-) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7884. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ 116-0059a; FRL-7651-1] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7885. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, Finding of Attainment, and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard, East Kern County, California [CA 118-PLANa; FRL-7641-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7886. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard; Determination Regarding Applicability of Certain Clean Air Act Requirements; Approval and Promulgation of Oxone Attainment Plan; San Francisco Bay Area, California [CA258-0442(A); FRL-7645-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7887. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of RFP for Capacity Building Project in NIS — received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7888. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-7651-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7889. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Action to Stay and Defer Sanctions Based on Attainment of the 1-hour Ozone Standard for the San Francisco Bay Area, California [CA258-0442(B); FRL-7645-8] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7890. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [CA 218-0433a; FRL-7640-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7891. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California States Implementation Plan, San Joaquin Valley Unifed Air Pollution Control District [CA 083-0436a; FRL-7650-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7892. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 304-0446a; FRL-7651-3] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7893. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Dakota; Final Authorization of State Hazardous Waste Management Program Revision [FRL-7653-2] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7894. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

7896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Israel (Transmittal No. DDTC-001-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DTC 009-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7898. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7899. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

7900. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Tome H. Walters, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-27 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to 22 U.S.C. 7421 et. seq; to the Committee on International Relations.

7902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter to inform that the Departments of State, Defense, and Commerce are engaged in an ongoing review of the United States Munitions List (USML), resulting in the proposed removal from the USML, and transfer to the Commerce Control List, of items from Category XIV, as required by Section 38(f) of the Arms Control Export Act, as amended; to the Committee on International Relations.

7903. A letter from the Inspector General, Department of Defense, transmitting In complicance with the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270, an inventory of commercial and inherently government activities for FY 2003; to the Committee on Government Reform.

7904. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance Report of the National Endowment for the Humanities for Fiscal Year 2003; to the Committee on Government Reform.

7905. A letter from the Administrator, Office of Management and Budget, transmitting the annual report required by the Paperwork Reduction Act (PRA) entitled ''Managing Information Collection — Information Collection Budget of the United States Government,'' pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

7906. A letter from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Adjustment of the Immigration Benefit Application Fee Schedule [CIS No. 2233-02] (RIN: 1615-AA84) received April 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7907. A letter from the Assistant Attorney General, Department of Justice, transmitting the report for FY 2001 and 2002 on the status of correctional job training and placement programs in the United States and the activities of the Office of Correctional Job Training and Placement (OCJTP), as required by Section 20418 of the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

7908. A letter from the Acting Assistant Director, Civil Division, Torts Branch, Department of Justice, transmitting the Department's ''Major'' final rule — Civil Division; Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the 21st Century Department of Justice Appropriations Authorization Act of 2002 [Docket No. CIV101F; AG Order No. 2711-2004] (RIN: 1105-AA75) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7909. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No. 03-9006 — In re Bankvest Capital Corp. (March 15, 2004)); to the Committee on the Judiciary.

7910. A letter from the Acting Administrator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting notification of the belief that the report mandated by section 4630 of the Balanced Budget Act (BBA) of 1997 would no longer be useful to Congress; jointly to the Committees on Ways and Means and Energy and Commerce.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI (for himself and Mr. PORTER):

H.R. 4247. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 4248. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PELOSI (for herself and Mr. CASTLE):

H.R. 4249. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the ''Granite Lady'', and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of North Carolina (for himself, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. LEE, Mr. BALLANCE, Mr. CLAY, Mr. FORD, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. WATT, Mr. WYNN, Mr. BERMAN, Mr. DINGELL, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. CASE, Mr. GRIJALVA, Mr. SERRANO, Mr. SHERMAN, and Mr. HOLT):

H.R. 4250. A bill to amend the National Voter Registration Act of 1993 to require States to provide notice and an opportunity for review prior to removing any individual from the official list of eligible voters by reason of criminal conviction or mental incapacity; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMMONS, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. WILSON of South Carolina, Mr. BAKER, Mrs. MALONEY, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. SANDERS, Mr. CASE, Mr. BARTLETT of Maryland, Mr. HOEFFEL, Mr. CALVERT, Mr. HAYES, Mr. SAXTON, Mr. JONES of North Carolina, Mr. LOBIONDO, and Mr. FERGUSON):

H.J. Res. 93. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on Armed Services.

By Mr. GOODE (for himself, Mr. KING of Iowa, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. JONES of North Carolina, and Mr. BARTLETT of Maryland):

H.J. Res. 94. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. KIRK, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Ms. MCCOLLUM, Ms. LEE, Mr. MCGOVERN, Mr. KING of New York, Mr. EVANS, Mr. PAYNE, Mr. WEXLER, Mr. BROWN of Ohio, Mr. PITTS, Mr. ROHRABACHER, Mr. SOUDER, Mr. ENGEL, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. CHANDLER, Mr. HOEFFEL, Mr. KUCINICH, Mr. TANCREDO, Mr. SNYDER, Ms. WATSON, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. MENENDEZ, and Mr. DELAHUNT):

H.J. Res. 95. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. SCOTT of Virginia, and Mr. FORBES):

H. Res. 612. A resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; to the Committee on Government Reform.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3921: Mr. PASTOR.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, THURSDAY, APRIL 29, 2004 No. 57

# Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Pastor John Bengston, of All Saints Lutheran Church in Bowie, MD.

## PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, Sovereign of the universe and giver of holy love to each person, receive our thanks for the gift of this day, the opportunity we have to be alive, mobile, well fed and clothed, and gathered with purpose. Help us, we humbly pray, that each of us live in concert with Your purpose of mercy and justice, love and grace. We also thank You for ordaining government in the human family so that the human community might live with order, dignity, respect, and care under Your design and will.

Thank You for those who serve in the Senate as elected Members and as staff. You have placed upon them all an awesome responsibility, so we ask You to give them comparable discernment, courage, and concern for their calling. Bless all who work within these walls that Your Spirit may inspire, guide, and prod each one to serve You first. Bless also those citizens who will visit the gallery today, observing the workings of Government and the deliberations of this body. Thank You for their interest, and may they be able to perceive Your hand at work in the discussions and decisions of the United States Senate.

This world faces tremendous challenges, O Lord of the nations. Please give to all, especially those who bear the responsibility of office here and elsewhere, the patience necessary to seek harmonious resolution of those challenges. Hear our prayer and give ear to our supplications. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

## LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for up to 90 minutes. The first 30 minutes will be under the control of the Democratic leader or his designee, the second 30 minutes will be controlled by this side of the aisle, and the final 30 will be divided between Senators MCCONNELL and FEINSTEIN.

Following that morning business period, the Senate will resume consideration of S. 150, the Internet access tax measure. There will be an additional hour for debate prior to the first of the scheduled cloture votes. The first vote will be on invoking cloture on the Daschle ethanol amendment to the Internet bill. If cloture fails, we will go immediately to a cloture vote on the Domenici energy package. Finally, if cloture has not been invoked to that point, the Senate will proceed to a cloture vote on the pending McCain substitute regarding the Internet tax moratorium.

Having said that, it has been my goal from the start to finish this Internet legislation. This week has been set aside for consideration of this matter. I hope we can stay late and finish the bill.

Mr. President, I briefly wish to comment on the first two cloture votes, opening with the fact that I am a strong supporter of the ethanol provision that the Democratic leader has pulled out of the Energy bill and offered as an amendment to the original language of the Internet tax bill. In fact, I joined the minority leader in offering very similar language to the Energy bill when it was considered on the Senate floor last summer.

While I do support the renewable fuels standard as a matter of policy, there are many other important provisions included in the Energy bill that at this point I am not prepared to abandon.

We in the United States need a comprehensive national energy policy. We have gone on for way too long without that policy, and we see the consequences of that every day. We see it in our rising dependence on foreign oil. We see it in last summer's blackout in the Northeast and today's record high gas prices, and in skyrocketing natural gas prices, which are hurting farmers and manufacturers and consumers alike.

The slimmed-down Energy bill that Chairman DOMENICI has offered as a second-degree amendment addresses each of these issues. It lays out a balanced national energy policy that will lessen our reliance on foreign energy, thereby enhancing both our economic security as well as our national security. Senator DOMENICI's plan will help diversify our energy supply and encourage the use of renewable energy sources such as wind and solar energy and ethanol, all of which decreases our reliance on foreign oil and increases our own energy independence.

Moreover, it will facilitate the construction of the Alaska natural gas pipeline. This is perhaps the single most important thing we can do to increase our supply of natural gas, by

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



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transporting it from Alaska's North Slope to the lower 48 States.

The Domenici amendment will also strengthen our electricity grid and make it easier to build transmission lines. With these improvements we will be better able to prevent blackouts such as the one last summer that blanketed 50 million Americans from the Northeast to the Midwest.

The Domenici plan promotes clean coal technology, hydrogen fuel cells, clean nuclear energy, and domestic oil and gas production consistent with protecting the environment. It also encourages conservation and energy efficiency.

We need all of these components in order to have an effective national energy policy. While the ethanol mandate is vitally important, we need a comprehensive plan that addresses all of our energy needs. That is why I urge my colleagues to oppose cloture on the Daschle amendment and to support cloture on the Domenici amendment. We should not break apart the Energy bill and attempt to pass it piecemeal. America needs an energy plan that increases our economic security, our energy independence, and adequately meets the demands of the 21st century.

I yield the floor.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

## TRUST AND TREATY OBLIGATIONS TO INDIAN PEOPLE AND TRIBES

Mr. DASCHLE. Mr President, an historic gathering took place in South Dakota last week. For 2 days, Indians and non-Indians came together to discuss how they could improve the schools attended by Indian children in South Dakota.

The South Dakota Indian Education Summit was sponsored by our Governor, Mike Rounds, and our state Education Department, working with tribal leaders and educators. It grew out of an extraordinary conference last October that I was proud to cosponsor. That Gathering and Healing of Nations conference brought Indians and non-Indians together to talk honestly about the issues that divide us, and the issues that unite us.

At the Indian Education Summit last week, most of the discussion focused on how to make sure the No Child Left Behind Act improves the schools Indian children attend. As we all know, concerns about No Child Left Behind are not limited to Indian Country. But they are especially acute in many parts of Indian Country, largely because of the Federal Government's long history of severely underfunding Indian education. I have heard from many Indian educators who tell me they are deeply concerned that the Federal Government will not provide Indian schools with the resources they need to meet the higher standards in No Child Left Behind. They are worried as well that the Bureau of Indian Affairs and the Department of Education may be placing too much emphasis on testing students and labeling schools—and not enough emphasis on helping schools correct problems. They're concerned about preserving native cultures and languages.

These are all legitimate concerns. We need to pay attention to them. That is why I have asked the Senate Indian Affairs Committee to hold hearings on how the No Child Left Behind Act is being implemented in Indian Country. I have not received a reply yet from the committee chairman, but I am hopeful that there will be agreement on the importance of holding such a hearing. I know he cares deeply about the need for the Federal Government to honor its trust and treaty obligations regarding education.

President Bush has proposed three Federal budgets since he signed the No Child Left Behind Act. All three have shortchanged No Child Left Behind. The President's proposed budget for next year—fiscal year 2005—underfunds the new law by $9.4 billion. Schools serving Indian children are among the oldest, poorest, and most crowded schools in America. They have been drastically underfunded for decades. The last thing children attending Indian schools need is to be denied the opportunities, resources, and good teachers the new law promises—and then have their schools labeled as ''failing.''

That is why, during debate last month on the budget resolution for next year, Democrats offered an amendment to fully fund No Child Left Behind for all schools, including BIA schools. Regrettably, Republicans defeated our amendment. But we are not giving up. We will continue to press to make sure No Child Left Behind is funded adequately and implemented sensibly in Indian Country, so that this Nation leaves no Indian child behind, either.

America also needs to face up to the massive school facilities problem in Indian Country. There is an overwhelming backlog of facility repair and construction projects for BIA schools, and the BIA estimates the cost of completing those projects at nearly $1.2 billion.

In 2000, when he was running for President, then-Governor Bush met with tribal leaders in New Mexico and promised to invest $1 billion to fix crumbling BIA schools. Yet the President's proposed budget for next year cuts funding for Indian school, reconstruction for the second year in a row. That is wrong.

Crow Creek Tribal Schools in Stephan, SD are among the nearly 200 BIA-funded and BIA-operated schools in the United States. Their buildings are typical of schools throughout Indian Country. They are crowded, crumbling, and outdated. Some of them date to the 1930s. Between 500 and 600 students attend classes in them. Two years ago, Crow Creek's middle school was condemned and replaced with modular trailers. An elementary school also need to be replaced. The high school gym is in such poor structural condition that it can only be used for limited purposes; the district has to rent gym space from other schools for basketball games. They don't know where they will hold their graduation this year.

Crow Creek Tribal Chairman Duane Big Eagle has been lobbying for money to fix the schools on the reservation for 25 years. Two months ago, he drove 4,000 miles to try to find someone in the Federal Government who would help him. He drove first to the BIA facilities and construction office in Albuquerque. When he found no help there, he drove to BIA headquarters in Washington, DC.

Senator TIM JOHNSON and I met with Chairman Big Eagle while he was in Washington, and I have since spoken with BIA officials about the Crow Creek schools. I am pleased to report that the BIA has agreed to provide $2.5 million for a new 17,000-square-foot gymnasium.

But there are still schools all over Indian Country where conditions would shock most Americans—schools with no heat and schools where the cold wind whips in through broken windows. Schools where trash cans are positioned in classrooms to catch the rain water that pours in through holes in the roofs.

The He Dog Tribal School in Rosebud is a two-story brick building built in the 1930s. Its ''library'' is three shelves of books on one bookcase.

A while back, leaders from the Dakota Area Consortium of Treaty Schools proposed a smart way to address the backlog of school construction needs in Indian Country. Their proposal called for the creation of a new Indian school-bonding authority that would use Federal dollars to leverage other funds.

We have been working with Senator JOHNSON to help create this authority, and we now have bipartisan support. We ought to consider it—and any other innovative ideas people may have to deal with the school-construction backlog—and then we must act.

It shouldn't take a tribal chairman driving thousands of miles for Indian children to be able to attend safe schools with adequate space and up-to-date books and computers. The right to attend a good school should be the birthright of every child in America. But Native American children have a special claim on this right.

Our Government has given its word, in treaties and laws, to provide education, health care, housing, and other basic necessities to Indian tribes and their members forever.

Education and other Federal programs serving Native Americans are not handouts; they are treaty obligations. They are installment payments

the United States Government owes for land the tribes surrendered reluctantly more than a century ago. America has never even come close to meeting those obligations. You can see the legacy of this neglect in the harsh realities of life in Indian Country today: houses with no electricity, plumbing, or telephones. On some reservations in South Dakota, people live in homes with no running water; they have to haul water from 15 or 20 miles away. It is not unusual on reservations in South Dakota for 20 members of an extended family to share one small, three-bedroom home. Three hundred families on Pine Ridge are living in homes that are contaminated with black mold. The Pine Ridge Reservation needs 3,000 new houses just to meet the current demand.

During the depths of the Great Depression, 25 percent of Americans were unemployed. Today, on many reservations in South Dakota and other States, the unemployment rate is twice that high—or higher.

Native Americans live sicker and die younger than other Americans as a result of inadequate health care. Their higher rates of diabetes, heart disease, sudden infant death syndrome, tuberculosis, alcoholism, and many other serious health problems are the direct result of our Government's long history of dramatically underfunding Indian health. Our Government spends twice as much per person on health care for federal prisoners as it does on health care for Native Americans. I am still baffled by that statistic. We spend twice as much per person on health care for Federal prisoners in this country—$3,800 per capita—as we do on the children on Indian reservations—$1,900 per capita this year. The rationing of health care at Indian Health clinics and hospitals is so severe that sick and injured people who are not in immediate danger of losing their life or a limb are routinely turned away and denied any care. This is immoral.

Tribal roads make up two-and-a-half percent of Federal roads in this country, yet tribes receive only one-half-of-one-percent of Federal road funding. The poor condition of many tribal roads is a significant reason that the rate of fatal traffic accidents on tribal roads is four times higher than the national average. It is also a major obstacle to economic opportunity in Indian Country.

These are just a few of the ways the Federal Government is failing to meet its trust and treaty obligations to Native people and tribes. Unfortunately, President Bush's proposed budget for next year would make things even worse. Dozens of programs serving Native Americans and Alaska Natives are flat-lined, reduced, or simply eliminated.

According to the National Congress of American Indians, the President's proposed budget cuts Indian hospital and clinic construction by 56 percent; Indian school construction by 19 percent; and tribal college funding by 11.5 percent. The tribal COPS program is slated to be cut by 20 percent, the tribal courts program by 26 percent, and the Indian Housing Loan Guarantee Program by 83 percent. The President's proposed budget also cuts $52 million from the BIA for tribal law enforcement, tribal roads, and Indian child welfare programs.

Earlier this month, BIA Assistant Secretary Dave Anderson shocked tribes with an announcement that BIA programs will be slashed another $79 million in fiscal year 2006.

The president of the National Congress of American Indians, Tex Hall, has said, ''Asking us to somehow prioritize which programs in the BIA should be cut is like asking Indian Country to decide which child should go hungry, which elder should go unprotected, and which of those who need medical help should go untreated.''

Rather than do that, the National Congress of American Indians and BIA's Tribal Budget Advisory Council met recently with BIA officials in Washington over 2 days to develop an alternative budget. A tribal leader from my State, John Steele, president of the Oglala Sioux Tribe, is a member of that advisory council.

Assistant Secretary Anderson visited South Dakota reservations recently, so I know he is familiar with the staggering unmet needs of Indian Country. He surely must know that cuts such as those recommended by the White House will do real harm to people and communities that have already suffered greatly because of the policies and neglect of the Federal Government.

I hope Assistant Secretary Anderson will consider carefully the recommendations of the Tribal Budget Advisory Council as he prepares his budget request for fiscal year 2006. If he will take a strong stand for this government to meet its trust and treaty obligations, I know he will find many allies in Congress. I am one of them.

But Assistant Secretary Anderson and Interior Secretary Norton do not have to wait until the department completes its fiscal year 2006 budget proposal. They can do something today that will not cost a dime and will make a significant difference in the lives of thousands of Native Americans, especially children.

Three times now, the Federal judge hearing the Cobell v. Norton Indian trust case has had to order the Interior Department to shut down its computer system to protect individual Indian money accounts from hackers. Every time BIA has shut down computers in the Office of Special Trustee, it has shut down the computers serving Indian schools as well. The last time, the shutdown lasted for 5 days. Such disruptions cause serious problems for teachers, students, and school administrators.

In response to a recent letter from me, Interior Department officials said they did not choose to shut down the BIA school computers; they were forced to do so when the judge ordered the Indian trust computers shut down.

I have been told there is a simple solution: All Interior Department officials have to do is properly certify and verify to the court hearing the Cobell lawsuit that the BIA school computers are separate from the trust fund computers and protected from intrusion. Based on the department's certification and verification, if the trust fund computers ever have to be shut down again, BIA school computers will be spared. It is a simple step that can make a difference in the education of Indian children, and I urge the Interior Department to do it as soon as possible.

I also ask the Interior Department, the White House, and our Republican colleagues to work with us to come up with budgets that honor America's trust and treaty obligations to Indian people and tribes—next year, the year after that, and every year. This should not be a partisan issue.

The PRESIDENT pro tempore. The Democratic leader's time has expired.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Republican leader's time will be reserved for future use.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there is a transaction for the period of morning business for up to 90 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, the second 30 minutes under the majority leader or his designee, and the final 30 minutes equally divided between the assistant minority leader and the Senator from California, Mrs. FEINSTEIN.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

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

## IRAQ

Mr. KENNEDY. Mr. President, a year ago this Saturday, President Bush dressed up in a flight suit, flew out to the aircraft carrier *Abraham Lincoln*, and declared ''Mission Accomplished'' in Iraq.

Our mission was far from accomplished then, and it is far from accomplished now.

At his press conference in the White House earlier this month, the President was asked if he knew of any mistakes he had made, and he said he couldn't think of any. It is too much to expect that he would have mentioned Iraq, but he might at least have mentioned the trip to the carrier. The trip was nothing more than a photo op tailored for the 2004 election.

Then, as now, the President had no plan and no strategy about how America can stabilize Iraq, bring our soldiers home with dignity and honor, and accomplish the mission. Then, as now, we are muddling through day by day, hoping for the best, fearing the worst.

Iraq was the big mistake. There was no urgent need to go to war in Iraq. Saddam Hussein was a brutal dictator. But he did not pose the kind of immediate threat to our national security that could justify a unilateral, preventive war without the broad support of the international community.

It is clear that the Bush administration manipulated, misrepresented, and distorted the available intelligence in order to justify the war in Iraq. They put a spin on the intelligence and a spin on the truth. They said Saddam was acquiring nuclear weapons. He wasn't. They said he had close ties to al-Qaida. He didn't. Congress would never have voted to authorize the war if we had known the truth.

Our military had a brilliant plan to win the war. Our soldiers performed brilliantly during the 3-week initial military operation. But the President had no plan to win the peace. He said we would be treated as liberators, and in the first day or two after the statue of Saddam fell, we were. But then the massive looting began. Resentment by the Iraqi people began, and the liberation quickly turned into an occupation.

Iraq has become a quagmire. It may well go down as the worst blunder in the entire history of American foreign policy.

Iraq is George Bush's Vietnam. By going to war in Iraq, President Bush squandered the immense good will of the world community we had won in the wake of 9/11, and we are paying a high price in the lives of our troops and the respect of other nations.

By going to war in Iraq, President Bush has made the real war on terrorism harder to win. We left the war in Afghanistan unfinished. We should never have given al-Qaida precious time to recover and regroup and expand their reach. By doing so, we made future terrorist attacks on the United State more likely.

Before the war, Pentagon officials assured Congress that firm plans were in place to secure Iraq and rebuild it. The reality is that the administration had a plan on paper, but not a real plan—and precious little paper at that.

The administration's post-war planning was based on a quicksand of false assumptions. It has been hamstrung by blunder, after blunder, after blunder. The continuing arrogance of the administration has blinded it to the cold, hard facts about the immense challenge of post-war reconstruction in Iraq.

Based on our experience in Bosnia, in Kosovo, in East Timor, and in Afghanistan, we knew security could be a profound problem, with major challenges from a restless population. Yet we had no broad security plan, as the early looting quickly showed, and a dangerous security situation still exists today.

The administration assumed that we would be able to draw on thousands of Saddam's police force to protect security—but in the critical early weeks that followed the war, they were nowhere to be found, and too many of their officers turned out to be thugs and torturers.

The administration assumed that Iraqi exile leaders could return to Iraq to rally the population and lead the new government, but they were—and still are—strongly resented by the Iraqi people.

Today, with the transfer of sovereignty scheduled for the end of June, the administration still has no idea about who should run the country. They assumed that after a few hundred of Saddam's top advisers were removed from power, large numbers of local officials would remain to run the government—but the government crumbled. Today, it remains in shambles.

Wrongly, we continue to rely primarily on a military solution for politically inspired violence. Look at Fallujah. Let us hope we don't have to hear Secretary Rumsfeld say, ''We had to destroy Fallujah in order to save it.''

It is painfully clear that the President and those who advocated the war have lost all credibility on Iraq. They did not understand the situation going into the war. They do not understand the situation now. And they have no plan to extricate us from the quagmire they created. The result has been chaos for the Iraqi people, and continuing mortal danger for our troops.

We cannot cut and run. Our soldiers deserve a genuine strategy to deal with the continuing crisis.

All of us who have concerns about the administration's past policy welcome the reinvolvement of the United Nations in Iraq and the administration's openness to a new U.N. resolution. The question is whether the administration's efforts will provide any significant relief for our troops.

There is no sign of that yet. The Bush administration has poked its finger in the eye of almost every other nation in the world, and they have little incentive or interest in coming to our rescue.

Our military has been bearing a disproportionate share of the burden. We have 80 percent of the troops on the ground, and we have suffered 80 percent of the casualties. That burden is increasing, with Spain, Honduras, Nicaragua, and El Salvador pulling troops out of the country, and others threatening to do the same.

Very little will change after the transfer of sovereignty and under the administration's plan to work with the international community. It is not even a genuine transfer of sovereignty. We'll still be running the show in Iraq. A U.S. occupation by another name is still a U.S. occupation.

We need a real change in our foreign policy, not a cosmetic change. Only a new administration that has the trust and confidence of the rest of the world will be able to bring in the international community to provide international troops, provide international police, provide international financial resources, achieve a workable political solution, and, relieve the burden on our military and bring them home with dignity and honor.

Mr. President, our mission in Iraq is far from accomplished. Our men and women in uniform know it. The Iraqi people know it. And the American people know it too.

I withhold the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield 15 minutes to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts.

## MISSION NOT ACCOMPLISHED

Mr. BYRD. Mr. President, a year ago the President of the United States harkened back to his days as an aviator for the Texas Air National Guard to deliver a dramatic made-for-television speech. Eager to experience the thrill of a carrier landing, the President donned a flight suit, strapped into a jet, and rocketed off into the wild blue yonder for a 30-mile journey.

This flight of fancy concluded with the dramatic landing of that speeding plane onto the deck of an aircraft carrier, the USS *Abraham Lincoln*—so named for the stoic leader who guided our country through one of its most troubled times.

Such was the scene on May 1, 2003, under the warming rays of the California sun. The President delivered to the sailors on that ship a welcome and long overdue message: He commended the men and women on their outstanding service to our country during the trials of the war in Iraq, and welcomed them back to the United States of America.

While the President delivered those words of appreciation, every television viewer in the country—and, indeed, the world—could see in the background a banner with the words ''Mission Accomplished''—''Mission Accomplished''—superimposed upon the Stars and Stripes.

In contrast to the simple humility of President Lincoln's Gettysburg Address, President Bush's speech was designed from the outset to be remembered right up until November 2, 2004.

The President announced unequivocally that ''major combat operations in Iraq have ended,'' and that ''in the battle of Iraq, the United States and our allies have prevailed.'' Now, 1 year later, combat deaths are more than five times that of a year ago when our President celebrated ''mission accomplished.''

Since that time, Iraq has become a veritable shooting gallery. This April

has been the bloodiest month of the entire war, with more than 120 Americans killed. Young lives cut short in pointless conflict, and all the President can say is that it ''has been a tough couple of weeks''—a tough couple of weeks, indeed.

Plans have obviously gone tragically awry. But the President has, so far, only managed to mutter that we must ''stay the course.'' But what course is there to keep when our ship of state is being tossed like a dinghy in a storm of Middle East politics? If the course is to end in the liberation of Iraq and bring a definitive end to the war against Saddam Hussein, one must conclude, mission not accomplished, Mr. President.

The White House argues time and again that Iraq is the ''central front'' on the war on terrorism. But instead of keeping murderous al-Qaida terrorists on the run, the invasion of Iraq has stoked the fires of terrorism against the United States and our allies. Najaf is smoldering. Fallujah is burning. And there is no exit in sight. What has been accomplished, Mr. President?

Al-Qaida has morphed into a hydra-headed beast, no longer dependent on Osama bin Laden. The administration has flippantly claimed that it is better to tie down terrorists in Iraq than to battle them in our homeland. Mr. President, with hundreds of thousands of American troops in Iraq for the foreseeable future, and a worldwide campaign of terrorism gathering steam, who is tying down whom?

Indeed, our attack on Iraq has given Islamic militants a common cause and has fertilized the field for new recruits. The failures by the United States to secure the peace in Iraq has virtually guaranteed al-Qaida a fertile field of new recruits ready to sacrifice their lives to fight the American infidels. These extremists openly call for ''jihad,'' swear allegiance to bin Laden, and refer to the September 11 murderers as the ''magnificent 19.'' According to intelligence sources, hundreds of young Muslims are answering recruitment calls with a resounding ''yes.''

Amidst all this, the American people are asking themselves one central question: Have we been made more safe by the President's war in Iraq? Do we sleep more soundly in our beds now that Saddam Hussein has been captured? Or, instead, are we starting to fully comprehend and regret the fury which has been unleashed by the unprovoked attack on Iraq?

Deaths and casualties of Iraqi citizens are in the thousands—their blood is on our hands—but an actual number cannot be obtained. Is it any wonder that Iraqis see us, not as liberators, but as crusaders and conquerors? A growing number of Iraqis see us as we would see foreign troops on the streets of Chicago or New York or Washington, or any small town in America. Surely one can understand the hatred brewing in Iraq in the hearts of the men and women and children—the boys and girls—in Iraq when we see the agony—the agony—of an Iraqi family that has lost a loved one due to an errant bomb or bullet.

One year after President Bush proclaimed the conclusion of major combat operations in Iraq, is the world any safer from terrorism? Iraq has become a breeding ground for terrorists of all stripes. The Middle East seethes in deepening violence and the culture of revenge. Our war on terror appears to many as a war against Islam. A one-sided policy on the Arab-Israeli conflict drives both sides away from the peace table, and hundreds of millions more to hatred of our country. No, the world is not safer.

One year after the ''mission accomplished'' speech, is America safer? We have not secured our homeland from terrifying threats of destruction. This President has sown divisions in our longstanding alliances. He has squandered our treasure in Iraq and put us deep in debt. Our brave soldiers are pinned down in Iraq while our enemies see the invincible American armor as penetrable by the sword of urban guerrilla warfare. No, America is not safer.

One year ago, the President announced an end to major combat operations in Iraq. And yet our troops are having their deployments extended in Iraq while our lines are stretched thin everywhere else. Billions upon billions of taxpayer dollars are being poured into Iraq. Seven hundred and twenty-two American lives have been lost before today. And we hear that 8 to 10 additional lives have been lost today. Unknown thousands of Iraqis are dead. Claims of WMD and death-dealing drones are discredited. And bin Laden is still on the loose.

I stand behind no one in supporting our troops through the dangers they face every day. I grieve along with the families that have lost loved ones. The failures of post-war Iraq lay squarely on the Bush administration for recklessly sending this country—sending our men and women—to war, a war that should not have been fought, a war in the wrong place, at the wrong time, and for the wrong reasons.

Mission accomplished? The mission in Iraq, as laid out by President Bush and Vice President CHENEY, has failed. Even more disturbing, the disdain for international law, and the military bombast of this cocky, reckless administration have tarnished the beacon of hope and freedom which the United states of America once offered to the world.

How long will America continue to pay the price in blood and treasure of this President's war? How long must the best of our Nation's military men and women be taken from their homes to fight this unnecessary war in Iraq? How long must our National Guardsmen be taken from their communities to fight and to die in the hot sands of Iraq? How long must the mothers and the fathers see their sons and daughters die in a faraway land because of President Bush's doctrine of preemptive attack? How long must little children across our great land go to sleep at night crying for a daddy or a mother far away who may never come back home?

President Bush typified the Happy Warrior when he strutted across the deck of the USS *Abraham Lincoln* a year ago this coming Saturday. He was in his glory that day. But on this May 1, we will remember the widows and the orphans who have been made by his fateful decision to attack Iraq. We will be aware of the tears that have been shed for his glory. How long? How long? How long?

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

Mr. KENNEDY. Madam President, I yield my remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LEVIN. Madam President, in the midst of the ongoing upsurge of the violence in Iraq, President Bush has offered two options for the United States. The first option is to stay the course; the second option is to cut and run. That is a false choice between staying the course and cutting and running. It is too typical of the black and white approach that this administration has repeatedly and unwisely taken.

For example, saying ''you are either with us or against us'' is a black and white choice—the stark choice the President laid down to allies. Well, it may make you feel good to say that, but it needlessly offends those who are certainly not hostile to the United States but may be unwilling to affirmatively endorse all of our actions.

In addition to the President's stark two options—staying the course or cutting and running—there is a third way, and that is to correct the course we are on. The administration has belatedly begun this process, but there is much to be done, and it is much harder and more difficult because of the administration's stubborn insistence that no mistakes were made and its refusal to learn the lessons that need to be learned from those mistakes.

For instance, after holding the United Nations at arm's length, the administration is now belatedly working with the U.N., asking them to help identify an entity to whom sovereignty could be restored by June 30—an entity which needs to have the confidence and credibility of the Iraqi people. I hope this will be the start of a true partnership at the U.N. in fostering Iraq's political and economic development.

The administration has decided to retain some troops in Iraq that were scheduled to leave, despite the fact that the administration disparaged General Shinseki when he foretold the need for more troops for the stability phase.

The administration decided to modify its policy on de-Baathification and reinstate about 11,000 teachers and

hundreds of professors and is reportedly looking to reinstate others whose skills and support are needed for Iraq's development. I hope this revision is seen for what it is—acknowledgement that we went too far, acknowledgement that we made a mistake. I hope it will also include the removal of Ahmed Chalabi as the head of the de-Baathification program, as well. He is the wrong person for the job for a lot of reasons.

While not reversing the mistaken decision to disband the Iraqi Army, the administration's decision to bring back some military officers who were not high Baathists to help guide the new Iraqi Army and other security forces is a practical first step—very late. We only have a few thousand in the Iraqi Army who are now trained but long overdue.

One other mistake was perhaps the biggest mistake of all, in my judgment. Our uniformed military leadership was largely excluded from the planning for the potentially violent aftermath of the fall of Saddam Hussein's regime. The civilians in the Pentagon who were put in charge projected rose-colored scenarios in their planning for the aftermath: Our troops would be greeted with embraces and flowers. It would be a cakewalk.

Had our uniformed military leadership been more deeply involved in that planning, it would have been very different, as our military plans for worst case scenarios. The worst case scenario is what turned out to be the case. But uniformed military were all but left out of the planning for the post-Saddam period. General Tommy Franks, the now retired commander of Central Command who planned the other phases of the operation, confirmed that to me and to Senator WARNER a few weeks ago.

On the matter of planning, I realize the administration is committed to the June 30 date for the restoration of Iraqi sovereignty. But I hope that commitment will not prevent it from planning for other options in the event Mr. Brahimi is not successful in identifying a credible entity to whom sovereignty can be restored by that date.

If we have a chance of succeeding and bringing stability and democracy to Iraq, it will mean learning from our mistakes, not denying them and not ignoring them.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, are we now under the Republican time?

The PRESIDING OFFICER. The minority has 3 minutes remaining.

Mr. REID. Madam President, I yield that 3 minutes to the Senator from Minnesota, Mr. DAYTON.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 3050

Mr. DAYTON. Madam President, I thank my friend from Nevada for this opportunity to speak on behalf of the amendment being offered by Senator DASCHLE to the bill before the Senate about the use of ethanol and other renewable fuels.

Here we are in the middle of this energy price crisis in our country, when in Minnesota the price of a gallon of regular unleaded gasoline is almost $2, and in other parts of the country it is as high as $2.50. Possibly it is going higher. I am being asked what are we doing about bringing the price of motor fuel down. I think the honest answer is nothing. There is not a whole lot we can do when we are dependent upon foreign supplies of oil, when we are sending $115 billion a year overseas to buy that product.

Senator DASCHLE's amendment—I give him great credit for every year championing the cause of renewable fuels, with the opportunity that is right before us in America today to shift from foreign oil consumption to using a cleaner burning, lower priced, American-grown, American-produced fuel, not as a substitute for MTBE—the additives to gasoline—but as a substitute for gasoline itself. I know that because I drive all over the State of Minnesota in a Ford Explorer, factory-produced, with a slight modification to the usual engine. It was modified in the factory. I drive on 85-percent ethanol and 15-percent gasoline. Today it is 20 cents a gallon cheaper than regular unleaded gasoline. I can get it in most places in Minnesota.

We can give the American people a choice to have a homegrown fuel with the money staying in America to benefit our rural economies. We can renew it every year. We know we can produce the amount that will be necessary, and today it will cost 20 to 15 cents a gallon less than regular unleaded gasoline and likely in the future $1 less than the rising cost of gasoline. If we are not going to take any steps to bring about that opportunity, people will think we are out of our minds.

I do not understand why the debate today on Senator DASCHLE's amendment about why do this, or why not do this and even more.

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

Mr. DAYTON. Madam President, I ask unanimous consent for 1 minute to finish my remarks.

Mr. REID. Madam President, I ask that the majority have an additional 1 minute in morning business also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Madam President, Senator DASCHLE has been heroic in my caucus and this body in his support for those who are not in corn-producing States who support ethanol and other renewable fuels, biofuels as products. But this is not just about South Dakota or Minnesota. Yes, it benefits my State. It benefits the farmers of my State. This benefits America. This is the best opportunity in my lifetime to shift our energy consumption from our traditional sources and their costs to something that is American, that is clean, and that is cheaper. I am amazed we are not racing to the stores for that product. We have it. Senator DASCHLE's amendment will take us in that direction. We should be doing even more than that, but this is an important first step. I urge my colleagues to support the amendment.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

IRAQ

Mr. THOMAS. Madam President, I had come to the Senate floor to talk about an issue that is very important to all of us, particularly Medicare recipients in this country. But first I have to express some disappointment, frankly, and some surprise about the discussion that has gone on here in the first 30 minutes criticizing the President on everything that is happening overseas, acting as if we are not in support of what is happening there.

I am very surprised and, frankly, disappointed. All they talk about is what the President has done. We voted here on this floor to do this job in the Middle East. That is what we are seeking to do, and that is what our great service people are doing for us over there.

The idea behind conducting Operation Iraqi Freedom was to free 25 million Iraqis from the Saddam Hussein regime. That is why we are there: to defend the will of the international community, to remove the threat of terrorism that happened here on September 11, and to change the dynamics in the Middle East. That is what we are seeking to do, and that is what we are trying to carry on, and it is an admirable effort.

Madam President, 211 Members of Congress have visited Iraq and witnessed firsthand some of the extraordinary efforts of the coalition forces and Iraqis. I have been to Iraq. I am impressed with what they are doing. For us to simply criticize everything that is happening there aimed at the election in 2004 is a great disappointment to me.

Despite the terrorist attacks and the tough events that have happened, public opinion has found 56 percent of Iraqis believe things are better than they were; 71 percent believe a year from now they will be better than they are now. Again, having been there, I agree with that assessment. I have been there traveling around with the military, with all the little kids waving and saying hello. I have seen the schools and hospitals that have been fixed up. Of course, there is a real problem with terrorism, there is no question about it.

The defeat of Saddam Hussein's regime is the second major victory in the war on terrorism. We need to continue.

I hope we give the kind of support that is necessary.

## MEDICARE PRESCRIPTION DRUGS

Mr. THOMAS. Madam President, we also have issues at home about which we ought to be talking. One of them is health care, of course. We have great health care in this country, the best in the world. We have some limited access, however, because of the costs, and we need to address that issue.

There are many reasons for the costs. One reason is liability and malpractice, which we do not seem to be able to deal with. Another reason, I suppose, is overutilization. There is a difference between health care and health. We have some responsibility to take care of ourselves as well. Modern equipment is the biggest cost increase. We all want the modern equipment. We have to find the system in which the costs can be reduced.

In any event, what we are talking about today is the opportunity to make it much better for Medicare folks through a Medicare drug discount card in which seniors will soon be able to enroll. All Medicare beneficiaries, except those who have medication paid for by Medicaid, will be eligible. While seniors may enroll in only one Medicare-approved discount card, they can keep the other discount cards if they have them, if they like. There are going to be 40 official discount cards available. It is surprising there has been that much involvement. It shows we are moving in the right direction and doing what needs to be done.

This is the first time in Medicare's history that seniors will have a discount for pharmaceutical drugs. Quite frankly, it is the first thing in about 30 years we have done to bring Medicare more into the modern world and give some options to seniors. I want to emphasize what is going to happen. In 2006, there are going to be options for seniors. They can stay with what they now have. It is also the first time that low-income seniors will receive additional assistance from the Federal Government for the cost of their medications. It is a great step forward for seniors to deal with the high cost of drugs.

This is more of a temporary program. When we put this together in the Finance Committee, of which I am a member, we knew changes were going to be difficult. We knew it would take some time to prepare for those changes, not only on the part of seniors but on the part of people who have a program. This program will be implemented and in place until 2006, when there will be a broad system put into place. We need to take advantage of this card system as quickly as possible so we get the benefits from it.

I commend the hard work of Secretary Tommy Thompson and CMS Administrator Mark McClellan. There has been an overwhelming response to this program. As I mentioned, 40 drug discount cards will be available from which seniors can choose. I believe there are an additional 33 that will be available on a regional basis. So there is a lot of interest for doing something in this area.

Drug card sponsors are required to provide information to beneficiaries, the annual enrollment fee cannot be more than $30 per year, and the people who are putting out the cards will have to show what their discount prices will be. The transparency will give an opportunity for people to choose what will work best for them.

We are trying to make this as simple as possible. Medicare's Web site will be the best opportunity for people to get an update on drug prices. The Web site is www.medicare.gov. The information will be there. In my home State of Wyoming, AARP is holding seminars to help people understand the benefits, what the options are, and how you can take advantage of them. It is very important for seniors in the next couple of weeks to take advantage of the informational efforts being put forth. The easiest one, of course, is for seniors to call 1–800–Medicare, and a live person in this country will answer and help them figure out the card that meets their needs the best.

CMS has already received a lot of calls. They received 112,000 calls on Monday, as a matter of fact—isn't that amazing?—and 94,000 on Tuesday from seniors seeking information. It is the right thing to do to call that 1–800–Medicare number.

The average wait is only a very short 22 seconds, I believe. This is a huge accomplishment for a Federal bureaucracy to be able to put this into place to deal with that many people in that short a time.

By mid-May, seniors should make a decision so they can receive a card, and the benefits are to begin on June 1. I think it is great to take advantage of this information. Our own offices in Wyoming will have the information as to where people can go to get the information and find out the choices that are available.

Contrary to what some people have said on the other side of the aisle, this discount card will provide for significant savings. There was a study that was done which shows there will be an approximate 17-, 18- to 25-percent reduction in the cost. The average beneficiary will probably spend $1,500. This is a significant amount of saving over where we are today.

It is expected that the overall savings to seniors would be probably about a billion dollars over the next year, and that is very useful.

The card provides immediate help to the most needy Medicare beneficiaries. Low-income seniors who do not currently have prescription drug coverage or do not qualify for Medicaid will be given additional help. Low-income beneficiaries will be helped by receiving $600 annually to help them buy the medicine right from the pharmaceutical companies.

To qualify for that additional assistance, they must have an income of 135 percent of the Federal poverty level. That is about $12,000 per individual or $16,000 for couples. If they qualify for Medicaid, of course, they get their assistance there and will not get it from the card.

Further, the Federal Government will pay the annual enrollment fees for low-income seniors. Major card companies have told HHS that they will continue to provide the drugs that are already given free or at a steeply discounted rate for those people who qualify for the $600 use. So low-income people will reap a great benefit from this.

In Wyoming, of course, we know that our AARP chapter and the Senior Health Insurance Information Program have been working hard. I think that is the case in all States. So I guess the point we are trying to make today is, here is a program that has the potential to be beneficial to all Medicare recipients. It is a choice program. If they have other cards that are not in this official brand, they may keep those. They do not need to get into it if they choose not to, but it is beneficial, and they need to know what is required to get the information and then have an opportunity to make choices among several things that can indeed happen.

So we want to urge everyone to take advantage of this potential new change and the opportunities available to reap some savings and to make pharmaceuticals even a stronger part of their health care program by making them less expensive through this program.

I yield to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

## FILING DEADLINE

Mr. ENZI. I ask unanimous consent that the filing deadline under cloture rules for second-degree amendments to the Daschle amendment occur at 11:30 a.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENZI. Madam President, I am a little disturbed at some of the words I heard on the Senate floor this morning. The minority is trying to take the President apart at the cost of our troops, and we cannot stand for that. We have people fighting in Iraq. Two weeks ago I was in Germany, and I met with some of the wounded troops. We thought we would have to pump them up, but they pumped us up. Their message to us was: How come everything sounds so bad back home when it is improving in Iraq? They said the people of Iraq appreciate what we are doing. We are making a difference. Let us do our job.

Then we hear this rhetoric which is just based on a Presidential election. It has nothing to do with the true feelings in Iraq or the protection of our troops. In much the same way, I hear people on that side of the aisle trying to scare seniors about Medicare.

Seniors are about to get the best advantage they have ever had since the founding of Medicare, and that is the new prescription drug program.

Next week, we will take the first step in the history of Medicare toward providing seniors with the help they need to pay for their prescription drugs. We made improvements to Medicare in a three-stage parcel so that it can be done right. What begins next week is that people begin to get information so they can select a prescription drug card where they will get 10- to 20-percent discounts on the drugs they are taking now. They can do it easily. They can go online and make a comparison, or they can call 1–800–MEDICARE and talk to live people, tell them what their drugs are, and get some help in gathering information. But they do not have to make the decision right now. That is just a telephone call to find out what the best possibility is right now.

So seniors can begin to run options through their minds and make the best selection for the drugs they take to get the biggest discount they possibly can.

This is an historic new benefit for seniors, and I am sorry there has been so much rhetoric surrounding the new law. There are some people who would prefer to have had an issue instead of a solution. But President Bush said we are going to have a prescription drug plan, and because he put the effort behind it, and because people here believed in it, we got a solution.

The solution comes in three parts: By June 1, seniors can get the drug card. That is the 2004 benefit. In 2005, for the first time seniors under Medicare will be able to get a physical, part of preventive medicine. We think that it is important that people find out what their medical problems are early and solve them. Preventive medicine is proven to be the most beneficial for the patient and absolutely the best from a pain standpoint, and it does prevent problems from happening, which is also a huge cost saver.

So get on the phone or get on the Internet. Seniors should call in, find out how the drug benefit works, and they will receive up to 10 to 20 percent off the prices they are paying now for their drugs. And if they happen to be a low-income senior who signs up for the card, they will receive an extra $600 in credit in 2004 and 2005 to help pay for their prescriptions.

A number of the pharmaceutical companies also have agreed to provide their brands of drugs free of charge to seniors who exhaust their $600 credit. That is going to cost the companies quite a bit of money.

Some people who say we didn't do anything, that there is a donut hole in the benefit. My response is, before we did the Medicare bill there was not even a donut. Now there is only a donut hole.

So in 2006, there will be more extensive and comprehensive coverage of prescription drugs, and a maximum out-of-pocket spending of $3,600 per person on drugs before catastrophic coverage kicks in.

There has been a tremendous benefit that has been delivered, but seniors have to participate if they are under Medicare. They have to do the research to find out what the best discount card for them would be.

There are two ways to do that. One is on the Internet at Medicare.gov. The other is by telephone at 1–800–MEDICARE. There will be live people on the phone to help seniors gather the information by June 1. Seniors do not have to sign up until June 1, but they should do the research and watch what happens to the price as competition kicks in. That is what this is, a number of companies vying for the business of seniors, all seniors, because all seniors will have help with their drug benefit—up to 10 to 20 percent, in some cases higher with the discount cards, but $600 if they are low income, and some other benefits beyond that.

I hope we can end some of the rhetoric that is coming from the other side of the aisle about what this does and does not do, and we can get on board and help seniors to take advantage of what has been done. We talked about doing a benefit for years, and it did not get done. The President got behind it, pushed it, said we will have it done, and it is done. The reality is now that seniors have access to new benefits under Medicare, they can sign up for that with a drug discount card beginning next week. They do not have to sign up until June 1 with no penalty if they wait until then.

So let us do what is right by seniors and put politics aside for a moment. There will be plenty of time later for debating and campaigning. The great majority of seniors will benefit from the new Medicare discount cards.

Let me recap again what this bill does.

Next month, seniors can begin signing up for a Medicare-endorsed drug discount card that will save them 10 to 20 percent, at least, off retail drug prices. Seniors with low incomes will also get up to $600 in credit to help them pay for their prescriptions.

Next year, Medicare will cover new preventive benefits, including a ''Welcome to Medicare'' physical exam for all Americans when they turn 65.

And in 2006, Medicare will offer voluntary, comprehensive drug coverage, with special benefits for seniors with low incomes and seniors with high drug bills.

The new drug benefit will be voluntary. It will offer the most help to those who need the help most. And it will provide much-needed security and peace of mind to seniors who worry about losing their life savings in the event of a devastating illness.

Despite all of these good things, there are still some who insist on ''talking down'' this new Medicare drug benefit. There are some who are trying to convince seniors and their families that this is somehow a raw deal, a sham, or worse.

I hear that, and I know that other Members who voted for the Medicare bill from both sides of the aisle hear these things. And then I review again what the bill actually does, and I wonder what the problem is.

I think I have finally figured out the problem.

The problem is that this new Medicare drug benefit does not fit the tired old storyline about Republicans and healthcare.

We Republicans know the story all too well. I am surprised someone has not turned it into a children's book yet, so that kids can hear it when they are very young. Or maybe someone has.

The tired old story changes over time, but the main points are always the same.

The tired old story is that Republicans do not care about healthcare; they do not care if healthcare is affordable or available to everyone; they do not care if people with low incomes can get care when they need it; they do not care about seniors and their drug bills.

And the problem for the storytellers is that the facts on the Medicare drug benefit do not support their story.

Nevertheless, the storytellers persist in peddling this tale. It is so bad right now that some of the storytellers are trying to undo this important legislation before it even gets off the ground. In fact, some are completely reversing their longstanding positions on this issue, in an attempt to remove parts of the new Medicare law that are nearly identical to sections of their bills from recent years.

I understand why some in the minority are upset with the new Medicare law. They are upset because Republicans campaigned 2 years ago on a promise to pass a meaningful drug benefit for seniors, and we delivered on that promise.

But the reality is that now seniors have access to new benefits under Medicare, and they can sign up for the first new benefit—the drug discount card—beginning next week.

So let's do right by seniors and put politics aside for a moment. There will be plenty of time later for debating and campaigning.

The great majority of seniors will benefit from the new Medicare drug discount cards. Our job should be to work together to help seniors make the best decisions about their own healthcare and their own finances. Let's give them the right information so they can decide whether to sign up, and which card to choose. Let's do this now, because seniors deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

## UNANIMOUS CONSENT REQUEST—S. 1072

Mr. BOND. Madam President, I thank my colleague from Wyoming for giving

us some time. We are in another critical juncture in our efforts to pass a transportation bill, a highway bill, or SAFTEA. I propose a unanimous consent request. I ask unanimous consent the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken, and the text of S. 1072, as passed, be inserted in lieu thereof, the bill then be read a third time and passed; further, the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate with a ratio of 11 to 10.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, reserving the right to object, as my good friend, the distinguished Senator from Missouri, knows, the current extension expires tomorrow. In fact, the House of Representatives has already passed it. That measure is at the desk now. We need to do something today that will not require further action by the House because they will be gone.

I ask my colleague if he will agree that we need to act today on another extension of the highway bill, or if not today, tomorrow?

Would the Senator agree to modify his request and provide for the immediate consideration of H.R. 4219, which is the bill I referred to just a minute ago, a 2-month extension of the highway bill, and that the Senate proceed then to its passage, the bill be read, of course, three times, the motion to reconsider be laid on the table, and there be no intervening action or debate?

If we do this, it gives us time to continue our informal discussions about the larger bill.

I hope the Senate will agree to pass this today to ensure that there are no disruptions in highway projects. I ask my friend to modify his unanimous consent request.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. BOND. Madam President, I would be happy to accept that as an addendum to my request. The problem is, we need to appoint conferees to the House. I want to call attention to the fact that for 11 weeks we have been stalled. If we cannot appoint conferees, then I have a hold on the extension. So unless my good friend is willing to accept the unanimous consent request I propounded, I cannot accept his unanimous consent request.

Mr. REID. Further, Madam President——

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. REID. Madam President, how much time is remaining on everything?

The PRESIDING OFFICER. There are 10 minutes remaining to the majority.

Mr. REID. That is all for morning business.

The PRESIDING OFFICER. That is correct.

Mr. REID. Then we have a Burma discussion; is that right?

The PRESIDING OFFICER. After the 10 minutes there is another 15-minute period.

Mr. REID. Madam President, I ask unanimous consent I be allowed to speak on my position for 5 minutes and give equal time for the majority.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I reserve the right to object. I will not object, but I will point out to the Senator that we are prepared to move on to the Burma issue, and it is important. I know what the Senator wants to discuss: the importance of passing the highway bill and his objection and the usual degeneration that has taken place around here. We would like to talk about Burma and a woman who is a Nobel Peace Prize winner who is being kept under house arrest. But I will not object to the request of the Senator from Nevada.

Mr. REID. I apologize to the Senators here because the time has been allotted to him. I do appreciate the 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We really do need to pass this 2-month extension. I say to my friend from Missouri and all others here, Senator INHOFE and I have worked very hard to move this bill along. The 11 weeks the Senator talked about, of course, a lot of that time we have been out of session. I have spoken to Chairman YOUNG. He wants a bill. Senator INHOFE wants a bill. A bill has, in fact, passed both bodies by overwhelming majorities. To not allow this 2-month extension will cause a layoff of 5,000 people beginning Saturday. They will no longer be able to work. These are employees of the U.S. Department of Transportation.

Not agreeing to the extension will cause new highway and bridge projects to be shelved. It will stop reimbursement payments to States for projects that already are incurred. It will halt safety grants, stop transportation projects in cities and towns, interrupt enforcement of motor carrier safety regulations, and disrupt safety inspections at the Nation's borders. This is a temporary extension designed to provide time for the Congress to complete its work on a fully funded authorization. The extension is a means to an end, and the end is the passage of a highway bill, so we need to get to work on that.

Madam President, we have tried very hard to pass this bill. We got 76 votes to pass it and get it to the President. We need to keep working on it. The Nation expects nothing less.

As we discussed yesterday, the Republican leadership is going to meet later on to decide what they are going to do with this bill. I think that is appropriate. As I indicated, I wish that I and others were in on that discussion, but I am glad they are meeting.

Madam President, the Americans for Transportation Mobility, which includes hundreds of organizations—hundreds, including the U.S. Chamber of Commerce, Associated General Contractors, International Union of Operating Engineers—and, as I say hundreds of other organizations, including organizations from the State of Missouri—the Kirksville Area Chamber of Commerce, Lake of the Ozarks West Chamber of Commerce, Missouri Chamber of Commerce, Springfield Area Chamber of Commerce—in effect, they have written a letter to each Senator. Among other things they say:

> As business and labor, we will only support a final conference report at the Senate investment level for a six-year bill. To that end, we support agreement on funding levels for the legislation before entering into a formal conference committee. We urge that final legislation meet our minimum $318 billion objective.

So these hundreds of groups disagree with the Senator from Missouri, including people from his own State.

I know how strongly he feels about a highway bill. I have talked to him. He has discussed this publicly and privately. But I think in effect he is shooting himself in the foot by not agreeing to the 2-month extension. We have made progress in the few meetings that the two staffs have had.

So I say to my friend, we have cleared on our side—there are no objections on our side to having a 2-month extension. I think it is a heavy weight for my friend to carry, to bring down everything that is going on around the country tomorrow by objecting to this 2-month extension.

If that is the weight he wants to bear, that is what he has to bear. But I am very disappointed. As the Senator knows, we have had problems with conferences. That doesn't mean we can't complete important legislation as we have done on numerous occasions without a formal conference. In this instance, we may be able to do a conference, as I have spoken about with Senator INHOFE. We need to do a little more work this morning.

I ask unanimous consent, in closing, to have printed in the RECORD the letter from Americans for Transportation Mobility, together with its members.

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

APRIL 23, 2004.

DEAR SENATOR: The House and Senate will soon begin meeting to reconcile differences on reauthorization of the federal highway and transit law (H.R. 3550/S. 1072). The undersigned organizations firmly believe there is no more important legislation this year to benefit all industries, all communities, all working people and the American economy.

As we have stated previously, the appropriate investment blueprint for this legislation is provided by the U.S. Department of Transportation's recent Conditions and Performance Report, which outlines that the federal investment share necessary to begin

improving the nation's surface transportation network is $375 billion over the next six years. The bi-partisan leaders of the House Transportation and Infrastructure (T&I) Committee identified this goal earlier this year and we continue to support their efforts to reach this objective.

The Senate passed TEA–21 reauthorization proposal (S. 1072) would authorize a total of $318 billion for federal surface transportation programs, with $294 billion in guaranteed highway and transit investment over the next six years. The Senate investment levels represent the mid-point between the nation's surface transportation needs and the current inadequate federal highway and transit funding levels.

As business and labor, we will only support a final conference report at the Senate investment level for a six-year bill. To that end, we support agreement on funding levels for the legislation before entering into a formal conference committee. We urge that final legislation meet our minimum $318 billion objective.

A $318 billion investment level would create and support over 2 million American job opportunities and help address the growing deterioration of the nation's highway, bridge and transit infrastructure facilities. With the Department of Transportation stating that 47,500 U.S. jobs are created for every $1 billion of federal highway and transit investment, investment levels below $318 billion would miss a critical opportunity to create badly needed jobs.

The U.S. is facing a transportation infrastructure deficit that can no longer be ignored. Traffic crashes cost our society $230 billion per year and inadequate roadway conditions are a factor in one-third of these accidents. Traffic congestion robs $70 billion per year from the U.S. economy and denies Americans time with their families. A recent study has shown the number of traffic bottlenecks nationwide have grown from 167 to 233, while only one-quarter of households have access to adequate public transportation. This situation will only get worse if we do not enact a reauthorization bill of at least $318 billion.

The Senate-proposed investment levels are attainable without raising the federal gas tax or user fee, or increasing the federal deficit. It continues the important principle of paying for highways, bridges and transit through the Highway Trust Fund. As such, the $318 billion investment level complies with surface transportation program financing parameters identified by the Bush Administration.

We strongly urge the conferees and the bipartisan House/Senate Leadership to support a $318 billion investment level. Our business and labor organizations, and the American people, will accept nothing less. Thank you for your consideration.

Sincerely,

Americans for Transportation Mobility.

Transportation Construction Coalition.

Mr. REID. I extend my appreciation to everyone on the other side of the aisle for extending me the extra 5 minutes.

Mr. BOND. Madam President, I want to reclaim my time. First, let me say I know all the pressures. I know the people my good friend from Nevada mentioned. They want a highway bill at $318 billion that we passed. I want one. I have long quotations. I have all kinds of people behind me. The chairman of the committee, Senator INHOFE wants it. I know that Senator REID wants it and Senator JEFFORDS wants it. But do you know something, we can't do anything because we are opposed, we are blocked by the minority from going to conference.

A lot of people in America don't understand. They have heard about filibusters. They know we filibuster judges around here. They know we filibuster bills. But this is the first time I know of where a bill that has passed this body with 76 votes has been stopped from going to conference by the opposition of the minority.

Mr. MCCONNELL. Will the Senator yield?

Mr. BOND. I am happy to yield to the assistant leader.

Mr. MCCONNELL. I say to my friend from Missouri, it is not actually the first time this has happened. It has become, actually, repetitious. They prevented us from going to conference on the CARE Act, the Bankruptcy Act, the Workforce Investment Act, the Patients Safety Act, not to mention the Transportation bill. So there is a pattern, I would say to my friend from Missouri, which is that the minority is saying to the majority of the Senate and to the majority in the House: You make the bill exactly the way we want it or we won't let the legislative process go forward. Complete stalemate.

Mr. BOND. Madam President, I thank my colleague and neighbor for the clarification. I have never seen, in my history, a bill passing the Senate with this much support, that is so important to our Nation, being held up. It is 11 weeks since we passed a highway bill, the $318 billion Surface Transportation Equity Act. To get it to conference, we have to have the approval of the minority.

I am taking this step. I am taking this radical step because the people of America need to know. When I go home, they say: How come we don't have a highway bill? They don't understand that we are being blocked from going to conference. We can't work out the differences between the House and Senate unless we can go to conference. If there has ever been a bipartisan bill, I believe this bill is it.

Chairman INHOFE with Senator JEFFORDS, Senator REID and I have worked, I think collegially and effectively, in bringing a good bill to the floor of the Senate. I appreciate the work that my colleagues did.

It is obvious when the bill passes with 76 votes that it was a good bipartisan bill. We can't tell what is going to come out of conference. I am going to go into conference saying we need a $318 billion bill. But if we can't go to conference, we can't even take that step.

We have been delayed and delayed from going to conference. That is what, unfortunately, we have to explain to our constituents around the country—that the transportation system lifeline to our country and our economy is being held up. We cannot take the next step and make the major investment in the future of this system to promote increased employment, decrease congestion, enhance security, to lay the sinews of economic development for the future and, most of all, provide safety on our highways.

There are 43,000 Americans killed on the highways each year; in Missouri, more than three a day, and at least one and probably more of those are killed because of inadequate highways. What can we do about it? We can do something in the Senate. But we don't get the job done. We have to sit down and work with our colleagues in the House and come up with a compromise proposal that I hope looks like our bill in the Senate.

I am going to fight as hard as I can when we can get to conference. But until we can get to conference, we don't know and there is no hope of us getting a new bill. That is why I have placed a hold on the extension of the highway bill. Yes, this is a drastic measure. How long are we going to kick the ball down the road? I objected to holding up the first extension, but we have had extension after extension after extension. When are we going to get a bill? It is very simple. We can have this bill. We can have the extension if the minority will agree to let us appoint conferees so this can go to conference.

I assure you that we will continue to work, Senator INHOFE, our ranking members, Senators JEFFORDS and REID, as we did before to get a bill that looks as much like the Senate bill as we possibly can, but until we do that, I am going to continue to object to the extension. I regret we have to take this drastic action, but the people of America and the people concerned about highways need to know what is causing this problem.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, first of all, to show how unrelated the statements are to reality, we couldn't have gone to conference 11 weeks ago. The House didn't pass the bill until the first part of April. The bill has been passed for 3 weeks. So there is no 11 weeks. That is certainly not a valid statement.

I repeat: We need to pass this 2-month extension in an effort to get this bill moving. If we don't pass a 2-month extension, 5,000 people are going to be laid off starting Saturday. This is no joke. This is not hyperbole. This is a fact. People will be laid off and construction projects around the country will come to standstill.

We can talk about the fact that in previous months we have enacted into law many pieces of legislation. We have entered into law 60 pieces of legislation without a conference. We have preconferenced them. We can do that on the highway bill.

The PRESIDING OFFICER. The Senator from Kentucky.

## ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, am I correct that under the consent

agreement, we have 15 minutes for the discussion of the Burma matter?

The PRESIDING OFFICER. There are 8½ minutes for debate remaining in morning business followed by 15 minutes for the Senator from Kentucky.

Mr. MCCONNELL. Would it be permissible under the consent agreement for Senator MCCAIN and I to proceed on the 15 minutes on the Burma issue?

The PRESIDING OFFICER. The Senator may use that time under morning business.

(The remarks of Mr. MCCONNELL, Mr. MCCAIN, and Mrs. FEINSTEIN are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that we have about 6 minutes on our side.

The PRESIDING OFFICER. About 5 minutes.

Mr. DOMENICI. I am going to use those 5 minutes, and then we will be on the Domenici amendment. Then, I will speak a few more minutes, as I have time. I will start by using some time right now.

## ENERGY

Mr. DOMENICI. Mr. President, I must tell my colleagues that, as chairman of the Energy Committee, I am having a good week for a change. On Monday, Senator CANTWELL came to the floor and sought unanimous consent to bring up one piece of the Energy bill. On Tuesday, the minority leader came to the floor and offered a portion of the Energy bill as an amendment to the Internet tax bill.

We seem to be on a roll. Members know this country has a serious energy problem. They are feeling the political pressure to do something about it. That is good news for this chairman, who has waited so long and worked so hard seeking to develop some sort of political consensus on a broad energy bill.

Fellow Senators, I have never in my 31 years worked on legislation that is so hard to piece together, because every time you have a comprehensive bill, you show it to somebody and they read it in its entirety, they find one piece out of hundreds they cannot support. If I had the wisdom and the time to go to every Senator and let them read it and say what can I take out that would make you happy and have you go for this bill, I assume that when I was finished, this 900-page authorizing bill would probably end up being just a few sheets of paper.

The truth is that America is crying for a comprehensive energy bill. America is not worried about one Senator's particular concern about one particular aspect. They are worried about the fact we will soon be importing natural gas. We have been using our own natural gas, and now predictions are that we are going to be using foreign natural gas in large quantities very soon.

The consensus that I indicated to you is very hard to achieve. In the last Congress, the House and Senate both passed bills but were unable to resolve their differences in conference. I am not speaking of a few months ago; I mean the last legislative session, the last Congress.

Last year the Senate considered energy legislation for somewhere on the order of 3 months before we were able to pass a bill off the floor. This time we got a conference agreement.

I have been criticized for that conference. Some say we didn't have enough meetings. Some say the meetings were not open to the public. Others say they were not open to the Democratic staff.

Let me tell you, this is good rhetoric, but the truth is we conducted one of the most open conferences that I have been in in almost 32 years in the Senate. We made agreements public as they were reached and at the end, before we circulated the agreement for signature, we held an open meeting and reconsidered all the amendments. When amendments could be agreed to by both bodies, we made changes. That is very different than the way most conferences are conducted. I have asked Senators on both sides of the aisle if they have been involved in bills where they were the minority and they didn't even participate in the conference, and many have said that is almost the course of things as we live in this Senate. Yet we did our best to use the Internet as a new tool. We submitted this to all the press through the Internet. They knew more about this bill if they wanted to report it than anybody has ever known. While doing that, we obviously submitted it to the minority and the minority staff.

I responded to that criticism by dramatically reducing this bill. It is a slimmed-down energy bill. It dramatically reduces the cost for the nontax portions. We have reduced the cost from $5.4 billion to a minus $1.3 billion.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 150, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 150) to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Pending:

McCain amendment No. 3048, in the nature of a substitute.

Daschle amendment No. 3050 (to the language of the bill proposed to be stricken by amendment No. 3048), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence.

Domenici amendment No. 3051 (to amendment No. 3050), to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people.

The PRESIDING OFFICER. Under the previous order, there will be up to 1 hour of debate only equally divided between the two leaders or their designees.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. I hope I don't use all that time. Will the Chair advise me when I have used 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

### AMENDMENT NO. 3051

Mr. DOMENICI. Mr. President, we cut the cost by $6.7 billion. The amendment before us is not subject to a point of order and it can proceed without any concern in that regard.

We have been criticized heretofore because we had an MTBE safe harbor provision. That provided faulty product liability protection for the manufacturers of MTBE. When the conference report was on the Senate floor, I spent a great deal of time defending that position which was insisted upon by the House. I thought that provision was necessary, but because we could not get that provision accepted by the Senate, it is not in this legislation.

I feel very chagrined today to note, while it has not been to my ear where I have heard it, I understand the oil companies and their major lobbying groups are opposing this bill because of MTBE not being in it. I think that is a shortsighted approach. How are they going to get MTBE if we don't get a bill? If we don't get a bill, we stay right where we are, except we don't have an energy bill for America. What we have is no change in the MTBE law, but we do not have an energy bill.

I urge those who are taking that position to assume the reality of things. If they think we are going to change the original bill and get two more votes—remember, in a cloture situation on the original bill, we got 58 votes. I remind those who think we can go back and fix it that it is also subject to seven points of order. Sooner or later, it would have been defeated by a point of order.

For those who are sitting around thinking that we can get that, they just absolutely are talking irrelevant, they are talking things that cannot happen. Now let's talk about the bill.

I hope my friend LARRY CRAIG comes to the Senate floor before we are finished because I could not have a better helper than he. He understands this bill. I want to suggest to all that this bill, in its slimmed-down manner, when coupled with the tax provisions that are in the tax bill that will come up in the Senate next week, will put before the American people one of the best energy bills we have ever done. The American people are watching as gasoline prices soar, and they are going to be looking today as Senators vote yes or no on keeping this bill alive.

I know it is tough to get 60 votes. I know that Senators have their particular reasons—one little piece of this bill—for voting no. I know there are some Senators even on my side who are being told: Wait around until we get MTBE. We are not going to get MTBE in the Senate. It is an absolute wish that cannot be accomplished. For those who are worried about it, they ought to let us get a bill and then see what happens.

Let me move to a few other issues. Senator BINGAMAN came to the Senate floor yesterday with a list of concerns. He does not support the hydroelectric relicensing provision, the Indian energy provisions, or the electricity title. I understand his perspective, but I contend that his views on these issues are the ones that are outside the consensus. We need consensus. We do not need what one Senator thinks we need; we need consensus. This bill has consensus.

Take the hydroelectric relicensing which is so important to Senators of both parties from the Northwest. We are not trying to build new dams or change the standards. All we are trying to do is streamline the process. Senator CRAIG has been active in that issue, and many Senators voted for it, even though they are not from that area.

Let's take the electricity provision about which many experts have said the future of America lies in the electric grid of America growing and becoming stronger and becoming better, and of all the things we can do, this is the most important.

When I became chairman, I assumed that issue would be an obstacle to reaching consensus in light of the great controversy over the Federal Energy Regulatory Commission's recent rulings. We worked for months to get an agreement, and the final product is, to my amazement, supported by almost all the players in the industry across this land. It is by far the greatest achievement of this bill that we could reach such an agreement in the months since we completed that conference. The agreement has held, and it is here. There are parts of this bill that some criticize, just as there are parts of this comprehensive legislation that, taken alone, I would criticize; however, on balance, this package is a middle ground in this Congress.

We know this bill is before us in an extraordinary way. We know that if after this vote the McCain vote succeeds, we are wiped out, we are removed from the calendar. We understand that. I guess the probability is that we cannot get cloture, but we are not giving up because we understand there is some kind of bipartisan support for getting cloture.

This bill also has that most attractive part for many Senators, the ethanol provisions, which 31 Republicans voted for when it was introduced. Senators can look at that and see if they voted for it or not, and if they did, they should vote for the Domenici bill. I hate to call it ''mine'' because it is the result of so many Senators working on both sides of the aisle. I think I would call it the ''consensus bill,'' but maybe people would not like that because they do not think it is consensus for them.

This bill provides great quantities of natural gas from American sources over the next 5 to 10 years—from Alaska and from underground off our shores without in any way violating the moratorium. It produces a modernization which addresses the drilling activities in our country so we can get more oil and gas without harming the environment.

It solves the electric problem. In addition to the grid I talked about, believe it or not, this bill provides that when there is gridlock, when you cannot proceed any further because you run into State lines or you run into somebody else's right-of-way, believe it or not, we got a consensus, including Republicans, that after negotiations that occur in the States or between the companies that are at loggerheads, we have a provision that eminent domain can apply. Nobody thought we would get that. That is an extraordinary position to get and bring before the Senate.

I know it does not sound sexy, as some political issues, but it is good. This bill is filled with very good things. I hope those who are looking at this bill with a microscope, and want to make sure every single provision meets with their satisfaction, understand that the American people are not looking at this bill with a microscope. They are looking at this bill to see if the Senate wants to pass an energy bill. This will be a signal of whether we want to put something together that will help America in this energy crisis.

If we do not want to, then we can send a signal that we do not like this provision and we do not like that provision, but at some point in time the American people are not going to look at that. They are going to see where were the Democrats, where were the Republicans, where were the leaders in trying to get a bill that will help solve America's energy problem.

I see the minority leader in the Chamber, and I understand his great concern on the ethanol front. I suggest that he has been very helpful in the past in trying to get a comprehensive bill which would include ethanol, and I understand that, but I submit there are an awful lot of people who are very shortsighted.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. DOMENICI. I will use 1 more minute and yield the time.

I understand the minority leader is in a predicament because of this being a bill that the consensus was worked out not by his side, although there were some, but predominately by this Senator on this side. I believe the American people are going to say on every major aspect of America's growing dependence, the price of gasoline, the price of natural gas, wiping out of the fertilizer industry in America which affects our agriculture, and on and on, they understand we need an energy bill.

We need this bill. This is as good as we will ever get. Having spoken as well as I can for as long as is prudent in the Senate where one can speak too long—the House does it in 2 or 3 minutes; if they would have forced me I guess I could have done that—but as I started out saying, as the chairman of this committee, it has been a good week and a few good things have happened. There has been some evidence that people want to get this bill done.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I did not have the opportunity to hear all of what the distinguished chairman of the committee has said, but what I did hear him say I find myself in agreement with.

Let me first talk procedurally for a moment and then I want to talk substantively. I hope, procedurally, we can reach an agreement to attempt to get to the votes earlier rather than later. I think it would be great if we could have the three cloture votes beginning at noon to accommodate our policy conference meeting. If that could be done, I think it would also accommodate a number of Senators' schedules.

With regard to the larger procedural question, this is not our first choice. This is not the way we ought to approach comprehensive energy legislation or targeted energy legislation, as my amendment did with ethanol. I have made no secret of my frustration and disappointment with regard to the conference process and the way in which Democrats again were locked out of the opportunity to express themselves.

I warned our House colleagues and our leadership on the other side with regard to putting MTBE legislation into the conference report. All those warnings, all those admonitions, all those concerns about being locked out have been expressed on a number of occasions.

As I said the other day, I am also very deeply concerned about the reported decision to delay any real debate about energy legislation until the fall. I think it was reported in the Energy Daily on Tuesday.

So for all of those procedural concerns, we had no choice but to act as we did the other day and to provide at least an opportunity for Senators to be heard and for us to vote once again on legislation that on a bipartisan basis this Senate has supported over and over.

The first vote we will cast this morning will be on the renewable fuels standard. I hope our colleagues will support cloture on it. Two-thirds of the Senate has voted for it in the past. All we need, of course, is 60 votes so I cannot imagine that anybody would flip their vote, having supported it on several occasions, and vote against it as we contemplate its consideration today.

It is the exact same legislation that we have offered. It eliminates the reformulated gasoline programs oxygen standard, replaces it with the renewable fuel standard, and sets a 10-year schedule for assured growth in alternative energy. It contains the same waiver authority agreed to in the energy conference report and it strikes all liability protection for MTBE and ethanol and bans MTBE within 4 years.

So this is an amendment that merits the bipartisan support that it has received before, and I hope our colleagues could support the amendment.

I hope my colleagues will support cloture on the comprehensive Energy bill. Senator DOMENICI did what he said he was going to do. He took out MTBE liability immunity. He has also taken out the provisions having to do with many of the tax incentives created originally in the Energy bill. This is a much different bill. So those who voted against it before I think ought to look very carefully at voting in favor of it this time.

One of the reasons on this side of the aisle that we have always opposed cloture is to protect Members' rights to offer amendments. In this case, there is no concern for the protection of a Senator's rights because they will be protected. We are only bringing cloture on the amendment. The bill is open as wide as it is now to any amendment that Senators wish to offer on energy or on anything else. So we are not in any way excluding or minimizing Senators' opportunities to be heard and to offer other legislation.

I might say the third cloture vote is the critical one. That is the cloture motion that I hope will be defeated, because I believe we have not had a good enough debate on the Internet tax bill. We have not had an opportunity to offer our amendments. We have not really had the kind of debate that an issue of this import requires.

There are very divergent views in the Senate on a bipartisan basis, and I think as we consider those divergent views it is critical for us to ensure the debate and the opportunity to reach consensus prior to the time we invoke cloture or bring this bill to a premature conclusion and have the vote that I think can be taken at some point as that debate produces the consensus for which we are looking.

So if we are going to accommodate the schedule that I have just suggested, I will not dominate the floor. Let me again reiterate that I hope my colleagues will support the cloture vote on ethanol. I hope they will support the cloture vote on energy. I hope they will oppose the cloture vote on the Internet tax bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. My guess is that most Senators understand the process and the procedure we are under, but there is a large body of interest that does not understand what we are doing at all. It is called the American consumer.

I can put it this way: The minority is trying to wrestle control of the floor away from the majority and set their own agenda. That is one way of looking at it. The other way of looking at it is to create an environment of false hope for that consumer who went to the gas pump today and paid more for gas than he or she has ever paid in their life.

I question the integrity of Senators who will argue and opine the problems of energy but set in motion a procedural event that denies us the opportunity to produce for the American consumer a national energy policy.

So go home to your voters and tell them it is no longer big oil's fault, that it is no longer the nuclear industry's fault, it is the politicians' fault because consistently over the last 5 years Democrats and Republicans alike have denied the American consumer a legitimate, comprehensive policy for national energy. So we are now held hostage for some 60 percent of our consumption by a foreign interest. Or we are held hostage by an environmental lawsuit that denies access. Or we are held hostage by the bickering of States who cannot agree that a transmission line ought to cross their territory.

Those are the realities of where we are today. We are going to tell the American farmers they are going to pay 30 percent more this year than they thought for input costs to produce their grains. But who is going to pay for it? The farmer can't. He is hardly breaking even. But the politician in the Senate has created the environment for that 30-percent increase in production costs. It is not the chairman of the Energy Committee, not this Senator who for 5 years has worked to build a comprehensive energy policy, but those who have decided they must have a small piece their way, and their way denies the American consumer the reality of energy.

So the average household—if you are wealthy, my goodness, $300 or $400 more in costs; 5 percent of your income this year will go to energy. But if you are making $29,000 a year, 20 percent of your income will go to energy. If you are making $10,000 a year as an American, 40 percent of your income will go to energy.

So let's not stand here and debate the small stuff. Let's say to the American consumer what is an honest statement, that the Senate has not been able to settle on the establishment of a national energy policy that would, had it been implemented, begin to hold down costs and bring production up and bring conservation up and improve the environment and do the very thing that quality energy has always done to the American economy and for the American worker: allowed them to be the most productive, most competitive of any economy and any workforce in the world.

But today that is less the case. Today, the petrochemical industry shuts down and goes offshore because they can't afford to produce in this country. Today, in lieu of natural gas we are going to establish ports and liquefy somebody else's gas and bring it here on a ship. Shame on us for that silly attitude that the American politician has developed.

Does he or she think the American consumer is going to roll over? I don't think so. I think that consumer grows angrier by the day; when they go to the gas pump, weekly, and all of a sudden it is not $1.50 for regular, it is $1.65, $1.75, $1.80. Last week it hit an all-time high. This week it will hit another all-time high. If you are out in California, you pay $2.50. If you are in Idaho, you are paying $2.00 for regular gas.

Now let's talk about the House. Let's talk about our inability to get out to western gasfields. Let's talk about the unwillingness to bring down gas out of Alaska. What have we done? Through the Clean Air Act we said the only way you can meet air shed standards is to generate electricity by the use of natural gas. We saw those turbines begin to go in place over the last good number of years when it was $2.30 a million cubic feet. Now it is $5, now it is $6, and those turbines are shut down.

Shame on us, and I do mean Senators. I do mean this procedure. I do mean this false process.

Is there cynicism afoot? You know, there ought to be. The American consumer ought to grow progressively cynical—become the cynic, I should say, of the process that denies them reasonable high-quality energy.

To the American producer, to the American farmer, to my farmers in Idaho—I know they are calling me. I hear them. They are frustrated and they are angry. They have a right to be. We will play this political game. I must tell you, shame on us because we cannot get it right and the vote today on the Daschle amendment will not get it right.

Tragically enough, the vote today on the alternative that I and others have worked on collectively in a bipartisan way will not be allowed to get it right.

If we fail, and if we go into the fall and gas prices keep ticking up and somebody over in the Middle East says, Got them where we want them, let's crank, I must say the American consumer has a right to grow angry and a right to be frustrated because their political process—and those of us who have been invested with the responsibility of making it work—have denied them reasonable, high-quality energy of the kind they ought to expect. Now they better start demanding it.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I hope we can get cloture in a few minutes.

The PRESIDING OFFICER. The Senator will yield.

Mr. DASCHLE. Mr. President, who controls time?

The PRESIDING OFFICER. The leader controls the time.

Mr. DASCHLE. That was my understanding. How much time remains?

The PRESIDING OFFICER. There is 24 minutes 30 seconds on your side, 11 minutes on the other side.

Mr. DASCHLE. How much time will the Senator from Oregon require?

Mr. WYDEN. Five minutes will be plenty, if that is acceptable to the leader.

Mr. DASCHLE. I hope we can yield back as much time as possible to accommodate the votes as quickly as possible, but I am happy to yield to the Senator from Oregon 5 minutes and the Senator from Delaware 5 minutes.

Mr. WYDEN. Mr. President, I will be very brief. We have had 3 full days of debate on the Internet tax question. I am hopeful we will be able to get cloture on the McCain substitute.

If the Alexander proposal, the alternative, is accepted, all across this country folks who now get a message that says ''You've got mail,'' will get a message that says ''You have special taxes.''

What Senator ALLEN and I have done over the last 3 days on the floor of the Senate is outline, under the Alexander proposal, the scores and scores of local jurisdictions that would be able to impose these special taxes on electronic commerce.

Over the last 7 years, we have heard these State and local projections by governmental bodies about how revenue would be lost. In each instance, colleagues, they have not come to pass. In 1997, for example, the National Governors Association said that our Internet tax freedom bill would cause the virtual collapse of the State and local revenue system. That next year revenue went up $7 billion.

All we are trying to do in the McCain compromise, and it is, in fact, a compromise—Senator ALLEN and I have sought a permanent ban on multiple and discriminatory taxes on electronic commerce. We are compromising now so that it is a 4-year proposal. We have made it clear to the other side regarding telephone calls made over the Internet, the way in which those are handled and taxed would not be changed. So this is a compromise proposal.

We have had 3 days of debate. It doesn't involve sales taxes or property taxes or utility taxes or any other kinds of taxes. This is a question of whether there ought to be double taxation on something folks have already paid for, and that is Internet access. I hope we will be able to invoke cloture on the McCain substitute and be able to go on with the amendment process. We have had 3 full days of debate. I compared it to prolonged root canal work because I know this is not inherently the most fascinating subject. I hope today we can invoke cloture on the McCain substitute and get about the task of amending and passing the bill, and I yield the floor.

Mr. DASCHLE. Before I yield additional time, I know Senator CARPER wanted 5 minutes, and I will yield to our distinguished manager, the Senator from North Dakota, 5 minutes. But I want to be sure people understand there will be three votes, regardless of the outcome of these votes. There will be a vote on the Daschle amendment; there will be a vote on cloture on the energy amendment offered by the Senator from New Mexico; and there will be a vote on McCain, a cloture vote on the McCain substitute, the amendment pending. There will be three cloture votes.

I know there was some question as to whether there would be a vote, given how the amendments may be resolved. The votes will be cast regardless.

I yield the floor to accommodate the requests made by my colleagues.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. CARPER. Mr. President, the question here today is not whether we want to tax people's access to the Internet. We don't. None of us want to do that. That is not the issue.

The question is, are we going to say to State and local governments that have collected a portion of their taxes for years from telecommunications, from telephone services, are we going to take away their ability to do that? We are going to reduce their ability to do that? We are going to reduce their revenue base but at the same time, whatever shortfall they realize, we are not going to make up for it?

Ever since the time of Alexander Graham Bell, State and local governments have been collecting taxes on traditional telephone services. What is at issue here is whether we are going to empty the State and local treasuries to the tune of as much as $20 billion in the years ahead, at a time when they are facing the greatest fiscal crisis they have faced since World War II.

Are we going to empty the treasury of California by another $836 million? It is already empty. Do we want to empty the treasury of the State of Connecticut by some $170 million, or $265 million out of Kentucky's treasury, or $110 million out of Louisiana's Treasury, or $225 million out of Massachusetts' treasury, or $360 million out of Michigan's treasury, or $285 million out of Minnesota's treasury, or $600 million out of New Jersey's treasury, or $370 million out of North Carolina's treasury, or $358 million out of Tennessee's treasury, or $200 million out of Wisconsin's treasury? The list goes on.

I have said on the Senate floor before and I will say it again: If we want to do something good for the telecommunications industry—I do, and I am supportive of a number of other initiatives for the industry—if we are supportive of tax credits or allowing companies to expense their investments, we should pay for it as Federal legislators. It is wrong for us to say we are going to give a break to the telecommunications industry, or any other industry, and say not only are we not going to pay for it, but we will tell the State and local governments they have to pay for it. In my view, that is wrong. That is not treating other people the way we want to be treated, and it is something we shouldn't countenance today.

We are going to vote on cloture in a short while with respect to the McCain amendment. Let me say this: There is a reasonable compromise between where Senator ALEXANDER and I stand and where Senator MCCAIN stands. There is a reasonable compromise. We will get to that compromise with a ''no'' vote on cloture. I am convinced that we will get it.

I stood here last week and urged people to vote no on the cloture on the Frist bill on asbestos. I said if we do it, we will create a dynamic where real compromise and consensus can be built around asbestos—a very difficult issue. We voted no on cloture, and as we gather here right now, over in SH–216 in Hart there are serious meetings going on to get us to a real settlement on asbestos.

We need real negotiation. A ''no'' vote on cloture on McCain does not end prospects for consensus, but it actually creates it. I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me make a brief comment in response to the comments of my colleague from Idaho.

He is quite correct. We have an urgent situation with respect to energy. We have two subjects at this point. One is the underlying bill, the Internet tax bill, and the other represents amendments offered by my colleague, Senator DASCHLE, and an amendment offered by Senator DOMENICI. I intend to support cloture with respect to both of these initiatives.

I want to respond to my colleague from Idaho who says, Shame on us, this is false procedure, it is politics, and

someone is trying to take over the floor of the Senate, and so on.

If we believe that we have an urgent need to pass an energy bill—incidentally, I was one of those who supported an energy bill when it came to the Senate floor, and it lost by two votes—if there is a time and place to do that, we are going to have a cloture vote. I suggest with respect to his suggestion about anger, hold your anger for a couple of hours until we see how we vote on cloture. If we want to debate energy, let us do that. I am in favor of debating energy. I am also in favor of concluding the bill dealing with Internet taxation.

Also, my colleague, Senator CARPER, said that he is not in support of taxing access to the Internet. I am not, either. I have previously supported a moratorium on taxation. I hope before this process is over, I will be able to support this. But we are dealing with two different subjects.

My colleague from Idaho just described the subject of energy. My point on energy is very simple: There is a way to deal with energy sooner rather than later. The way to do that is vote for cloture in the next half hour or so, which I intend to do.

I yield the floor.

Mr. MCCAIN. Mr. President, I intend to yield 3 minutes to the Senator from Tennessee and then yield the remainder of my time. I understand the Senator from North Dakota is going to yield the remainder of his time also; is that correct?

Mr. DORGAN. Yes.

Mr. MCCAIN. Mr. President, I yield myself 20 seconds before then.

I commend to my colleagues this morning the Washington Post editorial entitled ''Energy Follies.'' I quote:

> It would make far more sense for Senators who are interested in some aspect of this legislation—whether ethanol or electricity regulation or renewable fuels—to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate, which almost seems to prefer doing things sideways.

I ask unanimous consent that the editorial be printed in the RECORD, and I yield 3 minutes to the Senator from Tennessee.

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

[From the Washington Post, April 29, 2004]

ENERGY FOLLIES

The Senate's machinations over the energy bill this week seem to prove the existence of a link between overly complex parliamentary procedures and bad law. The original energy bill, as readers will remember, failed to pass last November, and for good reason. Its size, price and expensive perks for industry became too much even for a majority of senators. Since then, Sen. Pete V. Domenici (R–N.M.) and the Senate leadership have been looking for another way to pass it, or at least most of it. They've now found a place: The bill, which in its ''slimmed-down'' version numbers more than 900 pages, has been attached as an amendment to a bill on Internet tax law.

True, the idea of using an Internet tax bill to pass a law on energy was not original to Mr. Domenici. He proposed his ''amendment'' only after the Senator minority leader, Thomas A. Daschle (D–S.D.), proposed another ''amendment''—one promoting the use of ethanol, a piece of pork much beloved by members of Congress representing corn-producing states.

After Mr. Daschle's proposal, Republicans first condemned the Democratic leader for attaching a ''non-germane'' proposal to the Internet bill—and then decided not to beat him but to join him. There are various other layers of complication, but the probable result will be a messy series of votes today, after which both amendments will fail. If that doesn't happen, and if Mr. Domenici's amendment gets a full vote, the Senate could find itself grappling with a large, complicated piece of law stuck to another piece of law, which would then become tangled further in conference with the House. We can only hope the Senate will be wise enough to avoid such an outcome.

It would make far more sense for senators who are interested in some aspect of this legislation—whether ethanol or electricity regulation or renewable fuels—to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate, which seems almost to prefer doing things sideways.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I note that the Washington Post is recommending support for the Alexander-Carper version of the legislation. This is not about taxes. This is not about the Internet. This is about Senators and Congressmen coming to Washington, passing an expensive idea, and sending the bill home to State and local governments.

I am voting against cloture on the McCain proposal and against cutting off debate because this legislation breaks our promise to State and local government.

In 1994, 300 Republicans stood on the Capitol steps and said: No money, no mandate; break our promise, throw us out. In 1995, the Republican majority passed the Unfunded Mandate Reform Act. There are 62 Senators serving in this body today who voted for that.

This legislation breaks our promise in a big way. The Congressional Budget Office tells us it is an unfunded mandate. The National League of Cities says it is a nightmare. The National Governors Association says it can cost States up to $18 billion a year because of language in the proposal. The commissioner of revenue from the State of Tennessee says in a letter dated yesterday, to put it in dollar terms, Tennessee would lose $350 million a year, up to about 5 percent of the States budget.

I ask unanimous consent to have those three documents printed in the RECORD.

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

STATE OF TENNESSEE,
DEPARTMENT OF REVENUE,
*Nashville, TN, April 28, 2004.*

Hon. LAMAR ALEXANDER,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR ALEXANDER: We were asked by your office to evaluate the impact of the ''McCain Compromise'' bill to preempt certain state and local taxes on Internet access and related services. After reviewing the McCain Compromise language, it is our conclusion that the proposed compromise does nothing to mitigate the adverse impact that S. 150 would reap on our state revenue structure. To put this in dollar terms, we believe Tennessee would lose approximately $350 million annually in revenue. This loss would increase as additional services migrate to the Internet. Given that Tennessee imposes a broad levy on telecommunications services, we believe that the majority of sales taxes collected on this levy are at stake. This loss does not include services which may be bundled with the sale of Internet access.

HOW THE MCCAIN COMPROMISE REDUCES STATE REVENUES

First, the proposed language does not do anything to correct the fundamental problems that exist in the definition of Internet access. One aspect of the proposed changes in the McCain Compromise continues to perpetuate the unfunded mandate on states that prevents states from taxing telecommunications ''to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.''

This has the effect of exempting telecommunication services that makeup the Internet backbone, the ''middle mile'' telecommunications used by Internet Service Providers to provide internet access, and the ''last mile'' telecommunications services used to connect an end user to the Internet. The Alexander-Carper bill provided a much more limited preemption for the ''last mile'' telecommunications services used to connect the consumer to the Internet.

While the sale of Internet access to the consumer is no longer subject to sales tax in Tennessee, the state does impose tax on all telecommunications services used in connection with providing or receiving Internet access. This tax would be eliminated under S150 or the McCain Compromise.

Second Tennessee is deeply concerned that the term Internet access is defined to ''include access to proprietary content, information, and other services that are a part of a package of services offered to users.'' As long distance services and other services are increasingly bundled with Internet access, we are concerned that these telecommunications services become subject to the preemption pursuant to this broad language.

Third, the VOIP exception to the moratorium actually does nothing for the states' abilities to tax that or similar services that may migrate to the Internet. Current Tennessee law allows the state and local governments to tax VOIP as a telecommunications service, as long as there is no federal preemption. The McCain ''exception'' to the federal preemption does not apply to voice services that are a package of services offered with Internet access, and since that is how VOIP services are currently sold and probably will continue to be sold, the exception is the McCain bill in fact provides no protection against states losing revenue as phone services migrates to VOIP.

To summarize, Tennessee continues to support the provisions of S. 2084 or a straight 2 year extension of the original moratorium.

If you have further questions, please do not hesitate to call (615) 741–2461 my office of the Tennessee Department of Revenue.

Sincerely,

LOREN L. CHUMLEY,
*Commissioner.*

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NGA SUPPORTS REASONABLE EXTENSION OF THE INTERNET TAX FREEDOM ACT

The National Governors Association (NGA) supports extending the federal ban on state and local taxation of Internet access in a manner that is technology neutral and fiscally fair to state and local governments. Unfortunately, two pieces of legislation currently moving through Congress violate these basic principles. The House of Representatives has already passed H.R. 49 and S. 150 is currently under consideration in the Senate. By permanently expanding the definition of tax-free Internet access, both bills rob state and local governments of existing revenues while creating a tax free zone for future communications services.

The NGA calls upon Congress to adopt S. 2084, the ''Internet Tax Ban Extension and Improvement Act.'' This compromise bill, sponsored by Senators Alexander and Carper, offers a reasonable extension of the moratorium while addressing industry concerns for technological neutrality without unduly burdening state and local governments.

BACKGROUND

Although the U.S. Constitution grants Congress broad authority to regulate interstate commerce, the federal government, historically, has been reluctant to interfere with states' ability to raise and regulate its own revenues. State tax sovereignty is a basic tenet of the federalist system and is fundamental to the inherent political independence and viability of states. Only in the most narrowly defined exceptions has Congress crossed that line.

The 1998 ''Internet Tax Freedom Act'' (ITFA), which imposed a moratorium on state or local taxation of Internet access, is one exception to this long held practice. The ITFA expired briefly in 2000 but Congress renewed it through November 1, 2003. Designed to ''jump start'' the then-fledgling Internet industry, the moratorium included three important restrictions to protect states:

(1) It applied only to new taxes—existing taxes were grandfathered;

(2) The definition of Internet access, while broad, excluded telecommunication services; and

(3) The bill expired after two years to allow Congress, states and industry the opportunity to make adjustments for rapidly developing technologies and markets.

THE NGA POSITION

Today, over 130 million Americans access the Internet using everything from dial-up modems, high-speed broadband, and Digital Subscriber Line (DSL) offerings to wireless technologies and even satellite and power line connections. The Internet's broad reach and technological promise is also transforming entire industries such as telecommunications, which is rapidly migrating all of its services to Internet based technologies and rolling out new services such as Voice Over Internet Protocol (VOIP).

As Congress considers legislation to extend the moratorium, NGA encourages members to adhere to the following guidelines to maintain the balance struck by the original moratorium, a balance that encouraged the growth of the Internet but still respected state sovereignty:

1. Do no harm—Any extension of the moratorium should preserve existing state and local revenues.

The original moratorium protected existing state revenues by grandfathering tax laws in place before 1998 and prohibiting only new taxes on Internet access. In contrast, H.R. 49 and S. 150 would cost states much needed revenue by repealing the grandfather clause and expanding the law to prohibit taxes on telecommunications ''used to provide Internet access.'' Stating that the proposed bills would trigger a possible point-of-order under the Unfunded Mandates Reform Act, the Congressional Budget Office (CBO) estimates removing the grandfather provision would cost states between $80 and $120 million annually. The effect of the second provision could be even greater. ''[D]epending on how the language altering the definition of what telecommunications services are taxable is interpreted,'' the CBO said, ''that language also could result in substantial revenue losses for states.'' With state and local governments collecting over $18 billion in telecommunications taxes annually, any significant change in the taxability of telecommunications could cost states billions of dollars. At a time when state and local governments are facing large increases in mandatory spending and stagnant revenue growth, Congress should not exacerbate state fiscal problems by interfering with the collection of existing taxes.

2. Be clear—Definitions matter.

The original moratorium split the definition of Internet access into two parts: a broad and inclusive description of Internet access and an absolute exclusion of telecommunications services from the moratorium. The definition read: ''Internet access means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. Such term does not include telecommunications services.''

The exclusion of telecommunications services protected states by clarifying that Internet access was a separate, distinct and limited service. It also clearly preserved existing state and local taxes on telecommunications services that amounted to over $18 billion in 1999. The definition, however, allowed some jurisdictions t4o tax the telecommunications component of certain broadband technologies like DSL while others remained tax-free. This perceived inequity led to a push to alter the definition of Internet access in H.R. 49 and S. 150 to make tax free telecommunications services ''used to provide Internet access,'' as a means of making the ITFA technology neutral. This change, however, is too broad. Not only would it prohibit taxes states and localities are collecting on DSL, it would also exempt all telecommunications services used anywhere along the Internet—from the end-user all the way to and including the ''backbone.'' Compared to the original moratorium, which expressly exempted telecommunications from its scope, H.R. 49 and S. 150 could ultimately put at risk most, if not all, state and local telecommunication tax revenue. (See below.)

H.R. 49 and S. 150 would also intensify a long-standing problem with the original definition: the unlimited ability to bundle together content and ''other services'' into a single offering of tax-free Internet access. Services such as VOIP highlight the risk states face from this broad definition. Unlike traditional telecommunications services, VOIP uses the Internet to transmit voice communications between computers, phones and other communications devices. Industry observers expect 40 percent of all telephone calls in the United Sates to be Internet based within five years. If VOIP is allowed to be bundled with Internet access into a single tax-free offering, and telecommunications used to deliver that offering are also tax free, states could quickly see their telecommunications tax base erode to nothing. Language in S. 150 as amended and S. 2084 that requires service providers to unbundled taxable services from non-taxable Internet access is helpful, but only if the universe of what constitutes Internet access is actually limited.

3. Stay flexible—A temporary solution is better than permanent confusion.

Rapid pace innovation in the Internet and telecommunications industries makes it difficult to define accurately these complex and ever-changing services. The original moratorium was made temporary in part for this reason—to provide Congress, industry and state and local governments with the ability to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities. The fact that the courts, the Federal Communications Commission and Congress are all in the process of examining and redefining the core elements of what constitutes telecommunications and Internet access underscores the need for caution. With so much uncertainty, a temporary extension of the moratorium is the best way to avoid unintended consequences from a permanent moratorium.

CONCLUSION

NGA supports S. 2084 because it best reflects a balance between state sovereignty and federal support for the Internet. First, it protects states by drawing a line in the sand to prohibit new taxes on Internet without interfering with existing state taxes. Second, by making the connection from a consumer to their Internet access provider tax free, the Alexander-Carper bill actually levels the playing field for competing technologies without overreaching. Third, it gives Congress, industry and states a chance to revisit the Act by making the moratorium expire after two years. For these reasons NGA supports S. 2084 as a true compromise that is fair to industry, respectful of states, and good for consumers.

STATE AND LOCAL TELECOMMUNICATIONS TAXES POTENTIALLY AT RISK UNDER H.R. 49/S. 150

[In millions of dollars]

| | Revenues at risk under H.R. 49 [1] | Revenues at risk under S. 150 as amended [2] |
|---|---|---|
| Alabama | $213 | $115 |
| Alaska | 18 | 13 |
| Arizona | 308 | 146 |
| Arkansas | 146 | 101 |
| California | 1,495 | 836 |
| Colorado | 293 | 169 |
| Connecticut | 276 | 170 |
| Delaware | 27 | 17 |
| District of Columbia | 120 | 116 |
| Florida | 1,490 | 1,059 |
| Georgia | 344 | 182 |
| Hawaii | 51 | 48 |
| Idaho | 37 | 3 |
| Illinois | 1,000 | 807 |
| Indiana | 265 | 148 |
| Iowa | 137 | 49 |
| Kansas | 172 | 74 |
| Kentucky | 284 | 192 |
| Louisiana | 207 | 69 |
| Maine | 67 | 28 |
| Maryland | 369 | 222 |
| Massachusetts | 411 | 256 |
| Michigan | 678 | 477 |
| Minnesota | 226 | 135 |
| Mississippi | 190 | 90 |
| Missouri | 334 | 216 |
| Montana | 46 | 7 |
| Nebraska | 101 | 59 |
| Nevada | 52 | 22 |
| New Hampshire | 65 | 56 |
| New Jersey | 699 | 473 |
| New Mexico | 125 | 101 |
| New York | 1,904 | 1,418 |
| North Carolina | 308 | 225 |
| North Dakota | 32 | 22 |
| Ohio | 680 | 345 |
| Oklahoma | 258 | 166 |
| Oregon | 113 | 63 |
| Pennsylvania | 672 | 547 |
| Rhode Island | 100 | 77 |

STATE AND LOCAL TELECOMMUNICATIONS TAXES POTENTIALLY AT RISK UNDER H.R. 49/S. 150—Continued

[In millions of dollars]

| | Revenues at risk under H.R. 49 [1] | Revenues at risk under S. 150 as amended [2] |
|---|---|---|
| South Carolina | 196 | 90 |
| South Dakota | 48 | 25 |
| Tennessee | 348 | 196 |
| Texas | 1,724 | 1,213 |
| Utah | 160 | 89 |
| Vermont | 30 | 17 |
| Virginia | 329 | 148 |
| Washington | 492 | 331 |
| West Virginia | 73 | 36 |
| Wisconsin | 363 | 255 |
| Wyoming | 22 | 13 |
| Total | 18,098 | 11,732 |

[1] H.R. 49: Figures assume the loss of all state and local telecommunications transaction taxes and business taxes as companies migrate their telecommunications services to the Internet.

[2] S. 150: Includes all telecommunications taxes except for 911 fees and business taxes such as property taxes, capital stock taxes on net worth, or sales and use taxes on business inputs.

Source: Special Report/Viewpoint ''Telecommunications Taxes: 50-State Estimates of Excess State and Local Tax Burden,'' Robert Cline, State Tax Notes, June 3, 2002.

ALEXANDER-CARPER INTERNET TAX BILL PROTECTS LOCAL AUTHORITY

WASHINGTON.—The following is an opinion-editorial by the National League of Cities that will appear in the Nation's Cities Weekly Monday April 26:

This coming week, Congress will consider two vastly different approaches to local revenue authority in the area of Internet taxes. One is an important step forward in the right direction. The other would be a nightmare for America's cities, towns and consumers.

The stakes in this issue are enormous and far-reaching.

The step in the right direction is offered by Sen. Lamar Alexander (R-Tenn.) and Sen. Thomas Carper (D-Del.) Their bill, the Internet Access Tax Ban Extension and Improvement Act (S. 2084), would preserve local authority to collect existing, legally due taxes and it would help clarify Internet tax issues. The National League of Cities supports the Alexander-Carper bill.

The wrong approach is the ''Internet Tax Non-Discrimination Act'' (S. 150), which would strip away local authority to collect vital revenue and would cost America's cities and towns billions of dollars in lost revenue.

S. 150 would deny local authority to collect a range of legally due taxes and threaten as much as $9 billion in local revenue that funds police officers, teachers and other essential local services and infrastructure in cities and towns across America.

By redefining ''Internet access,'' this bill would squash local and state authority to collect current gross receipts taxes, right-of-way fees, and other existing taxes on telecommunications services.

Not only would the bill trample local revenue authority, it dishes out a multi-billion tax break to the telecommunications industry—at the expenses of local and state taxpayers, small businesses and working families.

The net impact of S. 150? Lost revenues, cuts to services and additional fiscal burdens for local governments.

The National League of Cities strongly opposes S. 150 and urges you to let your members of Congress know that the bill is bad news. The bill is likely to come up for consideration on the Senate floor for debate early this week.

The right approach is the Alexander-Carper bill, S. 2084, which will be offered as a substitute for S. 150.

The Alexander-Carper bill defines Internet access in a way that preserves the ability of local and state governments to continue to collect telecommunications taxes and franchise fees. Their bill would create parity among all types of Internet platforms, whether phone lines, cable modems or digital subscriber lines (DSL).

Let's be clear. Our position has never been an attempt to tax e-mail or impose new taxes on the Internet. Instead, we are simply insisting that local revenue authority for America's cities and towns not be eroded by an unnecessary law that siphons money out of local coffers and pumps it directly into the telecommunications industry.

On the important issue of protecting local revenue streams to support essential public services, the Alexander-Carper bill is the best solution for America's cities, towns and consumers.

Mr. ALEXANDER. Mr. President, this proposal violates the Budget Act. It breaks our promise. While it has distinguished support among my colleagues, it is a political trick because it means lower taxes here and higher taxes there.

I suggest that my colleagues might go home and ask legislators and mayors whether they plan to fire teachers or raise local property taxes, whether they plan to raise college tuition or raise their State's tax on food, or whether they plan to let prisoners out of jail or put in a new State income tax.

This legislation has the wrong name. It at least has an incomplete name. It ought to be called the ''Higher Local Property Tax Act of 2004'' or the ''Higher State Income Tax Law of 2004'' because that is inevitably what would happen. This does not have to happen this way. There is a better way.

I support a 2-year ban on State and local taxation of the Internet. I have suggested four ways to fix the McCain substitute. I would take the Texas law that President Bush passed in 1999 and make it permanent, giving everybody up to a $25 credit on their tax.

We need to continue this debate. We need a comprehensive review. The industry doesn't need a subsidy. My hope is that Congress will continue to debate and decide if it intends to give an additional subsidy to the high-speed Internet access business that we in Congress pay the bill with Federal dollars rather than sending the bill back to State and local governments.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I intend to yield back the remainder of my time.

I ask unanimous consent that there be 2 minutes equally divided prior to the second and third votes and that the votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. I yield the remainder of my time.

Mr. REID. I yield the time of the minority.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Daschle amendment No. 3050 to S.150:

Thomas Daschle, Harry Reid, Jeff Bingaman, Kent Conrad, Byron L. Dorgan, Tom Harkin, Dick Durbin, Max Baucus, Daniel L. Akaka, Evan Bayh, Debbie Stabenow, Mark Dayton, Jay Rockefeller, Ben Nelson, Tim Johnson, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3050 offered by the Senator from South Dakota shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The bill clerk proceeded to called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—40

| | | |
|---|---|---|
| Akaka | Durbin | Lieberman |
| Baucus | Edwards | Lincoln |
| Bayh | Feingold | Lugar |
| Biden | Graham (FL) | Mikulski |
| Bingaman | Hagel | Murray |
| Breaux | Harkin | Nelson (FL) |
| Byrd | Hollings | Nelson (NE) |
| Cantwell | Inouye | Pryor |
| Carper | Jeffords | Reid |
| Conrad | Johnson | Rockefeller |
| Daschle | Kennedy | Sarbanes |
| Dayton | Kohl | Stabenow |
| Dodd | Landrieu | |
| Dorgan | Levin | |

NAYS—59

| | | |
|---|---|---|
| Alexander | DeWine | Miller |
| Allard | Dole | Murkowski |
| Allen | Domenici | Nickles |
| Bennett | Ensign | Reed |
| Bond | Enzi | Roberts |
| Boxer | Feinstein | Santorum |
| Brownback | Fitzgerald | Schumer |
| Bunning | Frist | Sessions |
| Burns | Graham (SC) | Shelby |
| Campbell | Grassley | Smith |
| Chafee | Gregg | Snowe |
| Chambliss | Hatch | Specter |
| Clinton | Hutchison | Stevens |
| Cochran | Inhofe | Sununu |
| Coleman | Kyl | Talent |
| Collins | Lautenberg | Thomas |
| Cornyn | Leahy | Voinovich |
| Corzine | Lott | Warner |
| Craig | McCain | Wyden |
| Crapo | McConnell | |

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in affirmative, the motion is rejected.

Mr. CRAIG. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. LAUTENBERG. Mr. President, I have a unanimous consent request that on rollcall vote No. 73, I voted ''yea.'' My intent was to vote ''nay.'' It would not change the outcome. I ask unanimous consent that change be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the 2nd degree pending amendment to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, John McCain, George Allen, Pete Domenici, Trent Lott, Chuck Hagel, Larry E. Craig, John Ensign, Craig Thomas, Robert F. Bennett, James M. Inhofe, Conrad Burns, Don Nickles, Orrin Hatch, Gordon Smith, Saxby Chambliss, Mitch McConnell.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I urge my colleagues to vote against cloture on the Domenici amendment. It has really no business on an Internet tax bill. We all know that. I read again from the Washington Post of this morning:

It would make far more sense for Senators who are interested in some aspect of this legislation, whether ethanol or electricity regulation or renewable fuels, to design bills around those issues and vote on them separately, judging each by its own merits. But that would be too rational for this Senate which seems almost to prefer doing things sideways.

There is no need for this legislation on the bill. It has no place on it. I can assure my colleagues it would be dropped in conference if it were adopted.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute.

Mr. DOMENICI. I yield my time to Senator CRAIG.

Mr. CRAIG. Mr. President, the Senator from Arizona is absolutely right. Energy should not be on an Internet tax bill. But if you want to vote for energy this year, if you want to go home to your consumers and say: I voted for a comprehensive energy bill, this may be the last chance you will have. The reality is, if you vote for cloture on Domenici and then you vote for cloture on McCain, Domenici falls. So weigh it out. Weigh the odds. What do you want to go home and tell the consumer, who today is paying the highest price for energy in the history of this country? The reason they are paying it is because we can't produce a bill and change our policies.

We have an option. It is quite simple. We can vote for energy by voting for cloture. Then we can vote for McCain, because he is right, it should not be here. Domenici will fall. Then we get to where we ought to be today on an Internet tax bill. We didn't do this. Somebody else did this and fouled the process. Now let's clear it up. Clean it up. Vote for energy, vote for cloture.

Mr. JEFFORDS. Mr. President, as the ranking member of the Senate Environment and Public Works Committee, I want to express my serious concern with the content of the amendment offered by Senator DOMENICI. This amendment differs even from the surprise energy bill that was introduced on February 12, 2004, and placed directly on the Senate's calendar.

Senators should make no mistake, this legislation is not the product of bipartisan consensus in the Senate committees of jurisdiction. In most respects, this amendment is the energy bill conference report we have already defeated. And most importantly, it is not the right energy policy for America.

I agree with Senator DASCHLE that we should try to reach consensus on targeted pieces of energy legislation. We could pass legislation on issues such as renewable motor fuels, as Senator DASCHLE has proposed with his amendment. We could enact fiscally responsible extensions of needed energy tax provisions, such as the wind energy tax credit. National electricity reliability standards are another area in which Senator CANTWELL and I believe there could be agreement and we could pass a bill.

But there should be no agreement on the poor environment policy that is contained in this amendment. The Senate should reject this amendment, and oppose cloture.

As with the energy bill conference report, nearly a hundred sections of this amendment are in the jurisdiction of the Environment and Public Works Committee. We were not consulted on any of these provisions, and I have repeatedly raised concerns about them on the Senate floor.

This amendment does not represent the kind of forward-looking balanced energy policy that our Nation needs. The Senate should be able to ensure that our constituents have reliable electric power without polluting their drinking water. Our constituents deserve cleaner gasoline without requiring them to breath dirtier air. We should be able to promote renewable energy without waiving environmental laws.

This amendment seriously harms the environment. The supporters have said that a waiver of liability for MTBE producers is not contained in this amendment. That does not make the motor fuels provisions good or workable public policy. Though we know MTBE is environmentally harmful, the amendment would allow this product to be used for 10 more years before we pull it off of the market. In addition, the amendment allows the President to overturn the MTBE ban prior to June 30, 2014, and continue its use indefinitely.

The amendment unravels the ozone designation process in the Clean Air Act by delaying compliance with the national health-based air quality ozone standards until the air in the dirtiest city is cleaned up. Neither the Senate nor the House of Representatives has ever considered this damaging provision. It is a leftover from the failed energy bill conference report.

Changing cities' ozone compliance deadlines under the Clean Air Act doesn't increase our Nation's energy supplies. Exposing the public to continued levels of harmful dangerous air pollution emissions for far more time than allowed under existing law guarantees thousands of more asthma attacks, more hospital visits and more cases of respiratory distress, disease and illness. Recently, the EPA announced that there are record numbers of Americans, more than 165 million, who are breathing unhealthy air.

The change is also unfair to States that have worked hard to achieve compliance with the Clean Air Act's health-based national standards. Why should areas that have done little or nothing to reduce emissions be given a free pass from halting local pollution? This amendment also provides unprecedented relief for a single region of the country from application of the entire Clean Air Act, without a hearing in the Environment and Public Works Committee or Senate consideration.

The amendment continues the administration's drive to greater dependency on old technologies and fuel systems. This focus will increase greenhouse gas emissions and keep us on the wrong path that increases the risks from global warming and climate change.

This amendment also continues to include language from the failed energy bill that exempts oil and gas exploration and production activities from the Clean Water Act stormwater program. The Clean Water Act requires permits for stormwater discharges associated with construction activity. The amendment changes the Act to provide a special exemption for oil and gas construction activities from stormwater pollution control requirements. The scope of the provision is extremely broad. Stormwater runoff typically contains pollutants such as oil and grease, chemicals, nutrients, metals, bacteria, and particulates.

I have told colleagues this before but EPA estimates that this change would exempt at least 30,000 small oil and gas sites from clean water requirements. In addition, every construction site in the oil and gas industry larger than 5 acres

would be exempt as well. The large sites have held permits for 10 years or more. That is a terrible rollback of current law. I want Senators to imagine trying to explain to constituents why an oil drilling site that had to comply with the Clean Water Act for 10 years suddenly no longer needs to do so.

So let's review the contents of this amendment. This amendment pollutes our surface and groundwater by exempting oil and gas development from provisions of the Clean Water Act. It pollutes our drinking water by allowing MTBE to seep into our public and private drinking water systems for 10 more years. The amendment pollutes our land by accelerating development of energy installations on public lands, including parks, wildlife refuges, and sensitive areas. And this amendment pollutes our air in many different ways. It extends pollution compliance deadlines and continues to avoid serious progress in cleaning up our air.

There are too many serious problems with this amendment. We should not invoke cloture on it. The American people do not want energy security at the expense of the environmental quality. We should be passing the pieces of the energy bill where we can reach agreement to do so, like those issues I outlined.

We should not be rushing to pass legislation with such serious consequences. This is an aggressive, overreaching amendment, and it is deeply flawed. I will vote against cloture, and other Senators should as well.

Mr. LEVIN. Mr. President, this amendment incorporates a whole energy bill. It has many provisions that are deeply flawed. But we are voting on whether to end debate on a complicated, flawed energy bill before debate has even begun, making it very difficult to correct those flaws.

The Senate passed a comprehensive and balanced energy bill in July 2003. Then, after weeks of closed-door meetings with virtually no input from Democratic conferees, the Republicans put forward a ''take it or leave it'' energy conference report that was drastically different than the bill that the Senate passed. I voted against cloture on the conference report in November 2003 because it was deeply flawed and had been produced by a flawed process. The Domenici amendment, the energy bill, which is before the Senate today, suffers from that same problem. There are simply too many provisions on the negative side of the ledger for me to support it, and because this is a cloture vote, voting yes would make it difficult to consider amendments.

At a time when crude oil prices are at 13-year highs, gasoline prices are reaching new record highs daily, diesel prices are breaking records, and high jet fuel prices are straining our airline industry, the Senate should be considering legislation that would do something to lower oil prices. The bill however, would push oil, gasoline, diesel, and jet fuel prices even higher by directing the Department of Energy, DOE, to ''as expeditiously as practicable acquire petroleum in amounts sufficient to fill the Strategic Petroleum Reserve to the [1 billion] barrel capacity.'' By directing DOE to take tens of millions of barrels of oil off the market at a time when supplies are tight and prices high—as they have been for the past 2 years—this bill would tighten supplies in the commercial inventories even further, drive oil and gasoline prices even higher, and keep private sector inventories from building back to normal levels.

The bill would fill the SPR in a manner that is inconsistent with two recent amendments adopted by the Senate. Last fall, the Senate unanimously approved an amendment that Senator COLLINS and I offered to the Interior Appropriations bill, directing DOE to develop procedures to minimize the cost to the taxpayer and maximize the overall supply of oil in the United States when acquiring oil for the SPR. This amendment expressed the sense of the Senate that the DOE's current procedures for filling the SPR have raised oil prices, are too costly for the taxpayers, and have not improved our overall energy security. Unfortunately, this amendment was not included in the Interior Appropriations conference report, and the administration has continued to fill the SPR without regard to the price or supply of oil. This is a significant reason oil and gasoline prices are so high today.

In light of the continuing rise in oil and gasoline prices, and the administration's refusal to suspend SPR shipments, the Senate approved an amendment that Senator COLLINS and I offered last month to the budget resolution for FY 2005. Our amendment would cancel the planned delivery of 50 million barrels of oil to the SPR from now through sometime in 2005 that would have completed the filling of the reserve. The SPR is 93 percent filled already. Our amendment is being considered in the House-Senate conference on the budget resolution.

By directing the DOE to fill the SPR to 1 billion barrels—300 million barrels above its current capacity of 700 million barrels—the bill before the Senate today would worsen a SPR policy that is 180 degrees opposite from the direction the Senate just approved in the Senate budget resolution.

By increasing deposits in a government reserve at a time when commercial supply is scarce and prices are high, oil companies will meet the additional demand for crude oil for the reserve by removing oil from their own inventories rather than purchasing high-priced oil on the spot market. Since the price of oil is so closely tied to inventory levels, filling the SPR under these market conditions both depletes private sector inventories and pushes up prices for America's consumers.

Two years ago, the DOE's own staff explained this as follows: ''Essentially, if the SPR inventory grows, and OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.''

For these reasons, in 2002, DOE SPR staff recommended against buying more oil for the SPR in tight markets. The administration chose to ignore these warnings. SPR deliveries proceeded. As the DOE staff predicted, oil supplies tightened, private inventory levels fell, and prices climbed.

In summary, the direction in the bill to DOE to fill the Strategic Petroleum Reserve by another 300 million barrels, to a total level of 1 billion barrels, is likely to increase the cost of crude oil and crude oil products, such as gasoline, home heating oil, and diesel and jet fuel, to American consumers and businesses, with no benefits to our national security.

The electricity provisions of the bill before us are also deeply flawed. Instead of improving our current situation, I believe they will make it worse. The massive power failure of August 2003, on top of the massive price manipulation perpetrated by Enron and others, provided additional proof—proof that should not have been needed—that the United States' deregulated energy markets are not functioning well to secure a supply of energy against interruption.

The bill before us—the Domenici amendment—would repeal the Public Utility Holding Company Act of 1934, PUHCA, long-standing consumer and investor protection legislation governing energy industry structure and consolidation. With the repeal of PUHCA, the resulting provisions of the bill before us fail to provide adequate protections to prevent industry market manipulation and consumer abuses.

The Congress needs to enact mandatory reliability legislation, and while some provisions of the bill would be an improvement over the current voluntary system of reliability standards, other provisions of this bill would take us in the wrong direction and could, in fact, make things worse. The bill fails to ensure that regional transmission organizations, RTOs, will have the authority to enforce electric reliability standards in order to prevent, or respond effectively to, another blackout. Further, the ''participant funding'' provision of this bill shifts the cost of building new electric transmission such that transmission construction will be discouraged and utilities will be encouraged not to participate in RTOs. There is a strong need for a stand-alone electricity reliability bill that sets mandatory standards, requires utilities to join RTOs, and establishes consistent rules for enforcement of standards. But the bill before us today is not the right answer.

Two provisions of the bill would significantly impede the ability of federal

and state agencies to investigate and prosecute fraud and price manipulation in energy markets. If adopted, section 1281 would impede state and Federal authority, other than the Commodity Futures Trading Commission, to investigate and prosecute wrongdoing in financial and commodity markets. It would turn the CFTC into a gatekeeper for all other federal and state investigations into matters within CFTC-regulated markets, which would be an unprecedent intrusion into the enforcement of state and federal consumer protection laws.

Section 1282 would impose a higher, criminal standard, ''knowingly and willfully'', for filing false information and for improper phony round trip trading than exists under current law. The new round trip trading provision is inconsistent with current law and the Cantwell amendment that recently passed the Senate, which prohibited market manipulation in electricity markets.

Manipulation is difficult to prove even under current law. By raising the burden of proof, this provision will make it nearly impossible to prove illegal round trip trading or wash sales. Rather than weakening the laws preventing fraud and manipulation in energy markets, the Congress should be strengthening these prohibitions.

Over the past several years, the Permanent Subcommittee on Investigations, which I previously chaired and on which I am now the ranking minority member, has investigated how Enron, financial institutions, and others have manipulated financial energy markets and prices. The record we have established is clear and dramatic. Strengthened oversight and transparency are critical to the proper functioning of our energy and financial markets. The provisions in this amendment will weaken our ability to ensure these markets are functioning properly.

There are some provisions of the bill before us that I support. The amendment contains two provisions that appear on their face to partially address the unfair air quality restrictions placed on a number of Michigan counties. These provisions do not go far enough, however, to remedy the negative impacts that I have fought against for years.

According to the Michigan Department of Environmental Quality, the Environmental Protection Agency, EPA, would not be required to act on the results of the demonstrations study that is required by the so-called Upton language included in this amendment. It also would not relieve new major sources from state new source review regulations, and it would not release Southwest Michigan from Clean Air Act provisions that mandate specific local reductions following completion of the study. Finally, it would not prevent Southwest Michigan nonattainment areas from classification bump-up if the area is unable to attain the standard by the deadline.

The so-called Barton provisions contained in this amendment would help some for two Michigan counties, Cass and Muskegon, those are the only two counties subject to transport that have been designated under Subpart 2 of Section 181 of the Clean Air Act. However, the help is modest because it is workable only if those areas fail to meet the standard by the deadline and the EPA decides to ''bump them up'' to a higher classification.

We need to do more to prevent restrictions from being placed on areas that are impacted by overwhelming transport. The potential consequences of a nonattainment designation are significant. I will continue to work with the EPA and the Congress to ensure that the Clean Air Act provisions are applied with common sense so that counties are not required to take costly actions for problems that are created downwind, which would be illogical and unfair.

The Senate has worked to create a national energy policy for years, but the bill before us today is not the right answer. Even if we were to pass it today, it will get caught in a logjam between the House and Senate on energy policy that is centered on the issue of the fuel additive methyltertiarybutylether, MTBE. The energy bill conference report that I voted against in November contained a provision that would exempt its producers from liability. In Michigan, it has been estimated that MTBE has contaminated groundwater around over 700 leaking underground storage tank sites. There are similar problems in many other states.

The crux of the matter is that the Senate will not pass legislation that includes the MTBE provision and the House will not pass legislation without it. So we are in a logjam, and I believe that any legislation that we pass will eventually come back to this body containing the MTBE liability exemption, which would then again be rejected.

We should continue work to complete a long-term, comprehensive energy plan that provides consumers with affordable and reliable energy, increases domestic energy supplies in a responsible manner, invests in energy efficiency and renewable energy sources and protects the environment and public health. But the bill before us today, offered to legislation on a completely different matter, is not the right answer. Nor is voting ''aye'' to end debate on an important bill like energy before the debate has begun.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. As I understand it, under the rule we had a minute to respond. Let me just say that I am disappointed that we didn't get cloture on the Daschle amendment. I am also troubled by the fact that we find ourselves in this position to begin with. We should not be on the Energy bill as an amendment to the Internet tax, but many of us have been asking to have an energy bill scheduled now for some time for good, open debate, given our failure to pass the conference report. This is our only option. This does not in any way preclude a Senator from offering other energy amendments on the Internet tax bill. It doesn't in any way undermine a Senator's right to be heard on an energy debate.

If we move to cloture, we bring this bill to an opportunity that otherwise we should have had, had the legislation been freestanding. So far that has not happened. I hope Senators will support cloture so we can move this energy legislation forward.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3051, offered by the Senator from New Mexico, Mr. DOMENICI, shall be brought to a close?

The yeas and nays are mandatory under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—55

| | | |
|---|---|---|
| Alexander | Dole | Miller |
| Allard | Domenici | Murkowski |
| Allen | Dorgan | Nelson (NE) |
| Bennett | Durbin | Nickles |
| Bond | Enzi | Pryor |
| Breaux | Fitzgerald | Reid |
| Bunning | Frist | Roberts |
| Burns | Grassley | Santorum |
| Campbell | Hagel | Sessions |
| Carper | Harkin | Shelby |
| Chambliss | Hatch | Smith |
| Cochran | Hollings | Specter |
| Coleman | Inhofe | Stevens |
| Conrad | Johnson | Talent |
| Craig | Kyl | Thomas |
| Crapo | Landrieu | Voinovich |
| Daschle | Lincoln | Warner |
| Dayton | Lugar | |
| DeWine | McConnell | |

NAYS—43

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|---|---|---|
| Akaka | Ensign | Lott |
| Baucus | Feingold | McCain |
| Bayh | Feinstein | Mikulski |
| Biden | Graham (FL) | Murray |
| Bingaman | Graham (SC) | Nelson (FL) |
| Boxer | Gregg | Reed |
| Brownback | Hutchison | Rockefeller |
| Byrd | Inouye | Sarbanes |
| Cantwell | Jeffords | Schumer |
| Chafee | Kennedy | Snowe |
| Clinton | Kohl | Stabenow |
| Collins | Lautenberg | Sununu |
| Cornyn | Leahy | Wyden |
| Corzine | Levin | |
| Dodd | Lieberman | |

NOT VOTING—2

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| Edwards | Kerry |

The PRESIDING OFFICER. On this vote, the yeas are 55 and the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion fails.

Under the previous order, there will now be 2 minutes of debate equally divided prior to the next vote.

The Senator from Arizona.

Mr. MCCAIN. I yield my 1 minute to the Senator from Virginia, Mr. ALLEN.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. ALLEN. Mr. President, on behalf of Senator MCCAIN, Senator WYDEN, myself, and others who are in favor of Internet tax freedom, I respectfully urge my colleagues to vote for cloture on this amendment. What is at stake is whether 15- to 18-percent taxes will be imposed upon Internet access.

The Internet is a great invention for the advancement of ideas, of information, for commerce, for telemedicine, and for education. This country has been a leader in technology, although we are falling behind, particularly in broadband. I ask my colleagues to vote for cloture.

There can be germane amendments but allow us to go forward. A vote for cloture is a vote for freedom and opportunity for the American people. Stand on the side of that principle.

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

The Democratic leader.

Mr. DASCHLE. I ask unanimous consent to take 1 minute of leader time to respond.

Mr. President, I was 1 of those 74 Senators who voted for the motion to proceed. I want to see this bill completed. I would like to find a way to resolve the outstanding differences. I think that can happen.

We have now found ourselves in a position where cloture would deny Senators the opportunity to offer relevant amendments. They may not be germane but they certainly are relevant. So I would vote against cloture in the hope that we can find a way to continue this debate and allow for the offering of amendments that are relevant. My hope is that at the end of the day we can reach a conclusion procedurally as well as substantively.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to speak?

Mr. ALEXANDER. Did I not have 1 minute?

The PRESIDING OFFICER. Is there an objection to the Senator from Tennessee speaking for 1 minute?

Mr. MCCAIN. I ask unanimous consent that the Senator from Tennessee be allowed 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized for 1 minute.

Mr. ALEXANDER. Mr. President, since that would put two speakers on that side, I ask unanimous consent that one other speaker on the other side be permitted 1 minute to speak.

Mr. ALLEN. Objection.

The PRESIDING OFFICER. The objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am voting against cloture, against cutting off debate. The Senator from Arizona and the Senator from Virginia have worked hard to make this a good amendment. I and my group of colleagues have been working on this issue. We are for a 2-year ban on State and local taxation of Internet access but this does much more than that. A vote against cloture, against cutting off the debate, is a vote to do no harm to State and local governments. It will allow us to continue the debate. I urge my colleagues to vote against cloture.

Mr. KOHL. Mr. President, I rise today to add my voice to the debate surrounding the Internet tax moratorium. I believe strongly we can and should find a reasonable replacement for the expired 1998 moratorium on taxation of internet access, a replacement that balances the fiscal needs and rights of the States and the overwhelming national interest in fostering and growing the internet economy.

The McCain substitute is a solid, and I believe well intentioned, first step toward such a compromise. Its provision to extend the moratorium for 4 years seems a reasonable solution to legislating about an industry that is rapidly changing. The McCain amendment's phasing out of the current grandfather provisions over 3 years seems a reasonable compromise with those who would end the grandfather provisions immediately. The McCain amendment's provisions to exempt ''voice over Internet'' services from the moratorium seem a reasonable answer to the States' concerns that their undisputed right to tax the telecommunications base be preserved.

In its general framework, the McCain substitute outlines the foundation of a reasonable compromise to the highly contentious issue of taxation of internet access. Unfortunately, the Senate has only had a few days to consider the highly technical and important details of the McCain substitute. And there is legitimate and heated disagreement over exactly what the McCain substitute would do. This is exactly the sort of instance in which the Senate should take the time to debate, consider, and amend where necessary to produce a true compromise that is truly workable. Invoking cloture today would cut off that very legitimate and necessary process, and therefore I cannot support it.

But we need to keep working to reach a compromise on the tax treatment of Internet access. As we struggle as a nation to address our eroding manufacturing base, one answer is to make our Nation more attractive to Internet based companies and our companies more willing to employ new Internet-based technologies. This can't happen if States tax every new form of Internet-access technology.

That is why I am saddened by having to vote against cloture today. This was an extremely difficult decision. I support many aspects of the McCain legislation. However, as both sides continue to argue about the potential effects of the proposal, the bottom line is that we need more time. We need more time to debate the best possible solution, the way to balance the needs of innovation versus the needs of the States.

I remain hopeful that the vote today is not the end, but rather the beginning. That it is the beginning of a solution, of a compromise of which both sides can be proud. That is not out of reach, and I call on the leaders to leave the McCain bill on the floor and let us continue to work on a compromise.

Mr. SMITH. Mr. President, I rise today in support of the managers' amendment to S. 150, the Internet Tax Nondiscrimination Act. Although the amendment is not perfect, I believe it will sufficiently protect consumers from State attempts to embrace the Internet as a new platform for taxation. Rather than increasing taxes on consumers, we should all work to embrace the Internet for its potential as a critical source of information and services and as a tremendous new marketplace for all to access, not just those that can afford to pay more taxes.

Of course, this vote takes place at a time when the economy is beginning to rebound as a result of tax relief—not tax increases—and the U.S. high-tech sector is getting its second wind, preparing to lead the economy once again into a period of increased productivity and job growth. Let us not stifle this by giving a green light to taxing innovation, to taxing Americans' access to the Internet.

There is no question that technology boosts U.S. economic output and makes U.S. workers more productive, and that the U.S. high-tech sector is a leading force driving our recent economic growth. Between 1992 and 2000, high tech companies created twice as many jobs as non-high private employers nationwide in the United States. Not to mention that these jobs pay, on average, nearly twice as much as other private sector jobs.

Additionally, the Internet and technology have contributed dramatically to our expanding knowledge base, bringing opportunity and hope to those who need them most. Distance learning is offered to more than 3,300 American schools, providing knowledge and education to anyone who can log on, wherever they live. Not to mention, the increased access to government services, born by State, local and Federal Government reliance on the Internet to provide its citizens with valuable government information and services. To realize the full potential of the Internet and the digital economy, every person must be able to participate fully.

But today, we are talking about taxing the Internet, the vital core of the information technology revolution of the 1990s and the single greatest resource for Americans to have increased access to vast information resources and government services. About this, there should be no question, and no debate. With technology playing such a critical role in our economy, society

and way of life, one would expect political leaders to be supportive of its continued growth for all Americans. Taxing Internet access has never been good policy, and it isn't today. Whether access is provided by traditional phone lines, high-speed Digital Subscriber Lines, DSL, or even wireless, the Internet must remain free of taxation.

To the extent that I have any reservations about the amendment, it will likely prolong the different tax regimes for DSL and cable modem service. It is my belief that all high speed data connections should be treated the same and that the government and this legislation should not allow any disparities to continue.

Nevertheless, let me reiterate my support for this bill and the promise that it provides for continued economic growth. I urge my colleagues to join me in supporting this vital measure. I remind them that the economy is not beginning to rebound as a result of more taxes; it is beginning to rebound as a result of less taxes.

The PRESIDING OFFICER. All time has expired. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate to the pending McCain substitute amendment No. 3048 to Calendar No. 353, S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, John McCain, Jon Kyl, Norm Coleman, Jim Bunning, Gordon Smith, Mitch McConnell, Pete Domenici, Conrad Burns, Rick Santorum, Olympia J. Snowe, Judd Gregg, Wayne Allard, Thad Cochran, Mike Crapo, Larry E. Craig, Ted Stevens, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 3048 offered by the Senator from Arizona, Mr. MCCAIN, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—64

| | | |
|---|---|---|
| Allard | Bond | Byrd |
| Allen | Boxer | Campbell |
| Baucus | Brownback | Cantwell |
| Bayh | Bunning | Chafee |
| Bennett | Burns | Chambliss |
| Coleman | Hatch | Roberts |
| Collins | Inhofe | Santorum |
| Cornyn | Inouye | Schumer |
| Corzine | Kyl | Sessions |
| Craig | Landrieu | Shelby |
| Crapo | Leahy | Smith |
| Dayton | Lincoln | Snowe |
| DeWine | Lott | Specter |
| Dole | Lugar | Stabenow |
| Domenici | McCain | Stevens |
| Ensign | McConnell | Sununu |
| Fitzgerald | Mikulski | Talent |
| Frist | Miller | Thomas |
| Graham (SC) | Murkowski | Warner |
| Grassley | Murray | Wyden |
| Gregg | Nelson (NE) | |
| Hagel | Nickles | |

NAYS—34

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| Akaka | Durbin | Lautenberg |
| Alexander | Enzi | Levin |
| Biden | Feingold | Lieberman |
| Bingaman | Feinstein | Nelson (FL) |
| Breaux | Graham (FL) | Pryor |
| Carper | Harkin | Reed |
| Clinton | Hollings | Reid |
| Cochran | Hutchison | Rockefeller |
| Conrad | Jeffords | Sarbanes |
| Daschle | Johnson | Voinovich |
| Dodd | Kennedy | |
| Dorgan | Kohl | |

NOT VOTING—2

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| Edwards | Kerry |

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 64, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. FRIST. Mr. President, I am delighted with the outcome of that last cloture vote. It means we can proceed on course to finish this bill—a very important bill.

I congratulate the managers but encourage our colleagues to come forward with germane amendments. We will be working through the afternoon. We will be voting through the afternoon. We can finish the bill this afternoon. We have been debating this bill all week. It is an issue that we debated months ago. We are debating it now. Now is the time to bring those amendments forward so we can have these final votes and complete the bill this afternoon.

Mr. MCCAIN. Mr. President, I raise a point of order that the Daschle amendment is not germane and ask for a ruling from the Chair.

The PRESIDING OFFICER. Point of order is sustained. The amendment falls.

Mr. MCCAIN. Mr. President, I thank all of my colleagues for the comity that has existed in addressing this bill.

I thank, of course, Senator ALLEN, Senator LOTT and Senator SUNUNU, and many others who have helped to get this bill to the point where it is.

We are ready to consider amendments. I assured the opponents of this bill who have fought tenaciously—Senator VOINOVICH, Senator ALEXANDER, and Senator CARPER in particular—that if there is an amendment which they have filed which is not technically germane but is associated with the Internet tax, I would ask consent that it be considered because there was a feeling that they did not have their amendments properly considered. I hope we can give them that consideration.

I hope we can move forward soon with the amendments. As I last checked, there are about 30 which were filed. I hope we can move forward, debate, and dispose of those amendments. I thank all of my colleagues for their cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak very briefly after the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, having been involved in this issue now for 8 years, I can say it has never been easy. Certainly what we have seen today demonstrates that once more.

But I think the Senate has made an important statement today; that is, as we try to lay out the policies that will say a lot about the future of the Internet, it is critically important this exciting opportunity for Americans not be subject to more discriminatory taxes.

We have said once again in the Senate, we want to try to find common ground around the principle of technological neutrality, for example. If we do not do that, we will be discriminating against the future, because if we do not work it out now in the amendment process, broadband services delivered through DSL would be taxed and Internet access through cable would not be taxed. That is not technological neutrality.

What is going to give Americans the best array of technologies at the cheapest prices is true competition where there is a level playing field for the various technologies. I have said repeatedly I don't want to see the people who now get the message ''You've got mail'' to get a message that says ''You've got special taxes.'' My colleagues on the other side of the aisle agree with that as well. We have a difference of opinion with respect to how we are going to get that done. Now we will be able to go to the amendment process.

I have compared this exercise repeatedly to something resembling root canal work. I make it clear to my friend from Tennessee, the Senator from Delaware that we are going to do everything possible to make sure there is an adequate opportunity for colleagues to offer their amendments and discuss them. These are very technical, complicated issues. I have spent about as much time on the Senate floor discussing these issues over the last 3 days as any Member. I intend to stay at this post so we give everybody who wants a chance to discuss these issues that kind of opportunity.

Over the last 7 years, we have seen a lot of reports about dire consequences that come about if we pass this legislation. That has not come to pass. I see the distinguished Senator from Connecticut.

We were told in 1997, if we pass that, we will bring the collapse of the revenue system in States and localities, and revenue went up $7 billion the next year. We have to deal with those issues. In the last two iterations of this legislation, I have said repeatedly that no one has brought forward an example of a local jurisdiction hurt by their inability to discriminate against electronic commerce. That is what this bill does; it makes sure you cannot single Internet out for special taxes.

We will use this amendment process now to address the concerns of various Senators. A lot of Members did not think we would get to this point today, but we have a chance, working with colleagues, to produce a bipartisan bill that will be passed overwhelmingly by the Senate. I intend to stay and work with the Senator from Tennessee and others to make sure they get the discussion on the topics they feel strongly about and that it is fair and thorough. That is my pledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see other Senators waiting to speak, so I will be brief. I acknowledge and congratulate Senator MCCAIN, Senator ALLEN, Senator WYDEN, and others who have worked very hard on this issue. Their point of view on the cloture vote is prevailing. I congratulate them and thank them also for the discussions we have had, trying to assure Members that this legislation, in the end, would do the minimum amount of harm to State and local governments. I would like to continue to do that.

There are a number of amendments that have been filed. We need to have a few minutes to talk about exactly in what order we would like to bring up those amendments. I believe in some cases the Senator from Oregon, the Senator from Virginia, and I intend to do the same thing, but that our language does a different thing. To the extent there is a misunderstanding that produces concerns on my part and among the National Governors Association, the mayors, and the county executives of the country, perhaps we could work those things out by consensus.

I congratulate them on moving ahead with this step. I appreciate the offer to continue to work together. Within a few minutes, we will have an idea of which amendments and in what order we would like to proceed, and we will move along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield to my colleague from Delaware. I know he has a comment he wants to make.

Mr. CARPER. I thank my colleague for yielding. I join Senator ALEXANDER in congratulating Senator WYDEN, Senator ALLEN, and Senator MCCAIN for the vote on the cloture. All week I had a different point of view on how we wanted to approach this matter. Now that is behind us. We want to approach this in the spirit of comity and see if we cannot find a consensus.

I said yesterday and I reiterate again today, there are four areas of contention, as I see them. We are discussing going from a very narrow moratorium to a very broad moratorium and the issue of what is defined as exempt under the moratorium. It is a good deal broader than what we faced in recent years. That is a matter of concern. Going well beyond access fees and discriminatory taxes is a matter of second concern.

I appreciate Senator MCCAIN's offer to go from a permanent moratorium down to 4 years. We were interested in 2 years. I don't know if there is a similar area there for compromise. I think there is a number between 2 and 4 that might work. That would be consistent with the third area of contention where the duration of the grandfather clause for State and local governments is 3 years. They are protected for 3 years, and the length of the moratorium is 4. If we could put those two together, 3 and 3—3 years for the moratorium and stick with the 3 years for the grandfather clause—I think that actually addresses that concern.

In conversation with Senator WYDEN, Senator ALLEN, Senator MCCAIN, Senator VOINOVICH, and Senator ALEXANDER, everyone says nobody wants to deny State and local governments the opportunity to collect taxes from telephone services that they have collected for decades. I have not talked to anybody who wants to deny State and local governments that have been collecting taxes on telephone services almost since the day Alexander Graham Bell invented the telephone. Everyone says they do not want to deny the ability to collect that for State and local governments. The concern is, as telephone service and commerce communication migrate to the Internet, we want to make sure that as that happens State and local governments do not see those they traditionally rely on cut out.

Those are four areas, and I think there is middle ground—at least on three of them. I don't know if we can ever agree on the breadth and depth of the definition. We will approach it in a good spirit.

I thank Senator DODD for yielding.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I propound a unanimous consent request regarding time. My colleague from Arkansas wishes to speak for 10 minutes on a subject unrelated to the matter before the Senate. I would like to follow her, if I might accommodate my Senator from Arkansas, on a subject matter unrelated to the matter before the Senate. I clearly know the priority is to get amendments up here. If I may, I make such a request, that the Senator from Arkansas be recognized for 10 minutes, and following her remarks I be recognized for 15 minutes to speak on a matter unrelated to the subject matter before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I rise today with a heavy heart but with a great sense of Arkansas pride as well to pay tribute to five members of the Arkansas 39th Infantry Brigade who lost their lives fighting for our country in Iraq this past weekend.

According to recent reports, Saturday was one of the deadliest days for the Arkansas service members since 1950 in the Korean War. On Saturday, four soldiers from the Arkansas 39th were killed in a mortar attack, and 27 hours later a fifth Arkansan was killed by a roadside bomb as he patroled the neighborhoods of Baghdad.

I think back to last fall when I had the honor of attending a sendoff ceremony for the 39th Infantry Brigade in Little Rock, AR. That ceremony brought together soldiers, families, friends, and loved ones to commemorate the occasion and wish them the best in their mission, to join together in prayer and send them off with the idea that we would be back soon to welcome them home safely.

The sendoff was not a celebration. In fact, it was a sobering occasion. After all, no one relishes the prospect of traveling halfway around the world, far from family and friends and home, to take on a dangerous mission. But even at such a somber occasion something special happens. Differences begin to fade away. The soldiers that were standing before me were no longer from big cities or small cities, they were no longer Black or White, and they were no longer male or female. Their differences did not exist. Those brave soldiers were Americans, and for the defense of this Nation, they become one of mind and one of mission.

The oneness of purpose that the 39th exhibited that day should serve as a lesson to those of us they leave behind. They are sacrificing their lives not just for their kind and kin but for every American who enjoys liberty and peace.

When a member of the 39th patrols Baghdad, he does not just patrol it for the sake and safety of Lewisville, AR, or Little Rock, AR, or Hazen or Humnoke or Batesville, AR; he patrols Baghdad for the sake and the safety of all Americans and the values and the ideals that we, as Americans, believe in and support. When a member of the 39th Infantry pays the ultimate price in battle, he does it not just for the sake of his children but also for the sake of my children and your children as well. In the end, these courageous souls are not only protecting our liberty, they are also teaching us what it means to be a part of one American family—one American family.

In this time, when so many Americans are willing to lay their lives on

the line, we in this body—we in this Nation—must become one America. We must understand what it takes to be one with the sacrifices that we, too, must undertake.

Unfortunately, carrying out the duty of a nation requires sacrifices, and some of those are sacrifices we would rather not take. This weekend, we were once again reminded of the sacrifices that are required to protect our Nation. We, too, as leaders in this body—all Americans—must make sacrifices, too—to govern, to protect, to get along, and to make this Nation strong. Our sacrifices are not even worthy to be compared to what these brave Americans have done and the sacrifices they have made, but our sacrifices, too, are all too important, that the sacrifices they have made will not have been done in vain, that our Nation can remain as strong as it has ever been, and that each of us—from big cities and small, men and women, Black and White, Republican and Democrat—must become one America.

Over the course of those 2 days, the State of Arkansas lost five brave soldiers who made the ultimate sacrifice to make the world a better place. I know that my colleagues in the Senate join me in paying tribute to CPT Arthur ''Bo'' Felder, 36 years old, of Lewisville, AR; CWO Patrick W. Kordsmeier, 49 years old, of North Little Rock, AR; SSG Stacey C. Brandon, 35 years old, of Hazen, AR; SSG Billy Joe Orton, 41 years old, of Humnoke, AR; and SP Kenneth A. Melton, 30 years old, of Batesville, AR.

Captain Felder served as a youth director at Saint Luke Missionary Baptist Church in North Little Rock. He was known as someone who felt at ease with children, who loved them, cared for them, and wanted to help prepare them for the future. It was reported in the Arkansas Democrat Gazette that Captain Felder was remembered by his friends as a person of faith and prayer.

Chief Warrant Officer Kordsmeier was killed as he rushed to the aid of his fellow soldiers. His selfless act illustrates the kind of courage which is necessary to keep this Nation strong and free.

According to the Arkansas Democrat Gazette, Sergeant Stacey Brandon was a prison guard for the State Department of Correction and later worked at the Federal prison in Forrest City, AR.

His friends said of him:

> He was a very outstanding young man whose loss will affect a lot of people. He was one of the young people you could admire.

Sergeant Orton was loved by his family and friends. It is reported that when they learned of his death over 100 people gathered around his home to stand vigil and to support his family. It was noted by those there that Billy had given his life for the cause of freedom.

Many of Specialist Melton's fellow soldiers from Bravo Company were especially affected by his death. He had known and worked with many of them for years. It is reported that upon the announcement of Specialist Melton's death, his comrades did not think of the dangers of their mission but of comforting Specialist Melton's wife and children.

Saturday's deadly attack on Camp Cooke, the base camp for Arkansas' 39th Infantry, occurred at 5 a.m. Captain Felder, Chief Warrant Officer Kordsmeier, Sergeant Brandon, and Sergeant Orton were killed in the final moments of the attack when they took a direct mortar hit as they emerged from the bunker where they had been taking cover. On Sunday, Specialist Melton was killed by a roadside bomb as he manned a machine gun atop his Humvee.

These five brave men are a shining example of the citizen soldiers who are fighting in the deserts of the Middle East. Those serving in Iraq today are not only military men, but they are also doctors, lawyers, police officers, firemen, teachers, factory workers, business owners, and elected officials. Most importantly, they are husbands and wives, they are mothers and fathers.

In short, they are our American family. They are the leaders of their respective communities. Their loss will not only be felt on the battlefield but also by their families, friends, and communities who will miss their love and leadership.

When their Nation called, these brave men answered. They did so without regard to politics or party. They did so without regard to the many small differences we allow to divide us as a nation.

I am sure the entire Senate body will join with me as we send our condolences and sympathy to the families and friends of these brave Americans, to send our thanks for the courageous way they have served their country. They left their homes as family members, co-workers, and friends, and they return as heroes.

I am honored and humbled to pay tribute to their sacrifice. It is hard to find the words that you might think could match those sacrifices because there are no words. But we try. I challenge my colleagues today, let us not just use words. Let us use actions. Let our work be an example of the sacrifices we are willing to take by saying to one another, we will be one America.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Connecticut.

Mr. DODD. Mr. President, before I begin my remarks, may I also make a unanimous consent request that at the conclusion of my remarks, the distinguished Senator from West Virginia, Mr. BYRD, be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. My remarks will be off the subject matter of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, will the Senator from Connecticut restate what his request is?

Mr. DODD. At the conclusion of my remarks, which are about 15 minutes off the subject matter of the bill, Senator BYRD of West Virginia be recognized for 20 minutes.

Mr. ALLEN. I ask the Senator from Connecticut, is the subject of Senator BYRD's remarks the Internet tax issue?

Mr. DODD. I do not know. I have not asked the Senator.

No, it is not. It is a tribute to a constituent.

Mr. ALLEN. Mr. President, I understand the nature of Senator BYRD's remarks. We all want to get to the amendments that might be proposed on the Internet tax issue, but knowing the subject matter of Senator BYRD's remarks, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

IRAQ

Mr. DODD. Mr. President, I commend my colleague from Arkansas for her very eloquent remarks. While she addressed them to four specific individuals from her State, she could have been speaking for any one of our States in talking about any one of the several hundred young men and women who have lost their lives in Iraq over the last year. I thank her for the eloquence of her remarks, the sense of passion and commitment she brought to them. I know she is joined by all of us—certainly this Senator—in expressing deep sorrow for the loss of these Arkansans. We will certainly keep them in our thoughts and prayers.

My remarks follow on a little bit with the remarks of my colleague from Arkansas. Later today or tomorrow, this body will be asked to vote on the confirmation of the first Ambassador to be sent to post-Saddam Hussein Iraq, John Negroponte. Presently, he is our Ambassador to the United Nations. Ambassador Negroponte has a very distinguished diplomatic career and is well suited to undertake what is surely going to be an extremely difficult and complex assignment, likely the most difficult one of his career, and certainly one of the most difficult in the history of the diplomatic corps, going back over the more than 200-year history of our Nation.

While we have had our differences from time to time, I happen to believe John Negroponte is eminently qualified to take on this post. I thank him for his willingness to assume this responsibility, if he is confirmed, and I believe he will be. I also thank his family for their willingness and understanding that our country needs John Negroponte's service at this critical hour.

During his nomination hearing before the Foreign Relations Committee, I stressed to Ambassador Negroponte

that it would be terribly important for him to be candid with this Congress and the American people about what is happening in Iraq and what is not occurring. As we send our sons and daughters, mothers and fathers, brothers and sisters in harm's way, as we have just heard our colleague from Arkansas so eloquently describe, the American people have every right to expect and demand that U.S. officials are telling them the truth about what is happening in Iraq because if they lose faith in what our government is telling them, the United States will not be able to sustain the long and difficult task we have undertaken in this faraway country. Ambassador Negroponte acknowledged his obligation to keep us informed. I am very confident he will do so.

While I intend to support Ambassador Negroponte's nomination when the Senate votes on this matter, I would not want that vote of support for him to be interpreted as an endorsement of the U.S. policy in Iraq, as it is presently being conducted. I am deeply troubled about the pace and direction of our policy in that country. The situation in Iraq could not be more volatile. Yet the Bush administration seems hell-bent to stick to the planned date of June 30 for the transfer of sovereignty to the Iraqi Government. Given the recent upsurge in violence in places such as Falluja and Najaf, given the absence of an effective Iraqi security force to deal with such acts, and given the inadequate numbers of U.S. and foreign troops in that country to restore and maintain stability, I wonder—and I assume others do as well—whether we are setting ourselves up for a catastrophic failure by rigidly adhering to this deadline of June 30.

This coming Saturday, May 1, will be the 1-year anniversary of President Bush's declaration of mission accomplished in Iraq. Recent events make it painfully obvious that nothing could be further from the truth; rather, our mission may be just beginning. Certainly the return of sovereignty to Iraq is a laudable goal which I support, as I assume most all of my colleagues do. It should and must be our end game. But a transfer of authority will not in and of itself be a panacea for all the problems Iraq faces. Moreover, if we do it prematurely, it could put our whole mission and the future of Iraq at risk.

This has been obvious to many of us for some time. But the Bush administration continues to plunge forward with the hope and prayer that everything somehow will work out after June 30. It does so without any clear sign that Iraq is ready for us to turn over authority or its institutions are at all capable at this juncture of successfully taking on this incredible responsibility. In fact, I would argue that all the evidence before us suggests that Iraq is not ready and will not be ready in the coming 62 days. Ironically, in light of recent events, with each step closer to June 30 we seem to be taking a step back in terms of our readiness to hand over control to the interim transitional Iraqi Government.

Last week, the Senate Foreign Relations Committee held three consecutive hearings on the situation in Iraq. I commend Senator LUGAR and Senator BIDEN for holding the hearings. On Tuesday, the committee considered the nomination of Ambassador John Negroponte to be the first Ambassador to post-Saddam Hussein Iraq. Many questions were explored in the course of those hearings. Frankly, with respect to many of those questions, there were no or very few clear answers. However, we did receive some very excellent testimony from expert witnesses with very different backgrounds—from the U.S. military, from academia, from policing experience, and counterterrorism.

Despite their different expertise, all of the witnesses were in agreement on one thing: that is, a major course correction with respect to U.S. efforts in Iraq is badly needed, and needed immediately. I have come to a very similar conclusion. Let me be clear. This need for a correction in our policy is not because our men and women in uniform have somehow failed to do their jobs. Quite the contrary, these men and women have performed every task that has been asked of them with the highest degree of professionalism, patriotism, and heroism. Let there be no doubt about that in the mind of any single American. But it is now more than 1 year after the end of major combat, and arguably the dangers to our troops have never been greater 1 year later.

Why then are our troops in so much danger? I believe the answer, unfortunately, is quite simple. We have failed to craft and implement an effective stabilization plan for the nation of Iraq. This is not the fault of those in uniform; rather, it is the responsibility of top civilian officials in the Department of Defense and the White House who from the very beginning ignored—in fact, scoffed at and thwarted—recommendations from leading uniformed officers, including GEN Eric Shinseki, that several hundred thousand troops would be needed to complete our mission in Iraq. In retrospect, it certainly seems that General Shinseki's judgment was right on the mark. More recently, military experts have concluded that we are likely, at least in the short term, to need an additional 50,000 U.S. troops if we are going to be able to secure the peace in that country.

We are also going to need a similar number from our European allies in NATO, and we need these reinforcements soon before events spin even further out of control than they already have.

Indeed, I wonder if last March we had sent a larger number of troops to Iraq—and had broad international participation—whether we would now be facing the same unacceptable lack of security throughout that country. I also wonder what effect increased security in Iraq would have had with respect to Iraqis' tolerance of a U.S. military presence in their country.

Unfortunately, this lack of security has been evident from the earliest days of the conflict, when it first became apparent that the administration had not paid sufficient attention to the security needs of Iraq. Museums were looted. Ordinary civilians took up arms to guard their neighborhoods. Lawlessness prevailed throughout much of the country. Most importantly, in that short period of time, we lost the confidence of the Iraqi people.

This isn't simply my observation. I was told very directly by an Iraqi during my trip to the nation back in December, well before the recent flareup in violence over the last several weeks—this Iraqi citizen is a Shiite, a moderate, a forward-looking individual. He very frankly told me that the lawlessness which followed the war negatively impacted Iraqis' confidence as to the intentions, preparedness, and capabilities of coalition forces to create a safe and secure Iraq.

His contention was reinforced by Hasan Zirkani, who in November 2003 listed the lack of law and order, rampant unemployment, and the lack of basic services as sources of Shiite unrest. I would note that Mr. Zirkani is a Shiite cleric who supports Moqtada al-Sadr, the radical leader who commands the loyalty of the group responsible for much of the recent violence and unrest in Iraq.

I also point to a February 2004 nationwide poll in Iraq, which showed that 64 percent of the Iraqi people consider regaining public security as their ''first priority'' over the next 12 months.

Disturbingly, the Bush administration has attempted to make up for its lack of security preparation in the same reactive and hasty manner as much of the planning for post-war Iraq was carried out. One example of this has been the assembling of the various Iraqi security forces, a process which most experts agree was done far too quickly, with little or no training, and with inadequate vetting. We all witnessed the consequences of these rushed activities during the recent upsurge in violence, when Iraqi forces collapsed in the face of armed resistance.

Insecurity in Iraq has also affected the ability of U.S. and foreign NGOs to perform the necessary humanitarian and reconstruction duties that would help them turn around the mood in the Iraqi streets. Unfortunately, due to the lack of security, many are unwilling or unable to operate in that country. In many places, reconstruction activities have come to a screeching halt. Contractors sit in hotel lobbies in Kuwait and Jordan, waiting for order to be restored so they can return to their projects.

The administration says we are on course for June 30. I ask: What is that course? Where is all this leading?

One thing is clear: From the very beginning, the Bush administration has done an inadequate job of preparing for the peace in Iraq. It has attempted to fix problems in shortsighted, often haphazard ways. It has only begrudgingly moved to adapt to the resulting strategic realities on the ground.

That is why I believe it is fair and responsible to question the administration's plans as they relate to the upcoming June 30 deadline. How much more complex will this situation be if we try to stand up an Iraqi authority prematurely—if we stubbornly adhere to this date? What happens if that authority crumbles?

I don't underestimate the problem of delaying the turnover. Clearly, if U.N. Special Envoy Brahimi were to announce that the turnover on June 30 is impossible, that would make our choice much easier. But we must recognize that the situation in Iraq is incredibly fragile. If this effort to build a stable and democratic Iraq is to succeed, it is going to need enormous international support. That support will not be forthcoming if the interim government in Iraq is not perceived as legitimate—both by the Iraqi people and the international community.

I emphasize again that I understand there will be a cost by delaying the June 30 date. My point is that whatever that cost is, the cost of adhering to that date, sticking to it prematurely I think would be far more precarious than whatever damage may be associated with delaying the date beyond the June 30 date. Indeed, for all the difficulties in delaying the turnover of authority in Iraq, they pale in comparison, in my view, to going forward and seeing the situation irreversibly spiral downward.

Equally troubling is that the administration is now saying that our handover of sovereignty to the Iraqis on June 30 will be ''limited.'' Mr. President, I don't quite understand what that means. I suspect the Iraqi people don't either. The law of administration for the state of Iraq, the so-called transitional law, which was drafted and approved earlier this year, calls for the establishment of a ''fully sovereign Iraqi interim government.''

Now it would appear that a yet-to-be-negotiated annex to that transitional law is going to spell out the limits of Iraq's sovereignty after June 30. Of course, nobody yet knows what that annex is going to look like—what concessions the administration will have to make to get the various Iraqi factions to sign off on the individuals who will make up the interim government, or whether those concessions, made in haste, in the long run will undermine our goal of a fully independent and democratic Iraq.

I don't pretend to have all the answers with respect to what needs to be done before sovereignty is handed back to the Iraqi people. But I will say that the rapidly deteriorating security situation, combined with the lack of legitimacy for the U.S. presence in Iraq, has created conflicting pressures on the administration with respect to the June 30 deadline.

Administration officials assert if we hand over authority to the Iraqis on schedule, the U.S. presence in that country will become less controversial. I disagree. The way to enhance U.S. legitimacy is to get the security situation turned around. That isn't going to happen by simply declaring Iraq a sovereign nation on July 1; it is only going to happen with a carefully planned and implemented stabilization program.

That stabilization program will require more troops on the ground—our troops and troops from other nations sanctioned by a clear U.N. mandate. Whether that can be accomplished by June 30 remains to be seen. I think it is very unlikely.

As I mentioned earlier, we are only 62 days away from the turnover date. Yet, we still don't know who we are turning that authority over to. We don't know whether the individuals to be chosen by a U.N. special envoy will be acceptable to the Iraqi people.

What we do know is that virtually every day more Americans and more Iraqis are dying. Recent events have forced the Bush administration to acknowledge some of these realities. I do not think we should dismiss out of hand that a course correction may be called for that makes the primary focus of our efforts security; or that we put off, for a time, the standing up of an unelected interim government.

That would also give us additional time to make sure that when authority is transferred, it is transferred to a body that has legitimacy in the eyes of the international community and the Iraqi people. To help do this, we need to go to the U.N. and NATO before turning over authority, not after. The U.N. and NATO would be invaluable partners in tackling a task never before attempted from the outside: converting dictatorship into democracy. It would infuse our efforts with much-needed legitimacy.

There are roughly 9 weeks left before June 30. In the interim, a lot could be accomplished in Iraq that might make the turnover of sovereignty possible on the timetable the administration has laid out. We could have achieved, before that date, a clear and concrete U.N. mandate for nation building in Iraq. We could have a secured commitment for a significant NATO troop deployment in that nation. We could have deployed additional troops to address the security challenges of a growing insurgency movement—including troops from governments in the region. But we have not achieved any of those things yet. We need to be honest about that.

Mr. President, now is the time for a careful, informed debate in America about U.S. policy in Iraq, especially about the wisdom of our set deadlines—the pros and cons of moving forward as planned. After that debate, as June 30 draws nearer, we may in fact determine that sufficient progress has been made to go ahead as planned with the turnover of sovereignty. That may in fact be the right thing to do. But if on balance we conclude it is not, we in Congress need to say so publicly and on a bipartisan basis. The Bush administration needs to do so as well. Then we need to act accordingly.

Former U.S. Ambassador to Saudi Arabia, Chas Freeman, recently sent an e-mail to some of his friends concerning the situation in Iraq. It was printed in the Washington Post about 2 weeks ago. He concluded with these comments:

> Military triumph does not necessarily equate to a political victory. Wars end only when the defeated accept defeat, not when the victor declares victory. A victory that does not produce peace can be much more costly than protracted confrontation that accomplishes deterrence. Arrogant daydreams that inspire military actions can become humiliating nightmares that produce political debacles.

Before our daydreams for a free and democratic Iraq become our nightmares of a bottomless quagmire, let us do the sensible thing and at least honestly take a hard look at our decision to turn back authority to the Iraqi people on June 30—before we are sure that ''victory is going to produce peace.'' Once we have allowed the Iraqi people to govern themselves, it is going to be virtually impossible to take that sovereignty back without enormous loss of the blood and treasure of both of our peoples.

That is something no one wants to see happen. I urge the administration to think about the wisdom of moving forward on the June 30 date.

Mr. REID. Mr. President, I know the order is that the distinguished senior Senator from West Virginia gets the floor. I ask unanimous consent that I be able to ask, under my time postcloture, some questions of the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Is that OK with the Senator from West Virginia?

Mr. BYRD. It is.

Mr. REID. Mr. President, I have been fascinated with the statement of the Senator from Connecticut. What triggered my mind was the statements he made about General Shinseki who said we would need a couple hundred thousand troops over there. I ask the Senator from Connecticut, what happened to him? He is gone.

Mr. DODD. He is gone. He retired. He was not fired.

Clearly, the message was quite clear that he had stepped out of line by saying what he thought from a military standpoint—he had a distinguished career of many years in military service—that in order to be successful, that number of troops was necessary. He was, in a sense, penalized, at the very

least rhetorically for suggesting as such.

Mr. REID. I ask the Senator, does he remember a man named Larry Lindsey? I suggest he was on the Board of Governors working with Alan Greenspan. He also was the chief economic adviser to President Bush. Does the Senator from Connecticut remember a time just a short time ago after the war started that he said he thought the war could cost as much as $200 billion?

Mr. DODD. I recall that.

Mr. REID. He was even more lenient than that. The news article I have says it would be between $100 billion to $200 billion. The Senator recognizes that he was also given his walking papers; is that true?

Mr. DODD. That is exactly what happened. He was also highly condemned for suggesting a number that now looks small in comparison to what the real pricetag is going to be.

Mr. REID. Before asking my final question, I ask the Senator from Connecticut, I am confident he is aware of the last press conference that the President held; is that true? Does the Senator remember the question that was asked in that press conference where the President said, when asked the question about having made mistakes, he couldn't remember any? I ask the Senator from Connecticut if he thinks this is a mistake made by the President: No. 1, going on the aircraft carrier and having a banner above it saying ''Mission Accomplished''? The Senator is aware that since that time, about 700 American soldiers have been killed; is that true?

Mr. DODD. That number I think is roughly correct. Most of those, by the way, have died since May 1 of last year.

Mr. REID. So it is fair, is it not, that could have been a mistake?

Mr. DODD. I think by anyone's estimation to declare that the mission was accomplished was a mistake.

Mr. REID. Does the Senator from Connecticut also think it was a mistake for the President to say—when asked about whether there would be any people who would cause trouble there, does the Senator from Connecticut remember him saying, ''Bring 'em on''?

Mr. DODD. I do recall that statement he made.

Mr. REID. I suggest to the President's people that they should advise him the next time he is asked that question, he could at least relate to those two things—No. 1, ''Mission Accomplished,'' and No. 2, ''Bring 'em on.'' Since the time of ''Bring 'em on,'' hundreds of soldiers have been killed and thousands maimed for life and injured in other ways.

I appreciate very much that statement of the distinguished Senator from Connecticut.

Mr. DODD. Mr. President, if I may take 1 additional minute, my point is, I voted in favor of the authority. I believe it was the right thing to do. My concern is the June 30 date. I am concerned, and I realize there is a cost in changing it. We need to evaluate whether turning sovereignty over at that date is going to serve our interests. That was the sum and substance of my remarks.

I appreciate the questions my colleague from Nevada raised. I made comments regarding holding rigidly to a date that could turn out to be a mistake.

Mr. REID. I say to my friend, I also voted for the resolution. I think it is extremely important that we who support the effort in Iraq, protecting the men and women who are representing our country over there, have the ability to speak out freely on this issue and not be criticized as having been unpatriotic for having done so.

The Senator from West Virginia was originally almost a lone voice speaking out against this event. Time has shown perhaps his vision was more meaningful than people realized at the time. I appreciate the Senator responding to my questions.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. MCCAIN. Will the Senator from West Virginia yield to me 30 seconds for a comment?

Mr. BYRD. Absolutely.

Mr. MCCAIN. I thank the Senator from West Virginia.

It is the intention of all to finish this legislation tonight. I hope those with amendments will come over during the period that Senator BYRD makes his remarks so we can proceed with amending this legislation. I regret it, but I will object to further extraneous conversation or dialog until we finish consideration of this bill because I do not want to inconvenience Members by keeping them in late tonight. We have some 31 relevant amendments. We need to get about addressing them.

I thank the Senator from West Virginia for allowing me to comment.

Mr. REID. If I can, as a matter of trying to lay out what is ahead of us, Senator WYDEN spoke with me and one other Senator indicating they worked to get cloture on this amendment that the Senator from Arizona filed. There has been an agreement—I have not been part of those agreements—that Senator WYDEN, Senator CARPER, and others would have an opportunity to offer amendments. The Senator from Arizona has indicated that he will do everything within his power to make sure those amendments are offered and debated in an orderly time.

My only statement to the Senator from Arizona is, I think it may be difficult to finish this bill today because he talked about extraneous matters. The Senator from West Virginia has a right to speak for 1 hour on this matter, as do I and others. No one is attempting to stall this legislation. The Senator from Arizona had a very important vote, but I hope this matter is not, in effect, going to be jammed through. This is an important piece of legislation. We will work with the majority as much as we can, but based on my experience in the Senate—the Senator from Arizona and I came on the very same day, so one does not have more experience than the other—I think it will be difficult to finish tonight. If we can, we will work with you. I think it is extremely difficult to finish tonight.

Mr. MCCAIN. If the Senator will yield for one additional comment, I appreciate what the Senator from Nevada said. He is very experienced at floor procedures. I point out we have been on this bill all week. I would hope we could finish it tonight. I see no reason why we cannot.

I understand his skepticism. In no way did I mean to criticise the very important statements being made on the vital issue of national security.

I thank the Senator from West Virginia for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

SGM MICHAEL BOYD STACK

Mr. BYRD. Mr. President, on Easter Sunday, April 11, 2004, this Nation lost a fine soldier, a good man, a loving father and husband, and a faithful Christian when SGM Michael Boyd Stack of C Company, 2nd Battalion, 5th Special Forces Group Airborne, was killed in an ambush in Iraq.

SGM Stack is 1 of more than 700 men and women who have given their lives in this conflict and 1 of the more than 100 who were killed in the month of April alone. Each is mourned. Each is honored. Each is sorely missed.

These men and women knew the meaning of duty, honor, and courage. They and their comrades in arms still serving are most emphatically not the summer soldier and the sunshine patriot whom Thomas Paine warned against, who shrink from the service of their country in times of crisis.

SGM Stack and his fallen comrades wore the uniform of the United States proudly and bravely. When told to go to Iraq and Afghanistan, they saluted and prepared to go. They said their farewells to their loving and fearful families and set off. From spare bivouacs, they patrolled dusty streets and lonely highways. They faced rocket-propelled grenades, improvised landmines, sniper fire, and ambush. They looked out for one another with humor and grace and caring. They gave their very best. In the end, they gave their all.

Soldier, rest!
Thy warfare oer,
Sleep the sleep that knows not breaking,
Dream of battled fields no more,
Days of danger, nights of waking.

So said Sir Walter Scott in the Lady of the Lake.

These fallen heroes made the ultimate sacrifice, bravely and unshirking. When all is said and done, all policy laid aside, out there at the sharp end of the spear, these men and women did what good soldiers do. They stood

shoulder to shoulder and did not flinch. In the heat of battle, in the threat of danger, in the face of death, they did not flinch.

SGM Stack had faced such dangers before. His 27-year Army career spanned the cold war, the first Gulf war, and the conflict in the Balkans. His experience and his cool head in tense situations made him a valued member of his company and his battalion. He volunteered for Airborne School and service in the 82d Airborne Division upon his enlistment in 1977. He joined the Special Forces in 1988, serving 16 years with the 3d, 5th, and 10th Special Forces Groups, and as an instructor in the 1st Special Warfare Training Group. Much of what he did will never be made public, but he earned the unqualified respect and admiration of his fellow soldiers. The high standard of professionalism, ability, teamwork, and fairness that SGM Stack exemplified and taught to new generations of Green Berets will be his legacy to the Army, as well as in the Armed Forces of other nations that he helped to train.

Even as a young platoon sergeant, he was known as ''No Slack Billy Jack Stack,'' in recognition of the high standards he expected, and required, of the men he led. He cared deeply for his men and died among them, manning a .50-caliber machine gun in the heat of battle, keeping them safe and striving, as always, to achieve the mission goals.

SGM Stack was a professional soldier, hard-eyed and competent, the very picture of a happy warrior, who might have inspired these words by the poet William Wordsworth:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?
It is the generous Spirit, who, when brought
Among the tasks of real life, hath wrought
Upon the plan that pleased his boyish thought:
Whose high endeavors are an inward light
That makes the path before him always bright:
Who, with a natural instinct to discern
What knowledge can perform, is diligent to learn;
Who, doomed to go in company with Pain,
And Fear, and Bloodshed, miserable train!
Turns his necessity to glorious gain;
In face of these doth exercise a power
Which is our human nature's highest dower:
Controls them and subdues, transmutes, bereaves
Of their bad influence, and their good receives:
Whose powers shed round him in the common strife,
Or mild concerns of ordinary life,
A constant influence, a peculiar grace;
But who if he be called upon to face
Some awful moment to which Heaven has joined
Great issues, good or bad for human kind,
Is happy as a Lover; and attired
With sudden brightness, like a Man inspired;
And, through the heat of conflict, keeps the law
In calmness made, and sees what he foresaw.

In and out of uniform, SGM Stack set high standards for himself. He earned his college degree while serving in the Army. He was active in his church. He kept a Holy Bible in his desk at work, by his chair at home, and in the pocket of his battle dress uniform. He had the quiet confidence of a man who keeps the Lord close to his heart. Before leaving on his final patrol, SGM Stack asked the unit chaplain to say a prayer over his men.

He kept his family close as well. He went home to lunch most days. He lavished love on his young children and took great pride in the accomplishments of his older children. In his wife, Suzanne, he had a soulmate with whom he was planning a long and happy retirement, a retirement which never came. He relished quiet hours spent with family and friends, and he took justified pride in his cooking abilities at such times. He was slow to anger and quick to forgive. He left behind him a full measure of That best portion of a good man's life, His little, nameless, unremembered acts of kindness and of love.

SGM Stack is survived by his wife, Victoria Suzanne Stack; his children Milissa, Virginia, Jillian, David, and William; step-son Bryan, and grandchildren Jakob, Tylor, and Jesse. His father, Cecil, and mother, Antoinette Stack, also mourn him, as do his brother, Cecil Stack, Jr., and sisters Tammy, Kimberly, and Christina.

Military service was a tradition in the Stack family that stretches across generations. SGM Stack's father, brother, and nephew all serve or served in the Army. SGM Stack's father-in-law retired from the Air Force. The Nation owes a deep debt of gratitude to such families, who have answered the call to arms so often and so willingly in our history.

Today, as SGM Michael Stack is laid to rest at Arlington Cemetery, joining the quiet ranks of fallen heroes there, no words can truly comfort hearts that loved him and that are grieving. But at this Easter season, especially, we are reminded that death is not the end, but only a parting for a little while. Michael's faith gave him comfort as he stepped in front of danger; may that same faith sustain his family that they will surely be together again.

Once again, I reach for the words of William Wordsworth, from his Ode, Intimations of Immortality:

Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind;
In the primal sympathy
Which having been must ever be;
In the soothing thoughts that spring
Out of human suffering;
In the faith that looks through death,
In years that bring the philosophic mind.

I offer the thanks of a grateful Nation to SGM Stack, who served his country in the Army, who served his country with great honor and distinction. To his family, I offer my sincere condolence for their loss. I pray that the Lord gives them strength to bear this sad burden until, in the fullness of time, they are all united again.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, before the leader yields, I thank the leader. This was a very gracious thing to do. We don't do it often enough. I commend the Democratic leader for taking out a few minutes to recognize people who make such a difference here every single day. The leader does this repeatedly, and I commend him for it.

I associate myself with his remarks, and I wish to express our deep gratitude to Tom and his family for remarkable service to this country. I hope the people out there realize with all that happens within the view of a television camera, there are literally hundreds of people who make this government of ours, in spite of all of its inefficiencies, function remarkably well, and Tom certainly falls within that category. I thank the leader for taking a few minutes out to recognize him.

Mr. DASCHLE. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as in morning business for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BURNS. Mr. President, I have heard my colleagues come to the Senate today criticizing the President about the handling of Iraq and the war on terrorism. I hate for it just to lie there and somebody not explain to the American people that we are at a war. This is a war that is as big as World War II or World War I. It is global in its size, but it is with a different enemy than we have ever known before in the history of this country or any other country. It is terrorism. It is performed by people who do not wear uniforms, who operate in the shadows and are faceless, are indiscriminate in whose life they take—whether they be combatants or noncombatants, men or women, young or old—and a respecter of no nationality. That is the enemy.

Some would actually question the decision to move against Iraq or Afghanistan. Let me remind my fellow Americans and also my colleagues, we could go back as far as Beirut when a building was bombed there and over 200 marines lost their lives. It was a car

bombing. We had never experienced that before. It gave us a pattern of what was to come in later years.

We have heard the crying of the Iraqi people. I believe the spirit of freedom lives in their breast as it does in ours. But let's look at the track record, how we got to where we are today.

Do you recall the World Trade Center, the first time it was hit, February 26, 1993? Six people died. Cyanide gas and other chemicals were found in that building. Next, we move to June 25, 1996, when 19 Americans were killed and 372 were wounded at a place called Khobar Towers in Saudi Arabia. Nothing was done about either one of those attacks.

Then came August 7, 1998. Two embassies were bombed; one in Tanzania, one in Kenya, eastern Africa.

Then came October 12, 2000. The USS *Cole* was attacked in Yemen. Seventeen American sailors died.

Then we come to September of 2001—September 11; 9/11—and the World Trade Center, New York City. Two airplanes were flown into the two towers. Over 2,500 people were killed on that fateful day that most of us remember. There was another attack in Washington, DC, at the Pentagon on that same day. On that day some 3,000 people died. We did not even lose that many at Pearl Harbor when Japan attacked our forces, the U.S. Navy.

We could go on about Santiago, on September 27, 2001; the U.S. housing compound in Saudi Arabia—all of those terrorist attacks on American citizens.

Because we did nothing to answer any of those attacks, was that basically a green light to go ahead? How long do we have to apologize and say, Well, we are trying to find a way to take care of this cancer that has invaded our world?

So the decision was to say, after 9/11: Let's go after the cancer. And we did that. And al-Qaida, even though it operates, I will tell you, it does not operate as freely as it did.

The American people, have they forgotten we have not been hit by another terrorist act in this country since we made the decision to tear the heart out of the dragon?

And then the idea of Iraq and weapons of mass destruction, he had them. He used them. He manufactured them. People were even trained.

I do not think we need to apologize to anybody anymore for the actions we are taking. Enough is enough, for the protection of our country and for the protection of the people who live here, who work here, and long to be free.

Just ask the young men. For everybody who would say, Well, this thing is falling apart, do you realize our recruitments are up? People who are reenlisting in the service—those numbers are up. If you talk to our young people there in Iraq, who are doing those patrols—and I have done that; I have been there—they know what the mission is. They know the risk involved. They willingly accept it because they have a great heritage of generations before them. When called upon to make the sacrifice for national security, Americans have always answered the call—even in light of those who would be apologists.

So we as, say, the political arm also have an obligation to make sure they inherit the world they think they are getting. They are willing to die for it. We should support them because they understand the next generation will. If you wanted to take a poll on how many people wanted to be on Normandy Beach on June 6, 1944, I doubt you would get a majority of people who would like to have been there. But we went. We answered the call. That is what is important. We cannot lose our will as a people or a society or as our military forces. That is what I am hearing is our will. They understand what is at stake for the next generation. That is what has made this country great. We always think about the next generation. It is not about our own generation. It is about our kids. That is what this is all about.

If we keep backing and shrinking away, then our enemy will take whatever we give them, and we will pay an even higher price than we have already paid—Americans killed, innocently, going about their own business in their own way in a free country.

We have men and women who have answered the call and a Commander in Chief who is doing his level best to not only end it in an honorable way but to also secure the freedom and the safety of people in a part of the world where that has been done very few times. He is to be commended for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 59 young Americans who have been killed in Iraq from March 22 to April 26. All of them to whom I am going to pay tribute were from California or were based in California.

I have previously read the names of all the others connected to California who have died. Sadly, these numbers are going up. I was shocked to just hear on the radio that 11—11—of our troops have been killed today in Iraq.

So I am going to read the names of those who are connected to California. And this, again, is from March 22 until Monday of this week.

LCpl Jeffrey C. Burgess, age 20, died March 25, due to enemy action near Fallujah. He was assigned to Marine Wing Support Squadron 373, Marine Wing Support Group 37, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Marine Corps Air Station, Miramar, CA.

LCpl James A. Casper, age 20, died March 25, due to a noncombat-related incident at Al Asad. He was assigned to 2nd Battalion, 11th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

MSgt Timothy Toney, age 37, died March 27, due to a noncombat-related incident at Camp Wolverine, Kuwait. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Leroy Sandoval, age 21, died March 26 due to hostile fire in the Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl William J. Wiscowiche died March 30 due to enemy action in Al Anbar Province, age 20. He was assigned to 1st Combat Engineering Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Victorville.

PFC Dustin Sekula, age 18, died April 1 due to injuries sustained from enemy fire in Al Anbar Province. Assigned to 2nd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

PFC Geoffrey Morris, 19. Private Morris died April 4 due to injuries received from hostile fire in Al Anbar Province. Assigned to 2nd Battalion, 4th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Aric Barr, age 22, died April 4 due to injuries received from enemy action in Al Anbar Province. Assigned to Twentynine Palms, CA, the same battalion, the same division, the same force.

Cpl Tyler Fey, age 22. Corporal Fey died April 4 due to injuries received from enemy action in Al Anbar Province. He was assigned to the same battalion, the same division, the same force, Twentynine Palms, CA.

We have been hurting in California.

LCpl Matthew Serio, age 21, died April 5 due to injuries received from hostile fire in Al Anbar Province; also from Camp Pendleton, the same battalion, the same division, the same force.

Sgt Michael W. Mitchell, age 25, died April 4 in Baghdad when his unit was attacked with rocket-propelled grenades and small arms fire. He was assigned to the Army's 2nd Battalion, 37th Armor Regiment, 1st Brigade, 1st Armored Division, Ray Barracks, Friedberg, Germany. Sergeant Mitchell was from Porterville, CA.

SP Casey Sheehan, age 24, died April 4 in Baghdad when his unit was attacked with rocket-propelled grenades and small arms fire. He was assigned to the Army's 1st Battalion, 82nd Field Artillery Regiment, 1st Calvary Division, Fort Hood, TX. Specialist Sheehan was from Vacaville, CA.

Cpl Jesse Thiry, age 23, died April 5 due to injuries received from hostile fire in Al Anbar Province. Assigned to

1st Battalion, 5th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Christopher Ramos, age 26. Private First Class Ramos died April 5 due to injuries received from hostile fire in Al Anbar Province; the same battalion, same Marine division, same force, Camp Pendleton, CA.

Another from the same battalion, the same force at Camp Pendleton, is PFC Derrick Hallal, age 24, died April 6 due to hostile fire in Al Anbar Province.

PFC Christopher Cobb, age 19, died April 6 due to hostile fire in Al Anbar Province; also from Camp Pendleton, CA.

PFC Ryan Jerabek, age 18, died April 16 due to hostile fire in Al Anbar Province; also from Camp Pendleton, CA.

PFC Moises Langhorst, age 19, died April 5 due to hostile fire in Al Anbar; same battalion, from Camp Pendleton, CA.

LCpl Travis Layfield, age 19, assigned to 2nd Battalion, 4th Marines, 1st Marine Division, same force, Camp Pendleton, CA. He was from Freemont, CA.

LCpl Anthony Roberts died April 6 due to hostile fire in Al Anbar Province; the same group of marines from Camp Pendleton.

SSgt Allan Walker died April 6 as a result of a gunshot wound while conducting combat operations in the Al Anbar Province. He was from the same battalion, division, force at Camp Pendleton. He was from Palmdale, CA.

LCpl Kyl Crowley died April 6 as a result of a gunshot wound while conducting combat operations in the Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton, CA. He was from San Ramon, CA.

PFC Benjamin Carman, age 20, died April 6 due to hostile fire in Al Anbar Province. He was assigned to the same group as the others, Camp Pendleton, CA.

LCpl Marcus M. Cherry, age 18. He died as a result of a gunshot wound while conducting combat operations in Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton. Lance Corporal Cherry was from Imperial, CA.

LCpl Shane Goldman died April 5 due to injuries received from hostile fire in Al Anbar Province. He was from the same battalion, same division, same force, Camp Pendleton, CA.

2LT John Wroblewski. Second Lieutenant Wroblewski died April 6 due to injuries received from hostile fire in Al Anbar Province. He was assigned to the same group at Camp Pendleton.

CPT Brent Morel, age 27, died from hostile fire in Al Anbar Province on April 7. He was assigned to the same group, Camp Pendleton.

Petty Officer Third Class Fernando Mendezaceves, age 27, killed April 6 in Iraq while conducting combat operations in the Al Anbar Province. He was assigned to the Naval Medical Center in San Diego, 1st Marine Division Detachment, San Diego.

PFC Christopher D. Mabry, 19, died April 7 due to injuries received from hostile fire in Al Anbar Province. He was part of the same group from Pendleton, CA.

SSgt William Harrell, age 30, died April 8 of a gunshot wound while conducting combat operations in Al Anbar Province. He was from Placentia, CA. He was part of the same marine group, Camp Pendleton.

1LT Joshua Palmer died April 8 of wounds received from small arms fire while conducting combat operations in the Al Anbar Province. He was assigned to the same group of marines, Camp Pendleton, CA. He was from Banning, CA.

LCpl Michael Wafford, 20, died April 8 due to injuries received from hostile fire in Al Anbar Province. He is from the same Marine regiment, division, force at Camp Pendleton, CA.

Cpl Nicholas J. Dieruf, age 21. Corporal Dieruf died April 8 due to injuries received from enemy action in Al Anbar Province. He was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Christopher B. Wasser, age 21. Lance Corporal Wasser died April 8 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Levi T. Angell, age 20. Lance Corporal Angell died April 8 due to injuries received from hostile fire in Al Anbar Province. He was assigned to Combat Service Support Group 11, 1st Force Service Support Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Matthew E. Matula, age 20. Corporal Matula died April 9 form hostile fire in Iraq. He was assigned to 2nd Battalion, 1st Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Elias Torrez, III, age 21. Lance Corporal Torrez died April 9 from hostile fire in Iraq. He was assigned to 3rd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, Ca.

PFC Eric A. Ayon, age 26. Private First Class Ayon died April 9 as a result of shrapnel wounds from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, Ca. Private First Class Ayon was from Arleta, CA.

PFC Chance R. Phelps, age 19. Private First Class Phelps died April 9 form hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LC John T. Sims, Jr., age 21. Lance Corporal Sims died April 10 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

1LT Oscar Jimenez, age 34. First Lieutenant Jimenez died April 11 due to a gunshot wound to the head and thigh received in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from San Diego, CA.

PFC George D. Torres, age 23. Private First Class Torres died April 11 after sustaining a gunshot wound to the head while conducting combat operations in the Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Long Beach, CA.

LC Phillip E. Frank, age 20. Lance Corporal Frank died April 8 from hostile fire in Al Anbar province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Daniel R. Amaya, age 22. Corporal Amaya died April 11 from hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Torrey L. Gray, Age 19. Lance Corporal Gray died April 11 from hostile fire in Al Anbar Province. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

PVT Noah L. Boye, age 21. Private Boye died April 13 from hostile fire in Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert P. Zurheide, Jr., Age 20. Lance Corporal Zurheide died April 12 from hostile fire in Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA

LCpl Brad S. Shuder, Age 21. Lance Corporal Shuder was killed in action April 12 while conducting combat operations in the Al Anbar Province. He was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Kevin T. Kolm, Age 23. Corporal Kolm died April 13 from hostile fire in Al Anbar Province. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Victor A. Rosaleslomeli, Age 29. Staff Sergeant Rosaleslomeli died April 13 in Iraq when an improvised explosive device exploded near his escort vehicle. He was assigned to the 2nd Battalion, 2nd Infantry Regiment, 1st

Infantry Division, Vilseck, Germany. He was from Westminster, CA.

SGT Brian M. Wood, Age 21. Sergerant Wood died April 16 in Tikrit when his military vehicle pulled off the road and apparently hit a mine while on patrol. He was assigned to the Army's 9th Engineer Battalion, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. Sergeant Wood was from Torrance, CA.

SSG Jimmy J. Arroyave, Age 30. Staff Sergeant Arroyave died April 15 due to a non-combat related vehicle accident northeast of Ar Ramadi, Iraq. He was assigned to Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Woodland, CA.

LCpl Gary F. VanLeuven, age 20. Lance Corporal VanLeuven died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Ruben Valdez, Jr., age 21. Lance Corporal Valdez died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

LCpl Michael J. Smith, Jr., age 21. Lance Corporal Smith died April 17 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

CPT Richard J. Gannon, II, age 31. Captain Gannon died April 17 from an explosion while conducting combat operations in the Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA. Captain Gannon was from Escondido, CA.

PFC Leroy Harris-Kelly, age 20. Private First Class Harris-Kelly died April 20 north of Tallil, Iraq, when his truck went off the road and rolled over because of limited visibility and dangerous driving conditions. He was assigned to the 596th Maintenance Company, 3rd Corps Support Command, V Corps, Darmstadt, Germany. He was from Azusa, CA.

Cpl Christopher A. Gibson, age 23. Corporal Gibson died April 18 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA. He was from Simi Valley, CA.

Cpl Jason L. Dunham, age 22. Corporal Dunham died April 22 due to injuries received from enemy action in Al Anbar Province. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, at Twentynine Palms, CA.

Sadly, since this list was compiled, we have suffered more and more losses. Today alone, I understand from radio reports, we have lost 11 soldiers. So this list that I read pays tribute to those lost between March 22 and Monday of this week. It took me too long, Mr. President, and I had to ask for more time because, sadly, we have lost more than 700 people, and the numbers are escalating.

I say to the families not only of these brave servicemen—and I don't think there was a woman in this particular list—I say to the parents who have lost a child here, and I say to the wives or the husbands who have lost a spouse here, and I say to the children who have lost a dad here, or the siblings who have lost a brother or sister here, you should be very proud of your family member; that love of country takes many forms, and one form is being willing to carry a weapon on to the field of battle where you face death, and that is what these brave men and women are doing right now.

As a Senator, I owe you a plan, I owe you a clear mission, I owe you a clear exit strategy. Working on the Foreign Relations Committee with my colleagues on both sides of the aisle—Senators LUGAR, BIDEN, KERRY, DODD, SARBANES, CHAFEE, and all the Members on both sides of the aisle, we owe it to the people to come together now and figure this out.

My friend from Montana said this is a war against terrorism. I want to bring us back for a moment to September 11 when the whole world was with us against Osama bin Laden, and I gave the President full authority to go get the people who did this to us.

After September 11, as each of us were trying to find out what happened, I asked the State Department about al-Qaida and where al-Qaida operated.

I have a booklet that was printed after September 11 from the Bush administration's State Department. Al-Qaida operated at that date in 45 countries, including our own. Iraq was not on the list. And somehow because we did not have a plan and we lost the support of most of the world for this, we find ourselves alone in this matter.

For every name that I read, there is a family grieving with tears that we can only imagine. We owe it to them now, because we are where we are, not to come to the floor and snipe at each other, but to find a plan so we can make sure the world is with us and make sure the Iraqi people are with us.

Yes, we are going to have those elements—the Baathists and the extremists—but if we can win the hearts and minds of the Iraqi people, as we have been saying on the Foreign Relations Committee for so long, we can turn this around. But we need to do it with the world behind us, and that takes leadership.

For me to come to the floor and talk about all these deaths and then have to ask for additional time because there are so many deaths that I ran out of time—this is not what the American people were told. We need a plan. We need more support. We need an exit strategy that makes sense that gives us pride, that gives the people of Iraq pride, that gives them at least the limited sovereignty they have been promised.

This is a very hard time. I support our men and women in Iraq. I am going to work overtime in a bipartisan way to make sure the tone around here can change, and we can come together.

Yes, we differed on the way in. I differed with how we went in and with whom we went in, but we are where we are, and now is a time to figure out a way to get us out of there in a way that makes the world safer, makes us safer, and once more puts America in the front of the world as the country that will, in fact, be able to bring democracy in a way that makes sense for the people of the world.

I am going to give back my time because I am very anxious to get this bill passed with my colleagues, Senators MCCAIN, WYDEN, ALLEN, and others.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from California for her courtesy.

I would like to report that after a very productive meeting amongst the principals who have been involved in this legislation, I might add, I was reminded, for about 8 years now, and thanks to the good offices of Senators DORGAN, VOINOVICH, ALLEN, LOTT, ALEXANDER, and CARPER, I think we have the outline of an agreement that I hope can lead to a successful conclusion within the next hour or so.

We have refined the issues basically down to two. One of them is the issue of a moratorium. We expect Senator LAUTENBERG to come to the floor with an amendment on the issue of moratorium, the numbers of years of a moratorium for different protocols, and also one on the definition of the backbone. It is not clear whether the second issue will require a recorded vote.

We also reached an agreement on an amendment I will propose on behalf of all of us in a few minutes that has to do with the voice over Internet protocol issue, a definition to which we have agreed.

I inform my colleagues, I think it is very possible that we could have one or two more votes and then vote on final passage. At least I am hopeful of that outcome. I again thank my colleagues for their progress.

I will also mention that there are a couple of Senators who are being checked in who had amendments to make sure their concerns are being addressed in the amendments that may be proposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank Senator MCCAIN for his leadership. We did just conclude a meeting and, as a result of that meeting, it appears to me we should be able to complete this legislation likely this afternoon. We dealt with the question of the voice over Internet protocol, VOIP. I think Senator MCCAIN will offer an amendment that reflects an agreement on all sides of that issue. That is one of the issues resolved.

There still remains some issues dealing with the grandfather issue. I believe Senator LAUTENBERG will offer an amendment on that issue. Senator LOTT has an amendment. I am not certain whether they need votes. In any event, they will be working on those.

The other issue is the definition as to what extent this legislation applies to certain activities with respect to taxation of telephone and telecommunications issues and the Internet.

The underlying bill is a Federal preemption of taxation with respect to the Internet. The point of the legislation, as introduced, is to effectively prevent taxing the connection to the Internet, believing that the buildout of broadband services in this country is good for the country and will expand the economy and create jobs.

Almost all of us previously voted for a moratorium on taxes on the Internet. I voted for it, and so has most of my colleagues. This iteration of that moratorium has become increasingly complicated because since the moratorium, new technologies have developed, and it has caused more difficulties in negotiating. Even though we do not have agreement on every feature, my expectation is that in the next couple of hours the likelihood is this legislation could be completed in the Senate.

Again, I appreciate the leadership of Senator MCCAIN. A group of us have been active in trying to see if we can find common definitions and common intent with respect to this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I share the view of the chairman of the Commerce Committee and Senator DORGAN. I think the end is now in sight. I see the distinguished Senator from Virginia on the floor right now, and I commend him for all the effort and the relentless pursuit of a cause that he and I have shared for many years, going back to when he was Governor and when I was the original Senate sponsor.

We have held steadfast to the proposition that the Internet, this extraordinary national and global treasure, should not be subject to multiple and discriminatory taxes. I think the earlier Senate vote indicates that a majority of the Senate is prepared to support policies which will ensure that the Internet is healthy and vibrant for the future.

I see the chairman of the Commerce Committee on the floor. People felt strongly about the question of telephone calls over the Internet. The chairman of the Commerce Committee came, had a very constructive definition which made clear or clearer what Senator ALLEN and I have felt all along, and that is that there should not be a change in the status quo. That is very constructive.

My guess is that the big challenge over the course of the afternoon will be on the issue of definitions. Certainly there are definitions with respect to how what is called the backbone of the system, the architecture, is handled. Depending on how it is written, that definition could provide for taxes on BlackBerrys and e-mails and the kind of thing that the Senator from Virginia and I have opposed strongly. We will have to oppose that once again, but I want to make it clear, as I did earlier in the afternoon, that we are anxious to deal with the remaining issues in a collegial fashion with the Senator from Tennessee. The Senator from Tennessee has made it clear he wants to move this bill along.

I join my colleagues in saying that after 8 years of being at this, literally since the time I came to the Senate early in 1996, I suspect in a few hours the Senate will have acted once more in a bipartisan fashion.

I want to wrap up by commending the Senator from Virginia. He has been willing to compromise with respect to issues but he has never compromised on principle, and I appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we await the arrival of Senator LAUTENBERG so we can move forward with his amendment. Then I am informed that at least Senators ALEXANDER, CARPER, and VOINOVICH do not intend to offer their amendment on definition, but there are other Senators who also have an interest in this issue. So it is not for sure that we are not going to have an amendment on that issue.

As I mentioned, moratorium and the grandfather issues need to be addressed, and Senator LAUTENBERG's amendment addresses the issue of grandfathering. So we await his arrival in hopes that we can get that disposed of, and then the Lott amendment and then we would be ready to move to final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. REID. Mr. President, this morning we came to the floor and were confronted with a situation where we tried to get an extension of a highway bill. That was objected to by the senior Senator from the State of Missouri. We talked a little bit at that time, and what we talked about is, basically, if there is no extension given—which has been cleared on our side, by the way—there will be some 5,000 Federal employees of the U.S. Department of Transportation laid off. They may be able to wait until Monday, but certainly they will be able to wait no longer.

What does this mean? It means new highway and bridge projects will be shelved. It will stop reimbursement payments to the States for projects already incurred. It will halt safety grants to the States. It will stop work on transit construction in the Nation's cities and towns. It will interrupt enforcement of motor carrier safety regulations. It will disrupt inspection efforts at our Nation's borders. All we are asking is a temporary extension.

I said this morning, and I say tonight, Senator INHOFE has been a real soldier. He has been with us every step of the way to get a highway bill that is meaningful. No one can question the conservative credentials of JIM INHOFE from Oklahoma. The Senator from Oklahoma is noted for being a person who watches where the money is spent. But he recognizes the bill we reported and passed in the Senate, a bill that was some $318 billion, is legislation that is important for the country. It is important for the State of Oklahoma. It is important for the State of Nevada. It is important for the State of Rhode Island. It is important for the State of Virginia, and every other State I see represented on this Senate floor—which is no other State at this time.

This is something we have to do. I think it would be a terrible shame, and I can't imagine the reason that my friend, the distinguished senior Senator from Missouri, has used for wanting to object to this extension.

He says: I want a conference appointed.

Mr. President, we have said there are other ways of arriving at this. There are other ways of having legislation approved by the body, by the House, and sent to the President.

I have in my hand bills enacted into law without using conferencing. This is an effort to negotiate differences in language between the House and the Senate. We have, just in the 108th Congress, 21 different measures, important measures: TANF, military family relief, Tax Relief Act, veterans' benefits, and many other pieces of legislation—18 others, to be specific.

I think it is a tightrope I would not want to go to Nevada on, saying that I objected to the highway bill and I am closing the Department of Transportation because the minority won't agree to a conference. I don't think that is very good reasoning. I think the people of the country would also think it is not good reasoning.

We have worked, in a bipartisan manner, to produce a highway bill in the Senate. That legislation achieved 76 votes. We received a letter from 20 Republican Senators, dated today, supporting the Senate funding levels. These are Republican Senators, 20 Senators. These are Senators, any one of which——

Mr. MCCAIN. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for the parliamentary inquiry?

Mr. REID. I am happy to.

Mr. MCCAIN. At what time does the Pastore rule apply?

The PRESIDING OFFICER. It does not apply postcloture.

Mr. REID. Three hours. Pastore works 3 hours after we take up a measure. So that wouldn't apply here.

I appreciate my friend's interest.

Mr. MCCAIN. I thank the chairman.

The PRESIDING OFFICER. But we are postcloture and germane debate is required.

Mr. REID. Certainly, I understand that totally. Mr. President, the reason I understand that is the legislation that is before this body, this Internet legislation, has so many ramifications that are important to what is going on in the country today. One of the things going on in the country today is how we have improved the way we work on transportation generally. But for the high-tech industry we couldn't do many of the things that are done today. There are many different things we do today that we didn't do 5 years ago, or even 10 years ago as a result of computerization.

The vehicles on the roads now, with some exceptions in the State of Nevada, Department of Transportation vehicles, have computers in them. So I have no qualms, using my hour's time on this legislation, talking about the importance of the highway bill and, of course, the fact is, with the highway bill there are many high-tech propositions that would be affected by this underlying legislation.

Mr. President, I have a letter. I would read all the names, but, frankly, I can't read them because I can't read some of the signatures. But I do see one signature that jumps out at me: ELIZABETH DOLE. She has been Cabinet Secretary two or three times, but one of those times she was a Secretary. In one of our President's Cabinets she was Secretary of Transportation.

ELIZABETH DOLE is one of those supporting the $318 billion bill. Virtually every Senator on the Democratic side supports it. That is 69 votes right there.

I hope what we are doing today is only for a short time. We need in the worst way to find out a way of getting Senator BOND to agree to this extension. This Nation expects nothing less.

The Republican leadership is going to meet today or tomorrow and talk about what they think should be the size of this bill. The vast majority—far more than 67 Senators, the veto-proof number of Senators—believe we should have a higher number.

It is very clear. If a bill came to the Senate or the House with $318 billion for highway transit, we would override any veto of the President. Why? Because this bill does not raise the debt. It is paid for out of trust fund money, and revenue streams are already in place.

Not only do we have a lot of people supporting this legislation, as I indicated earlier today—and it is now in the RECORD—but we have hundreds of organizations that support this legislation: U.S. Chamber of Commerce; Laborers International Union of North America; Associated General Contractors—they are not together very often on anything—American Road & Transportation Builders Association; International Union of Operating Engineers; American Public Transportation Association; National Asphalt Pavement Association; National Stone, Sand & Gravel Association; Association of Equipment Manufacturers; American Waterways Operators; Air Transport Association; and Waterways Work.

These are only a few of the hundreds of organizations that want us to proceed.

I hope we can do this. It would be a shame to lay off 5,000 people. The impact it would have on their immediate families is important. But the impact it would have on this country—we are just beginning to come out of a recession, so I am told. We are really fighting for jobs. One way to work to have more jobs is to keep the highway program going.

This legislation that is before the Senate is about as high tech as you can get. We know for every $1 billion spent in infrastructure development, 47,500 jobs are generated. That is important. That is only for direct jobs, and thousands of other jobs are spun off from that.

I hope we can move forward. I understand the importance of consumer-friendly legislation. Let us please not have an objection to this legislation.

I am not going to ask unanimous consent until Senator BOND has some knowledge that I will do that. But I will do that later in the day.

I appreciate everyone's courtesy. I know they stretched the rule a little bit for me. I am very grateful. Even though the highway bill is high tech, I am not sure it is that high tech.

Mr. MCCAIN. Mr. President, I would never, ever believe that my friend from Nevada would stretch any of the Senate rules. Of course, I appreciate his real knowledge of the rules of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3082 TO AMENDMENT NO. 3048

Mr. LOTT. Mr. President, I call up amendment No. 3082, which is my amendment to the McCain underlying amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3082 to amendment No. 3048.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the 1998 grandfather from 3 years to 4 years)

On page 5, line 2, strike ''2006'' and insert ''2007''

Mr. LOTT. Mr. President, in order to explain exactly what is involved, it is quite simple. The amendment would extend the 1998 grandfather coverage in the bill from 3 years to 4 years. I support ending this grandfather provision for States that had already enacted some Internet tax by 1998. I support phasing that out.

I would like to have this issue dealt with in a broad, comprehensive way. I hope the Commerce Committee will do that in the next year or two. I felt that 3 years was enough of an extension of that grandfather clause. But I have talked to a number of Senators on both sides of the aisle who say that in the interest of fairness you have the grandfather clause phased out in 3 years, and this bill is for 4 years. Wouldn't it be fairer, and we would be more supportive of it, if we could get these two provisions in the same position?

For that reason, I filed an amendment yesterday just before 1 o'clock. I have discussed this with Senator STEVENS, Senator MCCAIN, and Senator WYDEN. Members on both sides are aware of what this amendment is. Senator SUNUNU had some reservations about it but understands what we have done.

We are prepared to go forward with this amendment now. I am willing to do it because I think it is so important that we have Senators who feel good about this legislation and believe it is fair so we can get a bill, get it now, and deal with this moratorium after these many months of laboring to do the right thing.

That is basically what this is all about. I hope my colleagues will support it and it can be accepted, hopefully, on a voice vote.

Mr. MCCAIN. Mr. President, I thank the Senator from Mississippi for his very adroit, as always, capable work on this issue and moving this legislation along.

I thank my colleague from New Hampshire, Mr. SUNUNU, who feels very strongly about this issue. I know we will be revisiting this issue again.

I thank my colleagues. I strongly recommend that we agree to the amendment by voice vote.

I yield the floor.

Mr. DORGAN. Mr. President, I have no objections to the amendment that is being offered by my colleague from Mississippi. We discussed the amendment earlier today. It is an amendment

I support. I hope we can agree to it without a recorded vote. I think that makes sense.

I might say while addressing this at the moment that I am trying to get in touch with Senator FEINSTEIN to determine whether she intends to offer an amendment on this subject. I believe that is perhaps the last amendment on our side of which we need to try to determine the disposition. As soon as we determine what that is, I will let Senator MCCAIN know.

Once again, I do not object at all to the amendment offered by Senator LOTT. I think a voice vote is in order.

I yield the floor.

Mr. MCCAIN. Mr. President, there is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 3082) was agreed to.

Mr. LOTT. Mr. President, if the Senator will yield, this appears to be a moment where we are waiting for other Senators to be contacted to further work on amendments that may or may not be offered. I want to take this opportunity to say something positive about this institution which has been having difficulties lately.

This bill shows what you can do when Senators will work together on a very difficult issue. Senators prefer not to vote on this issue. We have friends on both sides—all of us. We have heard from our Governors, mayors, and from the industry. We have heard from all different points of view. But with the tenacity and persistence of Senator ALLEN, Senator WYDEN, the chairman of the committee, and the manager on the Democratic side—they have some feel for what this institution can do and should do. I think they all deserve a lot of credit. We may actually get something done. This is something that needs to be done and something of which we can all be proud.

I was talking to Senator DASCHLE earlier today repeating my oft-stated opinion that when you govern and when you produce results, everybody wins regardless of party. That is what we are really here for.

I say to those who are on the other side of this issue—former Governors, of course, led by Senator ALEXANDER, Senator CARPER, and Senator VOINOVICH—they have been eloquent in their presentations. They have made us all uncomfortable with the points they made while submitting their arguments. They have been dogged, but they have also been reasonable.

If we get this bill completed today, the people on all sides can feel good about how it was done. I commend all concerned. It makes me feel good for a change about what we are doing.

I yield the floor.

AMENDMENT NO. 3104 TO AMENDMENT NO. 3048

Mr. MCCAIN. I have submitted an amendment to the desk on behalf of Senator LAUTENBERG, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for Mr. LAUTENBERG, proposes an amendment numbered 3104 to amendment No. 3048.

The amendment is as follows:

(Purpose: To require the Comptroller General to study the impact of the Internet Tax Freedom Act on State and local governments and on broadband development)

At the appropriate place, insert the following:

**SEC. ____. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.**

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

Mr. LAUTENBERG. Mr. President, I offer an amendment, No. 3104, to the McCain substitute amendment to S. 150, the Internet Access Tax Moratorium bill. My amendment, if adopted, would require the General Accounting Office, GAO, to conduct a study on the impact of the moratorium and report its findings back to Congress by November 1, 2005.

GAO would be tasked with analyzing the revenue impact of the Internet tax moratorium on State and local governments. GAO would also be tasked with analyzing the effect of the moratorium on the deployment and adoption of broadband technologies for Internet access throughout the United States.

The amendment directs GAO to compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and to take into account other factors to determine whether the Internet Tax Freedom Act has had a positive impact on the deployment and adoption of broadband Internet access services.

Having GAO conduct such a study is important because we simply don't know what the real impact of this legislation will be on the tax revenues of State and local government. The way Internet ''access'' is defined in the bill, it could be a giant loophole ripe for exploitation by telecommunications companies, especially with regard to the emerging market of Internet telephony, which is commonly referred to as ''Voice over Internet Protocol'', VoIP. Tax and public utility officials I have spoken with in New Jersey are very worried that S. 150 could cost the State and jurisdictions within the State hundreds of millions of dollars annually. This is revenue they desperately need to provide essential services.

Furthermore, we simply don't know what the real impact of this legislation will be on the telecommunications industry and on future broadband deployment, both of which are so important to our economy. Supporters of the bill claim that the moratorium is essential. But I would note that three economists at the University of Tennessee compared Internet access rates in jurisdictions with Internet taxes and jurisdictions without any such taxes. The access rates were the same. In other words, the moratorium may not be having any beneficial effect. That is something we need to find out.

Mr. President, I understand that my amendment will be adopted and I appreciate Chairman MCCAIN's support for it. I think it is an eminently reasonable amendment, and I hope that it can be protected in the Conference Committee deliberations on this bill.

Mr. MCCAIN. Senator LAUTENBERG's amendment calls for a GAO study on broadband for the effects of tax moratorium on State and local economies and other impacts of this Internet tax moratorium. I find it a very valuable amendment. It would be very helpful because this is a moratorium, not a permanent ban. It would be very helpful as we debate this issue, which I imagine will start again in a year or so.

The Lautenberg amendment is a good amendment. Senator LAUTENBERG is a conferee, and I know Senator DORGAN will agree we will fight to make sure this GAO study is included.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Lautenberg amendment. His suggestion makes a great deal of sense. I hope we can voice vote the Lautenberg amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3104) was agreed to.

Mr. MCCAIN. As far as I know—and Senator DORGAN is more aware than I am—we have one more amendment we agreed to which I hope to propose within a couple of minutes. Senator FEINSTEIN may or may not be proposing an amendment. We will find out shortly. Then we would be prepared to go to final passage.

I yield the floor.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, while we are awaiting the amendment and the presence or decision on Senator FEINSTEIN's amendment, I wish to make a couple of comments about individuals. I specifically speak of Senator ALEXANDER, Senator VOINOVICH, and Senator CARPER, who fought very hard and valiantly on this issue. We have honest differences of opinion on this issue.

It is very likely we will pass this legislation, but Senator ALEXANDER, Senator VOINOVICH, Senator CARPER, and Senator DORGAN have had an enormous impact. We have gone from a permanent ban to a 4-year moratorium. We are changing the definition of voice over Internet protocol. We have made significant changes to this legislation thanks to their efforts.

Throughout, our debate has been characterized by mutual respect and understanding that we just have fundamental differences of opinion. I congratulate them on a battle well fought. Although they may have lost in passage of the legislation, they improved it dramatically, and I say that from a position on both sides of the issue. They brought into play their backgrounds as Governors of their respective States and bring a much needed perspective to this body. I congratulate them for their very outstanding work, particularly over the long period of time we have been involved in this issue.

If we pass this bill shortly—and we may not—there are two individuals who deserve the credit: Senators ALLEN and WYDEN, who took up this legislation years ago, and followed it. They have been relentless, dedicated advocates, and have brought their debate and discussion all over America. They have done an outstanding job. They are the ones who, I believe, deserve the credit on all of it for the magnificent work they have done on an issue that is of great importance and profound importance to small and large businesses all over America. I thank them for their valued efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before the Senator leaves the floor, I don't want to turn this into a bouquet-tossing contest, but I came to the Senate in the winter of 1996 as a new member of the Commerce Committee. The chairman of the committee was exceptionally helpful in terms of working on the legislation then. We have gone through two iterations already.

Senator DORGAN and I have spent untold numbers of hours talking about this vastly important bill, more than either of us would have wanted. The Senator from Virginia is here as well, and the fact that he has been involved so extensively has been an enormous help. The Senator from Virginia has consistently talked about standing up for freedom. He is absolutely right.

There is a reason the Gray Panthers, for example, are for this legislation. They and millions of other consumers understand how important it is that we not hammer Internet access.

We will have other debates with respect to the future of the Internet. Certainly the Senator from North Dakota has talked passionately, for example, about a project the Governors were talking about, the streamlined sales tax concept. So we will have these other debates.

But the chairman of the Commerce Committee, who was so gracious to me and the Senator from Virginia, helped us consistently through this 8-year-long battle. I want the chairman of the Commerce Committee to know I am very appreciative of all of the help and support he has given us in this cause.

We are going to be wrapping up the work of the Senate in just a few minutes, and a lot of people who have said it just was not in the cards, it just was not to be, the Senate was gridlocked—suffice it to say there will be further debates as we discuss this with the other body.

This is a very significant step forward. Every Member of the Senate, in my view—and I have talked to almost every Member about this on a personal basis—every Member understands the value to the opportunity of a healthy and vibrant Internet. What we had over the last few days is a debate about the best set of policies to attain that objective. This will not be the last debate. For example, even in an area where we have come to an agreement with respect to the taxation of telephone calls made over the Internet, this is not the last word. As the Senator from Tennessee and I have discussed, we still have the Federal Communications Commission in a position to take a more comprehensive look, for example, on how phone calls made over the Internet are going to be regulated and dealt with by the various jurisdictions.

This debate is sure to continue for many days ahead, but this is a banner day. This is a day when the Senate has made some judgments that will help keep the Internet healthy and vibrant in the days ahead. That is a great success. I commend my colleagues for being patient enough to deal with the subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—H.R. 3550

Mr. BOND. Mr. President, a few moments ago, my good friend from Nevada talked about how the highway transportation system in Nevada depends upon the Internet and all the technology there. And I agree with him. We are very proud of the technology, the intelligence transportation systems, and other things we have in our Missouri Department of Transportation, our highway entity.

I was very pleased he read off a list of people who support the measure we passed in the Senate. That just reinforces what I have said for a long time. We had an overwhelming vote to get the number of $255 billion for highways. We had an overwhelming vote to get a bill to the floor. We had an overwhelming vote of 76 to 21 to pass a good 6-year highway bill.

My good friend from Nevada worked very closely with us. I tell you, as long as I have been in the Senate, I do not know if we ever had better bipartisan cooperation than Senator INHOFE and I on the Republican side have had with Senator JEFFORDS and Senator REID on the Democratic side.

Mr. President, 11 weeks ago, we passed this wonderful highway bill. This, what I hold in my hand, is the highway bill. It passed overwhelmingly. It is a 6-year, $318 billion bill for all of transportation. Do you know what? It is still sitting at the desk. I was on this floor raising Cain with our House colleagues because they would not move. I believe my friend from Nevada joined with us.

Well, they moved. It will be 4 weeks tomorrow that they moved. Now, something that maybe a lot of people don't understand is, when you pass a bill like this, it doesn't go into the President's hands; it doesn't become law. You have to take some procedural steps to move it out of here. You have to substitute this bill for the House bill. You have to insist on a conference. You have to name conferees and send it back to the House—procedural items.

For most of the time I have been here, it happens automatically. Once you have a conference, then the Republican and Democratic conferees from the House sit down with the Republican and Democratic conferees from the Senate, and you can move forward.

But do you know what. We are stuck. We are stymied. Senator REID wants to know what we can do. I say, very simply, what we need to do is to stop blocking the transfer of this bill back into conference with the House. What part of ''yes'' don't you understand? This is a simple matter. Now we have kicked the can down the road. We have had extensions and extensions, and we can't sit down and talk with our House colleagues.

And I said: Wait a minute. We have intelligence transportation systems in Missouri and every other State in the Nation. We have a need for good highways, roads, and bridges, to promote our homeland security, to create jobs, to relieve congestion, to promote long-term economic growth, and for safety. At least a third of the 43,000 people killed on highways every year in the Nation are killed because of unsafe highways.

So my good friend from Nevada wants to know what he can do to get an extension; and I said so this morning. I said: It is very easy. Let us move forward on the bill. We have tough issues to work out with the White House. We cannot work on those issues until we can sit down with the House and move forward. We have been

blocked by the actions of the other side.

I asked unanimous consent this morning to move forward, and the distinguished minority whip on the other side had another unanimous consent request. I said I would be happy to accept his if he accepts this one. Let's move the process forward. This is not rocket science. This is a necessary procedural step.

I am going home to Missouri this weekend. And do you know what. People are going to ask me: Why haven't you passed a highway bill? I would not be surprised if at least 90 percent of the Members of this body are asked the same question: Why haven't you passed a highway bill? One simple answer: 76 Members of this body voted for it, but now the other side objects to the procedural steps we need to take to move this into conference.

Nothing is going to happen until we move this bill into conference. This is not some strange procedure. Up until this year, this has been the normal procedure. Maybe if my colleague is sufficiently concerned about the extension, maybe if I renewed my request, he would be willing to move the bill forward.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the House-passed highway bill, H.R. 3550; provided further that all after the enacting clause be stricken and the text of S. 1072, as passed, be inserted in lieu thereof; the bill then be read a third time and passed; further that the Senate then insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate, with a ratio of 11 to 10.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have a bill that is about to be completed, and I do not want to interfere. I have a statement that will take a few minutes. But I want the RECORD spread with the fact that after I do object, sometime before the day is out I will renew my request for the 2-month extension together with a statement.

So at this time, I say to the two managers of the bill, do you want to do something on this bill that is now before the Senate? I ask, through the Chair, the distinguished chairman of the Commerce Committee, are you ready to do something right now on the bill? Otherwise, I will give my statement.

As I said to the Chair, I do not want to take away from moving this bill forward if people are ready to do something. But we are waiting for Senator FEINSTEIN, I understand.

Mr. MCCAIN. That is correct. Please proceed.

Mr. DORGAN. Mr. President, if I might respond, Senator FEINSTEIN has actually left her office and is on her way.

Mr. REID. Mr. President, I will speak very briefly. When she shows up, I will finish within a couple minutes.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, I am sorry there continues to be an objection. I do not want to hold up this bill any longer. I want to see the Internet tax moratorium bill pass. I want to see us move forward on highways and transportation. I felt it was necessary to come down to clarify, based on what my good friend from Nevada said, that I am trying to move the process along. And when he asks his unanimous consent, I would ask that my unanimous consent be added to it so we can move forward. That is all we are doing.

This is very simple, standard procedure. I appreciate the time of the managers and everybody else. But there are an awful lot of people in this country who are waiting for a good 6-year Transportation bill, one like we passed in this Senate.

I appreciate my colleagues' time. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, this will be the third extension of this very important legislation. The first extension was the 5-month extension. We did that because we could not get our act together: Senator INHOFE, Senator JEFFORDS, Senator BOND, and this Senator. As a result of that, we got a commitment from the majority leader and the minority leader we could take up this bill at a specified time in February. Everyone lived up to that agreement, and we did that. Within almost a record period of time, we passed this very important legislation. So that was the reason for the first extension.

The second extension was necessary because the House had not yet done their legislating. We asked for a 2-month extension on this matter on February 27.

At that time Senators MCCAIN and LIEBERMAN objected to that extension because they had some problems with the 9/11 Commission. As a result of that, a number of us came to the floor and said: How could Senator MCCAIN and Senator LIEBERMAN do such a thing? And in the process, statements were made, some of which were by the distinguished Senator from Missouri.

I quote from the CONGRESSIONAL RECORD of that date. I will not read the whole statement. I will read that which is pertinent. This is a quote from the distinguished Senator from Missouri:

> What the Senators from Arizona and Connecticut are doing is seeking to hold hostage the whole highway program in the United States.

I agree. That is what is happening now.

The Senator further went on to say:

> This extension expires on Sunday.

Just as it does now.

> If we fail to extend this, there will be a shutdown of any further contract authority for Federal aid highway projects and a shutdown of payments for work already contracted for by the States and performed by contractors. This means no further projects can be approved or awarded. It also means that not only the Federal Highway Administration but also the National Highway Traffic Safety Administration, the Federal Motor Carrier Administration, as well as the Bureau of Transportation Statistics, will cease operation.

Skipping:

> Not only are we talking about people's livelihoods, we are shutting down the Federal agencies, which will have an adverse consequence for our Nation's highways, motor carrier safety, and consequentially for the condition and operation of our Nation's surface transportation system.

Skipping down two more paragraphs:

> Jobs will be lost in the private sector. An extension is bad enough, but a complete disruption of the program when there are crucial job needs across the country will have an economic impact on the families directly, and on the economy.

Next paragraph:

> We need the extension to stop playing politics with people's jobs in this most important legislation.

Mr. BOND. Mr. President, will my colleague yield for a question?

Mr. REID. I will shortly.

I could not have said it better myself. That is what we are facing right now. We are facing a shutdown of jobs. We will furlough 5,000 people in the agencies that were referred to on February 27 by my friend.

The people of this country should understand there are different ways of getting a bill to the President's desk. It is not necessarily with a conference. I have told Senator INHOFE and Senator FRIST that does not mean we are not going to go to conference.

I say to my friends, anyone within the sound of my voice, if conferees were appointed right now, immediately, the first thing we would do is say: OK, staff, majority staff, minority staff, majority and minority staff from the House, get together and work on this. See what you can come up with. Bring it back to us. That would take a couple of weeks to do that.

Then we would work through whatever they couldn't work through themselves. Finally, the Members would agree on certain things. Then if there were things we could not agree on, we would take it to the full conference.

We are weeks and weeks away from that if we appoint a conference right now. The point is, we are not appointing conferences right now because, as I said before, we have on many occasions, more than 20 times already in this year's Congress, passed legislation by what we call preconferencing it. It does not matter what you call it.

I have the same goal as the Senator from Missouri. We want a highway bill. I appreciate and admire and respect his energy in helping arrive at this bill where we now have a bill that is good

for the American people, a 6-year bill, $318 billion that is good for roads and transit.

I hope the Senator has made his point, but I do believe we need to get this short 2-month extension done and then if there is something that comes up in 2 months that the Senator thinks we are not making progress on the legislation, then he may want to try something such as this again.

I yield to my friend who said he had a question.

Mr. BOND. Mr. President, I express my appreciation to the Senator from Nevada for reciting the deathless prose that I shared with this body the last time we were trying to get an extension. I made those statements because the highway bill is so important.

I ask my friend if he understands my message today—I know what the process is like; we go through this process of appointing conferees, and it takes a long time to get it done—if he understands that the way to move forward is to stop objecting to the simple procedural process of substituting this bill for the House bill, reading it a third time, passing it, naming conferees, sending it to the House and asking for a conference, all he has to do is to say yes to the unanimous consent request. I will say yes to his request and we can get on with the business. This is absolutely an unnecessary procedural delay. Every day we fail to appoint conferees, we are further down the road.

Did I make myself clear to my friend from Nevada? If he will agree to take the procedural steps, I will be happy to remove my objection to the extension.

Mr. REID. Mr. President, in answer to the Senator from Missouri's question, I certainly understand the point he is making. I simply do not agree.

I, therefore, at a subsequent time before we adjourn this evening, will ask unanimous consent that the Senate pass a 2-month extension, something the House has already done.

At this time Senator FEINSTEIN has arrived and I would only end by saying that I personally would not want to return to Nevada, recognizing that I would not agree to a 2-month extension. In Nevada, it would wreak havoc with the growth of the State there.

The fact is, even where there is not rapid growth, as in Nevada, there are repairs that must be done. The construction season is upon us. Some of these projects will never go forward.

AMENDMENT NO. 3105 TO AMENDMENT NO. 3048

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. ALLEN, Mr. VOINOVICH, Mr. ALEXANDER, Mr. DORGAN, Mr. CARPER, and Mr. WYDEN, proposes an amendment numbered 3105 to amendment No. 3048.

The amendment is as follows:

On page 8 strike lines 1 through 9 and insert the following:

**"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.**

''Nothing in this Act shall be construed to effect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.

Mr. MCCAIN. Mr. President, I submit the amendment on behalf of myself, Senator ALLEN, Senator VOINOVICH, Senator ALEXANDER, Senator DORGAN, Senator CARPER, and Senator WYDEN. It refines the language concerning the voice over Internet protocol. It is a product of an agreement of language between all of us. I ask for its consideration.

Before I do that, I believe Senator FEINSTEIN has an amendment she wants to propose. I hope we can get an agreement, say, 40 minutes equally divided, if that would be agreeable.

Mrs. FEINSTEIN. That would be fine.

Mr. MCCAIN. Forty minutes equally divided, followed by a recorded vote, which would then be followed by final passage. I ask unanimous consent that after disposal of the pending amendment, no more amendments be in order, that there be 40 minutes equally divided between myself and Senator FEINSTEIN, a vote on the amendment, followed immediately by a final passage recorded vote.

Mr. REID. Reserving the right to object, I direct this question to the manager of the bill, Senator DORGAN. Is that correct, that all amendments have been offered?

Mr. DORGAN. Mr. President, to my knowledge, all of the amendments that have been previously noticed would not be offered. We have tried to check with the authors. A number of them would not be in order postcloture. We have checked with the authors of the amendments that were noticed. My understanding is that there are no amendments on this side other than Senator FEINSTEIN. At least we have not been notified that there is an amendment out there other than Senator FEINSTEIN.

Mr. REID. I would say also to the two managers of the bill, then we should be advised there will be at least two more votes, perhaps on Feinstein and final passage.

Mr. MCCAIN. That is correct.

Mr. REID. I would say also to my two friends, I always like to have the trains run on time. This is excellent work. I appreciate this. I thought it couldn't be done today. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is agreeing to amendment No. 3105.

The Senator from Tennessee.

Mr. ALEXANDER. Is it appropriate for me to make a few remarks on the McCain amendment?

The PRESIDING OFFICER. It is.

Mr. ALEXANDER. I won't take many minutes, but I wanted to do this while the chairman of the committee and Senators WYDEN and ALLEN and DORGAN are all here. I intend to vote for this legislation tonight. This is a good result.

Senator LOTT made some comments a few minutes ago about how the Senate can sometimes come to a good conclusion. Before I came to the Senate, I spent a year and a half teaching a course in American character at the Kennedy School of Government at Harvard. What we talked about there was what distinguishes our country is that we agree on a few principles. Professor Samuel Huntington pointed out that our politics is a conflict between those principles. We had a conflict here between laissez-faire free market principles and federalism, and they are both very important.

We have been working hard to come to agreement, and we got a good result. Senator ALLEN and Senator WYDEN should feel very good about what they have been able to accomplish, and this has been a fashion of theirs for a long time. I feel good about the fact that Senators CARPER, VOINOVICH, GRAHAM, FEINSTEIN, and others have been able to remind us of the importance of a strong Federal system as we debate our issues, and that we promise as a Congress to do our best to minimize harm to State and local governments as we take important actions here.

So what pleases me about the result is what Senator MCCAIN talked about—moving from a permanent ban to 4 years. I think that is good. Far and away, the most important result is the clarification that Senator MCCAIN has been able to achieve on the question of whether we are trying to decide what to do about telephone calls made over the Internet. That is not what we are trying to do with this legislation. We had that in our mind on both sides, but we have not been able to agree on that. That is far and away the biggest issue for State and local governments, because they collect up to $18 billion a year in taxes on telephone services. That may change as time goes on, but we did not want ambiguous language, or a misunderstanding, or to run the risk during the period of this moratorium—which we prefer to call a temporary timeout—that anyone would think we were trying to decide the issue of what to do about telephone calls made over the Internet.

Senator MCCAIN's amendment makes that clear and it speaks for itself. Also, he has been able, through his final suggestion, to leave some grandfather extensions in the bill. I would like to see more. We will have a chance to vote on more in a minute.

The area where we did not go as far as we would like on our side was in the definition. It expands the tax exempt coverage to what we call the backbone and a number of other Internet activities. But this is a good result. It should be a wake-up call to Members of the Congress that this is the fastest-growing new technology in America. It is

going to change the way we live, and it should be a wake-up call to us who care about federalism—all of us, and Governors and mayors everywhere—that we are going to have to do careful, creative, constructive thinking about what the impact of this is on our Federal system. What does it do to Governors, mayors, and county commissioners?

We are making a temporary decision here, but the Commerce Committees of this Congress have already said they are going to take the issue up in November. So from where we started in December, to where we are today, I feel very good about it.

I especially thank the chairman of the Commerce Committee, who has, from the beginning, in terms of allowing me to testify before the committee—I am not a member of the Commerce Committee; this is not an area in which I am usually involved—he respected my effort, and that of others, to push the issue of federalism forward. I thank him for helping us create a very good result.

So while I intend to be a cosponsor of Senator FEINSTEIN's bill, I believe that what we have achieved so far goes a long way in minimizing the effect of this legislation on doing harm to State and local governments. It taught all of us that this is an issue we need to learn more about to make sure we deal with it intelligently.

I thank you for the time. I thank the Senator from Arizona for his leadership. Also, Senator ALLEN and Senator WYDEN have been congenial as well as effective in their work. I am grateful for that as well. I have enjoyed working with them.

The PRESIDING OFFICER. Is there further debate on the McCain amendment?

Mr. DORGAN. Mr. President, Senator MCCAIN has offered this amendment with agreement from all of us who have participated earlier today in a meeting to discuss areas of disagreement. This was one of the areas of disagreement. It is called VOIP, voice over Internet protocol. We had concern about the section of the McCain substitute that dealt with this topic.

After a meeting, we were able to reach agreement on the language. So what Senator MCCAIN is now offering is an amendment to his substitute which actually deals with this issue in a manner that is consistent with the intent of everyone who has participated in the meeting. I am pleased to support it. I think it improves this bill and adds to the bill language that reflects the intent of all of us who have worked together on it.

So I fully support the amendment offered by Senator MCCAIN. There is no objection to passing it by a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MCCAIN. The Senator from Delaware would like to make a comment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I have listened, and I understand we are debating—actually embracing—the McCain amendment to modify the language that would ensure States which have traditionally been able to derive revenue from telephone communications would continue to be able to do that. As we go forward in time—and those communications are expected to migrate to the Internet—we want to make sure we don't undercut the ability of States to continue to derive some revenues from this.

We had a good exchange an hour or so ago among Senators ALEXANDER, VOINOVICH, myself, and our friends who have different views on the overall bill. I am pleased we were able to come to an agreement, not just in spirit but in letter as well. We all said we were interested in the same thing. We don't want to undercut the bill. The language in the original amendment did not appear to do that—at least to us. We would rather not have ambiguity going forward.

At a future date, if there is a court hearing and a judge is looking at the language, trying to figure out what we meant, we want the judge to understand very clearly that this body, the Congress, has no interest in taking away the ability of States to raise revenue from a longstanding traditional source—some say it goes back to the time when Alexander Graham Bell invented the telephone. I don't know if the tax has been around that long, but I think this preserves that for the States, and that is important, as telephone communications migrate to the Internet.

I thank my colleagues, Senators MCCAIN, ALLEN, and WYDEN, for working with us. In fact, our staffs helped thread the needle in a very constructive and tough way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3105) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized to offer an amendment.

AMENDMENT NO. 3052, AS MODIFIED, TO AMENDMENT NO. 3048

Mrs. FEINSTEIN. Mr. President, I have sent a modification to the desk to amendment No. 3052.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3052, as modified, to amendment No. 3048.

The amendment is as follows:

(Purpose: To extend the grandfathers for the term of the moratorium extension)

On page 5, line 20, strike ''2005.'' and insert ''2007.''.

Mrs. FEINSTEIN. Mr. President, essentially, this is a one-line amendment. It takes page 5 of the bill and strikes the date 2005 and inserts 2007.

Essentially, this amendment makes both grandfather clauses in the bill 4-years in duration. This would mean no new taxes for the industry that is concerned, and the cities and counties would not lose the revenue they currently receive, for at least 4 years.

I want to say again—I said this yesterday—not one single California company that supports this bill has contacted me, but I have heard from representatives of 478 cities in the State saying: Please, don't do this. It may well be because in California, local jurisdictions have very limited revenue sources. It is either the property tax or a small amount of sales tax or if they have a hotel tax, but there are not many tax vehicles. So utility user taxes, as well as telephone taxes, have for many cities been a critical part of their budget, for some up to 15 percent. That is just a fact. California may be an anomaly. Maybe I know this because I have been a mayor for 9 years and a county supervisor for 9 years.

This would affect telecommunications services, taxes that have been in place since the old moratorium was enacted, particularly local exchange.

For the city of Los Angeles, whose chief administrative officer, William Fujioka, has said his city could lose $40 million a year if local exchange service is not protected. So this grandfather clause to the largest city in my State is worth $40 million a year of taxes that have been levied, of revenues that are counted upon to balance the budget.

Senator INOUYE joins me in cosponsoring this amendment, as do Senator CARPER, Senator ALEXANDER, Senator VOINOVICH, and Senator HOLLINGS.

It seems to me that it is not unreasonable to say to hard-pressed cities and counties that you have 4 years to find other revenue sources or make the necessary cuts. This does not have to be done immediately. None of the companies who benefit from this bill are suffering. As a matter of fact, most of them are doing very well. It is the cities that have the hard time funding police officers, funding firefighters, and it is not easy. Nearly every city in the State of California has a deficit and is losing revenues. I cannot just stand here on the floor of the Senate and let this happen because I have news for everybody: Where people want their services is on the local level.

Some say: Oh, no, this will not happen. But when you ask the technical analysts and the attorneys of these communities whether it will happen, they say yes.

I very much appreciate the change that was made in the Voice Over Internet Protocol language of the bill. This goes a long way. I very much appreciate the 4-year grandfather clause given for Internet access. That goes a further distance.

There is this 2-year grandfather for those who use DSL or these local exchanges—and I do not understand why one is 4 years and the other is 2 years. I do not understand why these companies cannot wait 4 years before they are going to end up socking it to the cities. It may be that in some States this is not the case. I know it is the case in my State.

Again, I am very pleased to be joined by Senators INOUYE, ALEXANDER, CARPER, VOINOVICH, and HOLLINGS as cosponsors of this amendment. It seems to me to make sense. It seems a compromise which for the proponents should be relatively easy to make. I think it will make a big difference to the cities of California.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Oregon?

Mr. WYDEN. Mr. President, I believe we have an agreement to share the time. I am allocated 10 minutes to speak on this amendment. I am not going to take 10 minutes, but it will come from the allocation under the agreement worked out by the chairman of the committee and the manager of the bill, Senator DORGAN.

The PRESIDING OFFICER. This is off the chairman's time?

Mrs. FEINSTEIN. This would come off Senator MCCAIN's time.

Mr. WYDEN. Yes, that will be fine. I will not take 10 minutes.

Mr. President, the Senator from California knows how much respect I have for her, but I must profoundly disagree with this amendment. This amendment would essentially reward bad behavior. What we have is a number of jurisdictions doing what clearly is in violation of the law. We do not even think they are in California, but in jurisdictions around the country people are taxing DSL. We are convinced that is clearly against the law. It certainly promotes technological inequality because we have a situation where cable gets a free ride, and then they end up taxing DSL.

The Feinstein amendment would make the 2-year DSL grandfather 4 years. Some of these grandfathers in this bill are going to live longer than Methuselah. It certainly does not make sensible public policy, and it does not make sensible public policy when we would be discriminating against the future. The future is broadband, high-speed Internet access through DSL. This would allow folks to keep taxing DSL, which has certainly been contrary to the spirit of everything we have done over the last 7 years. It, in effect, would be rewarding bad behavior. It would certainly discriminate against DSL relative to cable.

I think this would be a significant mistake. Certainly, there are different technology platforms for Internet access, but for 8 years, the central proposition I tried to advance on this legislation is that there ought to be technological equality; that we ought not to treat all technologies differently. We had a number of jurisdictions violate that. They have gone out and stuck it to DSL. So DSL gets taxed, and cable does not get taxed. We don't think it happens in California, but it certainly has happened around the country.

I do not think we ought to let these grandfathers outlive us all. That is essentially where we are going on this issue. We just keep extending the life of these grandfathers. It is going to do great damage to the country's future by particularly discouraging broadband development through DSL.

I hope the Senate will oppose the amendment. I cannot say there is anybody I would rather not oppose than the Senator from California. I agree with her on virtually everything under the Sun with respect to public policy.

But, Mr. President, I say to the Senate, if they vote for the Feinstein amendment, they are rewarding bad behavior. They are encouraging technological inequality. We have already taken steps to let some of these grandfathers live longer than I certainly would. We are now saying that some of them are going to make Methuselah look young. I think it is a mistake. I urge my colleagues to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to be sure the record is correct. I appreciate the comments of the Senator from Oregon. He knows I respect him and enjoy working with him. There is no problem there.

Let me make sure the record is correct. California's cities do not tax DSL. We are not one of the 27 states.

Mr. WYDEN. We agree.

Mrs. FEINSTEIN. That is not the issue. The issue is the local exchange and because of the particular ''proposition 13'' situation where local revenues are so restricted, property taxes are so restricted, it is extraordinarily difficult. So utility user taxes, local exchange taxes actually play a substantial role in some smaller cities' budgets. That is just a fact.

Los Angeles, the biggest city, a city with a lot of problems, a city with a big gang population, needs a lot of police. Some of that police force is actually funded from this local exchange money, which totals $40 million a year.

I yield time to the distinguished Senator from Tennessee. May I ask how much time he would like.

Mr. ALEXANDER. Three minutes.

Mrs. FEINSTEIN. I yield 3 minutes of my time to Senator ALEXANDER.

Mr. ALEXANDER. I thank the Senator from California for her leadership on this issue. From the beginning, because of her background as mayor of San Francisco, she has had a clear understanding of the effect of this debate on the ability of cities and States to do what they are expected to do, and the importance of our Federal system of government.

Now, Senators should consider on both sides of the aisle what this means. It means we have largely come to a consensus, at least from my point of view, about what we want to do. We have decided that for the States that were already taxing Internet access in 1998, they should have 4 years more as we have a 4-year moratorium on new taxes.

What the Senator from California is saying is, then the States that are taxing Internet access that is delivered in other kinds of ways should also have the same 4 years. I believe she is right. Senator FEINSTEIN's position says no new taxes, no new harm, and treat all States the same. That is a fair result that fits with the consensus that we have developed for the rest of this legislation, and I will support it, vote for it, and cosponsor it. I hope our colleagues will do the same.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield to the Senator from Virginia such time as he may consume.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, the Senator from California mentioned waiting for 4 years while this bill ends. The reality is that those who are paying taxes right now because some States and localities have started taxing DSL in the last several years, that means consumers, with the amendment that was approved in the McCain amendment, that the consumers are going to be taxed for 2 more years. The design of this bill, as amended, is to protect taxpayers. It is to protect consumers. It is to expand opportunity, jobs, and commerce to people all across this country.

The grandfather clause that Senator MCCAIN put in his amendments, particularly on the DSL, is different than what we passed out of the committee, which was to stop these DSL taxes immediately because what has happened in the last few years is some of these localities and States have figured out ways around the intent of the original Internet tax moratorium and, indeed, are taxing the backbone. Having a 4-year grandfather on DSL taxes, on the backbone, on high-speed broadband, rewards those who have been the most aggressive in looking at loopholes to tax. It is going to cause probably more litigation as well because it can always be argued over.

The reality of taxes is that they want to put them on DSL. They want telecommunications taxes. Telecommunications taxes on average across this country are about 15 to 17 percent. Some places it is worse than others. Richmond, VA, is about the worst in the whole country. About 27 percent is the local tax. These are the kinds of taxes that are going to be imposed on DSL bills, whether from the telephone, wireless, BlackBerrys or Y5.

The issue is this is the way that our Internet access bills should look, without DSL taxes on it. Here is the cost,

$23.90, $25, $37, whatever it may be, no taxes, clear, simple, understandable, and more affordable. If taxes are put on, the Internet service bill will look like what a telephone bill looks like right now, and this is just one page of it, but all the local taxes, all the State taxes, all the Federal taxes, again, on average in this country are about 17 percent. This is what we are trying to prevent.

The Feinstein-Alexander amendment, though, would allow this sort of taxation onto the Internet service access bill. One of the problems we have, and Senator WYDEN brought it up, is how do we ever get rid of taxes? Guess what. Part of this tax was put in as a luxury tax on telephone service to finance the Spanish American War in 1898. Everybody is still paying that tax. That war has been fought and won over 100 years ago. That is how difficult it is, nearly impossible, to ever get rid of taxes.

The McCain compromise allows those who are taxing DSL to wean themselves off of that tax over 2 years. The reality is if the grandfather is allowed to go on 4 years, which is the duration of the entire measure on the moratorium, they will never take off those taxes. So I say to my colleagues, the time to act is now because this is how it will impact across the country.

Say someone wanted to e-mail from Washington, DC, to Los Angeles, CA. That is going to be routed to Chicago, which has a hub, another big hub in Austin, across all the way to the Bay area of San Francisco that has a hub, and then to Los Angeles. That is the way it would go. All of these jurisdictions in between that 3,000 miles are going to be able to put on these DSL taxes. This is what we are trying to stop.

The ones that have been doing it—and it is unclear how many States are doing it at this point. Some say 8, some say 12, some say 20. The point is, there is going to be 3,000 miles of taxes from localities, States, and jurisdictions in between.

The States will have enough time with the McCain compromise, which is, I think, very generous to those who are advocates of allowing taxation on the Internet, to have 2 more years to wean themselves off of it.

The big issue on the fiscal impact that one would hear all the time was voice over IP, worrying about telephone service migrating to the Internet. That has been resolved. The junior Senator from Tennessee, Mr. ALEXANDER, and I debated and discussed it. All of us worked on it, and finally, this afternoon we were able to get language that everyone could agree upon.

So when folks say it is going to have such a big hit, a big cost on States and localities, the voice over amendment, which we all adopted unanimously, will take away those fiscal impacts.

What we are now talking about, though, is whether there is going to be 3,000 miles of taxation and subjecting Internet traffic to that sort of taxation. This is clearly undesirable, particularly when we are trying to get high-speed broadband built out to rural and small town communities. If we start increasing taxes on DSL and broadband, it is going to make it very difficult to get companies to invest, but most importantly it will mean more people will be unable to afford DSL or high-speed broadband services.

So I ask my colleagues to make sure we avoid this sort of taxation. Do not let all those States in America put on taxes like the ones we see on our telephone bill. Let us make sure we act on this amendment to defeat it. The defeat of this amendment will be a protection to consumers, and it also will be a vote to expand economic opportunity and prosperity for all Americans everywhere in our country.

I respectfully urge my colleagues to defeat or vote no on the Feinstein-Alexander amendment because it is contrary to the desirability of economic opportunity for Americans. Adding more taxes, or allowing these taxes to continue for 4 years, is not the policy to make this country more competitive, individuals more free, with greater opportunities.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. Twelve minutes.

Mrs. FEINSTEIN. I yield 4 minutes to the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, perhaps I have been in local and State government too long. I really do care about my brothers and sisters in State government and in local government.

I was not going to speak on the Feinstein amendment, but I have some statistics about the fiscal stress on the States that would lose the DSL after they sunset the exemption in the next 2 years. I am here to urge my colleagues to support the 4-year extension for those States that have used DSL.

The reason for it is this: The States are under one of the worst fiscal constraints they have been in since the Second World War. Alabama, projected deficit next year, $620 million; Alaska, $475 million; Arizona, the State of the Senator MCCAIN, sponsor of the underlying compromise, $1.1 billion; California, $15 billion; Connecticut, $200 million; Illinois, $2 billion; Indiana, $595 million; Kentucky, $200 million; Louisiana $500 million; Minnesota, $185 million; Mississippi, $709 million—a small State, lots of money; Missouri, $600 million; New Jersey, $5 billion; New York, $5.1 billion; North Carolina, $400 million; Rhode Island, $188 million; South Carolina, $300 million.

The States are in trouble. If we give them an extra 2 years so they can make the adjustment in terms of losing these dollars, I think it will help them segue into a situation where they can get themselves back on track.

The last thing I would say is that the way this is going, I think it could end up being the largest unfunded mandate on the States. We should at least give these States a break.

I urge my colleagues to include passing the Feinstein amendment.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Ohio for his comments and for his leadership.

I yield 5 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank Senator FEINSTEIN for yielding time and particularly for offering this amendment. I would say to my colleagues, I believe we have made pretty good progress, not just today but over the last several weeks, maybe the last several months, in terms of narrowing our differences. I am encouraged by that. I hope others of us are as well.

One of the great concerns some of us had was a moratorium on the ability of State and local governments to collect certain kinds of revenues that lasted forever. I am pleased that is not the case anymore. We have a moratorium of a finite duration, and the duration of the moratorium will be 4 years. I am encouraged that we entered into a healthy negotiation on just how can we make sure State and local governments which traditionally derive revenue from telephone operations continue to do that. We had a good-faith negotiation, and that led to an amendment offered by Senator MCCAIN that was accepted unanimously. That was a very important provision.

There is one more issue I believe needs to be addressed. It is addressed in the Feinstein amendment. If somehow the Feinstein amendment could be adopted, I believe we would have a bill—in fact, we would have a bill I would vote for. I know the Presiding Officer, Senator ALEXANDER, with whom I have worked very hard on these issues, indicated he would very likely do the same thing. For us to come from sort of how far apart we were to the point where we could actually vote for this bill were this change enacted is no small amount of progress.

Some of my colleagues have said to me that this is a complex issue. It is. Some have said to me I don't really understand most of these issues. I have studied hard. I confess there is still a good deal I don't know. But I would share with my colleagues, whether you understand the intricacies of the backbone of the Internet and what DSL means, I think we understand this and I hope we could agree on this: If we are going to say that on the one hand we are going to extend the moratorium for 4 years, and we are going to say to State and local governments there are

certain things you can't do during those 4 years, I think there is a great virtue in saying to those States that are legally collecting revenues that they can continue to do that. They have not violated the law. In fact, the old moratorium enacted in 1998 explicitly said the moratorium did not apply to telecommunications services. That is what it said.

DSL has a telecom component in it. As such, States are not prohibited from taxing DSL. Around 17 States currently do. All we are asking in this amendment is that the grandfather clause, both for dial-up and for DSL, run coterminously with the term in the McCain compromise, and that is 4 years.

If we have a 4-year moratorium, why shouldn't we have a 4-year grandfather in States that are not doing anything illegal but, frankly, exercising their rights as sovereign States? I like that symmetry and balance. What I like maybe even more is it enables those of us who fought very hard over these issues in recent weeks and months to actually come together in the end and vote for this package.

So I say to my colleagues, if you voted earlier today, maybe, for cloture, and you thought in voting for cloture you were voting for a 4-year grandfather for State and local governments, you did not. What you thought you were voting for and what you thought you were getting, you did not get. You have the opportunity now to make amends for that, and I hope you will do that by voting for the Feinstein amendment: 4-year moratorium, 4-year grandfather. It is a good symmetry, and, frankly, it is a very good compromise and one that will enable us to go ahead and proceed on this bill and pass it and ultimately to enact it.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to comment for a couple of minutes on the discussion that was had with Senator MCCAIN, Senator DORGAN, and Senator WYDEN and the concern here of the telecommunications taxes which have been exempted from the bill—in other words, those that have always been a legitimate source of revenue raising. I have an Ernst & Young study going back to 1999 that shows, for example, in the taxes collected by California in the year 1999, on telecommunications transaction taxes, the amount was $802 million. It doesn't say which precise taxes those are. This is the depth of this problem. This is not a small problem. What bothers me is we are moving on without really knowing. The finance officers of the larger cities of California tell me one thing. The Senator from Arizona believes that is not correct and says the intention of the bill is not, in fact, to make these non-DSL telecommunications services tax-exempt.

I would like to ask the Senator from Arizona.

Mr. WYDEN. Will the Senator yield briefly? Because I have been following this, along with the Senator from Arizona, and we may be able to have a colloquy to work this out.

California does not tax DSL now.

Mrs. FEINSTEIN. Correct.

Mr. WYDEN. That is good. California does not tax the backbone of the communications system now. California does, based on these analyses that have been given you, tax various telecommunications services. I think it would be fair to all of us to say it is our desire to keep the status quo in California.

In other words, various services are paying telecommunications taxes now. The reading of our proposal indicates there is nothing which would prevent California from being able to continue to impose those taxes.

Would it be acceptable to the Senator from California to have a colloquy which would allow us to include some report language stipulating in those areas where communications services are being taxed now that there is nothing in the McCain proposal which would change that? If that would be acceptable to the Senator from California, we might be able to work out with the chairman of the committee and the Senator from Virginia report language and withdraw her amendment. That would protect the status quo in California. It would, however, make sure we are not rewarding bad behavior in other States around the country that tax DSL.

If the Feinstein amendment is offered in its current form, I will oppose it very strongly. The Feinstein amendment, if it is offered, and if we can't agree on a colloquy, would promote technological inequality. It would nail DSL and give cable a free ride.

I will urge the Senate to oppose the Feinstein amendment, but I would be open to report language with my colleague from California to make sure it is the intent of the Senate to keep the status quo in California where DSL isn't taxed and the backbone isn't taxed where the Senator has been concerned.

Mrs. FEINSTEIN. If I might respond to that question through the Chair, we have worked with a group—the Senator from Delaware, the Senator from Ohio, the Senator from Tennessee—all along on this. I don't know the particular situation of their States. I don't know whether they tax DSL. I do know that the bill exempts telecommunications, and telecommunications has been a legitimate source of revenue which is now affected by this grandfather clause. Obviously, if I could get half a loaf for my State, I do not want to sell out those whom I have been working with over the last week.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from California be given 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I would like an opportunity to talk with the Senator from Tennessee, the Senator from Ohio, and the Senator from Delaware to see if we can work something out that might meet the concern of the Senator from Oregon.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. MCCAIN. Maybe the Senator could do that in the next few minutes while I make a couple of comments, if that is agreeable.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to be clear that a tax on DSL services is a tax on Internet access. Seventeen States have cleverly found a way to get around the Internet tax moratorium. Right now, 17 States have gotten around at least the spirit if not the letter of the Internet tax moratorium by taxing DSL service.

The heart of this compromise to the original legislation had no grandfathering whatsoever—none, zero. So we put in a compromise that would have called for 3 years of non-DSL taxation, 2 years grandfathering in for non-DSL taxes. This would have given the DSL taxing States 2 years to adjust their budgets. Then we went from 3 years to 4 years' moratorium, lifting the moratorium for those who are taxing non-DSL taxes.

If we do this, we are gutting the compromise. It is unfair to DSL consumers. Why should consumers in one-third of all States be treated differently from the rest of the country?

I strongly oppose the amendment. I would like to work out the compromise as discussed between Senator FEINSTEIN, Senator WYDEN, and Senator ALLEN. I hope we can agree to it.

In the meantime, I ask unanimous consent to send an amendment to the desk on behalf of myself and Senator HUTCHISON which would then allow the State of Texas to have their ''access line fee'' included in the voice over IP compromise language.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I didn't understand exactly what was agreed to.

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. DORGAN. I reserve the right to object so I can understand what is happening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask unanimous consent for its consideration on behalf of Senator HUTCHISON.

If there is an objection, just object and let us move on.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The Feinstein amendment is pending.

The PRESIDING OFFICER. There are 2 minutes 15 seconds for the Senator from Arizona, and 1 minute 42 seconds for Senator FEINSTEIN.

Mr. MCCAIN. Mr. President, we have compromised. We have been working on this issue for a long period of time. This is a compromise that is not widely regarded, and Senator ALLEN and Senator WYDEN accepted this grandfathering clause with great reluctance. Now the whole grandfathering clause would be made moot. I don't think consumers in one-third of all States should be treated differently than the rest of the country. I urge my colleagues to reject this amendment.

I yield back the remainder of my time.

PRESIDING OFFICER. The Senator from California has a minute 42 seconds.

Mrs. FEINSTEIN. Mr. President, I thank my colleagues for the discussion. The discussion shows how rapidly we are doing something about all the ramifications we may not know. This concerns me greatly.

This amendment is a simple amendment. It simply extends the grandfather clause and secures the telecommunications areas for those cities and States that have been using this methodology for revenue raising for years. In California, in 1999, the amount was $802 million that came from this area. For Los Angeles, in 1 year it is $40 million.

I hope Members of this body would be willing to move the 2-year grandfather clause to 4 years. This gives an opportunity for this to be sorted out. There is a Ninth Circuit Court opinion affecting DSL and cable. No one knows how that will sort itself out because it just came out a few weeks ago. The legislation may well be affected by it.

All I am asking is, make the grandfather clauses in both areas even. Raise the 2-year in this one—which affects the local exchange of telecommunications—to 4 years.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. MCCAIN. I move to table the Feinstein amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—59

| | | |
|---|---|---|
| Allard | Dole | McConnell |
| Allen | Domenici | Miller |
| Baucus | Ensign | Murkowski |
| Bond | Fitzgerald | Murray |
| Boxer | Frist | Nelson (NE) |
| Brownback | Graham (SC) | Nickles |
| Burns | Grassley | Roberts |
| Campbell | Gregg | Santorum |
| Cantwell | Hagel | Schumer |
| Chambliss | Hatch | Sessions |
| Cochran | Hutchison | Shelby |
| Coleman | Inhofe | Smith |
| Collins | Kohl | Snowe |
| Cornyn | Kyl | Specter |
| Corzine | Landrieu | Sununu |
| Craig | Leahy | Talent |
| Crapo | Lieberman | Thomas |
| Dayton | Lincoln | Warner |
| DeWine | Lott | Wyden |
| Dodd | McCain | |

NAYS—37

| | | |
|---|---|---|
| Akaka | Edwards | Lugar |
| Alexander | Enzi | Mikulski |
| Bayh | Feingold | Nelson (FL) |
| Biden | Feinstein | Pryor |
| Bingaman | Graham (FL) | Reed |
| Byrd | Harkin | Reid |
| Carper | Hollings | Rockefeller |
| Chafee | Inouye | Sarbanes |
| Clinton | Jeffords | Stabenow |
| Conrad | Johnson | Stevens |
| Daschle | Kennedy | Voinovich |
| Dorgan | Lautenberg | |
| Durbin | Levin | |

NOT VOTING—4

| | |
|---|---|
| Bennett | Bunning |
| Breaux | Kerry |

The motion was agreed to.

Mr. KENNEDY. Mr. President, much of Massachusetts' economy is now based on technology and innovation. The high-tech industry tripled in Massachusetts over the past decade and drove our region's economy. The Massachusetts telecommunications sector employs over 110,000 workers in the State. We need to support their continued growth. We need to make broadband a priority since the technology can add $300 billion a year to the U.S. economy and generate more than 1.2 million jobs. That is why this legislation is so important.

The issue on final passage of the McCain compromise amendment is whether the Nation continues to have a moratorium preventing taxation on access to the Internet. I have always supported the moratorium in the past, and I will do so again today.

I opposed cloture earlier today because I thought there was room for improvement, and I wanted the Senate to take the time to get it right. I am pleased with the improvements that have been made during the course of today's debate.

Congress should not jeopardize the continued advance of information technology by allowing the tax moratorium to disappear, subjecting the Internet to ''multiple and discriminatory taxes.'' We clearly need to reinstate the moratorium. Now is the time to pass this legislation.

AMENDMENT NO. 3048

The PRESIDING OFFICER. The question is on agreeing to the McCain substitute, amendment No. 3048, as amended.

The amendment (No. 3048), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

DIAL-UP ACCESS

Mr. DAYTON. Mr. President I have some concerns about the impact of S. 150 that I wish to address to the gentleman from Oregon, the author of the Internet Tax Freedom Act. It is my understanding that S. 150 provides that Internet access services do not include telecommunications services purchased by customers to obtain dial-up access to the Internet. I also understand that S. 150 provides that only telecommunications services purchased or used by the provider of Internet access in providing Internet access are included within the moratorium.

Further, I understand that the Internet access moratorium does not apply to the sale or use of telecommunications services that are carried or ''routed'' over the internet that are not purchased or used to provide internet access, for example, services that are comparable to today's circuit switched voice but which are provided over internet protocol. This is often called ''Voice Over Internet Protocol,'' or VOIP. Finally, to the extent that a telecommunications carrier sells both internet access services and telecommunications services, I understand that the charges for internet access are covered by the moratorium subject to the accounting rule covering aggregated charges for internet access and telecommunications services. Am I correct in my analysis of S. 150?

Mr. WYDEN. I appreciate the question from the Senator from Minnesota, who is distinguishing himself for his keen interest in technology issues. He is correct in his understanding of those matters and in his reading of the legislation. As the author of the original Internet Tax Freedom Act, it is my intent that when it comes to services that are comparable to today's circuit switched voice but which are provided over internet protocol, what some call VOIP, the legislation's moratorium would not apply. In other words, the internet access moratorium would not apply to the sale of telecommunications services that are carried or routed over the Internet that are comparable to circuit switched voice services.

Mr. BAUCUS. Mr. President, I support the Internet Tax Freedom Act. This bill represents a reasonable compromise. We should enact it.

A tremendous amount of work went into this bill. I commend the Commerce Committee for its effort to resolve some of these complex issues. In particular, I commend Chairman MCCAIN and Senator HOLLINGS for working to bring parties together and develop a common-sense bill.

Last fall, the Senate entered an order recognizing that the Commerce and Finance Committees share jurisdiction over this bill. That order granted sequential referral of this bill to the Finance Committee after the Commerce Committee acted. We inherited a host of unresolved issues. And, after thorough examination—and in consultation with members of the Finance Committee—we decided to allow the bill to be discharged without a markup.

Let me briefly explain what this compromise bill does. Importantly, the bill extends the moratorium for 4 years. Some argue that this is too long, and others believe that the tax moratorium should be permanent. Four years represents a reasonable compromise. Four years will allow us to revisit unresolved issues in the future.

Next, the bill allows States to continue tax telecommunications if they decide they want to. The bill makes clear that when phone lines are carried over the Internet in the future using Voice Over Internet Protocol technology, States will still be able to assess telecommunications taxes on that service. I know several Senators had concerns about protecting their States' ability to tax phone service, and this bill meets their concerns.

Finally, the bill provides a soft landing for States that have been grandfathered under the 1998 act. The 1998 act allows certain States, who taxed Internet access prior to 1998, to continue to do so. It is time to make the Internet Tax Freedom Act national policy. The Internet is a national treasure, and a pillar of interstate commerce. In future legislation we should phase out the grandfather clause and allow us to move this national policy forward, without leaving any State behind.

This does not mean that I believe the bill is perfect. But it is a good bill. And it should move forward.

But before I agreed to support this bill, I made sure of two things: One, this bill would not harm Montana's businesses and citizens; and two, this bill would bring jobs and economic growth to Montana.

First, this bill will not harm Montana. It accommodates Montana's special needs in Universal Service and emergency 911 services.

This bill does not jeopardize the Universal Service program. Universal Service helps Montana rural telephone companies to provide telephone access to rural areas. Universal Service is extremely important to Montana.

Rural America stands on the edge of a digital revolution. Technology will move us to places about which we can only dream. But we must preserve the networks that will provide us that opportunity.

The telecommunications network in Montana is among the best in the country. Over 140 communities have DSL. We have 95 videoconferencing sites spread throughout the state. The Universal Service Fund helped build this network.

In addition, this bill would not harm Montana because it helps maintain emergency communications through the federal enhanced 911 program, or E–911.

E–911 allows police, fire, and emergency workers automatically to locate those who call 911. In Montana, where open space can go on for miles, this technology can mean the difference between life and death.

Many State and local governments have diverted 911 funds to other uses—away from development of an 911 network. This bill ensures that those providers that use the 911 network continue to pay for it.

We need to ensure funding of this extremely important program. I appreciate the efforts of Chairman MCCAIN and Senator HOLLINGS to ensure that 911 is protected.

Second, this bill will bring good jobs to Montana. Companies like Internet Montana—an Internet service provider headquartered in Bozeman—provide Internet access to thousands of subscribers in Montana and neighboring States.

Keeping Internet access tax-free helps businesses like these grow. Keeping Internet access tax-free breaks down costly barriers. This keeps jobs in Montana.

The next 5 years will bring change in the technology and the market for Internet access. Technological advances will blur the very definitions of Internet service and use. These changes will affect how we access the Internet, and how much we pay for doing so. These changes pose challenges for writing legislation.

This bill represents an attempt to balance the interests of those who want to make sure that the Internet remains taxfree, with those who are concerned that if we try to define Internet access, we may erode State and local tax coffers.

As technology changes, we will need to watch this delicate balance. I look forward to working with my colleagues to ensure that this legislation lives up to its promise.

Mr. LEAHY. Mr. President, I am pleased to cosponsor and strongly support the Internet Tax Nondiscrimination Act, S. 150. I thank Senator WYDEN, Senator ALLEN, Senator MCCAIN and others for their leadership on this legislation.

I also support Senator MCCAIN's compromise amendment to extend for 4 years the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce. In addition, the McCain amendment would safeguard fees for universal service and 9–1–1 or e-9–1–1 services and does not affect the emerging technology of Voice Over Internet Protocol, VOIP.

I urge the Senate to support electronic commerce by keeping it free from discriminatory and multiple State and local taxes and from Internet access taxes.

The Internet has changed the way we do business. Today businesses can sell their goods and services all over the world in the blink of an eye. E-commerce has created new markets, new efficiencies and new products.

The growth of electronic commerce is everywhere, including my home State of Vermont. For example, the Vermont Teddy Bear Company, which employs more than 300 Vermonters, sells online 60 percent of its bears during its two busiest times of the year—for Valentine's Day and Mother's Day. That is 60 percent of all Vermont teddy bears sold online during this busy time.

Hundreds of Vermont businesses are selling online, ranging from Al's Snowmobile Parts Warehouse to Ben & Jerry's Homemade Ice Cream. These Vermont cybersellers are of all sizes and customer bases, from Main Street merchants to boutique entrepreneurs to a couple of famous ex-hippies who make great ice cream.

What Vermont online sellers have in common is that Internet commerce allows them to erase the geographic barriers that historically limited our access to major markets. With the power of the Internet, Vermonters can sell their products and services anywhere, anytime.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is the key to reaching its full potential, and creating out new tax categories for the Internet is exactly the wrong thing to do.

E-commerce should not be subject to new taxes that do not apply to other commerce. Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce.

Let's not allow the future of electronic commerce—with its great potential to expand the markets of Main Street businesses—to be crushed by the weight of discriminatory or multiple taxes.

I also believe that extending the bar on Internet access taxes will help Vermonters end the digital divide and help Vermonters compete for better jobs. Recently, the University of Vermont released a study that found only 39 percent of Vermonters who earning less than $20,000 a year have a personal computer, while 67 percent of Vermonters who earn more than $35,000 a year own a personal computer. And 92 percent of Vermonters who do own a computer are connected to the Internet. We have to close this digital divide

for Vermonters to have the skills for the good-paying jobs of the 21st century.

We need to bar Internet access taxes and multiple or discriminatory taxes on goods and services sold over the Internet to provide the stability necessary for electronic commerce to flourish, and to close the digital divide for all Americans.

Mr. ENZI. Mr. President, we are about to vote on final passage of the Internet access tax moratorium. After months of negotiations, I believe the amended version before us represents a fair and reasonable compromise. It addresses, although not entirely, most of the concerns I raised when we debated this bill in November. I plan to vote for it today.

I do not support taxing the Internet. I never have. I stood before you 2 years ago and proposed an amendment that would have put in place a ''permanent'' moratorium. But my colleagues, at the time, presented a very compelling argument as to why a ban on taxing the Internet should not be made permanent. They said we should simply extend the moratorium for 2 years rather than put in place a permanent mandate on technological development.

The major point of contention, they said, was the way in which we defined ''Internet access.'' They said we needed to let technology develop before defining what could and could not be taxed 10 years down the road. In retrospect, I agree with my colleagues, and I agree with my colleagues now. The moratorium needs to be extended for 4 years, as is done in this compromise. We need to put in place a moratorium for 4 years because it is extremely difficult to write a definition today that will protect and promote technology even 5 years down the road. Technology is simply changing too fast for us to make those kinds of decisions with any certainty.

For example, in my home State of Wyoming, we have a small telephone company in the northwestern part of the State that serves about 7,000 people. Two years ago, in this small community, the company was working to update their plain old telephone system so they could handle the capacity needed for dial-up networking.

Today, after 2 years of upgrades and investments, the company now offers to every single customer a package of high-speed Internet access, digital cable service, multiple telephone lines, and voice over the Internet in some areas. Talk about rapidly changing technology. This company is making things happen. However, at the same time, the company's progress highlights the difficulty we face in determining what is and what is not Internet service.

For instance, most of us don't know exactly when a local telephone call ceases to be a telephone call and becomes a dial-up Internet service. We don't understand how to decipher a digital packet of voice information from a digital packet of Internet service information. And we certainly don't know exactly how the digital data in our BlackBerrys connects to our desktop computers at home, to our laptop computers in the car, or to our mobile phones in our pockets. But, we do know when we are trying to make a phone call and when we are typing with our fingers.

Voice telecommunications are treated differently than other broadband Internet services, and that is a fact. It is not fair and it is not right, but it is a fact. The compromise before us recognizes this problem. That is why it carves out VOIP or voice over the Internet. I am pleased my colleagues were able to craft language this afternoon that improved the original VOIP provision included in the McCain substitute. The new language makes it more clear and easier for our States, cities, businesses, and judicial system to interpret.

I am glad my colleagues were able to reach an agreement on the issue of VOIP. Unfortunately, we weren't as lucky on the definition of ''internet access service.'' The Allen-Wyden, Alexander-Carper and McCain proposals all contained different definitions that would restrict the ability of States and locals to tax telecommunications services. What troubled me was that each definition would have cost our States millions of dollars, but nobody could tell me exactly how much it would have cost them. That is the problem.

CBO was unable to estimate how much our States and locals would lose under the Allen-Wyden or McCain definitions, but clearly stated that the loss could be ''substantial.'' The most concrete numbers from CBO were provided in a letter dated November 5, 2003. In that letter, CBO estimated that revenue losses could range from $80 to $120 million per year to State and local governments that are already taxing Internet access and were covered by the ''grandfather clause.''

Additionally, CBO states that ''other states are currently imposing taxes on charges for the portions of DSL services they do not consider Internet access.'' Those States would lose between $40 and $75 million per year. As you will recall, under the Allen-Wyden and McCain definition, taxation of all DSL services would be preempted.

The Multistate Tax Commission estimates that the loss could be as much as $4 billion to $8 billion under the Allen-Wyden and McCain definitions. Given these two examples, there is clearly a lot of discrepancy between the agencies that are supposed to know the most.

Of course, the Alexander-Carper definition wasn't perfect either. It would have also cost our States millions of dollars over time, but it would have been far less significant. It would have prevented States from collecting new revenue from consumers who are paying for the last mile of their DSL services. However, once again, nobody could tell me—including CBO—how much the Alexander-Carper definition would have cost. With over $20 billion being collected from taxes on telecommunications services every year, this imprecise data made it difficult for me to support any definitions. That is why we had to include other provisions—like the grandfather provisions and the VOIP language—that would help cushion the impact this bill will have on our States and locals.

The grandfather provisions are important because they ensure that States and locals that are currently taxing do not lose millions of dollars over the next couple of years. I had hoped all of the grandfather clauses would expire at the same time, but we were beat fair and square. The problem is that extending the grandfather for some States for only 2 years still creates an unfunded mandate.

As many of you know, this is an issue I have followed closely for years. Questions about unfunded mandates have always been the issues that cause me, especially when I served in the Wyoming State legislature, to sit up and take notice. Whenever Congress takes up an issue that could have an effect on State revenues, every State Governor and legislature stops what they are doing to see what we are up to—and how it may affect them—or more to the point—what it is going to cost them.

So now, after months of hearings, meetings and negotiations, we are getting ready to pass a bill that could create an unfunded mandate for a couple of years but doesn't do it permanently, which I am pleased about. The original Allen-Wyden bill proposed a ''permanent'' moratorium on access taxes and ''permanent'' definition of internet access. My question was whether or not we should lock any type of technology in a glass box labeled ''permanent'' when that technology is changing shape and size at the speed of light. The problem with the word ''permanent'' was that it didn't allow for a lot of wiggle room. The changing shape of technology would break the glass box whether we like it or not, so I am pleased that we crafted a bill that will keep the latch open to allow for expansion and future growth. That way we can check on the progress of technology in 4 years, and then decide whether we should lock it up tighter or change its design to allow for more expansion and development.

The key words here are time and change. By signing on to something that was supposed to be ''permanent'' we would have been committing ourselves to something that might not have survived the test of time. Things are moving quickly and changing fast and we are trying to make decisions about what lies down the road based on what we have just driven past—or the scenery that surrounds us right now. It might work. But it might not. It might not because no other product of technology has seen such growth and

change in the past few years as the Internet and information technology. That is what has made it a difficult issue to track and to address in terms of what its future may hold. The bill we have before us is an effort to allow some of these issues to ripen, while protecting internet users from future taxation.

That being said, I think we might benefit from taking a look at the past history of the issue before we try to form an opinion on its future. Two years ago, I stood before you and offered an amendment that would have—like this bill—made the moratorium on Internet access permanent. At the time, I believed we were taking a fair and equitable approach to a prohibition on taxing the Internet.

My amendment, which was cosponsored by my good friend and colleague from North Dakota, Senator DORGAN, would have made the ban on taxing the Internet permanent, and it would have simplified the extremely cumbersome network of State sales and use taxes. My amendment failed, in part because most Senators did not want to put in place a ''permanent'' moratorium.

The other reason my amendment failed was because it addressed a complex issue that most Senators did not understand. It was the issue of streamlined sales and use tax. I introduced the Streamlined Sales and Use Tax Act in 2001 and again last year because it would greatly reduce the complexity of our system of sales and use taxes.

This year, Senator DORGAN and I have been joined by 18 bipartisan cosponsors in introducing S. 1736. Like our bill in the 107th Congress, S. 1736 would make it easier for American consumers and businesses to conduct sales from remote locations and help States begin to recover from years of budgetary shortfalls. It would authorize States that have signed the Streamlined Sales and Use Tax Agreement and have passed legislation simplifying their tax system to require all sellers to collect and remit sales taxes.

S. 1736 is a critical piece of legislation that many of my colleagues are learning more about and recognizing its growing importance as Internet usage explodes. Two years ago the revenue loss attributed to the Internet sales tax loophole was fairly minimal. Today, the revenue loss has ballooned as online and other remote sales have increased. The States have responded to this budget crisis by signing the Streamlined Sales and Use Tax Agreement and implementing legislation that drastically simplifies their sales and use tax systems. In fact, 20 States have already signed into law the necessary implementing legislation, while 9 others are currently in the process of doing so.

Two years ago, my colleagues said the States hadn't come far enough in the process to warrant congressional action. I think the opposite can be said today. The States have taken the bull by the horns and are poised to act. Now, Congress needs to step up and do the same.

The sales and use tax bill has been referred to the Finance Committee and I hope to work with Chairman GRASSLEY and others to bring it up in committee some time this year. But, that is not what we are talking about here today.

Let me be clear—we are not talking about sales and use taxes today as part of the internet access tax moratorium. These are two completely separate issues. Today we are talking about the Internet access tax moratorium.

The compromise before us doesn't address every concern raised by the States and locals, but it doesn't address every concern raised by industry either. But, isn't that the sign of a true compromise? Both sides have to give a little in order to come up with the best product.

I have worked with my colleagues on both sides of the issue to find middle ground that would protect consumers and ensure that States and localities don't lose billions in tax revenue. I think we have found the middle ground. I have talked to both Republicans and Democrats and this is the bipartisan solution.

I urge my colleagues to vote for this bill, so we can allow the use of the Internet to continue to prosper and grow. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. I hope you will vote with me in favor of both.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Biden | Campbell |
| Alexander | Bond | Cantwell |
| Allard | Boxer | Carper |
| Allen | Brownback | Chafee |
| Baucus | Burns | Chambliss |
| Bayh | Byrd | Clinton |
| Cochran | Gregg | Murray |
| Coleman | Hagel | Nelson (FL) |
| Collins | Harkin | Nelson (NE) |
| Conrad | Hatch | Nickles |
| Cornyn | Hollings | Pryor |
| Corzine | Hutchison | Reed |
| Craig | Inhofe | Reid |
| Crapo | Inouye | Roberts |
| Daschle | Jeffords | Rockefeller |
| Dayton | Johnson | Santorum |
| DeWine | Kennedy | Sarbanes |
| Dodd | Kohl | Schumer |
| Dole | Kyl | Sessions |
| Domenici | Landrieu | Shelby |
| Dorgan | Leahy | Smith |
| Durbin | Levin | Snowe |
| Edwards | Lieberman | Specter |
| Ensign | Lincoln | Stabenow |
| Enzi | Lott | Stevens |
| Feingold | Lugar | Sununu |
| Feinstein | McCain | Talent |
| Fitzgerald | McConnell | Thomas |
| Frist | Mikulski | Voinovich |
| Graham (SC) | Miller | Warner |
| Grassley | Murkowski | Wyden |

NAYS—3

| | | |
|---|---|---|
| Bingaman | Graham (FL) | Lautenberg |

NOT VOTING—4

| | |
|---|---|
| Bennett | Bunning |
| Breaux | Kerry |

The bill (S. 150), as amended, was passed, as follows:

S. 150

*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 ''Internet Tax Nondiscrimination Act''.

**SEC. 2. FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM.**

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

''(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes during the period beginning November 1, 2003, and ending November 1, 2007:

''(1) Taxes on Internet access.

''(2) Multiple or discriminatory taxes on electronic commerce.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

''(10) TAX ON INTERNET ACCESS.—

''(A) IN GENERAL.—The term 'tax on Internet access' means a tax on Internet access, regardless of whether such tax is imposed on a provider of Internet access or a buyer of Internet access and regardless of the terminology used to describe the tax.

''(B) GENERAL EXCEPTION.—The term 'tax on Internet access' does not include a tax levied upon or measured by net income, capital stock, net worth, or property value.''.

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,''.

(c) INTERNET ACCESS SERVICE; INTERNET ACCESS.—

(1) INTERNET ACCESS SERVICE.—Paragraph (3)(D) of section 1101(d) (as redesignated by subsection (b)(1) of this section) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking the second sentence and inserting ''The term 'Internet access service' does not include telecommunications services, except to the extent such services are

purchased, used, or sold by a provider of Internet access to provide Internet access.''.

(2) INTERNET ACCESS.—Section 1104(5) of that Act is amended by striking the second sentence and inserting ''The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.''.

**SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by redesignating section 1104 as section 1105; and

(2) by inserting after section 1103 the following:

**''SEC. 1104. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.**

''(a) PRE-OCTOBER 1998 TAXES.—

''(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

''(A) a provider of Internet access services had a reasonable opportunity to know, by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

''(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

''(2) TERMINATION.—This subsection shall not apply after November 1, 2007.

''(b) PRE-NOVEMBER 2003 TAXES.—

''(1) IN GENERAL.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and—

''(A) a provider of Internet access services had a reasonable opportunity to know by virtue of a public rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; and

''(B) a State or political subdivision thereof generally collected such tax on charges for Internet access.

''(2) TERMINATION.—This subsection shall not apply after November 1, 2005.''.

**SEC. 4. ACCOUNTING RULE.**

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

**''SEC. 1106. ACCOUNTING RULE.**

''(a) IN GENERAL.—If charges for Internet access are aggregated with and not separately stated from charges for telecommunications services or other charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

''(b) DEFINITIONS.—In this section:

''(1) CHARGES FOR INTERNET ACCESS.—The term 'charges for Internet access' means all charges for Internet access as defined in section 1105(5).

''(2) CHARGES FOR TELECOMMUNICATIONS SERVICES.—The term 'charges for telecommunications services' means all charges for telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.''.

**SEC. 5. EFFECT ON OTHER LAWS.**

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 4, is amended by adding at the end the following:

**''SEC. 1107. EFFECT ON OTHER LAWS.**

''(a) UNIVERSAL SERVICE.—Nothing in this Act shall prevent the imposition or collection of any fees or charges used to preserve and advance Federal universal service or similar State programs—

''(1) authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254); or

''(2) in effect on February 8, 1996.

''(b) 911 AND E–911 SERVICES.—Nothing in this Act shall prevent the imposition or collection, on a service used for access to 911 or E–911 services, of any fee or charge specifically designated or presented as dedicated by a State or political subdivision thereof for the support of 911 or E–911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 or E–911 services.

''(c) NON-TAX REGULATORY PROCEEDINGS.—Nothing in this Act shall be construed to affect any Federal or State regulatory proceeding that is not related to taxation.''.

**SEC. 6. EXCEPTION FOR VOICE AND OTHER SERVICES OVER THE INTERNET.**

The Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 5, is amended by adding at the end the following:

**''SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.**

''Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging.''.

**SEC. 7. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.**

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

**SEC. 8. EFFECTIVE DATE.**

The amendments made by this Act take effect on November 1, 2003.

Mr. ALLEN. Mr. President, I move to reconsider the vote.

Mr. WYDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I congratulate the two managers and all the many Senators on both sides of the aisle who helped bring this bill to conclusion. It has been a tough road, a difficult road. There has been tremendous debate. It wasn't both sides of the aisle but in the Chamber itself.

There are going to be no further votes this evening. The Senate will reconvene on Monday. At that time we will resume consideration of the JOBS bill, the FSC/ETI bill. The chairman and ranking member of the Finance Committee have lined up Senators to offer amendments on Monday and therefore we will make progress on the bill on Monday. Any votes ordered on amendments during Monday's session will be delayed until Tuesday.

## MORNING BUSINESS

Mr. FRIST. I now ask unanimous consent there be a period for morning business with Senators to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the distinguished Senator from Alaska if I could do a colloquy, without delaying him?

Mr. STEVENS. Fine.

## INTERNET TAX NONDISCRIMINATION ACT

Mrs. HUTCHISON. Mr. President, I voted for the bill that has just passed because I have said all along I am against taxing Internet access. I think it is a disruption of interstate commerce. I have said that all along.

The reason I have been concerned about this bill is I have been very afraid that the city franchise taxes that are collected in my State of Texas were somehow going to be brought into the bill. I have now been working with the Senate leaders, the managers of the bill, Senators MCCAIN, ALLEN, WYDEN, and Senator DORGAN, to assure that it was not the intent to take the Texas franchise fee, which is called an access line fee in Texas, to be included in the ban on Internet access. It is not Internet access; it is a franchise fee.

I very much hope we can clarify the record on this point and assure that in conference the definition will be clear so it will be recognized under Federal law 47 U.S.C., section 1104(8)(B), that the Texas access line fee is included as a franchise fee or similar fee, and included in the exceptions from the definition of tax.

I hope we have an assurance from the managers of the bill that this Texas access line fee, which is a franchise fee, would not be included within the definition of Internet access tax.

Mr. WYDEN. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. WYDEN. I am glad to work with the Senator. I wish to consult with the chairman and also Senator ALLEN, but it has always been our intent—and as the prime Senate sponsor of the law back in 1998 it was always my intent—that franchise fees not be affected by the Internet tax moratorium.

As the Senator has correctly noted, I say to the distinguished Senator from Texas, Texas has changed the name of its franchise fee to an access line fee. It was never our intention that franchise fees be affected by the moratorium.

I am very happy to work with the Senator from Texas on it. I will have to consult with the Senator from Virginia, but he has always been very gracious working with our colleagues. The two of us will be consulting with the chairman of the committee. I want to make it clear I am very anxious to accommodate the distinguished Senator from Texas.

Mr. ALLEN. Will the Senator from Texas yield?

Mrs. HUTCHISON. I am happy to yield to the Senator from Virginia.

Mr. ALLEN. Mr. President, I state for the record that I concur with the Senator from Oregon, Mr. WYDEN, and the Senator from Texas, Mrs. HUTCHISON, that my intent as the author of the underlying bill, S. 150, is to prevent taxation of Internet access. Any modifications to the definition of Internet access taxes are not intended to include payments for franchising fees as described in section 1104(8)(B), including Texas' access line fees. I believe it is accurate to say the exemption for any franchise fee or similar fee in the definition of tax in section 1104(8)(B) of title 47 of the United States Code includes the tax line fees as established in Texas in 1999.

I thank the Senator from Texas for her strong advocacy for the people of Texas, making sure that this is brought up. I can assure the Senator from Texas that the Senator from Oregon and I, as this goes into conference, will work to make sure that express intent is effectuated when this measure comes back and is signed into law.

Mr. MCCAIN. I want to join my colleagues Senators ALLEN, WYDEN and HUTCHISON to include Texas access line fees collected by cities and local governments in the exception to the definition of ''tax'' in 47 U.S.C. section 1104(8).

Mrs. HUTCHISON. Mr. President, I thank the Senators from Virginia and Oregon, and say that I also have the assurance from Senator MCCAIN and Senator DORGAN that in the conference this issue will be addressed. It is a Texas-only issue, as I understand. It is a franchise fee but it is called an access line fee after Texas law was changed in 1999, which is why the moratorium puts it in question.

I would like to assure that we get this definition in conference. I know now, from talking to the four managers, that it was not the intention to take our access fee as a part of the major bill, but in fact treat it as a franchise fee, which is what it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

## PLAYING POLITICS WITH IRAQ

Mr. STEVENS. Mr. President, as President pro tempore and presiding over the Senate, I have found the overheated rhetoric on Iraq over the last few days at best disappointing and at worst misleading, harshly partisan, and motivated by election year politics. I have simply had enough of this. I have come to the floor to ask my Senate colleagues to restore the level of debate that this institution demands. I urge the Senate to not play politics with Iraq.

Do not seek to gain some slim, fleeting advantage at the ballot box by making our country appear divided, and by making reckless accusations.

Our troops in Iraq deserve better than this. They deserve much better. If there is debate, let it be reasoned and measured, and focused on the way forward in this war on terrorism.

When our forces are deployed and in the field, they deserve nothing less than our absolute, unwavering commitment to their success. Nothing less.

I take strong issue with three particular themes: First, the analogy that Iraq is somehow like Vietnam. This analogy is wrong, and simply inflammatory; second, that the President was wrong when he made his speech on the USS *Abraham Lincoln* a year ago on May 1; and third, that somehow our action to remove the brutal regime of Saddam Hussein was in any regard ''unprovoked.'' That is simply and plainly not true.

Iraq is not Vietnam. It is wildly irresponsible—even reckless—to compare the situation in Iraq to the war in Vietnam. Those who make that false claim are engaging in dangerous rhetoric, and are ill informed about history and facts of the two conflicts.

Comparing Iraq to Vietnam does not advance the debate, it simply inflames the issue, obscures the facts and, unfortunately, misleads the American people.

My colleague, the senior Senator from Massachusetts, started this Iraq is Vietnam spin in a speech a few weeks ago. Of all people, he knows better than to make that bogus comparison.

I encourage my colleagues to turn down the rhetoric on Vietnam, and get the facts right. Here are some of those facts:

In Vietnam, President Kennedy sent ''advisers'' to Vietnam in 1961, but they were not authorized to use force until 1964, 3 years later. Then, in 1971, Congress repealed that authority.

In Iraq, this very Congress approved a resolution that authorized the use of force in October, 2002, well in advance of any forces being deployed. That resolution still stands today.

In Vietnam, eight nations joined with the United States.

In Iraq, over 30 nations are in our coalition, including 16 of 26 NATO allies.

In Vietnam, Ho Chi Minh violated zero U.N. Security Council resolutions—none.

In Iraq, Saddam Hussein violated seventeen—seventeen—U.N. Security Council resolutions, beginning immediately after the 1991 Gulf war cease fire agreement.

In Vietnam, how many draftees were sent to that country? About two million draftees, all young men.

In Iraq, how many draftees are there? Zero, none. We have an all-volunteer force. They know the risks, they know their duty, and they volunteer to step forward and serve our country.

I have yet to meet one at the hospitals here who hasn't asked me the question: How can I go back to my unit? How can I go back to Iraq? They ask that despite the many serious wounds they have.

In Vietnam, against how many Vietnamese, Cambodians, and Laotians did Ho Chi Minh use chemical and biological weapons? Were there chemical and biological weapons used by North Vietnam? No, none.

In Iraq, against how many Iraqis, Iranians, and Kurds did Saddam Hussein use chemical and biological weapons? Thousands and thousands of people—the Kurds, the Iraqis, and Iranians—were the subject of chemical and biological weapons used by Saddam Hussein.

I have an article here from last Sunday's Providence Journal-Bulletin, and the headline of that article is this: ''Historians, Soldiers Hesitant to Call Iraq another Vietnam: the purposes, strategy, terrain and players in the Vietnam war were far different than those in Iraq, many experts say.''

Far different than those in Iraq, indeed.

That is a true statement by the Providence Journal-Bulletin. In this article, Anthony Cordesman, a military expert and former diplomat, says ''I really worry about the analogy between Vietnam and Iraq, where we're not really fighting a foreign enemy.''

Mr. Cordesman, who is now at the Center for Strategic and International Studies, goes on to say:

> There is as yet no massive insurgency [confronting coalition forces]. We're not dealing with massive external powers supporting the insurgents. We do not have a situation where we have lost a majority of the population as we did in Vietnam when we lost the Buddhists. We are not attempting to get around the reality of a need to create a legitimate government, which we did after the fall of the South Vietnam's Diem regime.

I hope that cooler heads and cooler rhetoric will prevail here in the Senate. My colleague from Delaware, the ranking member of the Senate Foreign Relations committee, has found the Vietnam analogy, ''misleading'' because, as he says, ''The vast majority of Iraqis share our vision for a participatory, representative democracy.''

President Bush is absolutely right when he says that the Vietnam-Iraq analogy is false. And he is right that brandishing that false analogy as a rhetorical weapon, ''sends the wrong message to our troops and sends the wrong message to the enemy.''

With regard to President Bush's speech on the USS *Abraham Lincoln*, some have chosen to make a great issue about it. They have endlessly taunted the Commander in Chief for words on a banner, and have twisted his words to suit their purposes.

What the President said is this:

> Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and reconstructing that country.

The President was dead-on right. He spoke clearly and plainly, yet some refuse to listen to what he said.

He went on to say that ''major combat operations in Iraq have ended.'' The President was and is absolutely correct today in making that statement.

Saddam's regime of oppression and torture was gone. The Hussein Baath Party regime was disbanded, and no longer in power. Baghdad had fallen, and was under the control of the coalition of which we were the leader.

Active, organized military resistance had collapsed. Saddam's military forces were not resisting; their will to fight had been destroyed; they had no ability to command and control the few forces they had left.

The mission was to remove a threatening, brutal dictator from power, to bring to an end the ruthless oppression of the Iraqi people—and that mission was accomplished.

President Bush made it abundantly clear that he recognized the challenges that would face America and confront our troops. He said, ''And now our coalition is engaged in securing and reconstructing that country.''

He said:

> We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. The transition from dictatorship to democracy will take time, but it is worth the effort. Our coalition will stay until our work is done.

That could not be clearer or more truthful. There are those in this body who should listen to these words and hear them accurately.

Let me state that again. He said:

> We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. The transition from dictatorship to democracy will take time, but it is worth the effort. Our coalition will stay until our work is done.

The clear and compelling meaning of the President's words on May 1, 2003 was that Saddam Hussein had been removed from power, Iraq's military defeated, and the work of stabilizing and reconstructing Iraq had begun—and that such work would be both difficult and costly.

The President was right when he spoke on the carrier a year ago, and he is still right today.

What has happened in recent weeks and months is an emerging insurgency, and the appearance of foreign fighters in Iraq who will do anything—anything—to see the coalition fail, and see Iraq revert back to a brutal dictatorship, and become a breeding ground for radical Islamic terrorists.

These terrorists have joined with former regime elements, and have chosen to make Iraq a full-blown battlefield in the war on terrorism.

This is not a war against Saddam Hussein. This is a war on terrorism. What these terrorists and their sympathizers fear most is Iraq becoming a stable, functioning democracy that benefits the Iraqi people, joins the world community, and serves as a source of democratic influence on the people of the region.

They have no regard for the will of the Iraqi people, for their safety, for their security or for their future. They are simply using Iraqi soil, and taking innocent Iraqi lives, in their ruthless Jihad, in their desire to spread chaos and foment hate across the Islamic world, and in their hatred of freedom, moderation and democracy.

I urge those who are twisting the President's words of now almost a year ago to listen carefully to what he said, to end the personal attack, to stop the spin. Stop parsing words and stop mocking plastic banners. We can and we must do better than that in the Senate.

And unprovoked? I heard the word ''unprovoked.'' My third point is, I say to those who claim the war to liberate Iraq was somehow ''unprovoked,'' that is wrong. It is absolutely wrong. Could that statement be more preposterous? Could anything be more disconnected from the truth in Iraq? Can anyone say with a straight face Saddam Hussein did nothing to provoke the international community?

Here is a sampling of some of the ways that Saddam Hussein provoked this conflict, how he provoked the United States, and how he provoked the world. In 1980, Iraq invaded Iran and used chemical weapons against the Iranian people. In 1988, Saddam's forces killed 5,000 innocent civilians in a chemical weapons attack against the Kurdish villages of Halabja. In 1990, Saddam's forces invaded another neighbor, this time Kuwait. We all know in the Gulf War thousands of innocent Kuwaiti civilians were raped, tortured, and murdered during the occupation. In 1991, Iraq was poised to march on other nations but was stopped by a U.S.-led coalition of forces. We call that the Gulf War. Iraq has launched ballistic missiles at four of its neighbors. Remember that, ''unprovoked''? It launched ballistic missiles at four of its neighbors: Iraq, Saudi Arabia, Bahrain, and Israel. I might say, I was in Israel when one of those was launched.

Saddam's Iraq was, at a minimum, engaged in clandestine research and development activities to develop, refine, and employ chemical and biological weapons. From 1991 to 2003, Saddam's Iraq fired more than 1,000 missiles at our aircraft as they patroled Iraq's U.N.-sanctioned no-fly zones. We went over to Kuwait. We met the pilots who were flying day after day—what we call the CAP, the constant air patrol—at the request of the U.N. in compliance with the U.N. resolution. They told us how they were fired at again and again and again. Saddam Hussein was firing at U.S. planes daily. Provocation? I can't think of another provocation. As a matter of fact, we should have gone to war when President Clinton said he was about ready to go to war in 1998.

For more than a decade, Saddam's Iraq steadfastly ignored the will of the United Nations and the civilized world and ignored no fewer than 17 U.N. resolutions.

I could continue with the list, but the point is the same: To say that Saddam Hussein is not responsible for his fate and Iraq's current status and did nothing to provoke that change is ludicrous. It is plainly untrue.

Let me conclude by saying this: The tone of the debate on Iraq must change. With our troops under daily attack, we cannot make Iraq a political football in an election year or any year.

Representative JIM MARSHALL, a freshman Democrat from Georgia, wrote a compelling column in the Washington Post last October. The title of his column was ''Don't Play Politics on Iraq.'' A decorated Army Ranger who served in Vietnam, Congressman MARSHALL was right then and he is right today. His observations were wise then and even wiser today: Don't play politics on Iraq.

Let me quote from that article Congressman MARSHALL wrote:

> Many in Washington view the contest for the presidency and the control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish the news bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

I continue with the article written by Congressman MARSHALL:

> For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

That Congressman gets it. He really gets it. You do not play politics on Iraq. You do not play politics with national security. You do not play politics with the defense of this country. You do not play politics with troops deployed. You do not let seeking partisan advantage drive a wedge between Americans when troops are in harm's way.

I urge our colleagues to end this divisive practice of using the floor of this Senate and this issue on Iraq to bash the administration to try to score political points. We can do better than that. For those who persist on this practice, reflect on Congressman MARSHALL's words: It endangers our troops and our effort. It is simply wrong, election year or not. Those who irresponsibly endanger or use Iraq for partisan advantage should be warmed: You must understand and take responsibility for

the message you send to the enemies of freedom, democracy, and liberty through the world.

This country should be united when we have troops abroad. We should be united when we have people trying to assist Iraqis to find freedom and defeat the terrorists who persist to bring the war on terrorism to Iraq after we won the war against Saddam Hussein. I urge my colleagues to follow Congressman MARSHALL's injunction: Do not play politics anymore on Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the quorum call is rescinded and the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 7:04 p.m., recessed subject to the call of the Chair and reassembled at 7:06 p.m. when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL MINORITY CANCER AWARENESS WEEK

Mr. DASCHLE. Mr. President, last week was National Minority Cancer Awareness Week, an annual event for the past 18 years. Though we have been monitoring disparities in cancer for nearly two decades, the gap in some cancer mortalities has widened rather than narrowed.

One of the most important reasons for this disparity is poor access to health care. People who do not get mammograms, colon exams, and Pap tests on schedule are more likely to be diagnosed with cancer at a later stage of the disease, when survival rates are lower. And why don't they get these necessary tests on time? Members of racial and ethnic minority groups are more likely to be poor, have lower education levels, and less likely to have health coverage or a source of primary care.

Recently, I told the story of a young Indian girl who was misdiagnosed with heartburn at an under-funded Indian Health Service clinic. It turned out that she really had stomach cancer that had already spread and was, therefore, untreatable. I will remind you that this is not some rare exception. For Native Americans and other minority communities across the country, the miracles of modern medicine—and sometimes even the most basic primary care—are beyond their reach.

The disparities within our health care system have reached a crisis point, and the consequences for America's minority communities are staggering.

Overall, African Americans are more likely to develop cancer than persons of any other racial or ethnic group.

Cervical cancer incidence in Hispanic women has been consistently higher at all ages than for other women.

Only 52 percent of American Indian/Alaska Native women aged 40 years and older have had a recent mammogram.

American Indians and Alaska Natives have the poorest survival rate from all cancers combined when compared to other racial and ethnic groups.

I am grateful that National Minority Cancer Awareness Week causes us to reflect on these facts. America faces few more important or complex challenges than building a world-class health care system for everyone, regardless of race, income, or geography.

There are no quick fixes. The factors that have led to these inequities in our health system are complex and interrelated.

Minorities are far less likely to have health insurance or a family doctor, making regular preventive visits less likely. And many of those who do have insurance report having little or no choice in where they seek care.

Minority communities are more frequently exposed to environmental risks, such as polluted industrial areas, cheap older housing with lead paint, or asbestos-laden water pipes.

For Hispanics, Native Americans, and others who do not speak English as a first language, the lack of translators and bilingual doctors makes it more difficult to communicate with doctors and nurses.

The Native American community has been forced to cope with a system suffering from decades of neglect and underfunding of the Indian Health Service. The IHS has consistently grown at a far slower rate than the rest of the HHS budget, and at only a fraction of health care inflation.

America is obligated, by statute and by treaty, to provide health care for American Indians—a commitment the U.S. Government made to the Indian people in exchange for their lands. America is not honoring that commitment. The White House's budget this year included only $2.1 billion for IHS clinical services. That is more than 60 percent below the bare minimum needed to provide basic health care for people already in the IHS system.

The problems run still deeper. Even when minorities and white Americans have roughly the same insurance coverage, the same income, the same age and the same health conditions, minorities receive less aggressive and less effective care than whites.

The racial and ethnic disparities in our health care system are not merely minority issues or health care issues. They are moral issues. A health care system that provides lesser treatment for minorities offends every American principle of justice and equality.

The Republican Leadership has promised to address these issues.

After seeing no action for almost a year, House and Senate Democrats, led by the House Minority Caucuses, introduced the Healthcare Equality and Accountability Act of 2003.

This legislation would reduce health disparities and improve the quality of care for racial and ethnic minorities. There are several elements of this bill that would specifically address minority cancer rate reduction. I would like to highlight four particularly important issues.

First, this bill will provide adequate funding for the Indian Health Service—so that we can finally stop the shameful underfunding of Indian health needs.

Second, it will provide funds to increase cancer prevention and treatment programs. This includes the development of screening guidelines for minority populations for chronic diseases, including prostate, breast, and colon cancer.

Third, this bill will provide funding through the Health Research and Services Administration, the Indian Health Service, and the National Cancer Institute for patient navigators. Patient navigators work in underserved communities to bring individuals into the health care system sooner, so they can learn about preventing and detecting diseases—especially cancer—before they become ill. Patient navigators also help individuals overcome language and cultural barriers to setting up appointments and understanding their doctors' instructions. Patient navigators can also be important resources to individuals living in rural areas, since they often have to travel outside their communities to receive certain health services. The American Cancer Society notes that ''Patient navigator programs offer a low-cost, tangible fix in a part of our health care system that is broken, giving hope to millions of medically underserved individuals, saving lives and reducing health care costs.''

The last item I would like to highlight in this bill is the focus on improved health literacy, the degree to which individuals can obtain, process, and understand basic health information. The bill will provide funds to support programs that remove language and cultural barriers. Just two weeks ago, the Institute of Medicine released its report on health literacy and recommended that ''Government and private funders should support the development and use of culturally appropriate new measures of health literacy.''

On that same day, the Agency for Healthcare Research and Quality released findings that showed that individuals with low literacy—lower-than-average reading skills—are less likely than other Americans to get potentially life-savings screening tests such as mammograms and Pap smears.

In addition, Secretary Thompson remarked that, ''We must ensure that all Americans get the prevention and health information that they can understand and use to keep themselves and their families healthy.'' He pointed out, ''Health literacy can save lives, money, and improve the health of millions of Americans.''

The Healthcare Equality and Accountability Act would move us closer to the goal of ensuring equal access to quality health care.

Last year, the majority leader said, ''Inequity is a cancer than can no longer be allowed to fester in health care.''

I agree. We know what happens when cancer is allowed to spread.

Too many Americans in minority communities have lost their lives because they are not getting the care they need. We cannot afford to wait any longer to confront the minority health gap in our country.

Americans are asking for our leadership on a challenge that is quickly becoming a national emergency. We have an obligation to answer their call.

## EL DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. DASCHLE. Mr. President, every year on the 30th day of April, nations throughout the world, especially in Latin America, honor and celebrate the importance of children to families and communities. Many Latino families honor their children on this day by celebrating El Día de los Niños in their homes. Today, nearly 45 million children under the age of 18 reside in the United States, and one in four of these children are of Hispanic descent. The El Día de los Niños holiday provides a wonderful opportunity for all Americans to pay tribute to those who represent the future of our great country—our Nation's youth. A growing number of cities, schools, libraries, museums, churches, and other community organizations across the nation observe this holiday by planning activities and events that celebrate children.

While El Día de los Niños recognizes the importance of children, the holiday also provides an occasion to shed light on the unique challenges currently facing Latino children in America. Every day nationwide, 751 Latino children are born into poverty; 518 are born without health care; and 561 Latino high school students drop out of school.

As every parent knows, our children are a gift we have been given in exchange for a commitment to put their well-being above all else. It is our covenant to meet our children's needs before our own and to work and plan so that they may have a better future.

The Bush administration's fiscal year 2005 budget proposal breaks that covenant by giving tax cuts for the wealthy higher priority than investments in our children. His administration has created record deficits that mortgage our children's future.

The choices contained in the President's budget fail to address the basic needs of children in key areas such as health care, education, Head Start, child care, housing, child nutrition, and the prevention of, and treatment for, child abuse and neglect.

The number of Americans without health insurance increased by 2.4 million between 2001 and 2002, the largest jump in a decade, to a total of almost 44 million. Among those 44 million are more than 9 million children under age 19, almost 90 percent of whom live in working families. However, the administration's budget proposal does nothing to significantly expand health insurance coverage.

Latinos are the most likely of all groups to lack health insurance. One-third of Latinos, 33.2 percent, lack health insurance, and nearly one-quarter, 24.1 percent, of Latino children are uninsured. Since a significant reason for the low level of insurance coverage among Hispanic children is the result of current law that bars them from participating in Medicaid and State Children's Health Insurance Program, SCHIP, removing these barriers to health care is key to ensuring that Latino children have access to health care services. Yet, the administration's budget does not recommend taking this important step, leaving millions of children without coverage.

Just when schools are struggling to meet the new requirements of the No Child Left Behind Act, NCLB, President Bush has proposed the smallest increase in Federal education funding in 9 years. Since 2002, the NCLB program has been shortchanged by $26.5 billion. This year alone, President Bush has proposed a budget that would underfund the NCLB program by $9.4 billion.

The administration's budget shortchanges education programs that are particularly important for Latino students. Dropout assistance, bilingual education funding, Migrant Education, HEP and CAMP and the parent assistance program—all of which help migrant students—are all significantly underfunded.

The President's budget proposal would virtually freeze Head Start funding even though the program currently reaches only 3 out of 5 eligible preschoolers, and only 3 percent of infants and toddlers eligible for Early Head Start.

At a time when the Migrant and Seasonal Head Start Services Programs serve only 19 percent of eligible migrant and seasonal children, the President's budget provides $269.4 million—far short of what is needed to meet demand.

The President's budget proposal would flat-fund child care assistance at a time when only 1 out of 7 eligible children currently receives a child care subsidy; when States are making significant cuts to child care services due to State budget crises that are exacerbated by recent tax cuts; and when more than 550,000 children across the country are on waiting lists for child care assistance. The Senate recently voted 78 to 20 to increase the Federal investment in child care so that low-income working families can succeed in the workplace and make sure their children have safe, high-quality, appropriate care.

The President's budget proposal cuts section 8 housing assistance by $789 million, intensifying the unmet need for affordable housing. Of the 2 million households that receive section 8 rental vouchers, 52 percent are families with children, making section 8 the main source of housing assistance for low-income children.

The President's budget proposal provides no significant increase in funding for child nutrition programs, while 22 million children live in households suffering from hunger or living on the very edge of hunger.

More than 900,000 children were abused and neglected in 2001, yet the investments proposed for preventing child abuse and neglect and assisting children and families in crisis, totaling $151 million, fall far short of the need.

As we look to the future, we must do more than simply hope that our country will be in good hands. We must take steps to ensure that each child growing up in America has access to world-class health care and a quality education. El Día de los Niños allows us to celebrate the hopes and dreams of our children while reflecting on their many accomplishments and assisting them in reaching their future goals.

As a proud father and grandfather, I happily celebrate El Día de los Niños. However, my commitment to young Americans and the Latino Community will not end today. I am committed to championing legislation that will help families realize the vision of El Día de los Niños increased access to health care; higher investments in Head Start, education, and child care; access to decent housing; stronger child nutrition programs; and more child abuse prevention and treatment programs. By working to meet our children's needs today, we are building a better future for all Americans.

Mrs. CLINTON. Mr. President, I speak in celebration of El Día de los Niños, a traditional Latin American holiday celebrating the future of children. This holiday honors Latino children and other children throughout the United States. In my home State of New York a number of important celebrations are taking place in honor of this important day.

Today, there are nearly 45 million children under 18 living in the United States and one in four of these children

are of Hispanic descent. Of the 3.5 million children under 18 living in New York, nearly 1 million are Latino.

While El Día de los Niños recognizes the importance of all children, the holiday also provides an occasion to shed light on the unique challenges currently facing Latino children in America. Every day nationwide, 751 Latino children are born into poverty and 561 Latino high school students drop out of school. In New York, 35.9 percent of Latino children live in poverty and nearly 20 percent of Hispanic youth drop out of high school each year.

We must do better for our children, especially our Latino children. The President's budget fails to provide adequate investments in education that could significantly improve the future of our most vulnerable children. President Bush's fiscal year 2005 budget eliminates the dropout prevention program and even calls them unnecessary despite the fact that over 27 percent of Latinos across the country currently don't graduate from high school. His budget freezes funding for bilingual education and migrant education programs; cuts funding for Head Start, after school programs, and college loan programs; and eliminates Even Start. This budget is devastating to programs designed to help Latinos gain an even footing in education.

That is why I joined my colleagues in the Senate in sending a letter to the Appropriations Committee urging the committee to target funding to meet the needs of our Hispanic children. To strengthen our Nation, we must take steps to ensure that all children growing up in America have access to a quality education. Throughout the remainder of the 108th Congress, I will continue to champion legislative efforts to aid all young Americans and the Latino community so that we can help these children pursue their hopes and dreams. Today, as we celebrate El Día de los Niños I encourage all Americans to stop for a moment and pay tribute to the future of our great country—our Nation's youth.

## TRIBUTE TO TOM MEEKER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fellow Kentuckian and UofL alumnus, Tom Meeker. Tom is the President of Churchill Downs, home of the Kentucky Derby. This Saturday, horse lovers from around the world will watch with anticipation as Tom presides over the 130th Run for the Roses.

In September of 1984, Tom was named President of Churchill Downs. Two decades later he oversees one of horseracings largest operations. His success didn't come easily or without personal struggles. When Tom assumed the reins at Churchill Downs, the 109-year-old racetrack was in need of a facelift. Today, the track is entering the final stage of a $121 million renovation.

Under Tom's leadership, Churchill Downs Inc. has also expanded its operations and now owns six tracks in five States, as well as its own simulcast network. And the company continues to give back to the Louisville community through philanthropic donations.

Tom has been described as a hard working, aggressive, loyal and forceful leader. He has had some tangles over the years with the Kentucky General Assembly regarding expanded gambling and other business issues. But these encounters pale in comparison to the personal battle he fought with alcohol. Fifteen years ago he sought help, and returned a month later a changed man.

Churchill Downs is lucky to have Tom Meeker. Under his direction, it has matured and thrived to become the place we all come home to, particularly the first Saturday in May.

Mr. President, I ask unanimous consent that the article, ''Churchill's Hard Charger; Tom Meeker rebuilt the track—and his life'' from The Courier-Journal, be printed in the CONGRESSIONAL RECORD.

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

[From the Louisville Courier-Journal, April 24, 2004]

CHURCHILL'S HARD CHARGER; TOM MEEKER REBUILT THE TRACK—AND HIS LIFE

(By Marcus Green)

Tom Meeker was a 41-year-old lawyer with little racetrack experience when he took the top job at Churchill Downs in 1984.

The 109-year-old track ''was about ready to fall down,'' said Meeker, who didn't think he'd last too long either.

But in two decades Meeker has built Churchill Downs Inc. into one of the three big players in the sport, along the way eliciting both great praise and sharp criticism.

Some who know Meeker describe him as a visionary, a bold and aggressive executive whose legacy at Churchill might rival that of the legendary Derby promoter Col. Matt Winn.

''If you look at Churchill Downs then and you look at Churchill Downs today, the only similarity is the name, the Twin Spires and the fact that the Kentucky Derby is there,'' said Gerald Lawrence, the track's former general manager and executive vice president.

''The place has just been completely changed. It's a foresight and a vision that (Meeker) had.''

Today Churchill owns six tracks in five states and beams its races live to bettors at tracks, off-track betting parlors and homes across the country.

Despite having one year left in a $121 million renovation of the flagship track in Louisville, Churchill still has the resources to offer $45 million to buy the Fair Grounds in New Orleans, one of the last independently owned, top-tier thoroughbred tracks in the country.

In addition, Churchill Downs has emerged as a leading corporate citizen with Meeker at the helm, contributing more than $7.7 million to charity over the last five years, including $2 million to the local community.

''Tom is a great leader,'' said Churchill Downs Inc. board Chairman Carl Pollard. ''And I think we have to give him credit—most of the credit, if not all of the credit—for recognizing that the industry was changing and that in order to take advantage of the change in the industry we had to be more than one racetrack.''

Meeker, who commanded Marines in Vietnam, has been described as a hard-working, aggressive, loyal and forceful leader.

Meeker volunteers another word.

''''Arrogant' has come up any number of times,'' he said. ''I think that's a function of being action-oriented. I mean, if there's one thing you can't criticize about our team is we do things.''

But Meeker said he would not have been able to guide the company's expansion if he didn't get help for his drinking after the 1989 Kentucky Derby.

''The taint that I painted on the company—you know, 'Here is some drunk running the company. What can he do?'—at that point, I kind of figured it would be short-lived before I moved on,'' Meeker said.

Change, for Meeker, often meant breaking with tradition.

During his first year as president, Meeker rankled some when he raised Derby ticket prices to fund on-track improvements.

He called the track's neighborhood ''blighted'' and promoted Sunday races to the dismay of area ministers.

And critics note that the same man who now embraces simulcasting was initially opposed to it—a fact Meeker readily admits.

''Change is such a tough taskmaster. It truly is,'' Meeker said. ''You have to have the sense of purpose, conviction and risk-taking to be able to weather some of those storms and believing what you are doing is the right thing.''

Most recently, the track's multimillion-dollar renovation has given Churchill a much-needed face-lift—but it also adds mammoth stacks of luxury suites that come close to overshadowing the famed Twin Spires and has left some longtime Derby ticket holders without a view of the race.

The changes have upset some traditionalists.

Meeker argues that replacing the patchwork of clubhouse and grandstand additions that had been bolted on to previous expansions will enhance the track's architectural integrity.

''If we don't move,'' Meeker said, ''we're going to get lost in the wash.''

Under his leadership, Churchill also expanded its portfolio by buying other tracks and later formed a separate simulcast network.

''He's taken Churchill Downs from just a facility that was used two days a year: the Oaks and Derby,'' said trainer John T. Ward Jr., a former Kentucky racing commission member. ''. . . He's continued to promote quality racing in everything he's done, and he understands there's a definite relationship between the racing and the horsemen—even though he's made a few horsemen mad.''

Ed Flint, who negotiated with Meeker when he was president of the Kentucky Horsemen's Benevolent and Protective Association, would partially agree.

''He did some great things for Churchill Downs. He's made a lot of changes out there that have been good for the industry,'' Flint said. ''But at the same time, I think his negotiating tactics and his style have hurt the industry some.''

Added Flint: ''He had the mentality of a go-get- 'em, hard-nosed type of person, and he let that run over into trying to negotiate a lot of things that pertain to a lot of people. You know, racing touches a lot of people—owners, trainers, grooms, backside workers.''

Louisville businessman J. David Grissom, a Churchill Downs director since 1979, said Meeker used to be impatient with average or mediocre performance but has become more patient through the years. Still, Grissom said: ''He does not suffer fools gladly.''

Not overlooked as a priority when Meeker took over 20 years ago was refocusing Churchill as a community player.

''We were not contributing,'' Meeker said. ''We did a modest amount of token contributions to this charity or that charity, but we were not involved in our community at all.''

In 2003, Churchill Downs Inc. donated $424,460 to Louisville philanthropy, bringing the total contributions to $1.5 million over the last 3 years. The company recently contributed $125,000 to a new Junior Achievement center in the Russell neighborhood that is expected to teach financial skills and business basics to 24,000 elementary and middle school students each year.

But its generosity didn't help Churchill win friends when it began its support in 1993 for expanded gambling as a way to generate more revenue and boost purses for horsemen.

Bills to expand gambling at racetracks failed to advance in the General Assembly in 2002, 2003 and again in this year's session.

Churchill was a lightning rod during debate on Kentucky House Speaker Pro Tem Larry Clark's casino bill, which stalled in the General Assembly this year. Clark's measure would have put the issue before voters as an amendment to the State constitution.

Clark, D-Okolona, wanted Churchill to locate its casino in downtown Louisville. Meeker said a better location would be the refurbished track or property the company owns at Fourth and Central Avenues.

Rep. Tom Burch, D-Buechel, who praised Meeker's role in building up Churchill Downs, said Meeker's style has agitated some lawmakers during the General Assembly's consideration of additional gambling.

''Tom is very confrontational, and he shows it,'' Burch said. ''Most legislators don't want to have him around.''

Burch said legislators are dealing with potential repercussions in their areas of the State, and ''I don't think (Meeker) understands that.''

But Meeker says he understands there will be friction between a business person who wants to move fast and a legislator who wants to build consensus.

''One of my weakest skills is dealing with the legislative body in Kentucky,'' he said. ''(In) every other jurisdiction we have famous relationships. I talk to governors, speakers, leaders, and we work well together. . . . For whatever reason we haven't been able to achieve a collaborative, open dialogue with our leaders in Frankfort. Why that is I don't know. I'll accept the blame for it.''

Uninspired by his first trip to a horse track—a visit to Churchill Downs with his future wife Carol's family in 1962—Meeker had not seemed destined for a career in racing.

Nothing excited me about it,'' Meeker said, ''I mean, I didn't know who to bet or any of that stuff.''

Meeker graduated summa cum laude from the University of Louisville School of Law in 1973 and practiced corporate and health-care law as an attorney with Wyatt Tarrant & Combs.

He began going to the track regularly when later serving as understudy to John Tarrant, the longtime lawyer for Churchill Downs, before being named general counsel in 1981.

It was a tumultuous time for the track. Summer racing produced small fields and turned off bettors. There were two separate attempts by others to take over Churchill. Meeker was in the thick of the action, helping the track organize its defense.

''I came to understand,'' he said, ''exactly what the potential of the company was.''

Meeker was named interim president following his friend Lynn Stone's resignation. ''The deal was; I'd stay out here for three or four months, get some visibility, meet people.''

But in the span of two months, Meeker's performance was enough to sway the track's board. He was named to the post permanently on Sept. 28, 1984.

There were some personally embarrassing moments along the way. In a highly publicized incident in 1986, Meeker ejected Kentucky state Sen. Greg Higdon from Churchill's suite during a University of Louisville basketball game.

Meeker thought Higdon was crashing the party. Higdon hadn't identified himself and neither man knew the other, Meeker later apologized.

A new turf course inside the dirt oval, new paddock and Turf Club helped boost Churchill's image. So did a new paint job.

The turf course helped Churchill land the first of its record five Breeders' Cups in 1988. The top four Breeders' Cup crowds—all greater than 70,000—have been in Louisville, including a then-record attendance of 71,237 in 1988.

In just four years, Churchill had made a quick turnaround. By spring of 1989, Churchill had posted nine straight meets with increased betting handle and attendance.

Meeker, however, was starting to get bored. Four years into the job at Churchill Downs, Meeker simply didn't see running a racetrack in his future.

''I just didn't think I could be happy out here for the long haul,'' he said. ''Then things started happening.''

Intertrack wagering, or simulcasting, was a new system that allowed horse tracks to televise their races to other tracks and take bets on races run elsewhere.

William King, then-president and general manager of the Louisville Downs harness track on Poplar Level Road, introduced simulcasting in Louisville with broadcasts of races from Turfway Park in Northern Kentucky in 1988. The experiment generated $8 million wagered at Louisville Downs.

Meeker originally opposed simulcasting, arguing that it could diminish on-track attendance and weaken purses for horsemen. His preference was establishing a network of off-track betting parlors across the state, but he changed his mind after seeing Louisville Downs' results.

Louisville Downs and Churchill Downs wrangled over splitting simulcasting revenue and broadcast dates. The bickering ended when Churchill bought Louisville Downs for $6 million in 1992.

The purchase ended harness racing in Louisville, but it gave Churchill much-needed barn space and a training facility. A refurbished simulcasting center, which opened later that year at the Louisville Downs site, was the heart of the deal.

''It was state of the art, the big screens and all that stuff,'' Meeker said. ''We were kind of the darling child of the industry. And it was cranking off tons of money. It was doing well, which allowed us then to internally finance some of these other capital improvements.''

Simulcasting set the stage for the company's push into the 1990s. But Meeker now believes he might not have seen the growth that followed—buying and developing other tracks and expanding its simulcast business—if he had not gotten help for a drinking problem that threatened to spiral out of control.

Meeker remembers the late Churchill Downs board Chairman Warner L. Jones Jr. as an irascible, hard-nosed man who cursed like a sailor and gave like a saint.

''And he was the one that got me sober—truth be known.''

Fifteen years later, Meeker has put his drinking into perspective. He is candid. He said his drinking never spilled over to the office, but he acknowledged that it had to hurt in other ways.

On occasion, Meeker would have a few drinks during Derby Week before heading out to speak to groups. He believed, he said, that he was being eloquent.

The reality was vastly different.

''I was at the cusp of really just falling right off the edge,'' he said.

It was May 7, 1989, the day after Sunday Silence won the Kentucky Derby. Meeker decided he needed help to conquer his alcohol abuse.

He called Jones, who in turn called his friend Wheelock Whitney, a philanthropist and former co-owner of the National Football League's Minnesota Vikings.

Through Whitney, a thoroughbred owner and breeder whose wife sought treatment for a drinking problem, Jones arranged a place for Meeker at the Hazelden alcohol and drug rehabilitation center in Center City, Minn.

''It was kind of tough in those days (to get in),'' Meeker said. ''Everybody was drunk. They needed treatment.''

When Meeker arrived at the Louisville airport Tuesday morning to fly to Minnesota, Jones was waiting to accompany him. Jones, Meeker recalled, wanted to ensure that Meeker made it to rehab.

Whitney met the two men in Minnesota and drove them to Hazelden. Whitney and Jones carried on a lively conversation in the front seat of the car. Meeker sat in the back, he said, scared half to death.

Soon the three were lost. The Hazelden sign was small, and the car passed it by. When they finally found the clinic, Whitney said Jones tried to cut a deal with Hazelden's president:

''Tom Meeker means a lot to me, and we want to see him get well. And I'll tell you what. If he gets well here, I'm going to give you a new sign out on the road, because that one you got is not what a place like this needs.''

Several years after Meeker left Hazelden, Jones made good on his promise.

''Warner did provide a brand new sign out on the highway for Hazelden in honor of Tom Meeker's recovery,'' Whitney said. ''It still stands there today.''

Meeker returned to Churchill Downs after a month of treatment with ''my head screwed on right.''

By the early 1990s, Churchill Downs was posed to grow. In 1993 the company unveiled a four-part business strategy that included increasing Churchill's share of the simulcast market and acquiring additional racetracks.

The company explored the possibility of building a track in Virginia Beach, Va., but that state's racing commission awarded the license to a competing group that later built Colonial Downs.

''It was the first time where we actually in a businesslike, methodical way targeted a development project, and our skill sets were low-level,'' Meeker said. ''We had not done any major acquisitions. We were good operators (but) we didn't have a real strong finance component.''

Meanwhile, Churchill set its sights on Indiana. Any pari-mutuel wagering or gambling in Indiana posed a direct threat to Churchill Downs and Kentucky racing.

Churchill financed the development of a thoroughbred and standardbred track in Anderson, Ind., then became majority owner when the license holders defaulted. Hoosier Park, Churchill's first track outside Louisville in the modern era, held its first harness race on Sept. 1, 1994.

''We had our operation up and running in Indiana before Colonial Downs raced their first race,'' Meeker said. ''That's how quick we responded, and many of the things that we learned in Virginia we applied in Indiana.''

Indiana has since become a battleground state.

The state's gaming commission granted the first license for riverboat gambling in 1995, paving the way for fierce competition for Kentucky's gambling dollar. And Churchill's monopoly on live racing ended in late 2002 when Indiana Downs in Shelbyville, Ind., opened the state's second pari-mutuel track.

But the maturation of Churchill Downs Inc., came in a string of acquisitions that began in the late 1990s. Starting with Ellis Park in 1998, the company bought Calder Race Course in Miami and Hollywood Park in Inglewood, Calif.

A merger with Arlington Park near Chicago in 2000 ballooned Churchill's portfolio to six racetracks in five states, including three in major U.S. markets.

''It was one of those incredible times in business where you actually invent new ways of doing things on the fly,'' said John Long, chief operating officer at Churchill Downs Inc., from 1999 to 2003.

Churchill's strategy shifted several years ago, considering acquisitions in places where expanded gambling is likely.

Documents filed this week in a Louisiana bankruptcy court show the company made the highest offer in private talks for the Fair Grounds Race Course in New Orleans.

Churchill still could buy the bankrupt New Orleans track at an upcoming bankruptcy auction, a move that would give it winter racing and a facility soon to install hundreds of slot machines.

Meeker is 60 and his contract will be up for renewal in 2006. He's already made money—his salary this year is $463,499, he got a $200,000 bonus last year and his Churchill stock is worth more than $10 million.

He and his wife have a daughter and two grandchildren. But he jokes when asked when he might retire and shrugs off serious talk of retirement for now.

''I want to make sure that when I leave the company,'' Meeker said, ''that it's left at a time when everything is pointing north.''

## CONGRATULATING INCLINE HIGH SCHOOL

Mr. REID. Mr. President, I rise today to congratulate Incline High School on its victory in the Nevada ''We the People'' competition.

This accomplishment reflects not only a lot of hard work by the individual participants but also the strong commitment to academic excellence of all the students, instructors, and administrators of Incline High School.

I am pleased to be able to recognize the individual members of the team on their achievement: Bradley Allured, Jason Beavers, Nicholas Bohn, Jessica Corpuel, Joseph Driver, Alexander Heilig, McKenna Hollingsworth, Joshua Hub, Ansley Kendziorski, Elisabeth Komito, Ashley Nikkel, Laura Pillsbury, Robert Rappaport, Catherine Serrano, Tira Wickland, and Beate Wolter.

I also note the efforts of their teacher Milton Hyams, their coach Robert Heilig, and their peer tutors: Ashley Hanna, Daniel St. John, and Jonathan Shoop.

I am sure that I speak for the entire Incline High School community in thanking the ''We the People'' program's district and State coordinators, Dan Wong and Judy Simpson, for their work in helping give the students the opportunity to participate in this great competition.

Created in 1987, ''We the People'' promotes civic competence and responsibility among our Nation's elementary and secondary students. Its innovative curriculum enhances student understanding of the history, principles, and institutions of American constitutional democracy.

The instructional program culminates in a simulated congressional hearing and a nationwide competitive program for high school students. Attracting the participation of more than 26 million students and 80,000 educators, the ''We the People'' program has expanded the civic knowledge of our students, cultivated a new generation of leaders, and highlighted the tremendous potential of our Nation's youth.

Please join me in congratulating Incline High School for its commitment to academic excellence, and its victory in the Nevada ''We the People'' competition.

## 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 8, 2003, in Grand Rapids, MI, an 18-year-old bisexual man was discovered unconscious with his wrists bound in a ditch. Authorities believe that he had been the victim of a vicious sexual attack. The victim survived on a life-support for two weeks before dying of pneumonia-like symptoms.

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.

## NATIONAL TIRE SAFETY WEEK

Mr. SMITH. Mr. President, I wanted to take the opportunity today to recognize the importance of tire safety during National Tire Safety Week. The Senate Commerce, Science and Transportation Subcommittee on Competition, Foreign Commerce, and Infrastructure, which I chair, has jurisdiction over the National Highway Traffic Safety Administration. As such, I am keenly aware of the devastation caused each year on our Nation's highways due to automobile accidents.

The National Tire Safety Week, created by the Rubber Manufacturers Association, is now in its third year, and one of a number of their public outreach campaigns designed to focus our efforts on a key issue for all of us: tire safety.

Tires are clearly a core component of an automobile and a key aspect to ensuring the safety of the occupant. When you stop to think about it, there is only a small patch of rubber on each tire that meets the road at any given moment. That small patch of rubber is responsible for ensuring the automobile maintains control on the roadway. This function must be maintained no matter what weather conditions exist hot or cold, wet or dry, snowy and icy. Tires are an amazing and highly technical feature of an automobile that is often taken for granted.

Just like changing your oil regularly, tires must also be routinely cared for and inspected in order to maintain their safety. Unfortunately, many drivers unwittingly neglect their tires. That is why National Tire Safety Week provides us all with a crucial reminder to do the simple things to ensure that our tires are safe.

The result of unsafe tires is simply devastating. Tire blowouts and hydroplaning cause a driver to lose control of the vehicle, which careens out of control, often smashing into other vehicles or flipping over. Tragically, just 3 weeks ago in a small farming community in southern Oregon, a family of five ranging in age from 2 years to 60 years old was killed instantly when the rear tire of their van blew out and the van veered into the path of an oncoming pickup truck. The family was on a last minute outing to gather Easter supplies for their church.

We don't yet know why the tire blew out. It could have been underinflated. Or perhaps the tread was wearing low or uneven and it was more easily punctured by a sharp object in the road. The bigger question that we need to address now is, could this accident and tragic loss of life have been avoided? Possibly.

With this in mind, I would like to highlight a small Oregon company, Smart Tread, LLC, who has developed a simple visual tread wear identification system. The Smart Tread proposal advocates for an improved visual identification system that would help consumers better understand when their tires are safe and when they are not. One such approach would use color directly in the tire tread turning yellow and/or red when a tire tread reaches a depth like 2/32 of an inch that is no longer safe and is the legal definition of a bald tire. This system will provide early warnings of a car that is out of alignment or running on overinflated or underinflated tires.

It is my hope that industry and consumers will see the benefit of this tread wear identification system that Smart Tread has developed. We need to continue to improve the safety of tires to prevent unanticipated automobile accidents and deaths. Again, I thank the tire manufacturers for all their efforts and continuing to address this important issue.

ON SUDAN

Mr. KENNEDY. Mr. President, I commend the Foreign Relations Committee for its action today in reporting a resolution urging action by the United States and the international community to respond to the ongoing ethnic violence in Sudan. The Senate should act on this resolution as soon as possible.

It has been 10 years since the Rwanda genocide. A decade ago, 8,000 Rwandans were being killed every day, yet the international community was silent. We did not stop the deaths of 800,000 Tutsis and politically moderate Hutu, in spite of our commitment that genocide must never again darken the annals of human history.

Sadly, we may now be repeating the same mistake in Sudan.

In 1998, President Clinton made a special visit to Kigali, Rwanda's capital, ''partly,'' he said, ''in recognition of the fact that we in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred'' in Rwanda. His visit and strong words remind us that we must not hesitate to act, when the horror is clear and when so many lives may be lost.

Over the past few weeks, reports of severe ethnic violence have come from Darfur, a region of western Sudan. We have heard accounts of thousands or even tens of thousands of people murdered, of widespread rape, and of people's homes burned to the ground.

The Sudanese Government has refused to allow full access to western Sudan. International monitors and humanitarian workers have been prevented from reaching the area. We need immediate access to gather more information on what is happening and to provide urgent humanitarian relief to the one million people the United Nations reports have been displaced internally in Sudan or across the border to Chad.

Many of us hoped that the humanitarian ceasefire and agreement earlier this month between the Sudanese government and rebel forces in western Sudan would end the many months of violence against entire communities. It has not. The bombing of villages by the Sudanese Air Force continues, and so does the mayhem by the paramilitary forces unleashed by the Government of Sudan.

The burning of homes and crops of desperately poor villagers has left in its ashes a humanitarian disaster. Without immediate relief, experts predict deaths in the hundreds of thousands. The cruelty of the Government of Sudan and its paramilitary allies against other ethnic groups raises the very real specter of genocide.

The United States and the international community need to act now, to stop this brutality, to save lives.

President Bush should make a strong public statement alerting the world to the violence in Darfur. He should call the international community to action, and increase pressure on the Sudanese Government. Doing so would send a strong signal that the international community will not accept these continuing atrocities. Sudan has been seeking better relations with the United States. It must be told that our nation will have no relations with a genocidal government.

The United States should propose a resolution in the United Nations Security Council to condemn the violations of international law being committed in Darfur, particularly the indiscriminate targeting of civilians and the obstruction of humanitarian aid by the government. The U.N. should demand immediate international access to the region to assess the full scale of the need for assistance. The U.N. should also insist on adequate support for international human rights monitors and for monitors of the ceasefire agreement reached last week.

The international community must demand that Sudan stop the violence now, and give full humanitarian access to Darfur without question or qualification.

To minimize the suffering of those affected by the violence, we should immediately identify funds and food aid to meet at least the traditional U.S. share of the $110 million appeal from the U.N. Office for the Coordination of Humanitarian Affairs to support urgently needed assistance for internally displaced persons and refugees. These internally displaced persons and refugees must also be allowed by the Sudanese Government and militias to return safely to their homes, to rebuild their lives and communities, as soon as possible.

The European Community, African countries and the rest of the international community should use their considerable influence to pressure Sudan to end the violence in Darfur, and end it now.

If the international community fails to act—and to act now—the consequences will be dire.

United Nations Secretary General Kofi Annan was eloquent in his statement at the commemoration of the tenth anniversary of the Rwanda genocide. He said that he would not permit Darfur to become the first genocide of the 21st century.

There will be discussion in Washington and around the world about whether the ethnic violence in Darfur is, in fact, genocide, but we cannot allow the debate over definitions obstruct our ability to act as soon as possible.

It is a matter of the highest moral responsibility for each of us individually, for Congress, for the United States, and for the global community to do all we can to stop the violence against innocents in Darfur. We must act, because thousands of people's lives will be lost if we don't.

STAND WITH OUR NATION'S LAW ENFORCEMENT

Mr. LEVIN. Mr. President, this week mayors and police chiefs from across the country will join with the Brady Campaign to Prevent Gun Violence to urge President Bush and Congress to renew the federal Assault Weapons Ban.

The 1994 law banned a list of 19 specific weapons, as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. The assault weapons ban also prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and which accept a detachable magazine. This law is scheduled to expire on September 13, 2004.

I support the efforts of the law enforcement community and local leaders who are calling for legislation extending the law. In 1994, I voted for the assault weapons ban and, last month, I joined a bipartisan majority of the Senate in voting to extend the assault weapons ban for 10 years.

Law enforcement support for the assault weapons ban is broad. It includes the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

In addition, mayors and police chiefs from Detroit, Los Angeles, San Francisco, Miami, Seattle, Chicago, and Washington, D.C. have joined over 200 other local leaders in sending a letter urging Congress to immediately pass a 10-year extension of the assault weapons ban.

Despite broad support for this law, the National Rifle Association fought against passage of the assault weapons ban in 1994 and continues to oppose it to this day.

While President Bush has indicated that he supports reauthorizing the assault weapons ban, and a bipartisan majority in the Senate is on the record supporting reauthorization, the President has failed to urge Congress to act on this important legislation before it expires on September 13th. The ban is a major public safety measure that protects citizens and police officers and I urge the President and the Congress to act immediately to reauthorize the law.

OUTSOURCING AND CLOW VALVE

Mr. HARKIN. Mr. President, after 2½ years of a largely jobless recovery, the current administration is on track to be the first in over six decades actually

to lose jobs during its 4-year term. It is particularly alarming that this country has lost more than one in seven of its manufacturing jobs since this administration took office. More than one in seven.

One reason is outsourcing. We have been seeing good, high-wage manufacturing jobs transferred overseas for a number of years. But outsourcing now has accelerated. It has spread to ''knowledge-based jobs''—programming, auditing, accounting, engineering, design, telemarketing, animation, editing, transcription, legal assistance, call centers and even core research.

Some economists have argued over the years that free trade helps the United States to concentrate on creating high-wage, high-value-added jobs here in America. But now those jobs are being exported, too. The old rules of comparative advantage have been exploded.

As we all know by now, the President's annual economic report, signed by Mr. Bush, explained why we should be celebrating the outsourcing and offshoring of American jobs. Gregory Mankiw, chairman of the President's Council of Economic Advisors, summed up the report. He said that ''outsourcing is a growing phenomenon, but it's something that we should realize is . . . a plus for the economy.''

Yes, you heard that right: Outsourcing is ''a plus for the economy.''

Outsourcing of U.S. jobs, however, is just one side of the coin. The other side of the coin is U.S. jobs that are lost because this administration refuses to enforce our existing trade laws—for example, existing laws that protect against sudden surges of imports from abroad which harm particular businesses or sectors here in our country. This refusal threatens U.S. manufacturers and destroys American jobs.

Let me offer one vivid example:

Clow Valve Company has operated in the town of Oskaloosa, Iowa, since 1878. It manufactures iron pipes, water hydrants and other foundry products. If there's a fire hydrant on your block—and there should be one under most city codes—chances are excellent that it was made by Clow Valve Company.

The company was acquired by McWane, Inc., of Birmingham, Alabama in 1985. McWane owns similar facilities in several other states, including Alabama, New York, Texas, Pennsylvania, Missouri and Tennessee, employing some 7,000 workers.

Last year, McWane, Inc., faced a near tripling of Chinese imports of waterwork pipes compared to the previous year, with Chinese product being sold at prices that severely undercut American producers. Obviously, continued expansion of sales by Chinese companies at this rate could cause serious market disruption. It could threaten all 7,000 jobs in these plants, including the 358 in the Clow facilities in Oskaloosa, IA.

Nonetheless, President Bush has steadfastly refused to use his authority under Section 421 of the Trade Act of 1974 to restrain this surge of imports, even though such a step was unanimously recommended by the International Trade Commission (ITC) last December. I wrote to the administration on two occasions, once to the ITC and once to the President himself, urging that our trade officials utilize existing laws that were enacted for the very purpose of temporarily protecting American jobs from sudden surges of imported products.

The President's refusal to enforce our trade laws has profound consequences. In Oskaloosa, it could mean the loss of some or all of the 358 good-quality, high-paying jobs at the Clow Valve Company. In turn, that would have a devastating impact all across Mahaska County. Bear in mind that Clow Valve is now the single largest employer located in the county. It is an employer with deep roots in the community. I imagine there might be some bewilderment among people there about the refusal of the Bush Administration to stand up and defend those jobs.

Let me summarize the basic facts:

We have a clear case of harmful trade practices on the part of the Chinese—flooding the U.S. market with cut-rate waterwork pipes.

In December, the United States International Trade Commission ruled that a surge in imports of Chinese waterwork pipes had caused market disruption and material injury to domestic manufacturers such as Clow Valve Company.

The Commission was unanimous in its conclusion that imports from China should be restrained pursuant to section 421 of the Trade Act of 1974.

The Commission was unanimous in its prediction that, without implementation of an effective relief program, the U.S. waterwork pipes industry may have to close plants and lay off workers.

And yet, the White House refused to act. Which leads me to ask: Whose side are they on?

Mr. President, it is clear to me that the jobless recovery here in the U.S. is not an accident. It is the result of a productivity surge that has benefited corporate profits, not workers' paychecks. It is the result of corporate America's enthusiastic embrace of outsourcing and off-shoring jobs, with the blessing and encouragement of the Bush administration. And it is the result of the refusal of this administration to enforce our trade laws—its refusal to stand up for American workers, including in the face of seriously harmful trading practices from abroad.

We cannot build a sustainable recovery by exporting jobs, driving down U.S. wages to match foreign wages, and allowing nations like China to flood our market with cheap imports.

No, a true recovery must include all Americans. It can only be built on a foundation of good jobs and good wages—here in America, not overseas. And it can only be sustained if the administration, at long last, is willing to enforce our trade laws and stand up for American workers.

## TRADE ADJUSTMENT ASSISTANCE

Mr. BAUCUS. Mr. President, next week the Senate will consider a trade adjustment assistance amendment introduced by my colleagues Senators WYDEN and COLEMAN. I am a co-sponsor of this amendment, which is offered on the JOBS bill, to which we will be returning next week.

I also want to acknowledge Senators ROCKEFELLER and BINGAMAN, who have worked hard to produce a strong amendment.

This amendment is the right thing to do. And now is the right time to do it.

The JOBS bill is about creating jobs and about keeping existing jobs in America. But we all know that—no matter how strong we make this JOBS bill—some workers may still see their jobs move overseas.

Since 1962, trade adjustment assistance—what we call ''TAA''—has provided retraining, income support, and other benefits so that workers who lose their jobs due to trade can make a new start.

The rationale for TAA is simple. When our government pursues trade liberalization, we create benefits for the economy as a whole. But there is always some dislocation from trade.

As President Kennedy said, ''those injured by . . . trade competition should not be required to bear the full brunt of the impact.'' ''There is an obligation,'' he said, for the federal government ''to render assistance to those who suffer as a result of national trade policy.'' We meet that obligation through TAA.

The TAA program has not been static over time. Several times, Congress has revised the program to meet new economic realities.

Most recently, in the Trade Act of 2002, Congress completed an important overhaul and expansion of the TAA program. I am very proud to have played a leading role in passing this landmark legislation.

But I am also the first to admit that our work is not done. Economic realities continue to change, and TAA must continue to change with them.

I am co-sponsoring the Wyden/Coleman amendment, because it makes common sense changes that help TAA keep up with the times.

Most importantly, the amendment extends TAA to service workers. Right now, we only give TAA benefits to workers who make things. That means American workers in the service sector cannot access this program.

But today, more than 80 percent of non-farm U.S. jobs are in the service sector. And the market for many services is becoming just as global as the market for manufactured goods.

Trade in services is a net plus for the U.S. economy. In fact, the service sector generated a trade surplus of nearly $74 billion in 2001.

Just as we have seen with trade in manufactured goods, however, trade in services will inevitably cost some workers their jobs.

Indeed, there have been some well-publicized examples in the papers. Examples abound of service-sector jobs—even high tech service jobs—relocating overseas. Software design. Technical support. Accounting and tax preparation services. Radiology.

Over the past 3 years, somewhere between a quarter and a half million service jobs have moved to other mainly low-wage countries.

This trend has hit home in my State of Montana. Recently, a large technical support call center closed in Kalispell. At least 550 Montanans lost their jobs while jobs were created in Canada and India.

Another Montana employer laid off workers doing medical billing and data management. Those workers applied for TAA and were turned down—not because the layoff wasn't trade related, but simply because they are service workers.

That's not right. Extending TAA to cover service workers is a simple matter of equity. When a factory relocates to another country, those workers can apply for TAA. When a call center moves to another country, those workers are not eligible for TAA. But they should be.

This amendment also makes some modest changes to eligibility rules to make it more user-friendly for workers. It removes some of the steps that workers have to take to meet the tests for shifts in production, alternative TAA, and to qualify for the health insurance tax credit. And it makes the health insurance options available to TAA recipients more affordable.

The amendment provides for better data collection and reporting. That way Congress and the public will have a better idea who is using TAA benefits and how participants are faring in the job market.

The amendment also helps trade-impacted communities to better plan their economic redevelopment and job creation strategies. That way workers who complete TAA retraining have a better chance of finding jobs in their communities.

Hard-working American workers deserve this safety net. Despite what some opponents of TAA suggest, no worker would choose to lose his job so he can qualify for TAA. These benefits will always be second best to a job. But they can really make a difference in helping workers make a new start.

It is also critical to note that TAA can make an important difference in public attitudes. Surveys show that most Americans feel a lot more comfortable with globalization, offshoring, and trade when they know they will get help if their jobs are threatened.

That's why 66 percent of Americans responding to a recent poll agreed with the following statement: ''I favor free trade, and I believe that it is necessary for the government to have programs to help workers who lose their jobs.''

The world is changing and TAA must keep up with the times. This amendment will help our government to keep its promise to the American people to make trade work for everyone.

I commend my colleagues Senator WYDEN and Senator COLEMAN for offering this amendment. I look forward to voting on it next week.

## MEDICARE DRUG DISCOUNT CARD

Mr. TALENT. Mr. President, I rise today to speak about a much anticipated health care benefit that will help millions of our Nation's seniors—the new Medicare prescription drug discount card.

There are approximately $900,000 Medicare beneficiaries in Missouri; of these about one-fourth doesn't have prescription drug coverage. The new Medicare drug law provides these people with access to a prescription drug benefit for the first time in the history of the Medicare program. Medicare recipients—people 65 and older and some disabled people—are eligible, unless they receive drug coverage through Medicaid. A person with a discount card can get the price breaks by simply going to the participating pharmacies and presenting the card.

Seniors know that these cards are a good deal—about 7.3 million Medicare recipients are expected to sign up for them. Applications for the cards will be available May 3, and the discounts begin June 1. The cards have an annual enrollment fee of up to $30, and offer an average savings of about 17 percent and for some drugs up to 25 percent off. The average savings on generic drugs is even higher—35 percent to 40 percent. These discounts are for at least one drug in each of 209 categories of medicines commonly used by seniors.

Beneficiaries with annual incomes less than $12,569 per year for individuals or $16,862 for couples are eligible for a $600 annual subsidy for their prescription drug costs. Also, these folks won't have to pay any enrollment fees for the next 2 calendar years. That's a total of $191 million in additional help for the 159,000 beneficiaries in Missouri who are currently eligible to participate in this program. These lower income seniors will also get price discounts of up to 25 percent on brand-name drugs and up to 40 percent of generic drugs.

The Centers for Medicare & Medicaid Services expect 65 percent of the low-income beneficiaries nationally to participate in this program. This means that a total of 103,000 Missourians are expected to enroll in the Medicare drug discount card and to save a total of $124 million over the next two calendar years. You can see why this is a good deal for America's seniors to help them lead longer, healthier lives through medication therapy.

I have traveled all over my home State of Missouri and have visited with dozens of seniors who've told me about the high price of medicine, and how they are making tough choices between paying for their needed drugs and paying for other essentials of life.

I want to take a minute to tell you about Audrey Vallely, a senior from Pacific, MO, who testified at an Aging Committee hearing that I held in St. Louis last August. Audrey has osteoarthritis, a degenerative bone disease and another sinus disease that causes her to become dizzy. Her medicine costs over $100 a month for 15 or so pills to treat these conditions. But because she is living on a limited income, she cannot afford to pay for these medicines.

Audrey told me how sometimes she must choose between buying prescription drugs or paying rent, buying food or just living with air conditioning in the summer. These are choices that no one should have to make. I made a promise to Missouri seniors like Audrey that I would help them get access to quality, affordable health care, and today I am pleased to deliver on that promise.

I want to share with you some of the questions that seniors have asked me about the drug card as I visited with them during my Medicare town hall meetings in Missouri.

First, folks wanted to know whether they had to enroll in the drug discount card. The answer is no, these discount cards are completely voluntary. That means enrolling is their choice. Importantly, seniors and not the Government will have the power to choose which card is best for them depending on their health care needs.

Seniors also wanted to know who can get one of these discount cards. I told them that almost anyone with Medicare can get a discount card. The only people who aren't eligible are those who have outpatient prescription drug coverage through Medicaid when they apply.

Thinking that these drug discount cards could be a very good thing, seniors wanted to know how soon they could get these cards and how long the discounts would last. I told them that they could begin enrolling in the drug discount cards this month, and the cards will be good until at least December 31, 2005, when Medicare's new prescription drug benefit starts.

Seniors also asked me whether there was only one Medicare-approved drug discount card that they could get. Last March, HHS approved 28 providers that will offer about 49 different discount cards to Medicare beneficiaries. This means that seniors will have a choice of more than one discount card and this is a good thing since seniors with a certain type of disease like diabetes or heart disease may choose a card with deeper discounts on medicines that treat that disease.

Also, there may be some seniors who prefer specific name brands or generic drugs, and they may want to choose a card from that manufacturer. Missouri has a combined total of 43 individual drug cards. This includes 36 national drug cards, 4 regional cards, and 3 Medicare Advantage exclusive cards. With all these choices, seniors can choose which card is best for their particular health care needs.

The cards are completely voluntary, so those seniors who don't want a card don't have to have one. But for those seniors who choose to take advantage of the drug discounts, I look forward to helping them get started and putting them in touch with people and resources to help them make informed decisions.

Beginning today, 1-800-Medicare will be staffed with 1,400 operators around the clock to field questions about which discount card is best for that particular senior. Or folks can go online at *www.Medicare.gov* and search prescription drug and other assistance programs to prepare for the May 3 enrollment.

There is much to be excited about, and I am pleased to support this benefit to help our Greatest Generation live longer, healthier lives.

I also thank Chairman GRASSLEY for his leadership on the Medicare law, and recognize his hard work to build strong bipartisan support for this legislation to help America's seniors.

## TRIBUTE TO SLAIN CALIFORNIA LAW ENFORCEMENT OFFICERS

Mrs. FEINSTEIN. Mr. President, three law enforcement officers in the State of California have been murdered in the past three weeks in gang-related slayings. And a fourth was killed in February.

I come to the floor to pay tribute to these brave officers and discuss the perils police face every day, especially from gang members armed with high-powered assault weapons and other guns.

Late Saturday night, April 10, one of San Francisco's finest young police officers, Officer Isaac Espinoza, was shot and killed.

Officer Espinoza was gunned down with an assault weapon, an AK–47, taking three shots in the back as the gunman fired 15 rounds in just seconds. Officer Espinoza and his partner, who was also shot, had no time to seek refuge. The suspect in the shootings is a known gang member.

Officer Espinoza, at 29 years of age, was a distinguished police officer, one of the Department's bright young stars who worked in one of the City's toughest areas.

In fact, Officer Espinoza received three major service awards in his eight years with the Department including: the Silver Medal of Valor for his bravery in a shoot-out that occurred on October, 20, 2000; the Purple Heart for injuries sustained in a foot pursuit as he and his partner attempted to make a drug arrest on May 5, 2002; and the Police Commission Commendation for his work to reduce crime in the Bayview neighborhood.

He was also recognized as Patrol Officer of the Month by the Captain of the Bayview Police Station in June 2003.

Officer Espinoza also served as a new board member of the Police Officers Association. He was Assistant Commissioner of the softball league. And he planned to take the next Sergeant's exam.

His death is a great loss to the Department and to the City. It is a particularly great loss to his wife and 3-year-old daughter.

On April 15, Merced Police Officer Stephan Gray was shot and killed when a suspect he was chasing on foot turned around and fired two bullets into his chest.

Officer Gray, 34 years of age, worked in the Merced Police Department's gang violence unit, working with some of his community's most dangerous offenders. In fact, the suspect in his killing is a gang member with whom he is believed to have had previous encounters.

Officer Gray had served with the Merced Police Department for seven years. And in those seven years of service, he earned the admiration of his colleagues and once received a commendation for resuscitating an 11-month old baby.

Being a police officer was not just a job for Officer Gray, it was a way for him to change the world. He not only patrolled the streets, but he went out and got to know the neighborhood children in the communities he served. He shot baskets with the kids and, drawing on his days as a high school track star, taught them how to sprint.

He was admired by his friends and neighbors for his loyalty to the police department, but also his devotion to his family.

Officer Gray was a true pillar of his community. He is survived by his wife and three children, ages 13, 5, and 3.

California Highway Patrol Officer Thomas Steiner, 35 years old, was murdered April 21 in a drive-by shooting in broad daylight. Officer Steiner had just walked out of the Pomona courthouse after testifying on a series of traffic cases when a 16-year-old shot him three times with a handgun, hitting him once in the head.

According to Pomona Police Chief James Lewis, the teenager charged with the shooting did not know Officer Steiner, but was merely intent on ''killing a cop.''

Apparently, the 16-year-old wanted to kill a cop in an attempt to prove himself to a Pomona street gang.

Officer Steiner had been a member of the California Highway Patrol since 1999. His colleagues described him as a positive influence on the police force, the kind of guy who never had anything bad to say about anyone.

On top of being a well-respected cop, he was an excellent marksman and an avid sports fan. Officer Steiner is survived by his wife, his 13-year-old stepson, and his three-year old son.

These three killings occurred in an 11-day period in April. They are but the latest deaths to report.

Two months ago, Los Angeles Police Officer Ricardo Lizzaraga was killed while responding to a domestic violence call.

At the apartment where the call originated, Officer Lizarraga confronted a man. Within seconds, the individual drew a gun and shot Lizarraga twice in the back as he and his fellow officers fled from the apartment. The suspect in the shooting was a known gang member.

Officer Lizarraga, 31, had served two-and-a half years on the force. In that time, he quickly became a well-respected police officer known for his strong work ethic and great attention to detail.

He was viewed as a gentle giant by his colleagues, friends and family. Los Angeles Police Chief William Bratton described him as the ''face of Los Angeles.''

Officer Lizarraga is survived by his wife Joyce.

These stories are chilling. They remind us that even those charged with protecting us are vulnerable. They reveal a segment of society that is utterly lawless, unbound by any code of decency.

And sadly, they are just a few of the stories that we will tell this year of cops being killed in the line of duty.

These tragic deaths are sure to continue because we have not done enough to stem the availability of guns nor curb the viciousness of gangs.

This body knows well that the assault weapons ban is on the verge of expiration. However, what this Congress has failed to recognize is that if we allow assault weapons to be more freely available, law enforcement officers will be in even greater danger.

Around 70 officers are killed each year by criminals. And, according to a study by the Violence Policy Center, 1 in 5 law enforcement officers killed between 1998 and 2001 were shot with assault weapons. Now, police officers in San Francisco and other cities are exploring whether to equip officers with military-style assault rifles and Kevlar-plated vests.

And that's why nearly every law enforcement organization in the country supports renewing the ban on assault weapons—they know that the lives of their officers are at risk.

The expiration of the ban would mean that assault weapons like the one used to kill Officer Isaac Espinoza will be easier to obtain whether at the nearest gun shop, sporting goods store or in someone's home.

The easier it is for criminals to get their hands on these weapons, the easier it will be for them to terrorize communities.

To honor the many law enforcement officers who have given their lives in

service to their communities, we must renew the assault weapons ban before it expires on September 13.

But there is much more that we need to do to make communities and cops safer in America. In particular, we must check the rampant gang violence that plagues our city streets and, increasingly, our suburbs and rural communities.

Gang violence used to be a local problem, demanding local solutions. But over the last 12 years, since I have been in the Senate, I have seen this problem spread from isolated neighborhoods to communities across this country.

Gangs have become more sophisticated and more violent criminal enterprises. What were once loosely-organized groups centered around dealing drugs within a particular neighborhood are now complex criminal organizations whose activities include weapons trafficking, gambling, smuggling, robbery, and, of course, homicide.

In 2002, over half of the 1,228 homicides committed in Los Angeles County were gang-related. Similarly, over half of the 499 murders committed in the city of Los Angeles during 2003 were the result of gang violence.

The reach of gangs, however, extends far beyond Southern California.

In fact, Los Angeles serves as a ''source city'' whose gang members migrate to other communities across the country and set up new criminal entities. One such operation, the L.A.-based 18th Street Gang, is known to have initiated gang activities all over California, in Southwest border and Pacific Northwest states, and in East Coast states including New Jersey and New York.

Today's gangs are more sophisticated, more violent, and more numerous than they were 12 years ago. And that is why we need a strong federal response.

I have introduced legislation with Senator HATCH that will give law enforcement and local communities the tools to deal with gang violence.

Our legislation: Creates new federal crimes to enable prosecutors to target violent gang members; makes changes to current law to allow for effective prosecution for violent street gang crimes; authorizes $650 million for law enforcement and community groups for suppression, prevention, and intervention programs.

This bill gives us an opportunity to do something about the gang violence that beleaguers our communities and endangers our cops. We owe it to these fine officers who were killed so viciously to do what we can to prevent more violence by gangs.

If we fail to act on both these measures, I am sad to say that I will be back here before long telling the story of some other fine law enforcement officer who is patrolling the streets of one of our communities right now. We must do everything possible to prevent these killings from happening over and over again.

## MARCH FOR WOMEN'S LIVES

Mr. DURBIN. Mr. President, last Sunday, April 25, the March for Women's Lives took place here in Washington. Its organizers estimated that more than a million men, women, and children from more than 57 countries gathered under the banner of reproductive rights, health, and justice for all women. Participants called on Congress and the administration not only to protect the right to choose but also to protect and promote family planning, maternal and child health care, and the empowerment of women in the United States and abroad.

An op-ed by Werner Fornos, president of the Population Institute, appeared that same day in the Chicago Sun-Times. The piece was entitled ''March is About More than Abortion,'' and it explained that the marchers' concerns went beyond the issue of abortion to include concerns about HIV/AIDS prevention, family planning, the President's imposition of a global gag rule on family planning providers, and the administration's refusal to release funds to the United Nations Population Fund to reduce the number of unintended pregnancies that can lead to abortion.

I ask unanimous consent that Mr. Fornos' article be printed in the RECORD.

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

[From the Chicago Sun-Times, Apr. 25, 2004]

MARCH IS ABOUT MORE THAN ABORTION

(By Werner Fornos)

Passing a barbershop window in Juneau, Alaska, the other day, I spotted a placard inviting locals to join a rally in Washington, D.C., today that could have significant implications for the November presidential and congressional elections.

If people from as far away as our country's northwestern-most state converge upon the nation's capital in sufficient numbers—say, a quarter of a million and upwards—it might be time for President Bush and his political guru, Karl Rove, to unbutton their collars and reach for the hyperventilation bags. The performance of the Bush administration on women's rights may be judged more by the turnout for this event than by any poll or survey.

The purpose of the March for Women's Lives is to deliver to our national leaders a strong, unequivocal message of support for reproductive health and rights and justice for all women.

There are concerns well beyond those of hard-core feminists that Bush administration policies are unduly influenced by right-wing religious zealots and the Vatican, who oppose modern contraceptives as well as abortion.

Much of this rising tide of reaction emanates from pro-choice advocates infuriated by the refusal of the White House and a Republican majority in Congress to acknowledge federal law pronouncing abortion as a matter between a woman, her conscience and her physician. But the march is about more than the termination of pregnancies.

For example, a fact sheet about condoms was removed from the National Institutes of Health Centers for Disease Control and Prevention Web site and replaced with a document emphasizing condom failure and the effectiveness of abstinence.

No one is suggesting that condom failure should be ignored, or that there is anything wrong with promoting abstinence. The fact remains, however, that the condom, in addition to being a method of preventing unintended pregnancy, is the most effective defense against HIV/AIDS for sexually active individuals.

In a world where 10 more people are infected with HIV every minute, where half of the 40 million people already infected are women, where HIV/AIDS is the leading cause of death among African-American women ages 25 to 34 and the seventh leading cause of death for white American women that age, it is patently inexcusable to omit the condom option from what should be the nation's most trusted source of medical information.

To explain the removal of the condom fact sheet, the White House Office of Science and Technology Policy offered the flimsy excuse that the CDC ''routinely takes information off its Web site and replaces it with more up-to-date information.'' Updating the Web site is understandable, expunging the role of the condom in preventing HIV is simply indefensible.

If the Bush administration routinely ignores the reproductive rights and health of women in the United States, it is hardly surprising that respected international family planning nongovernmental organizations give the White House and U.S. congressional leadership low marks on their concern for poor women around the world.

Within an hour or two after taking the oath of office, President Bush signed the global gag rule, a policy to deny U.S. funds to overseas family planning organizations that provide, perform or counsel women on abortion. In the United States, this would be a flagrant violation of the First Amendment right to freedom of speech. But the Bush administration, while robustly promoting democratization worldwide, does not hesitate to penalize the world's poorest women by withholding this right from family planning providers overseas.

Then, too, the White House remains adamant in its refusal to release a $34 million appropriation by Congress to the United Nations Population Fund, the largest multilateral provider of family planning and reproductive health services to women in more than 140 developing countries.

Ironically, the combined impact of the Bush administration's global gag rule and its refusal to release the congressional appropriation for the U.N. agency has led to thousands of abortions resulting from pregnancies to poor women worldwide who have been denied access to family planning information, education and supplies.

There is ample evidence that the availability of condoms and other medically approved family planning methods already has prevented substantially more abortions than the Bush administration's policies have, can, or could. The women who will march in Washington today understand the calculus of reproductive health and family planning denial, even if many of our national leaders do not.

Werner Fornos is president of the Population Institute and the 2003 United Nations Population laureate.

## HONORING FORMATION OF GLASS CAUCUS

Mr. LAUTENBERG. Mr. President, one of the many strengths of the Senate community is our diverse workforce. It is that diversity that contributes to a more informed and representative government.

The promise of our Nation lies in its promise to every one of its citizens that they will be judged by the quality of their work, the depth of their potential and the strength of their intellect and character. Anything less undermines the very principles of fairness we uphold and it diminishes not just those who are discriminated against, but the professional communities in which they live and work the Senate included.

Recently, several Senate employees announced that they have formed an informal, non-partisan group called Gays, Lesbians and Allies Senate Staff, GLASS, Caucus. The caucus is open to all Senate staff and is the first ever for gay and lesbian Senate staff and their allies. It is designed to raise awareness of issues affecting the gay and lesbian community and increase visibility; and promote the welfare and dignity of gay and lesbian Senate employees by providing a safe environment for social interaction and professional development.

The GLASS caucus held its inaugural reception last night. I was honored to attend and congratulate the members on their organization's formation. This was an historic moment for the Senate and special recognition must be given to four of the founding members of the caucus for a job well done: Mat Young, Lynden Armstrong, John Fossum and Jeffrey Levensaler.

Gay and lesbian Americans want the same civil rights that are extended to other Americans—nothing more, nothing less. We must build a community here in the Senate and across the Nation of mutual respect, tolerance, and freedom. This new staff caucus will make many valuable contributions in that regard.

I wish this group well and hope that it will prove to be a valuable addition to the Senate community.

## ADDITIONAL STATEMENTS

### SMALL BUSINESS PERSONS OF THE YEAR 2004

• Ms. MURKOWSKI. Mr. President, I rise today to commemorate the importance of small business as the foundation of the U.S. economy and to congratulate Michael and Michele Robuck, co-owners of the Alaska Mint based in Anchorage, AK, who today have been named the Small Business Persons of the Year for 2004 by the U.S. Small Business Administration, SBA.

According to the Small Business Development Center of Alaska, 97 percent of all businesses in Alaska are defined as small businesses. Eighty-five percent of all new jobs in Alaska are created by businesses with fewer than 20 employees. Small businesses have created the majority of the new jobs created in the last few years on a nationwide basis. So the importance of small businesses to the Nation's and to the Alaskan economies is obvious.

The President's small business agenda recognizes that the role of government is not to create wealth but to create an environment where entrepreneurial endeavors can flourish and people can directly benefit from their efforts. It is well accepted that small businesses and young business are the driving force in job creation and prosperity.

Since 1963, the President has designated a week as the National Small Business Week in recognition of the small business's contributions to the country. Next month, the White House and the Small Business Administration will join in celebrating the small business people and businesses of the year.

Today, Mike and Michelle Robuck, as co-owners of the Alaska Mint, will be named as the Alaska District Small Business of the Year 2004. They were nominated by their banker, First National Bank Alaska for this award. Congratulations to Mike and Michele Robuck.

Small business winners are evaluated in Alaska by a panel of judges convened by the Alaska District Office on a variety of criteria including: staying power, growth in employees, increase in market or sales volume, response to adversity, contributions to the community, and innovation of the products they offer.

Now let me tell you about Mike and Michele Robuck, the Alaska Mint and why they deserved to be small business persons of the year for Alaska. Alaska Mint is a second generation Alaskan business that trades in many things but most important in the commodities that made Alaska—gold, silver, and platinum. Alaska Mint designs and produces medallions, coins and jewelry. The Alaska Mint is designated as the official mint of the State of Alaska, the Alaska Railroad, the White Pass and Yukon Route, the Iditarod Trail Committee, the Yukon Quest, and the Anchorage Fur Rendezvous.

Part of the wonderful story of the Alaska Mint is its very beginning. Mike Robuck started the business as a sidewalk vending cart in downtown Anchorage in 1989. He was following in his father's foot steps that had started a small family-owned jewelry store in Anchorage in 1967. Mike learned the importance of dealing with the public and the value of tourism to Alaska. It was not long after that Mike opened a store and assemble the equipment to manufacture his coins, jewelry, and collectibles. I wish I could share with each member of the Senate an example of his creativity and artistry.

With the help of the Small Business Administration and the First National Bank Alaska, Mike and Michele Robuck expanded the business and began doing business nationwide with the help of QVC network and the internet. Last year Alaska Mint released a coin to commemorate the tragic events of September 11, 2001, that within a 24-hour period sold and raised over $50,000 for the Red Cross.

Their success is more than just the bottom line. The Robucks often assist a variety of charities and local schools. Mike and Michele help with counseling and provide jobs for two rehabilitation programs helping people to regain their place in the community.

It took 5 years since the Robucks formally formed the Alaska Mint for the business to become truly established and successful. From a one-person operation in the mid 1980s, the business now employs 10 people full time and increases to 20 during the summer tourist season. They are now a tourist destination and a place of education about the art of their work.

When the criteria for the award of the Small Business Persons of the Year are applied to the Robucks, they meet all of the standards. They shine like the coins they make. They have shown their staying power, increased the number of employees, increased their markets and sales volume, responded to challenges, shown innovation of the products they offer, and continue to contribute to the community. Mike and Michele Robuck, as a team, exemplify the qualities, the business skills, personal character, and the spirit of Alaska that warrant their being awarded the Small Business Persons of the Year Award for 2004.•

### IN RECOGNITION OF SMOKEY BEAR'S 60TH BIRTHDAY

• Mr. DOMENICI. Mr. President, I rise today to celebrate a birthday and to pay tribute to a hero and icon from my home State a New Mexican who became the renowned symbol for the Cooperative Forest Fire Prevention program. His name is Smokey Bear.

Sixty years ago this year, Smokey Bear became the voice for the Forest Service public education campaign to save American forests. Since his creation in 1944, most Americans now quickly associate the name Smokey Bear with his mantra: ''Only You Can Prevent Forest Fires.''

Not many know the remarkable story of Smokey Bear or that the fire prevention program is the longest running public service advertising campaign in the history of the Ad Council. In 1950, Smokey Bear became real, sadly through an unfortunate forest fire. That spring, in Lincoln County, a little black bear cub was found clinging to the side of a charred pine tree after a forest fire swept through the mountains. After being discovered, he was briefly called ''Hot Foot Teddy,'' but was later named Smokey Bear after the Ad Council's poster bear.

Since that late spring day, that cub became the living symbol of Smokey Bear and worked to remind Americans of the importance of outdoor fire safety. It is a message whose importance has not faded since the bear was discovered on a charred New Mexico mountain.

New Mexico, along with other Western States, has experienced devastating

fires in recent years, which is why the fire prevention message is so important. Forest fires burn millions of acres, destroy homes and businesses, and, worse yet, take the lives of wildland firefighters. As we remember all too well, 2000 was the worst fire year on record since 1957, and subsequent years have not been much better.

Last year's devastating fires prompted us to finally agree to the passage of the Healthy Forests Restoration Act. I have a feeling Smokey Bear would be proud of that accomplishment, and know that his wildfire program had never been more important. While we now work to improve our forests with this new law, Smokey's message must still resound. This message of forest fire prevention has undoubtedly helped to reduce the number of forest acres lost annually to wildfire. By what measure, I can never know. However, to suggest that he has not made a significant difference would be amiss.

The injured cub discovered in 1950, our Smokey Bear, eventually arrived at the National Zoo in Washington, DC, where he would become the living symbol for fire prevention. He resided in the National Zoo for 26 years until he passed on November 9, 1976. Most appropriately he was returned to his old roaming grounds and to his home town to be laid to rest.

Capitan is a small town in Lincoln County, nestled between those Capitan and Sacramento Mountains of central New Mexico. This beautiful place is full of wonderful people who love the land and refer to Smokey Bear as ''Capitan's favorite son.'' Each year Capitan residents celebrate his memory with the Fourth of July Smokey Bear Stampede, but this year is a special tribute. The village is hosting a special 60th birthday celebration May 7–9. Much of the 3-day festivity will take place at the historical park named in Smokey Bear's honor and along what is now aptly named Smokey Bear Boulevard.

I pay tribute to the people of Capitan in this RECORD—they have gone to great lengths to preserve the story and meaning of Smokey Bear. I also salute the USDA, the Forest Service, the National Association of State Foresters, and the Ad Council for supporting this program all these years. May the initiative's success only be a prelude to future forest preservation and wildfire prevention, and may Smokey Bear and all he represents forever remain.●

## AMADOR VALLEY HIGH SCHOOL'S INVOLVEMENT IN WE THE PEOPLE

● Ms. BOXER. Mr. President, I would like to recognize a remarkable group of young people who will be traveling to Washington, DC next week, May 1–3, to participate in the national finals of ''We the People: The Citizen and the Constitution.'' This program consists of competitions in which students field questions that test their knowledge of the U.S. Constitution.

I am pleased to announce that students from Amador Valley High School in Pleasanton, CA will be representing the State of California in this competition. With the help of their civics teacher, Matthew Campbell, these students have studied for months to prepare for their role as experts testifying on constitutional issues in a simulated congressional hearing.

These students have all worked very hard through first the congressional, then state, and now national competitions. The members of this year's civics team are Nichole Barlow, Anna Currin, Tony D'Albora, Logan Daniels, Shelley DeFord, Michael Gondkoff, Gabe Ivey, Nate Koppikar, Kristin MacDonnell, Sonia Markovic, Jennifer Martin, Lacie McFarland, Shawna McGrath, Nicole Melton, Barry Ripley, Elisabeth Schulze, Sunaina Selam, Kent Stander, and Jae Yoo. I congratulate each of them for coming this far and send them my best wishes for next week's competition.

It is very encouraging to see young people take such a profound interest in studying those ideas and principles which are at the heart of our democracy and of our country. I am certain that this type of involvement will only lead to a deeper interest and that it will build strong citizens and strong leaders for our country's future.●

## HONORING AN ARMY LEGEND

● Mr. MILLER. Mr. President, I rise today to honor the Commanding General, United States Army Forces Command, General Larry R. Ellis. General Ellis has served as the Commanding General of U.S. Army Forces Command from November 19, 2001, to May 7, 2004.

General Ellis, an outstanding American Soldier from the great State of Maryland, will soon complete over 35 years of selfless service to this great Nation in the United States Army. General Ellis' dedication to our Soldiers, commitment to excellence, and performance of duty has been extraordinary throughout his career, a lifetime of service culminating in an assignment as the Commanding General of the largest major command in the United States Army. He will retire on July 1, 2004.

During more than 35 years in uniform, General Ellis served in a succession of command and staff positions worldwide. As a junior officer, he served in combat in the Republic of Vietnam, and subsequently with troop units in positions of increasing responsibility throughout the continental United States, Europe, and the Republic of Korea.

While the Deputy Director for Strategic Planning and Policy at U.S. Pacific Command, and as the Assistant Chief of Staff, J3, for United States Forces Korea, General Ellis supervised the training and performance of American military forces throughout the Far East.

He commanded units at every echelon of the Army, including the First Armored Division in Germany and when deployed as the Multinational Division (North), in Bosnia and Herzegovina, a combined task force that included units from 13 nations. In this capacity General Ellis coordinated European military and civil efforts to implement an extensive array of operations and programs to provide stability and restore favorable economic and political conditions in that war-torn region.

As the Army's Deputy Chief of Staff for Operations, General Ellis oversaw multi-year, multi-billion dollar programs supporting United States Army budget strategic objectives, and executed annual operating budgets of more than $15 billion across 16 major subordinate organizations. He directed the development of comprehensive strategic plans supporting the Army's continued success across the next three decades by resourcing plans through decisive application of deliberate management systems, strategic planning processes, environmental assessments, and periodic situational appraisals to ensure full integration and compliance with strictly defined performance objectives. He spearheaded the Army's effort to translate the senior leadership's Strategic Vision into an executable Transformation Campaign Plan.

Soon after the United States went to war in 2001, General Ellis assumed command of U.S. Army Forces Command, the Army's largest major command. He aggressively orchestrated the training, mobilization, and deployment of more than 500,000 Soldiers and more than a million tons of equipment to locations worldwide which represents the largest mobilization since the Korean War. In addition to providing resources and directing long-range planning to move Army forces, he maintained close operational control of ongoing events to ensure his subordinate units could respond to emerging trends and circumstances. The strategic communications plan he instigated to engage disparate and complex audiences to include academia, Congress, local public officials, industry, and members of the Department of Defense, ensured that his commands' operations were understood and supported.

General Ellis holds degrees from Morgan State University, B.S., 1969, and Indiana University, M.S., 1975. His honors include the NAACP National Service Award, 1999; Honorary Doctor of Law, Morgan State University, 2000; Honorary Master of Strategic Studies, U.S. Army War College, 2001; Distinguished Alumni Service Award, Indiana University, 2003. His military awards include the Defense Distinguished Service Medal, the Army Distinguished Service Medal, and the Combat Infantryman Badge.

His three and a half decades of service earned for General Ellis a reputation as one of the Department of Defense's most forward thinking and insightful leaders. General Ellis represents the epitome of what Army leaders, Soldiers, and the country expect

from our officers. He is a sterling example for young Soldiers to emulate . . . well known as a ''Soldiers' General.'' His service to the Nation has been exceptional, and General Ellis is more than deserving of this recognition.

General Ellis will be sorely missed by those who have had the opportunity to serve with him over these many years. I join with his friends and family as he celebrates this richly deserved upcoming retirement and wish him my best as he enjoys everyday of this new journey.●

## TOUR DE GEORGIA IS A TOUR DE FORCE

● Mr. CHAMBLISS. Mr. President, this week Georgians will line the roads to witness the top-ranked bicycle stage race in North America.

The Dodge Tour de Georgia promotes tourism, stimulates local industry, and is proud to benefit the Georgia Cancer Coalition. The race serves as a rolling festival to entertain and educate spectators across the Peach State about cycling, fitness, and most importantly about the possibility for a cure for and the prevention of cancer. This second annual event, April 20 to 25, 2004, takes pro cyclists and multitudes of visitors on a scenic 653-mile journey through the great State of Georgia.

Athletes from over 23 countries will compete for $100,000 in cash and prizes. With a mix of road races, an individual time trial, and challenging terrain, the 2004 Dodge Tour de Georgia will be an exciting event for both racers and spectators.

A great deal of attention will be on cycling this year, since many elite athletes vie to represent their countries in the Olympic games in road, time trial or track disciplines of cycling in August. And, five-time Tour de France champion Lance Armstrong seeks his record sixth consecutive win on the Champs-Elysees in July. Part of the reason for a significant increase in media and spectator interest in the Dodge Tour de Georgia this year is because Armstrong will compete in the event with his United States Postal Service Pro Cycling Team. It will be the only stage race Armstrong is expected to enter in North America, and the only event in the U.S. for him prior to his record attempt in France.

Officials with the Dodge Tour de Georgia project a $20 to $30 million boost to the Georgia economy. The promotional and media value provided to its charitable beneficiary, the Georgia Cancer Coalition, is expected to surpass $2.5 million, doubling the number from 2003. The 2004 Dodge Tour de Georgia, the country's premier, professional cycling stage race, will visit 60 of Georgia's 159 counties in 6 days, from Tuesday, April 20 to Sunday, April 25.

As a world-class sporting event, the Dodge Tour de Georgia is defined in part by the 120 elite, professional cyclists who will compete in seven stage races, traversing 653 miles across Georgia. As a vehicle to promote tourism and stimulate economic growth, the race is defined by the thousands of visitors and volunteers who plan to visit from across Georgia, the U.S. and abroad. Over 750,000 spectators are expected for the week.

From just the impact of media, officials, teams, and support personnel, not including spectators, local communities will see an immediate impact from 3,000 room nights and over 7,000 meals.

I commend the sponsors, organizers, and staff of the Dodge Tour de Georgia, for bringing a world-class event of this magnitude to the people of the United States. I also commend the Union Cycliste Internationale, for sanctioning this event.

I would like this body to recognize the host communities, Alpharetta, Athens, Carrollton, Columbus, Dalton, Dahlonega, Dawsonville, Hiawassee/Young Harris, Macon, Rome, and Thomaston; as well as their local organizing committees for their contribution to this worthy cause.

Cancer is a brutal killer that strikes without regard to age, race, sex, or station in life. I am grateful that there are organizations such as the Georgia Cancer Coalition, which are dedicated to its eradication, and there is support from organizations such as Dodge; GE Energy; The Georgia Department of Industry, Trade, and Tourism; Georgia Power; Southern LINC; and the many others who have bonded together to organize and promote Georgia's Race to Cure Cancer.

This event is not only about the 11 communities hosting this event, it is not only about Georgia. It is about bringing the finest cyclists in the world to compete in our Nation. It is about raising awareness to fight a terrible killer so that all of the world may benefit. I am proud that this event will be held in my home State of Georgia and ask that this body commend the Dodge Tour de Georgia for its fine work.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4181. An act to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

H.R. 3170. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 376. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3170. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read the first and the second times by unanimous consent, and referred as indicated:

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4181. An act to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns.

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7260. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Elimination of Statement of Intent Procedures for Filing Medicare Claims'' (RIN0938–AK79) received on April 27, 2004; to the Committee on Finance.

EC–7261. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Under Secretary for Domestic Finance, Department of

the Treasury, received on April 27, 2004; to the Committee on Finance.

EC–7262. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''EP Determination Letter Program'' (Ann. 2004–32) received on April 27, 2004; to the Committee on Finance.

EC–7263. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—May 2004'' (Rev. Rul. 2004–44) received on April 27, 2004; to the Committee on Finance.

EC–7264. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Pre-Approved Plans'' (Ann. 2004–33) received on April 27, 2004; to the Committee on Finance.

EC–7265. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Partner's Distributive Share: Foreign Tax Expenditures'' (TD9121) received on April 27, 2004; to the Committee on Finance.

EC–7266. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Notice: Split-Interest Trust Distributions to Private Foundations: Distributable Amount'' (Notice 2004–36) received on April 27, 2004 ; to the Committee on Finance.

EC–7267. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Notice: Trust and Estate Distributions to Private Foundations: Net Investment Income'' (Notice 2004–35) received on April 27, 2004; to the Committee on Finance.

EC–7268. A communication from the President of the United States, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–7269. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–7270. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of Inspector General for the period of April 1, 2003 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7271. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 2003 through March 31, 2003; to the Committee on Governmental Affairs.

EC–7272. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, the Inspector General's Fiscal Year 2003 Performance Report; to the Committee on Governmental Affairs.

EC–7273. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Final Annual Performance Plan for Fiscal Year 2005; to the Committee on Governmental Affairs.

EC–7274. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2004 Capital Investment and Leasing Program; to the Committee on Governmental Affairs.

EC–7275. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, a report relative to asset management and the payment of benefits for certain District of Columbia employees; to the Committee on Governmental Affairs.

EC–7276. A communication from the Administrator, General Services Administration, transmitting, a draft of proposed legislation relative to child care facilities; to the Committee on Governmental Affairs.

EC–7277. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the Endowment's Fiscal Year 2003 Performance Report; to the Committee on Governmental Affairs.

EC–7278. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC–7279. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey'' (RIN3206–AK06) received on April 27, 2004; to the Committee on Governmental Affairs.

EC–7280. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, MN, Appropriated Fund Wage Areas'' (RIN3206–AJ78) received on April 27, 2004; to the Committee on Governmental Affairs.

EC–7281. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Annual Program Performance Report; to the Committee on Governmental Affairs.

EC–7282. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a document related to the Agency's regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7283. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cirtronellol; Exemption From the Requirement of a Tolerance'' (FRL#7351–6) received on April 28, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7284. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OPP Pesticide Research and Training Program; Notice of Funds'' (FRL#7352–4) received on April 28, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7285. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Infectious Salmon Anemia; Payment of Indemnity'' (Doc. No. 01–126–2) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7286. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Additions to Quarantined Areas'' (Doc. No. 03–109–1) received on April 29, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7287. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to the interception of wire, oral, or electronic communications; to the Committee on the Judiciary.

EC–7288. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to funds for the Conference; to the Committee on the Judiciary.

EC–7289. A communication from the Chief, Regulations and Procedures Division, transmitting, pursuant to law, the report of a rule entitled ''Temecula Valley Viticultural Area (2001R–280P)'' (RIN1513–AA40) received on April 27, 2004; to the Committee on the Judiciary.

EC–7290. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–7291. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report relative to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–7292. A communication from the Assistant Attorney General, Department of Justice, Office of Legislative Affairs, transmitting, pursuant to law, a report relative to the Office of Correctional Job Training and Placement; to the Committee on the Judiciary.

EC–7293. A communication from the Chairperson, Commission on Civil Rights, transmitting, pursuant to law, a report relative to federal funding of programs intended to assist Native Americans; to the Committee on the Judiciary.

EC–7294. A communication from the Chairperson, Commission on Civil Rights, transmitting, pursuant to law, a report entitled ''Not in My Backyard: Executive Order 12898 and Title VI as Tools for Achieving Environmental Justice''; to the Committee on the Judiciary.

EC–7295. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice—Medical Opinions From the Veterans' Health Administration'' (RIN2900–AK52) received on April 29, 2004; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1486. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rept. No. 108–256).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 332. A resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 334. A resolution designating May 2004 as National Electrical Safety Month.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 344. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1932. A bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2092. A bill to address the participation of Taiwan in the World Health Organization.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009.

S. 2192. A bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. A bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2264. A bill to require a report on the conflict in Uganda, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 2292. A bill to require a report on acts of anti-Semitism around the world.

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S.J. Res. 33. A joint resolution expressing support for freedom in Hong Kong.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 100. A concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nominations beginning Brigadier General James B. Armor, Jr. and ending Brigadier General Donald C. Wurster, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2004.

Air Force nomination of Brig. Gen. William L. Shelton.

Air Force nomination of Col. Ronnie D. Hawkins, Jr.

Air Force nomination of Col. Danny K. Gardner.

Air Force nomination of Col. Richard R. Moss.

Army nomination of Lt. Gen. Dan K. McNeill.

Army nominations beginning Brigadier General Gary L. Border and ending Brigadier General John A. Yingling, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2004.

Army nominations beginning Colonel John C. Adams and ending Colonel Francis J. Wiercinski, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2003.

Navy nomination of Capt. Richard J. Wallace.

Navy nomination of Capt. Harold L. Robinson.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Elwood M. Barnes and ending Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Air Force nominations beginning Dwight R. Braswell and ending Karen H. Stocks, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2004.

Air Force nominations beginning Richard J. Burling, Jr. and ending Robert L. Tullman, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Air Force nomination of Aram M. Donigan.

Air Force nomination of Vincent F. Carr.

Air Force nomination of Daniel J. Courtois.

Air Force nomination of Charles G. Stitt.

Air Force nomination of Ronald E. Rikansrud.

Air Force nominations beginning Jeffrey A. Bailey and ending Terry G. Hoehne, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Air Force nomination of Steven M. Hill.

Air Force nomination of John J. Deresky.

Air Force nominations beginning Heidi C. Bertram and ending Thomas C. Wisler, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Air Force nomination of John D. Adams.

Army nominations beginning Thomas A. Burgess and ending John R. Stefanovich, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2004.

Army nominations beginning Timothy J. Callahan and ending Ronald O. Gienapp, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2004.

Army nomination of Leo L. Bennett.

Army nomination of James D. Jones.

Army nomination of Jorge L. Romeu.

Army nomination of Craig D. Hartranft.

Army nomination of Willis C. Hunter.

Army nomination of Dana R. Yetton.

Army nomination of Harold B. Snyder III.

Army nomination of Danny L. McGraw.

Army nomination of Richard A. Stebbins.

Army nomination of Otha Myles.

Army nomination of Jerry M. Brown.

Army nomination of Frank G. Atkins.

Army nomination of James R. Vandergrift.

Marine Corps nominations beginning Mark A. Adams and ending Erin L. Zellers, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Marine Corps nominations beginning Christopher J. Aaby and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Marine Corps nominations beginning Matthew T. Ashe, Jr. and ending Jason D. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Andrew T. Fink and ending Nick Trujillo, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Curtis S. Ames and ending Steven M. Zotti, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2004.

Marine Corps nominations beginning Travis R. Avent and ending Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Marine Corps nomination of David C. Cox.

Navy nomination of Melissa A. Harvison.

Navy nominations beginning Victoria T. Crescenzi and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2004.

Navy nomination of Scott F. Murray.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

By Mr. LUGAR for the Committee on Foreign Relations.

*Constance Berry Newman, of Illinois, to be an Assistant Secretary of State (African Affairs).

*Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

*Fayza Veronique Boulad Rodman, of the District of Columbia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

*Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation.

*Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2009.

*Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

*Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State to the Republic of Cote d'Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Aubrey Hooks.

Post: Cote d'Ivoire.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Leah Jean Hooks Billings—Kevin Billings, none; Michael Aubrey Hooks—Sandra Montero Hooks, none; Keren Jean Hooks Lundy—Michael Lundy, none; Joseph Aubrey Hooks, none; Daniel Aubrey Hooks, none; Stephanie Jean Hooks, none.

4. Parents: P.C. Hooks, deceased; Sallie Mae Floyd Hooks, deceased.

5. Grandparents: Herbert Troy Hooks, deceased; Eppie Dell Sarvis Hooks, deceased; Oscar Floyd, deceased; Bessie Jan Gerrald Floyd, deceased.

6. Brothers and Spouses: Cecil Wayne Hooks—Linda Jean Elliott Hooks, none; Jimmy Hooks, deceased; Johnnie Hooks, none; Ricky Hooks, none.

7. Sisters and Spouses: Wanda Jane Hooks Graham—Michael Graham, none; Mable Yvonne Hooks, none; Betty Gail Hooks, none; Judy Pearl Hooks Laxton—Newton Laxton, none; Jackie Darnell Hooks Strickland—Nelson Strickland, none.

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*Craig A. Kelly, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Craig A. Kelly.

Post: U.S. Ambassador to Chile.

Contributions, Amount, Date, and Donee:

1. Self, N/A.

2. Spouse, N/A.

3. Children and Spouses, N/A.

4. Parents: Connie Kelly (mother) $50 per year, 2000–2003, Rep. Ed. Royce.

5. Grandparents, N/A.

6. Brothers and Spouses: Peter D. Kelly (brother) $250, 2003—Rep. Gephardt; $1000, 2003—Sen. Kerry; $1000, 2001–Sen. Boxer; $500, 2003—Rep. Royball-Allard; $1000, 2002—Rep. Royball-Allard; $500, 2003–Rep. Loretta Sanchez; $1000, 2003–Rep. Harman; $1000, 2002—Rep. Harman.

7. Sisters and Spouses, N/A.

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*Thomas Bolling Robertson, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas B. Robertson.

Post: U.S. Ambassador to Slovenia.

Contributions, Amount, Date and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Thomas G. Robertson, none; Elizabeth T. Robertson, none.

4. Parents: T. Bolling Robertson, deceased; Ann C. Robertson, none.

5. Grandparents: Rolfe Robertson, deceased; Richard F. Cleveland, deceased; Anne P. Robertson, deceased; Ellen G. Cleveland, deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Elizabeth A. Robertson (Rowe), none; Daniel Rowe, none; Ruth C. Robertson, none; Stephen Abarbanel, none.

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*Miles T. Bivins, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Miles Teel Bivins.

Contributions, Amount, Date, and Donee:

1. Miles Teel Bivins:

$250, 2/15/1999, Mac Thornberry for Congress Committee;

$500, 4/15/1999, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 6/29/1999, George W. Bush for President;

$250, 12/13/1999, Mac Thornberry for Congress Committee;

$500, 3/15/2000, Texas Cattle Feeders Assn. Beef-Pac;

$250, 9/12/2000, Kay Bailey Hutchison for Senate;

$1000, 9/26/2000, Mac Thornberry for Congress Committee;

$500, 3/06/2001, Texas Cattle Feeders Assn. Beef-Pac;

$250, 3/19/2001, Mac Thornberry for Congress Committee;

$750, 10/15/2001, Mac Thornberry for Congress Committee;

$1000, 11/12/2001, John Cornyn for Senate;

$1000, 6/11/2002, John Cornyn for Senate;

$1000, 8/05/2002, James Talent for Senate Committee;

$1000, 8/06/2002, Norm Coleman for Senate;

$1000, 8/08/2002, John R. Thune for Senate;

$1000, 8/16/2002, Thomas Jeb Hensarling Committee;

$2000, 6/17/2003, Bush/Cheney 04;

$250, 8/25/2003, Mac Thornberry for Congress Committee.

2. Patricia Hamilton Bivins, Spouse: $1000, 4/26/1999, Bush for President.

3. Andrew M. Bivins, Son: $1000, 6/30/1999, Bush for President; $2000, 6/26/2003, Bush-Cheney 04.

4. Betty Teel Bivins Lovell, Mother:

$1000, 3/10/1999, Bush for President;

$80, 3/10/1999, US English, Inc.;

$50, 5/10/1999, US English, Inc.;

$50, 6/10/1999, US English, Inc.;

$50, 8/10/1999, US English, Inc.;

$50, 2/09/2000, US English, Inc.;

$50, 2/24/2000, Republican National Committee;

$500, 2/24/2000, Thornberry for Congress;

$250, 8/10/2000, Kay Bailey Hutchison for Senate;

$100, 8/10/2000, Thornberry for Congress;

$50, 8/24/2000, Republican National Committee;

$50 8/24/2000, US English, Inc.;

$50 9/14/2000, US English, Inc.;

$50 10/19/2000, US English, Inc.;

$100, 10/25/2000, Thornberry for Congress;

$250, 2/26/2001, Thornberry for Congress;

$50, 2/26/2001, US English, Inc.;

$50, 4/09/2001, Republican National Committee;

$80, 9/10/2001, US English, Inc.;

$500, 10/10/2001, Thornberry for Congress;

$250, 6/10/2002, John Cornyn for Senate;

$50, 6/10/2002, Republican National Committee;

$1750, 7/10/2002, John Cornyn for Senate;

$250, 8/12/2002, Thornberry for Congress;

$50, 1/10/2003, US English, Inc.;

$50, 2/10/2003, Republican National Committee;

$25, 5/16/2003, Republican National Committee;

$2000, 6/10/2003, Bush/Cheney 2004;

$300, 8/25/2003, Thornberry for Congress.

John J. Lovell, Stepfather: $1000, 3/31/1999, Bush for President; $1000, 6/10/1999, Tom Udall for US; $1000 5/31/2000, Tom Udall for US; $1000, 1/19/2002, Tom Udall for US Campaign.

5. Grandparents, N/A.

6. Mark Ernest Bivins, Brother:

$1000, 3/10/1999, George W. Bush for President;

$500, 4/23/1999, Texas Cattle Feeders Assn. Beef-Pac;

$100, 11/10/1999, Thornberry for Congress;

$900, 2/24/2000, Thornberry for Congress;

$500, 4/10/2000, Texas Cattle Feeders Assn. Beef-Pac;

$100, 10/10/2000, Thornberry for Congress;

$500, 3/09/2001, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 9/25/2001, Thornberry for Congress;

$500, 4/08/2002, John Cornyn for Senate;

$500, 4/25/2002, Texas Cattle Feeders Assn. Beef-Pac;

$1500, 7/10/2002, John Cornyn for Senate;

$500, 3/25/2003, Texas Cattle Feeders Assn. Beef-Pac;

$2000, 6/10/2003, Bush Cheney 04.

Ellen Smith Bivins, Spouse: $1000, 3/17/1999, George W. Bush for President; $1000, 2/28/2000, Thornberry for Congress; $1000, 7/18/2002, John Cornyn for Senate; $2000, 6/10/2003, Bush Cheney 04.

7. Thomas Peyton Bivins, Brother:

$250, 2/12/1999, Thornberry for Congress;

$500, 4/27/1999, Texas Cattle Feeders Assn. Beef-Pac;

$1000, 5/26/1999, Bush for President Inc.;

$500, 3/09/2000, Texas Cattle Feeders Assn. Beef-Pac;

$2000, 6/19/2000, National Republican Committee;

$50, 8/24/2000, Thornberry for Congress;

$500, 9/21/2000, Thornberry for Congress;

$500, 3/06/2001, Texas Cattle Feeders Assn. Beef-Pac;

$500, 3/25/2002, Texas Cattle Feeders Assn. Beef-Pac;

$250, 4/24/2002, Thornberry for Congress;

$1000, 7/09/2002, John Cornyn for Senate;

$250, 9/10/2002, Thornberry for Congress;

$500, 12/26/2002, Texas Cattle Feeders Assn. Beef-Pac.

Julie H. Bivins, Spouse: $1000, 5/26/1999, Bush for President; $1000, 7/18/2002, John Cornyn for Senate.

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*Marc McGowan Wall, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information in this report is complete and accurate.)

Nominee: Marc McGowan Wall.

Post: Ambassador to Chad.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Gregory Wall, none; Sarah Wall, none.

4. Parents: Maurice E. Wall, deceased; Marilyn M. Hardin, none.

5. Grandparents: Charles Wall, deceased; Irene Wall, deceased; Louis Murrah, deceased; Merle Murrah, deceased.

6. Brothers and Spouses: Chris R. Wall: $1,000, 9/11/00, DC Republican Committee;

$500, 10/19/00, Republican National Committee; $250, 11/1/00, Lazio 2000 (New York); $100, 11/1/00, Cox for Congress (California); $100, 11/1/00, Watts for Congress (Oklahoma); $250, 12/2/00, Bush-Cheney Recount Fund; $1,000, 7/10/01, DC Republican Committee; $500, 11/6/01, Bush-Brogan 2002 (Florida); $500, 12/8/01, Bennett for Senate (Utah); $1,000, 8/15/02, DC Republican Committee; $1,000, 12/7/02, Republican National Committee; $2,000, 3/28/03, Republican National Committee; $1,000, 6/9/03, Bennett for Senate (Utah); $2,000, 9/3/03, Republican National Committee; $1,000, 9/3/03, DC Republican Committee; $2,000, 7/2/03, Bush for President.

Barbara Wall (sister-in-law): $2,000, 7/2/03, Bush for President.

Thomas M. Wall (brother): $100, 2000, Bill Yellowtail for Congress (MT); $50, 2002, Kalyn Free for Congress; $25, 2003, Kalyn Free for Congress.

Anita Wall (sister-in-law): none.

7. Sisters and Spouses: none.

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*John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Campbell.

Post: Ambassador to the Republic of Nigeria.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Frances J. Campbell (mother), none.
5. Grandparents: N/A.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: N/A.

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*John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John J. Danilovich.

Post: Ambassador/The Federative Republic of Brazil.

Contributions, Amount, Date, and Donee:

1. Self: $1,000.00, 04/99, Bush for President Inc.; $20,000.00, 10/00, Republican Nat'l Committee.
2. Spouse: none.
3. Children and Spouses: none.
4. Parents: none.
5. Grandparents: none.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Joan M. Danilovich: $1,000.00, 05/99, Bush for President Inc.

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*Michael Christian Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Serbia and Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michael C. Polt.

Post: Ambassador to Serbia and Montenegro.

Contributions, Amount, Date, and Donee:

1. Self: none.
2. Spouse: Hallie L. Polt, none.
3. Children and spouses: Nicholas M. Polt, single, none; Lindsay M. Polt, single, none.
4. Parents: Karl Polt, father, deceased; Margaret Reed, mother, none.
5. Grandparents: Adalbert Riedl, grandfather, deceased; Karl Polt, grandfather, deceased; Theresia Riedl, grandmother, deceased; Maria Polt, grandmother, deceased.
6. Brothers and spouses: none.
7. Sisters and spouses: Martina C. Polt, single, none.

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*Earle I. Mack, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

(Attached please find a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Earle I. Mack.

Post: Finland.

Contributions, Date, Donee, and Amount:

1. Self: Earle I. Mack:

5/29/2003, Bush-Cheney 04 Inc, $1,500;
5/19/2003, NTRA PAC, $1,000;
5/2/2003, Missourians for Kit Bond, $1,000;
4/23/2003, Citizens for Arlen Specter, $1,000;
3/12/2003, Shelby for Senate, $1,000;
3/9/2003, Specter for Senate, $2,000;
2/12/2003, Lisa Murkowski for U.S. Senate, $2,000;
11/19/2002, Suzanne Terrell for Senate, $1,000;
9/23/2002, Thune for Senate, $1,000;
9/10/2002, Susan Collins for Senate, $1,000;
7/16/2002, Hastert for Congress Committee, $1,000;
7/16/2002, Dole 2002 Committee, Inc., $1,000;
5/2/2002, New York Republican St Comm, $1,000;
4/20/2002, Cantor for Congress, $1,000;
4/22/2002, Walsh for Congress, $1,000;
4/22/2002, Republican Jewish Coalition PAC, $2,500;
4/22/2002, McConnell Senate Cmte., $1,000;
4/22/2002, Reynolds for Congress, $1,000;
4/22/2002, Quinn for Congress, $1,000;
4/12/2002, Thune for South Dakota, $500;
3/28/2002, Friends of Mark Foley, $1,000;
1/11/2002, People for Pete Domenici, $1,000;
10/10/2001, Citizens for Biden, $1,000;
9/24/2001, Dole 2002 Cmte, $1,000;
8/6/2001, People for Pete Domenici, $1,000;
4/19/2001, RNC, $15,000;
1/30/2001, Diaz-Balart for Congress, $1,000;
10/23/2000, Florida Victory 2000 Republican Party of Florida, $5,000;
8/24/2000, Grucci for Congress, $500;
6/12/2000, Shelby for Senate, $1,000;
5/31/2000, Snowe for Senate, $1,000;
4/19/2000, Friends of Giuliani Expl. Cmte., $1,000 (Refunded 5/31/00);
3/13/2000, McCollum for US Senate, $2,000;
3/6/2000, NY Repub. County Delegates, $5,000 (Refunded 8/8/2000);
1/24/2000, Grams for Senate, $1,000;
1/20/2000, Zimmer 2000, $1,000;
1/19/2000, NY Republican County Cmte., $2,500;
1/21/2000, Morrisey for Congress, $1,000;
2/4/1999, Hastert for Congress Cmte., $1,000;
1/16/1999, Torricelli for US Senate, $2,000;
4/5/1999, Elizabeth Dole for President, $1,000;
5/24/1999, Republican Leadership Council, $5,000;
6/6/1999, George W Bush Exploratory Cmte., $1,000;
6/17/1999, Friends of Cong. Mark Foley, $1,000;
7/21/1999, Friends of Giuliani, $1,000;
12/9/1999, Greenwood for Congress, $500;
12/16/1999, Dear 2000, $1,000.

2. Spouse: Carol Mack:

5/27/2003, Bush-Cheney 04 Inc., $2,000;
4/24/2003, Citizens for Arlen Specter, $1,000;
2/27/2003, RNC, $25,000;
11/19/2002, Suzanne Terrell for Senate, $2,000;
10/10/2002, North Carolina Victory Cmte, $5,000;
10/2/2002, Friends of Forrester, $2,000;
9/24/2002, Susan Collins for Senate, $1,000;
9/23/2002, Thune for Senate, $1,000 (Refunded 11/26/02);
5/16/2002, Linder for Congress, $1,000;
5/14/2002, The Road to 51, $5,000;
5/2/2002, Dole 2002 Cmte, $1,000;
4/22/2002, Walsh for Congress, $1,000;
4/22/2002, Reynolds for Congress, $1,000;
11/30/2001, Friends of Sen Carl Levin, $1,000;
11/8/2001, Friends of Schumer, $1,000;
10/9/2001, Citizens for Biden, $1,000;
9/3/2001, Dole 2002 Cmte, $1,000;
6/12/2001, Citizens for Biden, $1,000;
1/29/2001, Lincoln Diaz-Balart for Congress, $1,000;
3/1/2000, Abraham for Senate, $1,000;
9/22/2000, Bob Franks for Senate, $1,000;
1/19/2000, Bob Franks for Senate, $1,000;
10/3/2000, Dear 2000 Inc., $1,000;
5/30/2000, Lazio 2000, $2,000;
3/13/2003, McCollum for U.S. Senate, $2,000;
3/21/2000, Menendez for Congress, Inc., $1,000;
1/24/2000, NYS Republican Campaign Cmte, $5,000;
3/10/2000, Robb for Senate, $500.

3. Children and Spouses: none.
4. Parents: Ruth Mack, N/A.
5. Grandparents: none.
6. Brothers and Spouses: William Mack (brother):

3/13/2003, Friends of Reid, $2,000;
4/23/2002, Comm Bankers of NY PAC, $500;
6/12/2003, Cmte to Re-elect Max Baucus, $1,000;
6/23/2003, Pete King for Congress, $1,000;
6/24/2003, John Kerry for President, $1,500;
1/30/2002, Friends of Landrieu & Carnahan, $2,000;
2/5/2002, ROCPAC, $2,000;
4/9/2002, HANY's PAC Federal, $5,000;
6/3/2002, Toricelli for U.S. Senate, $2,000;
6/14/2002, Community Bankers Assn of NY PAC, $500;
6/19/2002, Nelson for Senate, $1,000;
6/21/2002, Friends of Chris Dodd 2004, $2,000;
7/2/2002, Bowles for Senate, $2,000;
9/9/2002, Friends of Tom Harkin, $1,000;
10/8/2002, Lautenberg for Senate, $1,000;
10/8/2002, 2002 Victory Fund (NJ Dem State Cmte), $2,000;
2/16/2001, Max Cleland for Senate, $2,000;
2/16/2001, Dick Durbin for Senate, $2,000;
3/19/2001, Friends of Tom Harkin, $1,000;
3/19/2001, Friends of Max Baucus, $1,000;
5/4/2001, Friends of Schumer, $1,000;
6/26/2001, Friends of Max Baucus, $1,000;
11/27/2001, Friends of Sen. Carl Levin, $2,000;
3/6/2001, Friends of Max Cleland, $1,000;
6/20/2001, Gordon Smith for Senate, $1,000;
12/11/2001, Friends of Carl Levin, $1,000;
1/12/2000, Friends of Schumer, $1,000;
1/21/2000, Bill Bradley for President, $1,000;
2/14/2000, A Lot of People for Dave Obey, $1,000;
3/8/2000, Robb for Senate, $1,000;
3/20/2000, Menendez for Congress Inc., $1,000;
4/17/2000, Knollenberg for Congress Cmte, $500;
4/25/2000, Friends of Cong. Michael Forbes, $1,000;
4/25/2000, Friends of Cong. Michael Forbes, $1,000;
10/5/2000, P. King for Congress, $1,000;

7/26/2000, Lazio 2000, $2,000;
1/28/1999, Lieberman 2000, $2,000 (Check never cashed);
3/15/1999, Gore 2000, $1,000;
3/23/1999, Robb for Senate, $1,000;
4/14/1999, Friends of Giuliani, $2,000 ($1000 refunded 6/30/00);
6/15/1999, Friends of Cong. Mark Foley, $1,000;
6/17/1999, Gov. George Bush Pres. Expl. Cmte., $1,000 (Refunded 12/13/99);
9/24/1999, Corzine 2000 Inc., $1,000;
1/21/1999, REALPAC, $500;
10/19/1999, Bush For President, $1,000 (Refunded 12/13/99).
David Mack (brother):
2/19/2003, Lisa Murkowski for US Senate, $2,000;
3/3/2003, RNC, $25,000;
3/10/2003, Citizens for Arlen Specter, $2,000;
3/12/2003, Friends of Harry Reid, $2,000;
4/7/2003, Shelby for US Senate, $2,000;
5/22/2003, Comm. To Re-Elect G. Ackerman, $2,000;
5/23/2003, Bush-Cheney 04 Inc, $2,000;
6/6/2003, Tom Lantos for Congress, $2,000;
6/29/2003, Dean for America, $2,000;
1/22/2002, Pete King for Congress Cmte, $1,000 (Not in FEC Database. Not in King report);
1/30/2002, Friends of Landrieu & Carnahan, $2,000;
5/13/2002, Katrina Swett for Congress Cmte, $500;
5/29/2002, Friends of Sherwood Boehlert, $1,000;
6/26/2002, Road to 51 Cmte, $5,000;
8/13/2002, Pete King for Congress Cmte, $1,000;
10/2/2002, Forrester 2002, $2,000;
10/4/2002, Friends of Carolyn McCarthy, $1,000;
10/9/2002, Lautenberg for Senate, $1,000;
10/28/2002, Friends of Katrina Swett, $1,000;
10/28/2002, Gordon Smith for US Senate 2002, $1,000;
12/3/2002, Suzanne Terrell for Senate, $1,000 (Not in FEC Database. Not in Terrell report);
1/29/2001, Diaz-Balart for Congress, $1,000;
1/31/2001, Pete King for Congress Cmte, $1,000;
6/20/2001, Stevens for Senate, $2,000;
9/24/2001, Dole 2002 Cmte, $1,000;
12/5/2001, NY Republican State Cmte, $1,500;
1/18/2000, Friends of Bill Nelson, $1,000;
2/17/2000, DeWine for Senate, $2,000;
3/7/2000, DeWine for Senate, $1,000 (Refunded);
1/31/2000, Bill Nelson for US Senate, $1,000;
6/12/2000, Lazio 2000, $2,000;
6/27/2000, Victory 2000 NJ (NJ Repub State Cmte), $5,000;
9/12/2000, Franks for Senate, $1,000;
9/15/2000, Zimmer 2000, $1,000;
10/3/2000, King for Congress, $1,000;
10/4/2000, NY Repub. Fed. Camp. Cmte (Nassau County Repub?), $5,000;
3/2/1999, NY Repub. State Cmte., $1,000;
3/23/1999, Menendez for Congress, $500;
4/22/1999, Elizabeth Dole for President Expl. Cmte., $1,000;
4/28/1999, Whitman for US Senate, $1,000 ($650 refunded on 10/19);
4/29/1999, NY Repub. State Cmte., $1,000;
5/5/1999, Friends of George Allen, $2,000;
6/21/1999, Friends of Cong. Mark Foley, $1,000;
6/25/1999, Bush for President, Inc., $1,000;
9/3/1999, Peter King for Congress Cmte., $1,000;
11/29/1999, Treffinger for Senate, $4,000 (Only $3,000 in FEC Database);
11/29/1999, Gore 2000, $2,000 (Not in FEC Database);
12/2/1999, Shuster for Congress Cmte., $1,000.
Fred Mack (brother): N/A.
Phyllis Mack (sister-in-law): N/A.
Sondra Mack (sister-in-law): N/A.
Tammy Mack (sister-in-law): N/A.
7. Sisters and Spouses: none.

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*John M. Ordway, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Ordway.
Post: Kazakhstan. Nominated
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse—Maryjo, none.
3. Children and Spouses: Christopher, none (unmarried); Julia, none (unmarried).
4. Parents: Malcolm Ordway (deceased); Helen Ordway (deceased).
5. Grandparents: Earl Ordway (deceased); Pearl Ordway (deceased); Fred Stevenot (deceased); Adelaide Stevenot (deceased).
6. Brothers and Spouses: Stephen Ordway, none (unmarried); Mark/Fran Ordway, none.
7. Sisters and Spouses: none.

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*Jack Dyer Crouch II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jack Dyer Crouch II.
Post: U.S. Ambassador to Romania.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses: Lara and Jake, none.
4. Parents: Margo M. Munro, none.
5. Grandparents: Deceased.
6. Brothers and Spouses: Robert J. Crouch, none.
7. Sisters and Spouses: none.

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*Jendayi Elizabeth Frazer, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jendayi Elizabeth Frazer.
Post: Ambassador to South Africa.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, N/A.
3. Children and spouses: N/A.
4. Parents: Ida Frazer, none; Raymond Frazer, none.
5. Grandparents: Bernadine Williams, none.
6. Brothers and Spouses: Jame Frazer, none.
7. Sisters and Spouses: Valandra Marie, none; Ramona Durham, none.

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*Thomas Neil Hull III, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas N. Hull, III.
Post: Freetown, Sierra Leone.
Contributions, Amount, Date, and Donee:
1. Self: Thomas N. Hull, III, none.
2. Spouse: Jill P. Hull, none.
3. Children and Spouses: Kirsten E. Hull, none.
4. Parents: Thomas N. Hull, Jr. (deceased); Betty W. Hull (deceased).
5. Grandparents: Thomas N. Hull, Sr. (deceased); Laura Hull (deceased); William A. Williams (deceased); Frances M. Williams (deceased).
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

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*Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Roger A. Meece.
Post: Ambassador to the Democratic Republic of the Congo.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse, N/A.
3. Children and Spouses: N/A.
4. Parents: Mary Jane Meece, deceased; George Lawrence Meece, deceased.
5. Grandparents: All have been deceased for over 10 years.
6. Brothers and Spouses: Stephen and Victoria Meece, none; Lawrence Meece and Barbara Klempnow $20.00, 2/1/99, Sen. Slade Gorton; $20.00, 8/29/99, Sen. Slade Gorton; $25.00, 9/4/00, Sen. Slade Gorton; $25.00, 11/2/00, Sen. Slade Gorton.
7. Sisters and Spouses: N/A.

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*Lauren Moriarty, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum.

*Mitchell B. Reiss, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Northern Ireland.

*James Francis Moriarty, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Francis Moriarty.
Post: Kathmandu, Nepal.
Contributions, Amount, Date, and Donee:
1. Self, none.
2. Spouse: Lauren Moriarty, none.
3. Children and Spouses: T.F. Mana Moriarty, none; Kathleen K. Moriarty, none.
4. Parents: William Moriarty (deceased); June Buckley (deceased).
5. Grandparents: Rene Provencal (deceased); Carmel Provencal, none.
6. Brothers and Spouses: Philip G. Moriarty (single), none; Mark F. Moriarty (single), none.

7. Sisters and Spouses: Margaret Staruk, none; Harry Staruk, none.

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*Michele J. Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michele J. Sison.

Post: (Ambassador) U.S. Embassy Abu Dhabi.

Contributions, Amount, Date, and Donee:

1. Self: Michele J. Sison, none.

2. Spouse: Jeffrey J. Hawkins, none.

3. Children and Spouses: (n/a—two minor daughters).

4. Parents: Pastor Bravo Sison, none; Veronica T. Sison, none.

5. Grandparents: (n/a—deceased).

6. Brothers and Spouses: (n/a—no brothers).

7. Sisters & Spouses: Victoria Sison Morimoto + Miles Morimoto, none; Cynthia Sison Morrissey + Patrick Morrissey, none.

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*Thomas Charles Krajeski, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas Charles Krajeski.

Post: U.S. Ambassador to Yemen.

Contributions, Amount, Date, and Donee:

Self, none.

Spouse: Bonnie P. Krajeski, none.

Children and Spouses: Alix M. Krajeski, none; Jenna S. Krajeski, none; Aaron H. Krajeski, none.

Parents: Chester J. Krajeski, deceased; Helen J. Krajeski, deceased.

Grandparents: Jacob Krajeski, deceased; Anna Krajeski, deceased; Percy Trasher, deceased; Emma Trasher, deceased.

Brothers and Spouses: Stephen E. Krajeski, deceased; Michael C. Krajeski, none; Maria Krajeski, none; William J. Krajeski, none; Kathleen Krajeski, none; Lawrence J. Krajeski, none; Pamela Krajeski, none.

Sisters and Spouses: Margaret A. Krajeski, none; Janet M. Paquette, none; Joseph Paquette, none.

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*Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

1. Christopher R. Hill, none.

2. Patricia Whitelaw-Hill, none.

3. Nathaniel (son), none; Amelia (daughter), none; Clara (daughter), none.

4. Robert B. Hill, deceased; Constance Hill, none.

5. Grandparents: All deceased.

6. Nicholas and Yuka Hill, none; Jonathan and Sue Hill, none.

7. Elizabeth and Rick McKinney, none; Prudence Hill, none.

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*Michael W. Marine, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Michael W. Marine.

Post: Ambassador to Vietnam.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Carmella Angela Marine, none.

3. Children and Spouses: Jessica Lee Marine, none; Margaret Ross Marine, none.

4. Parents: Margaret M. Marine, none; Herman C. Marine (deceased), none.

5. Grandparents: William O'Halloran (deceased), none; Nora O'Halloran (deceased), none; Sven Marine (deceased), none; Caroline Marine (deceased), none.

6. Brothers and Spouses: Richard Marine and Francesca Marine, none; Eric Marine and Anna Marine, none.

7. Sisters and Spouses: Elizabeth Falls and Bruce Falls, none; Cynthia L. Marine, none; Susan M. Suhanovsky, none; Pamela M. Little and David Little, none; Margaret A. Ali and Rasheed Mickey Ali, none; Melissa M. Thiede and Mark Thiede, none; Honoria A. Williams and Kelly Williams, none.

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*Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jeffrey David Feltman.

Contributions, Amount, Date, and Donee:

1. Self.

2. Spouse, $200, 2002, Rep. James Moran.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses, N/A.

7. Sisters and Spouses: N/A.

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*Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Patricia Marie Haslach.

Post: American Embassy Laos.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: David Herbert, none.

3. Children and Spouses: Shereen Herbert, none; Kiran Herbert, none.

4. Parents: Francis Haslach, none; Patricia Haslach, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: Timothy and Kathryn Haslach, $300, Last 3 years, Keith Parker, Randall Edwards, Senator Gordon Smith.

7. Sisters and Spouses: Mary & Matt Powers, none; Margaret Haslach, none; Maureen & Mark Rankin, none.

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*Richard LeBaron, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Burdette LeBaron.

Post: Ambassador to Kuwait.

Contributions, Amount, Date, and Donee:

1. Self: Richard B. LeBaron, none.

2. Spouse: Jean F. LeBaron, none.

3. Children and Spouses: none.

4. Parents: Victoria LeBaron (stepmother), none; Henry B. LeBaron (deceased); Dorothy LeBaron (deceased).

5. Grandparents: Herbert and Anastasia Roggo (deceased); Leon & Mary LeBaron (deceased).

6. Brothers and Spouses: John & Annette LeBaron, none.

7. Sisters and Spouses: Rebecca & Donn Dunlap, none. Carmen & Michael Kusmak, none.

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*Victor Henderson Ashe, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Victor Henderson Ashe II.

Post: Ambassador to Poland.

Contributions, Amount, Date, and Donee:

1. Self: Victor Henderson Ashe II:

$2,000.00, 2003, Bush for President;

$1,000.00, 2002, Lamar Alexander for U.S. Senate;

$100.00, 2002, Jim Cooper for Congress;

$250.00, 2000, Bill Frist 2000, Inc.;

$200.00, 2000, Richard Lugar for U.S. Senate;

$100.00, 2000, Paul Helmke for Congress;

$1,000.00, 1999, Bush for President;

$1,000.00, 1999, Bill Frist 2000, Inc.

2. Spouse: Joan Plumlee Ashe, $2,000.00, 2003, Bush for President; $1,000.00, 1999, Bush for President.

3. Children and Spouses: James Victor Ashe; Martha Evelyn Ashe: None.

4. Parents: Robert L. Ashe, Deceased;

Martha Henderson Ashe:

$2,000.00, 2003, Bush for President;

$1,000.00, 2002, Republican National Committee;

$500.00, 2002, Lamar Alexander for U.S. Senate;

$250.00, 2001, Elizabeth Dole for U.S. Senate;

$500.00, 1999, Bush for President;

$500.00, 1999, Bush for President;

$250.00, 1999, Friends of Mark Foley, Florida.

5. Grandparents: Gregory and Molly Ashe, both deceased. James Victor Henderson and Maude Henderson, both deceased.

6. Brothers and Spouses: R. Lawrence Ashe, Jr.: $1,000.00, 1999, Bush for President; $1,000.00, 1999, Elizabeth Dole Exploratory Committee; $500.00, 1999, Spencer Abraham for U.S. Senate.

Kathy Ashe: $1,000.00, 2003, Emily's List.

7. Sisters and Spouses: None.

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*John D. Negroponte, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Negroponte.

Post: U.S. Ambassador to Iraq.

Contributions, Amount, Date, and Donee:

1. Self, $2,000.00, 2004, Bush-Cheney Reelection Campaign.

2. Spouse: $2,000.00, 2004, Bush-Cheney Reelection Campaign.

3. Children and Spouses: N/A, minors.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Michel & Joni Negroponte: $20.00, 11/07/03, DCCC; $25.00, 11/25/03, Mikulski for Senate; $20.00, 03/12/04, Mikulski for Senate; $50.00, 03/09/04, Kerry for President.

George Negroponte, none; Spouse: Virva Hinnemo, none.

Nicholas & Elaine Negroponte, none.

7. Sisters and Spouses: N/A.

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*David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: David Michael Satterfield.

Post: Ambassador to Hashemite Kingdom of Jordan.

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: Alexander M. Satterfield, none; Victoria M. Satterfield, none.

4. Parents: Betty G. Kemp, none.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Nancy S. Goldstein, none; Barry L. Goldstein, none.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Bruce M. Quinn and ending Michael W. Liikala, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2004.

Foreign Service nominations beginning Christina Jeanne Agor and ending Ted K. Gong, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning Paul Belmont and ending Joseph D. Stafford III, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning William L. Brant II and ending William W. Westman, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2004.

Foreign Service nominations beginning Eliza Ferguson Al-Laham and ending Hugo Yue-Ho Yon, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

By Mr. HATCH for the Committee on the Judiciary.

William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

Curtis V. Gomez, of Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself, Mr. GRAHAM of Florida, and Mr. DAYTON):

S. 2360. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 2361. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. LEAHY):

S. 2362. A bill to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, and Mr. BIDEN):

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Ms. COLLINS, and Mr. LAUTENBERG):

S. 2364. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. KENNEDY):

S. 2365. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (by request):

S. 2366. A bill to resolve the structural indebtedness of the Black Lung Disability Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 2367. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide Federal retirement benefits for United States citizen employees of Air America, Inc., its subsidiary Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Inc; to the Committee on Governmental Affairs.

By Mrs. CLINTON (for herself, Mr. LEAHY, and Mr. KENNEDY):

S. 2368. A bill to limit the closure of Department of Defense commissary and exchange stores and facilities and Department of Defense dependent elementary and secondary schools, and for other purposes; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. BROWNBACK, Mr. BREAUX, and Mr. JEFFORDS):

S. 2369. A bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BYRD, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. HARKIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, and Mrs. MURRAY):

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. KENNEDY (for himself, Mr. CORZINE, Mr. DODD, Mr. BINGAMAN, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. FEINGOLD, and Mr. DURBIN):

S. 2371. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DASCHLE, and Mr. LAUTENBERG):

S. 2372. A bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. GRAHAM of Florida, Mr. ENSIGN, Mr. HOLLINGS, Mr. SANTORUM, Mr. LAUTENBERG, Mr. GRAHAM of South Carolina, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. KYL, and Mr. GREGG):

S. 2373. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. INHOFE):

S. 2374. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN,

Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, and Mr. VOINOVICH):

S.J. Res. 36. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 346. A resolution commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 347. A resolution to commend Senate Enrolling Clerk Thomas J. Lundregan on Thirty-Six Years of Service to the United States Government; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners by ending the unfair practice of taxing someone at death.

S. 374

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 845

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 976

At the request of Mr. WARNER, the names of the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. INOUYE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Alaska (Mr. STEVENS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1223

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1335

At the request of Mr. GRAHAM of Florida, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1465

At the request of Mr. FRIST, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1465, a bill to authorize the President to award a gold medal on behalf of Congress honoring Wilma G. Rudolph, in recognition of her enduring contributions to humanity and women's athletics in the United States and the world.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 1808

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1808, a bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities.

S. 1900

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1902

At the request of Mr. REED, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1932

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1932, a bill to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2035

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2035, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 2092

At the request of Mr. ALLEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2092, a bill to address the participation of Taiwan in the World Health Organization.

S. 2107

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2107, a bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009.

S. 2130

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2130, a bill to contain the costs of the medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes.

S. 2165

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2165, a bill to specify the end strength for active duty personnel of the Army as of September 30, 2005.

S. 2179

At the request of Mr. BROWNBACK, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2179, a bill to posthumously award a Congressional Gold Medal to the Reverend Oliver L. Brown.

S. 2215

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2215, a bill to amend the Higher Education Act of 1965 to provide funds for campus mental and behavioral health service centers.

S. 2264

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 2264, a bill to require a report on the conflict in Uganda, and for other purposes.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Mr. SARBANES) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2292, supra.

S. 2313

At the request of Mr. GRAHAM of Florida, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2313, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S.J. RES. 33

At the request of Mr. BROWNBACK, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S.J. RES. 34

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 34, a joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBACK, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 99, a concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. CON. RES. 100

At the request of Mr. ALEXANDER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 332

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 343

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 343, a resolution calling on the Government of the Socialist Republic of Vietnam to respect all universally recognized human rights, including the right to freedom of religion and to participate in religious activities and institutions without interference or involvement of the Government; and to respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

S. RES. 344

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 344, a resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

AMENDMENT NO. 3052

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3052 proposed to S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

At the request of Mr. GRAHAM of Florida, his name was added as a cosponsor of amendment No. 3052 proposed to S. 150, supra.

AMENDMENT NO. 3082

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3082 proposed to S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. GRAHAM of Florida, and Mr. DAYTON):

S. 2360. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will address a growing trend in higher education—the changing face of today's college student.

Over the last decade, there has been a steady increase in the number of nontraditional students entering or returning to college. Nationwide, nontraditional students on college campuses are slowly becoming the norm—the percentage of non-traditional students on college campuses has increased to 47 percent in 2001 from 34 percent in 1991.

Non-traditional students come in many different forms. Some waited to go to college until their mid to late twenties or later—or were put in the position of having to go back to college late in life because they lost their job. Others are attending college part-time while they work full-time and/or are financially independent. Others have children, and may or may not have the support of a spouse. And still others never obtained a high school diploma.

As you can imagine, these students face unique challenges that make it more difficult for them to graduate than their traditional peers. These challenges include affording their education, balancing work, school, and family responsibilities, and sometimes overcoming inadequate preparation.

Unfortunately, many of our current higher education policies make it harder, not easier, for non-traditional students to complete their degrees. That is why today I am pleased to be introducing, along with my colleague from the state of Florida, Senator GRAHAM, The Non-Traditional Students Success Act.

This legislation is a comprehensive solution to the barriers non-traditional students face as they try to earn a college degree. It is timely, and our system is long overdue for improvement.

When I travel throughout New York, I hear about the challenges faced by many of our citizens, particularly those who have found themselves unemployed after years of working in companies like Kodak, Xerox, Corning, and IBM. Many of these citizens are in need of retraining—some are returning to school, while others are attending college for the first time.

The goal of this legislation is to increase graduation rates for non-traditional students by addressing the range of barriers they face—financial, academic, and social.

First, I will begin with the financial; this legislation includes several provisions to make it more affordable for non-traditional students to complete their postsecondary education.

It increases the maximum Pell Grant to $11,600 by 2010. Pell Grants work and there is no reason why we should not continue to invest in this worthwhile solution.

This bill also increases the income protection allowance so that working students can keep more of their income. Our bill sets the level at $18,000 per year as opposed to only $5,000 per year—which is current law for single independent students.

It increases the amount of education expenses that students can claim under the Lifetime Learning credit from 20 percent to 50 percent. Under current law, students receive a credit of only $300 for education expenses towards the Lifetime Learning credit. Under this proposal, they could claim $750—money that would go a long way towards offsetting the cost of higher education today.

I am also proposing an information campaign so that students will know more about the financial aid available to them. Research shows that one of the most significant challenges to making ''lifelong learning'' a reality is to overcome the perception held by many non-traditional students, especially first-generation and adults with few work skills, that they are not ''student material.''

A direct mailing campaign combined with outreach to employers about the financial resources available to non-traditional students could significantly boost attendance and retention of non-traditional students.

Secondly, The Non-Traditional Students Success Act addresses the daily challenges of balancing work, family and school by creating a pilot program to provide financial aid to students who are attending school less than half-time while maintaining a full-time work schedule.

This provision will provide resources to schools that create class schedules that accommodate the realities of non-traditional students' lives—classes that are taught in short, compressed modules, on weekends, in the evenings, and over the Internet.

This bill also creates a pilot program that will make Pell Grants available year round so students are not forced to discontinue their studies for the three-month summer period. These students want to complete their studies as soon as possible, and the three-month delay only impedes their progress.

We are also putting forward ideas to put reliable childcare within the reach of students who have children. During my husband's administration we created CCAMPIS—a program to provide quality childcare on college campuses. This is an excellent program that deserves to be expanded. It has never received more than $25 million in funding, even though the need for reliable childcare on campuses is overwhelming.

The Non-Traditional Student Support Act will expand the CCAMPIS program and provide a supplemental grant to low-income parents attending school.

This legislation also increases funding to TRIO and Gear-Up. These programs have been successful in helping many non-traditional students achieve the goal of a college degree, and we must continue to support and expand these programs.

We have also included language that requires these programs to give special attention to first-year students, as research shows completion of the first year is a key indicator of retention through graduation.

I am very pleased with this legislation; it shows that we are moving in the right direction, tweaking our higher education policies to better serve our changing student population. I look forward to working with my colleagues to incorporate these provisions into the reauthorization of the higher education act.

Mr. GRAHAM of Florida. Mr. President, the face of the American undergraduate is changing, and there is a growing need to reflect this transformation in our Federal education policy. In 2001, 47 percent of all undergraduates were considered non-traditional students. Despite this evolving landscape of higher education, many of our Nation's financial aid policies and student support services only address the financial needs and lifestyle demands of traditional students.

Fewer and fewer of today's undergraduates come straight from high school, depend on parental financial support, and enroll as full-time students. Today's colleges and universities are filled with an unprecedented amount of non-traditional students. These students have a variety of responsibilities beyond their education that demand their time, attention, and income.

Older scholars are in the unenviable position of having to balance school, work, family responsibilities, and the obligation of meeting the cost of higher education. Recent studies suggest that 39 percent of all undergraduates are 25 years or older and 27 percent have children. Further, 40 percent of undergraduates work full-time and 48 percent attend college part-time.

Unfortunately, the needs of many devoted parents and hard working employees who attend college are not adequately supported by federal policy. For this reason, it is no surprise that non-traditional students are less likely than traditional students to complete a bachelors or associates degree.

The consequences of our higher education policy failing to address the challenges faced by non-traditional students are great. In the global economy of the 21st century, a quality, accessible education remains the gatekeeper to achieving the American dream of economic self-sufficiency and meaningful employment.

Indeed, never before has a college degree been so vital to so many. Today's marketplace demands a well-educated work force. According to the Bureau of Labor Statistics, postsecondary education will be essential for 42 percent of the new jobs created in this decade. Higher education is not only the ticket to a good paying job, it is also an avenue to improved health care, childcare, housing, and nutrition.

I am pleased to join Senator CLINTON in introducing the Non-Traditional Student Success Act, legislation designed to address the barriers that non-traditional students encounter while pursuing a college education.

Escalating college costs are a central obstacle to all students, but can be especially devastating to non-traditional students who often have families to care for. Responding to the rising cost of obtaining a college degree and the declining purchasing power of federal financial assistance, this legislation will help ensure that college is affordable and accessible to non-traditional students.

With this goal in mind, our bill will increase the maximum Pell Grant to $11,600 over the next five years and pilot a program that would make this aid available year-round. This provision will ease the financial burden non-traditional students endure and help them complete their degree programs more quickly.

Our legislation also addresses a problem many non-traditional students experience, not being able to qualify for a sufficient amount of financial aid due to their less-than-full-time enrollment status. We propose establishing a pilot program to provide more financial aid to students enrolled in a degree program less-than-half-time, students

with compressed or alternative schedules, and/or students in distance learning. It is imperative that our financial aid system no longer exists at odds with the needs and course loads of nontraditional students. This measure takes a critical first step towards correcting this situation.

Our bill also expands the list of education expenses for the Lifetime Learning tax credit to include not just the costs of tuition and fees but also books, supplies and equipment, childcare and living expenses. Non-traditional students often have more expenses than tuition and fees that must be considered if a college degree is going to be financially possible.

A common sense way of making higher education more accessible is to increase the public's awareness of available financial aid, including education tax credits. In 2001, only 21 percent of respondents in a national survey had heard of the education tax credits. Our bill will promote what financial aid programs are available.

It is not enough that we improve the affordability of college for non-traditional students without improving student support services that promote retention and academic success among these students. This legislation increases funding for on-campus childcare to help nontraditional students with children. Additionally, we propose an increase in funding for Student Support Service programs, GEAR UP and College Assistance Migrant Programs. These programs provide counseling, mentoring, tutoring and other services to help non-traditional students succeed.

I encourage my colleagues to support the Non-Traditional Student Success Act. This legislation contains a variety of common sense provisions that make college more affordable and success more probable for non-traditional students. By supporting the Non-Traditional Student Success Act, you help bring the American dream within reach for a large segment of our Nation's undergraduate population.

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By Mr. DEWINE:

S. 2361. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise to introduce the Training and Research in Urology Act—or the TRU Act. During my career in the U.S. Senate, I have supported the successful effort to double NIH research funding and have provided a strong voice for our children. This bill complements my past and continued efforts. It helps provide urologic scientists with the tools they need to find new cures for the many debilitating urologic diseases impacting men, women, and children. This legislation is important to my home State of Ohio and would impact positively many families in Ohio and nationwide who are afflicted with urologic diseases.

Ohio is a leader in urologic research. Researchers at the Children's Hospital of Cincinnati, the Cleveland Clinic, Case Western Reserve, and Ohio State University have made great strides toward achieving treatments. The fact is that urologic conditions affect millions of children and adults. Urology is a physiological system distinct from other body systems. Urologic conditions include incontinence, infertility, and impotence—all of which are extremely common, yet serious and debilitating. As many as 10 million children—more than 30,000 in Ohio—are affected by urinary tract problems, and some forms of these problems can be deadly. At least half of all diabetics have bladder dysfunctions, which can include urinary retention, changes in bladder compliance, and incontinence. Interstitial Cystitis (IC), a painful bladder syndrome, affects 200,000 people, mostly women. There are no known causes or cures, and few minimally effective treatments. Additionally, there are 7 million urinary tract infections in the U.S. each year.

Incontenence costs the healthcare system $25 billion each year and is a leading reason people are forced to enter nursing homes, impacting Medicare and Medicaid costs. Urinary tract infection treatment costs total more than $1 billion each year. Many urologic diseases, incontinence, erectile dysfunction, and cancer, increase in aging populations. Prostate cancer is the most common cancer in American men, and African-American men are at a greater risk for the disease. Medicare beneficiaries suffer from benign prostatic hyperplasia (BPH), which results in bladder dysfunction and urinary frequency. Fifty percent of men at age 60 have BPH. Treatment and surgery cost $2 billion per year.

Research for urologic disorders has failed to keep pace. Further delay translates into increased costs—in dollars, in needless suffering, and in the loss of human dignity. Incontinence costs the healthcare system $23 billion each year, yet only 90 cents per patient is spent on research—little more than the cost of a single adult undergarment. In 2002, only $5 million of the $88 million in new initiatives from the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) was designated to urologic diseases and conditions. Of that $5 million, no new initiatives were announced for women's urologic health problems. In 2001, we spent less than five cents per child on research into pediatric urologic problems. The medications currently used are very expensive and have unknown, long-term side effects.

The TRU Act establishes a Division of Urology at the NIDDK—the home of the urology basic science program—and expands existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

This legislation is necessary to elevate leadership in urology research at the NIDDK. When the Institute was created in its current form nearly 20 years ago, Congress specifically provided for three separate Division Directors. Regrettably, the current statute fails to provide the NIDDK with the flexibility to create additional Division Directors when necessary to better respond to current scientific opportunities. This prescriptive statutory language is unique to the NIDDK. For example, the National Cancer Institute and the National Heart, Lung, and Blood Institute do not have any statutory language regarding Division Directors.

The basic science breakthroughs of the last decade are literally passing urology by. A greater focus on urological diseases is needed at the NIDDK and will be best accomplished with senior leadership with expertise in urology as provided in the TRU Act. This legislation is supported by the Coalition for Urologic Research & Education (CURE)—a group representing tens of thousands of patients, researchers and healthcare providers. I urge my colleagues to join me as cosponsors of the TRU Act.

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. 2361

*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 ''Training and Research in Urology Act of 2004''.

**SEC. 2. RESEARCH, TRAINING, AND HEALTH INFORMATION DISSEMINATION WITH RESPECT TO UROLOGIC DISEASES.**

(a) DIVISION DIRECTOR OF UROLOGY.—Section 428 of the Public Health Service Act (42 U.S.C. 285c–2) is amended—

(1) in subsection (a)(1), by striking ''and a Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''a Division Director for Urologic Diseases, and a Division Director for Kidney and Hematologic Diseases''; and

(2) in subsection (b)—

(A) by striking ''and the Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''the Division Director for Urologic Diseases, and the Division Director for Kidney and Hematologic Diseases''; and

(B) by striking ''(1) carry out programs'' and all that follows through the end and inserting the following:

''(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 487) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training (with particular attention to programs geared to the needs of urology residents and

fellows), graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs;

''(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training;

''(3) in cooperation with the urologic scientific and patient community, develop and submit to the Congress not later than January 1, 2006, a national urologic research plan that identifies research needs in the various areas of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases; and

''(4) in cooperation with the urologic scientific and patient community, review the national urologic research plan every 3 years beginning in 2009 and submit to the Congress any revisions or additional recommendations.''; and

(3) at the end of the section, by adding the following:

''(c) There are authorized to be appropriated $500,000 for each of fiscal years 2004 and 2005 to carry out paragraphs (3) and (4) of subsection (b), and such sums as may be necessary thereafter.''.

(b) UROLOGIC DISEASES DATA SYSTEM AND INFORMATION CLEARINGHOUSE.—Section 427 of the Public Health Service Act (42 U.S.C. 285c–1) is amended—

(1) in subsection (c), by striking the terms ''and Urologic'' and ''and urologic'' each place either such term appears; and

(2) by adding at the end the following:

''(d) The Director of the Institute shall—

''(1) establish the National Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing urologic diseases; and

''(2) establish the National Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.''.

(c) STRENGTHENING THE UROLOGY INTERAGENCY COORDINATING COMMITTEE.—Section 429 of the Public Health Service Act (42 U.S.C. 285c–3) is amended—

(1) in subsection (a), by striking ''and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee'' and inserting ''a Urologic Diseases Interagency Coordinating Committee, and a Kidney and Hematologic Diseases Interagency Coordinating Committee'';

(2) in subsection (b), by striking ''the Chief Medical Director of the Veterans' Administration,'' and inserting ''the Under Secretary for Health of the Department of Veterans Affairs''; and

(3) by adding at the end the following:

''(d) The urology interagency coordinating committee may encourage, conduct, or support intra- or interagency activities in urology research, including joint training programs, joint research projects, planning activities, and clinical trials.

''(e) For the purpose of carrying out the activities of the Urologic Diseases Interagency Coordinating Committee, there are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008, and such sums as may be necessary thereafter.''.

(d) NATIONAL UROLOGIC DISEASES ADVISORY BOARD.—Section 430 of the Public Health Service Act (42 U.S.C. 285c–4) is amended by striking ''and the National Kidney and Urologic Diseases Advisory Board'' and inserting ''the National Urologic Diseases Advisory Board, and the National Kidney Diseases Advisory Board''.

(e) EXPANSION OF O'BRIEN UROLOGIC DISEASE RESEARCH CENTERS.—

(1) IN GENERAL.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended in the matter preceding paragraph (1) by inserting ''There shall be no fewer than 15 such centers focused exclusively on research of various aspects of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases.'' before ''Each center developed''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended by adding at the end the following:

''(f) There are authorized to be appropriated for the urologic disease research centers described in subsection (c) $22,500,000 for each of fiscal years 2004 through 2008, and such sums as are necessary thereafter.''.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended at the beginning of the unnumbered paragraph—

(A) by striking ''shall develop and conduct'' and inserting ''(2) shall develop and conduct''; and

(B) by aligning the indentation of such paragraph with the indentation of paragraphs (1), (3), and (4).

(f) SUBCOMMITTEE ON UROLOGIC DISEASES.—Section 432 of the Public Health Service Act (42 U.S.C. 285c–6) is amended by striking ''and a subcommittee on kidney, urologic, and hematologic diseases'' and inserting ''a subcommittee on urologic diseases, and a subcommittee on kidney and hematologic diseases''.

(g) LOAN REPAYMENT TO ENCOURAGE UROLOGISTS AND OTHER SCIENTISTS TO ENTER RESEARCH CAREERS.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434A the following:

''LOAN REPAYMENT PROGRAM FOR UROLOGY RESEARCH

''SEC. 434B. (a) ESTABLISHMENT.—Subject to subsection (b), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals or other qualified scientists under which such health professionals or scientists agree to conduct research in the field of urology, as employees of the National Institutes of Health or of an academic department, division, or section of urology, in consideration of the Federal Government agreeing to repay, for each year of such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals or scientists.

''(b) LIMITATION.—The Secretary may not enter into an agreement with a health professional or scientist pursuant to subsection (a) unless the professional or scientist—

''(1) has a substantial amount of educational loans relative to income; and

''(2) agrees to serve as an employee of the National Institutes of Health or of an academic department, division, or section of urology for purposes of the research requirement of subsection (a) for a period of not less than 3 years.

''(c) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart 3 of part D of title III apply to the program established under subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under such subpart.''.

(h) AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) (as amended by subsection (g)) is further amended by inserting after section 434B the following:

''AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH

''SEC. 434C. There are authorized to be appropriated to the Director of NIH for the purpose of carrying out intra- and interagency activities in urology research (including training programs, joint research projects, and joint clinical trials) $5,000,000 for each of fiscal years 2004 through 2008, and such sums as may be necessary thereafter. Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for such purpose.''.

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By Mr. HATCH (for himself, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, and Mr. BIDEN):

S. 2363. A bill to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to speak about the reauthorization of the Boys and Girls Club of America, legislation that Senator LEAHY and I introduced today. Congress first granted the Boys and Girls Club of America a charter in 1991, but the Club existed for over 90 years before that. There are currently 3,500 Clubs across America and around the world on our military bases serving over 3.6 million children, ages 6–18.

Over 70 percent of those children who benefit from the Boys and Girls Club of America live in America's inner cities. Almost half of the Club members come from single parent homes. The Club offers young people a positive alternative to roaming the streets as well as a positive adult influence. These children are able to find a safe place to learn and grow in the Boys and Girls Clubs. Most importantly, the Clubs offer hope and opportunity to millions of young people who would otherwise face disadvantaged circumstances.

This reauthorization will allow the Boys and Girls Club of America to expand their clubs even more. The bill authorizes the Club to receive funds through 2010 and increases the number of clubs in existence. By 2010, there will be 5,000 Clubs nationwide serving over 5 million young people.

I urge my colleagues to support this small but important reauthorization.

Mr. LEAHY. Mr. President, I rise today as a long-time supporter of the Boys & Girls Clubs of America to join Senators HATCH, DEWINE, KOHL, and BIDEN in introducing this legislation, S. 2363, to revise and extend the Boys & Girls Clubs of America.

Senator HATCH has been one of the best friends and supporters Boys and Girls Clubs could ever have and I have been privileged to work with him on issues that matter to the Boys & Girls Clubs. Too often the public sees Republicans and Democrats disagreeing. From time to time, even Senator HATCH and I disagree on important issues. But when it comes to the Boys & Girls Clubs of America there is no doubt that we see eye-to-eye: Today we

introduce this bill to show the unified support of Republicans and Democrats for Boys & Girls Clubs nationwide.

Children are the future of our country, and we have a responsibility to make sure they are safe and secure. I know firthand how well Boys & Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys & Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys & Girls Club in his district rather than helping him get a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first Club was established in Burlington 62 years ago. Now we have 22 club sites operating throughout the State: seven clubs in Brattleboro, one in Springfield, two clubs in Burlington, one in Winooski, two clubs in Montpelier, five clubs in Randolph, one club in Rutland, two clubs in Vergennes and one in Bristol. There are 10 additional project sites that will be on board and serving kids by the end of 2005: one in Bennington, two in Burlington, one in Duxbury, one in St. Johnsbury, one in Hardwick, three in Randolph and one in Ludlow. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased Federal support for Boys and Girls Clubs from $20 million to $80 million in this year. Due in large part to this increase in funding, there now exist 3,300 Boys & Girls Clubs in all 50 States serving more than 3.6 million young people. Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $20 million for fiscal year 2005. That request will leave thousands of children and their Clubs behind and we cannot allow such a thing to happen.

In the 107th Congress, Senator HATCH and I worked together to pass the 21st Century Department of Justice Appropriations Authorization Act, which included a provision to reauthorize Justice Department grants to establish new Boys and Girls Clubs nationwide. By authorizing $80 million in Justice grants for each of the fiscal years through 2005, we sought to establish 1,200 additional Boys and Girls Clubs nationwide. This was to bring the number of Boys and Girls Clubs to 4,000, serving no less than 5 million young people. The bill we introduce today will build upon this: We authorize Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009, and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the nation with the goal of having 5,000 Boys and Girls Clubs in operation by December 31, 2010.

If we have a Boys & Girls Club in every community, prosecutors in our country would have a lot less work to do because of the values that are being instilled in children from the Boys & Girls Clubs of America. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents, and law enforcement officers who tell me ''Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs, and crime.''

You cannot argue that these are just Democratic or Republican ideas, or Conservative or Liberal ideals—they are simply good sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influence of drugs, gangs, and crime. That is why Boys & Girls Clubs are so important to our children.

I urge my colleagues to support this bill to expand Federal support for the Boys and Girls Clubs of America. We all know instinctively that our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys & Girls Clubs of America.

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By Mr. CORZINE (for himself, Ms. COLLINS, and Mr. LAUTENBERG):

S. 2364. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am proud to be introducing a bill, along with Senator COLLINS and Senator LAUTENBERG, to grant a Federal Charter to the Irish American Cultural Institute, an organization that promotes appreciation and recognition of the important contributions Irish-Americans have played throughout the history of the United States. A long-standing goal of the Irish American Cultural Institute has been to establish a museum of Irish American history and culture in Washington, DC, and I am pleased to introduce legislation that could represent a positive step towards achieving that goal.

The Irish American Cultural Institute is a national organization founded in 1962, with local chapters in 17 States. The Institute has spent the last 40 years fighting to promote, preserve and interpret Irish and Irish-American culture. Those involved with the Institute do this, in part, by fostering strong cultural and educational ties between the United States and Ireland: sending American high school students to Ireland, and bringing Irish scholars, musicians, craftsmen, actors, and artists to the Untied States. They also fund academic research projects that provide insights into Irish-American history, and provide fellowships for American professors to spend a year as a visiting scholar at the National University of Ireland. In short, the Irish American Cultural Institute serves as an important educational, informational, and financial resource for key initiatives important to the Irish and the Irish-American community in the United States.

Irish-Americans comprise more than 17 percent of the population of the United States, and have made enormous contributions to our Nation in countless ways. A Federal charter will help the Irish American Cultural Institute continue and expand activities that recognize and celebrate the heritage of Irish-Americans. I ask my colleagues to join me in supporting this legislation, and 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. 2364

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CHARTER FOR IRISH AMERICAN CULTURAL INSTITUTE.**

Part B of subtitle II of title 36, United States Code, is amended—

(1) by redesignating chapter 1001 as chapter 1003;

(2) by redesignating sections 100101 through 100110, and the items relating thereto in the table of sections, as sections 100301 through 100310, respectively; and

(3) by inserting after chapter 901 the following new chapter:

**"CHAPTER 1001—IRISH AMERICAN CULTURAL INSTITUTE**

''Sec.
''100101. Organization.
''100102. Purposes.
''100103. Membership.
''100104. Governing body.
''100105. Powers.
''100106. Exclusive right to name, seals, emblems, and badges.
''100107. Restrictions.
''100108. Duty to maintain tax-exempt status.
''100109. Principal office.
''100110. Records and inspection.
''100111. Service of process.
''100112. Liability for acts of officers and agents.
''100113. Annual report.

**"§ 100101. Organization**

''(a) FEDERAL CHARTER.—The Irish American Cultural Institute (in this chapter, the 'corporation'), incorporated in New Jersey, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

**"§ 100102. Purposes**

''The purposes of the corporation are as provided in the articles of incorporation and include—

''(1) establishing the Museum of Irish America in Washington, D.C., as the center of Irish American thought, dialogue, debate, and reflection;

''(2) recognizing and recording a living memorial to the contributions of Irish-born and Irish Americans to the development of the United States;

''(3) providing a focal point for all Irish Americans, who make up 17 percent of the

United States population, according to the 2000 census;

''(4) exploring past, current, and future events in Ireland and the United States, as they relate to Irish Americans and society as a whole;

''(5) documenting the tremendous contributions of Irish immigrants to the United States in the areas of architecture, military, politics, religion, labor, sports, literature, and art;

''(6) providing ongoing studies to ensure that the experiences of the past will benefit the future of both Ireland and the United States; and

''(7) establishing an Irish American Studies Program for students from both Ireland and the United States.

**''§ 100103. Membership**

''Eligibility for membership in the corporation and the rights and privileges of membership are as provided in the bylaws.

**''§ 100104. Governing body**

''(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the articles of incorporation.

''(b) OFFICERS.—The officers and the election of officers are as provided in the articles of incorporation.

**''§ 100105. Powers**

''The corporation shall have only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

**''§ 100106. Exclusive right to name, seals, emblems, and badges**

''The corporation has the exclusive right to use the name 'Irish American Cultural Institute' and any seals, emblems, and badges relating thereto that the corporation adopts.

**''§ 100107. Restrictions**

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation or a director or officer as such may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or member in an amount approved by the board of directors.

''(d) LOANS.—The corporation may not make any loan to a director, officer, or employee.

''(e) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORIZATION.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

**''§ 100108. Duty to maintain tax-exempt status**

''The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

**''§ 100109. Principal office**

''The principal office of the corporation shall be in Morristown, New Jersey, or another place decided by the board of directors.

**''§ 100110. Records and inspection**

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote.

''(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

**''§ 100111. Service of process**

''The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

**''§ 100112. Liability for acts of officers and agents**

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

**''§ 100113. Annual report**

''The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report shall not be printed as a public document.''.

**SEC. 2. CLERICAL AMENDMENTS.**

The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended—

(1) in the item relating to chapter 1001, by striking ''1001'' and inserting ''1003'' and by striking ''100101'' and inserting ''100301''; and

(2) by inserting after the item relating to chapter 901 the following new item:

''**1001. Irish American Cultural Institute** ..... **100101**''.

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By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. BAYH, Mrs. BOXER, Mr. BYRD, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. HARKIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. BINGAMAN, and Mrs. MURRAY):

S. 2370. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

Mr. KENNEDY. Mr. President, it has been seven long years since Congress last acted to raise the minimum wage. The cost of living keeps going up, and these workers keep falling farther and farther behind, because the minimum wage they're paid buys less and less.

The current minimum wage is $5.15 an hour. You can't work hard, raise a family, and pay for food and rent and clothing, on $5.15 an hour—$10,700 a year—$5,000 below the poverty line for a family of three. The minimum wage is too low.

The Fair Minimum Wage Act of 2004, which I introduce today, will raise the minimum wage by $1.85 to $7.00 an hour. The raise to $7.00 would be carried out in three moderate steps in just over two years. More than 7 million workers would directly benefit from this minimum wage increases.

Let me be clear about who we're talking about here—the janitors who clean our great buildings late into the night; the school aides who support our kids and their teachers; home healthcare workers caring for our elderly parents in their home; the children whose parents can't afford to give them more than a single slim meal a day.

There is one thing that stands in the way of a decent minimum wage—one thing—and that's the Republican Party.

If this President and the Republican Party really cared about working Americans—about minimum wage workers—why would they oppose a decent wage for a hard day's work? But for seven long years, they have blocked every effort in this Congress to raise the minimum wage.

Why would they oppose unemployment benefits for the 8 million out-of-work Americans? Why would they oppose overtime pay if you have to work more than 40 hours a week? Why would they support shipping your jobs overseas?

A fair increase in the minimum wage is long overdue. We should all be able to agree on the principle that no one who works for a living should have to live in poverty. How can Congress keep saying no, when more and more workers can't make ends meet? I plan to be back on the Senate floor offering this bill as an amendment over and over again until Congress agrees to give low-wage workers the raise they have earned.

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By Mr. KENNEDY (for himself, Mr. CORZINE, Mr. DODD, Mr. BINGAMAN, Mr. HARKIN, Ms. MILKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. FEINGOLD, and Mr. DURBIN):

S. 2371. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Protecting America's Workers Act.

This week, on Workers' Memorial Day, we remember and honor those who have died or been injured on the job in the past year. We remember and honor their families. And we pledge to do more to end the unsafe and unhealthy conditions that still plague so many workplaces across America.

We have made significant progress in protecting worker safety since 1970, when we passed the Occupational Safety and Health Act. But there is still a tremendous amount to be done. Every year, over five thousand workers are killed and nearly five million others become ill or are injured on the job. That's an average of 15 deaths and 13,000 injuries or illnesses each and every day.

Too many companies are doing too little to deal with this crisis. They blatantly ignore the law, but they never

go to jail—even when their actions or lack of action kill loyal employees who work for them. Criminal penalties are so low that prosecutors don't pursue these cases. Employers who violate safety laws again and again pay only minimal fines—which they treat as just another cost of doing business.

We cannot let these shameful practices continue. We cannot allow employers to put millions of workers at risk in our factories, nursing homes, construction sites, and many other workplaces every day.

We need to hold this Administration accountable—require them to act, instead of sweeping serious violations under the rug. We also need to protect workers with the courage to speak out against health and safety violations in the workplace.

That is why we are today introducing the Protecting America's Workers Act.

It will protect millions of workers not covered by current safety laws. By extending the Occupational Safety and Health Act, we will cover 8 million public employees and millions of transportation and other workers.

The bill imposes jail time—up to ten years, instead of only six months under current law—on those whose blatant violation of safety laws leads to a worker's death. We also increase civil penalties, to provide additional deterrence for employers.

We require the Occupational Safety and Health Administration to investigate more cases, and we give workers and their families more rights in the investigation process.

We provide stronger protections for workers who report health or safety violations.

I know it will be an uphill battle to get this legislation through this Republican Congress. But I'm committed to the fight. I'm committed to fighting for people like Jeff Walters, whose son Patrick was killed when a trench collapsed on him two years ago. His employer was known to be violating critical safety rules. We will fight for people like Ron Hayes, whose son Patrick suffocated in a grain elevator. Ron is now helping families throughout the United States deal with the grief of having a family member killed at work.

We intend to do everything we can to keep other working families from that grief. These deaths and injuries aren't accidents they're crimes, and it's time we started treating them like crimes.

I urge my colleagues to join in this fight for a safe workplace for all of America's workers. We can take a major step forward by the Protecting America's Workers Act.

Mr. CORZINE. Mr. President, I rise today to express my strong support for the Protecting America's Workers Act introduced by Senator KENNEDY. I am proud to join him as a cosponsor of this important legislation.

Yesterday, this country recognized Worker Memorial Day. Created in 1989 to remember workers who have been killed or injured in the workplace over the past year, Worker Memorial Day has been designated April 28 as a tribute to the anniversary of the enactment of the Occupational Safety and Health Act. In my view, there is no better tribute to the lives that have been lost than to think about how we can prevent future losses of this kind.

The facts tell a grim story: an eight-month examination of workplace deaths by The New York Times found that, over a span of two decades, from 1982 to 2002, OSHA investigated 1,242 horrific instances in which the agency itself concluded that workers had died because of their employer's ''willful'' safety violations. Yet in 93 percent of those cases, OSHA declined to seek prosecution.

Employees have a fundamental right to a safe work environment, and more needs to be done to ensure that businesses that deliberately put the lives of their workers at risk are held accountable for their actions. This legislation would go a long way to strengthen our workplace safety system in a variety of ways.

I am particularly pleased that this legislation includes provisions to shore up a fundamental weakness in American workplace safety law: the shockingly inadequate penalties associated with crimes under the Occupational Safety and Health Act. This legislation includes the provisions of the Workplace Wrongful Death Accountability Act, S. 1272, legislation that I introduced to increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

It is unbelievable to me that, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. These provisions would increase the penalty for this most egregious workplace crime to 10 years, making it a felony. They also increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent times, Congress has focused on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, to name a few. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses can cost lives.

The provisions are based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and some 50,000 more die from work-related illnesses. Many of those deaths are completely preventable.

While many factors contribute to the unsafe working environment that exists at certain jobsites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but, over time, the deterrence value of these important workplace safety laws has eroded substantially. With the maximum jail sentence of 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

The logic behind increasing criminal penalties in these cases is simple. It will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, help ensure that OSHA criminal penalties cannot be safely ignored. This will provide the OSHA criminal statute with sufficient teeth to deter the small percentage of bad actors who knowingly and willfully place their employees at risk.

I hope that my colleagues will join me in supporting this landmark legislation.

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By Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DASCHLE, and Mr. LAUTENBERG):

S. 2372. A bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise along with several of my colleagues, the esteemed Minority Leader, Senator DASCHLE, the ranking member of the Finance Committee, Senator BAUCUS, and my colleague from New Jersey, Senator LAUTENGERG, to introduce legislation that will strengthen trade enforcement efforts, open foreign markets to U.S. exports, reduce the trade deficit, create export-based jobs, and provide a lift to America's economy.

This legislation would restore the so-called ''Super 301'' process, a tool that has been used by Republican and Democratic administrations to expand access for U.S. exporters to foreign markets. Super 301 requires the Office of the United States Trade Representative to negotiate with foreign countries that have established burdensome trade barriers in order to open those markets to U.S. exports. The legislation also requires the USTR to identify, and eliminate, the illegal protectionist trade barriers that most adversely effect American businesses and workers.

With more than 8 million Americans out of a job, we need to take strong action not only to get people back to work, but to get them into well-paying jobs. Unfortunately, in recent years, even when unemployed Americans have found new jobs, too often they've been forced to take a pay cut. That's one reason why so many middle class families are feeling the squeeze, and are having such a hard time making ends meet.

One of the areas hardest hit by job loss under this administration is the manufacturing industry. 2.9 million manufacturing jobs have been lost. In many ways, we are witnessing the slow decimation of the U.S. manufacturing industry. And the Bush administration has done little about it.

One way to deal with the decline in manufacturing—and the problems in our economy, more generally—is to do a better job of enforcing our trade agreements. U.S. businesses generally are the best, most competitive in the world. But, too often, they're not playing on a level playing field. Instead, they're being forced to contend with a wide variety of trade barriers that make it difficult or impossible for American businesses to compete. The end result is lost opportunities, lost jobs, and lost income for American workers.

Let's be clear. Trade is a good thing for America. And as a global leader we must be engaged in the global economy. Trade doesn't just help grow our own economy. It helps build the world economy, which, in turn, promotes democracy and greater security for everybody. I'm not arguing for building walls around the United States. To the contrary, I want to tear down protectionist walls that keep U.S. businesses out, and that destroy jobs here in our own country.

The Bush administration likes to advocate for free trade agreements. But it's not enough to sign a trade agreement and trust our trade partners to honor their end of the deal. Those deals need to be complied with. And if they're not, we need to be aggressive in ensuring compliance.

Unfortunately, when it comes to enforcing trade agreements, the Bush administration, as Senator KERRY said recently, has been ''asleep at the wheel.'' And there's no excuse for it.

After all, we face a trade deficit of nearly $500 billion, and a deteriorating fiscal situation that has led to increasing reliance on foreign creditors. Under the circumstances, you would have thought that the administration would be doing all it could to address these problems. But it's not.

There's a stark difference between the commitment of this administration to enforce trade compared to that of the Clinton administration. Between 1995 and 2000, the Clinton administration filed an average of 11 cases a year with the World Trade Organization to battle foreign protectionism. By contrast, the Bush administration has filed only 3 per year.

The White House also has repeatedly refused to respond when the bipartisan International Trade Commission has recommended remedies for U.S. businesses facing floods of imports from China—even when the ITC rulings have been unanimous. The President's determination to overrule the ITC has had a dramatic impact on many small businesses, including some in my State of New Jersey.

The administration also continues to sit idly by while China, and other Asian countries, manipulate their currency, to the detriment of U.S. exporters.

The administration's refusal to enforce our trade agreements, and the passive approach they have taken to problems like Asian currency manipulation, helps explain why we're now facing such massive trade deficits. In fact, the Bush administration is the first since the Hoover administration to preside over a decline in real exports.

Again, what we need is a commitment to let U.S. businesses compete on a level playing field. That is why we need to reestablish the Super 301 process.

Super 301 may sound like a technical legal mechanism. But it would help open up new markets, boost our economy, strengthen our export-based manufacturing sector, help reduce our trade deficit, and create new, well-paying domestic export-based jobs here in America.

Under the legislation, the USTR would, within 30 days of the release of the National Trade Estimate, submit a Super 301 report to Congress, listing the foreign trade barriers that most adversely affect U.S. exports.

Within 21 days of submitting the report, the USTR would be required to seek consultations with each trading partner identified in the report in order to resolve the issue. If consultations do not succeed in eliminating the trade barriers within 90 days, USTR would be required to take action that could lead to sanctions either by the U.S. or, ultimately, by the WTO.

As I said earlier, Super 301 is not new. It was signed into law by President Reagan, and renewed throughout the '90s by President Clinton. It was a tool that worked. The threat alone of being on the Super 301 list has, and will, force countries who have erected barriers to U.S. exports come to the table.

Some will argue that this is protectionism. Some will argue that it's unilateralism. In fact, it's the opposite. It's intended to protect U.S. businesses and workers from protectionist foreign trade barriers—to knock down walls, not erect them. It's intended to encourage our trade representatives to engage in a constructive dialogue with those who have erected barriers to U.S. products. It equips the administration with a needed tool to fight for the rights of American workers and businesses against those countries who are unwilling to remove those barriers.

In a word, Super 301 would make trade more fair. And when trade is more fair—when U.S. companies are playing on a level playing field—Americans win. American workers win. And when America's workers win, America's economy wins.

It is my ardent hope that we can get this much needed bill passed, and I urge my colleagues to give it their support. I ask unanimous consent that the text of the Super 301 Restoration Act be printed in the RECORD.

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

S. 2372

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.**

Section 310 of the Trade Act of 1974 is amended to read as follows:

**''SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.**

''(a) IDENTIFICATION.—

''(1) IDENTIFICATION AND REPORT.—Within 30 days after the submission in each of calendar year 2005 through 2009 of the report required by section 181(b), the Trade Representative shall—

''(A) review United States trade expansion priorities;

''(B) identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent; and

''(C) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priority foreign country practices identified.

''(2) FACTORS.—In identifying priority foreign country practices under paragraph (1), the Trade Representative shall take into account all relevant factors, including—

''(A) the major barriers and trade distorting practices described in the National Trade Estimate Report required under section 181(b);

''(B) the trade agreements to which a foreign country is a party and its compliance with those agreements;

''(C) the medium- and long-term implications of foreign government procurement plans; and

''(D) the international competitive position and export potential of United States products and services.

''(3) CONTENTS OF REPORT.—The Trade Representative may include in the report, if appropriate—

''(A) a description of foreign country practices that may in the future warrant identification as priority foreign country practices; and

''(B) a statement about other foreign country practices that were not identified because they are already being addressed by provisions of United States trade law, by existing bilateral trade agreements, or as part of trade negotiations with other countries and progress is being made toward the elimination of such practices.

''(b) INITIATION OF CONSULTATIONS.—By no later than the date that is 21 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall seek consultations with each foreign country identified in the report as engaging in priority foreign country practices for the purpose of reaching a satisfactory resolution of such priority practices.

''(c) INITIATION OF INVESTIGATION.—If a satisfactory resolution of priority foreign country practices has not been reached under subsection (b) within 90 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall

initiate under section 302(b)(1) an investigation under this chapter with respect to such priority foreign country practices.

''(d) AGREEMENTS FOR THE ELIMINATION OF BARRIERS.—In the consultations with a foreign country that the Trade Representative is required to request under section 303(a) with respect to an investigation initiated by reason of subsection (c), the Trade Representative shall seek to negotiate an agreement that provides for the elimination of the practices that are the subject of the investigation as quickly as possible or, if elimination of the practices is not feasible, an agreement that provides for compensatory trade benefits.

''(e) REPORTS.—The Trade Representative shall include in the semiannual report required by section 309 a report on the status of any investigations initiated pursuant to subsection (c) and, where appropriate, the extent to which such investigations have led to increased opportunities for the export of products and services of the United States.''.

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By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. ALLEN, Mr. GRAHAM of Florida, Mr. ENSIGN, Mr. HOLLINGS, Mr. SANTORUM, Mr. LAUTENBERG, Mr. GRAHAM of South Carolina, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. KYL, and Mr. GREGG):

S. 2373. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce, along with several of my colleagues from both sides of the aisle, legislation that will protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government.

My colleagues and I believe in the fundamental principle that property rights must be respected and that it is wrong for governments to take property from individuals and companies, whether nationals or foreigners, without payment of prompt, adequate and effective compensation. We uphold the firmly established principle of our law and public policy that foreign confiscatory measures must never be given effect on property situated in the United States.

When the Castro regime took power in Cuba, it engaged in a program of wholesale confiscation of property in Cuba, including property owned by Cuban nationals as well as by U.S. and other non-Cuban nationals. The Cuban government also purported to extend the effects of the confiscation to property, such as trademarks, that the confiscation victims owned in other countries, and took other actions in an attempt to seize control of such assets.

To protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government, Congress enacted Section 211 of H.R. 4328 (PL 105–277) in 1998. This law, referred to as Section 211, prohibits enforcement of U.S. rights to trademarks confiscated by the Cuban government, except with the consent of the legitimate owner. Section 211 simply made it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Section 211 was challenged in the World Trade Organization (WTO) by the European Union (EU). In January 2002, the WTO Appellate Body finally resolved that challenge by finding in favor of the United States on all points except one. The Appellate Body made a narrow finding that, because Section 211 on its face does not apply to U.S. nationals, it is inconsistent with the national-treatment and most-favored-nation principles under the TRIPs Agreement. The Appellate Body fully supported the principle embodied in Section 211, that is, the non-recognition of uncompensated confiscations and the protection of intellectual property ownership rights. The revision required to broaden the application of Section 211 to include U.S. nationals amounts to no more than a minor, technical fix.

The legislation that we introduce today makes it clear this well-founded law applies to all parties claiming rights in confiscated Cuban trademarks, regardless of nationality. Such a technical correction will satisfy the WTO ruling and prevent the EU from applying trade sanctions against the United States at the end of this year. Moreover, this legislation does three things: it maintains protection for original owners of confiscated Cuban trademarks; it applies to all people, regardless of nationality; it clarifies that trademarks and trade names confiscated by the Cuban Government will not be recognized in the United States when the assertion is being made by someone who knew or had reason to know that the mark was confiscated.

This bill does not in any way decide which party owns a Cuban trademark in the U.S. nor does Section 211 prevent the Cuban government or its various entities from having access to our courts or from registering legitimate trademarks in the U.S. As long as the trademark was not confiscated, the Cuban government can legally register any trademark it desires. Moreover, even if the Cuban government stole a trademark in the 1960s, it can still register the trademark in the U.S as long as the original owner has consented.

Once revised, Section 211 is consistent with all of our international treaty obligations including the Inter-American Convention on Trademarks. The Inter-American Convention expressly in Article 3 allows non-recognition of a trademark when such recognition would be contrary to the public order or public policy of the state in which recognition is sought. There is no doubt whatsoever that allowing title to U.S. property to be determined by a foreign confiscation violates U.S. public policy. Section 211 simply makes it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba. Nothing in any treaty or in international law is inconsistent with that rule of U.S. law.

I believe this piece of legislation is a simple technical corrections bill which will ensure that a fairly simple, but important, U.S. law is WTO-compliant.

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By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, and Mr. VOINOVICH):

S.J. Res. 36. A joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I, along with Senators FEINSTEIN, MCCAIN, LEAHY, BROWNBACK, DASCHLE, DOLE, MIKULSKI, BURNS, CLINTON, ALLEN, EDWARDS, NICKLES, CORZINE, BIDEN, FEINGOLD and SANTORUM, am introducing today a joint resolution renewing import sanctions against Burma. My colleagues may recall that these sanctions—along with several other restrictions against the State Peace and Development Council (SPDC) in Rangoon—were included in the Burmese Freedom and Democracy Act, which was signed into law by President Bush on July 28, 2003.

The act received broad support in the Senate. Sixty-one members cosponsored the bill which passed in record time by a vote of 97–1. Our quick action last year sent an unequivocal message to the SPDC that its ambush and attack on the National League for Democracy (NLD) and freedom in Burma would not go unpunished.

Today, we need to send the same strong message. America must continue to lead the world's democracies in supporting the struggle for freedom in Burma.

My colleagues will be dismayed to learn that since last year's horrific SPDC-orchestrated massacre there has been no progress toward reconciliation and democracy in Burma. Thirteen-hundred prisoners of conscience continue to suffer in squalid Burmese prisons for advocating freedoms that most of us take for granted—including thought, speech and association.

Burmese democracy leader Daw Aung San Suu Kyi and other NLD leaders continue to be under house arrest and surveillance by the SPDC, and the majority of NLD party offices remain

forcibly closed; United Nations and Thai efforts at engagement with the junta—through repeated visits to Rangoon and the so-called ''Bangkok Process''—have predictably failed; according to the White House, Burma ''failed demonstrably'' in counternarcotics efforts, allowing drug gangs to freely operate inside Burma and amphetamine-type stimulants to proliferate throughout the region, posing a ''major threat to national security and public health''; and, finally, the repressive and abhorrent SPDC policies of murder, rape, forced labor, forced relocation and child soldiers continue unabated.

Just yesterday, we learned from credible sources that 11 NLD supporters arrested in the wake of last year's premeditated attack were sentenced by the regime from 7 to 22 years in prison. This is in addition to the death sentences given to a Burmese sports writer who complained about soccer related corruption and to three Burmese men for having contact with the United Nations International Labor Organization.

Should my colleagues need a second opinion, let me quote Secretary of State Colin Powell in a March 10 Congressional hearing: ''I see no improvement in the situation. Aung San Suu Kyi remains unable to participate in public, political life in Burma and we will not ignore that.'' When I asked Secretary Powell in an April 8 Foreign Operations Subcommittee hearing whether he supported the continuation of sanctions against Burma, his answer was straightforward and clear: ''Yes.''

The Burmese Freedom and Democracy Act denies Burma 13 percent of its export market (according to CIA figures), visas for SPDC officials and their families, and, above all, legitimacy. In addition, $13 million worth of financial transactions to Burma have been blocked by the Treasury Department. While palpable impacts, these sanctions alone will not push the SPDC in the direction of meaningful reconciliation with the NLD and ethnic minorities.

South African Archbishop Desmond Tutu—no stranger to the struggle for freedom and justice—said earlier this year: ''To dismantle apartheid [in South Africa] took not only commitment, faith and hard work, but also intense international pressure and sanctions. In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic gestures and cut the lifelines to Burma's military regime through well-implemented sanctions.''

Amerca already cut that lifeline; it is time for other democracies to do the same. For freedom's sake, our allies and the European Union must impose targeted sanction regimes on Burma. If they are unwilling to take such action in support of the courageous and determined people of Burma, they should act for the sake of the security and stability of the region. Burma's exports to its immediate neighbors include illicit narcotics, HIV/AIDS, refugees and trafficked women and children. Further, Rangoon's connections with Russia and North Korea, in particular, deserve closer scrutiny by foreign capitals and the United Nations.

If my colleagues haven't done so already, they should read Monday's Washington Post op-ed entitled ''A Need to Act on Burma'' by our colleague from Arizona and former-Secretary of State Madeleine Albright. I agree with their assertion that we should not be duped by SPDC window dressing in the weeks leading up to the May 17 constitutional convention charade. Even if Suu Kyi is released before that date it is not sufficient, as there are no guarantees for her security, no assurances that she will be able to freely express her views to the nation or to meet with ethnic leaders, and no sure bet that the junta will grant visas to journalists to travel to Burma.

The op-ed also raises the question of repercussions for the continued perpetuation of the status quo in Burma by China, Thailand, India, and other Asian nations. I look forward to exploring with my colleagues the most appropriate and effective ways that we can encourage those countries to support the legitimately elected leaders of Burma. If no change is in the offing, Burma's chairmanship of the Association of Southeast Asian Nations in 2006 will be a tremendous loss of face to that organization and each individual member state.

Let me close by saying that sanctions must remain in place until Burma embarks on an irreversible path toward reconciliation and democracy. I intend to work closely with my colleagues—particularly the chair and ranking member of the Finance Committee—to ensure that the Senate acts just as decisively and expeditiously as we did last year. To do anything less would be to betray Suu Kyi and all those struggling for freedom and justice in Burma.

I ask unanimous consent that the following items be printed in the RECORD: A copy of the referenced Washington Post op-ed; a copy of a Boston Globe editorial entitled ''No Compromise on Burma'' dated March 29, 2004; a copy of a Washington Post op-ed by the Chairman of the Senate Foreign Relations Committee entitled ''Seeds of Trouble from Burma'' dated September 28, 2003; a copy of a tribute to Suu Kyi authored by rock star Bono in Time Magazine's recent special edition on the world's 100 most influential people; and a letter supporting the renewal of import sanctions by the President and CEO of the American Apparel and Footwear Association.

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

[From the Washington Post, Sept. 28, 2003]

SEEDS OF TROUBLE FROM BURMA

(By Richard G. Lugar)

The military junta that rules Burma has long been known as a group committed to retaining power at cost. The price has been paid mainly by Burma's citizens, but the consequences may now spread well beyond Burma's borders.

The generals have killed thousands of democracy supporters since the student protests in 1988 and waged war on ethnic insurgents. To tighten their grip on the population, over the past 15 years they have doubled the size of the military, which now consumes 40 percent of the budget, at the expense of spending on health and education.

Consequently, hundreds of thousands of their citizens have died as a result of the broken-down health care system. The generals who run the country are notorious for their widespread use of forced labor, which the International Labor Organization calls ''a contemporary form of slavery.''

The junta has maintained these abhorrent policies despite sanctions, aid cutoffs and repeated denunciations by many Western countries, including the United States.

Yet it makes the headlines only when it commits an especially acute outrage, such as that of last May 30, when pro-government militia crashed a political rally near Mandalay and murdered several bodyguards and supporters of Nobel laureate Aung San Suu Kyi, the fearless democracy crusader who had been freed only last year from a lengthy house arrest.

The junta rearrested Suu Kyi, shut down offices of her political party and detained her at a secret location. She returned home Friday for a new stint of indefinite house arrest.

I am pleased that the Senate reacted quickly in June to put pressure on the junta by voting for a ban on all Burmese imports. Until now this record of bloody repression and economic ruin has primarily victimized the long-suffering Burmese people, and world attention has often drifted away from what some consider an internal problem. But it is time to take a closer look. Burma's generals are quietly moving in new directions that could make that dismal country a source of instability throughout South and Southeast Asia.

Strategically situated between regional rivals India and China, Burma is seeking to leverage the two powers' battle for influence.

China is the regime's major arms supplier and has assumed significant economic power over the country, recently extending debt relief and a $200 million loan to Burma, which has been cut off from most other external funding. China, reports indicate, has built a port and shipyard south of Rangoon to help export products from China's landlocked western provinces.

India, concerned about China's rising dominance, has stepped up its relations with Burma. Indian Prime Minister Atal Bihari Vajpayee met with the Burmese foreign minister earlier this year, the highest-level contact between the two countries in more than a decade, and India is also reportedly building a port on Burma's coast.

Improving ties with regional powers is not necessarily a bad thing, especially if they would push Burma toward more civilized behavior.

But neither Beijing nor New Delhi has shown any such inclination. Instead the two huge neighbors are using Burma as a pawn in their rivalry, making it a potential source of friction, not a buffer. Japan is increasingly concerned about China's penetration of Burma, and it was to counter China's influence that the regional grouping of smaller

countries, the Association of Southeast Asian Nations (ASEAN), decided to admit Burma as a member several years ago. These countries see now that the junta was cynically using them to try to gain legitimacy.

More troubling is the news that Burma, one of the poorest countries on earth, has contracted with Russia for a nuclear reactor. Both sides insist it is for medical research purposes, but even if that's true, it would add an unnecessary proliferation risk to a world where terrorists are on the prowl for nuclear material. Some 300 Burmese have been in Russia receiving training to operate the facility, and Burma has also bought 10 MiG-29 fighter jets from Russia.

Most disturbing of all Burma is renewing ties with North Korea that were cut off after North Korean agents in 1983 set off a bomb in Rangoon that killed 21 people, including four visiting South Korean cabinet members. Besides possibly reestablishing formal diplomatic relations, the two have held high-level discussions on military cooperation.

The link-up of these two parish states can only spell trouble. North Korea's main export is dangerous weapons technology, and there have been reports that Burma is getting missiles and other arms from Pyongyang.

These developments have been largely overlooked as we concentrated on the war in Iraq, challenges in the Middle East and unpredictable developments on the Korean peninsula. But they are the seeds of a major threat to Asian security and stability. The world should take notice, and the United States needs to make Burma a priority in its relations with Russia, China, India and ASEAN so that we can forge a multilateral plan to turn the generals from their dangerous course.

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[From the Boston Globe, Mar. 29, 2004]

NO COMPROMISE ON BURMA

The brutal criminality of the military junta ruling Burma has unified disparate elements along the American political spectrum. In hearings on Burma held by subcommittees of the House International Relations Committee last week, a rare solidarity among both Democrats and Republicans was on display.

The current regime in Rangoon is complicit in narcotics trafficking, ethnic cleansing, forced labor, gruesome abuse of ethnic minorities, and the violent suppression of free speech and political opposition.

In response to a deliberate massacre of fellow democrats traveling last May with Nobel Peace Prize laureate Aung San Suu Kyi, the Bush administration last July signed into law tough sanctions that ban imports from Burma. The House hearings were in preparation for renewal of those sanctions.

Without mincing his words, Lorne Craner, the State Department's assistant secretary for human rights, told the lawmakers that notwithstanding hints about democratization dropped by the junta's chairman, Than Shwe, and his accomplices, the outlaw regime in Rangoon has not taken steps that would justify the lifting of sanctions. ''For all the hype about a 'road map for democracy,' nothing has changed for the better for democracy or human rights in Burma,'' Craner said.

The junta has intimated it might release Suu Kyi from house arrest in April. This would be a gesture the people of Burma would welcome, as would everyone around the world who cherishes human rights and democracy. Suu Kyi narrowly escaped being killed in the assault that the regime staged last May. Over the years she has accepted painful personal sacrifices for the sake of democracy in Burma—without ever deviating from her devotion to the principles of nonviolence.

As much as her compatriots long for the release of Suu Kyi, however, that will not by itself be enough to justify the lifting of U.S. sanctions on the junta. Her party, the National League for Democracy, won 80 percent of the seats in Parliament in a 1990 election—a popular verdict the military regime still refuses to accept. Until Than Shwe and the other uniformed thugs on the junta complete what assistant secretary Craner called ''an irreversible transition to democracy,'' sanctions should remain in place.

Suu Kyi's fellow Nobel peace prize winner Desmond Tutu has written: ''As in South Africa, the people and legitimate leaders of Burma have called for sanctions . . . To dismantle apartheid took not only commitment, faith and hard work, but also intense international pressure and sanctions.''

Tutu's wisdom should be heeded not only by Washington but also by the European Union, which is currently considering targeted sanctions on timber and gems, direct sources of junta revenue.

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[From the Washington Post, April 27, 2004]

A NEED TO ACT ON BURMA

(By John McCain and Madeleine Albright)

''Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage.'' So said Archbishop Desmond Tutu, the South African Nobel laureate and anti-apartheid leader, who knows something about the struggle for human freedom in the face of tyranny.

The world's democracies have a common moral obligation to promote justice and freedom. In few places is this obligation more acute than in Burma, a country in which a band of thugs, led by Gen. Than Shwe, controls the population through violence and terror. The regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

The Burmese junta, with the cynical support of neighboring governments, has announced a ''road map to democracy,'' beginning with a constitutional convention in May. The convention is expected to be stage-managed by the junta, which has offered no meaningful participation to Suu Kyi's National League for Democracy, no timetable for progress toward a political transition, no release of political prisoners and no guarantee that the military will cede control to democratically elected leaders. Instead, the junta's proposals seem designed to institutionalize military control by creating a veneer of civilian authority, while meeting only the minimum expectations of Western democracies in order to avoid further sanctions.

The Burmese regime's recent actions demonstrate that years of international engagement and patience have not made the dictatorship more humane, reasonable or open to accommodation with its political opponents. On the contrary, it is only in response to international pressure that the regime has made even the smallest moves toward a political settlement with the democratic opposition. The lesson is clear: The world's democracies and Burma's neighbors must press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The legitimacy, authority and commitment of Burma's democratic leaders to govern their country is not in doubt. But the international commitment to Burma's democratic transformation remains uncertain. The Western democracies and Burma's neighbors should immediately take three steps to bolster Burma's legitimate democratic leaders.

First, Congress should promptly renew, and the president should sign into law, the ban on Burma's imports enacted into law last July. These sanctions, which are set to expire after a review period beginning Friday, are supported by Burma's National League for Democracy. The restrictions have made it more difficult for the Burmese military to tap financial assets abroad, travel or accumulate revenue through trade. The European Union, whose member democracies care deeply about protecting human rights, and whose trade and assistance programs give it critical leverage in Southeast Asia, is set to announce a new Common Position on Burma on Thursday. As part of this new policy, the EU should also initiate targeted sanctions against the regime.

Second, the EU and the United States, with support from Asian nations, should urge the junta to implement immediately the provisions of the U.N. Commission for Human Rights and the U.N. General Assembly resolutions—including democracy, the rule of law and respect for human rights. The United States and the EU should also formally place the issue on the agenda of the U.N. Security Council, and work urgently toward a resolution threatening credible sanctions against the Burmese regime unless it initiates meaningful progress toward democracy.

Third, China, Thailand, India and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies. Thailand in particular should consider this point when it convenes its planned international conference to discuss what it optimistically calls ''Burma's progress toward democracy.''

Beyond these steps, the United States, Europe and Asian countries must demand the unconditional release of Aung San Suu Kyi and her fellow political prisoners, but make clear that the releases, while necessary, are insufficient. In addition, they should continue calls for a political settlement that reflects the results of the free and fair elections held in 1990. This settlement must include a central, determinative role for the National League for Democracy.

In another era, a dissident playwright named Vaclav Havel wrote of the ''power of the powerless'' to overcome rule by fear and force, at a time when such a revolution in human freedom seemed impossible. The international community today has the power to help the powerless inside Burma throw off the shackles of tyranny. It is time to assume this moral responsibility. It is time to act.

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AUNG SAN SUU KYI—UNBEARABLE CHOICES

(By Bono)

It's hard not to become a monster when you are trying to defeat one. Aung San Suu Kyi is the moral leader of Myanmar, the country more correctly known as Burma. She has been, in effect, under house arrest since 1989.

Why? First, because of the military juntas who came to power in a bloody coup in 1962, and have been running the country with a truncheon ever since. Second, because of us.

There has been no real roar against these human rights abusers, just the odd bark. Yet even single-party democracies check their mail. They're not just muscle; they're vain. Even juntas measure just how many boos and hisses they can get away with. Suu Kyi's peaceful bloody-mindedness is driven by courage, but her captors' bloody bloody-mindedness is driven by fear—fear of losing the business they are running for themselves.

Suu Kyi is a real hero in an age of phony phone-in celebrity, which hands out that title freely to the most spoiled and underqualified. Her quiet voice of reason makes the world look noisy, mad; it is a low mantra of grace in an age of terror, a reminder of everything we take for granted and just what it can take to get it. Thinking of her, you can't help but use anachronistic language of duty and personal sacrifice.

U2 wrote the song Walk On to honor this amazing woman who put family second to country, who for her convictions made an unbearable choice—not to see her sons grow and not to be with her husband as he lost his life to a long and painful cancer. Suu Kyi, with an idea too big for any jail and a spirit too strong for any army, changes our view—as only real heroes can—of what we believe to be possible. The jury is still out on whether we deserve the faith she has put in us.

Walk On won record of the year at the Grammys, a very proud moment. But in front of an audience of millions, I did what I've begged others not to do. I forgot to say thank you to the woman in front of the song. Thank you.

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AMERICAN APPAREL & FOOTWEAR ASSOCIATION,
*April 5, 2004.*

Hon. MITCH MCCONNELL,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCONNELL: Last year, you were instrumental in an effort that led to the successful enactment of the Burmese Freedom and Democracy Act of 2003 to send a clear and unmistakable message that the United States is not interested in doing business with regimes such as the one that brutally enslaves the people of Burma. The American Apparel & Footwear Association in proud to have supported this historic measure.

This landmark legislation included a total ban on imports from Burma. As you may recall, the import ban will expire unless Congress passes, and the President signs into law, a one-year renewal by the end of July.

Since this law took effect, the ruling military junta in Burma has shown no willingness to address the many problems that made these sanctions necessary. Indeed, as the most recent State Department Human Rights report (in what appears to be an echo of more than a decade of similar reports) states, ''The Government's extremely poor human rights record worsened [in 2003], and it continued to commit numerous serious abuses.'' Moreover, last week, State Department officials told the House International Relations Committee, ''Sanctions are a key component of our policy in bringing democracy to Burma and have been a key source of support for the morale of many democracy activists.''

Now is the time to reinforce our sanctions tools against this regime, and, more importantly, to actively seek similar steps from other countries. Accordingly, we urge you to introduce as soon as possible the legislation necessary to renew this import ban, as articulated in Section (9)(b)(2) of the Burmese Freedom and Democracy Act of 2003.

We look forward to working with you to see this renewal swiftly considered and enacted.

Please accept my best regards,

Sincerely,

KEVIN M. BURKE,
*President & CEO.*

Mr. MCCONNELL. Mr. President, I want to take a moment to provide my colleagues with insights into how serious and dedicated those who support the struggle for freedom in Burma remain.

Since the enactment of the Burmese Freedom and Democracy Act in July 2003, numerous colleagues and I have written to the administration and the United Nations in support of democracy in Burma. The following is a list of those letters that I have initiated or signed—but it is by no means an exhaustive list as it does not include any letters individual members may have sent themselves:

August 1, 2003: a letter to President Bush signed by myself and Senators FEINSTEIN, BROWNBACK, and LEAHY expressing concern with Thailand's lack of support for the struggle of freedom in Burma.

September 12, 2003: a letter to Secretary Powell signed by myself encouraging him to bring up the plight of Suu Kyi and other Burmese democracy activists with the United Nations and all Security Council members, particularly China.

September 30, 2003: a letter to President Bush signed by myself and Senators FEINSTEIN, MCCAIN, HOLLINGS, SANTORUM, GRAHAM, ALLEN, DODD, SESSIONS, MIKULSKI, CAMPBELL, CLINTON, SMITH, MURRAY, COLLINS, FEINGOLD, EDWARDS, BENNETT, LANDRIEU, BURNS, CANTWELL, CORZINE, WYDEN, BROWNBACK, LAUTENBERG, KOHL, MURKOWSKI, BUNNING, LIEBERMAN, SARBANES, HARKINS, DAYTON, VOINOVICH, LEAHY, and DURBIN urging his support for Thailand to play a more constructive role within ASEAN to promote genuine national reconciliation in Burma.

November 24, 2004: a letter to U.N. Secretary-General Kofi Annan signed by myself and Senators FEINSTEIN, MCCAIN, and BROWNBACK calling on the U.N. to assume a leadership role to enforce the will of the international community in recognizing the results of the 1990 elections.

March 1, 2004: a letter to President Bush signed by myself and Senators FEINSTEIN, MCCAIN and Representatives LANTOS, KING and PITTS urging continued sanctions against Burma and increased engagement with the EU.

March 29, 2004: a letter to Secretary Powell signed by myself urging him to use the Berlin donor conference on Afghanistan to work the Burma issue with the EU and Japan.

I would be remiss if I did not acknowledge the support and leadership of Senators FEINSTEIN and MCCAIN. Both have stood steadfastly with the people of Burma. They are champions of freedom in that country, and I am pleased and proud to once again work with them on this issue.

The partnership between Congress and senior members of the Administration on Burma has been productive and commendable. I look forward to working with President Bush, Secretary Powell and others on this important issue throughout this calendar year.

This joint resolution will renew sanctions against Burma for an additional year.

Roughly a year ago, Senator MCCAIN, Senator FEINSTEIN, and I came to the Senate floor to talk about the arrest and reincarceration of Aung San Suu Kyi, the hero of the Burma democracy.

To refresh everyone's memory, she and her party won an overwhelming landslide election back in 1990 when the military thugs who run the country—mistakenly, from there point of view—allowed an election. The NLD and Suu Kyi won virtually 80 percent of the vote and were never allowed to take over. She was then essentially put under house arrest and has been mostly under house arrest all these years. Here we are some 14 years later.

During that time, her husband passed away while living in England. She didn't get to visit him because she knew if she went to England, she would never be allowed back into the country. She is the symbol of Burmese freedom and democracy and has been under house arrest all these years.

A little over roughly this month last year, she was allowed to go out and go around the country. Her motorcade was attacked and a number of people were killed. She was injured and was sent into confinement once again—raising the issue again in the public mind, which, unfortunately, has not been in the forefront as often as it should have been over the years. Burma for many people has been sort of out of sight and out of mind. It has not enjoyed the kind of international attention that repression deserves.

What Senator MCCAIN, Senator FEINSTEIN, and I have been trying to do is lead the United States to have a more proactive interest in this. That is what the Burma sanctions bill is about. It passed last June and was signed by the President Last July. Secretary Powell was before the Foreign Operations Subcommittee a few weeks ago, and he indicated that the administration supports renewal of these sanctions for an additional year. That is what the joint resolution I just introduced on behalf of Senator FEINSTEIN, Senator MCCAIN, and others will do.

Sanctions have had some impact. We all know sanctions have mixed results in bringing down regimes. Frequently, they do not work, but there is one really classic example of a place where international sanctions made a difference, and that was changing the regime in South Africa. In that particular instance, the United States led and the rest of the world followed, and the sanctions became so widespread and the pressure so intense that it actually brought about a change in the regime in South Africa, and the majority there was allowed to take power.

We have had a difficult time getting the kind of international cooperation

on sanctions on Burma we would like to see, but we have started down that path.

This bill, which was signed last year, this Burma sanctions bill, spurred other nations to toughen their stance against Burma, denied the military regime 13 percent of its export market, and blocked $13 million in financial transactions to Burma. That is not a huge amount of money but it is a start. If the other countries in that area of the world, the ASEAN countries, and the Europeans, would give the attention to this that it deserves, we could have meaningful international sanctions that really bite.

The European Union and the U.N. will, frankly, have to be much more supportive of freedom in Burma. Both need to be much more proactive than they have been if this is going to work.

Bishop Tutu, with whom we are all familiar, the South African bishop, believes if we had the kind of international pressure and cooperation on Burma sanctions that we had on South African sanctions, it could, indeed, bring about a change in the regime in Burma.

My friend Senator MCCAIN and I have had an opportunity to discuss this issue off and on over the years. He had a unique opportunity, which I have never experienced. I have gotten notes from Aung San Suu Kyi but never actually had a chance to meet her. I know Senator MCCAIN had that opportunity. He and I both have been inspired by the example she has set. I believe, am I not correct, Senator MCCAIN, you dealt with her in your most recent book as an example of the kind of courage that should be widely applauded?

Mr. MCCAIN. I thank the Senator. Mr. President, I ask unanimous consent that the Senator from Kentucky and I be allowed to engage in a dialog.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. MCCAIN. Senator MCCONNELL, I thank you and Senator FEINSTEIN for your leadership on this issue. What you have done last year is important. It is very important again this year.

Senator MCCONNELL, you put your finger on one of the real tough aspects of this. People all over Burma, including the members of the National League for Democracy, the party that was overwhelmingly elected to take power and run the country of Burma, are grateful to us. It is very tough for opposition within a country to support sanctions which hurt that country economically. Yet this organization, which she leads, supports sanctions because of the terrible things this group of gangsters have done to their country.

Senator MCCONNELL, you point out very importantly, apartheid was overthrown in South Africa because of a united front which the United States led, an issue in which you were heavily involved. Now the Europeans seem to be dragging their feet.

We have quite often heard—sometimes justified, sometimes unjustified—criticism from our European friends about our lack of attention to human rights, too much attention to politics, et cetera. This is an opportunity for our European friends to join us and bring about the freedom of the Burmese people—I refuse to call it Myanmar—the Burmese people, free this great Nobel Peace Prize winner and spread democracy and freedom through the world.

I thank again Senator MCCONNELL for his leadership. This legislation would not have been passed without the leadership of you and Senator FEINSTEIN. I am very grateful.

Mr. MCCONNELL. Thank you very much, I say to my friend from Arizona.

He was mentioning the fact that we, this country, is frequently criticized because it does not take a multilateral approach to difficult issues. What we have been advocating as aggressively as we can is a widespread multilateral, multinational approach to dealing with this Myanmar regime, which no one defends but seems to be allowed to continue to operate because they are out of sight and out of mind. Here we are advocating a multilateral approach. As the Senator from Arizona points out, where are the Europeans?

Mr. MCCAIN. I think we need to make this a very high priority both in the United Nations and with the European Union and with others. I know Senator MCCONNELL is very familiar with this brave woman and her followers. A lot of Americans, unfortunately, are not.

Three Burmese citizens were recently sentenced to death for contacting representatives of the International Labor Organization. They were sentenced to death for contacting members of the International Labor Organization. This woman has been kept under house arrest. Her followers have been beaten and killed. The cruelties, the unspeakable cruelties that have been inflicted on the Burmese people by these thugs are incredible.

Senator MCCONNELL, recently we were talking about Iraq and freeing the people of Iraq. We celebrated the 10-year anniversary of Rwanda and we said never again. Eight hundred thousand people were killed in Rwanda and we said never again. After the Holocaust, we said never again. Are we going to look back on Burma and say never again after thousands of people have been tortured and murdered and imprisoned and mistreated?

Security forces, according to national organizations, continue to commit extrajudicial killings, rape, forcibly relocate persons, and the use of forced labor. It is going on. Are we some years from now going to say never again? Are we internationally going to exert the pressures of which we are capable—by the way, including our friends in ASEAN who took Burma into ASEAN with the announced intention of reforming this gang of thugs?

Mr. MCCONNELL. And the ASEAN meeting is scheduled to be in Burma in a few years.

Mr. MCCAIN. Remarkable in itself. What kind of an organization can call itself an advocate of freedom and democracy and have a meeting in the center of a repressive outrageous gang of thugs?

Mr. MCCONNELL. It was a stunning decision to schedule the meeting there. And now, if they stick with the schedule, I wonder how ASEAN can explain their tolerance of this regime? Give this regime nuclear weapons and it would look very much like North Korea, would it not, I ask my friend?

Mr. MCCAIN. That is an excellent point. One of the reasons, perhaps, we do not pay as much attention to them is because they do not have weapons of mass destruction. The only difference between them and Pyongyang is that they do not and the North Koreans do. That is a heck of a comment on the attention of us.

I don't want to take too much time, but I will relate a story with which Senator MCCONNELL is familiar. Aung San Suu Kyi was married while in England to a wonderful man and has two sons. A few years ago, a very short time ago, her husband was dying in England. This gang of thugs said that she could, of course, go with her husband—he was not allowed to come to Burma—to be with her husband while he was dying but she could not come back. So these unspeakable characters would not allow her to go be with her husband as he died.

This is a remarkable statement of her courage and dedication and also remarkable commentary on the kind of people with whom we are dealing. The next time the delegate from the U.N., the special delegate—they call it Myanmar—come to see us, our European friends come to see us and talk about powers of persuasion, remind them of that story. I think it would be very difficult to argue that these people are rational or willing to listen to reason.

Again, I thank Senator MCCONNELL for all of his hard work.

Mr. MCCONNELL. If I could say to my friend from Arizona, staff reminds me, Burma takes the chairmanship of ASEAN in 2006. They actually take the chairmanship. That is a completely absurd and unacceptable result.

Mr. MCCAIN. Americans are great people. We are providing a service today with your and Senator FEINSTEIN's legislation to bring attention to the plight of the people halfway around the world and their noble and courageous leader who has been a Nobel Peace Prize winner.

Every once in a while we do something very worthwhile around here and I thank the Senator for his leadership.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Kentucky and the Senator from Arizona for their words. I had hoped to join them on the floor earlier, but I was in the Judiciary

Committee. So I am very pleased to be able to be here now to say a few words in support of this effort.

I first became involved in the Burmese, or Myanmar, dilemma back in 1995–1996 with then-Senator William Cohen, and we offered some legislation at that time. So we have had the opportunity to follow this situation. I then worked with Senator MCCONNELL a year ago on this legislation. And now I am very pleased to support the renewal of the sanctions imposed on Burma by the Burmese Freedom and Democracy Act of 2003.

Last year, in response to a brutal and vicious coordinated assault by progovernment paramilitary thugs on members of the National League for Democracy (NLD), and the arrest and detention of NLD's leader, the Nobel Peace Price winner, Aung San Suu Kyi, the U.S. Congress overwhelmingly passed this act. The purpose was to impose a complete import ban on products from Burma.

Working together, the Congress and the administration demonstrated our determination to put pressure on the ruling State Peace and Development Council—that is the military junta formerly known as the SLORC—to release Suu Kyi, and also to respect the 1990 elections decisively won by the National League for Democracy party in Burma and put Burma on an irreversible path of national reconciliation and democracy. One year later, it is clear that the SPDC has failed to make substantial and measurable progress toward implementing a democratic government to have those sanctions lifted.

The junta has failed. The world has condemned the arrest of Aung San Suu Kyi. They have called for her unconditional release. She still remains under house arrest. NLD Vice-Chairman U Tin Oo also remains in custody.

Last August, the junta proposed a seven-point ''roadmap'' to democracy. That included a national convention to take place the following month to draft a new constitution. Yet there is no timetable for restoration of democracy, no assurance that the junta will give up power, and no meaningful participation for Suu Kyi and her party.

Numerous human rights abuses, including torture, forced labor, rape, and sex trafficking continue unabated.

The most recent State Department report indicates that:

> The Government's extremely poor human rights record worsened [in 2003] and it continued to commit numerous abuses.

Recently, the junta sentenced three Burmese citizens to death for one thing: for meeting with representatives of the ILO, the International Labor Organization. That is how repressive this regime is. If you meet with an organization not favored by the government, you could be sentenced to death.

Mr. President, 1,300 political prisoners are still in jail, many of them elected parliamentarians. According to the State Department, three political prisoners died in custody last year.

The government engages in the production and distribution of opium and methamphetamine.

The Thai-sponsored ''Bangkok Process''—designed to mediate a solution to the political situation in Burma—collapsed after one meeting with the SPDC's refusal to attend further sessions with ''like-minded'' countries. The regime said it was ''too busy'' to attend this week's session.

For years, we have been working with ASEAN nations to put pressure on the military junta to make changes. But these nations were reluctant to do so. The Thailand-sponsored Bangkok Process aimed to do the same thing. However, what is clear is that the military junta has ignored those efforts.

So over the past several months, the regime has gone to great lengths to rehabilitate its standing with neighbors and the international community. Some thought this was evidence that the junta was committed to national reconciliation, that engagement works, and that the sanctions and other pressures on Rangoon should be eased to facilitate the implementation of this new roadmap.

But I think they are mistaken because I think we have learned something now about this regime's intentions. So what we need is substantive and meaningful action, not more promises and empty statements and failure to deliver on commitments.

For over 15 years, this junta has engaged in a systematic campaign to wipe out the democratic movement in Burma and the NLD's 1990 election victory.

For over 15 years, we have listened to assurances that the junta was committed to national reconciliation and a dialog with all parties on restoring democracy, and still nothing has happened.

I was actually cautiously optimistic when Suu Kyi was first released from house arrest 2 years ago. Yet sure enough, 1 year later, she was back in custody. The regime showed its true colors in orchestrating and carrying out a brutal attack. After her release, Aung San Suu Kyi had gone on the road. She was greeted with enormous popularity. The junta's forces attacked her caravan. Many of her people were killed; many were arrested; and she was shoved back into house arrest for doing nothing more than what she was elected originally to do.

So whatever the regime might say about ''roadmaps'' and ''national conventions,'' their actions have clearly demonstrated they are uninterested in restoring democracy to the Burmese people and, more importantly, they are going to take any steps they can to hold on to power.

Even if, as we all hope, Aung San Suu Kyi is released and is invited to take part in a national convention, I think we should maintain the pressure on this junta and keep the sanctions in place.

Now, earlier this week, the junta allowed members of the NLD, the democratic party, to meet with Aung San Suu Kyi to discuss their participation at the convention. But this is hardly progress.

''Substantial and measurable'' progress is just that, and we should not settle for lofty pronouncements when they have a record of breaking their word on virtually every statement they have made.

So I am very pleased that Secretary of State Colin Powell has testified that the administration supports reauthorizing the sanctions. He recently stated:

> I have seen no improvement in the situation. Aung San Suu Kyi remains unable to participate in public political life in Burma, and we will not ignore that. We will not shrink from the strong position we have taken.

So now is not the time to reduce our support for this brave leader. Now is the time to stand with her side by side, to buttress her, to reinforce her, to point out, over and over again that she is the elected democratic leader of that country; now is the time to show the SPDC that America is not going to stand by and see members of the parliament jailed, not going to stand by and see her people continually attacked, and not going to stand by and see every promise the junta made violated.

So I feel very strongly and am very pleased to join with the distinguished Senators from Kentucky and Arizona in supporting this extension legislation.

S.J. RES. 36

Whereas the State Peace and Development Council (SPDC) has failed to make substantial and measurable progress toward implementing a democratic government in Burma;

Whereas the courage and determination of the people of Burma in their struggle for freedom and justice remains steadfast and strong;

Whereas import sanctions and other restrictions against the SPDC and its affiliated entities should remain in force until Burma embarks on an irreversible path of reconciliation that includes the full and unfettered participation of the National League for Democracy and ethnic minorities in the country; and

Whereas the Department of State supports the continuation of sanctions against the SPDC: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

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Mr. MCCAIN. Mr. President, I would like to commend Senators MCCONNELL and FEINSTEIN for introducing legislation that will renew sanctions contained in last year's Burmese Freedom and Democracy Act. I am proud to be an original cosponsor of this resolution.

The world's democracies have a common moral obligation to promote human rights. In few places is the lack of freedom and justice more appalling than in Burma, a country in which a band of thugs, led by General Than Shwe, controls the population through

violence and terror. The Burmese regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It also recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

And Aung San Suu Kyi remains a captive. Because she stands for democracy, this heroic woman has endured attacks, arrest, captivity, and untold sufferings at the hands of the regime. The junta fears Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage. Her leadership and example shines brightly for the millions of Burmese who hunger for freedom, and for those of us outside Burma who seek justice for its people. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work.

In recognition of this, last year the Congress overwhelmingly passed the Burmese Freedom and Democracy Act. In doing so, we took active steps to pressure the military junta, and we sent a signal to the Burmese people that they are not forgotten—that the American people care about their freedom and will stand up for justice in their country.

The State Department released just this week a new report on U.S. trade sanctions against Burma. This report notes that the Freedom and Democracy Act encouraged ASEAN nations to take a critical stance on Burma, and that these pressures were likely a factor behind the junta's August announcement of a ''roadmap'' toward democratic transition. While this roadmap is sorely lacking, it does point to the tangible effect that our efforts are having inside the country.

Yet since we passed our bill last year, the ruling State Peace and Development Council has failed to make substantial progress toward implementing a democratic government in Burma. The new State Department report indicates that Burma's ''extremely poor human rights record has worsened over the past year, and it continued to commit serious abuses.'' Pro-democracy activists remain in detention, the National League for Democracy offices remain closed, and citizens do not have the right to change their government. Security forces continue to commit extrajudicial killings and rape, forcibly relocate persons, and use forced labor. The military junta refuses to tolerate any form of political opposition. On top of this, the dismal economic polices implemented by Burma's rulers have led to widespread poverty and the flight of most foreign investors.

Sadly, the picture is clear. So long as this band of thugs rules Burma, its people will be never be free. They will remain mired in poverty and suffering, cut off from the world, with only their indomitable spirit to keep them moving forward.

For this reason I stand in support of the joint resolution that will renew the import restrictions contained in last year's legislation—sanctions that are supported by the National League for Democracy. These restrictions must remain until Burma embarks on a true path of reconciliation—a process that must include the NLD and Burmese ethnic minorities. I note, however, that while the American people have spoken with one voice in support of freedom in Burma, it is past time that the leaders of other nations do the same. No other country has yet implemented U.S.-style economic sanctions. The Europeans should reject half measures and join the United States in targeted sanctions against the military regime. China, Thailand, India and other Asian nations uncomfortable with a tougher response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies.

Mr. President, this week I co-authored with former Secretary of State Madeleine Albright an editorial on Burma for the Washington Post. This article enumerates several of the points that I have made here, and illustrates the bipartisan consensus that we must act to promote democracy and human rights in Burma. I ask unanimous consent that a copy of our editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection; it is so ordered.

(See exhibit 1.)

Mr. McCAIN. In this article, we quote Archbishop Desmond Tutu, a man who knows quite a bit about life under tyranny and oppression. The Archbishop said that ''Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage.'' Mr. President, today we support justice and freedom.

EXHIBIT 1

[From the Washington Post, April 27, 2004]

A NEED TO ACT ON BURMA

''Apathy in the face of systematic human rights abuses is immoral. One either supports justice and freedom or one supports injustice and bondage.'' So said Archbishop Desmond Tutu, the South African Nobel laureate and anti-apartheid leader, who knows something about the struggle for human freedom in the face of tyranny.

The world's democracies have a common moral obligation to promote justice and freedom. In few places is this obligation more acute than in Burma, a country in which a band of thugs, led by Gen. Than Shwe, controls the population through violence and terror. The regime has a record of unchecked repression. It has murdered political opponents, used child soldiers and forced labor, and employed rape as a weapon of war. Nearly one year ago the Burmese military junta launched an orchestrated, violent attack against democracy leader Aung San Suu Kyi and hundreds of her supporters. Since then the regime has kept more than 1,000 political activists imprisoned, including elected members of parliament. It recently sentenced three Burmese citizens to death for contacting representatives of the International Labor Organization.

The Burmese junta, with the cynical support of neighboring governments, has announced a ''road map to democracy,'' beginning with a constitutional convention in May. The convention is expected to be stage-managed by the junta, which has offered no meaningful participation to Suu Kyi's National League for Democracy, no timetable for progress toward a political transition, no release of political prisoners and no guarantee that the military will cede control to democratically elected leaders. Instead, the junta's proposals seem designed to institutionalize military control by creating a veneer of civilian authority, while meeting only the minimum expectations of Western democracies in order to avoid further sanctions.

The Burmese regime's recent actions demonstrate that years of international engagement and patience have not made the dictatorship more humane, reasonable or open to accommodation with its political opponents. On the contrary, it is only in response to international pressure that the regime has made even the smallest moves toward a political settlement with the democratic opposition. The lesson is clear: The world's democracies and Burma's neighbors must press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The legitimacy, authority and commitment of Burma's democratic leaders to govern their country is not in doubt. But the international commitment to Burma's democratic transformation remains uncertain. The Western democracies and Burma's neighbors should immediately take three steps to bolster Burma's legitimate democratic leaders.

First, Congress should promptly renew, and the president sign into law, the ban on Burma's imports enacted into law last July. These sanctions, which are set to expire after a review period beginning Friday, are supported by Burma's National League for Democracy. The restrictions have made it more difficult for the Burmese military to tap financial assets abroad, travel or accumulate revenue through trade. The European Union, whose member democracies care deeply about protecting human rights, and whose trade and assistance programs give it critical leverage in Southeast Asia, are set to announce a new Common Position on Burma on Thursday. As part of this new policy, the EU should also initiate target sanctions against the regime.

Second, the EU and the United States, with support from Asian nations, should urge the junta to implement immediately the provisions of the U.N. Commission for Human Rights and the U.N. General Assembly resolutions—including democracy, the rule of law and respect for human rights. The United States and the EU should also formally place the issue on the agenda of the U.N. Security Council, and work urgently toward a resolution threatening credible sanctions against the Burmese regime unless it initiates meaningful progress toward democracy.

Third, China, Thailand, India and other Asian nations uncomfortable with a tougher

response to the junta's crimes must understand that diplomatic obfuscation and obstruction on Burma will profoundly affect their broader bilateral relationships with the Western democracies. Thailand in particular should consider this point when it convenes its planned international conference to discuss what it optimistically calls ''Burma's progress toward democracy.''

Beyond these steps, the United States, Europe and Asian countries must demand the unconditional release of Aung San Suu Kyi and her fellow political prisoners, but make clear that the releases, while necessary, are insufficient. In addition, they should continue calls for a political settlement that reflects the results of the free and fair elections held in 1990. This settlement must include a central, determinative role for the National League for Democracy.

In another era, a dissident playwright named Vaclav Havel wrote of the ''power of the powerless'' to overcome rule by fear and force, at a time when such a revolution in human freedom seemed impossible. The international community today has the power to help the powerless inside Burma throw off the shackles of tyranny. It is time to assume this moral responsibility. It is time to act.

Mr. LEAHY. Mr. President, it saddens me to rise today to speak about the situation in Burma. Burma is a beautiful country with a rich history. Regrettably, this great nation, with so much potential, is being destroyed by the despotic junta, the State Peace and Development Council, SPDC.

Natural resources are pillaged, ethnic minorities are brutally repressed, and most notably, Nobel Laureate, Aung San Suu Kyi, is under house arrest—denying her the right to help lead her nation.

For more than a decade, the brutal and autocratic regime, the SPDC has played an outrageous ''game'' with Aung San Suu Kyi. It goes something like this: pretend to allow Aung San Suu Kyi freedom to move around the country; when her movements become too threatening, put her under house arrest; keep her there until international pressure becomes too intense; eventually let her out, starting it all over again. In other words, isolate Aung San Suu Kyi and stall for time, while looting the country of its resources.

Once again, we find ourselves in this situation. About a year ago, the SPDC launched a vicious, pre-meditated attack against Aung San Suu Kyi and other members of the NLDF. The SPDC then placed Aung San Suu Kyi under house arrest, using the absurd justification that it is for her own safety. Virtually nothing has changed since that time. Aung San Suu Kyi remains under house arrest and the outrageous activities of the SPDC continue unabated.

It is for this reason that I join Senators MCCONNELL and FEINSTEIN today in introducing the joint resolution to extend the sanctions provided for in the Burmese Freedom and Democracy Act. The senior Senators from Kentucky and California have already discussed the situation in Burma and made the case why this legislation is so important. I want to associate myself with their remarks and will be brief here today.

The message that we are sending to the ruling junta in Burma is clear: its behavior is outrageous. Aung San Suu Kyi is the rightful leader of the democratic opposition in Burma. She and other opposition leaders must be immediately released.

But, as important as U.S. leadership is on this issue, we all know it is not enough. Burma's neighbors—India, Thailand, and China—must also act. For too long, the silence of these key nations has been deafening. To obtain real change in Burma, these and other nations in the region must change course, speak out and disavow the failed policies of engagement.

I know that the sponsors of the legislation recognize this. I have heard Senator MCCONNELL speak frequently of the need for a ''full court press'' by the international community on this issue. While I am not so naïve as to believe that this legislation will instantly cause a change of heart among the SPDC, I am hopeful that constant pressure U.S. pressure and others will, one day, lead to a breakthrough.

Everyone in the Senate would like to see the SPDC tossed on the ash heap of history, but there is widespread recognition that this regime is well entrenched and will not go away overnight. The immediate goal should be to get Aung San Suu Kyi out of house arrest and give her and the NLDF an equal seat at the table. Considering that the NLDF was democratically elected to lead Burma, this is a modest goal indeed.

Aung San Suu Kyi and her supporters have been denied for too long. It is time for a change in Burma. I hope that this is the beginning of the end for the SPDC and the start of a new era in Burma, allowing that country and its people to achieve the democracy and progress they deserve.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 346—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2003–2004 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 346

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003–2004 season, the Gophers won an outstanding 30 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's sport at the University to win a national championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003–2004 National Collegiate Athletic Association All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson, for the third time since 1998, has been named the American Hockey Coaches Association's Division I Women's Coach of the Year (2003–2004); and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003–2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

### SENATE RESOLUTION 347—TO COMMEND SENATE ENROLLING CLERK THOMAS J. LUNDREGAN ON THIRTY-SIX YEARS OF SERVICE TO THE UNITED STATES GOVERNMENT

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 347

Whereas in 1967, Thomas J. Lundregan became an employee of the Government Printing Office, and since then has devoted his career to the service of the United States Government;

Whereas in 1989, Thomas J. Lundregan joined the Office of the Enrolling Clerk in the Office of the Secretary of the Senate;

Whereas in 1995, Thomas J. Lundregan became the Enrolling Clerk of the Senate and has always performed the duties of that office with great dedication, perseverance, and humor;

Whereas Thomas J. Lundregan has performed a critical role in ensuring the technical accuracy and legal sufficiency of legislation passed by the Senate;

Whereas Thomas J. Lundregan has been in the forefront of the modernization of the operations of the Senate Enrolling Clerk;

Whereas Thomas J. Lundregan has faithfully discharged the difficult duties and responsibilities of Enrolling Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Thomas J. Lundregan has earned the respect, affection, and esteem of his colleagues and the United States Senate;

Whereas Thomas J. Lundregan has for 36 years ably and faithfully upheld the high standards and traditions of service to the United States Government; and

Whereas Thomas J. Lundregan will retire from the United States Senate on April 30, 2004, with 36 years of Service to the United States Government and 15 years Service to the United States Senate; now, therefore, be it

*Resolved*, That the United States Senate commends Thomas J. Lundregan for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service, and extends its very best wishes upon his retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas J. Lundregan.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3083. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 3084. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3085. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3086. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3087. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3088. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3089. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3090. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3091. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3093. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3094. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3095. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3096. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3097. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3098. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3099. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3100. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3101. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3102. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3103. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3104. Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3105. Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3106. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

## TEXT OF AMENDMENTS

**SA 3083.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. ___. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.**

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2006.

**SA 3084.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.**

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) severe economic conditions or volatility in the price of petroleum or petroleum products exist and pose a significant threat to economic stability.''.

**SA 3085.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.**

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) by striking ''(A) an emergency'' and inserting ''(A)(i) an emergency'';

(2) by striking ''(B) a severe'' and inserting ''(ii) a severe'';

(3) by striking ''(C) such price'' and inserting ''(iii) such price'';

(4) by striking ''economy.'' and inserting ''economy; or''; and

(5) by adding at the end the following:

''(B) there exist severe economic conditions or volatility in the price of petroleum or petroleum products that pose a significant threat to economic stability that could be mitigated by a drawdown and sale of petroleum products from the Strategic Petroleum Reserve.''.

**SA 3086.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. ___. RENEWABLE PORTFOLIO STANDARD.**

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end of title VI the following:

**''SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

''(a) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (except incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section from solar, wind, ocean, or geothermal energy;

''(B) biomass (as defined in section 504(b)); and

''(C) landfill gas.

''(4) INCREMENTAL HYDROPOWER.—

''(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions that are—

''(i) made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date; and

''(ii) measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility; and

''(iii) certified by the Secretary or the Commission.

''(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

''(5) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after the date of enactment of this section from—

''(i) solar, wind, ocean, or geothermal energy;

''(ii) biomass (as defined in section 504(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) in the case of electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section, the additional energy above the average generation during the 3 years preceding the date of enactment of this section at the facility from—

''(i) solar, wind, ocean, or geothermal energy;

''(ii) biomass (as defined in section 504(b));

''(iii) landfill gas; or

''(iv) incremental hydropower.

''(b) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—An electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity that the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

''(2) PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

| ''Calendar year: | Minimum annual percentage: |
|---|---|
| 2008 through 2011 | 2.5 |
| 2012 through 2015 | 5.0 |
| 2016 through 2019 | 7.5 |
| 2020 through 2030 | 10.0. |

''(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) generating electric energy using new renewable energy or existing renewable energy;

''(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

''(C) purchasing renewable energy credits issued under subsection (c); or

''(D) a combination of the foregoing.

''(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2005, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (b)(1) to satisfy the obligations by purchasing sufficient renewable energy credits.

''(2) PROGRAM ELEMENTS.—As part of the program, the Secretary shall—

''(A) issue renewable energy credits to generators of electric energy from new renewable energy;

''(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (h)); and

''(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section.

''(3) USE OF CREDITS.—A credit under paragraph (2)(A) may be used for compliance with this section until the date that is 3 years after the date on which the credit is issued.

''(d) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—An electric utility that fails to meet the renewable energy requirements of subsection (b) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b) by the greater of—

''(A) 1.5 cents (adjusted for inflation under subsection (h)); or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (b) for reasons outside the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act (42 U.S.C. 6303(d)).

''(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall establish a State renewable energy account program.

''(2) ESTABLISHMENT OF STATE RENEWABLE ENERGY ACCOUNT.—The State renewable energy account shall be held by the Secretary and shall not be transferred to the Secretary of the Treasury.

''(3) DEPOSITS.—All amounts collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited in the State renewable energy account established under this subsection.

''(4) USE OF PROCEEDS.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to State agencies responsible for developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production.

''(5) GUIDELINES AND CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this subsection.

''(6) RECORDS.—A State energy office that receives a grant under this section shall maintain such records (including evidence of compliance) as the Secretary may require.

''(7) PREFERENCE.—In allocating funds under the program, the Secretary shall give preference to—

''(A) States in regions that have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) State programs to stimulate or enhance innovative renewable energy technologies.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations implementing this section.

''(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility that—

''(1) sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) that is located in Hawaii.

''(h) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (c)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

''(i) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) respecting renewable energy, but no such law shall relieve any person of any requirement otherwise applicable under this section.

''(2) COORDINATION.—The Secretary, in consultation with States having such a renewable energy program, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State program.

''(j) SUNSET.—This section ceases to be effective December 31, 2030.''.

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**SA 3087.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike the last word and insert the following:

**SEC. ___. CONSUMER PASSTHROUGH.**

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

**''SEC. 1109. CONSUMER PASSTHROUGH OF TAX SAVINGS.**

''If the taxes, fees, or other charges imposed by a State or local government remitted by a provider of Internet access service for any taxable period covered by this Act are lower than such taxes, fees, or other charges would be if this Act were not law, then the provider shall reduce the amount it charges retail users of its Internet access service during the next taxable period by an aliquot amount.''.

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**SA 3088.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 7, strike through line 2 on page 3 and insert the following:

**SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.**

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

**SEC. . VOIP SERVICES.**

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

**''SEC. 1108. VOIP SERVICES.**

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

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**SA 3089.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 17, strike through line 2 on page 3 and insert the following:

**SEC. . VOIP SERVICES.**

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

**''SEC. 1108. VOIP SERVICES.**

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

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**SA 3090.** Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

**SEC. . RESTORATION OF EXISTING DEFINITION OF INTERNET ACCESS.**

(a) IN GENERAL.—

(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting ''Such term does not include telecommunications services.''.

(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting ''Such term does not include telecommunications services.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 3, 2003.

**SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.**

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications, capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

**SEC. . VOIP SERVICES.**

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

**''SEC. 1108. VOIP SERVICES.**

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

**SEC. . GRANDFATHERING OF EXISTING TAXES.**

(a) IN GENERAL.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

**''SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.**

''(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

''(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

''(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

''(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

''(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

''(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 3, 2003.

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**SA 3091.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

The Clean Air Act (42 U.S.C. 1701 et seq.) is amended by adding at the end the following:

**''TITLE VII—GREENHOUSE GAS EMISSIONS**

**''SEC. 701. DEFINITIONS.**

''In this title:

''(1) COVERED ENTITY.—The term 'covered entity' means an entity that emits more than a threshold quantity of greenhouse gas emissions.

''(2) DIRECT EMISSIONS.—The term 'direct emissions' means greenhouse gas emissions from a source that is owned or controlled by an entity.

''(3) ENTITY.—The term 'entity' includes a firm, a corporation, an association, a partnership, and a Federal agency.

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(5) GREENHOUSE GAS EMISSIONS.—The term 'greenhouse gas emissions' means emissions of a greenhouse gas, including—

''(A) stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

''(B) process emissions, which consist of emissions from chemical or physical processes other than combustion;

''(C) fugitive emissions, which consist of intentional and unintentional emissions from—

''(i) equipment leaks such as joints, seals, packing, and gaskets; and

''(ii) piles, pits, cooling towers, and other similar sources; and

''(D) mobile source emissions, which are emitted as a result of combustion of fuels in transportation equipment such as automobiles, trucks, trains, airplanes, and vessels.

''(6) GREENHOUSE GAS EMISSIONS RECORD.—The term 'greenhouse gas emissions record' means all of the historical greenhouse gas emissions and project reduction data submitted by an entity under this title, including any adjustments to such data under section 704(c).

''(7) GREENHOUSE GAS REPORT.—The term 'greenhouse gas report' means an annual list of the greenhouse gas emissions of an entity and the sources of those emissions.

''(8) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from sources owned or controlled by another entity.

''(9) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—The term 'national greenhouse gas emissions information system' means the information system established under section 702(a).

''(10) NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.—The term 'national greenhouse gas emissions inventory' means the national inventory of greenhouse gas emissions established under section 705.

''(11) NATIONAL GREENHOUSE GAS REGISTRY.—The term 'national greenhouse gas registry' means the national greenhouse gas registry established under section 703(a).

''(12) PROJECT REDUCTION.—The term 'project reduction' means—

''(A) a greenhouse gas emission reduction achieved by carrying out a greenhouse gas emission reduction project; and

''(B) sequestration achieved by carrying out a sequestration project.

''(13) REPORTING ENTITY.—The term 'reporting entity' means an entity that reports to the Administrator under subsection (a) or (b) of section 704.

''(14) SEQUESTRATION.—The term 'sequestration' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

''(15) THRESHOLD QUANTITY.—The term 'threshold quantity' means a threshold quantity for mandatory greenhouse gas reporting established by the Administrator under section 704(a)(3).

''(16) VERIFICATION.—The term 'verification' means the objective and independent assessment of whether a greenhouse gas report submitted by a reporting entity accurately reflects the greenhouse gas impact of the reporting entity.

**''SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.**

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas emissions information system to collect information reported under section 704(a).

''(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Congress a draft design of the national greenhouse gas emissions information system.

''(c) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas emissions information system through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(d) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the extent practicable, the Administrator shall ensure coordination between the national greenhouse gas emissions information system and existing and developing Federal, regional, and State greenhouse gas registries.

''(e) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national greenhouse gas emissions information system with other environmental information managed by the Administrator.

**''SEC. 703. NATIONAL GREENHOUSE GAS REGISTRY.**

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas registry to collect information reported under section 704(b).

''(b) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas registry through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(c) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the maximum extent feasible and practicable, the Administrator shall ensure coordination between the national greenhouse gas registry and existing and developing Federal, regional, and State greenhouse gas registries.

''(d) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the maximum extent practicable, the Administrator shall integrate all information in the national greenhouse gas registry with other environmental information collected by the Administrator.

**''SEC. 704. REPORTING.**

''(a) MANDATORY REPORTING TO NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—

''(1) INITIAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2005, in accordance with this paragraph and the regulations promulgated under section 706(e)(1), each covered entity shall submit to the Administrator, for inclusion in the national greenhouse gas emissions information system, the greenhouse gas report of the covered entity with respect to—

''(i) calendar year 2004; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A)—

''(i) shall include estimates of direct stationary combustion source emissions;

''(ii) shall express greenhouse gas emissions in metric tons of the carbon dioxide equivalent of each greenhouse gas emitted;

''(iii) shall specify the sources of greenhouse gas emissions that are included in the greenhouse gas report;

''(iv) shall be reported on an entity-wide basis and on a facility-wide basis; and

''(v) to the maximum extent practicable, shall be reported electronically to the Administrator in such form as the Administrator may require.

''(C) METHOD OF REPORTING OF ENTITY-WIDE EMISSIONS.—Under subparagraph (B)(iv), entity-wide emissions shall be reported on the bases of financial control and equity share in a manner consistent with the financial reporting practices of the covered entity.

''(2) FINAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2006, and each April 30 thereafter (except as provided in subparagraph (B)(vii)), in accordance with this paragraph and the regulations promulgated under section 706(e)(2), each covered entity shall submit to the Administrator the greenhouse gas report of the covered entity with respect to—

''(i) the preceding calendar year; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A) shall include—

''(i) the required elements specified in paragraph (1);

''(ii) estimates of indirect emissions from imported electricity, heat, and steam;

''(iii) estimates of process emissions described in section 701(5)(B);

''(iv) estimates of fugitive emissions described in section 701(5)(C);

''(v) estimates of mobile source emissions described in section 701(5)(D), in such form as the Administrator may require;

''(vi) in the case of a covered entity that is a forest product entity, estimates of direct stationary source emissions, including emissions resulting from combustion of biomass;

''(vii) in the case of a covered entity that owns more than 250,000 acres of timberland, estimates, by State, of the timber and carbon stocks of the covered entity, which estimates shall be updated every 5 years; and

''(viii) a description of any adjustments to the greenhouse gas emissions record of the covered entity under subsection (c).

''(3) ESTABLISHMENT OF THRESHOLD QUANTITIES.—For the purpose of reporting under this subsection, the Administrator shall establish threshold quantities of emissions for each combination of a source and a greenhouse gas that is subject to the mandatory reporting requirements under this subsection.

''(b) VOLUNTARY REPORTING TO NATIONAL GREENHOUSE GAS REGISTRY.—

''(1) IN GENERAL.—Not later than April 30, 2005, and each April 30 thereafter, in accordance with this subsection and the regulations promulgated under section 706(f), an entity may voluntarily report to the Administrator, for inclusion in the national greenhouse gas registry, with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

''(A) project reductions;

''(B) transfers of project reductions to and from any other entity;

''(C) project reductions and transfers of project reductions outside the United States;

''(D) indirect emissions that are not required to be reported under subsection (a)(2)(B)(ii) (such as product transport, waste disposal, product substitution, travel, and employee commuting); and

''(E) product use phase emissions.

''(2) TYPES OF ACTIVITIES.—Under paragraph (1), an entity may report activities that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

''(A) fuel switching;

''(B) energy efficiency improvements;

''(C) use of renewable energy;

''(D) use of combined heat and power systems;

''(E) management of cropland, grassland, and grazing land;

''(F) forestry activities that increase carbon stocks;

''(G) carbon capture and storage;

''(H) methane recovery; and

''(I) carbon offset investments.

''(c) ADJUSTMENT FACTORS.—

''(1) IN GENERAL.—Each reporting entity shall adjust the greenhouse gas emissions record of the reporting entity in accordance with this subsection.

''(2) SIGNIFICANT STRUCTURAL CHANGES.—

''(A) IN GENERAL.—A reporting entity that experiences a significant structural change in the organization of the reporting entity (such as a merger, major acquisition, or divestiture) shall adjust its greenhouse gas emissions record for preceding years so as to maintain year-to-year comparability.

''(B) MID-YEAR CHANGES.—In the case of a reporting entity that experiences a significant structural change described in subparagraph (A) during the middle of a year, the greenhouse gas emissions record of the reporting entity for preceding years shall be adjusted on a pro-rata basis.

''(3) CALCULATION CHANGES AND ERRORS.—The greenhouse gas emissions record of a reporting entity for preceding years shall be adjusted for—

''(A) changes in calculation methodologies; or

''(B) errors that significantly affect the quantity of greenhouse gases in the greenhouse gas emissions record.

''(4) ORGANIZATIONAL GROWTH OR DECLINE.—The greenhouse gas emissions record of a reporting entity for preceding years shall not be adjusted for any organizational growth or decline of the reporting entity such as—

''(A) an increase or decrease in production output;

''(B) a change in product mix;

''(C) a plant closure; and

''(D) the opening of a new plant.

''(5) EXPLANATIONS OF ADJUSTMENTS.—A reporting entity shall explain, in a statement included in the greenhouse gas report of the reporting entity for a year—

''(A) any significant adjustment in the greenhouse gas emissions record of the reporting entity; and

''(B) any significant change between the greenhouse gas emissions record for the preceding year and the greenhouse gas emissions reported for the current year.

''(d) QUANTIFICATION AND VERIFICATION PROTOCOLS AND TOOLS.—

''(1) IN GENERAL.—The Administrator and the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly work with the States, the private sector, and nongovernmental organizations to develop—

''(A) protocols for quantification and verification of greenhouse gas emissions;

''(B) electronic methods for quantification and reporting of greenhouse gas emissions; and

''(C) greenhouse gas accounting and reporting standards.

''(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practice protocols that have the greatest support of experts in the field.

''(3) INCORPORATION INTO REGULATIONS.—The Administrator shall incorporate the protocols developed under paragraph (1)(A) into the regulations promulgated under section 706.

''(4) OUTREACH PROGRAM.—The Administrator, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

''(e) VERIFICATION.—

''(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Administrator to verify, in accordance with greenhouse gas accounting and reporting standards developed under subsection (d)(1)(C), that the greenhouse gas report of the reporting entity—

''(A) has been accurately reported; and

''(B) in the case of each project reduction, represents actual reductions in greenhouse gas emissions or actual increases in net sequestration, as applicable.

''(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

''(A) obtain independent third-party verification; and

''(B) present the results of the third-party verification to the Administrator for consideration by the Administrator in carrying out paragraph (1).

''(f) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against a covered entity that fails to comply with subsection (a), or a regulation promulgated under section 706(e), to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

**"SEC. 705. NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.**

''Not later than April 30, 2005, and each April 30 thereafter, the Administrator shall publish a national greenhouse gas emissions inventory that includes—

''(1) comprehensive estimates of the quantity of United States greenhouse gas emissions for the second preceding calendar year, including—

''(A) for each greenhouse gas, an estimate of the quantity of emissions contributed by each key source category;

''(B) a detailed analysis of trends in the quantity, composition, and sources of United States greenhouse gas emissions; and

''(C) a detailed explanation of the methodology used in developing the national greenhouse gas emissions inventory; and

''(2) a detailed analysis of the information reported to the national greenhouse gas emissions information system and the national greenhouse gas registry.

**"SEC. 706. REGULATIONS.**

''(a) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out this title.

''(b) BEST PRACTICES.—In developing regulations under this section, the Administrator shall seek to leverage leading protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions.

''(c) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas emissions information system.

''(d) NATIONAL GREENHOUSE GAS REGISTRY.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas registry.

''(e) MANDATORY REPORTING REQUIREMENTS.—

''(1) INITIAL REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the initial mandatory reporting requirements under section 704(a)(1).

''(2) FINAL REPORTING REQUIREMENTS.—Not later than January 31, 2006, the Administrator shall promulgate such regulations as are necessary to implement the final mandatory reporting requirements under section 704(a)(2).

''(f) VOLUNTARY REPORTING PROVISIONS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations and issue such guidance as are necessary to implement the voluntary reporting provisions under section 704(b).

''(g) ADJUSTMENT FACTORS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the adjustment factors under section 704(c).''.

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**SA 3092.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax

Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 25 and all that follows through page 5, line 11, and insert the following:

''(A) IN GENERAL.—

''(i) REGULATIONS.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in Petroleum Administration for Defense Districts I, IV, and V), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

''(II) ELECTION BY GOVERNOR.—Notwithstanding subclause (I), the Governor of a State in Petroleum Administration for Defense District I, IV, or IV may elect to be subject to the regulations promulgated under subclause (I) by notifying the Administrator in writing.

''(ii) CONTENTS.—Regardless of the date of promulgation, the regulations—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; but

''(II) shall not—

''(aa) restrict cases in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

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**SA 3093.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 24 and all that follows through page 46, line 7, and insert the following:

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act;

(B) in the case of a State that, before the date of enactment of this Act, enacts a law prohibiting the sale of motor vehicle fuel containing methyl tertiary butyl ether that is to take effect earlier than the date specified in subparagraph (C), beginning on the date that the prohibition under State law takes effect; and

(C) in the case of any other State, beginning 270 days after the date of enactment of this Act.

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**SA 3094.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 21 and all that follows through page 3, line 9, and insert the following:

''(B) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means—

''(I) motor vehicle fuel that—

''(aa)(AA) is produced from grain, starch, oilseeds, or other biomass; or

''(BB) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

''(bb) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle; and

''(II) a clean alternative fuel described in section 249(c)(2) that is used in any State.

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**SA 3095.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 19 and all that follows through page 12, line 13.

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**SA 3096.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 46, line 3, insert ''and in the State of New York'' before the comma.

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**SA 3097.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 3, between lines 16 and 17, insert the following:

''(iii) IDENTIFICATION OF RENEWABLE FUELS BY THE SECRETARY OF ENERGY AND THE ADMINISTRATOR.—

''(I) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary of Energy and the Administrator shall jointly determine which fuels meet the definition of renewable fuel under this paragraph.

''(II) REQUIREMENT.—To meet the definition of renewable fuel, the energy inputs of a fuel shall be less than the energy outputs of the fuel.

''(III) ENERGY INPUTS.—For the purposes of subclause (ii), energy inputs include—

''(aa) the production of fertilizer or seed;

''(bb) the use of gasoline, diesel fuel, or electricity;

''(cc) ground transportation of harvested corn;

''(dd) inputs to the production of capital equipment, including farm machinery and ethanol equipment; and

''(ee) energy for irrigation.

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**SA 3098.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 24 and all that follows through page 6, line 15, and insert the following:

''(A) IN GENERAL.—

''(i) REGULATIONS.—Not later than 1 year after the enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B).

''(ii) CONTENTS.—Regardless of the date of promulgation, the regulations—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; and

''(II) shall provide that no refiner or blender shall purchase renewable fuel from a producer that—

''(aa) in any civil or criminal administrative or judicial proceeding, has been found to have engaged in price fixing or any other form of market manipulation in violation of the antitrust laws; and

''(bb) is identified in a list published jointly by the Administrator and the Attorney General, including publication on the Internet; but

''(III) shall not—

''(aa) restrict cases in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

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**SA 3099.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 7, strike ''May 31,'' and insert ''November 1,''.

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**SA 3100.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 6, strike ''June 1,'' and insert ''November 1,''.

**SA 3101.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 8. VOIP SERVICES.**

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

**"SEC. 1108. VOIP SERVICES.**

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

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**SA 3102.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**"SEC. 1108. VOIP SERVICES.**

''Notwithstanding any provision of this Act to the contrary, section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

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**SA 3103.** Mr. DURBIN submitted an amendment intended to be proposed by him to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ——. ADDITIONAL EXCEPTION TO MORATORIUM.**

Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 2 of this Act, is further amended by adding at the end the following:

''(f) ADDITIONAL EXCEPTION.—Subsection (a) shall also not apply with respect to an Internet access provider for any taxable period unless the provider reduces the amount it charges each retail user of its Internet access service during that taxable period by an amount that reflects, on a per-subscriber basis, the amount by which—

''(1) the taxes on Internet access the Internet access provider would have paid or incurred for that taxable period under any State or local government tax law that was in effect on October 31, 2003; exceeds

''(2) the taxes on Internet access actually paid or incurred by the Internet access provider for that taxable period.''.

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**SA 3104.** Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the appropriate place, insert the following:

**SEC. ——. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.**

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

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**SA 3105.** Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

On page 8 strike lines 1 through 9 and insert the following:

**"SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.**

''Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging''.

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**SA 3106.** Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; as follows:

On page 2, strike lines 9 through 14, and insert the following:

''(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and''

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 10 a.m., to conduct a hearing on ''Counter-Terror Initiatives and Concerns in the Terror Finance Program.''

Concurrent with the hearing, the Committee intends to vote on the nominations of the Hon. Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 2:30 p.m., to hold a hearing on Middle East Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 29, 2004, at 10 a.m. to consider the nomination of Dawn Tisdale to be Commissioner, U.S. Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, April 29, 2004, immediately following a 10 a.m. nominations hearing, to consider the nominations of David Safavian to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 29, 2004, at 10 am., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2301, a discussion draft bill to improve the management of Native American fish and wildlife and gathering, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 29, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William Duane Benton to be United States Circuit Judge for the Eighth Circuit; Robert Bryan Harwell to be United States District Judge for the District of South Carolina; George P. Schiavelli to be United States District Judge for the Central District of California; and Curtis V. Gomez to be Judge for the District Court of the Virgin Islands.

II. Legislation:

S. 1735. Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Chambliss, Cornyn, Feinstein, Graham, Grassley, Schumer].

S. 2107. A bill to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy].

S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Kohl, Leahy].

S. 1933. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein].

S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch].

S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, DeWine, Durbin, Feinstein, Graham, Hatch, Kennedy].

H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004.

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees [Chambliss].

S. 1609. Parental Responsibility Obligations Met through Immigration System Enforcement (PROMISE) Act [Hatch, Cornyn].

S. 1129. Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Durbin, Edwards, Feingold, Kennedy, Kohl, Leahy, Schumer, Specter].

S. Res. 334. A resolution designating May 2004 as National Electrical Safety Month.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2004, at 2:30 p.m. to hold a closed mark-up on the fiscal year 2005 Intelligence Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, FISHERIES AND COAST GUARD

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Fisheries, and Coast Guard be authorized to meet on Thursday, April 29, 2004, at 10 a.m. on NOAA Oversight, in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HIGHWAY BILL EXTENSION

Mr. FRIST. Mr. President, throughout the day we have had discussion regarding the short-term highway extension. My colleague, Senator BOND, has been here throughout the day, working hard and discussing the critical importance of having this body move forward on the 6-year authorization measure on transportation that has passed both Houses.

Obviously, there is a frustration that there has been an objection from the other side to our request to appoint conferees to move this bill to conference. We will do a short-term extension in a moment. However, as majority leader, in the absence of an agreement to move forward on the transportation bill, I am committed, after talking to and working with Senator BOND over the course of the day, to use our procedural options to put the Senate on record next week with regard to going to conference on the highway bill.

The distinguished minority whip is on the floor, and he has been very engaged in this issue as well.

I do thank our colleague, Senator BOND, and all the others involved, for allowing us to move on this short-term extension at this time. Again, I believe it is time for us to follow the regular order and send the 6-year authorization bill to conference.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I also extend my appreciation to Senator BOND. This is not a time to declare winners or losers. This is part of the legislative process. Senator BOND is an experienced legislator. He is a former Governor. He knows the importance of the highway bill. I am confident the resolution of this matter that we have worked out in the last several hours will be good for the country and certainly will be good for the 5,000 people who work at the Department of Transportation.

## SURFACE TRANSPORTATION EXTENSION ACT OF 2004, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4219, a highway program extension bill, which is at the desk. I further ask consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4219) was read the third time and passed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 644 through 653, and all nominations on the Secretary's desk.

For the information of Senators, these are military nominations and Foreign Service officers.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General James B. Armor, Jr., 0000
Brigadier General Curtis M. Bedke, 0000
Brigadier General John T. Brennan, 0000
Brigadier General Roger W. Burg, 0000
Brigadier General John J. Catton, Jr., 0000
Brigadier General Michael A. Collings, 0000
Brigadier General Daniel J. Darnell, 0000
Brigadier General Frank R. Faykes, 0000
Brigadier General Vern M. Findley, II, 0000
Brigadier General Stephen M. Goldfein, 0000
Brigadier General Gilmary M. Hostage, III, 0000
Brigadier General Thomas P. Kane, 0000
Brigadier General Perry L. Lamy, 0000
Brigadier General Roosevelt Mercer, Jr., 0000
Brigadier General Gary L. North, 0000
Brigadier General Anthony F. Przybyslawski, 0000
Brigadier General Loren M. Reno, 0000
Brigadier General Edward A. Rice, Jr., 0000
Brigadier General Marc E. Rogers, 0000
Brigadier General Arthur J. Rooney, Jr., 0000
Brigadier General Stephen T. Sargeant, 0000
Brigadier General Darryl A. Scott, 0000
Brigadier General Winfield W. Scott, III, 0000
Brigadier General Norman R. Seip, 0000
Brigadier General Loyd S. Utterback, 0000
Brigadier General Donald C. Wurster, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. William L. Shelton, 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Ronnie D. Hawkins, Jr., 0000

The following officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Danny K. Gardner, 0000

The following officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Richard R. Moss, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Dan K. McNeill, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Gary L. Border, 0000
Brigadier General William H. Brandenburg, 0000
Brigadier General Randal R. Castro, 0000
Brigadier General James A. Coggin, 0000
Brigadier General Joseph F. Fil, Jr., 0000
Brigadier General John D. Gardner, 0000
Brigadier General Brian I. Geehan, 0000
Brigadier General Gary L. Harrell, 0000
Brigadier General Janet E. A. Hicks, 0000
Brigadier General Kenneth W. Hunzeker, 0000
Brigadier General James A. Kelley, 0000
Brigadier General Ricky Lynch, 0000
Brigadier General Michael R. Mazzucchi, 0000
Brigadier General Dennis C. Moran, 0000
Brigadier General James H. Pillsbury, 0000
Brigadier General David C. Ralston, 0000
Brigadier General James E. Simmons, 0000
Brigadier General Edgar E. Stanton, III, 0000
Brigadier General Guy C. Swan, III, 0000
Brigadier General David P. Valcourt, 0000
Brigadier General W. Montague Winfield, 0000
Brigadier General John A. Yingling, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel John C. Adams, 0000
Colonel Charles B. Allen, 0000
Colonel Charles A. Anderson, 0000
Colonel Oscar R. Anderson, 0000
Colonel John R. Bartley, 0000
Colonel Kevin J. Bergner, 0000
Colonel Bruce A. Berwick, 0000
Colonel Nolen V. Bivens, 0000
Colonel Daniel P. Bolger, 0000
Colonel Doyle D. Broome, Jr., 0000
Colonel Albert Bryant, Jr., 0000
Colonel Robert L. Caslen, Jr., 0000
Colonel James E. Chambers, 0000
Colonel Bernard S. Champoux, 0000
Colonel Anthony A. Cucolo, III, 0000
Colonel Michael C. Flowers, 0000
Colonel Jeffrey W. Foley, 0000
Colonel Rebecca S. Halstead, 0000
Colonel Michael D. Jones, 0000
Colonel Purl K. Keen, 0000
Colonel David B. Lacquement, 0000
Colonel Stanley H. Lillie, 0000
Colonel Thomas C. Maffey, 0000
Colonel Frances G. Mahon, 0000
Colonel Joseph E. Martz, 0000
Colonel Raymond V. Mason, 0000
Colonel John F. Mulholland, 0000
Colonel Patrick J. OReilly, 0000
Colonel Mark V. Phelan, 0000
Colonel Joseph Schroedel, 0000
Colonel John E. Sterling, Jr., 0000
Colonel Randolph P. Strong, 0000
Colonel James L. Terry, 0000
Colonel William J. Troy, 0000
Colonel Peter M. Vangjel, 0000
Colonel Dennis L. Via, 0000
Colonel Joseph L. Votel, 0000
Colonel Francis J. Wiercinski, 0000

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Richard J. Wallace, 0000

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Harold L. Robinson, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1294 Air Force nominations (7) beginning Dwight R. Braswell, and ending Karen H. Stocks, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004

PN1487 Air Force nominations (2) beginning Richard J. Burling, Jr., and ending Robert L. Tullman, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1513 Air Force nomination of Aram M. Donigian, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1514 Air Force nomination of Vincent F. Carr, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1533 Air Force nomination of John D. Adams, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1051 Air Force nominations (17) beginning Elwood M. Barnes, and ending Rex A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003

PN1515 Air Force nomination of Daniel J. Courtois, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1516 Air Force nomination of Charles G. Stitt, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1517 Air Force nomination of Ronald E. Rikansrud, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1518 Air Force nominations (2) beginning Jeffrey A. Bailey, and ending Terry G. Hoehne, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1519 Air Force nomination of Steven M. Hill, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1520 Air Force nomination of John J. Deresky, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1521 Air Force nominations (9) beginning Heidi C. Bertram, and ending Thomas C. Wisler, Jr., which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

ARMY

PN1471 Army nominations (2) beginning Thomas A. Burgess, and ending John R. Stefanovich, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2004

PN1483 Army nomination of Leo L. Bennett, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1488 Army nomination of Craig D. Hartranft, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1489 Army nomination of Willis C. Hunter, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1490 Army nomination of Dana R. Yetton, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1522 Army nomination of Harold B. Snyder, III, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1534 Army nomination of Jerry M. Brown, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1535 Army nomination of Frank G. Atkins, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1472 Army nominations (2) beginning Timothy J. Callahan, and ending Ronald O. Gienapp, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2004

PN1484 Army nomination of James D. Jones, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1523 Army nomination of Danny L. McGraw, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1524 Army nomination of Richard A. Stebbins, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1525 Army nomination of Otha Myles, which was received by the Senate and appeared in the Congressional Record of April 8, 2004

PN1485 Army nomination of Jorge L. Romeu, which was received by the Senate and appeared in the Congressional Record of April 1, 2004

PN1526 Army nomination of James R. Vandergrift, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

FOREIGN SERVICE

PN1316 Foreign Service nominations (127) beginning Bruce M. Quinn, and ending Michael W. Liikala, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2004

PN1376 Foreign Service nominations (186) beginning Christina Jeanne Agor, and ending Ted K. Gong, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1377 Foreign Service nominations (227) beginning Paul Belmont, and ending Joseph D. Stafford, III, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1378 Foreign Service nominations (11) beginning William L. Brant, II, and ending William W. Westman, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 2004

PN1510 Foreign Service nominations (69) beginning Eliza Ferguson Al-Laham, and ending Hugo Yue-Ho Yon, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2004

MARINE CORPS

PN1273 Marine Corps nominations (137) beginning Matthew T. Ashe, Jr., and ending Jason D. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004

PN1283 Marine Corps nominations (12) beginning Andrew T. Fink, and ending Nick Trujillo, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004

PN1285 Marine Corps nominations (119) beginning Curtis S. Ames, and ending Steven M. Zotti, which nominations were received

by the Senate and appeared in the Congressional Record of January 28, 2004

PN1254 Marine Corps nominations (263) beginning Mark A. Adams, and ending Erin L. Zellers, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004

PN1256 Marine Corps nominations (560) beginning Christopher J. Aaby, and ending Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004

PN1537 Marine Corps nomination of David C. Cox, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1491 Marine Corps nominations (47) beginning Travis R. Avent, and ending Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

NAVY

PN1493 Navy nominations (2083) beginning Victoria T. Crescenzi, and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2004

PN1538 Navy nomination of Scott F. Murray, which was received by the Senate and appeared in the Congressional Record of April 19, 2004

PN1492 Navy nomination of Melissa A. Harvison, which was received by the Senate and appeared in the Congressional Record of April 6, 2004

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## WOMEN'S SUSTAINABILITY RECOVERY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 2267 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2267) to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SNOWE. Mr. President, I rise to support S. 2267, the ''Women's Sustainability Recovery Act of 2004'' which I recently introduced. There is today a critical need to preserve the operations of existing the Women's Business Centers currently serving women entrepreneurs in almost every State and territory. I am pleased to be joined in this effort by Senators DOMENICI, CHAFEE, BOND and others. Buy adopting this bill today, the Senate is signaling its intention to preserve much-needed funding for the business centers currently in operation.

Todaay, more than 10.6 million women-owned small businesses are helping to fuel our economic recovery: they employ over 19 million Americans and contribute $2.46 trillion in revenues. In my home State of Maine, there are more than 63,000 women-owned firms, generating more than $9 billion in sales. Numbers like these speak for themselves, clear evidence of the success of the Women's Business Centers Program, which helps women achieve their dreams of owning a small business, and other programs like it. As chair of the Small Business Committee, I am committed to a wide range of efforts designed to assist women business owners, so that they, in turn, can continue to make a significant contribution to our economy.

The Women's Business Center program was introduced through the Women's Business Ownership Act of 1988,and it was made permanent in 1997. Congress has demonstrated its support for this program time and time again; its appropriations have grown from $2 million in 1989 to $12.5 million in 2004, and the results of this investment have been impressive. In fiscal year 2002, centers reported clients realized a return of $161 in gross receipts for every dollar invested in the program.

Even more remarkable is the fact that the SBA's Women's Business Center have helped to create or retain almost 7,000 jobs in the United States, a success attributable to the centers unique training and counseling programs. In fiscal year 2003, the Women's Business Center program increased its expected level of delivered services by 17 percent, providing counseling and assistance to more than 106,600 clients and thereby exceeding its initial goal of 88,540 clients. To a large degree, this increased productivity has been triggered by the success of sustainability grants, which extend funding to eligible women's business centers.

This year, insufficient funding for the sustainability grant program may force 53 Women's Business Centers to close their doors. While current legislation reserves 30.2 percent of the Women's Business Center appropriation for the sustainability grant program, this amount is not enough to support the 53 centers in jeopardy. By supporting this bill, S. 2267, which increases the reserve forth sustainability grant program by 48 percent, Congress will ensure that each of the 53 Women's Business Centers eligible for sustainability has the opportunity to compete for a sufficient pool of funding for fiscal year 2004, and that centers will be able to effectively provide valuable technical assistance to women entrepreneurs.

Without this legislation, many of the center may be in jeopardy of closing their doors. This would be a significant loss given that some of these centers have been part of the program for as long as 9 years and, during that time, have proven themselves powerful engines of economic development in communities and States across the Nation.

These centers have been extraordinarily successful in providing assistance to women in all walks of life. Women who once received public assistance are now operating businesses and creating jobs. Other women are transitioning from employee to small business employer, and established business owners are creating and manufacturing products for sale at home and abroad. The centers nurture women entrepreneurs through business and financial planning and assist women business owners who need help securing funding for startup and expansion. Furthermore, this legislation requires no additional appropriation, just a reallocation of current funds.

I am committed to resolving the women's sustainability funding crisis through this bill, and I will continue to work with my colleagues to ensure the continued success of women-owned businesses.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, today I join my colleague, Senator SNOWE, chair of the Senate Committee on Small Business and Entrepreneurship, in passing legislation to safeguard Women's Business Centers funded through the Small Business Administration. This legislation is identical to the Women's Business Center provision I introduced as part of S. 2186, the SBA Emergency Authorization Extension Act of 2004, on March 9, 2004, and it fixes a funding gap that exists for meritorious Women's Business Centers that are graduating from the first stage of the program and entering the sustainability portion.

I would first like to thank Chair SNOWE for working very closely with me on this issue, as we have for the past year and a half. Senator SNOWE has long been an advocate of the Women's Business Centers and was a cosponsor of the original legislation that created the sustainability pilot program in 1999. Now, her support for continuing the nationwide network of Women's Business Centers has been the catalyst for success in the Senate. I commend Chair SNOWE for her strong leadership for women in business across this country. I would also like to thank all of the cosponsors of this legislation and of S. 2266, all of whom have shown resounding support for women entrepreneurs and recognize the positive impact the Women's Business Centers have on promoting and supporting women in business and on strengthening our national economy.

Second, I want to comment on the Bush administration's proposals to eliminate experienced, efficient, and effective Women's Business Centers in favor of new and untested centers. Unless this legislation can be enacted quickly, the administration will move forward with its proposal, which places in jeopardy experienced Women's Business Centers in 39 States and eliminates assistance for thousands of women in business. While, as this bill demonstrates, I support opening new centers to help women entrepreneurs who do not currently have access to this important assistance, this should

only occur when the existing centers, whether in their initial or a later funding period, are fully funded. Women entrepreneurs and their businesses are critically important to our economy and to U.S. job creation, and Women's Business Centers help them succeed. Passing S. 2267 today will send a strong message to the House of Representatives that time is of the essence with respect to this important program, and I hope the House leadership will allow immediate passage of this measure when they are next in session.

I would also like to express my dismay that, despite bipartisan support from members of this committee, the Republican majority has opposed helping women entrepreneurs and blocked the provisions of this bill from being included in the two extensions of all SBA programs that have already passed the Senate. Those who favor blocking enactment of these provisions in hopes of closing the most experienced existing Women's Business Centers are potentially depriving thousands of women in business access to much needed assistance. This bill is a bipartisan compromise intended to maintain an effective Women's Business Center network throughout this fiscal year—a compromise that was agreed to by Chair SNOWE, myself, and the bipartisan leadership of the House Small Business Committee. It is supported by women's groups across the country.

This legislation contains a small adjustment to the Women's Business Center program that updates an outdated funding formula, without added cost to the Treasury. The adjustment changes the portion of funding allowed for Women's Business Centers in the sustainability part of the program to keep up with the increasing number of centers that will need funding this fiscal year. Currently there are 88 Women's Business Centers. Of these, 35 are in the initial grant program and 53 will have graduated to the sustainability part of the program in this funding cycle. These sustainability centers make up more than half of the total Women's Business Centers, but under the current funding formula are only allotted 30 percent of the funds. Without the change to 48 percent, all grants to sustainability centers could be cut in half—or worse, 23 experienced centers could lose funding completely. In short, this change directs the SBA to reserve 48 percent of the appropriated funds for the sustainability centers, instead of 30 percent, which will allow enough funding to keep open the most experienced centers, while still permitting the establishment of new centers and protecting existing ones. In the interest of compromise and prompt enactment of a workable solution, I fully support the formula change to 48 percent, although a change to 54 percent—as introduced as part of my Women's Business Center Safeguard Act, S. 2266—would be needed to fully fund all sustainability centers.

I have serious concerns regarding an amendment to our original legislation by the Republican leadership. The amendment would allow the Small Business Administration to award grants at arbitrary and disproportionate levels, instead of following precedent and awarding Women's Business Center grants equally to all qualified and successfully performing centers. I am deeply concerned that the administration may use this authority to shortchange some existing centers in order to use part of the 48 percent reserve funding to open new centers. While this is within the language of the amendment, it is clearly the opposite of the legislation's intent, which is to increase available funds for the most experienced Women's Business Centers so that they remain in operation. To that end, it is my recommendation that the administration use the full 48 percent for sustainability centers and that the Agency award grants at equal, or close to equal, amounts. The committee has been told that providing any sustainability Women's Business Center with a grant less than the minimum grant awarded to sustainability centers in fiscal year 2003 would impede its ability to operate effectively and successfully under the current requirements established by the administration. I am willing to make this compromise because it will give all Women's Business Centers the opportunity to receive funding; however, it is not intended to undercut the funding to any center that has met the SBA's performance standards.

As the author of the Women's Business Centers Sustainability Act of 1999, I can tell you that when the bill was signed into law, it was Congress's intent to protect the established and successful infrastructure of worthy, performing centers. The law was designed to allow all graduating Women's Business Centers that meet certain performance standards to receive continued funding under sustainability grants. This approach allows for new centers to be established—but not by penalizing those that have already demonstrated their worth. It was our intention to continue helping the most productive and well-equipped Women's Business Centers, knowing that demand for such services was rapidly growing.

Today, with women-owned businesses opening at one-and-a-half times the rate of all privately held firms, the demand and need for Women's Business Centers is even greater. Until Congress makes permanent the Women's Business Center Sustainability Pilot Program, as intended in the Senate-passed legislation, an extension of authority and increase in the portion of appropriated funds available to sustainability centers is vital—not only to the centers themselves, but to the women's business community and to the millions of workers employed by women-owned businesses round the country.

This bill is urgently needed now to continue the good work of the SBA's Women's Business Center network, and I urge all of my colleagues in the Senate and the House of Representatives to show their support for the growing number of women in business by supporting immediate passage of this bill.

WOMEN'S BUSINESS CENTER PROGRAM

Mr. President, as we pass our legislation, S. 2267, the Women's Sustainability Recovery Act, I ask my colleague from Maine, the chairwoman of the Senate Small Business and Entrepreneurship Committee, how the SBA is to implement these changes to the Women's Business Center program? I know she has been a leader on this issue, and it is my understanding that she encourages the SBA to fully support sustainability centers at a level that will enable them to operate successfully, before opening new centers.

Ms. SNOWE. I thank the Senator from Massachusetts for his question. As is evident in S. 1375, the bill to reauthorize the Small Business Administration, which passed the Senate last September, it is the intention of the Small Business and Entrepreneurship Committee and of the full Senate to continue funding eligible Women's Business Centers before opening new centers. This legislation supports that important objective. To that end, I expect the SBA to award Women's Business Center grants for the coming fiscal year to each Women's Business Center that is properly meeting performance standards. Congress has appropriated $12.5 million in fiscal year 2004 for the Women's Business Center program. If the amount reserved for sustainability centers under this legislation is insufficient to award the full amount of $125,000 to each sustainability center that meets those standards, I expect the SBA to adequately fund eligible centers.

Mr. KERRY. The committee has been told that many of the Women's Business Centers would be unable to meet minimum performance standards with a significant reduction in grant funding. Does the chairwoman agree that the funding for the sustainability centers last fiscal year would be an appropriate funding level for sustainability centers this year?

Ms. SNOWE. To ensure that each center that meets the SBA performance thresholds continues to serve women entrepreneurs in every state and territory, I expect the SBA to fully expend all the funds reserved under this bill for women's sustainability grants. This amount should be sufficient to provide funding to eligible women's business centers in the sustainability program at or above the minimum grants awarded in fiscal year 2003 to women's business centers.

Mr. KERRY. I commend Chairwoman SNOWE for her persistent efforts on behalf of this legislation and the more comprehensive SBA Reauthorization legislation. Without her strong support and hard work on this issue, the future success of this important assistance for women entrepreneurs would be in jeopardy.●

Mr. FRIST. Mr. President, I ask unanimous consent that the Snowe technical amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3106) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 2, strike lines 9 through 14, and insert the following:

''(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and''

The bill (S. 2267), as amended, was read the third time and passed, as follows:

S. 2267

*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 ''Women's Sustainability Recovery Act of 2004''.

**SEC. 2. WOMEN'S BUSINESS CENTERS.**

(a) IN GENERAL.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(C) FUNDING PRIORITY.—Subject to available funds, and reservation of funds, the Administration shall, for fiscal year 2004, allocate—

''(i) $150,000 for each eligible women's business center established under subsection (b), except for centers that request a lesser amount;

''(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and

''(iii) any funds remaining after allocations are made under clauses (i) and (ii) to new eligible women's business centers and eligible women's business centers that did not receive funding in the prior fiscal year under subsection (b).''; and

(2) in paragraph (4)(A), by adding at the end the following:

''(v) For fiscal year 2004, 48 percent.''.

(b) SUNSET DATE.—The amendments made by subsection (a) are repealed on October 1, 2004.

## UNIVERSITY OF MINNESOTA GOLDEN GOPHERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 346 which was introduced earlier today by Senators DAYTON and COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 346) commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Woman's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 346) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 346

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003–2004 season, the Gophers won an outstanding 30 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's sport at the University to win a national championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003–2004 National Collegiate Athletic Association All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson, for the third time since 1998, has been named the American Hockey Coaches Association's Division I Women's Coach of the Year (2003–2004); and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003–2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the president of the University of Minnesota.

## COMMENDING TOM LUNDREGAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 347 submitted by Senators FRIST and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) to commend the Senate Enrolling Clerk Thomas J. Lundregan on Thirty-Six Years of Service to the United States Government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. ''Reserved, low key, self-deprecating, totally professional, and devoted to the Senate,'' that is how assistant enrolling clerk Joe Monahan describes his colleague Tom Lundregan, who retires tomorrow from his post as the Senate's enrolling clerk.

For 15 years in the Office of the Secretary, Tom has had the crucial task of ensuring that the written copy of the legislation we pass in this body is thoroughly accurate before it is sent on to the House and to the President. As Tom explains, ''We cannot make mistakes. The final paper that is sent to the White House is being signed by the President and is going to become the law of the land.'' He says the responsibility can be ''a little scary.''

Despite the stress, Tom has maintained an impeccable record and earned the admiration of all of his colleagues. Not once on his watch has a piece of legislation been sent back from the House or from the President because of an error.

Through work weeks that have stretched up to 90 hours, sometimes even 50 hours straight, Tom has shown total focus, dedication and commitment to the integrity of this institution.

Says his colleague Joe, ''There are darn few people who can do that.'' He is right. The Senate has been incredibly fortunate to have such a meticulous and hard working member of the team.

Tom says his most vivid memory of working in the Senate is 9/11, and realizing that a plane was heading this way. September 11 reinforced his idea of the importance of every Senate job, from clerks to staff to elected officials. ''This is the finest institution in the world that represents democracy to everyone in the world. To have an opportunity to work in this building has been a tremendous honor.''

Tom and his wife plan to spend their retirement years where it is warm all year round. They hope to travel throughout the States, starting this spring with Yosemite, Lake Tahoe and the Grand Canyon. Tom also anticipates after 15 years of grueling and unpredictable hours finally being able to spend quantity time with his four grandsons.

I thank Tom for his extraordinary service to the Senate and to the American people. I wish him safe travels and all the best in his well-earned retirement.

Mr. DASCHLE. Mr. President, I come to the floor for a couple of minutes because I want to thank a man who is a fixture in this institution.

Tom Lundregan is the Senate's enrolling clerk and as fine a public servant as you will find anywhere. Today marks his last day in the Senate, and I know that I speak for all of us when I say we are going to miss him.

Tom began his Government service 36 years ago as a printing apprentice with the Government Printing Office.

Over the next 21 years, he was detailed a number of times to both the House and the Senate.

Fifteen years ago, the Senate was fortunate enough to convince Tom to join us full-time, as member of the Office of the Senate Enrolling Clerk. Since 1995, he has headed that office and served this institution with great distinction.

''Enrolling clerk'' is one of those curious Senate titles that even devoted C–SPAN watchers might have a hard time defining.

It is the enrolling clerk's responsibility to proofread and prepare for printing every page of legislation the Senate passes, and then transmit those pages to the House of Representatives, the National Archives, the Secretary of State, the United States Claims Court, and the White House.

It is also the enrolling clerk who transmits Senate messages to the House, and arranges for the delivery of all Senate-enrolled bills and resolutions to the White House.

The job demands diligence, intelligence, enormous attention to detail and often incredibly long hours.

When legislation needs to be moved quickly to the House, or prepared for preconferencing, the enrolling clerk and his staff work until the job is done.

I know that, many times, Tom has had only enough time to go home and take a shower before coming right back to face another workday. He and his staff have also worked through weekends, recesses, and holidays, and they have done so without a word of complaint.

As enrolling clerk, Tom worked closely with the Secretary of the Senate and the Senate Legislative Counsel's Office to establish policies regarding the proper form and language of legislation.

He also worked with the Legislative Counsel's Office to develop software that will soon allow the enrolling clerks and legislative counsel offices to share data electronically. These projects—and others—will ensure that Tom's influence will continue to be felt in the Senate for years to come.

As some know, Tom was actually scheduled to retire 16 months ago but he stayed on to help train his successor and ensure a smooth transition. That's how committed he is to this Senate.

More than once in these last 16 months, Tom has reminded his successor, ''We need to be 100 percent right, not just 99.9 percent.'' In 36 years of service to the people of the United States, Tom Lundregan has held himself to that same high standard. With Tom, there is no such thing as ''good enough for government work.''

We could not have a Government ''of the people, by the people and for the people'' without the extraordinary devotion and skill of people such as Tom. He is a public servant in the best sense of that term and an important and valued member of our Senate family.

Today, on the occasion of Tom's well-deserved retirement, I joint the rest of the Senate family in thanking Tom. I also want to thank Tom's wife Yanjie Xu for sharing her husband with the Senate at least 16 months longer than she had planned.

We wish them well as they finally begin those travels they have looked forward to for so long, and we want them to know that they take with them the thanks, admiration, and best wishes of the entire Senate.

Mr. REID. Mr. President, I would also like to spread across the Record of the Senate our congratulations and appreciation for the work that Tom has contributed to this institution. Especially late in the session, when we are at home, he and the other enrolling clerk are working long, long hours after we have left, long after we have left, very tedious, very difficult, but a very important job to make sure the work we do here winds up in the final record—in the law books, in effect—the way it is supposed to be. It is an art that has been developed over these many years, and we are very appreciative of all that Tom Lundregan has done for not only the Senate but the country.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD at the appropriate place.

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 347

Whereas in 1967, Thomas J. Lundregan became an employee of the Government Printing Office, and since then has devoted his career to the service of the United States Government;

Whereas in 1989, Thomas J. Lundregan joined the Office of the Enrolling Clerk in the Office of the Secretary of the Senate;

Whereas in 1995, Thomas J. Lundregan became the Enrolling Clerk of the Senate and has always performed the duties of that office with great dedication, perseverance, and humor;

Whereas Thomas J. Lundregan has performed a critical role in ensuring the technical accuracy and legal sufficiency of legislation passed by the Senate;

Whereas Thomas J. Lundregan has been in the forefront of the modernization of the operations of the Senate Enrolling Clerk;

Whereas Thomas J. Lundregan has faithfully discharged the difficult duties and responsibilities of Enrolling Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Thomas J. Lundregan has earned the respect, affection, and esteem of his colleagues and the United States Senate;

Whereas Thomas J. Lundregan has for 36 years ably and faithfully upheld the high standards and traditions of service to the United States Government; and

Whereas Thomas J. Lundregan will retire from the United States Senate on April 30, 2004, with 36 years of Service to the United States Government and 15 years Service to the United States Senate: Now, therefore, be it

*Resolved,* That the United States Senate commends Thomas J. Lundregan for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service, and extends its very best wishes upon his retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas J. Lundregan.

## AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 376.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 376) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, that the motion to reconsider be laid upon the table, and that any statement relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 376) was agreed to.

## MEASURE READ THE FIRST TIME—H.R. 4181

Mr. FRIST. Mr. President, I understand that H.R. 4181 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under rule XIV, object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The measure will remain at the desk and receive its second reading on the next legislative day.

## MEASURE READ THE FIRST TIME—S. 2370

Mr. FRIST. Mr. President, I understand that S. 2370 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2370) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. FRIST. I now ask for its second reading and, in order to place the bill

on the calendar under rule XIV, object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk for its second reading on the next legislative day.

## ORDERS FOR MONDAY, MAY 3, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, May 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders, the Senate then begin a period for morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each; provided that following morning business, the Senate resume consideration of Calendar No. 381, S. 1637, the FSC/ETI JOBS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. Mr. President, on Monday following morning business, the Senate will resume consideration of the FSC/ETI JOBS bill. The chairman and the ranking member of the Finance Committee have already worked through a number of amendments, and they will be here on Monday to continue processing those amendments. There will be no rollcall votes on Monday, but Senators are encouraged to come to the floor to offer and debate their amendments. Any rollcall votes ordered on Monday will be set aside to occur on Tuesday.

Mr. President, we began this week 4 days ago with the objective of taking up the Internet bill and, indeed, several hours ago passed a 4-year extension of an expired moratorium with protection of DSL and protection of broadband. In this bill, we address voice over Internet protocol. Also in the bill we reserve the right of States to collect the traditional telecom taxes.

It was a long 4 days in order to accomplish this end, but it really took a lot of work from both sides of the aisle. There were a number of our colleagues who participated. I will mention a few, recognizing that there are many that I leave out. We tried once before to bring this bill to the floor and had to come back to it, but we were successful this time under Senator MCCAIN's tremendous leadership. I will mention Senators ALLEN, WYDEN, LOTT, ALEXANDER, VOINOVICH, ENZI, FEINSTEIN, DORGAN, SUNUNU, and STEVENS, and the list goes on.

I appreciate the manner in which everyone handled this bill and allowed for the issues to come forward. I was so pleased that at the end of this week we accomplished what we set out to do.

## ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the comments of Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

## CAROL LEE GHO'S SELECTION TO THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Ms. MURKOWSKI. Mr. President, I appreciate the indulgence for a few minutes to say a few quick words about a fellow Alaskan.

It will come as no surprise to anyone in this body that I have expressed some concerns about the feasibility of implementing the No Child Left Behind legislation in the remote villages of rural Alaska. Descendants of the first peoples of Alaska, Eskimos, Indians and Aleuts, make up most of the inhabitants of these villages.

Last year, I brought Secretary Paige to rural Alaska so that he could fully comprehend the challenges of educating children in the villages. It is clear to me, and I believe it became clear to the Secretary, that our national education policy must be informed by the experiences of parents, teachers, and school administrators on the ground if it is to be effective. The Secretary must not only know what is going on in the classrooms of our largest cities but also in the farthest corners of our Nation. When it comes to educating our children, one size does not fit all, and nobody knows this better than an experienced classroom teacher.

I was pleased to learn that President Bush has selected an exemplary Alaska classroom teacher to work with Secretary Paige in the improvement of educational opportunities for American Indian and Alaska native students. I am speaking of Carol Lee Gho, of Fairbanks, AK, who will soon join the National Advisory Council on Indian Education.

Carol was raised in the rural Alaska villages of Lake Minchumina and Manley Hot Springs. Her mother was Inupiaq Eskimo from the village of Wainwright. After graduating from Brigham Young University with a major in mathematics, she began her teaching career at the junior high school level in California, Utah and Arizona.

In 1984, 11 years after leaving the classroom to raise a family, Carol resumed her teaching duties in the Fairbanks North Star Borough School District. She taught in the Fairbanks district continuously until her retirement in June 2003.

Carol loved teaching and she is fondly remembered for her work as a math teacher at Lathrop High School. However, she also takes great pride in the 3 years she taught at Howard Luke Academy, an alternative high school. During those 3 years, the performance of her students in mathematics improved dramatically.

Carol has been actively involved with the Association of Interior Native Educators. She served on their Board of Directors for over 7 years and was President from 1999 until 2002. She has also been a leader of the Fairbanks Native Association and has served as an advisor to the Alaska Department of Education.

Carol dreamed that after retirement she would have an opportunity to focus more of her attention on making classroom curriculum relevant to Native students. I am gratified that the President has made it possible for Carol to fulfill this desire. As a member of the National Advisory Council on Indian Education, Carol will have an opportunity to influence the quality of education enjoyed by American Indian and Alaska Native students for generations to come.

I wish Carol great success in her new role and look forward to working closely with her on matters of education policy in the coming years.

I yield the floor.

## ADJOURNMENT UNTIL MONDAY, MAY 3, 2004 AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, May 3, at 1 p.m.

Thereupon, the Senate, at 8:24 p.m., adjourned until Monday, May 3, 2004, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate April 29, 2004:

### DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

CHARLES P. RIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

### AFRICAN DEVELOPMENT FOUNDATION

EDWARD BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2007, VICE CECIL JAMES BANKS, TERM EXPIRED.

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ROBERT D. PAPAK, 0000

COL. EUGENE G. PAYNE JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. WAYNE G. SHEAR JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. CHRISTINE S. HUNTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. CHRISTINE M. BRUZEK-KOHLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. RAYMOND E. BERUBE, 0000
CAPT. JOHN J. PRENDERGAST III, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

*To be lieutenant*

CRAIG S. TOOMEY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RICHARD B. GOODWIN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

*To be lieutenant colonel*

JEFFREY P. BOWSER, 0000
RICHARD M. BRULL, 0000
GREGORY W. JOHNSON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

BRADLEY D. BARTELS, 0000
GARY W. BROWN, 0000
JAMES S. CLARK, 0000
JASON DUDJAK III, 0000
TERRY E. HAYES, 0000
MARC D. RUSSICK, 0000
WILLIAM L. STALLINGS III, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

CHARLES J. LAW, 0000
SUSAN F. WASHINGTON, 0000
DAVID A. WEAS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ELIZABETH J. BARNSDALE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

RAUL GONZALEZ, 0000
JAMES F. KING, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

RICHARD J. GALLANT, 0000
ERIC R. GLADMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RANDALL W. COWELL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624 AND 3064:

*To be lieutenant colonel*

JAMES C. JOHNSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be major*

SHANNON D. BECKETT, 0000
LEONARD A. CROMER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

SCOTT P. HANEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

DAVID P. FERRIS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JAMES K. COLTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

KEVIN S. LERETTE, 0000
KATHLEEN M. LINDENMAYER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

VICTOR M. BECK, 0000
MAUREEN P. CRAGIN, 0000
JOHN T. FLEMING III, 0000
CHARLES C. ISLEIB, 0000
ELIZABETH A. JONES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

EDMUND F. CATALDO III, 0000
MARJORIE Z. NORDMAN, 0000
GARY S. PETTI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

ELIZABETH A. CARLOS, 0000
MAURICE J. MONTGOMERY JR., 0000
JOEL S. ROTHSCHILD, 0000
PHILIP C. WHEELER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

PAUL L. ALBIN, 0000
STEPHEN L. CASTINETTI, 0000
STEPHEN E. PLAISANCE, 0000
JOHN L. SHAPIRO, 0000
MARK E. SVENNINGSEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN L. BARTLEY, 0000
LAURA E. MASON, 0000
JAMES A. MCGRATH, 0000
CHARLES A. RAINEY, 0000
JOSEPH A. SCHMIDT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RICHARD A COLONNA, 0000
MARCUS J CROMARTIE, 0000
BRYAN P CUTCHEN, 0000
PETER R DAVENPORT, 0000
RONALD M FLEMING, 0000
RONALD L HARRELL, 0000
NELSON P HENDRICKS, 0000
KATHERINE A ISGRIG, 0000
MICHAEL E KIDD, 0000
DANNY E KOWALSKI, 0000
IAN C MCINTYRE, 0000
ANTHONY J PACHUTA, 0000
SCOTT F WALTON, 0000
TIMOTHY J WERRE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JOHN M BURNS, 0000
STEVEN R BUROCK, 0000
PAUL G CHISHOLM, 0000
DONALD F CLARK, 0000
PHIL C DELFIN, 0000
WILLIAM J DUTOUR, 0000
SCOTT C GIBNEY, 0000
MICHAEL A GREEN, 0000
BRUCE E HARTWELL, 0000
JEFFREY R HAYDEN, 0000
KIMBERLY HIGGINS, 0000
STEVEN G KEATING, 0000
WILLIAM G MAUS, 0000
ROBERT A SHAUGHNESSY, 0000
JAMES M SORRENTINO, 0000
ROBERT R SWANBECK JR., 0000
ROGER W TURNER JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

DAN D ASHCRAFT, 0000
JAMES M CANNON IV, 0000
JAMES L CLARK, 0000
WILLIAM G HALICKS, 0000
ROBERT A HAMMETT, 0000
ROBERT L HAYS, 0000
JAMES R HOGAN, 0000
THOMAS R KELLY, 0000
DAVID J KOWALICK, 0000
THOMAS L LIMBAUGH, 0000
SAMMY C MCCARVER, 0000
BRADLEY K NELSON, 0000
JOSEPH E PAYNE, 0000
MARJORIE A RAWHOUSER, 0000
RONALD F REIMER, 0000
ELIZABETH A UGORCAK, 0000
JOHN E VASTARDIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RODMAN P ABBOTT, 0000
RALPH J ABISLAIMAN, 0000
PATRICK H ALLMAN III, 0000
CRAIG P ANDERSON, 0000
GARY M ANDRES, 0000
JOHN R ANDRESEN, 0000
PETER P ASHTON III, 0000
DIONEL M AVILES, 0000
BRIAN G BARNES, 0000
JONATHAN H BARTLEY, 0000
KEVIN J BAUM, 0000
LEWIS O BEAUDROT, 0000
BARRY W BEHNFELDT, 0000
PHILIP R BELLIO, 0000
DEIDRE L BISHOP, 0000
WILLIAM J BISSENAS JR., 0000
TIMOTHY W BOHAN, 0000
BRIAN S BOURGEOIS, 0000
LYLE C BROWN, 0000
GORDON A BROZ, 0000
GARY R BUCHANAN, 0000
PAUL V BURKE, 0000
FRED G CADY, 0000
ROBERT K CALDWELL, 0000
CHRISTOPHER P CALLAHAN, 0000
JOSEPH V CAMERA, 0000
CARL F CARLSON II, 0000
ERIC J CARPER, 0000
THOMAS H CHAPIN, 0000
JOHN M CHIFFER, 0000
SCOTT J CHRISTENSEN, 0000
RONALD L CLEVELAND, 0000
WILLIAM G COOKE, 0000
PATRICK J COOLEY, 0000
PETER L COSTELLO, 0000
WILLIAM N COX, 0000
DAVID E CROW, 0000
BRUCE R DAILEY, 0000
WILLIAM B DAITCH, 0000
SYLVESTER D DELAPORTE, 0000
EDWARD F DELDOTTO JR., 0000
MARK F DELMAN, 0000
STERLING L DERAMUS, 0000
JOHN W DIETZEN JR., 0000
MITCHELL K DIMMICK, 0000
KAREN J DUBAY, 0000
GENE S DUBICKI, 0000
MICHAEL J DUMONT, 0000
KEITH T DUNCAN, 0000
KATHLEEN D EDWARDS, 0000
JAMES M ELLINGER JR., 0000
ROBERT B ELLIOTT, 0000
KIRK E ENGEL, 0000
RANDALL L FEHRENBACHER, 0000
DANIEL L FLYNN, 0000
ERICK W GERDES, 0000
TIMOTHY J GILBRIDE, 0000
JOHN W GREENE, 0000
ANDREW R GRIFFITH, 0000
GREGORY E HALES, 0000

JEFFREY D HALL, 0000
WILLIAM C HAMPTON, 0000
MICHAEL H HAPEMAN, 0000
BILLY R HARDAS, 0000
JOSEPH C HARDING, 0000
TIMOTHY W HARDY, 0000
CHARLES H HARRIS, 0000
BRUCE A HERFEL, 0000
WILLIAM J HIGGINS JR., 0000
DOUGLAS E HINTZE, 0000
MONICA B HOFF, 0000
BRIAN R HOOD, 0000
JAMES G HOWE, 0000
PAUL D HUNT, 0000
JAMES P IDLE, 0000
JAMES P JOHNSON, 0000
JIMMIE D JONES, 0000
DAVID W KALEEL, 0000
JOHN F KALL, 0000
BRIAN J KEEPERS, 0000
DAVID R KENNEDY III, 0000
EARLE L KIRKLEY, 0000
MARK A KIRTLEY, 0000
COLIN L KISER, 0000
GREGORY J KNIFF, 0000
GEORGE A KOBAN, 0000
PAUL A KRUG, 0000
RICHARD O KUZIAK, 0000
JEFFREY M LANDSMAN, 0000
BRIAN L LAROCHE, 0000
DANIEL M LEETZ, 0000
STEPHEN J LITTFIN, 0000
KAREN V LOFTUS, 0000
BENITO LOYOLA JR., 0000
MICHAEL L MAHAN, 0000
MICHAEL J MAHONEY, 0000
PAUL R MAHOSKY, 0000
NANCY M MALONE, 0000
WILLIAM A MARRIOTT, 0000
PAUL G MARSHALL, 0000
JEFFERSON H MATTOX, 0000
MICHAEL C MCCARRON, 0000
GARY D MCCARTHY, 0000
GEORGE C MCCOLE JR., 0000
LUKE M MCCOLLUM, 0000
PATRICK F J MCCORMACK, 0000
JAMES M MCCULLOUGH, 0000
PATRICK J MCDONNELL, 0000
JAMES J MCGOVERN, 0000
JEROME L MCKINNEY, 0000
GLENN MCMAKEN, 0000
ANTHONY J MESCHER, 0000
PATRICK A MICUCCI, 0000
GREGORY H MILLER, 0000
TIMOTHY T MILLER, 0000
JAMES E MONTGOMERY, 0000
OTTO C MOORE, 0000
WILLIAM E MOUNTFORD, 0000
JOHN T NANKERVIS JR., 0000
CHRISTIAN T NYGREN, 0000
PATRICK J OROURKE, 0000
WILLIAM J OVERMAN, 0000
ANTHONY R PAIGE, 0000
PHILIP S PARK, 0000
JOSEPH K PASKVAN II, 0000
TERRY D PATTERSON, 0000
BRADLEY J PETERSON, 0000
DAVID E PETTRY JR., 0000
MARK D PHILLIPS, 0000
JOSEPH S PURVIS, 0000
MARK A QUARTIERE, 0000
BRYAN D QUIGLEY, 0000
PAUL A RACICOT, 0000
RICHARD E RAYERMANN, 0000
PATRICK J REIDY JR., 0000
DAVID L ROBBINS JR., 0000
BLANCHARD P ROBERSON, 0000
DEREK G ROBERTS, 0000
STEPHEN L ROEHRS, 0000
ROBERT E ROSE JR., 0000
DAVID A SAEGER, 0000
JOSEPH T SANDERSON, 0000
CHRISTOPHER T SCOTT, 0000
BRUCE J SEITZ, 0000
CAMERON A SEN, 0000
FRANK P SHAFFER, 0000
JOSEPH R SHAPPELL, 0000
DENIS J SHEA, 0000
PHILLIP W SILVER, 0000
STEPHEN J SLOAN, 0000
MICHAEL B SMACK, 0000
ALAN B SMITH, 0000
ROBERT R SMITH, 0000
CHRISTIAN E SPRINKLE, 0000
ZBIGNIEW S STANKIEWICZ, 0000
VICKI S STEPHENS, 0000
BINGHAM P STICKNEY, 0000
ROBERT W STICKNEY, 0000
ERIC L STILWELL, 0000
RICHARD W STJOHN, 0000
RANDALL A STROUD, 0000
WILLIAM T SUMMERS II, 0000
DANIEL W SWEENEY, 0000
LEE M TABENKEN, 0000
ELIZABETH Y C TAGGART, 0000
MICHAEL O THOMAS, 0000
MICHAEL A THOMPSON, 0000
WILLIAM D THOMPSON, 0000
THOMAS R THROWER, 0000
BRIAN W TODD, 0000
BRION K TYLER, 0000
MARK VERROCHI, 0000
PAUL B VUJICA, 0000
JOSEPH A WALSH II, 0000
WEYMAN W WATSON, 0000
DARWIN L WEBSTER, 0000
DONALD C WHALEN, 0000
JEFFREY B WHITING, 0000
STEPHEN F WICKERSON, 0000
ROBERT J WILLIS, 0000
MARK E WOODALL, 0000
SAMUEL R YOUNG, 0000
STEVEN YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

JAMES S BAILEY, 0000
MICHAEL D BARG, 0000
JONATHAN G BUFF, 0000
KEVIN J CALLAHAN, 0000
COURTNEY L CAMPBELL, 0000
CHRISTOPHER P CARLSON, 0000
NORMAN O DAVIS JR., 0000
MARK D DOWD, 0000
PAUL M FLEMMING, 0000
JAMES D GEMMER, 0000
GARY W GOLOMB, 0000
JOSEPH B GREEN, 0000
GAIL GROSS, 0000
BRADFORD A HALE, 0000
DAVID L HALL, 0000
JOANN S HOLLAND, 0000
JAMES M HORSLEY, 0000
CHRISTOPHER M HOUMAN, 0000
DOMINIQUE L HUSTON, 0000
STEVEN C JENSEN, 0000
STEVEN A KARLOW, 0000
JEFFREY B KELLEY, 0000
LAUCHLIN A KELLY II, 0000
FRANK D KENLON, 0000
WILLIAM L KILLION, 0000
MELVIN T KROON, 0000
BRETT M KURASHIGE, 0000
ADELE M LANGEVIN, 0000
MICHAEL C LESKIN, 0000
KENNETH LINDSEY JR., 0000
STEPHEN LOUGHRAN, 0000
JOAN F LUDWICK, 0000
CHRISTOPHER MACON, 0000
WILLIAM A MALONEY, 0000
LAVERN MEYER JR., 0000
STEVEN E MINNING, 0000
NANCY L NEWMAN, 0000
TIMOTHY I NOWACZYK, 0000
ROBERT D PAGE, 0000
JAMES J PARKER, 0000
GARY S POWERS, 0000
DONNA S RICHARDSON, 0000
NEIL D SCOTT, 0000
DEBRA L SEDGELEY, 0000
RICHARD S SHERER, 0000
MATTHEW J SLICHKO, 0000
ROGER M SMITH, 0000
JOAN F STARK, 0000
STEPHEN R TESTA, 0000
DAVID S TOLBERT, 0000
ROSE M TRAFTON, 0000
DENNIS L TROY, 0000
KRISTOFER P TURNBOW, 0000
RICHARD K VANDOP, 0000
PATRICK D WARFLE, 0000
EDWIN J WASZ, 0000
KENNETH R WHITE, 0000
THOMAS E WHITTLES, 0000
JEFFREY B WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C, SECTION 12203:

*To be captain*

RICHARD S. MORGAN, 0000
TERRY L. M. SWINNEY, 0000

## CONFIRMATIONS

### Executive nominations confirmed by the Senate April 29, 2004:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL JAMES B. ARMOR, JR.
BRIGADIER GENERAL CURTIS M. BEDKE
BRIGADIER GENERAL JOHN T. BRENNAN
BRIGADIER GENERAL ROGER W. BURG
BRIGADIER GENERAL JOHN J. CATTON, JR.
BRIGADIER GENERAL MICHAEL A. COLLINGS
BRIGADIER GENERAL DANIEL J. DARNELL
BRIGADIER GENERAL FRANK R. FAYKES
BRIGADIER GENERAL VERN M. FINDLEY II
BRIGADIER GENERAL STEPHEN M. GOLDFEIN
BRIGADIER GENERAL GILMARY M. HOSTAGE III
BRIGADIER GENERAL THOMAS P. KANE
BRIGADIER GENERAL PERRY L. LAMY
BRIGADIER GENERAL ROOSEVELT MERCER, JR.
BRIGADIER GENERAL GARY L. NORTH
BRIGADIER GENERAL ANTHONY F. PRZYBYSLAWSKI
BRIGADIER GENERAL LOREN M. RENO
BRIGADIER GENERAL EDWARD A. RICE, JR.
BRIGADIER GENERAL MARC E. ROGERS
BRIGADIER GENERAL ARTHUR J. ROONEY, JR.
BRIGADIER GENERAL STEPHEN T. SARGEANT
BRIGADIER GENERAL DARRYL A. SCOTT
BRIGADIER GENERAL WINFIELD W. SCOTT III
BRIGADIER GENERAL NORMAN R. SEIP
BRIGADIER GENERAL LOYD S. UTTERBACK
BRIGADIER GENERAL DONALD C. WURSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. WILLIAM L. SHELTON

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. RONNIE D. HAWKINS, JR.

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. DANNY K. GARDNER

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. RICHARD R. MOSS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. DAN K. MCNEILL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL GARY L. BORDER
BRIGADIER GENERAL WILLIAM H. BRANDENBURG
BRIGADIER GENERAL RANDAL R. CASTRO
BRIGADIER GENERAL JAMES A. COGGIN
BRIGADIER GENERAL JOSEPH F. FIL, JR.
BRIGADIER GENERAL JOHN D. GARDNER
BRIGADIER GENERAL BRIAN I. GEEHAN
BRIGADIER GENERAL GARY L. HARRELL
BRIGADIER GENERAL JANET E. A. HICKS
BRIGADIER GENERAL KENNETH W. HUNZEKER
BRIGADIER GENERAL JAMES A. KELLEY
BRIGADIER GENERAL RICKY LYNCH
BRIGADIER GENERAL MICHAEL R. MAZZUCCHI
BRIGADIER GENERAL DENNIS C. MORAN
BRIGADIER GENERAL JAMES H. PILLSBURY
BRIGADIER GENERAL DAVID C. RALSTON
BRIGADIER GENERAL JAMES E. SIMMONS
BRIGADIER GENERAL EDGAR E. STANTON III
BRIGADIER GENERAL GUY C. SWAN III
BRIGADIER GENERAL DAVID P. VALCOURT
BRIGADIER GENERAL W. MONTAGUE WINFIELD
BRIGADIER GENERAL JOHN A. YINGLING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL JOHN C. ADAMS
COLONEL CHARLES B. ALLEN
COLONEL CHARLES A. ANDERSON
COLONEL OSCAR R. ANDERSON
COLONEL JOHN R. BARTLEY
COLONEL KEVIN J. BERGNER
COLONEL BRUCE A. BERWICK
COLONEL NOLEN V. BIVENS
COLONEL DANIEL P. BOLGER
COLONEL DOYLE D. BROOME, JR.
COLONEL ALBERT BRYANT, JR.
COLONEL ROBERT L. CASLEN, JR.
COLONEL JAMES E. CHAMBERS
COLONEL BERNARD S. CHAMPOUX
COLONEL ANTHONY A. CUCOLO III
COLONEL MICHAEL C. FLOWERS
COLONEL JEFFREY W. FOLEY
COLONEL REBECCA S. HALSTEAD
COLONEL MICHAEL D. JONES
COLONEL PURL K. KEEN
COLONEL DAVID B. LACQUEMENT
COLONEL STANLEY H. LILLIE
COLONEL THOMAS C. MAFFEY
COLONEL FRANCIS G. MAHON
COLONEL JOSEPH E. MARTZ
COLONEL RAYMOND V. MASON
COLONEL JOHN F. MULHOLLAND
COLONEL PATRICK J. OREILLY
COLONEL MARK V. PHELAN
COLONEL JOSEPH SCHROEDEL
COLONEL JOHN E. STERLING, JR.
COLONEL RANDOLPH P. STRONG
COLONEL JAMES L. TERRY
COLONEL WILLIAM J. TROY
COLONEL PETER M. VANGJEL
COLONEL DENNIS L. VIA
COLONEL JOSEPH L. VOTEL
COLONEL FRANCIS J. WIERCINSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. RICHARD J. WALLACE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. HAROLD L. ROBINSON

AIR FORCE NOMINATIONS BEGINNING ELWOOD M. BARNES AND ENDING REX A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2003.

AIR FORCE NOMINATIONS BEGINNING DWIGHT R. BRASWELL AND ENDING KAREN H. STOCKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2004.

AIR FORCE NOMINATIONS BEGINNING RICHARD J. BURLING, JR. AND ENDING ROBERT L. TULLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

AIR FORCE NOMINATION OF ARAM M. DONIGIAN.

AIR FORCE NOMINATION OF VINCENT F. CARR.

AIR FORCE NOMINATION OF DANIEL J. COURTOIS.

AIR FORCE NOMINATION OF CHARLES G. STITT.

AIR FORCE NOMINATION OF RONALD E. RIKANSRUD.

AIR FORCE NOMINATIONS BEGINNING JEFFREY A. BAILEY AND ENDING TERRY G. HOEHNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

AIR FORCE NOMINATION OF STEVEN M. HILL.

AIR FORCE NOMINATION OF JOHN J. DERESKY.

AIR FORCE NOMINATIONS BEGINNING HEIDI C. BERTRAM AND ENDING THOMAS C. WISLER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

AIR FORCE NOMINATION OF JOHN D. ADAMS.

ARMY NOMINATIONS BEGINNING THOMAS A. BURGESS AND ENDING JOHN R. STEFANOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2004.

ARMY NOMINATIONS BEGINNING TIMOTHY J. CALLAHAN AND ENDING RONALD O. GIENAPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 22, 2004.

ARMY NOMINATION OF LEO L. BENNETT.

ARMY NOMINATION OF JAMES D. JONES.

ARMY NOMINATION OF JORGE L. ROMEU.

ARMY NOMINATION OF CRAIG D. HARTRANFT.

ARMY NOMINATION OF WILLIS C. HUNTER.

ARMY NOMINATION OF DANA R. YETTON.

ARMY NOMINATION OF HAROLD B. SNYDER III.

ARMY NOMINATION OF DANNY L. MCGRAW.

ARMY NOMINATION OF RICHARD A. STEBBINS.

ARMY NOMINATION OF OTHA MYLES.

ARMY NOMINATION OF JERRY M. BROWN.

ARMY NOMINATION OF FRANK G. ATKINS.

ARMY NOMINATION OF JAMES R. VANDERGRIFT.

FOREIGN SERVICE NOMINATIONS BEGINNING BRUCE M. QUINN AND ENDING MICHAEL W. LIIKALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING CHRISTINA JEANNE AGOR AND ENDING TED K. GONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING PAUL BELMONT AND ENDING JOSEPH D. STAFFORD III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM L. BRANT II AND ENDING WILLIAM W. WESTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 23, 2004.

FOREIGN SERVICE NOMINATIONS BEGINNING ELIZA FERGUSON AL-LAHAM AND ENDING HUGO YUE-HO YON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2004.

MARINE CORPS NOMINATIONS BEGINNING MARK A ADAMS AND ENDING ERIN L ZELLERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

MARINE CORPS NOMINATIONS BEGINNING CHRISTOPHER J AABY AND ENDING MARK W ZIPSIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 2004.

MARINE CORPS NOMINATIONS BEGINNING MATTHEW T ASHE, JR. AND ENDING JASON D YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING ANDREW T FINK AND ENDING NICK TRUJILLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING CURTIS S AMES AND ENDING STEVEN M ZOTTI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2004.

MARINE CORPS NOMINATIONS BEGINNING TRAVIS R AVENT AND ENDING MARK B WINDHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

MARINE CORPS NOMINATION OF DAVID C. COX.

NAVY NOMINATION OF MELISSA A. HARVISON.

NAVY NOMINATIONS BEGINNING VICTORIA T CRESCENZI AND ENDING JOSEPH ZULIANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2004.

NAVY NOMINATION OF SCOTT F. MURRAY.

# EXTENSIONS OF REMARKS

## CONGRATULATING JOHN R. MILLER, HOUSE LAW REVISION COUNSEL, UPON HIS RETIREMENT

### HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. HASTERT. Mr. Speaker, I am honored today to congratulate and thank Law Revision Counsel John R. Miller for his 28 years of service to the House of Representatives upon his retirement on May 3, 2004. During his time as Assistant Counsel, Deputy Counsel, and Law Revision Counsel, John's dedication, professionalism, and expertise have served the House well, and his important contributions will be missed. Overall John has given 33 years of service to the Federal Government, and I know he looks forward to a well-deserved retirement.

As the director of the Law Revision Counsel staff, John has been responsible for significantly improving the procedures for preparing and publishing the U.S. Code and for making the office self-reliant, a goal which goes back to 1975. Under John's leadership, the Office no longer requires outside assistance to produce the Code, and the staff continues to improve its efficiency. For almost three decades, John has played a pivotal role in meeting the mandate of the Office to accurately reflect the intent of Congress in consolidating and codifying Public Laws. While John will shortly no longer show up for work each day, we will remember his strong legacy. The House is a better and stronger institution because of the efforts of John Miller. We wish him all the best in retirement.

## THANKING JOHN R. MILLER FOR HIS SERVICE TO THE HOUSE

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Ms. PELOSI. Mr. Speaker, it is my privilege to join my colleagues in honoring a true public servant, John R. Miller, as he begins the retirement he so richly deserves. For the past 28 years, John has belonged to that small but essential group of dedicated, nonpartisan professionals who quietly ensure that the House of Representatives functions smoothly and serves the people of the United States.

John has served as Assistant Counsel, Deputy Counsel, and, for the past eight years, as the Law Revision Counsel. The Law Revision Counsel supervises a staff of 12 attorneys who, along with several editors, administrative aides, and technical specialists, are charged with preparing and publishing the United States Code. The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is indispensable to legislators, lawyers, and anyone with an interest in the rule of law. Under the superb leadership of John Miller, the office has rightfully earned a reputation for excellence.

John's lifetime of service to our country should be a source of pride to him and his family. On behalf of the House Democratic Caucus, it is my pleasure to commend and thank John for his great career in the House of Representatives and to wish him all the best in his retirement.

## RECOGNIZING THE CONTRIBUTIONS AND ACCOMPLISHMENTS OF JOHN R. MILLER

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. SENSENBRENNER. Mr. Speaker, John R. Miller is retiring on May 3, 2004, after 32 years of service working for the Federal government. He began his career in the Legislative Branch working on the staff of Representative William McCulloch of Ohio. Later, John became an attorney-advisor in the Office of General Counsel at General Accounting Office and worked there for 3 years. In 1975, when the Office of the Law Revision Counsel was established as an independent office in the House of Representatives, John was one of the first assistant counsels appointed. In 1994, John was promoted to Deputy Law Revision Counsel, and in 1996, he was appointed by Speaker Newt Gingrich as the Law Revision Counsel.

Throughout his 28 years with the Office of the Law Revision Counsel, John has played an integral role in the development and evolution of the Office. During his tenure as Law Revision Counsel, he has initiated and overseen a significant modernization and upgrading of the procedures and technology used to prepare the Code, thereby improving efficiency and accuracy.

Mr. Speaker, John has set high standards for the work of the Office of the Law Revision Counsel. His unwavering commitment to excellence has been instrumental in making the Code as accurate and reliable as possible. He will be missed.

## IN HONOR OF NANCY PIPER

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. MANZULLO. Mr. Speaker, we all know that this body could not function without the able assistance of our staff members. I wanted to bring to the attention of the House that the Small Business Committee will soon lose to retirement the services of the Chief Clerk, Nancy Piper. Nancy will officially retire tomorrow on April 30, 2004 after over 28 years of unselfish, dedicated public service to Congress in various capacities—both in the minority and in the majority—to five Republican leaders of the House Small Business Committee. Nancy graduated from Sweet Briar College in Virginia and has a Legal Assistant Degree from George Washington University.

Nancy began her career on Capitol Hill in the Nation's bicentennial year of 1976 working for her Congressman, Jack Wydler, from Garden City on Long Island, New York. At that time there were only 145 Republicans in the House of Representatives. Starting in 1983, she began working for the Small Business Committee for the then ranking minority Member Joseph McDade in Pennsylvania. Since then, Nancy worked for four other Republican leaders of the House Small Business Committee, including Andy Ireland of Florida, Jan Meyers of Kansas, and Jim Talent of Missouri. She has certainly seen a lot of changes over the years on how Capitol Hill operates, including the pivotal year of 1994, when her role dramatically changed to a majority staff person.

Nancy is one of the many unsung staff members of the Small Business Committee that makes sure many of the administrative functions of the committee run smoothly. Without her service and her institutional memory, the committee simply could not function. Nancy makes sure that everything associated with a committee hearing or a bill markup proceeds without a hitch.

Mr. Speaker, Members who serve on the Small Business Committee or who have once served on the committee all experienced Nancy's professionalism and pleasant demeanor. While they will miss her, I know that they will want to join me in wishing Nancy all the best as she leaves the frantic pace of Capitol Hill to enjoy her well-deserved retirement. My wife, Freda, and I express to Nancy Piper our very fondest personal wishes to her and her husband, Chris, and her two daughters, Kate and Elizabeth, as she embarks on her new journey in life.

## RECOGNIZING NORTHWEST INDIANA COMMUNITY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I rise to recognize an outstanding member of the northwest Indiana community, Ms. Agnes Lynch. This incredible woman has been a life force for countless students and for her family. Her presence in our community has touched the lives of thousands and helped many become the leaders of today

Originally from Milwaukee, Wisconsin, Ms. Agnes (Ott) Lynch earned her B.A. in English

at Mount Mary College in Milwaukee. Two major events highlighted those college years. One was the once-in-a-lifetime experience of winning the national Tournament of Orators sponsored annually by the Hearst Newspaper chain. She was the only woman to ever win the national finals of that contest. The 1950 finals were held in Baltimore and Bishop Sheen was one of the judges. To that day, Agnes cherishes her kiss on the cheek from Sheen, at least as much as the cash prize that accompanied her first-place finish.

This other event, meeting her future husband, occurred while Agnes was working her way through college at the Milwaukee Public Library. John Lynch came into the library one night to check out a book. He was on his way home from the German bakery, just down the street from the library, where he was working his way through Marquette University. John and Agnes were married in Milwaukee just after graduation and moved to Gary, John's hometown.

After their third child was born, Agnes started her teaching career, first at Toleston High School and then, for 25 years, at Merrillville High School, where she was the English Department chairwoman, sponsor of the Thespian Society and director of the class plays. There are few people in northwest Indiana who didn't have Agnes for a teacher. In her spare time, she earned her M.A. from Valparaiso University. After retiring from Merrillville High School, Agnes taught for 3 years at Indiana University Northwest.

A widow since John's passing in 2000, Agnes now devotes her time to church, traveling and basking in the accomplishments of her children. Mr. Speaker, Agnes Lynch has given her time and efforts selflessly to the people of northwest Indiana throughout her long and illustrious life. She has given the gift of knowledge to thousands in our community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Ms. Lynch for her outstanding contributions to Indiana's First Congressional District. I am proud to commend Agnes for her lifetime of service and dedication.

## HONORING MR. VAL ROSE

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an outstanding man, Mr. Val Rose, who on December 4, 2003 retired from the Genesee County Sheriff Department in Flint, Michigan after 20 years of dedicated service to the residents of Genesee County. On May 4, 2004, family and friends will gather to honor the career of Mr. Rose during a dinner to be held at the Ramada Inn located in my hometown of Flint, Michigan.

Val was born in Flint, Michigan on October 20, 1951 to Dr. and Mrs. Frank (Florence) Rose. He graduated from Central High School in 1970. He attended Flint Junior College (Mott College) and majored in criminal justice. During his course of study he received an internship within the Flint Police Department. His first official assignment was with a police force in the State of Wyoming. Upon returning to the Great State of Michigan, Val sought positions that would allow him to continue in his commitment to defending human dignity. He served as one of the officers on the first internal Hurley Medical Center security team. Val began his tenure with the Genesee County Sheriff Department as a Deputy Sheriff in September of 1993. During his career Val was elected Steward and later Chief Steward of AFSCME Local 2259, a position he held until his retirement. He was also the coordinator of the special events within the Sheriff Department. Val chaired the Michigan Special Olympics ''Law Enforcement Torch Run'' for 3 years. He assisted with communications for the Special Olympics ''Crim Races'' for 14 years, and he rode his bicycle twice across Michigan in memory of fallen deputies and other law enforcement agents. He was an adviser/instructor for 10 years with the Forgotten Man Mission Training Program, which was established to assist individuals with becoming an assistant chaplain. Val's invaluable service to the community has not gone unnoticed. During his career he received numerous accolades, including the Sheriff's ''Community Service'' award for his commitment to volunteering and promoting safety. Aside from his law enforcement career, Val is the Commander of the Flint-Flotilla U.S. Coast Guard Auxiliary, and most recently he became a member of the U.S. Air Force Auxiliary, Lt. Col. Keehn Composite Flint Squadron.

Val is not only dedicated to serving and protecting the community, he is also and foremost a devoted husband to his lovely and supportive wife of 26 years, Louise.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in honoring my good friend and constituent Val Rose, and wishing him the very best in his retirement.

## HOMELESS VETERANS ASSISTANCE REAUTHORIZATION ACT OF 2004

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. SMITH of New Jersey. Mr. Speaker, the Department of Veterans Affairs (VA) estimates that there are 200,000 or more homeless veterans living on the streets on any given night. Other organizations dedicated to assisting homeless populations believe that that number is higher, closer to 300,000. Either number is far too high and a national travesty. For these veterans, access to VA benefits, specialized services and effective outreach are vital components to any hope of individual stability and improvement in their prospects.

With the passage of Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, Congress established the goal of ending chronic homelessness in the veteran population within a decade. Today, I am introducing H.R. 4248 along with Mr. EVANS of Illinois, the Committee's ranking member, that would extend the authority of the Secretary of Veterans Affairs to continue making grants to expand or modify existing programs for homeless veterans. The current authority for this program will expire in September 2005 without this legislation. VA also requested an increase in the grant and per diem program spending limit from $75 million to $100 million, in its fiscal year 2005 medical care budget proposal. This legislation would authorize that spending increase along with extending the program authority through 2008.

The VA's Homeless Grant and Per Diem program provides competitive grants to community-based, faith-based, and public organizations to offer transitional housing or service centers for homeless veterans. Between grants and per diem-only awards, VA is contributing support for approximately 10,000 community-based supportive housing beds and services to homeless veterans in all 50 states and the District of Columbia. Current recipients of these funds are contributing in very significant ways to the fulfillment of the objective to reduce homelessness among veterans.

Mr. Speaker, on behalf of the homeless veterans who need these services and the programs that are achieving successful outcomes, I urge my colleagues to support this measure.

## HONORING CALIFORNIA STATE SENATOR JOHN VASCONCELLOS

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Ms. ESHOO. Mr. Speaker, on behalf of the members representing Silicon Valley, including Representatives STARK, LANTOS, LOFGREN, HONDA and FARR, I rise to honor California State Senator John Vasconcellos, one of the most highly respected legislators in California, who is retiring this year after representing Santa Clara County in the California Legislature for nearly forty years. Senator Vasconcellos will be honored on Friday, April 30, 2004 by the Santa Clara County Democratic Party for his extraordinary public service career.

John Vasconcellos is a graduate of Bellarmine College Preparatory in San Jose and the University of Santa Clara, where he was the first person in the history of the institution to graduate as Student Body President, Valedictorian and recipient of a medal given to the outstanding member of the senior class. After two years in the Army, he returned to attend Santa Clara University Law School where he again was Class President and a top student. He practiced law in San Jose and served in the Administration of Governor Edmund G. ''Pat'' Brown.

John Vasconcellos was first elected to the California State Assembly in 1966, where he served for 30 years before being elected to the State Senate. During his tenure in the Assembly, he served as the Chairman of the powerful Assembly Ways and Means Committee where he earned a reputation as a masterful negotiator and conciliator, and for the superior legislation he produced.

In 1996, John Vasconcellos was elected to the California State Senate, where he has served on the Budget, Public Safety, and Energy, Utilities and Communications Committees and as the Chair of the Committees on Education, Economic Development, Preparing California for the 21st Century, and the Internet Caucus. He founded the California Task Force to Promote Self Esteem and Personal

and Social Responsibility. He has been called ''the conscience of the Legislature'' and ''the Johnny Appleseed of Self Esteem.'' He has made a commitment to recognizing California as the leader in the development of new technologies, the global economy, and to meeting the challenge of realizing the promise of our multicultural democracy, with every person being given the opportunity to fulfill her or his full potential his mantra.

Mr. Speaker, we're proud to call John Vasconcellos our friend and our colleague in public service. This pragmatic idealist and visionary is a source of great pride to the Democratic Party, to our mutual constituents, to all Californians and to our entire nation. We ask our colleagues to join us in honoring and thanking Senator Vasconcellos for his lifetime of extraordinary service to California and our country. Because of him and his distinguished service, we are unmistakably a stronger, better and more decent nation.

## HONORING MR. GEORGE BOOMS

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize the accomplishments of Mr. George Booms. He is a hardworking advocate for America's senior citizens. On Thursday, May 6, 2004, the Region VII Area Agency on Aging will show their appreciation to George during their annual meeting to be held at Buck's Run located in Mt. Pleasant, Michigan.

George was born October 9, 1938, in Bad Axe, Michigan. He is a longtime resident and dairy farmer of Sanilac County, Michigan. George has made it his life's work to defend and promote human dignity for all senior and disabled Americans. He joined the Region VII Area Agency on Aging Board of Directors in 1993. The Area Agency on Aging, which was created by the Older Americans Act, partners with county organizations to service the needs of the elderly. During his tenure, George served as board vice chairman in 1998 and 2000. He served as board chairman from 2001 to 2004. Under his steadfast leadership, George was able to successfully, along with the help of various committees, secure a new and more spacious facility for Region VII Area Agency on Aging. George was also instrumental in leading the search for a new executive director. He has also dedicated numerous hours to advocating the MiChoice Waiver program for the elderly and disabled. George was the lead in guiding the agency to conduct a study on wages and approve equitable wage steps for all employees of Region VII Area Agency on Aging. Prior to George's service on the board, he was the township clerk for Sanilac County for 12 years and a Sanilac County commissioner for 12 years. He was also a member of the Sanilac planning committee and public and safety committee. Aside from his work with the agency, George enjoys participating in various related church functions and woodworking.

I know that George would want me to point out that the love and support of his family have immensely contributed to his overall success. He is a devoted husband to his lovely wife, Arlene. They have three sons, two daughters, and six wonderful grandchildren.

Mr. Speaker, many people have greatly benefited from George Booms's experience and dedication. He is a man of moral character committed to improving the welfare and dignity of those in need. I ask my colleagues in the 108th Congress to please join me in congratulating George Booms on a successful term and in wishing the very best in future endeavors.

## RECOGNIZING THE 60TH ANNIVERSARY OF OPERATION OVERLORD

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to recognize and commemorate the 60th anniversary of the Allied landing at Normandy during World War II. I am pleased that the ranking member of the House Veterans' Affairs Committee, Mr. EVANS, has joined me as an original cosponsor of this measure. I urge all of my colleagues on both sides of the aisle to support this resolution.

The well-known phrase ''freedom is not free'' perhaps never meant as much as it did on June 6, 1944. Over 6,500 American troops suffered casualties on that day. Our allies also suffered great numbers of killed and wounded. Many more observed horrible images that were burned into their memories for the rest of their lives. Sadly, this was the beginning of a campaign that would cost the lives of thousands of Americans in order to end the ''Thousand Year Reich'' hundreds of years prematurely. There are many concentration camp prisoners—and their descendants—alive today because of the price paid by thousands of young men.

One of the reasons I feel strongly that Congress should debate and pass legislation such as this is that there are fewer and fewer original participants in the event, and our collective societal memory can become skewed and distorted. As the interval of time lengthens between our current understanding of a historical event, and when the event originally took place, its significance can sometimes become blurred or almost lost.

Many of us look back upon the Normandy Invasion at D–Day, June 6, 1944, and think of it as the beginning of Europe's liberation from the clutches of one of the most evil systems of government ever devised by mankind. In many ways, this understanding is correct. But sometimes I feel as if too many historical observers minimize the fact that the Allied victory at Normandy, and the subsequent liberation of Europe from Nazi and Fascist tyranny, was not inevitable. Many historians today are so obsessed with finding and identifying ''fundamental historical trends'' and isolating various factors and causes that they often overlook that much of history occurs by chance and by the sheer human will of key individuals.

On June 6, 1944, failure was possible. In fact, when you pause and consider the magnitude and scale of such an enormously complicated military operation waged by multiple nations, it sometimes seems amazing that the operation ever succeeded.

After all, roughly two years earlier, several thousand Canadian and British troops launched an amphibious raid near the town of Dieppe, and this operation proved to be a complete disaster. Some of the highest casualty rates of the entire war were suffered during the operation. As a result of this military debacle, there were over 1,000 allied soldiers killed, and 2,000 prisoners taken by the Germans. The Allied raid failed because troops were inadequately prepared and lacked experience in battle, the plan was poorly conceived, overly complex, and lacked sufficient fire support from aircraft and artillery.

As planning for Operation Overlord was underway, Winston Churchill injected much needed caution and urged careful planning. Stalin was putting heavy pressure on Roosevelt and Churchill to move quickly and launch an invasion in 1943 to relieve the enormous pressure on the Soviets along the Eastern Front. Churchill worried that a 1943 invasion would fail, and feared that the beaches of France could end up ''choked with the bodies of the flower of American and British manhood.''

Fortunately, the Allies learned the bitter lessons of the 1942 Dieppe landing, and put these hard-won lessons to good use during the Normandy invasion. But there was nothing historically inevitable about the success of Operation Overlord.

The famed historian Stephen Ambrose put the significance of this operation in perspective:

> You can't exaggerate it. You can't overstate it. [D-Day] was the pivot point of the 20th century. It was the day on which the decision was made as to who was going to rule in this world in the second half of the 20th century. Is it going to be Nazism, is it going to be communism, or are the democracies going to prevail? If we would have failed on Omaha Beach and on the other beaches on the 6th of June in 1944, the struggle for Europe would have been a struggle between Hitler and Stalin, and we would have been out of it.

It is also worth noting that General Dwight D. Eisenhower himself was not completely confident of victory. Prior to the launch of the great amphibious assault, he scribbled a brief note about what he would say to the press in the event that the invasion failed, and put it in his wallet. He later added it to his diary. The note read as follows:

> ''Our landings in the Cherbourg-Havre area have failed to gain a satisfactory foothold and I have withdrawn the troops. My decision to attack at this time and place was based upon the best information available. The troops, the air and the Navy did all that Bravery and devotion to duty could do. If any blame or fault attaches to the attempt it is mine alone.

When the words of this note were first revealed to the American public, I thought how wise President Franklin Roosevelt was to pick a man of such character and humility as Dwight Eisenhower to lead the single most important military operation in American history.

Here was a man who was asked to oversee and execute the most complicated military plan ever devised, one in which so many things could have gone wrong that you could have blamed hundreds of different variables had it not succeeded.

A great invasion force stood off the Normandy coast of France as dawn broke on June 6, 1944: in all, there were 9 battleships,

23 cruisers, 104 destroyers, and 71 large landing craft of various descriptions, as well as troop transports, mine sweepers, and merchantmen. Combined, these forces constituted nearly 5,000 ships of every type, the largest armada ever assembled. Allied Air Forces flew 11,000 sorties to provide air cover, bomb beach-head fortifications, and most importantly, pin down the armored Panzer tank reserves that the Germans had available to counterattack and drive any Allied beachhead back into the sea.

Eisenhower had reasonable faith in his war plan, to be sure. He did not recklessly cast over 150,000 Allied soldiers into harm's way without taking every possible precaution to ensure success. But he was fully cognizant of just how badly things could go awry even if everything he could control went perfectly and on schedule. He was fully prepared to shoulder the entire blame himself if the outcome did not go well.

And there was much to be worried about. As the day of the invasion approached, the weather in the English Channel became stormy. The U.S. Army Center of Military History (CMH) reports that heavy winds, a five-foot swell at sea, and lowering skies caused General Eisenhower to postpone the assault from June 5 to June 6. Weather conditions remained poor, but when weather forecasters predicted the winds would abate and the cloud cover would rise enough on the scheduled day of the attack to permit aerial support, Eisenhower reluctantly gave the command.

Eisenhower also understood the awesome and heavy burden of leadership that comes with knowingly sending thousands of men to a place where many would not return home alive or uninjured. Planners had expected casualties of up to 80 percent among the airborne forces and glider troops. Eisenhower, knowing full well what was likely to face these airborne troops, traveled to an air base at Newbury, England to bid farewell to the members of the 101st Airborne Division before their tow planes and gliders carried them off to battle. The U.S. Army Center of Military History reports that a newspaper man who accompanied Eisenhower later told friends he had seen tears in the general's eyes.

Eisenhower's love and fear for his men was grounded in reality. Fewer than half of the gliders assigned to the U.S. 82nd Airborne Division ever reached their assigned landing zones on D–Day. Those that missed their targets either became stuck in hedgerows, struck German obstacles constructed specifically to counter glider troops, or were mired in swampy terrain. By midmorning of June 6, 1944, 4,000 men of the 82nd were unaccounted for, along with 60 percent of the equipment they had carried into battle.

Several of the beach landings went relatively smoothly and according to plan. But at the beach landing code-named OMAHA, many things seemed to go wrong all at once for the primarily American force. Naval and aerial bombardment of enemy mortar and artillery positions had failed to inflict substantial damage. As American infantry tried to take the beaches, they were pounded mercilessly by the German defenders. Allied rocket ships tried to bring additional indirect fire support, but they were launched at the outer limits of their effective range. When missiles fell short, they often hit Allied troops on the beach.

The high winds and strong currents blew many of the landing craft off course, making it difficult to coordinate artillery support and leaving troops miles from their objective with useless maps. And where the Allied forces had appropriate maps, they didn't have the necessary radios with which to call in for fire support, reinforcements, or to coordinate their attacks. A lot of radios had gone to the bottom with their ships and landing craft. Many of those who landed were seasick or weary from the journey through choppy waters. Nearly half of the amphibious tanks accompanying the invaders sank, swamped by the high waves their design couldn't accommodate. Wreckage at the water's edge piled up and landing craft became hopelessly entangled in barbed wire and uncleared beach obstacles placed by the German defenders. Arriving at the battlefield during a rising tide, many landing craft became stuck on sandbars that were 50 to 100 yards from the waterline. Enemy machine guns, firing from heavily fortified bunkers, mowed down rank after rank of U.S. troops who had to wade to shore with fifty, eighty, or sometimes a hundred pounds of equipment through water that was often neck deep.

According to some estimates, barely one-third of the first wave of attackers ever reached dry land. Few heavy weapons made it to shore in the first wave at OMAHA making it extremely difficult to take out the mortars, machine gun emplacements, and artillery batteries that were raining death upon Allied forces. Some were killed the moment the landing doors dropped, as was so poignantly captured during the memorable film, ''Saving Private Ryan.'' Those who were wounded and unable to move sometimes drowned as the tide moved in. Making matters worse, the force opposing them were seasoned German veterans from the 352nd Infantry Division.

Only sheer bravery and the monumental effort of human will posed against impossible odds carried the day at OMAHA beach. About 2,500 men were killed or wounded at OMAHA alone.

By the end of the day, the total tally of dead and injured topped 9,000. The American share was about 6,500. Among the American airborne divisions, about 2,500 became casualties. Canadian forces experienced about 1,100 casualties and another 3,000 British soldiers were killed or wounded. Approximately one-third of the casualties were killed in action.

At roughly 10 p.m., June 6, 1944, Eastern Standard Time, President Franklin D. Roosevelt broadcast a radio address to the nation, and led a prayer for the many thousands of soldiers committed irrevocably to battle that day:

> Last night when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.
>
> And so, in this poignant hour, I ask you to join with me in prayer:
>
> Almighty God: our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.
>
> Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.
>
> They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.
>
> They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war. . . .
>
> Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. . . .
>
> With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all men live in freedom, reaping the just rewards of their honest toil. Thy will be done, Almighty God. Amen.

Incredibly, the high casualties suffered were less than Allied planners had actually expected. There were many who feared that Hitler would order the use of chemical weapons to prevent the Allies from gaining a toehold on the European mainland. According to the U.S. Army Center of Military History, Eisenhower's chief surgeon, Maj. Gen. Albert W. Kenner, and the Chief Surgeon of the U.S. Army's European Theater of Operations, Maj. Gen. Paul R. Hawley (who later served with distinction as the chief medical officer of the VA), had prepared their staffs to process at least 12,000 killed and wounded in the First U.S. Army Division alone.

Despite the losses, and the unspeakable hardships endured by so many, the invasion succeeded. More than 100,000 men and 10,000 vehicles had come ashore that day, the first of millions who would hammer the final nails into Nazi Germany's coffin.

The skilled German Commander of Army Group B, Field Marshall Erwin Rommel, was quoted before the battle as saying ''If we do not succeed in our mission to close the seas to the Allies, or in the first 48 hours, to throw them back, their invasion will be successful. . . . In the absence of strategic reserves and due to the total inadequacy of our navy and of our air force we will have lost the war.'' Rommel's assessment was ultimately to be proven right. Less than one year later, Nazi Germany would be beset on both sides by victorious Allied armies and surrendered.

Mr. Speaker, our nation must never forget or take for granted the sacrifices that were made to liberate Europe and put an end to Nazi tyranny. We must never turn our backs on the veterans who scaled the cliffs of Normandy against overwhelming odds.

As long as I have the privilege of serving as Chairman of the House Veterans' Affairs Committee, I will make it my highest priority to ensure that those who risked everything for the sake of our freedom, are honored and served appropriately by the Department of Veterans Affairs.

## HONORING CALIFORNIA STATE SENATOR BYRON D. SHER

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Ms. ESHOO. Mr. Speaker, on behalf of the members representing Silicon Valley, including

Representatives FARR, HONDA, LANTOS, LOFGREN and STARK, I rise to honor California State Senator Byron Sher, one of the most highly respected legislators in California, who, after representing San Mateo, Santa Clara and Santa Cruz Counties in the California State Legislature for nearly a quarter century, will retire. Senator Sher will be honored on Friday, April 30, 2004 by the Santa Clara County Democratic Party for his career of extraordinary public service.

Byron Sher graduated from Washington University, St. Louis, and earned a law degree from Harvard Law School in 1952. He held academic teaching positions in law at Southern Methodist University, the University of Southern California, Harvard Law School, Stanford Law School, and was a Fulbright Research Scholar in New Zealand. His elective public service spans from serving on the Palo Alto City Council with two terms as Mayor, to service on the San Francisco Bay Conservation and Development Commission, the Committee on Environmental Quality for the National League of Cities, and the League of California Cities.

In November, 1980, Byron Sher was elected to the California State Assembly where he served with distinction as the acknowledged leader of environmental policy for over fifteen years. In 1996, he was elected to the California State Senate in a special election to represent the 11th Senate District which currently spans three counties and stretches from San Carlos in the north to the City of Santa Cruz in the South, and which borders on both San Francisco and Monterey Bays.

During his tenure in the California State Legislature, Byron Sher expanded his reputation as the foremost expert on environmental issues. He is the first Chairman of the Senate Environmental Quality Committee, as well as the author of landmark laws to protect our environment and serve as legislative models for the rest of the nation. Among the laws he has authored are the California Clean Air Act, the Integrated Waste Management Act, and the Safe Drinking Water Act. He has strengthened the State's timber regulations with his Surface Mining and Reclamation Act and he has been at the forefront of computer recycling programs to ensure that the dangerous byproducts of the information age, such as mercury, don't contaminate our landfills and water supplies. Senator Sher also authored the Nation's first law to prevent toxic contamination of water supplies from leaking underground storage tanks. Virtually all his legislation is considered the gold standard for environmental conservation and protection laws in our country.

Mr. Speaker, we're proud to call Byron Sher our friend and our colleague in public service. This quiet, humble, decent and brilliant man is a source of great pride to the Democratic Party, to our mutual constituents, to all Californians and to our entire Nation. We ask our colleagues to join us in honoring and thanking Senator Sher for his lifetime of extraordinary service to California and our country. Because of him and his distinguished service, we are unmistakably a stronger and a better Nation.

## ON THE ONE-YEAR ANNIVERSARY OF THE U.S. NAVY'S DEPARTURE FROM VIEQUES, PUERTO RICO

### HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. ACEVEDO-VILÁ. Mr. Speaker, 1 rise today to commemorate the one-year anniversary, this Saturday, May 1st, 2004, of the U.S. Navy's departure from the island of Vieques, Puerto Rico.

Puerto Ricans have played a pivotal role in the national defense of the United States. The people of Vieques, Puerto Rico, in particular, bore over 60 years of bombing with everything from napalm to depleted uranium. In the 1940's, about two-thirds of their land was occupied by the U.S. Navy to make way for a bombing range on the eastern part of the island and a weapons depot on the western part of the island.

The movement to get the U.S. Navy out of Vieques was in existence for many years. But the tragic death of Viequense David Sanes Rodríguez on April 19, 1999 as a result of two stray bombs dropped on the Observation Post in Vieques, contributed to galvanize the movement beyond partisan affiliations and political ideologies. That struggle reached its fruition with the U.S. Navy's departure from Vieques on May 1, 2003. It is important to note that the Navy has recently indicated that the replacement training scenario for the Atlantic Fleet is as good if not better than the training conducted on Vieques. This realization is well received by those who called for the cessation of training on Vieques.

The victory in Vieques is a victory first and foremost of the Viequenses. Yet it is also a victory of Puerto Ricans in the Island, in the U.S., and of many non-Puerto Rican elected officials, civic, community, labor and religious leaders and activists who participated in the struggle, organized marches, rallies, and lobbying initiatives. Many were arrested for peaceful civil disobedience in support for peace in Vieques.

I am proud to say that many of my fellow Members of Congress participated in this important initiative for peace in Vieques. For instance, on March 8, 2001, 110 Members of Congress signed a letter to President Bush calling for the immediate and permanent cessation of military practices in Vieques.

Mr. Speaker, I would like to place the March 8, 2001, letter from these 110 Members of Congress to President Bush into the RECORD at this time. On behalf of the people of Puerto Rico, I thank these Members of Congress for their support for peace in Vieques, and I urge them and my other colleagues to join me in working towards finishing the inconclusive agenda for the people of Vieques. The immediate task at hand is ensuring the adequate, full and prompt clean up and decontamination of the lands and surrounding waters of Vieques.

Although the Navy has left Vieques, much remains to be done before the residents of Vieques have the peace and justice they deserve. When the Navy left Vieques and transferred the lands on the eastern part of Vieques to the U.S. Fish and Wildlife Service a year ago, the people of Vieques finally were free of the bombings that so disrupted and affected their peace, health, well-being and livelihood. That achievement is a testament to the resilience and perseverance of the Viequenses and their allies. That resilience and perseverance is now needed to make sure that the lands are fully and promptly cleaned up and decontaminated. The legacy of contamination and health crisis in Vieques must end.

The Governor of Puerto Rico, Hon. Sila Calderón, has requested that Vieques—and the island of Culebra—be included in the National Priorities List under the Superfund law. That request is currently under consideration by the Office of Management and Budget. Once the relevant areas are designated for clean up and decontamination, the necessary funds must be appropriated to make sure that the clean up and decontamination is conducted fully and promptly. Unnecessary delays in the clean up process and insufficient funding would only exacerbate the health crisis suffered by Viequenses.

Mr. Speaker, as we commemorate the one-year anniversary of the Navy's departure from the beautiful island of Vieques, we are proud of the victory achieved by the Viequenses and their allies in a peaceful struggle for peace and justice for the close to 10,000 residents of Vieques. At the same time, we are mindful that the agenda for complete peace and justice in Vieques is still inconclusive. We will continue to work towards completing this agenda. I am counting on my colleagues' support in doing so.

CONGRESS OF THE UNITED STATES,
*Washington, DC, March 8, 2001.*

Hon. GEORGE W. BUSH,
*President of the United States of America, The White House, Washington, DC.*

DEAR MR. PRESIDENT: For the last 60 years the U.S. Navy has been conducting military operations in two-thirds of the island of Vieques, Puerto Rico. From the beginning, such operations have caused concern because of their consequences on the people, the environment, and the economy. The tragic death on April 19, 1999 of David Sanes-Rodríguez, a Vieques resident, during a training exercise, brought to the forefront of the Puerto Rican national and international communities the health, environment, and the violation of human and civil rights of the residents of that Island.

The People of Vieques have a mortality rate 40 percent higher than that of Puerto Rico, a 27 percent higher risk of dying from cancer, and a 70 percent higher risk of dying from diabetes. At the same time, Vieques' natural resources and environment have been seriously damaged by the continuous bombing and shelling, which have left heavy toxic metals in the environment. The island's economy has also been affected because Vieques has not been able to develop to its full potential as a direct result of the U.S. Navy's presence. In sum, the situation of Vieques has become an issue of health, environmental protection, and human and civil rights. In spite of all of these concerns, the U.S. Navy is determined to continue using Vieques for bombing exercises.

This issue has transcended political party and ideological lines in Puerto Rico. Leaders from all sectors of society agree that the bombing and shelling must end. At the same time, in the United States, the Senate of the State of New Jersey, led by. the Republicans, approved a resolution, by unanimity, requesting the immediate cessation of the bombings. Governor Donald DiFrancesco (R–NJ), and Governor George Pataki (R–NY) have also stated their support for this effort.

Today, the vast majority of the Puerto Rican society favors the immediate and permanent cessation of the bombings and shellings. Past Presidents of the United States, under similar circumstances, have ordered the immediate and permanent cessation of military operations in other locations. For instance, in 1975, President Gerald Ford, by an Executive Order, terminated the use of the island of Culebra for military purposes. Likewise, President George Bush, on October 22, 1990, directed the Secretary of Defense to discontinue the use of the island of Kaho'olawe for bombing and target practice.

Your fellow Americans are seriously concerned about the ailing health, the violation of human and civil rights of the Viequenses, as well as the impact on their environment and natural resources. Under the Constitution of the United States, you have the authority to call for the immediate cessation of the bombing and the shelling that are affecting these rights. Therefore, the undersigned urge you to order an immediate and permanent end of the bombing in Vieques.

Respectfully,

Anibal Acevedo Vilá (D–PR), Luis Gutierrez (D–IL), Jose Serrano (D–NY), Nydia Velázquez (D–NY), Ed Pastor (D–AZ), Ruben Hinojosa (D–TX), George Miller (D–CA), Charles Rangel (D–NY), Edolphus Towns (D–NY), Patsy Mink (D–HI), Neil Abercrombie (D–HI), Bobby Rush (D–IL), Bob Menendez (D–NJ), Edward Markey (D–MA), Hilda Solis (D–CA), Major Owens (D–NY), Mike Honda (D–CA), Sam Farr (D–CA), Elliot Engel (D–NY), Cynthia McKinney (D–GA), Carrie Meek (D–FL), Eva Clayton (D–NC), Louis Slaughter (D–NY), Sheila Jackson Lee (D–TX), Nita Lowey (D–NY), John Larson (D–CT), Juanita Millender-McDonald (D–CA), Brad Carson (D–OK) Mark Udall (D–CO) Tom Udall (D–NM), Grace Napolitano (D–CA), Charlie Gonzalez (D–TX), Donna Christensen (D–Vl), Danny K. Davis (D–IL), Albert Wynn (D–MD), Xavier Becerra (D–CA), Joe Baca (D–CA), Robert C. Scott (D–VA), Ciro Rodriguez (D–TX), Anthony D. Weiner (D–NY), Lucille Roybal-Allard (D–CA), Sanford D. Bishop Jr. (D–GA), Gregory Meeks (D–NY), Stephanie Tubbs Jones (D–OH), Robert Underwood (D–GU), Rod Blagojevich (D–IL), Sherrod Brown (D–OH), Nancy Pelosi (D–CA), Peter DeFazio (D–OR), Karen McCarthy (D–MO), David Phelps (D–IL), Nick Rahall (D–WV), Eni Faleomavaega (D–AS), Bill Pascrell (D–NJ), David Bonior (D–MI), Howard Berman (D–CA), Bernard Sanders (I–VT), William Jefferson (D–LA), Dale Kildee (D–MI), Sen. John Corzine (D–NJ), Betty McCollum (D–MN), Jesse L. Jackson Jr. (D–IL), Bob Filner (D–CA), William Lacy Clay (D–MO), Ted Strickland (D–OH), Lane Evans (D–IL), Dennis Kucinich (D–OH), Robert Brady (D–PA), Jim McDermott (D–WA), John Olver (D–MA), Lois Capps (D–CA), Lynn Woolsey (D–CA), Barbara Lee (D–CA), Sen. Charles Schumer (D–NY), Sen. Hillary Clinton (D–NY), Alcee L. Hastings (D–FL), Melvin Watt (D–NC), Bennie Thompson (D–MS), Jerrold Nadler (D–NY), James E. Clyburn (D–SC), James McGovern (D–MA), Lloyd Doggett (D–TX), John Conyers Jr. (D–MI), Martin Meehan (D–MA), Elijah Cummings (D–MD), Barney Frank (D–MA), Jerry F. Costello (D–IL), Diana DeGette (D–CO), Carolyn McCarthy (D–NY), Michael McNutty (D–NY), Joseph Crowley (D–NY), Gene Green (D–TX), Carolyn Maloney (D–NY), Earl Hilliard (D–AL), Maxine Waters (D–CA), James Oberstar (D–MN), Janice Shakowsky (D–IL), Nick Lampson (D–TX), Bill Delahunt (D–MA), Eleanor Holmes Norton (D–DC), William Lipinski (D–IL), Tammy Baldwin (D–WI), Thomas Allen (D–ME), Carolyn Kilpatrick (D–MI), Maurice Hinchey (D–NY), John LaFace (D–NY), Lynn Rivers (D–MI), Robert A. Borski (D–PA), James A. Barcia (D–MI), Chaka Fattah (D–PA).

## RECOGNIZING THE PASSING OF PHIL LELLI

### HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. DICKS. Mr. Speaker, I rise today to recognize the passing of Phil Lelli, a good friend of mine and a great leader of the International Longshore and Warehouse Union from Tacoma, Washington.

Philip M. Lelli was a born longshoreman; he began his career on the Tacoma, Washington waterfront in 1949 and retired in 1993. He was President of the Tacoma Longshore Union Local 23 from 1966 to 1993, and I recall quite well the advice and counsel he freely gave to me and to other political leaders throughout his tenure of Union leadership. Afterward, he remained deeply engaged in community affairs in the Puget Sound area, serving as a Port of Tacoma Commissioner and the Harry Bridges History Chair Trustee at the University of Washington.

Today in the House of Representatives, I would like to express my sincere wishes of sympathy to the Lelli Family, Mr. Speaker, and to extend my thanks and the appreciation of a grateful community for the many contributions that Phil has made. I would also like to include in the RECORD the notice that was printed in today's News Tribune newspaper from Tacoma, Washington.

[From the News Tribune, Apr. 28, 2004]

(By Philip Lelli)

HANGS HIS HOOK

Longshore leader Philip Martin Lelli was born December 4, 1929, in Edgewood and passed away April 25, 2004, in Puyallup. He was the son of Martin and Mary (Baller) Lelli and attended Fife schools and Pacific Lutheran University. He married Joanne Williams April 18, 1953, in Fife. Phil and Joanne were the proud parents of five sons: Jay (Judith E. Peterson), Marty, Dean (Susan), Vance (Kimberlie) and Ross, and grandparents of Janelle, Jayson A. (Jennifer), Paula, Rori, Scott, Mathew, and Marina. There are three great-grandchildren, MacKenzie, Kailee and Ryan. Also surviving is his brother Tom (Phyllis) Lelli. One son, Ross, and a sister, Jeanne Retallick, preceded him.

Phil Lelli was a dominant figure on the Tacoma waterfront from the moment he lifted his first 180–pound sack of wheat in 1949 until he retired as a gearman in 1993. He was a born longshoreman: a practical physicist who could come up with the most effective method of moving any size or weight of cargo; a leader of men in times of great technological change; and a stalwart ally who won hundreds of friends in ports all over the world.

His mentor was T. A. ''Tiny'' Thronson, a veteran of the Great Strike of 1934. Thronson's advice, ''Do a hard day's work and you'll get rewarded with more opportunity,'' was Phil's guiding principle as President of Tacoma Longshore Union 23 from 1966 until 1983. He never abandoned his belief that port-union cooperation would result in a Golden Age. He teamed with Port Executive Director E. L. Roy Perry, Union Business Agent George Ginnis, and Port Commissioner Robert Earley to raise Tacoma from a backwater log port to become the fifth largest container port in North America.

During his 55 years on the waterfront, Phil served as Port of Tacoma commissioner, Propeller Club president, Tacoma Longshore pension club president, and University of Washington Harry Bridges History Chair trustee. The Propeller Club awarded Philip its highest honor, Master Mariner, in 1982. The Harry Bridges Chair designated him its Distinguished Supporter in 2003.

After Phil and Joanne's youngest son died in a waterfront accident in 1989, the Propeller Club created the Ross E. Lelli Memorial Scholarship Fund.

Phil Lelli learned the meaning of community service from his father, Martin, who taught his son to care for other people, especially the poor. In the 1980s Phil and Father William Bischel S.J. organized the Hospitality Kitchen to serve hot lunches to the Tacoma homeless. Phil rescued a stove from the old Knights of Pythias Temple. Longshore workers trucked the stove to the Kitchen, took out a wall, installed the stove, and rebuilt the wall. The longshore union continues its support of the Kitchen, which serves 450 meals a day.

Visitation will be from 8 a.m. to 9:45 a.m. Saturday, May 1 (International Workers Day), followed by the Funeral Mass at 10:00 a.m. at St. Andrews Catholic Church, 1401 Valley Ave., Sumner. Rosary services will be at 7 p.m. Friday at St. Martin of Tours Church 2303–54th Avenue East, Fife. Graveside services will be at Gethsemane Cemetery, 37600 Pacific Highway, at noon May 1. The Longshore Union will honor brother Phil with an open house from 1 to 4 p.m. There is an online guest book at www.mountainviewtacoma.com

Arrangements are by Mountain View Funeral Home, 253–564–0252. In lieu of flowers, donations may be made in the name of Philip Lelli to the Ross E. Lelli Memorial Scholarship, PO Box 453, Tacoma, WA 98401, or the Hospitality Kitchen, 1323 S. Yakima Ave., Tacoma, WA 98405.

## REMEMBERING CHERNOBYL

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Ms. KAPTUR. Mr. Speaker, I rise today to remember those who lost their lives and those who are suffering the aftereffects of the world's worst nuclear accident—Chernobyl, April 26, 1986.

The suffering extends outside Ukraine's borders to Russia, Belarus and beyond. I ask my colleagues to take a moment to honor those innocent lives that will be forever changed by such a horrific event.

I applaud the efforts of the United States Department of Energy, the International Atomic Energy Association, and other donor nations in remediation and containment efforts in Ukraine. Estimates indicate that these projects may last at least 100 years. Our commitment must remain firm.

I am including for the RECORD an article highlighting some of the challenges ahead and devastation many have already faced.

[From CBS News, Apr. 26, 2004]

REMEMBERING CHERNOBYL

Across the former Soviet Union, people lit candles, laid flowers and held demonstrations Monday to mark the 18th anniversary

of the Chernobyl nuclear disaster, which spread radiation over much of northern Europe.

In all, 7 million people in the former Soviet republics of Belarus, Russia and Ukraine are estimated to suffer physical or psychological effects of radiation related to the April 26, 1986, catastrophe, when reactor No. 4 exploded and caught fire.

An area half the size of Italy was contaminated, forcing hundreds of thousands of people to be resettled and ruining some of Europe's most fertile agricultural land, the United Nations said.

Hundreds of Ukrainians filled the small Chernobyl victims' chapel in the Ukrainian capital, Kiev, at 1:23 a.m. Monday (6:23 p.m. Sunday ET), the exact time of the explosion. Later, they laid flowers and lit candles at a small hill where marble plates are inscribed with the names of hundreds of victims.

Nearly 1,000 mourners gathered Monday afternoon at Kiev's memorial to Chernobyl victims, a soaring statue of five falling metallic swans. Some placed flowers and photos of deceased relatives at its base.

''Nothing can be compared with a mother's sorrow,'' said Praskoviya Nezhyvova, an elderly retiree clutching a black-framed photograph of her son, Viktor. She said he died of Chernobyl-related stomach cancer in 1990 at age 44.

Volodymyr Diunych, a driver who took members of the hastily recruited and inadequately equipped cleanup crews to the site, recalled watching as residents were evacuated ''in an awful rush'' days after the disaster. Meanwhile, the Soviet Union's traditional May Day celebrations went ahead in Kiev, 80 miles south of Chernobyl, only five days after the accident.

Soviet authorities had withheld much information on the world's worst nuclear accident, both from its own people and from the rest of the world. Only last year, Ukraine's security service declassified secret files documenting malfunctions and safety violations at the plant that caused the release of small doses of radiation from time to time long before the explosion.

Ukraine shuttered Chernobyl's last working reactor in December 2000, but many problems remain.

Ukrainian experts say that the concrete-and-steel shelter that was hastily constructed over the damaged reactor needs urgent repairs, but authorities claim that there are no serious safety threats. Meanwhile, many people injured or displaced because of the explosion complain about inadequate government support.

Sergei Shchvetsov, the head of Russia's Chernobyl Union, said that 40,000 people disabled in operations to clean up the blast live in Russia and the ''volume of benefits to which (they) are eligible is narrowing every year,'' the ITAR-Tass news agency reported.

Greenpeace activists held a small protest outside Russia's Department for the Inspection of Radiation Security, carrying signs that read ''No more Chernobyls.''

Meanwhile, in the Ukrainian town of Slavutych—built to house Chernobyl workers displaced by the accident—people held a solemn memorial meeting early Monday to honor the memory of their relatives, friends and colleagues.

The accident occurred after officials put the reactor through a test in which power was reduced and some safety devices were disabled.

More than 2.32 million people have been hospitalized in Ukraine as of early 2004 with illnesses blamed on the disaster, including 452,000 children, according to Ukraine's Health Ministry. Ukraine has registered some 4,400 deaths.

The most frequently noted Chernobyl-related diseases include thyroid and blood cancer, mental disorders and cancerous growths. The United Nations said in a statement that in some areas of Belarus, thyroid cancer among children has increased more than 100–fold when compared with the period before the accident.

Two years ago, the U.N. reported that 200,000 people still live in highly contaminated areas and 4.5 million residents in three countries are receiving financial help—draining national budgets.

The explosion and fire at Chernobyl's No. 4 reactor contaminated 23 percent of Belarus, 5 percent of Ukraine and 1.5 percent of Russia, according to the report. It also spewed a radioactive cloud across Europe.

## CONSIDERATION OF S. 1904, WILKIE D. FERGUSON, JR. FEDERAL COURTHOUSE

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. MEEK of Florida. Mr. Speaker, I ask that the following newspaper articles from the Miami Herald and the South Florida Sun-Sentinel appear in the CONGRESSIONAL RECORD immediately following my statement:

[From the Miami Herald, April 29, 2004]

U.S. HOUSE OKS BILL NAMING NEW FEDERAL COURTHOUSE FOR LATE JUDGE WILKIE FERGUSON

(By Larry Lebowitz)

The U.S. House of Representatives on Wednesday unanimously passed a bill that would name the new federal courthouse in downtown Miami after the late U.S. District Judge Wilkie D. Ferguson Jr. and sent it to the President for his signature.

''His career is an inspiration to hundreds of young attorneys, and his honor and integrity make him a symbol of fairness on the federal bench,'' said Rep. Kendrick Meek, D-Miami. ''. . . Naming the new federal courthouse after Judge Ferguson is an honor that will reinforce his legacy for decades to come.'' Only seven U.S. courthouses nationwide have been named for black jurists, none of them in Florida. The Senate version, introduced and co-sponsored by Florida Democratic Sens. Bob Graham and Bill Nelson, passed on March 12.

The $163 million courthouse, which will feature two 14–story towers connected by a mammoth atrium, is located at 400 N. Miami Ave. It is slated to open in late summer 2005.

[From the South Florida Sun-Sentinel, Apr. 29, 2004]

MIAMI FEDERAL COURT BUILDING TO BE FIRST IN STATE NAMED AFTER AFRICAN-AMERICAN

(By Ann W. O'Neill)

Congress unanimously approved legislation naming Miami's newest courthouse after the late U.S. District Judge Wilkie D. Ferguson Jr., making it the first federal court building in Florida to bear the name of an African-American.

The bill, sponsored by U.S. Rep. Kendrick B. Meek, was approved Wednesday by a 406–0 vote.

''Now, that's consensus,'' Meek said of the unanimous roll call vote. ''People in South Florida seeking justice can see an example of a man who stood tall.''

Meek, D-Miami, and other backers said naming the building after Ferguson shows how South Florida has evolved from a segregated society where, a generation ago, some courthouses housed blacks and whites in separate holding cells.

The $137 million Wilkie D. Ferguson Jr. United States Courthouse, going up at 400 N. Miami Ave., will be completed next year. Only seven federal courthouses across the country are named after African-Americans.

Ferguson, who was 65 when he died last year of leukemia, earned a reputation as an even-handed jurist who championed the underdog. His friend, Miami civil rights attorney H.T. Smith, eulogized Ferguson as ''the judge for the least, the last, the lost, the looked-over and the left out.''

In his most resonant federal court ruling, Ferguson was credited with improving the lives of thousands of disabled Florida residents. In 1999, he held the state in contempt of court, forcing it to increase funding for home nursing care and other services. The move allowed thousands of disabled people to live at home rather than in institutions.

Ferguson was born in May 1938 in Miami, where his father, Wilkie Sr., was founding pastor of St. Andrew's Missionary Baptist Church in Opa-locka. The elder Ferguson died last year at age 94.

His first landmark case came as a Miami-Dade Circuit Court judge, when he ruled blacks had been systematically excluded from a jury. He served on the state's Third District Court of Appeal in Miami from 1980 to 1993, when President Clinton appointed him to the federal bench.

Ferguson heard most of his cases in Fort Lauderdale.

The new courthouse bearing his name is taking shape as one of the most architecturally distinctive buildings to appear on Miami's skyline in years. It consists of two 15–story glass towers connected by an atrium. When completed and landscaped, it will resemble a ship afloat on a wavy sea of grass.

The bill was backed by 19 South Florida Congress members; U.S. Sens. Bob Graham and Bill Nelson; the Dade County Bar Association; the former Black Lawyers Association, now known as the Wilkie D. Ferguson Bar Association; the Caribbean Bar Association; the Haitian Lawyers Association; the Miami-Dade County Board of Commissioners and the city of Miami.

## TRIBUTE TO DR. TOMAS A. ARCINIEGA ON THE OCCASION OF HIS RETIREMENT

### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. DOOLEY of California. Mr. Speaker, I rise today to congratulate Dr. Tomas A. Arciniega for his 20 years of distinguished service as the president of California State University-Bakersfield. His retirement in July 2004 concludes a remarkable career noted for his leadership in the development of CSU-Bakersfield as a major regional university. Throughout his career, Dr. Arciniega has been a tireless advocate for expanded access to higher education for low-income and minority students in California's San Joaquin Valley.

Dr. Arciniega was born and raised in El Paso, Texas and earned a bachelor's degree in teacher education from New Mexico State University and a master's degree in educational administration from the University of New Mexico. His early career included military service as an officer in the United States Army and an appointment by the United States Foreign Service as a human resources advisor in the Dominican Republic during the late 1960's.

Dr. Arciniega's teaching career began in El Paso, Texas and later he served as Dean of Education at San Diego State University and as Provost at California State University-Fresno. His appointment as the third president of CSU-Bakersfield in 1983 ushered in an era of steady expansion and achievement at the university. As a result of Dr. Arciniega's leadership, the university's multi-cultural enrollment has more than doubled and its budget has more than tripled.

CSU-Bakersfield's success has been due in large part to Dr. Arciniega's efforts to focus public attention on the needs of low-income and minority students, who form the country's fastest-growing school-age population. Many of Dr. Arciniega's peers have credited him with helping to make higher education a reality for thousands of students for whom college would have been impossible a generation ago. He is a widely published expert on higher education administration, bilingual education, and multicultural education. During his distinguished career, Dr. Arciniega also served as a technical consultant to the Ministries of Education in Honduras, Bolivia, Panama, and Guatemala.

Dr. Arciniega is a highly respected community leader in the Central Valley and continues to inspire young people around the country to pursue higher education as a means to improve their lives.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Tomas A. Arciniega for a highly successful career on the occasion of his retirement as president of CSU-Bakersfield. I wish him the best of luck and continued success.

## THE LEGEND AWARD

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mrs. BLACKBURN. Mr. Speaker, this year the Franklin and Williamson County Chamber of Commerce gave three of our friends and neighbors the ''Legend'' award.

All three have worked to make our community a better place and they deserve thanks and recognition.

Louise Lynch has dedicated countless hours to saving the county's archives and preserving a historical record of Williamson County. Because of her many years of efforts, the Williamson County Archives is recognized not only as one of the best in the state but in the nation. Married to County Commissioner Clyde Lynch for 50 years, Mrs. Lynch is a sixth generation Williamson Countian. She previously earned the ''Lady of the Year'' award from Beta Sigma Phi; the Williamson Historical Society's Distinguished Service Award, and the Jane Langston Service Award for her preservation efforts.

Ronald Ligon has never wanted any credit for his work on behalf of Williamson County. While he would rather ''remain in the background,'' we could not fail to recognize him. In 1959 he established Christus Gardens of Gatlinburg and served as vice chairman of the board at Harpeth National Bank. His extensive volunteer community service includes Boy Scouts, Franklin Rotary Club, and Williamson Medical Foundation.

Roy Barker was awarded a Purple Heart as a result of his military service in the Battle of the Bulge. Upon returning to Williamson County after World War II, he entered the insurance and real estate business and gained respect as a business and community leader. He served in the Tennessee Constitutional Convention and the Tennessee House of Representatives.

These friends and neighbors are the reason Franklin and Williamson County are such wonderful places to live and work. We honor them for their dedication to our community.

## TRIBUTE TO MR. NICOLAS R. SINCORE

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like to take this moment to honor a truly patriotic and courageous American, who through his military and public service has come to exemplify true commitment to one's nation and community.

Born in Homestead, FL, Mr. Nicolas R. Sincore graduated from Coral Shores High School in Tavernier. A proud American, Mr. Sincore served his country in various capacities, spending from 1948 to 1952 on active duty, and serving in the 11th Airborne Division, the 31st Infantry, and the 7th Division in Korea. After completing his tour of duty, Mr. Sincore enrolled at John A. Gupton College in Nashville, TN, where he excelled and earned a degree in Mortuary Science in 1959.

Following a strong desire to fulfill his civic duty, Mr. Sincore was first elected to the city of Homestead's City Council in 1971 as vice mayor/councilman, and re-elected as vice-mayor/councilman again in 1975. One year later, Mr. Sincore was appointed Mayor and re-elected to that position until 1981. He was elected again in 1983, and was re-elected as councilman until November 2003. Mr. Sincore's commitment and dedication to serving the citizens of Homestead, is a testament of his great devotion and affinity towards the community.

In addition to holding elected office, Mr. Sincore has served the city of Homestead through his leadership as the city's representative at both the Florida League of Cities and as a board member of the Florida Municipal Electric Association. Furthermore, Mr. Sincore has served as past commander of the American Legion Post 43, director of the Homestead/Florida City Chamber of Commerce and director of the Senior Citizens Club of Homestead.

Mr. Nicholas Sincore's dedication and commitment to serving his community, his state, and his country deserves the highest praise and admiration. For many generations to come, the people of Homestead will continue to reap the benefits and rewards of Mr. Sincore's unparalleled devotion to his community. It is my distinct pleasure to honor Mr. Sincore before this body of Congress for his more than 30 years of service to the citizens of Florida and the city of Homestead.

## 10 NEW NATIONS OF EUROPE WILL ENTER THE EUROPEAN UNION

### HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on Saturday, May 1, we will witness yet another historic event in the evolution of the European Union. On that day 10 new nations of Europe will enter the European Union. This enlargement will represent the largest expansion ever undertaken by the EU.

It is clear that a strong and mature transatlantic relationship is critical to the long-term political, economic and security interests of the United States. It is also clear that one of the central ingredients to a successful transatlantic partnership is a stable, integrated and dynamic Europe.

I would like to extend my sincere congratulations to the 10 newest members of the European Union. I hope that the addition of these new members will help continue to strengthen our enduring friendship and critical partnership with the countries of Europe and the European Union. As the U.S. chairperson of the Transatlantic Legislators' Dialogue, I look forward to meeting and working with the Parliamentarians of these newest members who will soon take their seats in the European Parliament.

## HONORING AMBASSADOR C.J. CHEN OF TAIWAN

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to join my colleagues in bidding a fond farewell to Ambassador C.J. Chen of Taiwan. He will be returning to Taipei next month. During the last four years, he has been the Representative of the Taipei Economic and Cultural Representative Office in Washington, DC.

A great advocate for his country, Ambassador Chen has helped us understand difficult issues such as Taiwan's peace referendum and the just concluded Taiwan presidential elections. At the same time he has helped his people better understand American values and strengthened the relations between Taiwan and the United States.

On Capitol Hill Ambassador Chen, known to many as simply ''C.J.,'' is widely respected. Many of us admire his high intellect and industry as we have been privileged to see the personal depth within this very public man. Indeed, we have been enriched in having had this opportunity to get to know him and his lovely wife, Yolanda Ho.

As Ambassador Chen leaves Washington for Taipei, we can be sure that both our countries shall benefit from his efforts for years to come.

PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

SPEECH OF

## HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 2004*

Mr. RUPPERSBERGER. Mr. Speaker, I support H.R. 4181. It will permanently get rid of the marriage penalty. I voted for this tax cut as a matter of equity and fairness. I do not believe couples should be penalized for getting married. The standard deduction for a single person should simply be doubled when a couple gets married. This measure does this and makes it permanent. Under current law, relief from the marriage penalty ends in 2010.

In our current economic climate, families across our country deserve tax relief from the time they are newlyweds to the time they are parents with children to the time they are enjoying their golden years. This move is a good first step to help all families.

But, I am disappointed that the Republican leadership brought this bill to the floor without a plan or a means to pay for it. This move will add to the deficit. I believe the U.S. House of Representatives has a responsibility to fund this cut. We can no longer cut taxes and increase the deficit. We are borrowing against our children and grandchildren's future.

I supported the Democratic Alternative that would have permanently eliminated the marriage penalty while not adding to the deficit. Here on Capitol Hill, we should provide tax relief but at the same time we must exercise fiscal restraint.

The Republican leadership intends to bring more tax cuts to the floor and I will consider each on a case by case basis. We must find the right tax cuts for the right time. Our children and grandchildren deserve it.

STATEMENT ON OVERTIME PAY

## HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Today, the White House and Department of Labor issued the final regulations to end overtime pay for as many as 10 million Americans.

Millions of hard-working American police officers, fire fighters, first responders, nurses, and veterans will see their paychecks cut.

The regulations are the result of a White House initiative to help employers lower the costs of doing business by cutting employee pay and benefits.

On Oct. 2nd of last year, I voted to block these controversial changes. We succeeded by a vote of 221–203, but the Republican Congressional leaders quietly reversed that decision at the White House's urging.

The Bush Administration, despite Congressional opposition, is still cutting the pay of American workers.

Over 2 million workers have lost their jobs under this Administration while millions more are working at McJobs with no benefits. You can't feed a family on minimum wage and leftover happymeals.

Congressional Republicans and President Bush are letting millions lose their unemployment benefits.

Congressional Republicans and President Bush think it's a good idea to ship American jobs overseas.

And now, Congressional Republicans and President Bush show that they believe the best way for America to compete with the third world is to pay Americans third world wages.

We don't know the exact number of people affected without more time to analyze the details. But here's what we do know: in March of 2003 the Administration planned to end overtime pay for 8 million people, but claimed it only hurt 600,000 people.

Now they claim that only 107,000 people will be hurt. Please forgive me if I don't believe them.

President Bush's initiative to cut the pay of hard-working Americans that work overtime is unconscionable, and must be reversed. This will hurt many of the people that deserve the pay the most—the police that patrol our streets and nurses that care for our sick.

I wonder, what's next on the Bush agenda—canceling Christmas?

I urge my colleagues to rally in defense of overtime pay so we may overturn President Bush's misguided policy to export American jobs and import third world wages.

HONORING BILL AND MAGGIE KAPLEN

## HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 2004*

Mr. ROTHMAN. Mr. Speaker, today, I rise to pay tribute to Wilson and Margaret Kaplen, known as Bill and Maggie to their family and friends, for their dedication to community service and philanthropy. The Kaplens are life-long New Jersey residents, currently living in Tenafly. I have had the privilege of knowing the Kaplen family for many years.

In acknowledgment of Bill and Maggie's many contributions and devotion to the community, the Englewood Hospital and Medical Center will recognize Bill and Maggie Kaplen at the Medical Center's annual black tie gala on May 8, 2004 at the American Museum of Natural History in New York City. The Kaplens will be the first recipients of the Touchstone Award from the Medical Center, an award that has now been established in their honor.

In 1963, Bill established the Kaplen Foundation, and with the assistance of Maggie and their children, the Kaplens have given their time, hard work, and resources to endeavors including healthcare initiatives, civic projects, education and youth programs, social services, the arts, and Jewish organizations. The Kaplens have been given numerous awards for their charitable endeavors, including the Torch of Liberty Award from the Anti-Defamation League and the Chaver Award from the Jewish Community Center of the Palisades (JCC) in Tenafly. Bergen County residents have honored the Kaplen family name at the Kaplen Family Field of Dreams in Teaneck and the Michael F. Kaplen Red Cross Service Center, named in loving memory of their son, Michael.

Mr. Speaker, I commend Bill and Maggie Kaplen for their commitment to making our community a better place for all people. The Kaplens represent the best of the human spirit and serve as a true source of inspiration to us all. I ask all of my colleagues to join me in honoring Wilson and Margaret Kaplen for their contributions to our community, and in wishing them continued success and happiness in their future endeavors.

# *Daily Digest*

HIGHLIGHTS:

Senate passed S. 150, Internet Tax Non-Discrimination Act.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S4625–S4726*

Measures Introduced: Fifteen bills and three resolutions were introduced, as follows: S. 2360–2374, S.J. Res. 36, and S. Res. 346–347. **Pages S4692–93**

Measures Reported:

S. 1486, to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with an amendment in the nature of a substitute. (S. Rept. No. 108–256)

H.R. 1561, to amend title 35, United States Code, with respect to patent fees.

S. Res. 332, observing the tenth anniversary of the Rwandan Genocide of 1994.

S. Res. 334, designating May 2004 as National Electrical Safety Month.

S. Res. 344, welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

S. 1932, to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, with an amendment in the nature of a substitute.

S. 2092, to address the participation of Taiwan in the World Health Organization, with an amendment in the nature of a substitute.

S. 2107, to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009.

S. 2192, to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237, to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General.

S. 2264, to require a report on the conflict in Uganda.

S. 2292, to require a report on acts of anti-Semitism around the world, with amendments.

S.J. Res. 33, expressing support for freedom in Hong Kong, with an amendment in the nature of a substitute and with an amended preamble.

S. Con. Res. 100, celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country. **Pages S4686–87**

Measures Passed:

*Internet Tax Non-discrimination Act:* By 93 yeas to 3 nays (Vote No. 77), Senate passed S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, after taking action on the following amendments proposed thereto: **Pages S4635–70**

Adopted:

Lott Amendment No. 3082 (to Amendment No. 3048), to extend the 1998 grandfather clause from 3 years to 4 years. **Pages S4657–58**

McCain (for Lautenberg) Amendment No. 3104 (to Amendment No. 3048), to require the Comptroller General to study the impact of the Internet Tax Freedom Act on State and local governments and on broadband deployment. **Page S4658**

McCain Amendment No. 3105 (to Amendment No. 3048), to provide for an exception for voice or similar services over the Internet. **Pages S4661–62**

McCain Amendment No. 3048, in the nature of a substitute. **Page S4666**

Rejected:

Feinstein Modified Amendment No. 3052 (to Amendment No. 3048), to extend the grandfather clauses for the term of the moratorium extension. (By 59 yeas to 37 nays (Vote No. 76), Senate tabled the amendment.) **Pages S4662–66**

During consideration of this measure today, Senate also took the following action:

By 40 yeas to 59 nays (Vote No. 73), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Daschle Amendment No. 3050 (listed below). **Page S4641**

By 55 yeas to 43 nays (Vote No. 74), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Domenici Amendment No. 3051 (to Amendment No. 3050) (listed below). **Page S4644**

By 64 yeas to 34 nays (Vote No. 75), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on McCain Amendment No. 3048 (listed above). **Page S4646**

Chair sustained a point of order that Daschle Amendment No. 3050 (to the language of the bill proposed to be stricken by Amendment No. 3048), to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, was not germane to the language of the bill proposed to be stricken by McCain Amendment No. 3048, and the amendment thus fell. **Page S4646**

Domenici Amendment No. 3051 (to Amendment No. 3050), to enhance energy conservation and research and development and to provide for security and diversity in the energy supply for the American people, fell when the point of order against Daschle Amendment No. 3050 was sustained. **Page S4646**

*Surface Transportation Extension Act:* Senate passed H.R. 4219, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, clearing the measure for the President. **Page S4717**

*Women's Sustainability Recovery Act:* Committee on Small Business and Entrepreneurship was discharged from further consideration of S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S4719–21**

Frist (for Snowe) Amendment No. 3106, to make a technical correction. **Page S4721**

*Commending University of Minnesota Women's Ice Hockey:* Senate agreed to S. Res. 346, commending the University of Minnesota Golden Gophers for winning the 2003–2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship. **Page S4721**

*Commending Tom Lundregan:* Senate agreed to S. Res. 347, to commend Senate Enrolling Clerk Thomas J. Lundregan on Thirty-Six Years of Service to the United States Government. **Pages S4721–22**

*Soap Box Derby:* Senate agreed to H. Con. Res. 376, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. **Page S4722**

Jumpstart Our Business Strength (JOBS) Act—Agreement: A unanimous-consent agreement was reached providing for further consideration of S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, at 2 p.m., on Monday, May 3, 2004. **Page S4723**

Nominations Confirmed: Senate confirmed the following nominations:

30 Air Force nominations in the rank of general.

61 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, Navy. **Pages S4725–26**

Nominations Received: Senate received the following nominations:

Joyce A. Barr, of Washington, to be Ambassador to the Republic of Namibia.

William R. Brownfield, of Texas, to be Ambassador to the Bolivarian Republic of Venezuela.

June Carter Perry, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho.

Charles P. Ries, of the District of Columbia, to be Ambassador to Greece.

R. Barrie Walkley, of California, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe.

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

2 Marine Corps nominations in the rank of general.

5 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S4723–24**

Messages From the House: **Page S4685**

Measures Referred: **Page S4685**

Measures Read First Time: **Page S4685**

Executive Communications: **Pages S4685–86**

Executive Reports of Committee: **Pages S4687–92**

Additional Cosponsors: **Pages S4693–94**

Statements on Introduced Bills/Resolutions: **Pages S4694–S4710**

Additional Statements: **Pages S4683–85**

Amendments Submitted: **Pages S4710–16**

Authority for Committees to Meet: **Pages S4716–17**

Record Votes: Five record votes were taken today. (Total—77) **Pages S4641, S4644, S4646, S4666, S4669**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:24 p.m., until 1 p.m., on Monday, May 3, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4723.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## INTELLECTUAL PROPERTY RIGHTS

*Committee on Appropriations:* Subcommittee on Commerce, Justice, State, and the Judiciary held a hearing to examine intellectual property rights, focusing on the problems of counterfeiting and piracy, receiving testimony from Jack Valenti, Motion Picture Association of America, Inc., Douglas Lowenstein, Entertainment Software Association, Robert W. Holleyman, II, Business Software Alliance, and Mitch Bainwol, Recording Industry Association of America, all of Washington, D.C.

Hearings recessed subject to the call of the Chair.

## BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported 3,379 nominations in the Army, Navy, Air Force, and Marine Corps.

## TERRORIST FINANCING

*Committee on Banking, Housing, and Urban Affairs:* Committee held a hearing to examine the Treasury Department's role in the international war against terrorist financing and financial crime, focusing on money laundering and counter-terrorist financing policies, sharing financial information with law enforcement and foreign counterparts, implementing economic sanctions, and enforcing relevant regulations and laws related to these missions, receiving testimony from Samuel W. Bodman, Deputy Secretary, William J. Fox, Director, Financial Crimes Enforcement Network, R. Richard Newcomb, Director, Office of Foreign Assets Control, and Nancy J. Jardini, Chief of Criminal Investigation, Internal Revenue Service, all of the Department of the Treasury.

Hearing recessed subject to the call of the Chair.

## BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Romolo A. Bernardi, of New York, to be Deputy Secretary, Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, and Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, all of the Department of Housing and Urban Development.

## NOAA: BUDGET

*Committee on Commerce, Science, and Transportation:* Subcommittee on Oceans, Fisheries, and Coast Guard concluded an oversight hearing to examine the President's proposed budget request for fiscal year 2005 for the National Oceanic and Atmospheric Administration (NOAA), after receiving testimony from Vice Admiral Conrad C. Lautenbacher, Jr., U.S. Navy (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, and Administrator, NOAA.

## BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

S. Con. Res. 100, celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country;

S. 2264, to require a report on the conflict in Uganda;

S. Res. 332, observing the tenth anniversary of the Rwandan Genocide of 1994;

S. Res. 344, welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, its support in the reconstruction of Iraq and reaffirming the commitment of Congress to the continued expansion of friendship

and cooperation between the United States and Singapore;

S. 2092, to address the participation of Taiwan in the World Health Organization, with an amendment in the nature of a substitute;

S.J. Res. 33, expressing support for freedom in Hong Kong, with an amendment in the nature of a substitute;

S. Con. Res. 99, condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan, with an amendment in the nature of a substitute;

S. 2292, to require a report on acts of anti-Semitism around the world, with amendments;

Additional Protocol to Investment Treaty with Romania (Treaty Doc. 108–13);

Additional Protocol Amending Investment Treaty with Bulgaria (Treaty Doc. 108–15);

Investment Protocol with Estonia (Treaty Doc. 108–17);

Additional Investment Protocol with the Czech Republic (Treaty Doc. 108–18);

Additional Investment Protocol with the Slovak Republic (Treaty Doc. 108–19);

Additional Investment Protocol with Latvia (Treaty Doc. 108–20);

Additional Investment Protocol with Lithuania (Treaty Doc. 108–21);

Additional Protocol Concerning Business and Economic Relations with Poland (Treaty Doc. 108–22); and

The nominations of Paul V. Applegarth, of Connecticut, to be Chief Executive Officer, Millennium Challenge Corporation, Victor Henderson Ashe, of Tennessee, to be Ambassador to the Republic of Poland, Miles T. Bivins, of Texas, to be Ambassador to Sweden, John Campbell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Federal Republic of Nigeria, Jack Dyer Crouch II, of Missouri, to be Ambassador to Romania, John J. Danilovich, of California, to be Ambassador to the Federative Republic of Brazil, Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the State of Eritrea, Jendayi Elizabeth Frazer, of Virginia, to be Ambassador to the Republic of South Africa, Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Lao People's Democratic Republic, Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Korea, Craig A. Kelly, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador to the Republic of Chile, Earle I. Mack, of New York, to be Ambassador to the Republic of Finland, Michael W. Marine, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Socialist Republic of Vietnam, Lauren Moriarty, of Hawaii, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Official to the Asia-Pacific Economic Cooperation Forum, Constance Berry Newman, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation, Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation, John M. Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Kazakhstan, Michael Christian Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to Serbia and Montenegro, Mitchell B. Reiss, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for Northern Ireland, Thomas Bolling Robertson, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Republic of Slovenia, Fayza Veronique Boulad Rodman, of the District of Columbia, to be a Member of the Broadcasting Board of Governors, Marc McGowan Wall, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Chad, James Francis Moriarty, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Kingdom of Nepal, Thomas Charles Krajeski, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Republic of Yemen, Michele J. Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the United Arab Emirates, Richard LeBaron, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the State of Kuwait, Jeffrey D. Feltman, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Republic of Lebanon, David Michael Satterfield, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Hashemite Kingdom of Jordan, John D. Negroponte, of New York, to be Ambassador to Iraq, and Constance Berry Newman, of Illinois, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign

Service, Class of Minister-Counselor, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Sierra Leone, and Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Democratic Republic of the Congo, and certain Foreign Service Officer Promotion lists.

NOMINATIONS

*Committee on Governmental Affairs:* Committee concluded a hearing to examine the nomination of Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission, who was introduced by Representative Eddie Bernice Johnson, after the nominee testified and answered questions in her own behalf.

NOMINATIONS

*Committee on Governmental Affairs:* Committee concluded a hearing to examine the nomination of David Safavian, of Michigan, to be Administrator for Federal Procurement Policy, Office of Management and Budget, who was introduced by Representatives Conyers and Cannon, after the nominee testified and answered questions in his own behalf.

NATIVE AMERICAN FISH AND WILDLIFE

*Committee on Indian Affairs:* Committee concluded a hearing to examine S. 2301, to improve the management of Indian fish and wildlife and gathering resources, after receiving testimony from Billy Frank, Jr., Northwest Indian Fisheries Commission, Olympia, Washington; Olney Patt, Jr., Columbia River Inter-Tribal Fish Commission, Portland, Oregon; Millard J. (Sonny) Myers, 1854 Authority, Duluth, Minnesota; James E. Zorn, Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin; Ira New Breast, Native American Fish and Wildlife Society, Broomfield, Colorado; Randy Mayo, Stevens Village IRA Council, Stevens Village, Alaska; Gordon Jackson, Central Council Tlingit Haida Indian Tribes of Alaska, Juneau; and Ervin Carlson, Inter Tribal Bison Cooperative, Rapid City, South Dakota.

BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 2107, to authorize an annual appropriations of $10,000,000 for mental health courts through fiscal year 2009,

S. 2192, to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises;

S. 2237, to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General;

S. 1932, to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, with an amendment in the nature of a substitute;

H.R. 1561, to amend title 35, United States Code, with respect to patent fees;

S. Res. 334, designating May 2004 as National Electrical Safety Month; and

The nominations of William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit, Robert Bryan Harwell, to be United States District Judge for the District of South Carolina, George P. Schiavelli, to be United States District Judge for the Central District of California, and Curtis V. Gomez, to be Judge for the District Court of the Virgin Islands.

BUSINESS MEETING

*Select Committee on Intelligence:* Committee met in closed session to mark up proposed legislation authorizing funds for fiscal year 2005 for the intelligence community, but did not complete consideration thereon, and will meet again on Tuesday, May 4, 2004.

# House of Representatives

## *Chamber Action*

Measures Introduced: 4 public bills, H.R. 4247–4250; and; 4 resolutions, H.J. Res. 93–95; and H. Res. 612, were introduced. Page H2488

Additional Cosponsors: Page H2488

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered today by Rev. Dr. Nathan D. Baxter, Rector, St. James Episcopal Church in Lancaster, Pennsylvania. Page H2485

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Thornberry to act as Speaker Pro Tempore to sign enrolled bills and joint resolutions through May 4, 2004.

**Pages H2485–86**

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:10 a.m.

# *Committee Meetings*

## FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Security Assistance Budget Request. Testimony was heard from Richard L. Armitage, Deputy Secretary, Department of State; and Paul D. Wolfowitz, Deputy Secretary, Department of Defense.

## LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Substance Abuse and Mental Health Research and Services. Testimony was heard from Charles G. Curiem, Administrator, Substance Abuse and Mental Health Services Administration, NIH, Department of Health and Human Services.

## TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation, Treasury, and Independent Agencies held a hearing on the Federal Highway Administration (Environmental Streamlining). Testimony was heard from Mary Peters, Administrator, Federal Highway Administration, Department of Transportation.

## AFGHANISTAN: SECURITY AND RECONSTRUCTION

*Committee on Armed Services:* Held a hearing on Afghanistan: Security and Reconstruction. Testimony was heard from the following officials of the Department of Defense: Peter Rodman, Assistant Secretary, International Security Affairs; and LTG Walter Sharp, USA, Director, Strategic Plans and Policy, The Joint Chiefs of Staff; and Ambassador William Taylor, Coordinator for Afghanistan, Department of State.

## DEFINED BENEFIT PENSION SYSTEM—REFORM AND STRENGTHEN

*Committee on Education and the Workforce:* Subcommittee on Employer-Employee Relations held a hearing entitled ''Examining Long-Term Solutions to Reform and Strengthen the Defined Benefit Pension System.'' Testimony was heard from public witnesses.

## SPYWARE

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Spyware: What You Don't Know Can Hurt You.'' Testimony was heard from the following officials of the FTC: Mozelle W. Thompson, Commissioner; and J. Howard Beales III, Director, Bureau of Consumer Protection; and public witnesses.

## ULTRADEEP WATER RESEARCH AND DEVELOPMENT

*Committee on Energy and Commerce:* Subcommittee on Energy and Air Quality held a hearing entitled ''Ultradeep Water Research and Development: What Are the Benefits?'' Testimony was heard from Representatives DeLay and Sandlin; Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; and public witnesses.

## TRANSFORMING THE NATIONAL GUARD: RESOURCING FOR READINESS

*Committee on Government Reform:* Held a hearing entitled ''Transforming the National Guard: Resourcing for Readiness.'' Testimony was heard from the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Security; Thomas F. Hall, Assistant Secretary, Reserve Affairs; LTG H. Steven Blum, USA, Chief, National Guard Bureau; and MG John A. Love, USAF, Special Assistant to Combatant Commander for National Guard Affairs, U.S. Northern Command; Janet A. St. Laurent, Director, Defense Capabilities and Management, GAO; and the following Adjutant Generals: Wayne Marty, USA, State of Texas; MG Timothy J. Lowenberg, USAF, State of Washington; and MG Bruce Tuxill, USAF, State of Maryland.

## DIVERSITY VISA PROGRAM

*Committee on the Judiciary:* Subcommittee on Immigration, Border Security and Claims held an oversight hearing entitled ''The Diversity Visa Program, and Its Susceptibility to Fraud and Abuse.'' Testimony was heard from Anne W. Patterson, Deputy Inspector General, Department of State; and public witnesses.

## OVERSIGHT—INTERNATIONAL ASPECTS OF FISH AND WILDLIFE CONSERVATION MANAGEMENT

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the International Aspects of Fish and Wildlife Conservation and Management. Testimony was heard from David A. Balton, Deputy Assistant Secretary, Ocean and Fisheries, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; William T. Hogarth, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; Kenneth B. Stansell, Assistant Director, International Affairs, U.S. Fish and Wildlife Service, Department of the Interior; and a public witness.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 3638, Redwood National Park Boundary Adjustment Act of 2003; H.R. 3932, To amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; and S. 144, Noxious Weed Control Act of 2003. Testimony was heard from Senator Craig; the following officials of the Department of the Interior: Don Murphy, Deputy Director, National Park Service; and Scott Cameron, Deputy Assistant Secretary, Performance and Management; Brenda Waters, Noxious Weed Coordinator, Department of Agriculture, State of Idaho; and public witnesses.

## CONTINUITY OF CONGRESS—INCAPACITATION OF MEMBERS AND THE QUORUM REQUIREMENT

*Committee on Rules:* Held a hearing to address mass incapacitation of Members and the quorum requirement in the context of the Continuity of Congress. Testimony was heard from the following officials of the Office of the Parliamentarian: Charles W. Johnson, III, Parliamentarian; John Sullivan and Tom Duncan, both Deputy Parliamentarians; RADM John Eisold, M.D., USN, Attending Physician to Congress and Rear Admiral, Medical Corps, U.S. Navy; and Walter Dellinger, former Acting Solicitor General of the United States.

## FEDERAL MINIMUM WAGE INCREASE—WOULD IT HELP OR HINDER SMALL BUSINESS

*Committee on Small Business:* Subcommittee on Workforce, Empowerment and Government Programs held a hearing on Would an Increase in the Federal Minimum Wage Help or Hinder Small Business? Testimony was heard from public witnesses.

## THE CAPE TOWN TREATY AND THE COMMERCIAL AVIATION MANPADS DEFENSE ACT; OVERSIGHT—THE CAPE TOWN TREATY

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation approved for full Committee action the following bills: H.R. 4226, The Cape Town Treaty Implementation Act of 2004; and H.R. 4056, Commercial Aviation MANPADS Defense Act of 2004.

Prior to this action, the Subcommittee held an oversight hearing on The Cape Town Treaty. Testimony was heard from Karan K. Bhatia, Assistant Secretary, Aviation and International Affairs, Department of Transportation.

## VETERANS LEGISLATION

*Committee on Veterans' Affairs:* Subcommittee on Benefits held a hearing on the following measures: H.R. 348, Prisoners of War Benefits Act of 2003; H.R. 843, Injured Veterans Benefits Eligibility Act of 2003; H.R. 1735, To amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; H.R. 2206, Prisoner of War/Missing in Action National Memorial Act; H.R. 2612, Veterans Adapted Housing Expansion Act of 2003; H.R. 4065, Veterans Housing Affordability Act of 2004; H.R. 3936, To amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation; H.R. 4172, to amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service; H.R. 4173, To direct the Secretary of Veterans Affairs to contract for a report on employment placement, retention, and advancement of recently separated servicemembers; and a measure to create an open period for certain active duty servicemembers to elect to participate in the program of basic educational assistance under the Montgomery GI Bill. Testimony was heard from Representatives Calvert, Michaud, Ginny Brown-Waite of Florida, Davis of California and Reyes; Kenneth B. Kramer, Chief Judge, U.S. Court of Appeals for Veterans Claims; Robert Epley, Associate Deputy

Under Secretary, Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs; William Carr, Acting Deputy Under Secretary, Military Personnel Policy, Department of Defense; and representatives of veterans organizations.

## SSI PROGRAM

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing on the Supplemental Security Income Program. Testimony was heard from Jo Anne B. Barnhart, Commissioner, SSA.

## TRADE WITH SUB-SAHARAN AFRICA; AFOA ACCELERATION ACT

*Committee on Ways and Means:* Subcommittee on Trade held a hearing on trade with sub-Saharan Africa and H.R. 4103, AGOA Acceleration Act of 2004. Testimony was heard from Representative Royce; and public witnesses.

## COMMITTEE MEETINGS FOR FRIDAY, APRIL 30, 2004

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No Committee meetings are scheduled.

*Next Meeting of the* SENATE

1 p.m., Monday, May 3

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will resume consideration of S. 1637, Jumpstart Our Business Strength (JOBS) Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Friday, April 30

House Chamber

Program for Friday: The House will meet at 10 a.m. in pro forma session.

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