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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 27, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

TIME TO REMEMBER THE ARMENIAN GENOCIDE

Mr. MCGOVERN. Mr. Speaker, this April marks the 89th anniversary of the cataclysmic events that occurred in the Turkish Ottoman Empire between 1915 and 1923, where 1.5 million Armenians were killed and over a half million survivors were forcibly deported into exile.

On Sunday, I had the privilege to participate in a service at the Armenian Church of Our Savior in Worcester, Massachusetts, where in the presence of 19 survivors, the community of Worcester paid homage to the martyrs and survivors of the Armenian Genocide and their descendents.

Mr. Speaker, last May, the House Committee on the Judiciary reported out House Resolution 193. We have been waiting for nearly 1 year now for the Speaker of the House to schedule this bill for a debate and for a vote, and I would urge at this time that the Speaker schedule this bill as quickly as possible so that the House of Representatives may join those nations and those scholars who affirm the Genocide Convention and recognize the Armenian Genocide and Holocaust as genocides of the 20th century.

Mr. Speaker, I am submitting for the RECORD comments I made at the Armenian Church of Our Savior this past Sunday.

I would very much like to thank Father Terzian and the community of faith of the Armenian Church of Our Savior for inviting me once again to this commemoration. It is one of the great privileges of my office to participate in this annual day of remembrance of the martyrs and survivors of the Armenian Genocide.

It is a privilege to be in the company of our city's mayor, the Honorable Tim Murray, and in the company of Councilor Petty, Representative Leary, Representative Fresolo, Senator Moore, Senator Glodis, and Selectman Montocalvo. And I am very much looking forward to the pleasure of hearing the Worcester Chorale perform after their five-month break, under the continuing leadership of Maestro Petrossian.

It is also a pleasure for me to share the podium with Nathaniel Mencow, who is so well known for his work as a historian, and who has worked for so long for the recognition of the heroic service of his brother, First Lieutenant William Martin Mencow, who gave his life in defense of freedom during World War II.

But I am most privileged and most honored to be here in the presence of survivors of the Armenian Genocide, their descendents, and the descendents of those who perished in the genocide.

This April marks the 89th anniversary of the cataclysmic events that occurred in the Ottoman Empire between 1915 and 1923, where one-and-a-half million Armenians were killed and over half-a-million survivors were exiled.

Our city has been especially blessed by the presence and contributions of a large and vital Armenian community. Each year we come to this church to recognize, honor and remember that this rich heritage is, in part, a sad inheritance paid with the blood of millions of innocent men, women and children.

I know that most of you are aware that legislation has been introduced in the U.S. House of Representatives which reaffirms U.S. support for the Genocide Convention, calls upon the president and the U.S. government to work to prevent future genocides, and recognizes the Armenian Genocide.

This bill, H. Res. 193, has 110 bipartisan cosponsors and was reported out of the House Judiciary Committee last May. It has been waiting for nearly one year now for the Speaker of the House, Dennis Hastert, to put it on the schedule of the House for debate and vote.

I am always amazed that there are those in Congress who view this bill as controversial. They are influenced, in part, by those voices who continue to deny that the Armenian Genocide or the Holocaust, which is also cited in this bill, ever happened. The Turkish government, for example, claims that the Armenian Genocide does not meet the definition of genocide, despite the fact that the father of the Genocide Convention, human rights pioneer Rafael Lemkin, specifically cited the Holocaust and the Armenian Genocide as the two clear instances of genocidal crimes covered by the Convention.

Contrary to the Turkish government's claims, legal scholars, historians, human rights organizations, journalists and the majority of political leaders around the world firmly believe and assert that the 1915 mass slaughter of Armenians fits the legal definition of genocide.

Israel Charney, the noted genocide and Holocaust scholar and the editor of the respected Encyclopedia of Genocide, has written extensively about the psychology of genocide denial. He has stressed that to deny the countless deaths of a known event of genocide is to celebrate those deaths and to send a signal that the power that brought about this destruction is still in force and can be used again when opportunity permits. To seek to erase agonizing memories—to assert that those memories are false—is to

openly mock the feelings and sensibilities of the victims and their descendents—to once again victimize the victims.

This is why it is so important to recognize—openly and freely, officially and informally, every single day—the events of the Armenian Genocide.

America, along with the rest of the world, is famous for using the words ''never again,'' when speaking about the Armenian Genocide and the Holocaust carried out by Nazi Germany. Unfortunately, ''never again'' happens over and over again—in Cambodia, in Rwanda, in Kosovo, and now in present-day Sudan.

It has been a blessing to me in my work that when genocide threatens any people, anywhere in the world, the Armenian-American community has always worked to bring these events to my attention and to the attention of U.S. and international policymakers. The Armenian-American community has always joined with other organizations to educate the public about present-day horrors and to organize relief and support for victims and survivors.

In this way, through these works, the tragedy of the Armenian Genocide is transformed into a legacy of life, of hope, of survival and resistance.

So, I come here today not only to remember and honor the martyrs, survivors and descendants of the Armenian Genocide, but to honor and celebrate this community, which has given back so much to this city and our country.

Please let me thank you—each and every one of you—for allowing me to share this day with you.

CELEBRATING THE 20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 2 minutes.

Mr. DREIER. Mr. Speaker, I rise because today marks a very important anniversary. We all know that Ronald Reagan in the mid-1980s talked about the fact that as we pursued an end to the Cold War militarily, one of the important things for us to do was to also engage in democracy-building around the world. Today actually marks the 20th anniversary of the International Republican Institute, which is an arm of the National Endowment For Democracy.

We all remember the anxious final years of the Cold War, when President Reagan, in a speech he gave in 1982 to the British Parliament, envisioned moving toward a world in which all people are at least free to determine their own destiny. Now, that speech led to the creation of the National Endowment for Democracy, and within that is the International Republican Institute. Since that time, the IRI has conducted programs in over 75 countries, from Haiti to Kazakhstan. Its efforts to train political parties, encourage voter participation, and enact institutional reforms within governments have no doubt contributed greatly to President Reagan's goal.

IRI's continued commitment is evident in its current efforts in Iraq and Afghanistan. As we confront the threat of terrorism in the post-September 11 world, I am confident that the International Republican Institute will continue as an important contributor to the cause of freedom.

MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, this week the House will take aim at a looming injustice. The marriage tax penalty was a relic of 40 years of persistent tax hikes codified by Democrat Congresses into Federal law. In essence, it punished married taxpayers simply for being married. The standard deduction married couples could take was less than that allowed for two single taxpayers, thus the Tax Code discouraged marriage and sent a message to married couples around the country that they were not as entitled to their own money as singles were.

In 2001, a Republican Congress passed and a Republican President signed a tax relief package that corrected this injustice and brought marriage equity to the Tax Code. In 2003, as the economy worked to recover from 2 years of recession, terrorism, and war, we moved to expedite marriage penalty relief. Unfortunately, the marriage penalty, like some B-movie vampire, just will not die. It keeps rising from the dead to wreak more havoc on the paychecks of American families.

The marriage penalty is hoping to reappear next year in a smaller form and to be fully revived in 2010. So this week the House will take up legislation to make sure that the marriage tax penalty does not get its sequel. Instead, we will pass a bill to extend full marriage penalty relief through 2010 and beyond so that marriage tax equity becomes a permanent principle in Federal law.

Any way you look at it, marriage tax equity just makes sense. In the first place, any time we can establish flatter, fairer, and lower taxes on working families, we are doing right by the national economy. We are creating jobs, careers, and opportunities all across this country. And, second, we are telling those married couples struggling to make it that we will not turn our backs on them.

Allowing the marriage penalty to resurface in the future would represent a targeted tax hike on married couples and a direct attack on family budgets around the country. We can and must protect families from such an attack, and the bill we will take up this week will accomplish that goal.

Though the economy continues to rebound, working families still need our help. This week we will have an opportunity to provide it to some of the people who need it the most.

STOP THE FISCAL MADNESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes during morning hour debates.

Mr. HOYER. Mr. Speaker, this week the American people will see that what our Republican friends lack in policy candor they more than make up for in chutzpah. Why do I say that? This week, as we have just heard, the Republican majority is expected to take up legislation that would permanently eliminate the marriage penalty. Everybody on this House floor is for that objective.

But do not be fooled. Democrats and Republicans both agree that married couples should not have to pay more in taxes than they would as unmarried individuals filing separately. That makes sense. That is fair. We are for it. Members in both parties agree that the so-called marriage penalty should be remedied.

However, here is the crucial difference between the Republican bill and our Democratic substitute. Our bill is paid for, theirs is not. What is the difference? The difference is that the penalty that we are eliminating in terms of marriages will be passed along to every young family in America, every young person in America. All of my children and my grandchildren will pay an additional penalty in the interest they will have to pay because of the irresponsible policies being pursued by the majority.

That is right. With a record budget deficit this year of more than half a trillion dollars, and with a projected 10-year budget surplus of $5.6 trillion inherited by this administration turned into a projected deficit of more than $4 trillion, an almost $10 trillion turnaround to the negative, our friends on the Republican side of the aisle plan to drive us even deeper into debt.

The chairman of the House Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), perhaps summed up the Republican fiscal policy best on March 17 when he said, and I am quoting, ''We don't believe that you should have to pay for tax cuts, period.'' Well, Mr. NUSSLE and my Republican friends, of course you do not; but our children and grandchildren will have to pay that bill. Somebody, sometime, sometime in the future will have to pay the piper.

According to the Joint Committee on Taxation, this Republican marriage penalty bill will cost $96 billion over the next 10 years. None of it is paid for. And to make matters worse, House Republicans intend to bring up bills in the next 3 weeks to make the 10 percent tax bracket and child tax credit permanent. We are for that. It ought to be paid for. And to temporarily fix the alternative minimum tax. We are for that. It ought to be paid for.

Again, Democrats support such legislation, but it must be paid for so that we do not simply say to our children,

''You pay for it''; to our grandchildren, ''you pay for it, we don't want to.''

Democrats believe it is a serious failure to pay for these tax cuts, which not only threatens our economic future as these deficits grow and the American people become more concerned about rising interest rates, as Alan Greenspan last week said was a definite possibility, but we also have a responsibility.

We talk a lot about personal responsibility. We passed a bankruptcy bill, and we made it tougher for people to go into bankruptcy because we said they needed to be responsible. I voted for that bill. It was a bipartisanly supported bill. We need to be responsible on behalf of the public that sent us here and on behalf of future generations.

Meanwhile, as we debate this tax bill, Republicans on both sides of Capitol Hill are riven by internal conflict. They still have not produced a budget conference report for fiscal 2005 because of the intransigence of House Republicans to accept pay-as-you-go rules. That sounds very common sense. You pay as you go. You pay your bills. We talk about every American family having to do that. That may be the case; but we do not have to do it, and we are not doing it.

Alan Greenspan, the chairman of the Federal Reserve, said applying pay-as-you-go to both expenditures and revenues is essential if we are to have fiscal responsibility. Our colleagues on the other side of the aisle sent us a budget which says we are going to do that; but on this side of the Congress we have overwhelming, almost unanimous, support, if not unanimous support, for that proposition. It was in place from 1990 to 2002. But it was changed. Why? Because it would make us be responsible, and being responsible would not allow us to do some of the things the Republican majority wants to do.

Here is what the Bipartisan Concord Coalition said, headed up by, among others, Senator Warren Rudman, a Republican from New Hampshire, and three other budget watchdog groups have said about such pay-as-you-go rules: ''If Congress wants to pass particular tax cuts, it should either reduce mandatory programs or raise other revenues to offset the tax reduction measures, not simply give itself a free pass to enact tax cuts without financing them.''

It feels good for us to say, Hah-hah, we have cut your taxes. Hooray. But unless we cut spending at the same time, which is what pay-as-you-go says we need to do, then do not pass that debt along to future generations. That is all it says. Every responsible American with common sense would say, yes, that is what we ought to do.

They have turned the foreign sales corporation bill, another bill which requires that some $5 billion in export subsidies be repealed and replaced by modest tax breaks, into a $170 billion special-interest giveaway.

□ 1245

Not only are we creating greater tax liability by passing these tax bills without paying for them, we want to see them pass, we want to pay for them, but now they are talking about this Foreign Service Corporation bill which could cost us and we could fix for less than $10 billion, now they want to make it into a $170 billion tax giveaway. One business lobbyist even told the Washington Post that this bill ''has risen to new levels of sleaze.''

Is it any wonder pursuing those kinds of policies that we have now gone into a $10 trillion turnaround in terms of from black to red? We talk about blue States and red States. We have gone from black, having surpluses, $5.6 trillion, four surpluses in a row from 1997 to 2001, the first time that had happened in 80 years. In just months, that was turned into escalating deficits.

Mr. Speaker, I urge my Republican colleagues to come to their senses, to do what makes sense to the American families, to the American public. No married couple wants to have a marriage penalty but I do not think there is any married couple who wants to have their children saddled with the escalating debts incurred in their generation and passed to future generations.

For years, House Republicans preened as deficit hawks. Some even suggested that tax cuts are not, in fact, sacrosanct. My friend the majority leader spoke a little earlier. In 1997, the majority leader, Mr. DELAY, who just spoke, said of Jack Kemp, another Republican who ran for Vice President, a former Member of this body, an ardent proponent of supply-side tax cuts: ''Jack Kemp worships at the altar of tax cuts. Jack has always said that deficits don't matter. We think that deficits do matter.'' So said TOM DELAY with reference to Jack Kemp. If they matter, Mr. Leader, why are we not addressing them? Why do we make them worse? Why are we escalating the debt that our children will be confronted with?

With this vote on the marriage penalty relief this week, we will see whether Republicans still believe that deficits matter.

INTRODUCTION OF THE HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2004

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 20, 2004, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized during morning hour debates for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the High-Performance Computing—or HPC—Revitalization Act of 2004, which will ensure that America remains a leader in the development and use of supercomputers. When we think of how computers affect our lives, we probably think of the work we do on our office desktop machines, or maybe the Internet surfing we do in our spare time. We do not normally think of the enormous contribution that supercomputers, also called high-performance computers, make to the world around us. These powerful machines are used in the development of pharmaceuticals, in modeling the Earth's climate, and in applications critical to ensuring our national and homeland security.

High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics and genomics. But the top computer in the world today, the Earth Simulator, is not in the United States. It is in Japan. Some experts claim that Japan was able to produce the Earth Simulator, a computer far ahead of American machines, because the U.S. had taken an overly cautious or conventional approach. Beginning in the 1990s, the U.S. focused on a single architecture for high-performance computing and emphasized the use of commercially available components over custom-made components. In hindsight we see that this approach has meant lost opportunities. Japan's Earth Simulator is an example of a road not taken.

The U.S. is still a leader in supercomputing. In fact, 10 of the top 20 most powerful computers in the world today are in the United States. Even so, the Earth Simulator is nearly three times as fast as the most powerful computer in the U.S., The ASCI Q computer at Los Alamos National Laboratory. But for security reasons, most U.S. scientists are unable to conduct research on the Los Alamos machine, or at machines at other similarly secure facilities that do defense and weapons work. That is why we must commit to providing sustained support for high-performance computers at our civilian Federal agencies. To achieve this aim, my bill ensures that the U.S. research community has access to high-performance computing systems that are among the most advanced in the world, and provides technical support for users of these systems.

But it is not enough to simply buy big machines. We need to have a balanced, comprehensive approach to maximize the benefits these machines can bring to science and to our Nation. My bill provides support for all aspects of high-performance computing for scientific and engineering applications.

The original legislation that my bill amends, the High Performance Computing Act of 1991, gave rise to an interagency planning process that was initially highly successful. Unfortunately, that planning process has lost the vitality it had in its early years. Congress must find a way to reinvigorate the interagency process.

My bill does so by requiring the Director of the Office of Science and Technology Policy at the White House

to develop and maintain a research, development and deployment roadmap for the provision of high-performance computing systems for use by the research community in the United States. By putting OSTP in charge of developing the program's long-term vision, this provision will help ensure a robust planning process so that our national high-performance computing effort is not allowed to lag in the future.

Let me close by reflecting for a moment on how much things have changed in the past 13 years since Congress first passed legislation on high-performance computing. Incredibly, all of the power of the world's top supercomputer in 1991, the Cray C90, is now available to us in a desktop PC. Hearing a comparison like that, it might be tempting to think that today's supercomputers are so powerful that we could not possibly need anything with greater capabilities. But technological advances make new things possible, things that were literally unimaginable before. As we meet in this Chamber today, we cannot imagine the kinds of problems that the supercomputers of tomorrow will be able to solve. But we can imagine the kinds of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world class. I believe that the High-Performance Computing Revitalization Act will guide Federal agencies in providing needed support to high-performance computing and its user communities. Our Nation's scientific enterprise, and our economy, will be the stronger for it.

ENERGY TASK FORCE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I hope we are one step closer to prying the doors of the White House open in regard to Vice President CHENEY's Energy Task Force.

For 3 years now, the Vice President has done everything he can to keep the records of the Energy Task Force secret. The secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, legislation that is now stalled in the other body. Nevertheless, the end result was bad energy policy. There is no doubt that the energy industry succeeded with its influence during these secret, closed-door meetings in crafting a policy that benefited them rather than benefiting Americans who at the time desperately needed relief from high energy prices.

Mr. Speaker, today Americans face high gas prices, but they should not be fooled by claims from congressional Republicans and President Bush that the legislation they pushed would reduce the cost of energy in this country. Instead, the President's plan was nothing more than a payback to the oil and gas industry numbering in the billions of dollars and embedded in tax incentives, loan guarantees, liability protection and research and development.

For 3 years, the Vice President has refused to let the American people know who made up this Energy Task Force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did.

Finally, after 3 years of hiding the information, today the U.S. Supreme Court hears from the Vice President's lawyers why CHENEY thinks it is so important that this information remain secret. Today, the Supreme Court hears from the Sierra Club and the conservative group, Judicial Watch, who sued Vice President CHENEY seeking an accounting of energy industry participation in crafting the Bush administration's destructive energy policy. A district court has already ordered the administration to provide information about participation from those industries but once again the Bush administration refused to divulge any information. Fortunately, the court denied the request, and last December the Vice President appealed that decision to the Supreme Court.

So what does the Vice President do once he realizes the Supreme Court would be hearing the case? He goes duck hunting with one of the Supreme Court justices as a guest of an energy executive. The situation begs several questions. First, was the energy executive hosting the Vice President and Justice Scalia a member of the Energy Task Force? Second, was the Vice President attempting to use this trip to Louisiana as a way to persuade Justice Scalia that the documents being requested should remain secret under the cloak of executive privilege? And, third, how could either Vice President CHENEY or Justice Scalia think this trip to Louisiana for duck hunting, in which both flew to and from together on Air Force Two, would not look like a conflict of interest?

Justice Scalia should have recused himself from this case, but Vice President CHENEY should have realized how this trip would appear to the American public. Think about this for a minute. Imagine that you are a plaintiff in a case and you learn that the defendant and the judge had vacationed together several months before. Would you accept that scenario? The Sierra Club asked Justice Scalia to recuse himself but Justice Scalia refused.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will please suspend.

The Chair must remind all Members that remarks in debate may not engage in personalities towards the President or the Vice President. Policies may be addressed in critical terms, but personal references of an offensive, accusatory nature are not proper.

The gentleman may proceed in order.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. Speaker, I just hope the Cheney decision in this case is not another 5–4 decision in which Justice Scalia is the deciding vote in favor of the Vice President.

It is time for the Vice President to come forward with the list of participants on the Energy Task Force. What information is so damaging that the Vice President does not want to make it public? I think the time has come for both President Bush and Vice President CHENEY to lift the cloak of secrecy on its national energy plan and basically disclose what happened, who the participants were, and how and in what way they influenced the energy bill that came forward here in the House and is now in the other body. I think it is very wrong for them to continue to not provide this information, not disclose who was involved, and frankly have to go to the Supreme Court to try to make the Supreme Court say that that information should not be divulged.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHROCK) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Balance and scales belong to the Lord; all the weights used with them are of His making.

Lord, with wisdom and power, direct the activities of this Congress. May the scales of equal justice always be the goal. With discretion and surety guide every decision, and may Members find balance in their personal lives.

May truth never outweigh goodness. May desirable kindness never blind the truth.

Help Your people know when to pray and how to act.

Bless all conversations with patience and charity that all know when to speak and how to listen.

In the end, all success and every judgment can be measured only by You. Whatever evaluating criteria or determining weight we use remains of Your making now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Washington (Mr. MCDERMOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. MCDERMOTT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 328. Concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

NO RESPONSE FROM JUSTICE GINSBURG

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

Mr. PITTS. Mr. Speaker, last month a dozen of my colleagues and I sent a letter to a Supreme Court Justice. In the letter we questioned her ties to the NOW Legal Defense Fund. She speaks regularly to the group. There is a lecture series named after her, and she has served on its board in the past; but she continues to hear cases argued before her in which the NOW Legal Defense Fund, which is now called Legal Momentum, files briefs.

In January, she gave opening remarks for the fourth installment of her lecture series. Two weeks earlier, she took the legal defense's side in a medical screening case.

Federal law requires recusal when a judge's outside legal activities, ''cast reasonable doubt on the capacity to decide impartially any issue that may come before them.'' This Justice has official ties to a group that participates in cases before the Court. That sounds like reasonable doubt to me. But this Justice has yet to respond to an official inquiry from Members of a co-equal branch of government. Professional courtesy warrants at least an acknowledgement that she received the letter, but not even that.

Justice Ginsburg should acknowledge our concerns and recuse herself from cases involving any group with which she has official ties.

THE WAR ON TRUTH

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

Mr. MCDERMOTT. Mr. Speaker, the administration, aided and abetted by some Republicans, have launched another undeclared war, this time a sneak attack on the truth.

Republicans launched a sneak attack on Senator JOHN KERRY in this Chamber with a blatant disregard for dignity, heroism, and patriotism, or the facts. In so doing, Republicans have dishonored every American veteran and dishonored the people's House.

Republicans have staked out divisive new ground and every American ought to know it. Republicans have trampled patriotism, heroism, and the service of every American called to defend America.

Senator JOHN KERRY is a decorated war hero. He did not get those Purple Hearts because they just hand them out. He was shot defending his country. He was not missing in action during the Vietnam War. The President was MWA, missing without action.

These are the facts.

9/11 PANEL UNDER CLOUD

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

Mr. SMITH of Texas. Mr. Speaker, yesterday I released a letter signed by 75 Members of Congress to Commissioner Jamie Gorelick. We have serious concerns about her impartiality as a member of the National Commission on Terrorist Attacks Upon the United States.

Commissioner Gorelick never should have accepted the position in the first place. As Deputy Attorney General in the Clinton Justice Department, she cannot be objective, especially when their policies may have contributed to America's vulnerability.

If Commissioner Gorelick does not testify before the commission and respond to our letter, then a cloud will hang over the commission that brings into question its independence and supposed non-partisanship.

THE ECONOMY AND UNEMPLOYMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to support an extension of unemployment benefits. During the first 6 months of 2004, an estimated 83,000 workers in the L.A. and Long Beach metropolitan area will have exhausted their jobless benefits. We hear that jobs are coming, but the anxiety is there. Our workforce is waiting to see where the jobs are.

And in my district alone, I represent the San Gabriel Valley, unemployment rates remain high. In East Los Angeles and the city of South El Monte it has remained at over 10 percent for over 3 years. In fact, the national Latino unemployment rate is 7.4 percent, way above the national, 28 percent higher than it was just 3 years ago.

And who do we have to thank? This administration. The unemployment rate is especially higher among Latino youth. It is about double.

I am urging the President and my colleagues to support these young people and help restore vital funding for job training and to extend unemployment benefits to the 2.9 million unemployed workers in America.

MEDICARE CHANGES ENCOURAGE LIFE-SAVING PREVENTATIVE CARE

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

Mr. WILSON of South Carolina. Mr. Speaker, last year President Bush signed into law historic bipartisan legislation that adds critically needed benefits to Medicare and solidifies the program for future generations.

I have been traveling throughout the Second District of South Carolina to discuss these changes, and the seniors I talk to are enthusiastic to learn that for the first time Medicare will encourage preventative care.

First and foremost, the new prescription drug benefit will allow seniors to afford the medicine they need to prevent disease.

Yet, while the prescription drug benefit has been widely publicized, many seniors are unaware of other important preventative measures now available to them. All newly enrolled beneficiaries will be covered for physicals, cardiovascular-screening blood tests including cholesterol, and diabetes screening for at-risk beneficiaries. These benefits do not have deductibles or co-pays, to make sure there are no hurdles for seniors with limited resources.

These screenings will catch treatable, manageable conditions that otherwise would result in senior health consequences, preventing a healthy and happy retirement.

In conclusion, may God bless our troops, and we will never forget September 11.

MEDICAL LIABILITY REFORM

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

Mr. BURGESS. Mr. Speaker, it was 13 months ago that we in this House passed meaningful medical liability reform. Our President, President Bush, has said that he will sign that legislation if we will just get it to him. And today it languishes on the other side of the Capitol. The Democratic candidate for President has already been on record as either voting ''no'' or has

missed those votes on medical liability reform as they came up in the other body.

Mr. Speaker, the cost of defensive medicine, not just the cost of liability insurance for doctors, but the cost of defensive medicine in this country in a 1996 Stanford University study was estimated to be $50 billion a year to the Medicare system, not the private health insurance system, but to the Medicare system alone.

Mr. Speaker, we can no longer afford this. The whole problem with the uninsured and access to health care for all Americans languishes because we have not taken conclusive action on medical liability reform. Again, let me stress we have a President who will sign that legislation into law. We have a candidate for President who is on record as voting ''no.''

THE LOSS OF MANUFACTURING JOBS

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

Mr. PALLONE. Mr. Speaker, the Republicans promised us they would create jobs, but their failed policies have left our economy weaker. We have lost 2.8 million manufacturing jobs, the largest decline in over 80 years. We have not seen one month of manufacturing job growth since George Bush took office, and Republicans have no plan to create jobs.

For years the Republicans have used their power to provide tax breaks and special deals for corporate interests, standing back while thousands of good-paying manufacturing jobs were shipped overseas. And now the American workers that have built these companies are paying the price.

Democrats want to build a stronger economy and jump-start our manufacturing sector by cutting taxes for domestic manufacturers and helping them create good-paying jobs here in the United States, and we want to end unfair tax breaks that would allow corporations to keep their money and their workers overseas. That is just wrong.

We want to stand up for American workers by enforcing the trade agreements that President Bush has not.

Mr. Speaker, why are Republicans stalling? What are they waiting for? They should simply bring up the Crane-Rangel bipartisan solution to cut taxes for domestic manufacturers and help them create good-paying jobs here in the United States. That is the answer, and it is simple.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RHODE ISLAND VETERANS POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3942) to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

The Clerk read as follows:

H.R. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RHODE ISLAND VETERANS POST OFFICE BUILDING.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, is hereby redesignated as the ''Rhode Island Veterans Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Rhode Island Veterans Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise in support of H.R. 3942. This legislation redesignates the U.S. Postal Service facility at 7 Commercial Boulevard in Middletown, Rhode Island, as the Rhode Island Veterans Post Office Building.

Mr. Speaker, our Nation's Armed Forces are comprised of dedicated, skilled, and courageous individuals from all 50 States and every territory. Today, I am pleased to take time along with my colleagues to honor those who have served our Nation from the State of Rhode Island.

According to the 2000 census data, over 102,000 veterans live in Rhode Island, comprising 13 percent of the adult population of the State. This post office designation in Middletown is intended as a tribute to those 102,000 Rhode Islanders.

As we all know, U.S. military men and women remain engaged today in the war on terror in faraway places like Afghanistan and Iraq. Here at home we can never give too much back to our brave active duty personnel or our veterans to whom we owe our Nation's freedom. That is why I am pleased that the House is considering H.R. 3942 today. I ask all Members to support its swift passage.

Mr. Speaker, I commend the gentleman from Rhode Island (Mr. KENNEDY) for his work to honor our Nation's military service veterans from the great State of Rhode Island.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from Rhode Island (Mr. KENNEDY), who is also the sponsor of this legislation.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my good friend and colleague from Illinois (Mr. DAVIS) for allowing me this time. I also want to thank my colleague, the gentleman from Utah (Mr. CANNON), for also acknowledging me and recognizing this piece of legislation, and also my friend, the gentleman from Minnesota (Mr. KENNEDY) from the other side of the aisle for being here as well.

□ 1415

As the gentleman from Utah (Mr. CANNON) mentioned, there are over 100,000 veterans living in my State of Rhode Island; and we are proud to support a few veterans from World War I and almost 40,000 from World War II. Rhode Island has close to 30,000 from Vietnam and roughly 20,000 from the Korean War. And more recently, Rhode Island is home to 4,000 veterans from the Persian Gulf War. Just a few weeks ago, 300 soldiers from Rhode Island's Military Police returned from Iraq.

These men and women come from different backgrounds and they live in different cities and towns and many of them are still working and also many of them are retired. But the one thing that they have in common is they have fought for this country to preserve the freedom of our Nation. They have all put their lives on the line in the name of democracy, and if they were not standing post in the front lines, they signed up and they could well have been put on the front lines. So all veterans, whether serving stateside or overseas, deserve our recognition.

Our Nation's veterans have answered the call to duty and have served our country in times of greatest need.

During my time in Congress I have had the honor to meet with several of Rhode Island's veterans, and I discovered that every time I sit down with one of them, I hear another fascinating story. Like Ray's story, a World War II veteran living in Lincoln, Rhode Island. He was the only man from an 11-member crew to survive. He remembers falling from the plane and landing in his parachute in a group of trees on a snowy mountainside, but he does not remember anything after that. Next

thing he knew he was in a German prisoner of war camp.

Sixty years later he comes back to Czechoslovakia to return to the place in Europe where he had been shot down. When he arrived not only was he welcomed by the mayor but he was given a key to the city, and all the local townsfolk held a big parade on his behalf, in addition to all wanting his autograph and wanting his picture.

It was during this trip, 60 years later, that he learned how he survived. He learned from the villagers how they had found and taken him to a nearby facility for treatment. They discussed how they were going to hide him. At that point, the German authorities were already on their way and they were able to apprehend him.

After 60 years someone from the town handed Ray the gloves that were on his hands 60 years before when he had parachuted to safety and then later on put in the prisoner of war camp.

As we can imagine, there are many stories like this that are all too frequent for those who occupy the VFW posts and American Legions and all of those places where our veterans congregate.

One of those places that all people congregate are the post offices, and that is why for millions of Americans who are not familiar in their daily lives with the sacrifices of our Nation's veterans, when they go into the post office, they are going to have to see once again that they owe everything in their lives to our Nation's veterans, and that is why I believe that our local post office back at home in Rhode Island is a perfect memorial to celebrate our veterans in Middletown and in Newport. Newport is one of the great homes of our Nation's Navy, and I know it will be appreciated by all of those who have served our country in uniform to be able to see that their post office is named for their fellow veterans.

We have wonderful memorials here in Washington, D.C. and, thanks to this legislation, we are going to have a wonderful memorial in our own backyard.

Mr. Speaker, I thank the gentleman for yielding me time, and I urge my colleagues to vote in favor of this legislation.

Mr. CANNON. Mr. Speaker, I support the passage of H.R. 3942.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 3942, legislation naming the postal facility in Middletown, Rhode Island, after Rhode Island veterans.

This measure which was introduced by the gentleman from Rhode Island (Mr. KENNEDY) on March 11, 2004, and unanimously reported by our committee on April 1, 2004, enjoys the support and co-sponsorship of the entire Rhode Island delegation.

Beginning with World War I through the Persian Gulf War, veteran Rhode Islanders from the First Congressional District in Rhode Island have bravely defended this great Nation from the great World War II, the Korean War, Vietnam War, the Persian War. There are over 45,000 veterans living in the First District. Statewide over 93,000 men and women have returned home to Rhode Island after serving in the military.

Designating the post office in Middletown, Rhode Island is an excellent way to honor Rhode Island veterans for their service to our country and to remember the enormous sacrifice the soldiers and their families have made and continue to make.

To the veterans of America, for your unselfish service and devotion to our country and your unwavering defense of our freedom, we thank you. I also want to commend the gentleman from Rhode Island (Mr. KENNEDY) for introducing this legislation. I urge its swift passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3942.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND LEGACY OF MELVIN JONES AND RECOGNIZING THE CONTRIBUTIONS OF LIONS CLUBS INTERNATIONAL

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 399) honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International.

The Clerk read as follows:

H. RES. 399

Whereas Melvin Jones was born in the Cavalry Outpost at Fort Thomas, Arizona, on January 13, 1879;

Whereas Melvin Jones experienced early success in the insurance industry and that success led to his sole ownership of an insurance agency;

Whereas although many business clubs of the time exhibited a self-interested attitude, Melvin Jones had a vision of an organization of businessmen focused on volunteerism and community service;

Whereas the Association of Lions Clubs, known today as Lions Clubs International, was begun on June 17, 1917, when 20 delegates gathered in the East Room of the Hotel LaSalle in Chicago;

Whereas, while Melvin Jones passed away on June 1, 1961, his legacy lives on;

Whereas, for over 85 years, Lions Clubs International has honored Melvin Jones' legacy by following the simple rule that he insisted be included in the organization's Constitution: ''No club shall hold out as one of its objects, financial benefits to its members.'';

Whereas Lions Clubs International counts over 46,000 clubs and 1.4 million members, and constitutes the largest network of service clubs in the world; and

Whereas Lions Clubs International continues to embrace its motto ''We Serve'' by performing a wide range of services, including cleaning local parks, supporting advances in medical technology, bringing sight to the blind, mentoring children, and organizing Liberty Day celebrations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of volunteerism and community service of Melvin Jones; and

(2) recognizes the contributions and service of Lions Clubs International to communities and those in need throughout the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 399 recognizes the remarkable global contributions of Lions Clubs International, the largest service club organization in the world.

Lions Clubs work to aid communities in 190 different countries with all sorts of humanity's problems. From collecting five million pairs of used eyeglasses each year to give to those with vision loss, to collecting thousands of books for hospitals and schools in need, and to establishing disease prevention programs, the Lions Clubs consistently live up to their long-stated mission, ''We serve.''

Mr. Speaker, the resolution also honors Melvin Jones, the founder of the Lions Clubs. Jones grew up in Chicago and worked in the insurance industry as a young adult at the turn of the 20th century. He became affiliated with the business group known as The Business Circle, but was dismayed that the group focused only on improving the financial status of its members. Jones sought a business club that asked for more from its members.

On June 17, 1917, Jones pulled together leaders of business clubs from

all over the U.S. to discuss a new business-oriented organization that also would be committed to community service. The nascent group was called the Association of Lions Clubs, and it has grown into the largest service club organization on Earth with 1.4 million members worldwide today.

This year is the 125th anniversary of Melvin Jones' birth and, therefore, a fitting time to pay tribute to his commitment to volunteerism and service.

Mr. Speaker, the Lions Clubs International are truly worthy of commendation by this House, and I would encourage anyone interested in volunteer opportunities to think about contacting a nearby Lions Club chapter.

I thank the gentleman from Minnesota (Mr. KENNEDY) for his work to honor Melvin Jones and the Lions Clubs. I know the gentleman from Minnesota has been a Lions Club member for many years. I congratulate the gentleman for advancing this resolution to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the life of an American hero, Mr. Melvin Jones, and the institution he helped created, the Lions Clubs International. A driven and thoughtful man, Melvin Jones made his home in Chicago, Illinois and formed his own insurance agency in 1913.

Mr. Jones, like many other businessmen, worked extremely hard for his success. Unlike some, however, Melvin Jones did not find satisfaction in his personal success alone. He wanted to improve his community. He believed that he and other successful businessmen should work together for the betterment of the community.

Mr. Jones is quoted as asking at a businessmen's luncheon, ''What if these men who are successful because of their drive, intelligence and ambition were to put their talents to work improving their communities?''

Thus, on June 7, 1917, the Lions Clubs International was born. The first meeting was held in Chicago and two principles were set forth. One, meetings were not to be of a social nature, and members could not promote their own business interests.

The group was to focus on volunteerism and community service. Melvin Jones became so engulfed in the Lions Club that he left the insurance agency he had created to work for the club full time. He was a living example of the Lions Club motto, ''We serve.''

Although Mr. Jones passed away in 1961 at the age of 82, his legacy in the Lions Club lives on. Today with more than 46,000 clubs in 193 countries, Lions Club has expanded its focus to help meet the ever-increasing needs of our global community. One of the Lions Club's biggest programs is to improve the quality of eye care for the less fortunate. The Lions Club provides thousands of people around the world with free eye care. In addition, the Lions Club collects more than 5 million pairs of eyeglasses each year to be distributed in developing countries.

Melvin Jones, the man, whose personal code was, and I quote, ''You cannot get very far until you start doing something for somebody else,'' became a source of inspiration for people working all over the world for the good of mankind. I am delighted to know this history and origin of the Lions Club and proud to say that at one time I, too, was a member of a Lions Club and one of its creators in my own community and my own neighborhood, and I can remember distributing eyeglasses to people who needed them.

So we thank Mr. Jones for his vision, for his creativity, and his sense of giving back to his community. I am privileged to support this legislation. I view Mr. Jones as one of our real visionaries.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I want to thank the mellifluous gentleman from Illinois (Mr. DAVIS) for his contribution to the Lions Club in his area.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY), the distinguished sponsor of this legislation.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Utah (Mr. CANNON) for yielding me time.

Mr. Speaker, I rise today in support of House Resolution 399, a resolution I introduced to honor the life and legacy of Lions Club International founder, Melvin Jones, and to recognize the contributions of this fine organization.

Over 200 years ago at the end of the Constitutional Convention in Philadelphia, a curious woman asked Benjamin Franklin, ''Sir, what have you given us?'' He replied, ''a republic, if you can keep it.'' Part of our responsibility of maintaining our republic is encouraging the active involvement of our citizens and our government in serving our community. No one understood this better than Melvin Jones.

The club he founded, Lions Club International, embodies that spirit through a program called Liberty Days.

The history of Lions Club International of which I am a proud member from the Watertown, Minnesota chapter goes back nearly 100 years. After a humble beginning that began on January 13, 1879 in a dusty cavalry outpost at Fort Thomas in what was then known as the Arizona Territory, Melvin Jones moved east with his family to St. Louis.

□ 1430

Later, in Quincy, Illinois, Melvin Jones attended Union Business College and Chaddock College. After college, he moved to Chicago where he launched a successful career in insurance, first with the Johnson and Higgins agencies and later with his own business, the Melvin Jones Insurance Agency.

In 1909, he married women's professional golfer Rose Amanda Freeman, whose unqualified support was instrumental as Melvin worked tirelessly to get the Lions Club rolling. In 1913, an acquaintance invited Melvin to meet some local men who belonged to a club called the Business Circle. Like many groups at the time, the Business Circle was largely about old school ''scratch my back and I will scratch yours'' club.

After his election as secretary in 1915, Melvin began to wonder how much could be accomplished if only the members of the Business Circle would pool their energies and talent for the greater good of their communities. Despite broaching this novel idea with other business organizations, their feedback was mixed at best. So Melvin put this unique vision into action and launched his own organization.

On June 17, 1917, he assembled 20 delegates representing 27 clubs nationwide in the East Room of the Hotel LaSalle, and a consensus was reached that a national organization should be formed dedicated to community service. After a spirited debate, the club voted by secret ballot to name the new organization the Association of Lions Clubs. Jones advocated for the name of Lions because it was a symbol of courage, strength, fidelity and vital action, which helped set the standard for the club.

Furthermore, during the organization's constitution, he insisted that it include a plank that no club should hold out as one of its objects financial benefits to its members, a principle Melvin followed throughout his entire life.

The Lions Club caught on so fast that it was just 3 years later after its birth that the club became international when it chartered a new club in Windsor, Ontario.

One of the profound moments of the club's history occurred in 1925 at their international convention at Cedar Point, Ohio, when Helen Keller addressed, challenging the attendees, the Lions, to become knights of the blind in their crusade against darkness, and from then on, as my fellow colleagues have noted, the Lions have been serving and bringing sight to the visually impaired and made this one of their central priorities.

In 1927, the Lions Club had the support of 11,063 local clubs and comprised 60,000 members worldwide. In 1950, when Lions membership surpassed the 400,000 mark, the international board of directors conferred upon Melvin Jones the title of Secretary General of Lions Club International which was changed to Founder and Secretary General in 1958.

Throughout his life, Jones' refusal to accept the limitation of old age was an inspirational reminder to all Lions of his dedication to serving others.

In 1960, at the age of 81, even after several strokes the year before, he

commuted to the club each day alone from his suburban Chicago home, never missing a moment of the Lions International Convention where thunderous applause for the Founder shook the rafters.

On June 1, 1961, Melvin's perfect attendance record ended with his passing into the next life. Soon after, the international board of directors proclaimed January 13, Melvin Jones' day as a memory each year for his contributions to the world of Lionism. In 1965, the Melvin Jones Lions International Memorial was dedicated near his birthplace at Fort Thomas, Arizona.

In June 1999, the Lions international board dedicated a prestigious 50-foot spire in his honor as a lasting tribute to his memory.

During his remarkable life, Melvin Jones accumulated dozens of award, honors and accolades, including participation in a White House business leaders conference to discuss the economy in 1932 and representing the Lions Club at the preliminary planning for the United Nations in 1945.

Today, the Lions Club International is the largest network of service clubs in the world, comprising more than 46,000 clubs and 1.4 million members in 193 countries.

In addition to bringing sight to the blind, the Lions help build a brighter future for their communities by performing a wide range of services from cleaning up local parks and developing youth programs to assisting the hearing impaired and promoting diabetes awareness.

One of the Lions' newest and most exciting programs is the Liberty Day Program. Unfortunately, as most of us are well aware, over the years civics education has become only voluntary in many schools across the country. Even where it is taught, many American government and history books have left out the two most important documents in our history, the Declaration of Independence and the Constitution. These omissions will have a detrimental effect on our republic, with young people learning less about our founding and how precious our democracy is.

As Members of Congress, we have a responsibility to give back to our communities and combat the cynicism and apathy that some of our constituents have towards government.

In the summer of 1966, two members of the Youth Service Committee of the Lions Club in Denver, Colorado, started a small program in Denver schools to distribute books containing the Declaration of Independence and the Constitution. The program immediately got traction and volunteers sought out private donations for the printing of these little booklets.

Other Lions Club members and volunteers pitched in and recruited elected State officials in Colorado ranging from the Speaker of the State House, Russell George, to former Senator Gary Hart and Attorney General Gale Norton to speak to classes and distribute the books. The response was unbelievable.

Soon, every State had its own booklet on Liberty Day, and many have Statewide Liberty Day coordinators, who are continuously seeking to promote and collect private donations to print these books. In fact, in 2000, both the House and the Senate passed resolutions honoring and recognizing the contributions of Liberty Day.

I am proud to be State Chairman of Minnesota's Liberty Day program. In my State, I have had the honor of participating in more than a dozen of these celebrations, talking to thousands of students and adults, and the response has been overwhelmingly positive.

Liberty Day has evolved into more than just a celebration for students. It is a celebration in which the whole community can participate. Many communities celebrate by holding public lectures, displaying sections of the Declaration of Independence and Constitution in public places and staging mock debates on issues our Founding Fathers grappled with more than 200 years ago. These celebrations are terrific opportunities to connect with our constituents and provide an example and opportunity to give something back to our communities who have entrusted us with the responsibility of doing the people's business. It is also a chance to leave a lasting impression in the minds of young and old alike and erase some of the cynicism they have towards government and public officials.

In closing, none of the outstanding programs and services provided by Lions Club International that have touched the lives of many millions around the world would have been possible without the selfless dedication of Melvin Jones and the millions of volunteers who have followed in his pursuit of serving others.

I urge all of my colleagues to support this resolution and give Melvin Jones and the Lions Club International the congressional recognition they deserve.

Mr. FROST. Mr. Speaker, I rise today to honor Lions Club International founder, Melvin Jones, for his legacy of volunteerism and community service. Melvin Jones was born on January 13, 1879 at Fort Thomas, Arizona, and passed away on June 1, 1961 at the age of 82. He founded the Association of Lions Clubs in 1917, the same year they held their national convention in Dallas, TX.

Melvin Jones abandoned his job at an insurance agency to devote himself full time to the Lions. He was a dedicated individual who gave back to his community and worked hard to improve the lives of others. Melvin Jones had a vision for the Lions to expand their focus to help meet the ever-increasing needs of our global community.

Today, Lions International has over 1.4 million members in over 170 countries worldwide. As a proud member of the Oak Cliff Lions Club in Dallas, TX, I am pleased to celebrate their 75th anniversary and salute each member who graciously gives their time, skills and resources for our communities and internationally. As global members, Lions provide immediate and sustained relief in time of disaster and offer long-term assistance to those in need. Lions International has raised millions of dollars for various charitable causes, including sight conservation, diabetes awareness and cancer research. For over 85 years, Lions International has benefited countless persons by fulfilling the mission set out by Melvin Jones in the association's motto: ''We Serve.''

Mr. Speaker, and I am pleased to honor the service and commitment Melvin Jones made to build a brighter future for our country, and I know my colleagues will join me today in recognizing his valuable contributions.

Mr. STENHOLM. Mr. Speaker, I rise today in support of House Resolution 399, honoring the achievements of Melvin Jones and recognizing the contributions of Lions Club International.

One of our Nation's great success stories began when Jones, then an insurance agent, looked around his business luncheon group and asked a question:

''What if these men, who are successful because of their drive, intelligence, and ambition, were to put their talents to work improving their communities?''

On June 7th, 1917, Lions Clubs International was born. Jones eventually left the insurance business to devote himself to the organization full-time. With his guidance, Lions Club International became one of the world's leading service associations. Jones's leadership was held in such high regard that he was recruited as a consultant during the organization of the United Nations.

Today, almost 1.4 million Lions Club members in 193 countries tackle problems like blindness, drug abuse prevention, diabetes awareness, and disaster relief. Lions build parks, support hospitals and establish water treatment programs. The largest Lions Club in the United States meets in Lubbock, Texas, where they've served since 1929.

The Lions have been with us for 85 years. Melvin Jones's philosophy that ''You can't get very far until you start doing something for somebody else'' has become the motto of service-minded folks the world over. Where there's need, they're there. Where there's work to do, they serve.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 399.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERARY MONTH

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read as follows:

H. RES. 578

Whereas the financial services industry in the United States benefits millions of people in the United States, providing products and services that allow individuals and families to build homes, buy cars, finance educations, start businesses, and meet everyday needs;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens, yet a study completed in 2002 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors knew less about principles of basic personal finance than did high school seniors 5 years earlier;

Whereas financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes, yet a survey completed in 2002 by the National Council on Economic Education found that a decreasing number of States include personal finance in education standards for students in kindergarten through high school;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth, yet between 25,000,000 and 56,000,000 people over the age of 18 do not use mainstream, insured financial institutions and are considered ''unbanked'';

Whereas personal financial management skills and lifelong habits develop during childhood, and 55 percent of college students acquire their first credit card during their first year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as ''401(k) plans''), a Retirement Confidence Survey conducted in 2002 found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement, and 25 percent of workers have done no specific planning for retirement;

Whereas financial literacy empowers individuals to make wise financial decisions in an increasingly complex economy, and only 30 percent of those surveyed in an Employee Benefit Trend Study conducted in 2003 are confident in their ability to make the right financial decisions for themselves and their families;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 2.3 percent in the first 3 quarters of 2003;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, website, toll-free hotline, and national multimedia campaign be multilingual; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated April as ''Financial Literacy Month'' to educate the public about the need for increased financial literacy for youth in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H. Res. 578, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H. Res. 578 supports the goals and ideals of Financial Literacy Month. The National Council on Economic Education, its State Councils and Centers for Economic Education and the JumpStart Coalition for Personal Financial Literacy have deemed April to be Financial Literacy Month. Along with my colleagues, especially the sponsor of this resolution, the gentlewoman from Illinois (Mrs. BIGGERT), I am pleased to be highlighting this designation and the important cause of financial literacy.

This resolution aims to increase awareness of the significance of thoughtful and well-planned personal financial management. It can be overwhelming for people of any age to manage money, credit and debt, but learning simple financial principles can help protect you against severe family illness, short-term losses of employment, economic downturns, and other aspects of life that most of us will experience at one time or another.

Mr. Speaker, the resolution cites the fact that over the last 20 years personal savings have decreased from 7.5 percent of personal income to just over 2 percent today. This reality means more Americans have just a small cushion on which to fall back on when financial times become difficult. We all need to take steps to learn economic fundamentals and teach our children these principles as well. All of us can enjoy big returns on our investments in financial literacy.

Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT), my friend and distinguished Member from Illinois, for her work on H. Res. 578. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, providing America's youth with a good education has been a national priority but also a national failure. Not only are many children of our great Nation being deprived of a good academic education, but many young people today lack the life skills necessary to function without the financial assistance of their parents.

According to the JumpStart Coalition for Financial Literacy, high school seniors today know less about the principles of basic personal finance than seniors did 5 years ago. Even more startling is the fact that the average student who graduates from high school lacks the basic skills for managing their own personal finances. Many are unable to do simple tasks like balancing a checkbook.

Over the last 50 years, a dangerous trend has developed. Saving money has declined at the same time that borrowing has increased. In 1950, savings averaged 12.3 percent of national output. By the 1960s, it was down to 8.5 percent. By the 1980s, it was down to 4.7 percent, and in the early 1990s, it was only 2.4 percent.

Americans need to work to achieve financial independence, and proper financial planning is crucial to that process.

While not a final solution, educating our youth about the principles of personal finance would do a great deal to help them achieve financial independence and prosperity. Educating new generations to understand personal finance would help future Americans build wealth and obtain financial independence.

In order for our youth to lead successful lives these life lessons must be taught. Creating a Financial Literacy Month is a great first step towards protecting our youth from poverty.

I rise today to ask that we support the goals and ideas of Financial Literacy Month and that this President issue a proclamation calling on the Federal Government, as well as State and local governments, to observe the month with appropriate programs and activities that promote financial accountability.

Finally, Mr. Speaker, I want to commend my colleague the gentlewoman from Illinois (Mrs. BIGGERT) and my good friend the gentleman from Utah (Mr. CANNON) for the lead roles that they have played in introducing and bringing this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT), the sponsor of H. Res. 578.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of H. Res. 578, which my colleague the gentleman from Texas (Mr. HINOJOSA) and I introduced to designate April as Financial Literacy Month. We did so in order to raise the public awareness about the importance of financial education in the United States and the serious consequences that come when young people and adults lack basic understanding of personal finances and economics.

□ 1445

Today, 60 percent of preteens do not understand the difference between cash, checks, and credit cards. We need to teach basic financial literacy skills so that they can understand the difference. But financial literacy is only part of the problem.

It is equally important they understand basic economic concepts, such as supply and demand, opportunity costs, what drives interest rates, and other economic principles. Why? Well, it is because financially literate students may learn what the credit card is, but the lesson will be meaningless if they do not understand the concept of compound interest.

Just look at the pay-off. Financial education, including economics, has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and savings habits, higher net worth, and more positive attitudes towards money.

If our young people learn how to manage money, credit, and debt, they can become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. It is through financial education these young consumers will learn to capitalize on the choices and flexibility that this new world has created. And financially literate children grow up to be financially savvy adults. And we need more of them.

Today, more than 42 million Americans participate in 401(k) plans. But a 2002 retirement confidence survey found that only 32 percent of workers surveyed have calculated how much money they will need to save by the time they retire. And less than one-third of those surveyed are confident in their ability to make the right financial decisions for themselves and their families. One-quarter of those workers, over 10 million Americans, have done no specific financial planning.

Many programs already exist in both the public and private sectors to address economic education and financial literacy; but no matter what their specific target, they all recognize that the most effective time to impart basic financial and economic knowledge is during a student's formative years through the K through 12 education system.

Many States have introduced outstanding financial literacy programs for children. In my home State of Illinois, State Treasurer Judy Baar Topinka created the Bank At School program, which helps children learn the fundamentals of money management through the operation of an in-school bank. Schools are partnered with financial institutions which conduct a monthly bank day at the school where students open savings accounts and make regular deposits.

I believe that these kinds of programs provide the guidance that is desperately needed; but we need more, and we need them now. For instance, while 40 States have set standards for personal financial education in 2000, only 31 States renewed their standards in 2002. Of these 31 States, only four States, Idaho, Kentucky, Illinois, and New York, implemented a course that covers personal finance during a student's K through 12 education. In 2002, Jump$tart released a survey that showed high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than they did 5 years ago. This is a trend that we must reverse.

With only seven States currently recognizing financial literacy month, there is obviously a great deal of work to do. But if we take the time to take on this challenge, we can begin to turn things around and excite students about becoming the next generation of investors.

Mr. Speaker, the state of financial literacy among our children may not garner much in the way of headlines, but it is an issue nonetheless that should command our attention. While it is a problem that is serious and urgent, it is one that can be solved through education. This body would like to call special attention to that need during the month of April. It is our duty to help our youth succeed in today's increasingly sophisticated world of finance.

We must continue to keep the pressure on in terms of public awareness of the problem. I hope that we will use this month as a springboard to raise public awareness about the importance of financial education in the United States.

I want to thank my distinguished colleague and friend, the gentleman from Texas (Mr. HINOJOSA), for his strong support and cosponsorship of this resolution. I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. TOM DAVIS), and especially the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS), also members of the Committee on Government Reform, for managing this resolution and the gentleman from California (Mr. DREIER) for his long-term work on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA), a Member who has distinguished himself as an educator, an outstanding businessperson and an outstanding legislator, and who has been at the heart of the development of this legislation.

Mr. HINOJOSA. Mr. Speaker, I rise in support of House Resolution 578 that the gentlewoman from Illinois (Mrs. BIGGERT) and I introduced earlier this year. The legislation supports the goals and ideals being acknowledged in naming April as Financial Literacy Month. I should note that the gentlewoman from Illinois and I have been working together on a number of financial literacy projects for quite some time, and I look forward to continuing to coordinate our efforts to improve financial literacy programs for our youth and for U.S. residents at all stages of their lives.

I want to thank the Committee on Government Reform for bringing this legislation to the floor today to celebrate April as Financial Literacy Month. Improving financial literacy, especially in the communities of the Rio Grande Valley of Texas and Central Texas, has been a top priority of mine. My ultimate goal is to educate our youth about financial issues in order to prepare them for the real world.

It is also important that we educate adults and seniors on the basics of financial literacy to bring them into the mainstream financial system and to protect them from payday lenders, as well as to protect them from predatory lenders and others who would take advantage of them. And so I have decided to act to address these concerns.

The chairman of the Subcommittee on Financial Institutions and Consumer Credit of the House Committee on Financial Services, the gentleman from Alabama (Mr. BACHUS), held a hearing at my request on bringing the unbanked into the mainstream financial system. The chairman of the Subcommittee on Education Reform of the Committee on Education and the Workforce, the gentleman from Delaware (Mr. CASTLE), and the ranking member, the gentlewoman from California (Ms. WOOLSEY), held a hearing on financial literacy that allowed the gentlewoman from Illinois and myself to discuss the CENTS Act, which would establish a commission to educate our nation's teachers and students on financial literacy skills.

I also promoted financial literacy when I spoke at a panel with the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. TOM DAVIS) at the FDIC's symposium on financial literacy held at the National Press Club. With the assistance of the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Committee on Financial Services, I

was able to add a section to the FACT Act to ensure that the commission it creates on financial literacy will develop and promote financial literacy and education materials in languages other than English, including for the commission's Web site, a toll-free number, a national media campaign, and all the materials it disseminates.

Before I conclude, I want to point out some financial literacy programs of note. The FDIC has a well-written and helpful program in English, Spanish, and numerous other languages known as Money Smart that targets adults. It is being disseminated in my district, and it is helping to encourage the adults in my district to move into the financial mainstream.

Several large banks, such as Wells Fargo and Bank of America, have implemented financial literacy programs that are now being used in schools for K through 12 programs. The Independent Bankers in Texas have been attempting to encourage the Texas State legislature to include financial literacy programs as a requirement for graduation from high school for quite some time.

There are numerous other financial literacy programs out there: Freddie Mac's CreditSmart Espanol program to train the teachers to train other teachers how to teach their financial literacy program; NCEE's K through 12 program; ACB's Money Rules program; Fannie Mae's Homeownership program in English and Spanish; ICI's Investing for Success program; and Operation Hope's Banking on Our Future program, and many others.

There are too many other programs to mention in the time I have been allotted, which is why a financial literacy commission was created by the FACT Act. The gentlewoman from Illinois and I will monitor it with our colleagues in Congress to ensure that it is a success.

Mr. Speaker, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) and her legislative assistant, Danielle English, for working with me on this important legislation and all other projects; and I especially want to thank my colleague, the gentleman from Massachusetts (Mr. FRANK), and Jaime Lizarraga, on his staff, for all their assistance on financial literacy issues.

On behalf of the Committee on Financial Services, I urge my colleagues to support H. Res. 578.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Texas for his comments, commend him for his significant work in promoting financial literacy, and associate myself with his comments about the importance of training especially children in financial literacy.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), one of the most financially astute Members of the House.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time and for his management of this legislation; and I want to begin by extending my compliments to my very distinguished colleague, the gentlewoman from Illinois (Mrs. BIGGERT), who has long been a champion on this issue, as well as my friend, the gentleman from Texas (Mr. HINOJOSA), who just gave a very thoughtful statement about where we go and why we need to focus on ensuring that we provide financial literacy education to young people in this country. And of course every single debate on the House floor is dramatically enhanced by the voice of the gentleman from Illinois (Mr. DAVIS), so I want to express my appreciation as always to him for his presence here.

Several years ago, Mr. Speaker, I joined our colleague, the gentleman from North Dakota (Mr. POMEROY), in establishing an organization known as Jump$tart, realizing that many of us years and years ago took for granted the understanding of financial literacy. I will never forget, as a kid, when my father ensured that I started a savings account. I looked at that little passbook that I had, which saw only a relatively modest rate the money I had in there growing; but it was a wonderful, wonderful thing.

Today, when we look at the wide range of information that is flooding not only adults but young people as well, and we look at this 21st-century economy, we realize that everybody is deluged, whether it is through the mail by credit cards, on the Web, through advertising that we see; and it can be extraordinarily confusing. And so things that were taken for granted decades ago when many of us were growing up, we now have to focus on in the way of education for our young people.

On the Web today, people have the tremendous opportunity to pay their bills, they have the opportunity to have access to a wide range of financial services and products, and we also need to realize that today we have seen this growing investor class. Over half of the American people, Mr. Speaker, are members of the investor class. They are invested either through their 401(k), through individual retirement accounts, through pension funds, and of course those who directly invest in the markets or in real estate or in other areas. So more than half the American people are members of that investor class.

As that number grows, it seems to me, Mr. Speaker, that we need to do everything we possibly can to ensure that our young people have an awareness level of things that were so often taken for granted and seen as simple common sense in the past.

□ 1500

We passed last year legislation, the Federal Financial Literacy Commission, to promote and enhance financial literacy for all Americans. The initiative established a national financial literacy public service campaign to raise the awareness level regarding personal finance. I was pleased that we have had that in legislation that we have pursued in the past.

Last month there were a number of organizations that had spent time and effort focusing on and promoting financial literacy. They include Citigroup and the Citigroup Foundation's $200 million global financial literacy initiative; the Credit Union National Association's National Credit Union Youth Week; the American Bankers Association's National Teach Children to Save Day; the Jump Start Coalition's biennial Survey on the State of Financial Literacy among high schoolers; the National Council on Economic Education/NASDAQ Educational Foundation's National Teaching Awards Event; and last but not least, my Governor in California, Arnold Schwarzenegger, established April 2004 as California Financial Literacy Month with a proclamation.

Put very simply, Mr. Speaker, financial literacy is all about opportunity. It is about empowering individuals to make informed financial decisions, helping them to attain financial independence and to plan for their future prosperity. Working together, we can ensure that the young people in our country gain a fundamental understanding of personal finance to help them succeed later in life.

I again congratulate the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Texas (Mr. HINOJOSA) for recognizing that focusing this month of April on financial literacy is the right thing to do. I know that all of my colleagues will want to join in support of this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

My mother used to tell us that if we learned to take care of our pennies, that our nickels and quarters would take care of themselves. I think some of those same principles are embedded in this legislation. I am proud to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself the balance of my time.

The prior speaker, the gentleman from California (Mr. DREIER), referred to the financial services products that we have available. I would just like to remind us all that we now have a new product in that array, that is, the health savings account which we passed in the recent Medicare package. It is good for all Americans. It is one of the elements of financial awareness that I hope is advanced through this financial literacy approach that we are taking here today.

I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT) and also the gentleman from Texas (Mr. HINOJOSA) for their support of this bill and bringing it to the floor today. I would also like to thank the gentleman from Illinois (Mr. DAVIS). It is

always a pleasure to work with him on projects like this.

Mr. Speaker, I urge all Members to support the adoption of House Resolution 578.

Mr. CANTOR. Mr. Speaker, I rise today to speak in favor of this resolution that will designate the month of April as ''Financial Literacy Month.'' I would like to thank my colleague, Ms. BIGGERT from Illinois, for introducing this legislation. It is important that we raise public awareness and support financial knowledge in the United States. The penalties that may be associated with a lack of understanding of personal finances are too grave for Americans to be left in the dark.

The majority of Americans successfully use the assistance offered by the financial service industry each year. These organizations help individuals to build homes, buy a car, finance an education, start a business, and many other everyday needs. It is essential that individuals are prepared to manage their money, credit, and debt as well as to become responsible workers, investors, business leaders, and citizens.

Promoting financial literacy encourages all Americans to make wise financial decisions and expands their access to the mainstream financial system that provides lower costs, safer options and a greater ability to build wealth. The end result is not only greater empowerment for the American people, but a likely increase in economic activity and growth.

I would like to thank the Financial Literacy and Education Commission, the National Council on Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its state affiliates, and its partner organizations for designating April as ''Financial Literacy Month,'' educating the public about the need for increased financial literacy for youth in the United States.

Personal finance education and awareness is fundamental in ensuring that the public is well-versed in issues that will affect them today, as well as in years to come, as they plan for college, home-buying, and eventually retirement. We must supply them with the knowledge they need in order to succeed in today's complex world of finance.

I urge the passage of this legislation, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise in support of H. Res. 578, which recognizes and supports the goals of Financial Literacy Month.

Now more than ever, we live in a world that has become increasingly complicated when it comes to personal financial matters. A generation ago, a basic knowledge of balancing a checkbook and maintaining a savings account was adequate. However, in today's complex world many Americans are faced with difficult decisions such as determining what type of loan they need; whether to invest in stocks or bonds; how to best manage credit; and how soon to start planning for family education needs and their retirement. There are approximately 40,000 different credit products available, an intimidating thought for the most educated consumer.

Unfortunately, large numbers of consumers never learn the basics of maintaining their personal finances and may struggle unnecessarily with choices leading to financial freedom. Instead, many live paycheck to paycheck and acquire substantial debt.

Today, our nation's youth are bombarded with a multitude of financial options at an increasingly young age. Yet many are ill-equipped to make informed decisions about financial matters. According to a 2001 Teenage Research Unlimited survey, teenagers spend rather than save 98 percent of their money, a total of $172 billion in 2002. One out of every three teenagers has credit cards and even more have an ATM card.

Various public and private organizations have developed programs to promote public knowledge of basic finances. Many of these organizations are working with elementary and secondary students to provide them with a strong education in money management and provide teacher training on how to integrate basic financial education principles into curricula.

For example, in my home state of Delaware, MBNA opened the Financial Advisory Service (FAS) over ten years ago, which offers professional advice to MBNA people and their immediate family members. FAS, under the leadership of Tom Dibble, set out to offer professional personal money management education for all MBNA people. Since the service was established, MBNA has extended the service into the community and into the local school systems through the facilitation of basic credit and money management curriculum to all grade levels in elementary, high schools, and colleges throughout the country. FAS has educated nearly 1,500 students in Delaware 14,000 students throughout the country since 1995. Their extensively educated advisors teach, not only credit information, but, especially in the case of students, spend a great deal of time on financial basics like balancing a checkbook and budgeting.

This fall I held a hearing in my Subcommittee entitled, ''Financial Literacy Education: What Do Students Need to Know to Plan For the Future?'' I was particularly interested in learning what schools, government, and industry were doing to help educate youth about not only the intricacies of being financially sound, but also the very basics. I was pleased to learn that there is engagement across the spectrum. I am happy to support today's resolution—to recognize those that are already active, and to encourage more to become active.

Mr. SCOTT of Georgia. Mr. Speaker, I rise to recognize April as Financial Literacy Month.

I have joined with Congresswoman JUDY BIGGERT to introduce H. Res. 578 to recognize the goals of Financial Literacy Month. As a member of Congress who has an MBA from the Wharton School of Finance, I believe that there are several steps that Americans can take to gain access to the financial mainstream. The first and most important step is to have fundamental financial literacy. With that knowledge, a consumer can increase access to good credit, home ownership, and be able to invest money for retirement security.

The JumpStart Coalition, which is a financial literacy advocacy organization, estimates that only approximately 15 percent of high school graduates in the United States have taken a course covering basic personal finances. Through my work as a member of the House Financial Services Committee, I have come to recognize the importance of integrating economics and personal finance into the K–12 curricula, and the positive impact this can have on millions of future investors. I have also seen the need for continued financial education for consumers at all economic levels.

Last year, the House last year passed H.R. 2622, which will allow any American to receive a free copy of their credit report each year. This tool will help consumers give their credit a check-up before they apply for a loan, buy a house, or make a major credit purchase. We cannot even begin to encourage low and middle wage earners to use these tools, invest in the stock market or consider a home mortgage if they do not have a basic economic understanding of savings and credit.

By having a good understanding of finances, Americans can help prevent identity theft and protect themselves from being victims of predatory lending practices. Understanding finances also helps consumers know how to start saving money for retirement and higher education. Information is needed to inform tomorrow's investors so that they can make sound investment decisions in a variety of market and economic conditions. The best way to prevent future economic scandals is to create smarter investors. This April, Members of Congress have a good opportunity to put a spotlight on economic education.

I hope my colleagues will join me by recognizing Financial Literacy Month and supporting passage of this resolution.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my support for H. Res. 578, a resolution that would support the goals and ideals of Financial Literacy Month.

Before I became a Congresswoman, I was a businesswoman. I started my own consulting firm in Santa Ana, California assisting public agencies and private firms with cost-benefit analysis, strategic planning and capital acquisition. I have spent many years in the financial sector, and know first-hand the importance of financial literacy and education.

As Chairwoman of the Congressional Hispanic Caucus Task Force on Banking and Finance, I am committed to increasing financial literacy in minority communities. Later this year, I will be holding an issues conference with leaders from the financial world to discuss ways of connecting the financial sector with Hispanic youth to educate them on business and career opportunities. We will also explore the obstacles minorities face in obtaining capital and examine the effectiveness of today's top financial companies in preparing Latinos as leaders in the banking and financial sector.

Mr. Speaker, I cannot emphasize enough the importance of financial literacy. Financial knowledge enables individuals to become more successful, manage their money wisely and contribute to the economy. It is critical that we educate our young people and encourage them to seek out opportunities in the business world. I thank the Gentlelady from Illinois for introducing this important bill, and would urge my colleagues to support it.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHROCK). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 578.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE ASSOCIATE ADMINISTRATOR, HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Human Resources, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2004.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued by the New York City Department of Investigations, for certain payroll documents.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATHY WYSZYNSKI,
Associate Administrator,
Office of Human Resources.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4181, PERMANENTLY EXTENDING INCREASED STANDARD DEDUCTION, AND 15–PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION, FOR MARRIED TAXPAYERS FILING JOINT RETURNS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–470) on the resolution (H. Res. 607) providing for consideration of the bill (H.R. 4181) 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, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 3942, by the yeas and nays;

House Resolution 399, by the yeas and nays; and

House Resolution 578, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

RHODE ISLAND VETERANS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3942.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3942, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 131]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)

Mollohan
Nadler
Ose
Platts
Rohrabacher
Rothman
Rush
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF MELVIN JONES AND RECOGNIZING THE CONTRIBUTIONS OF LIONS CLUBS INTERNATIONAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 399.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 399, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 132]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cannon
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Mollohan
Nadler
Ose
Platts
Rohrabacher
Rothman
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain on this vote.

□ 1903

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, on rollcall Nos. 131 and 132, I was inadvertently detained. Had I been present, I would have voted ''yea'' on both measures.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Mr. Speaker, what are the Rules of the House as it relates to the Pledge of Allegiance to the Flag?

The SPEAKER pro tempore. Rule XIV prescribes the daily order of business of the House. The third daily order of business is the ''Pledge of Allegiance to the Flag.''

Mr. SESSIONS. Mr. Speaker, making a further inquiry, are the words ''under God'' part of the Pledge of Allegiance?

The SPEAKER pro tempore. Section 4 of title 4 of the United States Code depicts the text of 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.''

Mr. SESSIONS. I thank the Chair and wish to make a further inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. SESSIONS. Mr. Speaker, if a Member designated to lead the House in the Pledge of Allegiance fails to include the words ''under God,'' how would it appear in the CONGRESSIONAL RECORD?

The SPEAKER pro tempore. The CONGRESSIONAL RECORD will reflect the pledge in its statutory form.

Mr. SESSIONS. I thank the Chair.

Finally, are there any rules governing the manner of delivery of the Pledge of Allegiance to the Flag?

The SPEAKER pro tempore. Section 4 of title 4, United States Code, provides in pertinent part that the pledge ''should be rendered by standing at attention facing the flag with the right hand over the heart.''

Mr. SESSIONS. I thank the Chair.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 578.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 578, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 42, as follows:

[Roll No. 133]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—42

Becerra
Berman
Bonner
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Miller, George
Mollohan
Musgrave
Nadler
Platts
Rohrabacher
Rothman
Ruppersberger
Sessions
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I will miss votes on Tuesday, April 27, 2004, due to an activity. Had I been present, the RECORD would reflect that I would have voted:

Roll 131, H.R. 3942—To redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building.''—''yea.''

Roll 132, H. Res. 399—Honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International.—''yea.''

Roll 133, H. Res. 578—Supporting the goals and ideals of Financial Literacy Month.—''yea.''

PERSONAL EXPLANATION

Mr. CRENSHAW. Mr. Speaker, I was unavoidably detained today due to a family health emergency. I respectfully request the RECORD to reflect that, had I been present, I would have voted ''yea'' on rollcall vote 131 on agreeing to H.R. 3942; ''yea'' on rollcall vote 132 on agreeing to House Resolution 399; and ''yea'' on rollcall vote 133 on agreeing to House Resolution 578.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 131, Rhode Island Veterans Post Office Redesignation; rollcall vote 132, Honoring the life and legacy of Melvin Jones and recognizing the Lions Club International; and rollcall vote 133, Supporting the goals and ideals of Financial Literacy Month.

Had I been present, I would have voted ''yea'' for rollcall votes 131, 132 and 133.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 195

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 195.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on April 22, 2004, I was in my district on business and missed the following rollcall votes: rollcall vote No. 126, if I had been present, I would have voted ''no''; rollcall vote No. 127, if I had been present, I would have voted ''no''; rollcall vote No. 128, if I had been present, I would have voted ''aye''; rollcall vote No. 129, if I had been present, I would have voted ''aye''; and rollcall vote No. 130, if I had been present, I would have voted ''aye''.

Mr. Speaker, on March 9, 2004, I was a unavoidably detained in my district. And for rollcall vote No. 42, if I had been present, I would have voted ''aye''; on rollcall vote No. 43, if I had been present, I would have voted ''aye''; and on rollcall vote No. 44, if I had been present, I would have voted ''aye''.

JOBS

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

Mr. ROSS. Mr. Speaker, over the past 3½ years our country has seen a loss of 2.8 million manufacturing jobs. Manufacturing jobs today are at a 53-year low. In fact, Arkansas, the State I represent, has lost one out of every seven manufacturing jobs since 2000.

Losing these jobs has had a devastating effect on America's working families. Manufacturing jobs have long been a solid source of strength for our Nation's economy, guaranteeing good jobs and a high standard of living for America's working families. But now millions of these manufacturing jobs that were once the backbone of our economy are being exported abroad to other countries. In fact, we lost 1 million jobs alone to China.

We have got to do more to keep our jobs here at home. This should not be a political issue. It should not be a partisan issue. We in Congress must work together and pass commonsense tax incentives that encourage rather than discourage U.S.-based companies to encourage job creation right here at home. The livelihood of America's working families depends on it.

JUSTICE SCALIA SHOULD STEP ASIDE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe, as all of us who have taken an oath to serve in this body, of the sacredness of the three branches of government, respect the United States Supreme Court and the judiciary, as well as the legislative and executive. But I do think it is important to make note of a proceeding that is going on in the United States Supreme Court that is investigating the Vice President's utilization of non-government persons to determine energy policy in a governmentally appointed, Presidentially appointed committee. And I believe that Justice Scalia, in involving himself in this decision, is again warranted in reconsideration not to engage and participate in the consideration of this matter.

This is a very important matter. It is the same importance that was given to the decision regarding health care during the Clinton administration.

In order for the three branches to continue to have the integrity and the respect constitutionally of the people of the United States that we must have transparency, I would ask for Justice Scalia to step aside for a decision to be made for Vice President CHENEY to come forth with the names of the participants.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

RENEW THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, when I was speaking here last week, Italian customs officials were stopping a boat that had over 7,000 AK–47s being shipped here to the United States. We still do not know yet what their intended purpose was; but with 30-round clips, it could not have been good with AK–47s.

I have scheduled a meeting with the U.S. Customs officials to discuss this troubling shipment. After all, if it is legal to ship in AK–47s, when we are now looking on the assault weapons bill to expire on September 13, can you imagine the flood of guns that are going to be on our streets in a very short while?

Mr. Speaker, the assault weapons ban expires in 139 days. Today and tomorrow police chiefs from all over the country are calling for President Bush and Congress to renew the assault weapons ban. In Detroit, Los Angeles, Chicago, Miami, Atlanta, Seattle and many other cities, police chiefs are calling upon us to help them to make sure the assault weapons ban stays in place.

Tomorrow, I will join Members of Congress and the national law enforcement leaders in calling on President Bush to keep his promise during the 2000 year race that he would sign an assault weapons ban if it gets on his desk. Hopefully, the police officers will be able to convince the President to get involved in this issue.

If we cannot bring it up here on the House for a floor vote, it cannot get to the President's desk. I would love to see many of my colleagues there tomorrow at the press conference. The power of law enforcement was what essentially passed the last original bill. There is a reason why our law enforcement supports the ban so strongly: 10 years ago cops were routinely outgunned by criminals in our communities with powered assault weapons, but the assault weapons ban made getting these guns far more difficult. As a result, our police officers are safer today than they were 10 years ago. So are our neighborhoods; so are our communities. Why would we want to turn back this progress?

□ 1930

Can anyone tell me why we need AK–47s, Uzis back on the street? I understand the power of the NRA, but anybody with common sense knows that we do not use these particular kinds of guns to go hunting. Our police officers do not even like using them. Remember, a police officer is supposed to stop a criminal, not kill them unless their life is under risk.

If assault weapons are coming back on the street again, obviously our police officers are going to be in trouble once again. Please remember, when you have assault weapons and if we go back to the old way with the amount of clips up to 30, 40, 50, 100, what chance do our police officers have? Are we going to have a war right here in the United States, citizen against citizen, criminals against our police officers? Is that where we want to go? I do not think so.

I am asking my colleagues to stand up and be counted on this. Since I have been here I have worked on gun safety issues. I have never tried to take away the right of someone trying to own a gun. Our citizens know darn well if they have nothing to fear they can get the permit to go hunting. They can get the permit to go buy a gun, but why would you go open up the flood gates of assault weapons so our drug lords, our criminals and possibly even terrorists that are here in this country to be able to buy these guns?

Common sense. Think about the officers that have died. Think about the families they have left behind. Think about our community. Think about the school shootings we have had in the past. Do we want to go back there? Can we stop every killing? No, we cannot. But why would we open again the flood gates of having these kinds of guns back on our streets?

I remind my colleagues, I remind the people across this Nation, the guns we are talking about bringing back on these streets are the guns we see every single night being used in Iraq, assault weapons, AK–47s, Uzis, large capacity clips.

I beg my colleagues to think about this carefully. The law has worked. We should make it permanent and we should make sure that they are not allowed on our street.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as member of the Select Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Member of Congress.

The SPEAKER pro tempore (Mr. BURGESS). The resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. BARTON) of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon, and to rank immediately after the gentleman from New York (Mr. BOEHLERT).

There was no objection.

UNITED FOR AMERICAN SOLDIERS

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

Mr. MORAN of Kansas. Mr. Speaker, I address the House today to call for a higher level of political dialogue and to request that we set aside the recent onslaught of partisanship concerning the war in Iraq.

Being in Kansas over the last several weeks has reminded me of the need to come together, to unify behind our forces fighting overseas. While not everyone will agree on the reasons they got there or whether these reasons justify war, the reality is that American soldiers are engaged in battle. Our troops are fighting for the rights that we have in this Chamber that we must uphold: The cause of liberty, of justice, and freedom from oppression.

This Congress adopted a resolution authorizing the use of force on October 16, 2002 with a vote of 296 to 133.

In recent weeks we have seen the reports of some of the deadliest fighting of the war. We have received reports daily that another soldier has been killed and that another young person has died. Timing is important and priorities must be established. I believe there are legitimate questions to be asked and answered about intelligence that we received before the war, but now we have thousands of troops that are depending upon Americans to unite behind their efforts. Partisan fingerpointing surrounding the 9/11 Commission is not productive, either to the Commission or to the troops. It undercuts the jobs our troops have loyally agreed to do.

These are not Republicans or Democrats in Iraq, these are American soldiers, our men and women, our sons and daughters, our neighbors and friends, fighting so that the people of Iraq might have a chance for a better tomorrow and to reduce the threat of a terrorist attack on our own country.

These are critical times. Historically during times of crisis, some of our greatest leaders have risen above the partisanship of the moment to unite behind our troops and our President. President Dwight D. Eisenhower, from my State of Kansas, is just one example. Following the failure of the Bay of Pigs invasion, Eisenhower emerged from his farm and from retirement to meet with President Kennedy and to defend the President's actions.

Eisenhower understood. He knew what it was like to be President, but he also knew what it was like to be on the front lines as a soldier. He knew that criticizing the President during difficult times would provide encouragement to our foes and weaken our Nation's resolve. Eisenhower knew that using war for partisan gain would only serve to undermine the mission of the troops and dishonor the sacrifices of their families.

But today candidates and elected officials alike rush to the evening cable news shows to berate President Bush, to the detriment I believe of the troops he commands, diminishing the validity of their efforts. I am troubled as I imagine a soldier or a soldier's family listening to insensitive remarks, wondering if the soldier will be forsaken by a country whose call to duty he or she answered. Our soldiers and their families deserve better. Partisanship for the sake of scoring political points has no place on the front lines of the war.

Last week, a friend told me, ''This is just another Vietnam.'' Well, I thought a lot about that and concluded it is only another Vietnam if we create that environment. I came of age during the Vietnam era. I remember the protests, the body counts, the escalation and the retreat. This is not today's Vietnam, not unless we choose to make it through inconsistent policies, contradictory strategies and weakened resolve. We can win both the war and the peace in Iraq, and emerge having given the people of Iraq and the region new reason for hope.

An e-mail from a Fort Riley soldier arrived in my office this month and ended with this quote: ''You have never lived . . . until you have almost died . . . for those that have fought to protect it . . . freedom has a special flavor . . . the protected will never know.''

Mr. Speaker, I call upon my colleagues and all Americans to think of our men and women overseas before they rush to criticize the conduct of this war. Our soldiers' efforts must be upheld and honored. I do not consider it unpatriotic to question governmental decisions, but what we need today are politicians who put country above partisanship and their Nation ahead of the next election. We need statesmanship.

By unifying behind our troops and their efforts, by requiring our political and military leaders to develop not an exit strategy but a winning strategy, and by making certain that the Iraqi people fully fight for the future of their own country, we can sustain our troops and the mission can be accomplished. With consistent policies, clear strategies, and a firm resolve, we can avoid the war in Iraq becoming just another Vietnam.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT: Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

MISSING WITHOUT ACTION

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

Mr. MCDERMOTT. Mr. Speaker, I agree with the previous speaker. The growing division in America over war in Iraq pales by comparison with the gut wrenching images that divided America during the Vietnam War. Thousands of men were called to serve their countries in Vietnam. Senator JOHN KERRY did just that. Other Americans chose to be conscientious objectors and serve their country in noncombatant roles.

Still other Americans had one or another kind of deferment or joined the National Guard. A week ago, the administration chose to enlist Republicans in a new kind of draft for a new kind of war.

In this Chamber, Republicans launched a sneak attack against the heroism and patriotism of Senator JOHN KERRY. The American people deserve to know the service records of Senator JOHN KERRY and President George W. Bush. He can provide one of them. In 1968, JOHN KERRY commanded a U.S. Navy swift boat in Vietnam. This was a 50-foot aluminum boat that was heavily armed but had no armor protection.

In 1968, George W. Bush joined the Texas Air National Guard jumping ahead of 150 people on the waiting list.

On the night of December 2, 1968, JOHN KERRY commanded a Navy swift boat. It came under intense fire while on patrol. JOHN KERRY was wounded and awarded the Purple Heart.

George W. Bush meanwhile was accepted into pilot training after scoring the lowest score possible to qualify.

In early 1969, the swift boat JOHN KERRY commanded in Vietnam was in a fire fight with the enemy. JOHN KERRY was wounded by shrapnel and awarded a second Purple Heart.

When George W. Bush joined the Texas Air National Guard, he could have volunteered for overseas duty as did JOHN KERRY, but he checked the other box on the form, the one that said ''do not volunteer.''

In March 1969, JOHN KERRY's swift boat was one of five on patrol in the Bay Hap River. They came under attack. The boat was hit. An intense fire fight ensued. Suddenly a mine detonated near his boat. JOHN KERRY was hit and bleeding. Viet Cong fired automatic weapons from the shore. A man in KERRY's boat fell overboard. JOHN KERRY would not leave that man behind. Under intense fire, JOHN KERRY turned the boat around. With both sides exchanging fire, JOHN KERRY moved to the bow of the swift boat, exposed to enemy fire. Still bleeding, JOHN KERRY did not hesitate. He reached down into the water, bullets whizzing by. JOHN KERRY grabbed hold of the sailor and pulled him into the boat. For his courage and valor under fire, JOHN KERRY was awarded the distinguished Combat ''V.''

JOHN KERRY was wounded three times in battle serving his country. Yet, Republicans on this floor rose to dishonor every combat veteran by attacking JOHN KERRY and others.

In 2000, Senator Max Cleland of Georgia lost both legs and one arm in Vietnam. Republicans disgraced themselves by impugning the man's courage and service to the Nation. America needs to know. Where was President Bush during the Vietnam War?

Missing without action, that is where the President was.

In February 1972, the military stripped George W. Bush of his flight status. He was suspended from flying for failure to take a required physical exam. Why? Why did George W. Bush not take the physical? Would a physical have revealed a top gun or a smoking gun? We do not know.

There is an 11-month gap in George W. Bush's record, from May 1, 1972 to April 1, 1973. George W. Bush was not only grounded during this period, he was on the ground in Alabama working in a political campaign. That is not a mission in the National Guard manual. We would like to know more, but the National Guard Bureau Chief told a Spokane, Washington newspaper he was under orders not to talk.

Why is that?

We know that Senator JOHN KERRY was wounded in battle three times. We know that Senator JOHN KERRY never left a man behind. We know that Senator JOHN KERRY fought with courage and valor on behalf of his country.

We know that George W. Bush flew under the radar, because that is the only explanation of how a pilot suspended from flying parachuted into a Republican political campaign in Alabama.

JOHN KERRY, Max Cleland. America has many heroes from the Vietnam War. It is time Republicans and the administration honor the courage and valor of American veterans, no matter what party they belong to.

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

(Mr. OSBORNE 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1945

IN COMMEMORATION OF THE 89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. SCHIFF. Mr. Speaker, I rise today to honor the one and a half million Armenians who perished in the Armenian genocide that began 89 years ago on April 24, 1915. I consider this a sacred obligation, to ensure that future generations of Americans remember the first genocide of the 20th century and to ensure that the men, women and children who perished at the hands of the Ottoman Empire are not lost to history.

We have always recognized the transience of memory. It is why we set aside holidays and build monuments to honor our heroes and the events that have shaped our societies. The stone and concrete of a memorial serve to freeze history and to preserve it for those who will follow. The written word cannot be burned when it is etched into rock.

Time is the ally of those who would deny or change history. Such has it been with the government of Turkey and the Armenian genocide. Although the genocide was perpetrated by modern Turkey's predecessor, generations of Turkish leaders have steadfastly denied that the genocide ever took place, despite overwhelming evidence to the contrary.

Time is on their side. The generation of Armenians with direct memory of the genocide is gone. Their children are aging. Much of the rest of the world has moved on, reluctant to dredge up unpleasant memories and risk the ire of modern Turkey. For those of us who care deeply about the issue, we must redouble our efforts to ensure that our Nation, which has championed liberty and human rights throughout its history, is not complicit in Ankara's effort to obfuscate what happened between 1915 and 1923. Worse still, by tacitly siding with those who would deny the Armenian genocide, we have rendered hollow our commitment to never again let genocide occur.

Among historians there is no dispute that what happened to the Armenian people was genocide. Thousands of pages of documents sit in our National Archives. Newspapers of the day were replete with stories about the murder of Armenians. Appeal to Turkey to stop massacres headlined the New York Times on April 28, 1915, just as the killing began. On October 7 of that year, the Times reported that 800,000 Armenians had been slain in cold blood in Asia Minor. In mid-December of 1915, the Times spoke of a million Armenians killed or in exile.

Prominent citizens of the day, including America's ambassador to the Ottoman Empire, Henry Morgenthau, and Britain's Lord Bryce reported on the massacres in great detail. Morgenthau was appalled at what he would later call the sadistic orgies of rape, torture, and murder. Lord Bryce, a former British ambassador to the United States, worked to raise awareness of and money for the victims of what he called the most colossal crime in the history of the world. In October 1915, the Rockefeller Foundation contributed $30,000, a sum worth more than half a million dollars today, to a relief fund for Armenia.

Others, too, reacted in horror to what Ambassador Morgenthau called, for lack of a specific term, race murder. In the early 1930s, 10 years after the genocide, a young Polish attorney named Raphael Lemkin, who had read of the genocide as a child, tried to get European statesmen to criminalize the destruction of ethnic and religious groups. He was dismissed as an alarmist. A few years later, when Hitler invaded Poland, Lemkin lost 49 members of his family in the Holocaust.

Lemkin escaped, first to Sweden, where he documented the horrors going on in Nazi-occupied Europe and then to the United States, where he worked for the Allied war effort. He resolved to create a word to convey the mass atrocities being committed by the Germans. In 1944, while working for the U.S. War Department, he coined the term ''genocide,'' citing the slaughter of Armenians three decades earlier.

In 1948, in the shadow of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide. It confirms that genocide

is a crime under international law and defines genocide as actions committed with the intent to destroy a national, ethnic, racial or religious group.

The United States, under President Truman, was the first Nation to sign the convention. Last year marked the 15th anniversary of President Reagan's signing of the Genocide Convention Implementation Act.

Just over a year ago, I introduced H.R. 193 with my colleague, the gentleman from California (Mr. RADANOVICH), with the gentleman from New Jersey (Mr. PALLONE), with the gentleman from Michigan (Mr. KNOLLENBERG), and other Members of this House. This resolution reaffirms the support of the Congress for the genocide convention and commemorates the anniversary of our becoming a party to this landmark legislation.

On May 21 of last year, we achieved a huge victory when we passed the genocide resolution by a very strong bipartisan vote.

This should be an easy resolution for all of us now to support on the House floor. Genocide is the most abhorrent crime known to humankind; and unfortunately, it still exists. Exactly 10 years ago, before the cameras of the world, Rwanda's majority Hutus exterminated over 500,000 Tutsi in just over 3 months' time, mostly with machetes and homemade axes.

The reason that we have not yet succeeded in passing this resolution on the House floor is simple. The government of Turkey refuses to acknowledge the genocide and the strongest Nation on Earth fears their reaction if we do.

All over the globe—from South Africa, to Argentina, to the former Yugoslavia, governments have set up truth commissions and other bodies to investigate atrocities. Nowhere has this process been more extensive than in Germany, which has engaged in decades of soul-searching and good works that have not only restored the nation's standing, but also its moral authority.

I call upon the government of Turkey and our own government to do the same. When the burden of the past is lifted, then the future is brighter. As long as Ankara engages in prevarication, equivocation and evasion, Turkey will exist under a cloud—not because of its past, but because of its refusal to address that past. And as long as we fail to do our duty in this country, in this Congress, we do not live up to our great name and our great heritage.

I also call upon the distinguished Speaker of the House to allow us to vote on the Genocide Resolution. One hundred ten of my colleagues have cosponsored this resolution and I expect that it would pass overwhelmingly if given the chance, but we must do it soon, for with each year the events of 1915–1923 recede a bit more into the dark of history.

Time, Mr. Speaker, is not on our side.

Mr. Speaker, I ask unanimous consent for 1 additional minute.

The SPEAKER pro tempore. The Chair cannot recognize that unanimous consent request. The gentleman's time has expired.

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

(Mr. FLAKE 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 Illinois (Mr. EMANUEL) is recognized for 5 minutes.

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

ORDER OF BUSINESS

Ms. MILLENDER-MCDONALD. Mr. Speaker, I ask that I utilize the 5 minutes, that I am on the list, at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

GEOTHERMAL ENERGY INITIATIVE ACT OF 2004

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to bring to the attention of this Congress legislation that I have recently introduced.

The Geothermal Energy Initiative of 2004, H.R. 4094, is legislation that addresses a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January 2004 Associated Press article which stated that the Federal Government has a backlog of 230 lease applications for the prospect of the utilization of geothermal energy.

This Associated Press article also stated that the average age of an application for the prospect of geothermal sites is 9 years.

February 2004 supply projections from the American Gas Association show that natural gas supplies will remain tight into the foreseeable future and will result in continued high prices. The high cost of natural gas affects electricity and home heating costs.

In March of 2004, the National Oceanic and Atmospheric Administration's climate monitoring laboratory reported that carbon dioxide levels in our environment are rising at alarming rates. Carbon dioxide contributes to global warming that disrupts climate and causes seas to rise.

The last national resource assessment of geothermal sites in the United States was completed in 1978. There have been substantial improvements in technology and advances in geological sciences in the intervening 26 years.

Clearly, there is a lack of resources and priority in the Department of the Interior concerning geothermal energy efforts.

Now, in the current situation, most of our Nation's geothermal power plants were built in the mid-1980s and early 1990s when our energy markets were searching for alternative energy investments. Unfortunately, since that time, there has been a significant decline of focus on geothermal energy. Specifically, the Department of the Interior has steadily de-emphasized the geothermal energy program in the Bureau of Land Management and the U.S. Geological Survey.

We must restore that focus. I believe we have an important opportunity to reemphasize this vital energy sector and greatly enhance our Nation's renewable energy portfolio.

For example, the Bush administration has repeatedly championed the need to expand our renewable energy sources and to prioritize the development of our country's geothermal energy sources.

Department of the Interior Secretary Gail Norton and Department of Energy Secretary Spencer Abraham have jointly stated their commitment to increasing our energy security by expanding the use of indigenous resources on Federal lands, while accelerating protection of the environment.

That is not a true assessment as I see it, however. In fact, a 2003 report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah, and Washington State have the greatest potential for quick development of geothermal resources. Both those Secretaries, Norton and Abraham, should look at this report. In fact, the study listed nine top sites in California and 10 in Nevada.

Unfortunately, progress has not been made by either one of these departments. That is why I have introduced the Geothermal Energy Initiative of 2004, so that Congress, this administration and States can all work in concert.

The Geothermal Energy Initiative Act of 2004 is straightforward legislation that will do the following: authorize the update of the 26-year-old national assessment of geothermal resource. Significant advances in energy development technology and advances in geological sciences need to be harnessed to better understand and manage our geothermal resources.

We must provide financial incentives to encourage the development of geothermal resources by expanding the production tax credit to include geothermal resources.

Direct the Federal land management agencies to responsibly consider geothermal resources in their land use planning process. The initiative also provides direction to assist in streamlining the permit approval process.

Provide provisions to defray costs associated with preparation of documents and analysis for compliance with Federal environmental protection regulations.

Speaking from a California perspective for a moment, the immediate benefits of this initiative is the enormous positive impact that it will have on air

quality and quality of life. For example, it has been estimated that when geothermal resources associated with California are developed, they will replace half the fossil fuel-generated electricity for California.

This benefit alone would help thousands of asthma sufferers in the Los Angeles basin. Also, the addition of geothermal energy will help relieve the high cost of electricity and provide families with more disposable income.

Jobs continue to be a top priority for States and localities. As our country works toward rebuilding our job base, due to the loss of textile and manufacturing jobs that have moved overseas, my legislation offers communities a new economic base and the opportunity for economic growth.

Most geothermal generating facilities are located in rural areas where jobs tend to be scarce. A recent economic development study documents the tremendous job opportunities associated with geothermal generation facilities. Building a 50 megawatt geothermal power plant would create hundreds of immediate construction and related development jobs as well as approximately 30 to 50 permanent full-time jobs at the facility.

Considering the economic multiplier effect, this would mean at least 150 to 200 new jobs in the community.

Given the long operating life of existing geothermal plans, they are a stable and reliable part of the community's economic base. These facilities have a proven record of providing millions of dollars in property taxes and royalties to county and State treasuries. These funds help schools and community infrastructure.

Lastly, Mr. Speaker, geothermal energy development sustains renewable energy efforts including compliance with renewable portfolio standards. It is consistent with the wind energy sources. Geothermal power plants recycle their spent hot water back into the aquifer they are developed on. So this is truly renewable.

I ask my colleagues to strongly support this legislation.

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.)

ARMENIAN GENOCIDE

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. Mr. Speaker, last Sunday, I attended a ceremony to remember the victims of the Armenian genocide in Times Square in New York City, and I have to say it was a very moving moment. There were several, I would not say many, because there are not that many genocide survivors that are still around, but I did have a chance to talk briefly with maybe 10 or so.

It was incredible to hear them tell the stories of the families and atrocities that had occurred 89 years ago now. More and more countries and States and even the media are now in the process of recognizing the genocide, and I just wanted to mention specifically that the Canadian House of Commons last week joined France, Italy, the Vatican and a number of other European countries and the European Parliament in acknowledging this crime against humanity as genocide.

□ 2000

Also last week, The New York Times reversed decades of ambiguity by declaring in favor of using the term ''genocide'' to describe the Armenian cataclysm of 1915. The Boston Globe adopted a similar policy change last year.

Mr. Speaker, the unfortunate thing is, although so many other countries and so many of our own States have recognized the Armenian genocide, we in the Congress continue not to recognize it. I think it is important that we do so.

The gentleman from California (Mr. SCHIFF) was here earlier, and he mentioned the House Genocide Resolution, H. Res. 193, which has now 111 cosponsors. The resolution was adopted unanimously by the House Committee on the Judiciary on May 21, 2003, but it has not been brought to the floor for consideration. I would urge the Speaker and the leaders on the Republican side of the aisle to bring this resolution to the floor. It is important that they do so.

Now, this year, as we do every year, the members of the Congressional Caucus on Armenian Issues put together a letter to the President of the United States asking him to acknowledge the Armenian genocide. This year there were 169 signatures, more than we have ever had before in that letter that we sent to the President; and I just wanted to read, if I could, some sections of that letter, because I think it is important.

We say, ''Dear Mr. President: We are writing to urge you to join us in reaffirming the U.S. record on the Armenian genocide in your April 24 commemorative statement.

''By properly recognizing the atrocities committed against the Armenian people as genocide in your statement, you will honor the many Americans who helped launch our first international human rights campaign to end the carnage and protect the survivors. The official U.S. response mirrored the overwhelming reaction by the American public to this crime against humanity and, as such, constitutes a proud, irrefutable and groundbreaking chapter in U.S. diplomatic history.

''Now, more than ever, as your administration seeks to bring an end to global terrorism and to help establish democracies in Afghanistan and Iraq, the memory of the genocide underscores our responsibility to help convey our cherished tradition of respect for fundamental human rights and opposition to mass slaughters. The victims of the Armenian genocide deserve our remembrance and their rightful place in history. It is in the best interests of our Nation and the entire global community to remember the past and learn from these crimes against humanity to ensure they are never repeated.''

That is really the essence of what we are trying to achieve here today in asking that the President and this Congress basically reaffirm the Armenian genocide, because we simply do not want it repeated again. We know how many times in the 20th century that genocide occurred.

House Resolution H.R. 193, and also its Senate counterpart, Senate Resolution 164, which I would like to add has 37 cosponsors right now, basically state that the purpose of the resolutions are to strengthen America's commitment to the value of the genocide convention that was implemented 15 years ago.

This convention recognizes essentially a number of the genocides that occurred in the 20th century. And as some of my colleagues mentioned earlier, not only the Armenian genocide, but that in Rwanda, Burundi, and, of course most important, the Nazi Holocaust genocide against the Jews.

The fact of the matter is, Mr. Speaker, that when we talk about the Armenian genocide, we are simply acknowledging the fact. And we feel very strongly that if at the time the genocide occurred the world and the nations of the world had taken more notice and had tried to prevent it, I think it would have served as a lesson so that the Nazi Holocaust against the Jews and so many other atrocities that took place in the 20th century would not have occurred. If we are going to see a situation in the future, in this 21st century, where we do not repeat the mistakes of the past, we must acknowledge the Armenian genocide.

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

(Mr. WAXMAN 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 New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY 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 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.)

89TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

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

Mr. WEINER. Mr. Speaker, this month many of us pause to remember the Holocaust in Yom Hashoah commemorations. But on April 24, 1915, the first genocide of the 20th century began. The Ottoman Empire began rounding up a group of more than 250 Armenian intellectuals and civic leaders. Then soldiers of Armenian descent who were serving in the Turkish military were moved to labor camps and eventually murdered.

Across Anatolia, Armenian leaders were arrested and killed. So, too, were the most powerless, children, women, and the elderly, all driven from their homes into the Syrian desert. These mass deportations were in fact slaughters. They were death marches. Soldiers themselves not only permitted the attacks on the deportees but participated in the killing and rapes. The inevitable end was thousands upon thousands dying of starvation or simply being worked to death, but sometimes these victims were the lucky ones.

When the Turks deemed deportations impractical, the genocide took other vicious forms. In communities near the Black Sea, Armenians were forced onto boats, driven out into the middle of the ocean, and drowned.

In the end, 1.5 million Armenians were killed in the genocide as the world stood by. Henry Morganthau, the U.S. Ambassador to Turkey, who pleaded with world leaders to intervene, described the Ottoman effort to eliminate the Armenian population this way: ''The whole history of the human race contains no such horrible an episode as this.'' An American diplomat stationed in eastern Anatolia cabled back to Washington that ''it has been no secret that the plan was to destroy the Armenian race as a race, but the methods used could not have been more cold-blooded and barbarous, if not more effective, than I had first supposed.''

Like communities that survived the Nazis efforts at extermination, the Armenian community today is often faced by those who deny the Turkish effort to commit genocide ever occurred. Despite records and accounts preserved in our own National Archives, there have been those bent on erasing this horrible memory from the annals of history.

We will not let that happen. That is why today's commemoration here in the United States Congress and those going on this week is so crucial. If the world fails to remember the Armenian genocide of the early 20th century, we do more than a grave injustice to those who perished. We do a disservice to the generations who have come after us who would be left without the collective memory that binds those who understand the depth of evil that one community is capable of unleashing upon another.

Yet even as we remember and grieve, we thank those in the Armenian community for the contributions they have made around the globe since emerging from terror 89 years ago. One need not look too far to find Armenian-Americans who have become pillars of American society. Armenian-Americans are influential businessmen, like Kirk Kerkorian; famous writers, like William Saroyan; and international sports stars, like Andre Agassi.

In New York, internationally renowned scholar and Carnegie Corporation president Vartan Gregorian spent 8 years as president of the New York Public Library. Arshile Gorky was a leader of the abstract expressionist school that flourished in New York during the 1940s. And I am particularly proud that Raymond Damadian, who invented the MRI, was not only a resident of New York but was a neighbor of mine in Forest Hills. His parents were survivors of the genocide.

As we gather, we also pay tribute to those who have become famous public servants, football coaches, astronauts and others. As we gather to commemorate the Armenian genocide, we do so as a lesson to one another that we must not forget the lessons that were learned. We also gather to pay a message to those who would deny that the Holocaust ever happened. But perhaps most importantly, we gather to send a signal across the world that those who seek to deny the Armenian genocide do a disservice to all of us.

We here in the United States House of Representatives should delay no further in making our voices heard in this debate. It is worth noting that the very same people who would deny this Holocaust actively push that we do not consider the resolution that the gentleman from California (Mr. SCHIFF) has proposed.

We gather here today to pay tribute, but we also gather to put pressure on this United States Congress to finally designate what we all know to be the case as genocide. The first genocide of the 20th century was not the last, tragically; but it is time that we correct the history in the minds of many and finally declare the Armenian genocide the holocaust that it was.

TOUCHED BY AN ANGEL HONOREES

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

Ms. WATSON. Mr. Speaker, I want to read into the CONGRESSIONAL RECORD the names of five women who were honored by the Touched By an Angel St. Bernadette Women's Day on Sunday April 25, 2000, in my district. The following have been honored for their exemplary and unselfish work and service to church and their community:

Joan Benson. A dedicated and productive volunteer.

Pat Botshekan. If there is any event, she has had a significant role in planning and bringing the occasion to fruition.

Marian Donkor. She has distinguished herself as an able and willing volunteer, always agreeable, pleasant, and eager to help whenever needed.

Lucille Matthews. Always focused on her family, her church, and the community, where she visits the sick almost every day.

And then there is Peggy Wright. Active in her community as block club chairman, volunteer at St. Anne's Home For Unwed Mothers, she has held many committee positions and chairmanships.

Mr. Speaker, I want to congratulate them as the angels of peace for being honored with a Touched By an Angel Award.

THE ARMENIAN GENOCIDE

Ms. WATSON. Mr. Speaker, a few remarks on the Armenian genocide. My Armenian-American friends and neighbors in Los Angeles have asked me to speak tonight as a tribute to the victims of the Armenian genocide.

As you know, in April 1915, approximately 1.5 million Armenians were systematically killed in an organized fashion by the Ottoman government. Ample documentation of these facts exist; yet today, almost 9 decades later, the government of the modern state of Turkey still fails to acknowledge the fact of the Armenian genocide.

Turkey's failure to acknowledge the truth is a burden on the alliance between our two nations. I would say to our President, it should be called as it is, a crime of genocide. So I call upon the President of the United States to uphold the commitment he made back when he was running for President and put the United States of America on record acknowledging the Armenian genocide.

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.)

SMART SECURITY, PREVENTING FUTURE ACTS OF TERRORISM

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

Ms. WOOLSEY. Mr. Speaker, almost 3 years ago, on September 11, the

United States faced the most deadly terrorist attack in our history. Thousands of people died on that painful day, a day which we will never forget as long as we live.

After September 11, our Nation faced a great challenge, the likes of which have not confronted us since the dawn of World War II. Americans had a choice, either rise up and directly challenge terrorism at its very heart, or pass the buck and leave the problem to someone else. In the months that followed September 11, American leaders chose the right path. Democrats and Republicans worked together to provide supplemental funds for New York City, for Washington, DC, and for the unfortunate Americans who tragically lost loved ones that day.

We also confronted a regime in Afghanistan that harbored many of those who helped plan the attacks. But we have been thrown off our path in the last 2 years. We did not stay the course in Afghanistan, where a sturdy commitment to peacekeeping would have done a great amount of good. Instead, the Bush administration shifted focus, taking pains to link al Qaeda with Saddam Hussein and with Iraq. This flawed shift in strategy culminated 1 year ago when the President of the United States, without just cause and without being provoked, made the decision to invade Iraq.

□ 2015

Over 700 Americans have given their lives for this war, roughly 10 each week, not to mention the thousands wounded, the billions of dollars spent, and the good will squandered internationally. There has to be a better way, and there is, one that emphasizes brains instead of brawn, one that is consistent with American values. I have introduced legislation to create a SMART security platform for the 21st century. SMART stands for sensible, multilateral American response to terrorism. It treats the war as an absolute last resort, it fights terrorism with stronger intelligence and multilateral partnerships, it controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation, and it aggressively invests in the development of impoverished nations with an emphasis on women's health and women's education.

We must prevent future acts of terrorism. SMART security is more vigilant than the President on fighting terror. Instead of emphasizing military force, SMART security focuses on multilateral partnerships. SMART security is stronger in its intelligence capabilities and it makes it easier to track and detain terrorists. Unlike the defective and oppressive U.S. PATRIOT Act, SMART security focuses on tracking and arresting those involved in terrorism and in terrorist acts while respecting human and civil rights.

Terrorism is an international problem and so it makes sense that the fight against terrorism should involve the international community. That is why SMART security calls for working closely with the U.N. and NATO to achieve its goals. Only by actively involving other nations in this fight can we hope to prevent future acts of terrorism.

The Bush doctrine has been tried and it has failed. It is time for a new national security strategy. SMART security defends America by relying on the very best of America, our commitment to peace and freedom, our compassion for the people of the world and our capacity for multilateral leadership. SMART security is tough, it is pragmatic, and it is patriotic. SMART security is smart, and it will keep America safe.

ANNOUNCING APPOINTMENT OF CADET CARTER LANE BERRY TO CHIEF PETTY OFFICER OF NAVAL SEA CADET CORPS

(Mr. GOODE asked and was given permission to address the House for 1 minute.)

Mr. GOODE. Mr. Speaker, it is my pleasure to announce the appointment of Cadet Carter Lane Berry to Chief Petty Officer of the United States Naval Sea Cadet Corps. This appointment follows much work and dedication to this youth program, including the completion of regulation Navy courses from basic military regulations through Chief Petty Officer and the accrual of many months of training activity throughout this country and the world throughout his 3 years of service. The level of CPO with the United States Navy Sea Cadet Corps is equivalent to reaching the level of Eagle Scout with the Boy Scouts of America.

CPO Berry resides in Palmyra, Virginia, and I commend and salute him on this significant achievement.

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

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

THE HARMFUL EFFECTS OF AMERICA'S GROWING TRADE AND BUDGET DEFICITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, this evening I want to talk about the economy and America's way forward. How do we grow this economy in order that we create the wealth so that our families and our communities can become self-sustaining again, so our cities and our counties are not in debt and our States do not have to pass rising taxes on the citizenry of this Nation because the wealth production in their States is not sufficient to meet all the public needs that our citizenry is requesting?

I want to begin with an image. I am fortunate to represent a Great Lakes community that spans the entire southern rim of Lake Erie from Toledo, Ohio through Lorain County on the eastern end. I like to call it the emerald and sapphire district of Ohio, the crown jewels of Ohio. In this region of Ohio because of our work on the environment, we have seen the restoration of our American eagle population. It is a majestic bird. When I first was elected to this Congress we had about two nesting pairs of eagles and now we are over 100. I had the opportunity this weekend to observe some of these magnificent animals and to watch them fly over the lake and to think about America's heritage as an independent Nation. I stood there on the shore and I thought a long while.

I come here to the floor this evening because I have a deep concern that America indeed is losing her birthright as an independent nation, as a self-sustaining nation here at home and that we are becoming too wed, as our Founding Fathers warned us, to entangling alliances and relationships abroad that affect our ability to see clearly here at home.

I am not an isolationist by any means. I have worked more with foreign nations, almost more than I think any Member of this body. But I am concerned about the innards of this economy and it is as though those beautiful eagles that I watched this weekend had two lead weights on each claw, holding them down, not permitting them to fly and to reach their God-given potential.

I want to talk a little bit about that tonight. I want to talk about the trade deficit that is a huge drag on economic growth in our Nation and also our budget deficit and talk a little bit about what this Congress, Republicans and Democrats working together, and the next President of the United States are going to have to do in order that that eagle can fly again and that America can restore the independence that she is losing every day.

I have a chart here that shows the crisis we are in that started, oh, back in the mid-1970s, actually. It was not so bad back then because we still had large numbers of jobs in our country producing the kind of wealth that is necessary to lift family wealth and lift the national wealth. But with every succeeding year and every trade agreement that America signed, our trade deficit, the amount of imports coming in here versus what we export abroad, grew worse, until we are now at a level of half a trillion dollars more imports coming in here every year than our exports going out. With every billion dollars of trade deficit, we lose 20,000 more jobs. This hemorrhage has continued and has exponentially grown to a point where we almost wonder how do we get off this downward spiral.

During this administration, we literally have had historic job losses totaling nearly 3 million more just in the manufacturing sector, and we see no clear plan on the part of this administration and the leaders of this Congress today to help reverse these trends so that America begins to export more than she imports. In fact, every year the situation has gotten worse. We look at where our trade deficits are growing. They are growing with China, they are growing with Japan, they are growing with Mexico, they are growing with India. In fact, with almost every country in the world, and that economic lifeblood that is being transferred from us elsewhere has not been replaced here at home.

The crisis in manufacturing is particularly bad, because manufacturing has long been the key to our economy, whether it was steel and metals or composite materials or automotive or rail cars. In the airline industry, we still have some marginal lead but international competition there, closed markets and managed market strategies are fast pushing our producers to the sidelines. Important industries like electricity, electrical parts, even light bulbs and lighting fixtures. We look at polymers, the automotive industry. So much of the productive abilities of this country have been off-shored. And we see no plan in the President's economic report to try to begin to reverse these trends.

Indeed, the jobs and so-called growth package that was passed here a couple of years ago had one major flaw, it did not require investment in this country. And so with the huge tax benefits going to certain investors on Wall Street, they have no obligation to invest those dollars here at home. In fact, there are many, many provisions in the Tax Code today that work against investment in this country. With no manufacturing jobs plan in place, this administration and the leaders of this Congress are working to provide more tax breaks for multinational corporations that ship our jobs abroad. That is hard to believe but it is going on. In fact, their plan includes a large loophole that allows foreign corporations to have foreign workers do most of the work to make a product and still reap a benefit from what is called domestic production in the Tax Code. It includes billions of dollars in new tax breaks for offshore operations of multinational corporations.

What are we doing? We may be making certain investors on Wall Street happy because they do not have to invest in the United States. Why do we not reward those small businesses, family businesses, businesses committed to this country, businesses that help support not just jobs but baseball teams in our hometowns? They go to the Rotary, they really form the basis for what we created in the 20th century, the greatest industrial Nation in the world. Rather, what we see happening by this administration is the lack of appointment of a manufacturing job czar for the majority of this first term. Then when they finally came up with somebody that they were going to put over there, an Assistant Commerce Secretary For Manufacturing, they picked someone whose name had to be withdrawn because, in fact, he had announced through his firm not building a major plant in America but building one in Beijing, China.

Why does someone not think about what should be done to move dollars toward investment here inside the United States of America? We take a look at the moves by the administration to reclassify jobs in fast food restaurants as manufacturing jobs. Since we cannot reverse these trends with the current economic program on the table, what they are doing is saying, well, if you have a service job and you work in a restaurant, we will classify that as a manufacturing job. It is not really going to change these numbers. America is not going to export more because of that decision. And so we have a real serious situation here where so much of our lifeblood, our national wealth is being drawn off and put in other places.

The other big lead weight on the independent eagle that I talked about, the eagle that should be independent, is the growing budget deficit. The economy really cannot take off when you have this kind of overhang of trade deficit but also the other deficit of the budget deficit. During the decade of the 1990s, we had finally moved America to a surplus budget position in every fiscal year. It took a long time to get there but through the decade of the 1990s, this Congress and then the Clinton administration actually did it. But now what has happened? We see both in the unified budget and the on-budget numbers as of August 2002, we had moved to $111 billion in deficit; in the on-budget deficit nearly $300 billion; and in 2003, the number got worse. This year, 2004, they anticipate over a half trillion dollars of deficit. You cannot have an economy grow and maintain this kind of lead weight inside. You say, well, Congresswoman, we could borrow. That is a good thing. My question is, but who are we borrowing from and to whom do we owe this interest? Folks, we do not owe it to ourselves anymore. Indeed, the largest exporter to us, China, is now the largest holder of the U.S. debt. Nearly half of the United States debt that is reaccumulating, we are now at a level of about $7 trillion, we have to borrow from others. Saudi Arabia is one of our biggest lenders.

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But there is a price, and the price is the interest that we pay those who lend to us.

What happened to the old system of postal savings stamps that we had during the Second World War? What happened to real U.S. savings bond drives? They have almost diminished to nothing as we have become more dependent on foreign borrowing.

Our American eagle cannot fly without a balanced budget and without balanced trade accounts. Those two lead weights are holding her down.

If you take a look what is happening, and this is an interesting chart, this just goes to show how quickly we moved from an annual surplus position, where our accounts were balanced, back in the late nineties. We came out of a huge deficit, and then we moved now into a huge deficit again. This is not what we should be giving to our children and grandchildren. We should be wiser than this.

The last chart I would like to show relates to prospects for the future as the per-barrel price of oil rises globally. One of the other drags that made it difficult for the eagle to fly is the increase in oil prices globally, because America is dependent. We are not independent in the use of energy inside this country. Two-thirds of what we use is imported, primarily oil, and those supplies are becoming more expensive, as every American knows when you go to the gas pump.

If you look at the current price of $31.39, and it is hovering a little bit over that now, unemployment always follows a rise in fuel prices. If we look historically, going back, you can go back to the early nineties when the per-barrel price was about $37 a barrel and you saw U.S. unemployment rise about half a year later.

The same thing happened every single time. Here is back in the late eighties. Oil prices then went up to $21.76 and unemployment ticked up to 7.5 percent. My point is, we now face rising prices at the pump. We know that means more unemployment down the road.

So the indicators are that we need to be thinking about how do we as Americans become energy independent here at home? Why should we let these dollars flow offshore? If we put those dollars in our own pocket and created new energy industries here in the United States of America, which our Tax Code could also incentivize, we could begin to move to new biofuels. Rather than $60 billion of our wealth going abroad to other countries, where prices are rising, we could be investing in ethanol, we could be investing in biodiesel; not just a little pittance, but major national programs.

We could be investing in photovoltaics, capturing the energy of the sun. NASA and the Department of Energy have wonderful technologies. All of the incentives we had in the Tax Code back in the eighties in order to further the development of those were removed as America became more and more beholden to foreign fuel. We need to think hard about how to help that eagle fly again.

Energy independence is not a tangential issue, it is fundamental to this economy recovering. I was thus disappointed to read, and I will include

this article for the RECORD, that the Chairman of the Federal Reserve, Alan Greenspan, said that because America has been experiencing this rise in prices, we have to begin importing more natural gas. He did not say we need to create more jobs here at home through the investment in energy technologies in the United States of America.

Quoting the Washington Post, it said, ''Greenspan said a dramatic rise in the recent years in the price of both oil and gas for delivery six years into the future was almost certain to have an impact on the U.S. economy.'' So he is admitting that the job situation is not going to get better, that this will be a drag on economic growth.

But then he said the impact was likely to be greater for users of natural gas, because they had no global supply to cushion price increases. He said, ''If North American gas markets are to function with the flexibility exhibited by oil,'' but what flexibility, Mr. Greenspan? We are totally dependent. Saudi Arabia tells us what to do, the OPEC nations tell us what to do. Our eagle cannot fly. She is not independent any more. But he says, ''more extensive access to the vast world reserves of gas is required.''

I disagree. I think we need an administration in place that will make America energy independent in less than 10 years. We have the ability to do it. Right now, we have over $100 billion in oil subsidies largely going to multinational corporations operating far afield from North America. Why do we not turn some of those dollars back to investments here at home?

Does any person not believe that if those dollars were brought back here and repatriated, we would not have a vast booming new industry across rural America, across Sun Valley, across Energy Valley, USA, our coal reserves that run from Pennsylvania all the way through Illinois?

Do you mean to tell me we cannot figure this out, that we cannot figure out how to make clean fuels in the United States? No, we just became wed to a system that can no longer last. Let somebody else take those oil reserves. The eagle cannot fly, because we are totally dependent on somebody else.

So my message this evening is that for America's economy to grow, we need a different set of leaders in this country. We need a set of leaders that will balance America's trade accounts; that will help us export products again, not American jobs; who will amend our trade agreements, whether it is NAFTA, whether it is our agreements with China, so that we begin to have balanced trade; so where markets are closed, we had best open them, or America will remain the dump market of the world. We need to have trade agreements that allow us to create jobs in this country again, not move our jobs offshore. We need balanced trade accounts.

Number two, we need to balance the budget. We cannot continue to borrow from foreign interests to move this economy forward, because you have to pay the piper at the end of the road, and that piper is no longer U.S. savings bond holders in this country. That piper is now foreign interests. We are paying hundreds of billions of dollars every year to those very interests, and over half of our deficit is now financed by them. That eagle cannot fly. We have to become self-financing here at home.

Thirdly, in terms of energy, it is the major drag on this economy. We need here in Washington leaders who will commit to making America energy independent again, investing in photovoltaics, investing in hydrogen, investing in biofuels, biodiesel, ethanol and new fuels off our farms and fields that we have not even dreamed about yet. We need fuel cells. We need in the coal belt clean coal, far beyond what people have invented in the past. This is all within America's capability.

I once read an expression that the greatest room in the world was room for improvement, and that the greatest force in the world is inertia. I hope that in this presidential year we will get to the point where, rather than cutting one another up, the candidates will stand up there in front of the American people and say this is what we intend to do in our first 100 days, this is what we intend to do in the first 6 months and the first year to get this economy moving again.

Every American should vote for the candidate, for this body, for the presidency, for the other body, who has the best ideas, because, Mr. Speaker, that eagle, she cannot make it alone. We have to help her. Right now, the burden is too heavy, and this economy cannot take leaps forward without greater vision and greater commitment by the top leaders of this country.

Mr. Speaker, I include for the record the two articles I referenced this evening.

U.S. DEFICIT, RATES COULD HURT GLOBALLY

Uncontrolled U.S. budget deficits would pose a serious threat to global prosperity in the coming years as rising interest rates depress economic growth in the United States and around the world, the International Monetary Fund warned yesterday.

The IMF released an analysis that predicted if nothing is done to get control of the soaring U.S. deficits, it would shave global economic output by 4.2 percent by 2020 and reduce U.S. economic growth by 3.7 percent during the same period.

IMF economists said much of the adverse impact would occur because of increased borrowing demands in the United States to finance the budget deficit. This would drive up U.S. interest rates and interest rates in other countries as the global supply of available capital is reduced, they said.

''The rest of the world is affected seriously by the U.S. fiscal deficit,'' IMF chief economist Raghuram Rajan told reporters.

The IMF's forecast that the U.S. budget deficit will be a significant drag on growth reflected what will occur if there is no improvement in the deficit, which the Bush administration projects will hit $521 billion this year, a record in dollar terms, and show little improvement in coming years.

President Bush submitted a budget to Congress this year that projects that he will be able to cut the deficit in half over the next five years, reducing it to a shortfall of $237 billion in 2009.

The IMF said if Mr. Bush is able to accomplish such a reduction in the budget deficit, it would significantly lower, but not eliminate the adverse effects from the deficit on U.S. and global economies.

It saw a long-run impact from such a budget reduction as reducing global economic output by 2.55 percent, compared with a reduction of 4.2 percent under the worst-case scenario in which the deficit remains at the current record levels.

Under the Bush program to reduce the deficit, U.S. economic growth will be depressed by 1.88 percent in the long term, compared with 3.68 percent under the more adverse deficit path.

However, the IMF said if the United States decided to pursue more rapid deficit reduction, the adverse drag on growth would be greatly reduced to 1.03 percent in the long term in the United States and 1.47 percent worldwide.

''It would be good if there were stronger measures put in place to contain the deficit and that is what we are looking for,'' Mr. Rajan said.

The IMF analysis of the economic impact of the U.S. budget deficits represented the latest in a series of reports in which the 184-nation international lending agency has urged stronger measures to get control of the deficit.

The IMF report conceded that the U.S. deficit, which reflected in part the impact of Mr. Bush's tax cuts, was useful in helping the United States and the global economy recover from the adverse effects of a number of shocks such as the 2001 recession, the terrorist attacks and the bursting of the stock market bubble.

Interest rates have yet to show significant increases in spite of the large budget deficits.

But the IMF said it was only a matter of time before rates did start to rise, reflecting an improving economy, increased demand for credit by businesses and actions by the Federal Reserve to start raising interest rates to keep inflation under control.

[From the Washington Post, Apr. 27, 2004]

GREENSPAN: ENERGY PRICES THREATEN U.S. ECONOMY

(By Martin Crutsinger)

WASHINGTON.—The United States needs to expand the global trade in natural gas as a way to prevent future sharp price increases from harming its economy, Federal Reserve Chairman Alan Greenspan said Tuesday.

Greenspan said a dramatic rise in recent years in the price of both oil and gas for delivery six years into the future was almost certain to have an impact on the U.S. economy.

But he said the impact was likely to be greater for users of natural gas because they had no global supply to cushion price increases.

''If North American gas markets are to function with the flexibility exhibited by oil, more extensive access to the vast world reserves of gas is required,'' Greenspan said in remarks to an energy conference sponsored by the Center for Strategic and International Studies.

Greenspan said imports of liquefied natural gas accounted for only 2 percent of the U.S. market last year in part because environmental and safety concerns have limited the number of U.S. ports with facilities to handle liquefied natural gas, or LNG, shipments.

But he said that situation could be changing.

''Given notable cost reductions for both liquefaction and transportation of LNG, significant global trade is developing,'' he said. ''And high natural gas prices projected by distant futures prices have made imported gas a more attractive option for us.''

Greenspan said the fact that worldwide imports account for 57 percent of global oil consumption but only 23 percent of natural gas consumption showed the growth potential for trade in natural gas.

Greenspan said the price of energy contracts for delivery six years into the future and taken a sharp jump upward over the past four years after a decade of ''tranquility.''

He noted that the price of oil for delivery in six years fell from $20 per barrel just before the first Gulf War to $16 to $19 per barrel in 1999.

Distant futures contracts for natural gas were less than $2 per 1,000 cubic feet of natural gas at the time of the first Gulf War and had risen only slightly to $2.50 per 1,000 cubic feet by 1999.

But currently, distant futures contracts for oil have risen to more than $27 per barrel while the price increase for natural gas has been even more noticeable, rising from $3.20 per 1,000 cubic feet in 2001 to almost $5 currently.

While Greenspan said the rise in oil prices apparently reflected increased fears about supply disruptions in a more unstable Middle East, he attributed the increase in natural gas prices to the fact that there is more limited global trade in natural gas.

''Natural gas pricing . . . is inherently far more volatile than oil, doubtless reflecting, in part, less-developed, price-damping global trade,'' he said.

To deal with these price pressures, Greenspan called for more access to global supplies through a major expansion of liquefied natural gas terminal facilities and the development of newer technology that allows the liquefied natural gas to be turned back into a gas at offshore facilities.

''As the technology of LNG liquefaction and shipping has improved and as safety considerations have lessened, a major expansion of U.S. import capability appears to be under way,'' Greenspan said.

He said these developments offered great promise of boosting the availability of natural gas in the long term. But he cautioned that since it will take years to put the new facilities into operation, the near-term outlook for natural gas prices would likely remain ''challenging.''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARDIN (at the request of Ms. PELOSI) for today and April 28 on account of official business.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for today and the balance of the week on account of official business.

Ms. WATERS (at the request of Ms. PELOSI) for today and April 28 on account of official business.

Mr. CRENSHAW (at the request of Mr. DELAY) for today on account of family matters.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. SMITH of New Jersey (at the request of Mr. DELAY) for today and April 28 and 29 on account of official business cochairing the U.S. delegation to the International Conference on Anti-Semitism in Berlin.

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. OLVER) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

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

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

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

Mr. FLAKE, for 5 minutes, today and April 28.

Mr. BURTON of Indiana, for 5 minutes, today and April 28 and 29.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, April 28.

Mr. HENSARLING, for 5 minutes, April 28.

Mr. SOUDER, for 5 minutes, April 28.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, April 28.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, April 28, 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:

7839. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7840. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7841. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7842. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology Opportunities Program [Docket No. 981203295-4044-09] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7843. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Humam 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 [Docket No. 02N-0278] (RIN: 0910-AC41) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7844. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Removal of Delegations of Authority and Conforming Changes to Regulations [Docket No. 2004N-0142] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7845. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7846. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Aemdments of 1992; Policies, Requirements, and Administrative Proceduers; Delay of Effective Date; Correction [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7847. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Correction [Docket No. 1980N-0208] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7848. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services,

transmitting the Department's final rule — Drug Labeling; Orally Ingested Over-the-Counter Drug Products Containing Calcium, Magnesium, and Potassium [Docket No. 1995N-0254] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7849. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Technical Amendment; Termination of Delay of Effective Date; Compliance Dates [Docket No. 900N-0309] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7850. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7851. A letter from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting the Department's final rule — Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees (RIN: 1215-AB33) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7852. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Special Emergency Procurement [FAC 2001-20; FAR Case 2003-022] (RIN: 9000-AJ88) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7853. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Purchases from Federal Prison Industries — Requirement for Market Research [FAC 2001-21; FAR Case 2003-023] (RIN: 9000-AJ91) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7854. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-22; Introduction — received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7855. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Publication of Revised Bylaws of the Interagency Security Classification Appeals Panel [Directive No. 1: Appendix A] Recieved April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7856. A letter from the Secretary, Administrative Committee of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule — Price Changes to Federal Register Publications (RIN: 3095-AB35) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7857. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Service, transmitting the Department's final rule — Medicare Program; Manufacturer Submission of Manufacturer's Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals [CMS-1380-IFC] (RIN: 0938-AN05) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3866. A bill to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; with an amendment (Rept. 108–461 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 607. Resolution providing for the consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayer filing joint returns (Rept. 108–470). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. House Resolution 516. Resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector; with amendments (Rept. 108–471). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement (Rept. 108–472 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2179. A bill to enhance the authority of the Securities and Exchange Commission to investigate, punish, and deter securities laws violations, and to improve its ability to return funds to defrauded investors, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 1, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall (Rept. 108–473 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center (Rept. 108–474 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1914. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 2179. Referral to the Committee on the Judiciary extended for a period ending not later than June 1, 2004.

H.R. 2768. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 3277. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. BIGGERT (for herself, Mr. DAVIS of Tennessee, Mr. BOEHLERT, and Mr. JOHNSON of Illinois):

H.R. 4218. A bill to amend the High-Performance Computing Act of 1991; to the Committee on Science.

By Mr. PETRI (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 4219. A bill 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; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. MCINTYRE, Ms. NORTON, and Mr. OWENS):

H.R. 4220. A bill to amend the Fair Credit Reporting Act to protect the credit records of consumers who are affected by federally declared disasters, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 15 percent; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 4222. A bill to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''; to the Committee on Government Reform.

By Mr. NUNES (for himself, Mr. SHERWOOD, Mr. GREEN of Wisconsin, Mr. CARDOZA, Mr. POMBO, Mr. MCCOTTER, Mr. RADANOVICH, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mr. SIMPSON, Mr. PETERSON of Minnesota, and Mr. LATOURETTE):

H.R. 4223. A bill to require the Commodity Credit Corporation to support the development of a domestic casein and milk protein

concentrate industry, and for other purposes; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself and Mr. WAXMAN):

H.R. 4224. A bill to require revisions to the Federal Acquisition Regulation to require executive agencies to seek commercial, volume, or other discounts for purchases made with the Governmentwide commercial purchase card, and for other purposes; to the Committee on Government Reform.

By Mrs. MYRICK:

H. Res. 607. A resolution providing for consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayers filing joint returns.

ADDITIONAL SPONSORS

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

H.R. 25: Mr. GRAVES.
H.R. 303: Mr. OWENS.
H.R. 327: Mr. MEEHAN.
H.R. 348: Mr. TIERNEY.
H.R. 369: Ms. DELAURO.
H.R. 442: Mr. SHAYS.
H.R. 548: Mr. EMANUEL, Mr. SERRANO, Mr. GONZALEZ, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. NADLER, Ms. LEE, Mr. BOUCHER, Mr. BERMAN, Mr. CAPUANO, Mr. MENENDEZ, Mr. SKELTON, Mr. OWENS, and Ms. SLAUGHTER.
H.R. 715: Mrs. NAPOLITANO and Ms. MCCARTHY of Missouri.
H.R. 717: Mr. CROWLEY and Mrs. TAUSCHER.
H.R. 727: Mr. FORD, Mr. OLVER, and Mr. HOLT.
H.R. 776: Ms. SLAUGHTER.
H.R. 785: Mr. BURNS, Mr. CHANDLER, and Mr. ROGERS of Kentucky.
H.R. 840: Mr. BONNER.
H.R. 843: Mr. MICHAUD.
H.R. 857: Mr. CRENSHAW and Mr. CHABOT.
H.R. 869: Mr. CUMMINGS and Mr. FILNER.
H.R. 870: Mrs. MILLER of Michigan.
H.R. 879: Mr. HINOJOSA and Mr. PAYNE.
H.R. 962: Mr. BOUCHER.
H.R. 1051: Ms. LORETTA SANCHEZ of California.
H.R. 1084: Mr. TIBERI and Mr. EHLERS.
H.R. 1160: Mr. BOSWELL and Ms. JACKSON-LEE of Texas.
H.R. 1206: Mr. CULBERSON.
H.R. 1214: Mr. KIND, Mr. LYNCH, Mr. BOOZMAN, and Mr. NADLER.
H.R. 1305: Ms. MAJETTE, Mr. HINOJOSA, Mr. BURTON of Indiana, and Mr. MICA.
H.R. 1345: Mr. PRICE of North Carolina and Mr. RUPPERSBERGER.
H.R. 1360: Mrs. MILLER of Michigan.
H.R. 1414: Ms. KILPATRICK.
H.R. 1430: Mr. RAHALL.
H.R. 1575: Mr. PAYNE.
H.R. 1634: Mr. ABERCROMBIE, Mr. COX, and Mr. BISHOP of Utah.
H.R. 1653: Mr. BOUCHER.
H.R. 1684: Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, and Ms. KILPATRICK.
H.R. 1689: Mrs. CAPPS and Ms. NORTON.
H.R. 1735: Mr. TIERNEY, and Mr. UDALL of New Mexico.
H.R. 1784: Mr. MCCOTTER and Ms. BALDWIN.
H.R. 1910: Mr. ISAKSON.
H.R. 2145: Mrs. LOWEY.
H.R. 2198: Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. NADLER, Mr. PUTNAM, Mr. MEEHAN, Ms. CARSON of Indiana, Mr. ACEVEDO-VILA, and Mr. MICHAUD.
H.R. 2318: Mr. JEFFERSON.
H.R. 2404: Mr. SMITH of New Jersey.
H.R. 2416: Mr. GRIJALVA.
H.R. 2511: Mr. DOYLE and Mr. SAXTON.
H.R. 2569: Mr. OWENS.
H.R. 2638: Mr. COX.
H.R. 2671: Mr. KLINE.
H.R. 2677: Mr. WAXMAN.
H.R. 2728: Mr. SAM JOHNSON of Texas.
H.R. 2719: Mr. SAM JOHNSON of Texas.
H.R. 2730: Mr. SAM JOHNSON of Texas.
H.R. 2731: Mr. SAM JOHNSON of Texas.
H.R. 2807: Mrs. DAVIS of California.
H.R. 2850: Mr. PRICE of North Carolina.
H.R. 2941: Mrs. NAPOLITANO.
H.R. 2945: Mr. EMANUEL.
H.R. 3015: Mr. RUSH, Mrs. CHRISTENSEN, and Mr. DEUTSCH.
H.R. 3090: Mr. MCNULTY and Mr. BRADY of Pennsylvania.
H.R. 3142: Mr. FILNER and Mrs. NAPOLITANO.
H.R. 3191: Mr. EVERETT.
H.R. 3203: Mrs. CHRISTENSEN.
H.R. 3213: Ms. HARRIS.
H.R. 3247: Mr. MATHESON and Mr. BOUCHER.
H.R. 3324: Mr. MORAN of Virginia.
H.R. 3350: Ms. ROYBAL-ALLARD.
H.R. 3444: Mr. LANTOS.
H.R. 3474: Ms. MCCOLLUM, Mr. SHIMKUS, Mr. SCOTT of Virginia, Mr. TIERNEY, Mr. GINGREY, Mr. DOYLE, Mr. MCKEON, Mr. MICA, and Mr. GIBBONS.
H.R. 3528: Mr. ENGEL.
H.R. 3539: Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. HAYWORTH, and Mr. TOM DAVIS of Virginia.
H.R. 3619: Mr. BALLANCE, Mrs. TAUSCHER, Mr. SPRATT, and Ms. BERKLEY.
H.R. 3640: Mr. KUCINICH and Mr. MEEHAN.
H.R. 3641: Mr. CLAY and Mr. DAVIS of Illinois.
H.R. 3683: Ms. NORTON.
H.R. 3763: Mr. BRADY of Pennsylvania.
H.R. 3777: Mr. WICKER, Mr. CHOCOLA, Mr. DOOLEY of California, Mr. OBERSTAR, Mr. WILSON of South Carolina, and Mr. HALL.
H.R. 3784: Mr. HERGER and Mr. BARTLETT of Maryland.
H.R. 3791: Mr. TERRY.
H.R. 3799: Mr. LEWIS of Kentucky, Mr. HALL, Mr. BISHOP of Utah, Mr. JONES of North Carolina, and Mr. MCCOTTER.
H.R. 3803: Ms. MCCARTHY of Missouri.
H.R. 3866: Mr. CASTLE.
H.R. 3871: Ms. HARMAN, Mr. GONZALEZ, Mr. BERMAN, Mr. PALLONE, Mr. ETHERIDGE, and Mr. MARKEY.
H.R. 3927: Ms. BALDWIN.
H.R. 3936: Mr. TIERNEY and Mr. RENZI.
H.R. 3972: Mr. GARRETT of New Jersey.
H.R. 3976: Mr. GARRETT of New Jersey.
H.R. 4026: Mr. MANZULLO, Mr. BOOZMAN, and Mr. JOHN.
H.R. 4039: Mrs. MUSGRAVE, Ms. BERKLEY, and Mr. GREENWOOD.
H.R. 4059: Mr. KIND, Mr. FROST, and Mr. EMANUEL.
H.R. 4061: Mr. MCGOVERN, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Mr. FILNER, Mr. DICKS, Mr. OWENS, Mr. BURTON of Indiana, and Mr. MCCOTTER.
H.R. 4065: Mr. BRADLEY of New Hampshire, Mr. GRIJALVA, and Ms. HARRIS.
H.R. 4072: Ms. DELAURO.
H.R. 4097: Mrs. CHRISTENSEN and Mr. WEXLER.
H.R. 4101: Mr. LIPINSKI and Mr. FILNER.
H.R. 4104: Ms. HOOLEY of Oregon, Mr. MCGOVERN, and Mr. HOEFFEL.
H.R. 4116: Mr. FROST, Mr. GRIJALVA, and Mr. GORDON.
H.R. 4126: Mr. TIBERI.
H.R. 4154: Mrs. CHRISTENSEN.
H.R. 4181: Mr. BOEHLERT, Mr. ISAKSON, Mr. BAKER, Mr. WOLF, Mr. KIRK, Mr. MCCOTTER, Mr. NUSSLE, Mrs. BIGGERT, Mr. STEARNS, Mr. FOSSELLA, Mr. DEMINT, Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. BACHUS, Mr. REYNOLDS, Mr. PENCE, Mr. KNOLLENBERG, Mr. GILCHREST, Mr. CULBERSON, Mr. RAMSTAD, Mr. CARTER, Mr. MILLER of Florida, Mr. PUTNAM, Mr. BOOZMAN, Mr. COLE, Mr. SMITH of New Jersey, Mr. BISHOP of Utah, Mr. CALVERT, Mr. KINGSTON, Mr. JONES of North Carolina, Mr. WALDEN of Oregon, Mr. TURNER of Ohio, and Mr. FRELINGHUYSEN.
H.R. 4182: Mr. GEORGE MILLER of California and Mr. MCGOVERN.
H.R. 4184: Mr. OWENS.
H.R. 4207: Mrs. MCCARTHY of New York and Mr. BROWN of Ohio.
H. Con. Res. 247: Mr. WALDEN of Oregon.
H. Con. Res. 298: Mr. CANTOR, Mr. BACHUS, Mr. MCCOTTER, Mr. GUTKNECHT, and Mr. HERGER.
H. Con. Res. 310: Mr. WELDON of Florida.
H. Con. Res. 366: Mr. SHERMAN, Mrs. MALONEY, Mr. LYNCH, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. CLYBURN, Mrs. TAUSCHER, Mr. SCOTT of Virginia, Mr. OBERSTAR, Mr. MEEHAN, and Mr. MCINTYRE.
H. Con. Res. 371: Ms. LINDA T. SANCHEZ of California, Mr. STUPAK, Mr. LANGEVIN, and Mr. MOORE.
H. Con. Res. 377: Mrs. MUSGRAVE.
H. Con. Res. 378: Mr. DAVIS of Florida, Mr. TIERNEY, and Mr. PEARCE.
H. Con. Res. 380: Mr. GREEN of Texas, Mr. HOYER, Mr. MOORE, Mr. PAYNE, and Ms. SLAUGHTER.
H. Con. Res. 396: Mr. PAYNE.
H. Con. Res. 399: Mr. HONDA.
H. Con. Res. 403: Mr. RAMSTAD, Mr. DEUTSCH, Ms. HARRIS, Ms. MCCOLLUM, Mr. HONDA, Mr. OLVER, Mrs. MUSGRAVE, Mr. SOUDER, Mr. CONYERS, Mr. SPRATT, Mr. FRANKS of Arizona, Mr. GRIJALVA, Ms. NORTON, Mr. RAHALL, Mr. MEEHAN, Mr. ACKERMAN, Mr. CUMMINGS, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. JOHNSON of Illinois, Mr. MCNULTY, Mr. LEACH, Mr. FLAKE, Mr. SANDERS, Ms. KAPTUR, and Mr. GILCHREST.
H. Res. 60: Mr. ROTHMAN.
H. Res. 103: Mr. DOYLE.
H. Res. 313: Mr. GREEN of Wisconsin.
H. Res. 508: Mr. STENHOLM, Mr. MORAN of Virginia, Mr. LAMPSON, Ms. MCCARTHY of Missouri, Mr. CASE, Ms. LEE, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. MOORE, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. LEVIN, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. RUPPERSBERGER, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. WATERS, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. RUSH, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. SCOTT of Georgia, Mr. CONYERS, Mr. FORD, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. RODRIGUEZ, Mr. MEEK of Florida, Mr. ENGEL, Mr. MCNULTY, Mr. OBERSTAR, Ms. SLAUGHTER, Mr. LANTOS, Mr. CLYBURN, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 567: Mr. LATHAM, Mr. UDALL of Colorado, Mr. DEMINT, Mr. BOSWELL, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mr. CRAMER, Mr. CASTLE, Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. GINGREY, Mr. TOM DAVIS of Virginia, Mr. MARSHALL, and Mr. WEXLER.
H. Res. 568: Mr. BAKER, Mr. MILLER of Florida, Mr. WAMP, Mr. BEREUTER, Mr. GIBBONS, and Mr. HAYES.
H. Res. 570: Mr. MEEKS of New York and Mr. BALLENGER.
H. Res. 596: Mr. SHERMAN, Mr. WEXLER, and Ms. KAPTUR.
H. Res. 598: Mr. BALLANCE, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BONILLA, Mr. BURGESS, Mr. CARTER, Mr. COSTELLO, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia,

Mr. EVERETT, Mr. GONZALEZ, Mr. ISSA, Mr. JONES of North Carolina, Mrs. KELLY, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. MORAN of Kansas, Mr. OTTER, Mr. POMEROY, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHROCK, Mr. SIMPSON, Mr. SYNDER, Mrs. BLACKBURN, Mr. ROSS, Mr. KIRK, Mr. ORTIZ, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. FEENEY, Mr. CANTOR, Mr. WILSON of South Carolina, Mr. PENCE, Mr. DAVIS of Tennessee, Mr. MCINNIS, Mr. COOPER, Mr. LANGEVIN, Mr. TURNER of Texas, Mr. GORDON, Mr. MOORE, Mr. HILL, Mr. KILDEE, Mr. THOMPSON of California, and Ms. ESHOO.

H. Res. 603: Mr. HASTINGS of Florida.

H. Res. 605: Mr. SESSIONS, Ms. HART, Mr. EMANUEL, Mr. BAKER, and Mr. DOYLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 195: Ms. BERKLEY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, APRIL 27, 2004 No. 55

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia.

The PRESIDING OFFICER. Our guest Chaplain today is the Rev. Neil D. Smith, of Faith Evangelical Presbyterian Church in Kingstown, VA, who will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, from Whom all blessings flow and to Whom all praise belongs:

May Your blessing rest on this Senate and on this Nation, not because we deserve Your blessing but because we need it.

Deliver us, we pray, from the tyranny of the expedient, that we might always seek to do what is right, whether or not it is politically advantageous in the moment.

Deliver us from evil, and from the evil acts and intentions of those who oppose the values of faith and freedom we cherish in this Nation.

Grant to the men and women of this Senate wisdom, grace, and courage for the living of these days. May Your grace abound to them so that, in all things at all times, having all that they need, they may abound in every good work, to the glory of Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAMBLISS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will have a period of morning business for up to 60 minutes. The first 30 minutes of that time will be under the control of the Democratic leader, and the second 30 minutes will be controlled by this side of the aisle. Following morning business, the Senate will resume consideration of the motion to proceed to S. 150, a bill relating to the taxation of Internet access.

Last night, the Senate invoked cloture on the motion to proceed by a vote of 74 to 11. Under the agreement reached following that vote, there will be an additional 2 hours 40 minutes remaining for debate on the motion. Following that debate, the motion will be agreed to, and the Senate will begin consideration of the Internet tax legislation. No vote will be necessary on proceeding. However, votes are expected today in relation to amendments that may be offered to the underlying bill.

I stated yesterday that it is my desire to consider the Internet access tax bill over the course of the next few days and to complete the bill prior to the end of the week. Hopefully, we can make progress today. Senators are encouraged to notify the managers of the bill if they intend to offer amendments to the bill.

I also remind my colleagues that the Senate will recess from 12:45 p.m. until 2:15 p.m. today for the weekly policy lunches.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the two leaders have some business to transact. I ask unanimous consent that when the Chair announces morning business, on our side Senator BOXER be given the first 5 minutes; Senator DURBIN the next 5 minutes; Senator WYDEN, 10 minutes; Senator LEAHY, 10 minutes. I ask unanimous consent that, as the leader just indicated, the morning business time be a full 30 minutes on each side, taking into consideration the fact that the Democratic leader and, perhaps, the Republican leader will give statements to the Senate under their leader time—so a full 30 minutes on each side.

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

RESERVATION OF LEADER TIME

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

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

Printed on recycled paper.

MORNING BUSINESS

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

The Senator from California is recognized for 5 minutes.

RELEASE OF ENERGY TASK FORCE RECORDS

Mrs. BOXER. Mr. President, I stand here today to call on Vice President DICK CHENEY to immediately open his records of his secret energy task force meetings and tell the American people the truth about who attended those meetings.

The administration needs to stop fighting this wasteful lawsuit. It has cost hundreds of thousands, if not millions of dollars, that belong to the taxpayers. And it has consumed an enormous amount of time with the Justice Department and other agencies. Today the case is to be heard across the street at the Supreme Court.

It is not too late for the Vice President to come clean. Just tell the American people who attended the secret meetings he held before he issued his energy policy which took the form of this very expensive, beautiful-colored brochure which has, for example, this picture of ''Energy for a New Century,'' and it shows an oil rig in the ocean. By the way, that is not exactly the energy of the future.

The time has come for the Vice President to stop the stonewalling. Simply tell the truth. Who did he meet with in preparing our Nation's energy plan?

First, the American people have the right to know. The last I checked, this country was a free country. It is a country where there is access to information for the people. We pay the salaries of our President, our Vice President, our Senators, our House Members. Unless it is a question of the highest national security, the people have a right to know how their money is being spent or misspent. Why does the administration continue to hide the truth about how its energy policy was formed? It is not necessary to be secretive. It is wrong. The public needs to know how public policies are formulated.

To know that, they need to know who was sitting at the table when this national energy policy was put together. Who was there? Was it a broad array of citizens from all sides of the issue—consumers, environmentalists, people from the oil companies, the gas companies, the nuclear industry—or was it just one set of people?

Second, it is time to stop wasting taxpayers' money. The cost of that lawsuit across the street is very difficult to pin down. We know the General Accounting Office, which tried to force the Vice President to reveal who was at the meetings, spent over $300,000 in legal fees to fight DICK CHENEY's stonewalling. From my office's research, we believe attorneys from Justice and the Office of Solicitor General have spent thousands of work hours preparing these documents.

Let me show a chart on what other things these persons could be doing other than keeping the meetings that the Vice President had secreted from the people. They could have been fighting terrorism by seeking and freezing assets of terrorist groups such as Hamas. They could have been prosecuting Medicare fraud. They could have been prosecuting drug companies that falsify data for FDA drug approval. They could have been prosecuting corporations that violate consumer safety laws with toxic products. All those things are in the public interest.

But, no, this Vice President says to these people who work hard every day: Just forget about this. We know we said a lot about cracking down on terrorism, money laundering. We said a lot about cracking down on Medicare fraud and drug company fraud and corporations that violate consumer safety laws with toxic products. Just forget it. Defend me. I am so important. I am the Vice President and the people have no right to know with whom I meet.

It is outrageous. I want the Justice Department to go after criminals, not to keep meetings secret that should be made public.

The Supreme Court has other things to do as well. They defend our way of life, our civil liberties, our human rights. For this court to spend its time listening to Mr. CHENEY defend his secrecy pulls it away from other important issues it could address. It is a waste of the Court's time. It is a waste of money.

I ask unanimous consent for an additional 2 minutes and ask that Senator DURBIN have an additional 2 minutes as well.

Mr. REID. Mr. President, we ask unanimous consent that the majority have an additional 2 minutes as well, a total of 2 extra minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for an additional 2 minutes.

Mrs. BOXER. Two Federal judges have already found that the administration has violated the Freedom of Information Act. Openness is an American value. In the end, openness is a way of life. Do you remember how Condi Rice was not going to testify because the President said that she only reports to him and what she tells him is secret? Well, they caved on that one. They caved on that one because that is not in the public interest, and the people wouldn't stand for it.

Do you remember when First Lady HILLARY CLINTON said she believed she didn't have to reveal who was sitting in on the health care task force meetings? Well, they were sued. And HILLARY CLINTON, now Senator CLINTON, said: OK, OK. Let's not go to court. I will reveal this information.

But not this administration, not DICK CHENEY. He has a lot of time to bash Senator JOHN KERRY, but he doesn't have time to open up the files and show the people who sat in on those meetings that led to the formulation of the national energy policy. It is remarkable—someone who didn't serve 1 minute, 1 hour in the military is taking on a war hero, JOHN KERRY. But he doesn't have time to pay attention to this issue on which the New York Times editorialized today and said:

> [The Cheney] case also raises more substantive issues about the degree to which a vice president can claim to be above the law.

This is a sad day. We already know because the Vice President admitted that Ken Lay attended those secret meetings. Yes, he did. Ken Lay, the man we are hoping will wind up in prison for defrauding the people of California and the people of the west coast of billions of dollars. We know he was in the meeting. We also know he handed the Vice President a document that said: Don't take any action in California.

I call on the Vice President, tell the truth. Cut it out. Walk away from this case and let the people know with whom you met.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

ATTACK ON JOHN KERRY'S MILITARY SERVICE

Mr. DURBIN. Mr. President, over 35 years ago, JOHN KERRY faced his enemies in Vietnam. There were enemies there who were involved in sniper fire against JOHN KERRY, trying to take his life and kill him because he wore the uniform of the United States of America. Sadly, the Vietnam snipers are still trying to cause damage to JOHN KERRY.

The new Vietnam snipers come from the Bush-Cheney campaign: Karen Hughes, sadly the Vice President, and other campaign operatives who are now attacking JOHN KERRY because he served our country. He wore the uniform of the United States of America. He volunteered and put his life on the line in Vietnam.

This shameless exercise by the Bush-Cheney campaign must be called for what it is. Many of us did not serve in the military, even those of us in the Vietnam era. We did not volunteer for service as JOHN KERRY did. We didn't wear the uniform of our country proudly as he did. We did not risk our lives. Included in this group is Vice President CHENEY, who used his deferments to avoid military service, as he was legally allowed to do. Yet we now hear Vice President CHENEY leading the attack against JOHN KERRY, a man who

volunteered, risked his life, and received awards from this country for his heroism.

This is an outrageous campaign tactic by the Bush-Cheney campaign. The Republican attack machine on JOHN KERRY has, frankly, criticized him for his two tours of duty in Vietnam. Apparently, that was not enough. The fact that JOHN KERRY earned a Silver Star, a Bronze Star, and three Purple Hearts wasn't good enough for these Bush-Cheney campaign operatives who never miss a chance to attack JOHN KERRY for his military record.

Thank goodness, Senators of the stature of JOHN MCCAIN have stood up to defend his fellow Vietnam veteran, JOHN KERRY. They have said that JOHN'S service is clear and unequivocal. He risked his life for America. I have met men who were in his crew, those who travel with him in his campaign, his so-called ''band of brothers.'' They are in their late fifties and early sixties. They give up what they are doing to join JOHN MCCAIN on the campaign trail. They tell the story. They tell the story of a young Navy lieutenant volunteering to serve this country, literally risking his life for those in his crew. They join him on the campaign trail, saying they are prepared to follow him into battle again.

But listen to what is coming from the other side. To think that those who did not serve in the military are now criticizing JOHN KERRY for his war record is reprehensible. It is time to put the cards on the table. JOHN KERRY not only has nothing to apologize for when it comes to his military record, he can be very proud of that. For those who say when he came back after the war and was critical of our Vietnam policy, somehow that was wrong, once again, listen to Senator JOHN MCCAIN, a man who not only served in the U.S. Navy as well but was a prisoner of war. JOHN MCCAIN came forward and said JOHN KERRY had every right to make the statements after the war about his disagreement with our foreign policy.

What we face today is incredible—that the Bush-Cheney campaign is going to attack a decorated Vietnam war veteran, raise questions as to whether he was deserving of a Purple Heart. How could they stoop so low? How could they do this when so many other men and women who have served our country, who have been wounded in battle and received Purple Hearts, have given all we could ever ask of an American citizen? And now to disparage JOHN KERRY and say that perhaps he doesn't deserve all of the recognition he has been given for his service in Vietnam is about as low as it gets.

I have listened to these comments, and I am particularly disturbed that Vice President DICK CHENEY has been the author of so many of these comments as well. Yesterday he was at Westminster College in Fulton, MO. He was supposed to give a speech on the foreign policy of the United States. Vice President CHENEY was supposed to speak at Westminster College about foreign policy issues in Iraq. Instead, he went on the attack on JOHN KERRY and his patriotism and defense of America. It was such an embarrassing moment that, when he left, the president of Westminster College e-mailed the students, staff, and faculty basically apologizing for what Vice President CHENEY had said there.

Vice President CHENEY should know better. He should know that JOHN KERRY served our country and served it with distinction and honor. While Vice President CHENEY did not serve in the military, JOHN KERRY did. It is time to end this shameful Bush-Cheney campaign tactic and to recognize the obvious: JOHN KERRY led men into battle. He defended America. As President of the United States, he will do exactly the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

OIL COMPANY INCENTIVES

Mr. WYDEN. Mr. President, most American companies make their profit by selling the best product at the best price. But too often in the oil industry it just doesn't seem to work that way. For example, oil companies can even get a subsidy from the Federal taxpayers for shutting down a profitable oil refinery by deducting the cost of that shutdown from their taxes.

I come to the floor today because I hope Congress will put a stop to the perverse incentives that reward oil companies when they reduce the supply of gasoline and gouge our consumers at the pump. In my view, the Tax Code simply should not reward companies that shut down a refinery to reduce the supply and drive up the price of gasoline. My own view is that Congress ought to be providing incentives to oil companies that increase their production, as long as they comply with the applicable environmental law.

I think we are all pleased when we see corporate profits go up, and we are all pleased when the stocks of those companies go up as well. But what I am troubled about with respect to what is going on in the oil industry—and we are going to see profits up again this week, and I gather some have already been announced—is that too often our consumers are getting hosed.

I have been traveling about Oregon over the last few weeks. I have watched as gasoline prices hit over $2 per gallon in some towns. In Eugene, Springfield, Medford, and Ashland—a number of our communities—the average price has been $2.06 per gallon. Each penny of that cost is coming out of the pockets of working Oregonians. It is, of course, helping to increase oil company profits. What I am troubled about is that the taxpayers at the same time are subsidizing practices that are detrimental to their interests.

There has clearly been a pattern of extraordinary profits in the oil industry. A prime example was ExxonMobil, which last year announced an all-time record earnings of $21.5 billion. That is not just the highest earnings ever recorded by an oil company; that is the highest by any company in history.

Again, I want it understood that I like to see our companies make profits. I like it when their stock prices are high. What I don't like is when the consumer has to subsidize anti-competitive practices that are detrimental to their interests. That has certainly been the case with respect to refineries, when an oil company gets an actual subsidy from the Federal taxpayers for shutting down a profitable refinery by deducting the cost of the shutdown from their taxes.

This matter has special implications out in the West. I see my friend from Nevada on the floor. He made an excellent presentation with respect to how his State is affected by gasoline prices. All of us in the West are going to be hit, and hit very hard, by Shell's decision to close its Bakersfield refinery. In that instance, there seems to be no evidence that Shell has gone out and aggressively tried to find a buyer.

Independent analysts have made it clear there is a substantial amount of oil in the area. I will tell you, for those of us in the West, looking at that refinery closure in Bakersfield, that deal smells. It just doesn't add up to have a profitable refinery going down at a time when the company doesn't look as if it is moving aggressively to find a buyer. There is oil in the area and, as I have pointed out, the taxpayer subsidizes the closures of these profitable refineries. Yet the Federal Trade Commission has refused to act.

I hope to be on the floor very shortly with a bipartisan effort to address the anti-consumer practices. At a minimum, let us not have the taxpayers of America subsidizing anti-competitive practices in the oil industry, such as the shutdown of profitable refineries.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I will be happy to yield.

Mr. REID. Last week, I gave a speech about what is going on in Nevada. In Nevada, we have gas prices now approaching $2.50 a gallon. If someone wants to put 4 gallons of gas in a vehicle, they have to bring a $10 bill with them to do that.

I ask my friend his comments on this: Senator ENSIGN and I asked the Federal Trade Commission to take a look at what was going on in Nevada. They took a look and came back and said: We can't tell you why the price is that high. It is unusual, is what they said. It is unusual and they could not determine why gas prices were that high.

Does the Senator agree, with the prices going haywire as they are, and the consumer being hit very hard, especially in the western part of the United States, that the Federal Trade Commission should do something more aggressively than what they have done?

Mr. WYDEN. The Senator from Nevada is correct. The fact is the Federal Trade Commission is AWOL on this issue. It has sent letters to all of us in the West saying they are concerned about the issue, but they have not been aggressive in standing up for the consumer.

I pointed out today that the oil companies ought to be rewarded financially when they take actions that benefit the consumer, not when they gouge the consumer. The consumers today are, in effect, getting fleeced from this unfair subsidy that is in the Tax Code when a profitable refinery goes down.

The Senator from Nevada is absolutely correct. The Federal Trade Commission, in my view, is just going through the motions. I think they hope somehow this issue is going to pass. All of us in the West—a part of the country where there is a very tight supply situation—understand this problem is not going away. I intend to join with the Senator from Nevada in trying to put the heat on the Federal Trade Commission.

Mr. REID. Mr. President, I would like to ask the Senator one more question. The Senator heard the remarks of the Senator from California saying that the Bush administration was actually doing nothing to look at the prices. In fact, the administration is in the Supreme Court today trying to keep secret its dealings with big oil.

The Senator would acknowledge that this administration, the President, and Vice President made their living—certainly part of their wealth they have accumulated—dealing with oil companies.

Does the Senator from Oregon acknowledge that the President has the bully pulpit and can certainly ask our so-called friends, Saudi Arabia and other countries, to stop cutting back the supply of oil but increase the supply of oil? Would that not also help, I repeat, the President putting whatever pressure he has—and that is significant—to tell the Saudis to start giving us more oil?

Mr. WYDEN. I agree fully with the Senator from Nevada. In fact, I submitted a resolution urging the President do that. In fact, my resolution mirrors the resolution that was drafted by our former colleagues, Spence Abraham and John Ashcroft, that passed in 2000 when President Clinton was faced with the same kind of situation.

I am very hopeful that the Senate will take up that resolution and do exactly as the Senator from Nevada has said.

I also point out that it was very striking, even before this debate about Mr. Woodward's book, that the Saudi Foreign Minister said recently when they cut production—and he was quoted on the news services saying that he was not even contacted by the Bush administration. He heard that the Bush administration was disappointed from the press, but he was not even contacted by the Bush administration.

If ever there were an administration that had earned some chips with the Saudis, given all that our country has done, this is an administration that has done so. I think the points made by the Senator from Nevada are extremely important.

Mr. President, I believe my time has expired. I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time.

NO CHILD LEFT BEHIND

Mr. DASCHLE. Mr. President, I wish to talk this morning about the ambitious education reforms the President signed into law just 2 years ago. We all recall 2 years ago when President Bush signed the No Child Left Behind Act. We also know it requires States to set high standards for all students and place a well-qualified teacher in every classroom and holds schools responsible for results. In exchange, it promises schools they will have the resources to meet the new standards and to make the law work.

When the President signed it, No Child Left Behind enjoyed overwhelming bipartisan support in Congress. It also had strong public support. Unfortunately, when implementing the law, the administration has often acted in a heavy-handed manner, and it has failed to provide schools the resources they need to make sure every child is given the opportunity to learn. As a result, there is now a growing backlash against No Child Left Behind.

This is not a partisan issue. A good deal of criticism is coming from Republican lawmakers. In Utah, the Republican-controlled House of Representatives voted 64 to 8 not to comply with any requirements in the No Child Left Behind Act that are not paid for by the Federal Government. In Virginia, the Republican-controlled House of Delegates voted 98 to 1 to ask Congress to exempt it from the new law. According to the National Conference of State Legislatures, 23 States have now lodged formal complaints against No Child Left Behind.

One reason for the erosion of support is the initial difficulty many school districts had getting answers from the Department of Education on how the law would work. It took the Department a long time to issue its regulations, and when the rules were finally announced, many educators considered them overly rigid.

Fortunately, the administration has begun to address some of these concerns. In recent months, the Department of Education has announced changes in the testing requirements for students with serious disabilities and for children who speak English as a second language. It has announced it is giving schools more leeway to meet the requirement that 95 percent of all students be tested.

Last month, the Department announced it is giving States more flexibility to determine when a teacher is highly qualified. In addition, it announced it is giving teachers in rural school districts an extra year, until 2007, to show they are qualified in all of their subjects.

These are all important changes. The extra year for teachers in rural districts to meet the new standards is especially important to rural States such as mine which have a harder time attracting and keeping good teachers. I commend the administration for its newfound willingness to try to address some of the real problems.

None of us who voted for No Child Left Behind ever intended for the Federal Government to dictate to local communities exactly what they should teach their children and how they should test them. It was never the intention of Congress to strangle local decisionmaking and creativity with Federal redtape.

It is important the Department of Education continue to listen. It is counterproductive when the education Secretary labels as ''terrorists'' people who raise questions about the way the law is being implemented.

It may be, and certainly in this case if it is going to be successful, that No Child Left Behind requires something we have not seen enough of: a committed partnership. It is the most comprehensive overhaul of our Nation's education laws in a generation. Making adjustments is not admitting defeat; it is a necessary part of making this ambitious law work. But some of the most serious concerns being expressed about No Child Left Behind cannot be fixed simply by rewriting legislation or the regulations.

Since he signed No Child Left Behind into law, President Bush sent Congress three proposed budgets. When you add all three of his budget proposals together, the President has recommended underfunding No Child Left Behind by a staggering $26.5 billion.

The President's proposed budget for next year contains $9.4 billion less for the act than the law promises. More than $7 billion of that shortfall is in title I, the very program that is most critical to closing the achievement gap for minority students, poor children, and children who do not speak English. The President's education budget does not leave no child behind; it leaves 4.6 million children behind. The alternative budget proposed by our Republican colleagues in the Senate is much better. It underfunds No Child Left Behind by $8.6 billion.

The reason we are underfunding education is clear: The administration and congressional leadership would rather take more of these resources for tax breaks to the very wealthy than keep the promise we made when we passed No Child Left Behind.

The repeated refusal to adequately fund education is hurting schools and not just in big cities.

In my State, schools in small towns and rural communities are stretched

thin because of their shrinking tax bases and high transportation and other costs. They cannot afford any more unfunded mandates from Washington.

They need help attracting and keeping good teachers.

They need help to keep up with advances in technology.

I talk to teachers and principals in South Dakota all the time who tell me, ''We're not afraid of accountability. We welcome high standards; we know we can meet them. Please, just don't set us up to fail.''

Last month, during the Senate debate on the budget resolution, we offered an amendment sponsored by Senator TED KENNEDY and Senator PATTY MURRAY to fully fund No Child Left Behind. Our amendment would have provided exactly what Democrats and Republicans agreed was needed to make the law work when we passed it 2 years ago.

Regrettably, Republicans defeated our amendment.

But this is not over. There are still months to go before Congress passes a final budget. At every opportunity, we are going to continue to press for full funding of No Child Left Behind. We will also press for the Federal Government to honor its commitment to shoulder 40 percent of the cost of special education.

Accountability in education is essential. But accountability has to work both ways. Congress cannot pass the most sweeping education reforms in a generation and then refuse, year after year, to pay for them. The reforms in No Child Left Behind are the right reforms for our children's schools. But they will not work if we refuse to fund them.

I recently received a letter from an elementary-school student in South Dakota. Because of budget shortfalls, her school district is considering merging with another district.

She wrote, ''Even though we are just two small towns in South Dakota, the Burke school means very much to me.''

Then she added, ''I know that NASA is trying to help mankind, but right now, my school needs that $3 trillion more! . . . I'm in the fifth grade. . . . The school means very much to me, so please HURRY.''

Budgets are statements of our priorities and values.

Before we vote to spend trillions of dollars to make permanent the President's tax breaks for the very wealthiest Americans, and before we spend hundreds of billions more to send a person to Mars, we need to fund our children's schools.

In his first budget address to Congress, President Bush said, ''The highest percentage increase in our budget should go to our children's education.'' Yet, the President's proposed budget for next year includes the smallest increase for education in 9 years.

We must restore the broad, bipartisan support for No Child Left Behind that existed 2 years ago. To do that, we must fund the law.

The Federal Government needs to keep its end of the agreement. Words alone are not enough. Real reform requires real resources.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. How much time remains for morning business on our side?

The ACTING PRESIDENT pro tempore. Thirty-two minutes.

NATIONAL ENERGY POLICY

Mr. GRASSLEY. Mr. President, I rise to address the issue of prescription drugs as part of Medicare, a new provision dealing with Medicare, but before I do I will comment on the two issues that have been brought up by Democratic Members of the Senate. I only do that because I think it is appropriate people know that there are two sides to every story—maybe five sides but at least two in the Senate.

I do not find fault with my Democratic friends for bringing issues to the Senate floor, but in the case of the high cost of gasoline as an example, which the Senator from Oregon was talking about, all I can say is we had a national energy policy before the Senate. It passed the House last year; it passed the Senate last year. We spent a couple of months in conference and worked out a very good compromise. It passed the House of Representatives by a wide margin. Exactly how much I do not recall. Then it came to the Senate and we were faced with a filibuster.

In that filibuster cloture vote, we got 58 votes. It obviously takes 60 votes to stop a filibuster. Out of those 58 votes, we only had 13 out of 49 Democrats vote to break that filibuster. So there are another 36 Democrats that if they want to help us reduce the cost of energy, I would beg them to tell our leader that they are prepared to break that filibuster. The leader filed a motion to reconsider. We could bring that up again and within 2 minutes we would have a national energy policy that would send a clear signal to OPEC that we have our energy house in order in this country, and hopefully let them know they are not going to have an economic stranglehold on our economy as they evidently think they have by reducing their production of oil by 4 percent as they did a month ago.

Why would we not expect the OPEC nations to take advantage of a divided Congress when we all know, with the energy blackout in the Northeast last August and with $2 gasoline right now in the United States, that this country ought to be doing everything it can to solve its energy problem?

The national energy policy we had before Congress last fall that there was a Democrat filibuster against would be a solution because it emphasizes in a very balanced way three things: One, tax incentives for the enhanced production of fossil fuels; No. 2, tax incentives for renewable fuels, wind energy, ethanol, biodiesel, biomass; and tax incentives for conservation, such as fuel cell cars.

So when we have an effort to bring a national energy policy before this Congress, and it is defeated by a filibuster that only 13 out of 49 Democrats would support, then it seems to me very wrong for people on the other side of the aisle to be complaining about the high price of gasoline.

Now, it is all right to complain about the high price of gasoline because I do every time I go to fill up my car, but on the other hand, it is one thing to complain about it and not do anything about it. What we need to do is join forces to get this national energy bill passed. It would help if we could get two more Democrats to help us defeat that filibuster.

EDUCATION FUNDING

Mr. GRASSLEY. As to the issue of education, all I can point out is that this President has always had education very high on his agenda. Except for September 11 and the war that we are now involved in, education would be No. 1 on this President's agenda. But because of the war, we are in a budget situation now where we are having 10-percent increases for homeland security, 7-percent increases for defense because of the war, and we are having 3-percent increases for education. Now, that may be, as the distinguished Democratic leader said, the smallest increase in education for years, but this 3-percent increase in education is far higher than anything else in the domestic budget that the President proposed to the Congress of the United States because every other domestic program in that budget is going to be increased nine-tenths of 1 percent.

So when we are involved in war, whether it is the 21st century war on terrorism or whether it is the 20th century war on fascism, World War II, this country puts all of its efforts behind the men and women who are on the front line, giving them all of the resources they need to win that war because we only go to war if we go to war to win. This President has done that. But, after taking care of our responsibilities to the men and women on the battlefield, this President has always had education at the top of his agenda. With the way this year's budget treats education compared to every other domestic program, and only third to homeland security and the war, this President is keeping his commitment to education.

MEDICARE PRESCRIPTION DRUG PROGRAM

Mr. GRASSLEY. Now I would like to address the issue of the Medicare prescription drug program, because on January 1, the seniors of America are going to make a voluntary decision

whether they want to take advantage of this new program, and January 1 would be the opportunity to take advantage of the interim program for the years 2004 and 2005, before the permanent insurance program on prescription drugs kicks in November 15, 2005.

It was just under 5 months ago that the President signed this Medicare Prescription Drug Improvement and Modernization Act. It was the first strengthening of Medicare in its 30-year history. Next Monday, then, beneficiaries can begin enrolling in the Medicare-approved drug discount card, the first stage of what I call the temporary program of the new comprehensive Medicare Modernization Act. The cards go into effect June 1 and will offer seniors much needed discounts and information on brand name and generic prescription drugs.

Medicare beneficiaries who choose to enroll in the voluntary discount card will have choices. I emphasize, this is not something the seniors of America have to do. This is a voluntary program. Not only is it voluntary whether you join the program, but the seniors will have choices within their voluntary decision to join, because there are 38 sponsors offering cards to Medicare beneficiaries nationwide, with some sponsors offering more than one card. More than 40 Medicare advantage plans—the Medicare+Choice, or let's say the Medicare HMOs, as some people know it—offer Medicare beneficiaries additional coverage. They will offer exclusive cards to their members.

There also will be regional cards offered to certain beneficiaries, such as those in nursing homes throughout our country.

Under the drug discount card, beneficiaries will save 10 percent to 25 percent off the retail prices that they paid before they had a Medicare-endorsed discount card. In fact, a study recently in Health Affairs, a peer-reviewed journal of health policy, estimates that if seniors who currently lack prescription drug coverage enroll in a Medicare-approved drug discount program, they can expect to reduce their out-of-pocket drug spending by approximately 17.4 percent.

There is still more good news. One of the most important parts of this drug bill is the nearly immediate help to very low income Medicare beneficiaries, people who do not have prescription drug coverage and who do not qualify for Medicaid.

Low-income beneficiaries—and that would be generally those with incomes under 135 percent of poverty—are helped in two ways. They get a discounted price and they get up to $600 annually in 2004 and 2005 to help buy drugs they need at the pharmacy. The beneficiaries would get access to the $600 in assistance through the Medicare-endorsed discount card. The card will be just like a debit card. When the card is presented to your pharmacy, the beneficiaries are able to draw down from the $600 and purchase their prescription drugs. They can continue to use that until it has run out, between now and December 31.

If they have some money left over on that card on December 31, 2004, that can carry over until year 2005, and they can get an additional $600 in the year 2005. If they didn't have that full $1,200 used by December 1, 2005, it can carry over until 2006, until it is all used and they take full advantage of the insurance program that is going into effect at that particular time.

Also, let me make it very clear that if there are two in the family who would qualify for the $600, then that family would get $1,200 in 2004, and an additional $1,200 in 2005, until it is used then, either in 2005 or carried over to 2006.

I should probably use a lot of examples but I just want to use one example of a woman enrolled in Medicare in Waterloo, IA, near my farm. If she had an income of $12,000 a year and she needed to fill a prescription for Celebrex, the retail price for 30 tablets would be $86.28. This woman from Waterloo, IA, would save nearly $22 a month off the retail price and be able to draw down some of her $600 in assistance to pay for the discounted prescription that lady needs. The $600 credit in conjunction with the discount card will give these most vulnerable low-income citizens immediate help in purchasing prescription drugs that they otherwise, maybe, would not be able to afford or maybe would have to make a very difficult choice between buying food or buying prescription drugs. We hope this eases that choice which some seniors and disabled people in America must make today.

We expect more than 7 million beneficiaries to enroll in this program. Nearly 5 million low-income beneficiaries are expected to apply for this $600 of assistance—$600 in 2004 and $600 in 2005; husband and wife qualifying, that will be $1,200 in 2004 and $1,200 in 2005.

What we need to do now is to continue to let people know about the availability of the card and to help them get information to make enrollment decisions to sign up for the $600 in additional assistance.

I commend the Center for Medicare Services' staff for their work in this area. They are doing much to help people understand this situation.

If I were going to summarize before I go into it, I could say, as I did in my 36 town meetings in Iowa that I have held since January to acquaint Iowans with this new prescription drug program, that I provided four sources of information. One would be if they want to contact any congressional office, including mine, I think they would find that as a source of information. No. 2 would be the 1–800 Medicare toll-free number to which I will soon refer. Also, I had the benefit of having personnel from the federally financed but State-insurance-department-administered program called SHIIP, the Senior Health Insurance Information Program. That program in my State of Iowa, and I assume in most States, will give people one-on-one consultation about how to compare the benefits of the prescription drug program with what their health care needs are and what their income happens to be. Those are all private matters that our constituents are not going to want to make public. So they have the benefit of the SHIIP employees and volunteers working with them to help them work through which program might be best for them.

Then, of course, we have the AARP, which is an organization, I tell Iowa constituents, that deserves great benefit for bringing about the bipartisanship in the Senate that it took to get this legislation passed and signed by the President.

Without the AARP we would not have a prescription drug program for seniors. The AARP has attended a lot of my meetings. I have not heard one criticism of the AARP at any of my 36 town meetings. The AARP representative has been present to tell how that organization can help people get information about this new prescription drug program. The AARP probably has the best layperson's explanation of this legislation that is available. I hand those out at my town meetings as well.

I commend the Center for Medicare Services for their help in this area. I would like to say what their help has been beyond what I have just said.

They helped develop an Internet-based tool that will help seniors learn more about the available discount card options. By using this tool, which will be up and running yet this week, beneficiaries will be able to compare the particular drugs and prices offered by senior sponsors. The Internet site can even tell them whether their neighborhood pharmacy participates in a particular card. But we know that not all beneficiaries feel comfortable using the Internet. Those who don't can call 1–800–Medicare and ask for information about the card being sent to them.

The Center for Medicare Services also has taken important steps to streamline the enrollment process by having the standard enrollment form and allowing States under certain circumstances to enroll low-income Medicare beneficiaries into this card program. This will make it easier for low-income beneficiaries in States with pharmacy assistance programs to get the additional $600.

The card sponsors will also be closely monitored by CMS to ensure that they are playing by the rules and not cheating anybody. CMS will track any changes made in the drug prices and complaints received by their 1–800–Medicare number or other sources. They will also ''mystery shop'' to make sure the sponsors are not falsely advertising. They will be on the lookout out for scam artists who claim to be offering an approved card. While I am confident that most card sponsors will do the right thing, I am very pleased that

CMS will be dedicating resources to protect beneficiaries and in turn the Medicare trust fund as well.

I want to respond to some accusations that were made yesterday by Senators from the other side of the aisle about this bill. It is a carping we often hear that is very inaccurate, and I want to make sure that constituents know what the true story is.

I want to clarify once again important details and answer concerns—particularly inaccurate concerns—that were offered on the other side of the aisle.

Some have argued that our seniors would receive a greater benefit under this Part D drug benefit which I have been speaking about, set to begin in 2006, if the Government would step in on negotiations between drug manufacturers and prescription drug plans. This is not accurate. This noninterference provision allows seniors to get a good deal through market competition rather than through price fixing by the Federal Government.

A basic concern we have is that in writing the legislation the way we did, we don't want some government bureaucrat in the medicine cabinets of our seniors. We don't want that bureaucrat coming between our doctor and our patient. That is why that provision is in this bill. The provision protects patients by keeping government out of decisions about which medicines they will be able to receive. Under this section, the Government will not be able to dictate which drug should or should not be included in the prescription drug plan.

The new Medicare Part D drug benefit allows seniors to use their group buying power to drive down drug prices. We rely on market competition—not price fixing by the Government—to deliver the drug benefit.

The reason we know this works is because it has worked for 40 years in the Federal Employee Health Benefit Plan. There is no bureaucrat telling some Federal employee what their plan can provide to them in the way of drugs.

The law's entire approach is to get seniors the best deal through vigorous market competition and not through price controls.

These private plans have strong incentives under this legislation to negotiate the best possible deals on drug prices. These plans are at risk for a large part of the cost of the benefit. They also have the market clout to obtain large discounts. By driving hard bargains, they will be able to offer lower Part D premiums and attract more enrollees.

The alternative is a command-and-control system that would not be responsive to consumer desires or to marketplace reality. Bureaucrats would swing between adding benefit requirements without a means of paying for them and then restricting choices and access in an effort to contain costs. The noninterference provision is a fundamental protection against such inexplicable government bureaucratic action.

We are also hearing complaints from the other side of the aisle even after three or four times last month straightening them out about what the true cost of this drug program is. What is the true cost? You look ahead 10 years to what a program is going to cost, and you make the best judgment you can of what it is going to cost. There are good people in the Congressional Budget Office who are good at that and who try to do the best thing, but you aren't going to know until 10 years have passed what the true cost is.

It seems to me to be intellectually dishonest for people telling us that somebody downtown can tell us what the true cost of this legislation is. I am going to respond to those accusations about what the true cost of the Medicare bill is for a third time. I am going to do it for a fourth time and a fifth time if I have to until somebody on the other side of the aisle learns something about what this bill does or doesn't do.

They are trying to say that somehow the true cost was hidden from Congress. This is simply election year hyperbole. The opponents of the drug benefit are making this claim because the final cost estimate from the Center for Medicare Service's Office of the Actuary was not completed before the vote took place. But let us be clear: The cost estimate was not withheld from Congress because there was not a final cost estimate from the Center for Medicare Services to withhold. But they don't even know what this so-called cost is because they have to look ahead 10 years and make the best educated estimate they can 10 years ahead of time just like the Congressional Budget Office does. But their estimate wasn't even completed until December 23. The President signed the bill December 10.

Let me also make clear that the Congress had an official cost estimate on the Medicare bill before the vote, and that is the one from the Congressional Budget Office. I keep telling people who don't understand the importance of the Congressional Budget Office, which guides every Member of U.S. Senate, that when they say something costs something, even if they are wrong, that is what it costs. You don't dispute it. The ability to raise a point of order against the bill if you exceed that cost takes 60 votes. That is how important the Congressional Budget Office is. That is the only office we go by.

Somebody can make a complaint that maybe some administrator downtown was muzzled into not talking to Congress, but they were talking to me. I don't know why other Members of Congress couldn't have had the same information I had, and it wasn't much information at that. But you can talk. If somebody was muzzled in our Government where transparency and openness ought to be the rule, that is wrong, I agree, but these accusations about whether the information was withheld have raised questions of whether Congress had access to a valid and thorough cost estimate for the prescription drug bill before the final vote in November.

It should also be made clear while the cost analysis by the Office of the Actuary is perhaps helpful, it is not the one Congress relies on. Congress relies exclusively upon cost projections by the Congressional Budget Office. It is CBO's cost estimate we use to determine whether legislation is within authorized budget limits.

For Congress, if there is a true cost estimate, that is CBO's. And true costs can, at best, be said as a 10-year guesstimate, an educated guess into the future, and it would be the Congressional Budget Office's. CBO's cost estimate is the only one that matters.

When Congress approved a $400 billion reserve fund to create a Medicare prescription drug benefit, this meant $400 billion according to the Congressional Budget Office, not according to the Center for Medicare Services, as the other side would somehow say, that would have a definitive impact upon Congress.

You do not raise a point of order in this body against an estimate by the Center for Medicare Services or even the Office of Management and Budget that speaks for the entire executive branch of Government.

With all due respect to the dedicated staff who work at the Center for Medicare Services, Office of the Actuary, their cost estimates were irrelevant to our decision making process.

The Congressional Budget Office worked closely with the conferees—and I was one of those conferees—to the prescription drug bill and the staff of our Finance and Ways and Means Committees to ensure a full analysis of the projected costs was completed. The conferees and the staff regularly and constantly consulted with the Congressional Budget Office throughout the development of the Senate bill and in the preparation of the conference agreement.

The Congressional Budget Office worked nearly around the clock and on weekends for months to complete an extremely thorough and rigorous cost analysis of the prescription drug bill. That cost estimate—our official cost estimate, straight from the god of Congress's finance estimating, the Congressional Budget Office—was available to every Member of Congress before the measure was presented to the House and Senate for a vote.

It is also pretty disingenuous for opponents of the Medicare bill, especially on the other side of the aisle, to suggest the pricetag for the Medicare bill causes concern because the fact is they supported proposals that cost hundreds of billions of dollars more. You would think they would say: Thank God for the Center for Medicare Services that this bill is going to cost $134 billion

more than what the Congressional Budget Office said it was going to cost because we like to spend money. We want to spend more on Medicare prescription drugs.

The House Democratic proposal, for instance, last year would have cost $1 trillion compared to the $395 billion the President signed. The Senate Democratic proposal in 2002 cost $200 billion more than the bill that was enacted into law.

Further, there were more than 50 amendments offered on the floor of the Senate during the debate on the Senate bill that would have increased the cost of the bill by tens of billions of dollars.

The bottom line is, there should be no doubt in anyone's mind we had as true a cost estimate—or if they want to put it in their words, the true cost estimate—for the prescription drug bill last year. Everyone had access to it before the vote.

But let me explain to the people of this country that whether it is the Congressional Budget Office or the Center for Medicare Services, when they look ahead 10 years, and the farther out you go, it is a fairly imprecise way of deciding what a bill we passed last year is actually going to cost. The true cost is going to be known on that 10th year.

But these professional people with green eyeshades, without any political predilection, study what we put on paper and they say: Senator GRASSLEY, as chairman of the Finance Committee, if you do this, it is going to cost X number of dollars. So if it does not all fit into $400 billion, you kind of tailor it to fit, because if you do not, you are going to be subject to a point of order and you will have to have 60 votes to override it.

I hope I have once again cleared up any misunderstandings about these issues. We should move on and not lose sight of what really matters: helping our Nation's seniors get the drugs they need at lower prices through the Medicare discount card, and $600 of additional assistance, which beneficiaries can begin enrolling in next week, and through the voluntary Part D drug benefit in 2006, which is what really matters.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TALENT). Morning business is closed.

INTERNET TAX NONDISCRIMINATION ACT—MOTION TO PROCEED

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

The assistant legislative clerk read as follows:

A motion to proceed 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.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee controls 2 hours of time.

Who seeks recognition?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, yesterday we began our discussion of legislation which, if it should pass, would be a Federal law giving a tax break or a subsidy to the high-speed Internet industry, and the Federal law would then send the bill for that to State and local governments. There is a bipartisan group of us who object to that, who believe if Congress wants to give a subsidy to the fastest growing technology, high-speed Internet access, then Congress ought to pay for it and not send the bill to State and local governments.

I, for one, also question whether there is any need to spend additional taxpayer dollars on this sort of subsidy since, as far as I can tell, high-speed Internet access must already be the most heavily subsidized technology in the country. But, nevertheless, we have reached a point in the discussion where we are trying to create a compromise result.

To go back through a little bit of history, the House of Representatives sent a bill to the Senate toward the end of last year, and that bill, while it was named ''Internet tax moratorium,'' did much more than that. It purported to make permanent the temporary timeout from taxes the Federal Government set in 1998, and then renewed in 2000, on State and local taxation of Internet access, but the bill did much more than that.

As I pointed out at length last night, the House bill exempted this industry from a great many State and local taxes—telephone taxes States currently collect, business taxes States currently collect, more business taxes, and then sales taxes. So for all of these, we had the Federal Government saying to the State governments: You cannot do this; You cannot collect these taxes.

We have a phrase for this. We call it unfunded Federal mandates. It means: Do no harm to State and local governments.

The Republican majority was elected in 1995, promising to end the practice of we Congressmen and Senators coming up with some big idea, taking credit for it, and then sending the bill to State and local governments. So we went to work to try to change the bill. Senator CARPER of Delaware and I and nine other Senators of both parties offered a compromise. We said: Since the Federal Communications Commission, and since Senator MCCAIN and the Commerce Committee, and Senator STEVENS, our President pro tempore, and others, have said we need to take a comprehensive look at this phenomenon of digital migration of services to the Internet that is being caused by this new high-speed Internet access, since we want to do that, let's take a comprehensive look at it, so let's just extend the old moratorium for a couple more years.

In the meantime, let's try to create a level playing field so all high-speed Internet access providers are treated the same and do no harm to State and local governments. That is the Alexander-Carper proposal.

The majority leader and Senator MCCAIN and others asked me and Senator CARPER to work with Senator ALLEN and Senator WYDEN and others to see if we could narrow our differences. We did, but we still had differences.

As I pointed out yesterday, Senator ALLEN's bill, S. 150, which is the bill we are now considering, is permanent, not temporary. It still puts at risk $3 to $10 billion that State and local governments collect. It also causes the sales taxes that were being collected to expire.

Let's recall that what we are talking about is not lowering anybody's taxes. If you lower one tax, another tax is going to go up, or the government is going to be cut. Lower taxes for the service industry means higher taxes for somebody else. That is a fact.

Then Senator MCCAIN came to the floor yesterday and offered a new proposal. I want to comment for the next 3 or 4 minutes on that. I have written Senator MCCAIN a letter outlining my reaction to it, which I hope is being delivered now, but since we only received his proposal yesterday afternoon at about 2:15, I want to let the full Senate and others know my reaction to his proposal.

First, I appreciate his proposal and his efforts to create a compromise. We all want a result. That is why we are moving ahead at 2:15 to consider his proposal. Unfortunately, Senator MCCAIN's new proposal still harms States and still creates a huge loophole for the high-speed Internet industry.

Let me be specific. No. 1, the definition that the McCain proposal uses is the same definition the Allen-Wyden proposal uses. That definition eliminates $500 million annually of telephone taxes, business taxes that State and local governments collect today. That is an unfunded mandate.

No. 2, the bill does not protect States and their ability to make a decision about whether to continue collecting taxes on telephone services. This is very important to State and local governments. Last year, according to the National Governors Association, State and local governments collected $18 billion in taxes on telephone services. In the State of Tennessee, it was $361 million. In California and Florida and Texas, it is more than $1 billion. It is 5 percent of our State budget. Almost every State is affected by this. While Senator MCCAIN's legislation in one section appears to try to protect telephone calls made over the Internet so that States may choose to continue to

tax telephone services as opposed to food, for example, it doesn't do that. So that is the second problem with the bill. It takes away from the States a substantial tax base.

No. 3, the bill is 4 years in duration. We think 15 months, 2 years would be much better. Four years is better than permanent, but once you freeze into place these decisions, it is like trying to take a billboard down. You can prevent one going up, but you can't ever take it down. We believe 4 years is not much better than permanent. And then there is the grandfather clause. The moratorium is 4 years starting last November. The States that were already taxing Internet access with sales taxes before this legislation moratorium took effect in 1998, we think those States and other States now collecting taxes on high-speed Internet access should be permitted to continue to exercise their option to collect those taxes.

I have suggested to Senator MCCAIN in my letter that there is a way to fix each of these four problems. The way to fix the definition problem is to use the language of the original moratorium. After all, if all we are doing is extending for 4 years the original moratorium on State and local taxation of Internet access, why not use the original moratorium?

No. 2, make the extension for no more than 2 years.

No. 3, express in plain English what I have heard the Senator from Virginia say, that he has no intention of trying to ban State and local taxation of telephone calls made over the Internet. So why not say, ''nothing in this Act shall preclude State and local governments from taxing telephone services, including telephone calls made over the Internet''?

And, finally, all the grandfather clauses should end at the same time the moratorium expires.

I am glad Senator MCCAIN worked to offer this new proposal. I regret that it still has many of the same problems of the original proposal. The term is a little better. The protection for State prerogatives on taxing telephone services is worse. But I would hope we could take the four suggestions I have made and correct the McCain proposal. If we can, we can pass a bill and get on to something else. I wanted to come to the floor quickly, after we have had a chance to review the proposal, to make those suggestions.

I will return to the floor within a few minutes with further comments. For now, 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.

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

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Chair wishes to inform the Senator he has approximately 81 minutes remaining.

Mr. ALEXANDER. Mr. President, sometimes when we talk about this Internet tax proposal, eyes glaze over. It is a hard subject for people to get into their brain because we are talking about a new way of doing things. We are talking about Internet access, how one connects their computer, for example, to the Internet, but we are especially, in this case, talking about high-speed Internet access.

High-speed Internet access has been known to us just for the last few years. When Congress passed the Telecommunications Act of 1996, it is possible that nobody in Congress had ever heard of high-speed Internet access. The commercial Internet was just a few years old at that time.

High-speed Internet access is another one of America's great adventures. The Industrial Revolution was caused by the internal combustion engine. That was a great invention.

The telephone was a great invention. Television was a great invention. The use of high-speed Internet access is a great discovery. What is possible with it is that suddenly a lot of the everyday services of life, such as making telephone calls as an example, downloading movies, even watching our regular television channels, may be done through the Internet. Maybe it will be easier; maybe it will be less expensive; maybe there will be some other advantages.

So for a long time, everybody has been excited about high-speed Internet access, which we call broadband. As a result of that excitement, there has been a phenomenal amount of subsidy of high-speed Internet access by the Government.

The Federal Government spends approximately $4 billion a year already to encourage the spread of high-speed Internet access. Almost every State spends its taxpayers' money to encourage the growth of the high-speed Internet access industry.

The State of Texas, for example, has done at least two things. One is that it has a fund. Texas does things in a big way. So it is collecting $1.5 billion over 10 years, which will be spent to encourage high-speed Internet access just in Texas.

Also, in 1999, when President Bush was Governor Bush, Texas decided it would give consumers a break on high-speed Internet access. Texas said the first $25 a consumer pays for their high-speed Internet access bill each month is exempt from the State sales tax. That is what Texas has done since 1999.

Now, the irony is that the Governors and States of this country came to Congress and said, Why do we not make President Bush's Texas plan the national plan? That really helps consumers. It is pretty easy to understand.

I am in Tennessee, the Chair is in Missouri, somebody else is in Texas, and we all get the bill each month from our Internet service provider. Now consumers can get this high-speed Internet access a lot of places. They can get it from their Internet service provider, such as America Online, for example, or they can get it from their cable company, the person who brings people television, or they can get it from their telephone company. They will charge about $30 or $40 a month for that.

In Manassas, VA, consumers can get it from their power company. That has helped us understand that there is not going to be any digital divide problem. Almost everybody, thanks to the rural electrification system, has a power wire running to their home or near their home and they can get their high-speed Internet access from the electric company. They do it in Manassas, VA. It costs $25 a month, which is just the amount of money President Bush, when he was Governor Bush, thought ought to be the subsidy to consumers who decided to use this fastest growing new technology in the United States, high-speed Internet access.

The reason I raise that is, since we already had that in Texas, what if the States say to the Congress that we will accept that unfunded Federal mandate? We will ask for that one. You know, just exempt all of our 100 million consumers across the country from the $1- to $3-a-month bill that they will pay in taxes on high-speed Internet access.

But, no, from the House comes this legislation last year that would drive a Mack truck through the State budgets of virtually every State. It would drive it through the State of Texas, too. The State of Texas collects $1.7 billion a year in taxes on telephone services. That comes from the National Governors Association. This year they called up all the States and got this information. State and local governments, in taxes, collect $1.7 billion a year on telephone services.

Under the proposal that is coming to the floor this afternoon that Senator MCCAIN has suggested, as those telephone calls are made over the Internet, they would be tax free. That sounds good at first, until you think about what comes next. Let's say Texas loses a third of its revenues from telecommunications taxes. Let's be conservative about this. Of the $1.7 billion that Texas collects on taxes on telephone services, only about a billion comes from telephone calls. These are the monthly bills that you get.

So Texas collects $1 billion a year. According to the Congressional Budget Office, in a letter to the Senate that I had printed in the RECORD yesterday, the estimate is that within the next 5 years at least a third of all the telephone calls will be made over the Internet.

I think it is coming faster than that. I believe Michael Powell, the Chairman of the Federal Communications Commission, believes it is coming faster than that.

So under the McCain proposal, Texas loses one-third of the revenues it collects in telephone services. That is $300 million a year. In Tennessee, it is $100 million.

Then that keeps going. So gradually if you are the Governor of Texas, you are the legislators of Texas—and I know right now they, as most States, are going through a difficult time financially—they are talking about other taxes in Texas so they can pay for their schools.

But I can predict what is going to happen in Texas and in Tennessee and in Washington State and in Florida. Florida collects $1.4 billion in taxes a year on telephone services. About $1 billion of that is from telephone calls.

Take all that out and what happens, dancing in the streets because people aren't paying taxes on telephone calls over the Internet? No. What is going to happen is that some unfortunate Governor in Texas and in Florida is going to have to propose a State income tax.

You may stand up and say we should reduce taxes by $1 billion in Texas, or reduce it by $1 billion in Florida, and maybe you can. Maybe you can. But that is a substantial challenge to those States.

What we are really doing here is something I never thought I would see. We have legislation which has zoomed through the House and which the distinguished chairman of the Commerce Committee, despite his efforts to have meetings and to compromise, is still insisting on, is that we in the Congress give a big subsidy to the high-speed Internet access industry and send the bill to State and local governments, and it is a potentially big bill.

I suggested in my earlier remarks that the McCain proposal can be easily fixed. For example, we can just say: Nothing in this act shall preclude State and local governments from taxing telephone services, including telephone calls made over the Internet. That is very plain English.

I don't know why we don't try plain English in a statute every now and then. That would remove a lot of that problem. Then we could make it a 2-year extension instead of 4 and that only leaves two problems. One is the definition of Internet access. They have cooked up a new one. We had one since 1998. We banned taxes on Internet access in 1998. We did it again in 2000. I supported that. Instead of really banning taxes on Internet access, they are creating a big tax subsidy to a whole industry. We could fix the definition problem by going to the Alexander-Carper definition, which we suggested in December, or just by going to the 1998 definition. Then we could make all the grandfather clauses expire at the same time the moratorium ends, that would be it, and we could pass the bill and be on to reducing taxes for manufacturing companies.

Sometimes I think I have not been able to get my point across as effectively as I would like. I was thinking about it this way. The Presiding Officer is the Senator from Kentucky. Kentucky has a big Toyota plant. I visited with the chairman of Toyota in Tokyo a few weeks ago. Toyota is leading the way—Ford is doing a lot, Nissan is doing a great deal, other companies are—in hybrid cars. I see the Senator from Delaware, and I am going to yield to him within 3 or 4 minutes. They tell me at Toyota in Tokyo that Toyota is selling hybrid cars in America this year at the rate of 100,000 this year. That is very important in Tennessee because we have a big clean air problem and hybrid cars have electric motors and internal combustion engines both and burn less gas and pollute the air less, so the air would be cleaner in Tennessee. So I am thinking about, perhaps, recommending a Federal law that tells Kentucky and Tennessee and Delaware they cannot tax hybrid cars.

Why wouldn't that be a good idea? That would clean the air.

The reason it would not be a good idea is that in Delaware and Kentucky and Tennessee, some unfortunate Governor and some unfortunate mayor is going to have to figure out what to do about the property tax to pay for the schools and whether to raise the tax on food if you can't raise it on telephones. And even though he or she might want to lower taxes, if we give a big break to one industry, if we give them lower taxes, it is going to be higher taxes at some tax level for somebody else.

Whether it is hybrid cars or whether it is solving the obesity problem by passing a Federal law that we can't tax low-carb foods, or solving the energy problem by saying we can't have a State tax on solar panels on the roof—all those things sound good, but it is not our responsibility in a Federal system to tell State and local governments what services they can provide and what taxes they can charge. And especially that is true when already the Congress and the States are subsidizing this industry.

I believe if Congress wants to give a big subsidy to the high-speed Internet access business, Congress ought to pay for it. The way to do it is to adopt the George W. Bush Texas proposal that was enacted in 1999. That is relatively inexpensive. It benefits consumers. It would say to everybody in the country, the first $25 you pay on high-speed Internet access every month is tax exempt. The States have asked us to do it. Why don't we do it? Why do we insist on rushing through the Congress legislation that gives a big break to the industry that is already, at least as far as my research shows, the most highly subsidized and fastest growing new technology in America today?

The Department of Commerce and the Congressional Budget Office both have advised us it is growing so fast it needs no subsidy, that there is no need to spend more taxpayer money on that.

I see the distinguished Senator from Delaware, former chairman of the National Governors Association. He has been a leader in the fight to remind us we have a Federal system, and that it is not up to us to come up with big ideas, take credit for it, and send the bill to the local governments. I would like to yield to him whatever time he may require.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Tennessee for yielding the time. Let me say how much I enjoyed the opportunity to work with the Senator on this issue and, frankly, on a number of other issues. I think he has shown a lot of courage, and I am grateful to him. I thank him for the opportunity to be his partner.

I take some time this morning to address one of the important arguments made by our colleagues on the other side of this debate. Proponents of the legislation argue the only way to encourage broadband deployment is to provide subsidies to telecommunication industries with no strings attached. Furthermore, they argue the only way to create such subsidies is to pass a large, new, unfunded Federal mandate. I submit if what all of us here want to do is determine the taxes and spending policies of our State governments, then we should do what Senator ALEXANDER did, what Senator VOINOVICH did, what Senator HOLLINGS, I, and others did. We ran for Governor. We were elected. As a result we had the opportunity—in my case for 8 years—to decide what the taxing and spending policies of our States' governments should be. That is what we did.

The authority we are granted here in the Senate by the Constitution is to decide the taxes and spending policies of the Federal Government, not the taxing and spending policies of the State governments, and not the spending and taxing policies of local governments. Our job is to determine the taxing and spending policies of the Federal Government.

That being said, it is not as if we the Senate are somehow without the power to create incentives for industries to encourage certain activities we deem to be desirable. Senator ALEXANDER mentioned a couple of areas where we are involved with tax policies in other cases and with spending policies to encourage the development of fuel cell vehicles, or to develop the creation of leaner burning diesel vehicles, or to incentivize creation of coal-fired plants that don't pollute a great deal. We have that spending and taxing authority, and we are using it—some would argue not to great effect, but that is our responsibility. We have the authority, after all, of a Federal budget. It is over $2 trillion.

If we believe telecommunications companies need more money to build and market their broadband networks, and if we believe we can do better than the private sector in providing that money, then there are any number of ways we can provide money at the Federal level. After we do that, first of all,

we could provide Federal grants. We can provide Federal tax breaks. We can provide loan guarantees. We can provide additional spectrum for unlicensed use. The only reason not to provide the money in these ways, if it is needed, is because Congress would have to find a way to pay for it rather than simply sending the bill to our friends in our State and local governments. If we pass a new unfunded mandate this week or next week, it will be a matter of choice rather than a matter of necessity.

In case anyone doubts that, I would like to bring to the attention of our colleagues here in the Senate a few of the many bills that have been introduced in the Congress to create Federal incentives for broadband deployment. These bills have already been written. These bills have already been introduced. Many of them have a rather broad cosponsorship. If we wanted to, we could bring one or several of them to the floor today, debate them, and perhaps pass them.

I will mention a number of those bills. I want to start first with bills that have been introduced by Senators who have joined us in opposing the unfunded Federal mandate we are debating here today. I do so because there has been some suggestion made by our colleague on the other side of this issue that those of us who oppose unfunded mandates also oppose the Internet, or oppose efforts to encourage the development of broadband. That is not true. While I doubt many of our colleagues believe this to be the case, I do believe it is important we clarify matters for the record.

Let me start with a bill authored by Senator HOLLINGS, a distinguished ranking member of the Commerce Committee. One year ago, Senator HOLLINGS introduced the Broadband Deployment Act. It is a true Federal broadband bill, and as such it would be a much more appropriate piece of legislation for us to be debating here today. Instead of handing State and local governments an unfunded mandate, Senator HOLLINGS' bill would provide broadband to support State and local broadband initiatives. Rather than being unfunded, Senator HOLLINGS' proposal would be financed by moneys from the Federal telephone access tax.

Besides block grants, Senator HOLLINGS' bill would also provide direct grants for broadband deployment. It would also support university research on next-generation broadband technology and pilot projects deploying new wireless broadband technology. I think that sounds like a worthwhile proposal.

However, for Senators who are opposed to providing outright grants, perhaps we should consider another proposal; that is, one by Senator DORGAN.

His proposal is to make low-interest loans available to companies that are deploying broadband technologies in rural areas such as North Dakota. We have rural areas in Kentucky. There are rural areas in Tennessee. Believe it or not, we still have rural areas in Delaware. That proposal might be of some interest to a lot of us, and I suspect to other of our colleagues.

On the other hand, if Senators would rather provide tax incentives and either grants or loans, then perhaps we should be debating Senator ROCKEFELLER's Broadband Internet Access Act. Senator ROCKEFELLER's legislation would provide tax credits for companies investing in broadband equipment. It would provide a 10-percent tax credit for investments in so-called ''current generation'' broadband services.

For investment in higher speeds for next-generation broadband services, his bill would provide a 20-percent tax credit.

If it is a Republican tax proposal my colleagues are looking for, we could always turn to Montana and Senator BURNS' proposal to allow the expensing of broadband investments by companies. That might work. I find that attractive.

If party affiliation is not the hangup, but Senators are uncomfortable with providing tax incentives directly to companies, perhaps they would prefer the approach suggested by our colleague from New York, Senator CLINTON. She proposes a different approach. She proposes providing an income tax credit to holders of bonds that are used to finance the deployment of broadband technology.

Finally, if Senators don't want to provide grants, loans, or tax incentives, they can consider an approach advocated by one of our colleagues who happens to represent, among other places in California, Silicon Valley; that is, Senator BOXER. Senator BOXER has proposed we allocate additional spectrum for unlicensed use by wireless broadband devices.

Those are only a few of the proposals that have been made, introduced, discussed, and in some cases subject to hearings, and which have cosponsors.

Those are a sampling of the things we can do as Federal legislators in a proactive way if we are interested in strengthening the ability of companies to market and extend their broadband systems.

What I think this array of proposals indicates is there is no limit to the ways in which we could act, if we wanted to, to encourage broadband deployment at the Federal level. The Senators I have mentioned—I mentioned five of them—span the ideological spectrum, from liberal to conservative. They come from different parts of our country. Their proposals reflect their ideological diversity. Some would increase spending; others would cut taxes. Some would finance their proposals by reallocating existing resources; others would add to the deficit.

But what is clear is all these proposals are harder to pass here in Washington than an unfunded mandate because we would have to pay the bill ourselves. We could not stick anyone else with the tab. We would have to pay the tab.

Admittedly, at a time when our Federal budget deficit is out of control, I have to confess passing the buck does have a certain amount of appeal. But it is not as though State and local governments are in much better shape financially than we are. State and local governments are struggling to cope with the worst financial crisis they have faced, I am told, since World War II. Classrooms are becoming overcrowded as school budgets are cut. Prisoners are being released from jails as correction budgets are cut. Governors and mayors are pushing through unpopular and frequently regressive tax increases.

New industry subsidies can be created for all sorts of wonderful purposes, but if they are conceived in Washington, and then the cost of those subsidies is passed on to State and local governments, what it all amounts to is political welfare. We spend, they pay.

If we are going to pass on our costs to our friends in State and local governments, we ought to at the very least have the courtesy to tell them how much expense we are planning to run up on their tab. Perhaps the worst part about this new unfunded Federal mandate we are proposing is we cannot honestly look our Governors in the eye, we cannot honestly look our mayors in the eye, we cannot honestly look our State legislators in the eye, and even tell them how much this unfunded mandate is going to cost them and their State or their city or their county. We cannot do that because, in truth, we have no idea.

I would ask how my colleagues would react to the following proposal from me: Suppose I proposed a bill to create new Federal subsidies for the poultry industry.

The poultry industry is big in our State and the entire Delmarva Peninsula. In fact, for every person living in Delaware, there are 300 chickens. Let's say I proposed a bill to create new Federal subsidies for the poultry industry, or any industry, for that matter. Suppose these subsidies would be provided in the form of mandatory spending outside the control of annual appropriations. Suppose CBO evaluated my proposal and indicated they could not estimate, they could not even guess how much my proposal would cost, except to say: We believe it could grow to be large. We believe it could grow to be large.

That is what CBO has said about S. 150: We believe its cost to State and local governments could grow to be large. But they are unable to say how large and how soon.

If I proposed some kind of proposal that helped our poultry industry, and CBO said, ''We don't know how much this is going to cost,'' would my colleagues in the Senate pass that kind of a proposal? Would they even allow it to be considered on the floor of the Senate? As convincing as I might be, I do

not think they would. Yet this is exactly what we are asking our Governors to accept from us. This is why the Governors united—Republican and Democrat alike—in opposing the subsidies in the underlying bill we are debating today.

If my colleagues have not yet read CBO's analysis of this bill, I urge they do so. The Congressional Budget Office tells us this legislation is written in a way that is so broad and so vague they cannot even give us a rough estimate of what its effect will be on State and local governments, except to say: We expect it to grow to be large. They say the language in this legislation is so confusing that lawyers will ultimately have to get involved, and we will not know what the implications for State and local budgets will be until it all gets sorted out in the courts.

My friends, that is unacceptable. It is beneath us as the world's greatest deliberative body. It is an abdication of our responsibility as the body our Founders created in part to protect the interests of the respective States of our Union.

We can do better. We all agree the current moratorium on Internet access taxes should be extended. I say ''the current moratorium.'' It is a moratorium that was in place for 5 years and expired last November. But we agree the moratorium should be restored. We disagree, though, on what should be done beyond that. But we all agree the moratorium should be extended.

If we are going to write this bill on the floor rather than negotiating a compromise everyone can live with, we ought to begin with what we can all agree on, and debate what to do beyond that. We ought to call up a bill that simply extends the old moratorium.

I want to expand that moratorium to make it technology neutral. Along with Senator ALEXANDER, I expect to offer an amendment to do that. If others want to add billions in new subsidies to the bill on top of that, then they can offer their own amendments. If we want to propose ways to pay for such subsidies, as others may propose, and to do so here at the Federal level rather than passing the bill to the States, then we should put our proposals forward. If others want to propose different inducements to industries, such as low-interest loans or allocations of spectrum, then they should bring those proposals forward as well.

That seems, to me at least, to be the fairest way to proceed. If the goal is to have a genuine debate on this issue and to let the Senate work its will, we would welcome that. On the other hand, if the intention is to proceed to a fundamentally flawed bill, and then immediately file cloture to close off debate, we have no choice but to use every procedure available to us to protect our rights and to protect the interests of our States.

My hope is we will still be able to work this one out and reach an acceptable compromise, one that extends the moratorium and makes it neutral with respect to technology, but also one that first does no harm to State and local governments, that are struggling to cope, as I said earlier, with their worst financial crisis since World War II.

In 1995, when the Senate debated and, along with the House of Representatives, passed the unfunded mandates law, I was not working in the Senate. I had been a Member of the House of Representatives, but I left at the end of 1992. Former Governor Mike Castle and I sort of swapped jobs. He became a Congressman from Delaware, and I was privileged to become its Governor.

Starting in 1993, my first year as Governor, I began working with other Governors, including Senator VOINOVICH. What we sought to do was to work actually initially with a bunch of Republicans who were part of the so-called ''Gingrich Revolution'' which was able to capture the majorities in the House and Senate in 1994. One of the platforms of the ''Gingrich Revolution'' was the Federal Government should not tell the State and local governments what to spend their money on, and then not provide that money; nor should the Federal Government tell State and local governments what they could or could not tax without providing some offset if we cut their revenue base.

One of the first laws enacted in the year 1995, signed by then-President Clinton, is one that said: Unfunded mandates are wrong, whether they are on the spending side or on the revenue side.

In 1998, the Congress passed an unfunded mandate, not a big one but a little bitty one. The reason they did it, they said, was to make sure the Internet has an opportunity to get up on its feet and successful because we think it could mean good things for our economy. It has.

At a time when State and local governments were beginning to put taxes or fees in place on access to the Internet, the Congress and President Clinton said: State and local governments, if you are already imposing some kind of tax on access to the Internet or some fees on access to the Internet, essentially your AOL bills of consumers, if you already have one in place, you may keep it in place, but if you haven't done it, you are not going to be able to do so. So a moratorium was put in place in 1998. Most people thought it was a good idea. States went along with it. They were not crazy about the idea, but they went along with it.

After 3 years the moratorium was supposed to expire. When it was about to expire, it was extended, almost by acclamation, in 2001. The States were not crazy about the idea, but there was not a whole lot of push back. Then late last year, that 2-year extension expired.

With Senators ALEXANDER, VOINOVICH, GRAHAM of Florida, FEINSTEIN, DORGAN, ENZI, HOLLINGS and I, and others opposing the underlying bill, I don't believe you would see that kind of opposition if some things were different.

If there had never been an unfunded mandates law in 1995, we may not feel so strongly, although the idea that the Federal Government is telling the States what to do and to pay for it, the Federal Government is taking away the revenue base of the States and not making up the difference, that still rubs me the wrong way. I find it galling. But if there were no unfunded mandates law, we would probably not be making this kind of fuss today over this issue.

If the Internet were still in its infancy, still struggling to hit its stride, not yet making the impact it does today in our economy here and around the world, we probably wouldn't be making the fuss we are today in opposition to the underlying bill.

If States today were awash in money and not facing the largest fiscal crisis they have faced in over 50 years, we probably would not be making the kind of noise we are in opposition to the underlying bill.

If telecom companies were not beginning to enjoy very decent profits as they are today—and the prospect is for more of the same—then we might not be making the kind of fuss we are in opposition to the underlying bill.

As it turns out, there is an unfunded mandate law, and even if there were not, what we are seeking to do in my judgment is morally wrong. The Internet is no longer in its infancy. It is a grown child, not just trying to walk or crawl. This grown child is running at full speed. The States are not awash in money. They are hurting. They are hurting in ways we have not seen in a long time.

It is not just the classrooms that are crowded. It is not just the prison doors being opened to let people out who frankly should still be incarcerated in many cases. It is not just the caseload burdens of folks whose job it is to work with families in trouble. All of those problems are facing State and local governments, and they do not have the revenues to cope with them in many cases.

The telecoms are doing pretty well these days. They went through a tough patch, but they seem to be coming through it.

I don't know if Senator ALEXANDER still has to go somewhere or not. Is he able to stay on the floor a bit longer?

Mr. ALEXANDER. I am going to leave within 4 or 5 minutes.

Mr. CARPER. Let me yield before the Senator leaves, if he would like to make some comments. I have a few more things I would like to say.

Mr. ALEXANDER. I have been listening to the Senator from Delaware carefully.

Mr. CARPER. You have heard some of this before.

Mr. ALEXANDER. What was going through my mind was: I don't recall a

time when I was Governor of Tennessee that I ever saw the Congress do anything like this. There were unfunded Federal mandates that we didn't like. Back in the early 1970s, before I was Governor, Congress said: We ought to help children with disabilities. We will pay for a certain percentage of it, but they never did. I hear about that all the time from local school boards and local people. But I cannot remember a time when the Congress passed a law saying: We have come up with a great idea here, and we are going to give a State tax break to somebody to pay for it. I think we would have laughed about that.

Then we would have gotten really mad about it. It is so farfetched.

We are having a very serious debate about this in the Congress. Everybody is going through the motions, making bills doing all these things. But what we are doing is, U.S. Senators are passing State laws. That is what we are doing.

If I had known that I could have run for the Senate in 2002, I could have probably been elected by a big margin in Tennessee. I could have said: When I get to Washington, I am going to pass a Federal law abolishing the State income tax, in case you ever pass it, making it illegal for Tennessee to pass a State income tax. We don't have one and people don't want one, although they may get one, if this bill passes. Or I could say, as we have said a little earlier, hybrid cars are a great invention. I think I will pass a Federal law telling Tennessee, Kentucky, and Delaware they can't tax cars. Car taxes are hated. Or obesity is a national problem. I think I will pass a Federal law saying: No sales taxes on low-carb or low-fat food.

Housing is important to all of us in the United States and in the Senate, but we don't pass a Federal law lowering local property taxes in Louisville or Nashville or Wilmington in order to encourage housing. Why don't we do that? It is because we have a Federal system. We are not Belgium. We are not France. We have Governors. We have mayors. This is America. It is a part of the American character that we like to make our decisions at home.

When I go to a Lincoln Day dinner—I don't go to the Democratic meetings—I always say something about local control. If I were to go to any Republican meeting in Tennessee and say, I especially don't like it when a Congressman gets up and passes a Federal law and takes credit for the idea and sends the bill to the Governor or the mayor, I would get a big round of applause for that because we believe that in the Republican Party in Tennessee, and most Tennesseans do as well.

I was enjoying the remarks of the Senator, and that was going through my mind. I wish I could think of some way to convey to my colleagues that we are talking out of the box here. We are not talking about Federal taxes, Federal subsidies, or Federal programs; we are talking about State programs. That is what we are doing here. It is totally inappropriate, against the spirit of the tenth amendment and Ronald Reagan and everything else we stood for on the Republican side in the Contract with America. It is offensive to that spirit. That is why I am here today.

Mr. CARPER. Mr. President, it is ironic. The Senator talks about some of us here who would like to almost usurp the responsibilities of our State and local officials.

I always describe myself, when people ask what I do, as a ''recovering Governor.'' Although I love being in the Senate and working with particularly the folks we are engaged with on this particular issue, we are not Governors, we are not mayors, we are not county executives, and we are not State legislators; we are Federal legislators. We have the ability, the power, through the Federal purse, through our appropriations process, to offer grants and provide tax credits. We are in a position to nurture industries, promote them. We have talked about some of them today. This is one industry that should be nurtured and strengthened. We can do that and we should do that on our dime.

I see the Senator from New Hampshire on his feet. I will make one more comment and then I will yield the floor.

Senators ALEXANDER, VOINOVICH, and I just returned from a press conference upstairs a couple minutes ago. We were asked about the proposal Senator MCCAIN has offered. I have a huge respect for him. We were colleagues in the House together, and we served in the Navy at about the same time. I believe what he submitted is a proposal made in good faith. However, I also ask my colleagues to keep this in mind. Whether you look at the underlying bill, S. 150, considering the alternative Senator ALEXANDER and I offered, also on behalf of other colleagues, and consider what Senator MCCAIN offered and other proposals that may come to the floor, there are really four areas of contention. They include, No. 1, and maybe most important, what is the definition of what is tax exempt under the moratorium? I will say that again. The first area of contention may be the most important. It is the definition of what is tax exempt under whatever moratorium is being proposed.

Other areas of contention, though I think not as important, include the duration of the moratorium. Should it be 15 months, 2 years, 3 years, or 4 years? That is an area of contention. But it is not as critical as the definition of what is tax exempt under whatever moratorium is being proposed.

The third area of contention is, what is the duration of the grandfather clauses for State and local governments which would be deprived of revenue that they currently collect?

Finally, what is the application of the moratorium to traditional taxable voice communications, when those communications are routed over the Internet? Those are really the four areas of contention.

If you look carefully at the proposal submitted by Senator MCCAIN, the definition of what is tax exempt under his proposal looks a whole lot like that which is included in the bill authored by Senators ALLEN and WYDEN. While the duration of the moratorium is a little different, it is shorter. That, in my judgment, is not really the key factor here. Of interest, though, is the duration of the grandfather clause. I think the moratorium under the McCain proposal is 4 years, but the grandfather clause protecting State and local governments is only for 3 years. There appears to be, superficially, an effort in the McCain bill to address the issue of the application of the moratorium to traditional taxable voice communications when those forms of communications are routed over the Internet. On the one hand, the legislation appears to address, with some sensitivity, that concern. But on the other hand, it takes it back. We have to look at the entire language as it pertains to this provision.

These are not easy issues to understand. I have spent a fair amount of time on them and they are not easy for me. For those of us not on the Commerce Committee and have not had the benefit of the extensive hearings, these are not easy issues. I have tried to come up to speed on these issues, and the rest of us in this body have struggled to come up to speed. I want to make sure we use the time before us this week, and maybe next week, to provide the kind of primer that I have been privileged to have for others of our colleagues, so that at the end of the day, when we vote, we are casting an informed vote.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent to be allowed to proceed for 5 minutes and that it not be charged to anyone's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I wanted to speak on this topic to address a couple points that have been made. I appreciate the sincerity and the interests of those who oppose this bill. They have opposed it vigorously and aggressively. But I believe very strongly, having seen this debate unfold, that this is not a question of their support for an alternative as much as it is their opposition to any legislation that protects the Internet from taxation.

I draw that conclusion because we are debating a motion to proceed. If there was a genuine interest in bringing different alternatives to the floor and having a vote on those alternatives or amendments, we would not be in what is effectively a stonewalling scenario, delaying tactic, if you will, to

have to force a cloture vote on simply proceeding to the bill. There are a handful of people who vehemently oppose any legislation that protects the Internet from taxation. I think that is why this has taken so long to move forward.

Some people do not support the underlying legislation, and it is certainly true that it would protect the Internet from taxation. But what it would not do is create special considerations for the Internet or broadband access. The legislation specifically says we will preempt, or prohibit, any discriminatory taxes, taxes that are specifically addressed to Internet service providers or broadband providers, but those businesses are still subject to State property taxes, sales taxes, capital gains taxes, and all of the other taxes that are levied broadly and uniformly within a State.

Second, the suggestion was made that we are writing State law here, and that is simply wrong. This is an item and an interest and issue of interstate commerce. Just as the Federal Government exercises its prerogative to clarify legislation with regard to other interstate commerce activities, such as shipping, trucking, railroads, or aviation, the national and global Internet broadband communication system that has been established by entrepreneurs over the past 15 years ought to, at some level, be protected from multiple and discriminatory regulations and taxation because of its importance to interstate commerce.

We are writing Federal law here, not State law. I think it is a little bit disingenuous to suggest we are writing State law and to raise concerns about us writing State law, when in fact, when this bill is dispensed with—and I hope passed and signed into law—the very opponents of this bill who said they are worried about us writing State law will come right back to the floor of this Senate and support legislation to authorize States to collect taxes from businesses that do not reside or have facilities or domiciles in those States.

Many opponents of this bill also want the Federal Government to authorize the collection of taxation from businesses outside of their States, which is not only an intervention in States' rights or State laws, but it is effectively an authorization of taxation without representation because the residents of those States will then have to remit taxes to other States in which they do not have a voice.

We will have that debate and discussion. Some will support that process; some will oppose that process. But the very opponents of this bill who raise the concern about writing State law will come back and ask for that very power to be authorized and approved by the Congress because only Congress can give States that power.

I think there is a little bit of a mixed message here looking for an argument that might seem to be useful in stopping or thwarting this bill, but it is an unfair argument and an improper argument.

Some people think that cities, counties, and States should have the right and the ability to tax the Internet. They want those cities and States to tax the Internet. I do not think that is right for consumers, it is not right for America, it is not right for investment, and it is not right for broadband access or deployment. If they want to take the floor and say, We don't support Internet taxes, we are looking out for the interest of these cities and States, I say think again because the whole reason they are raising the issue of the unfunded mandate and supporting a point of order against this bill because of the so-called unfunded mandate is precisely because of those States that are collecting the tax today.

If you support striking this bill on the unfunded mandate, then you are effectively standing up for those States, cities, towns, and counties that are taxing the Internet today. That should not be allowed to continue. It is not good for our economy, and it is certainly not the right incentive to create if we want to ensure broadband reaches throughout the country.

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

Mr. SUNUNU. Mr. President, I ask unanimous consent that when the Senate resumes debate on the motion to proceed at 2:15 p.m., the debate time be allocated as follows: 20 minutes to Senator ALEXANDER, 20 minutes to Senator DORGAN, 20 minutes to Senator MCCAIN. I further ask unanimous consent that the Senate now recess until 2:15 p.m., subject to the previous order.

Mr. REID. Mr. President, reserving the right to object, what this does for Members and staff, so they fully understand, is this adds 20 minutes to the debate. That is all it does. I ask my friend modify his unanimous consent request to allow me to speak as in morning business, and following my remarks, we will go into our normal Tuesday recess.

Mr. SUNUNU. Mr. President, I have no objection to that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

MILITARY RECORD OF SENATOR JOHN KERRY

Mr. REID. Mr. President, I had the good fortune a week ago this past Saturday to be in Las Vegas. At that time, I spoke about the military record of Senator JOHN KERRY. In fact, I not only spoke about the military record of JOHN KERRY, but I read verbatim from the two citations for heroism he received.

The first citation for heroism he received was presented to him by Admiral Zumwalt. In that citation, it talked about what Senator KERRY did to earn the Silver Star. In effect, what he did is as follows:

Senator KERRY was the commander of a swift boat. A swift boat was a boat that would move very quickly, and they used it in the rivers of Southeast Asia. They were subject to ambushes and attacks, especially before there was something done to make sure the shoreline was free of foliage. They were attacked often.

In this instance, a rocket hit his swift boat, blew all the windows out of it, and, of course, injured people on board the boat. Senator KERRY at that time directed the swift boat to, rather than go away from the battle, go into the battle and go to shore. As soon as he got close enough to the shore to get off the boat, he got off the boat, and before the enemy had time to fire the second rocket, they were killed by Senator JOHN KERRY. This is the reason he was given his first Silver Star.

The Bronze Star was awarded when again his boat was hit from shore. One crewman was blown off the craft in the water. They were taking fire at this time. Senator KERRY, even though he was injured—his right arm was bleeding badly—directed fire toward the enemy, got the swift boat close enough to the man in the water, and he personally pulled the man out of the water.

These are, in synopsis, the two acts of heroism for which Senator KERRY was decorated. He was decorated with the Silver Star and the Bronze Star. He was, of course, also given three Purple Hearts. Purple Hearts are given when someone is injured in battle.

There is no question that what JOHN KERRY did in Southeast Asia, specifically in Vietnam, was heroic. That is why he was given these medals. I think it is outrageous for people to criticize his military service to our country.

It is obvious this administration knows America loves a war hero, and JOHN KERRY is a war hero. So what does the administration do? They do everything they can to denigrate this fine man rather than talk about policy in Iraq, tax policy, environmental policy, economic policy, and health care policy. I think it is wrong that they are doing this, and I think they should get back to talking about the issues that are important.

America knows JOHN KERRY is a war hero. No matter how many times the Vice President speaks at universities criticizing JOHN KERRY's military record, you cannot take away the facts. He was presented by the military authorities of our country two medals for heroism. They speak for themselves.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

INTERNET TAX NONDISCRIMINATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. In my capacity as the Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, there is a quorum call in effect at this stage. How is the time being charged?

The PRESIDING OFFICER. The time is not being charged.

Mr. REID. I ask unanimous consent that the time be charged equally against the three who will control time.

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

Mr. REID. 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, how much time remains?

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mr. MCCAIN. Mr. President, I yield myself 4 minutes.

Mr. President, I have here in my hand a document prepared by the National Governors Association that expresses support for extending the Federal ban on State and local taxation of Internet access, so long as the moratorium respects three principles. One: Do no harm to State and local revenues. Two: Be clear about what services are covered by the moratorium to ensure that voice services and other services that use the Internet are excluded from the scope of the moratorium. Three: Stay flexible by extending the moratorium temporarily. These are the same principles that Senator ALEXANDER and others have stated they want to respect.

I agree with these principles, which is why I will offer today a compromise amendment to S. 150, the Internet Tax Non-discrimination Act.

The amendment would ensure that a significant portion—in fact, an overwhelming portion—of State and local telecommunications services tax revenues would remain protected. This means that almost $20 billion of revenue would not be impacted by the proposal that I support. I would contrast this with the $18 billion that the NGA claims the version of S. 150 that passed in the House last year would cost State and local governments, and the almost $12 billion that the association claims S. 150 would take away from States and localities.

I respectfully submit that the relatively small impact that the compromise amendment would have on States and local revenues would stem primarily from our wish to treat all States equally under this moratorium. Still, to accommodate the States that were taxing the Internet in 1998 when the moratorium was first enacted, the amendment would propose to give those States 3 more years of Internet access tax revenues. The compromise amendment would even permit those States that were not originally grandfathered but that nevertheless have begun taxing Internet access 2 years of additional revenue.

The NGA has also asked for clarity in the definition of Internet access. I agree that there should be clarity in this matter. To that end, the compromise amendment provides as plainly as possible that it would not prohibit States and localities from taxing traditional telephone services, voice services that use the Internet, and other services that use the Internet. The amendment also makes clear that e-mail could not be taxed by the compromise amendment. Once again, I have respected another core principle of the NGA in the matter.

And finally, the NGA seeks a temporary, rather than a permanent extension of the moratorium under the premise that, as the association and Senator ALEXANDER say ''A temporary solution is better than permanent confusion.'' The compromise amendment would extend the moratorium for a period of 4 years from November 1, 2003. Simply put, anything shorter would put us back on this floor debating this measure right after it is signed by the President.

So I remind my colleagues: What I will offer today does very clearly address the concerns raised by the NGA and other State and local groups. I hope, therefore, that my colleagues will support me in passing this reasonable compromise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona for his courtesy, his hard work, and his meetings on a complex issue, about which there are differences of opinion. People might wonder why are we having a hard time agreeing. One of the reasons is we have a difference of opinion, which I will talk about in a minute. A second is that sometimes even when we agree, when we sit down and try to write down what we agree on, we then disagree.

I am not sure if that is because we don't agree, or because our staffs have missed the boat, or because we Senators are not as wise as we should be. But let me be responsive to Senator MCCAIN, because he has come to the table with a specific proposal. I appreciate that. We got that yesterday afternoon and we read it carefully last night, and I sent him a letter which he got just a little while ago. I tried to say to him my thanks for it. I identified four areas which are the principles he just talked about that I see as concerns and four ways to fix the problems.

He then asked me if I would be willing to offer an amendment to fix the problems, and I am preparing such an amendment to do that. But maybe we can speed that up. Let me go through the points he made and say where I have concern.

The first problem with the most recent McCain proposal is the definition. The definition is basically the same definition as in the last proposal, which is the Allen-Wyden bill. It does not simply extend the moratorium on State and local taxes on Internet access; it broadens the definition to include business taxes State and local governments collect, and those business taxes amount to a half billion dollars a year. That is the first problem.

How would we fix it? We would fix it by adopting the narrower definition of the Alexander-Carper amendment which was introduced 6 months ago with 11 bipartisan sponsors, or we could go to the original definition that was in the 1998 moratorium.

Let's remember what we are talking about here. Everybody is saying we have had a moratorium since 1998 that says, let's not allow State and local governments to tax Internet access. Certainly access is a very little thing. It was just the connection between you and AOL at the time it was passed. Now it is the connection between you and a variety of people—maybe the connection between you and your telephone company providing high-speed Internet access, your cable company providing high-speed Internet access, or it may be between you and DIRECTV providing high-speed Internet access, or in Manassas, VA, they provide it to you by the electric company. So it is just you and your provider.

The problem with this definition—it is the same problem with the definition of the distinguished Senator from Virginia—is that it broadens that, not to include just the end user and the provider, but the business taxes, the whole process. It would be as if we were to say, OK, we want to pass a Federal law saying in Virginia and Arizona and Tennessee you can't tax hybrid cars. You can't collect State taxes on hybrid cars because that will help clean the air. We will pass a Federal law: No State tax. But not just the sales tax on the hybrid car, also on the sales taxes that might apply to the supplier tier 1, supplier tier 2, supplier tier 3, and all the way back to the supplier of steel for the raw material.

That is the first problem. It is the same old definition, and that is the biggest problem. The fix would be just, if all we are doing is extending the 1998

moratorium another 4 years so Congress can work on this comprehensively, why don't we use that definition? That would be No. 1.

No. 2, Senator MCCAIN says and Senator ALLEN said in a debate we had at Heritage—and if I am misrepresenting their point of view, I hope they will correct me—that it was not the intent of their legislation to stop States from taxing telephone services, including telephone calls made over the Internet. It was not their intention to preclude State and local governments from taxing telephone services including telephone calls made over the Internet.

I would respectfully submit if that is their intention, the newest McCain proposal does not do that. Perhaps, if he doesn't intend to do that, our staffs could meet and we could work that out, or I could offer an amendment to try to fix it. If I were offering an amendment, it would simply say: Nothing in this act would preclude State and local governments from taxing telephone services, including telephone calls made over the Internet.

That is the second issue. That is a big issue because certain local governments collect $18 billion a year in State and local taxes. We may not like that but that is what they do. They choose to do that in Tennessee and Texas instead of imposing a State income tax. They prefer to do that instead of putting a higher tax on food. That is their decision. I don't think we intend by this bill which purports to just extend the Internet access moratorium to decide the huge question of whether State and local governments should be permitted to tax telephone calls. Senator SUNUNU has a bill on the subject. He has done that in the normal order, and it will be considered by the Commerce Committee of which Senator MCCAIN is chairman. That is the place for that. That is No. 2. Maybe that is just a misunderstanding. If we both want the same thing, we ought to be able to write that down. Senator ALLEN and I have trouble in doing that.

Mr. WYDEN. Mr. President, will the Senator yield?

Mr. ALEXANDER. I would like to finish with the other points, and then of course I will.

The other two points are on duration. Four years is better than permanent, and I thank the Senator for that. But 4 years is a long time. We don't need more than 15 months or 2 years for the Commerce Committee and the Congress to look at this in a comprehensive way.

What I am afraid of is once we make a fix here it will never get out of the law. And if we get the wrong definition in here, or if somehow I am right but I am defeated and the result is that we really do ban State and local governments from collecting taxes on telephone services, then we will have driven a hole through State and local budgets that we didn't intend.

Finally, on the grandfather clauses, I think they should all end at the same time the moratorium ends, whenever that ends.

Those are four points, and that is not many points. If they were all fixed, I could go for the bill, and maybe some other people could as well.

Let me conclude with this, and I will be glad to yield to someone else, including Senator WYDEN.

The reason I am on the floor has nothing to do at all with the Internet. It has everything to do with my view of federalism. I do not think we should be passing laws that cost money and send the bill to State and local governments. I think we promised not to do that.

The way I read Senator MCCAIN's proposal is it costs at least $½ billion a year to State and local governments with his view of the definition. If the telephone language isn't fixed, it is $3 billion to $10 billion a year, according to the Congressional Budget Office. The grandfather clauses which exist at least in 27 States today where they are collecting taxes on Internet access are $200 million or $300 million a year. Those are significant dollars.

I wish I could find a more effective way to say this. If we want to give another subsidy to high-speed Internet access, which is the most rapidly growing technology in America, according to the New York Times of last week, and which has $4 billion in Federal subsidies and subsidies from every State, if we want to give one more subsidy to this business, then why don't we pay for it? Why don't we pay for it instead of sending the bill to local governments? I am afraid this compromise doesn't do that.

I have mentioned this several times. I would like to mention it again. I am preparing an amendment on this. President Bush's plan in 1999 when he was Governor of Texas exempted the first $25 that you pay on high-speed Internet access. It was exempted from taxation in Texas. That might cost you $1 to $3 a month. That is what we are talking about.

Everybody in Manassas, VA, can get high-speed Internet access for $25 from their electric company.

The Governors, State and local governments asked us to pass the Texas plan—to pass the Bush plan. But we are insisting on passing another plan that doesn't benefit the consumers. It benefits the most highly subsidized technology company that I can find, if we have time—and we will have time later—I have a book called ''The Nation of Laboratory Broadband Policy Experiences in the States.'' It details all of the wonderful State and local subsidies that are now being granted in addition to the $4 billion.

Put the subsidies aside. My major concern is if we want to impose a cost on State and local governments, we should not break our promise of 1995, which was: No money, no mandate. If we break our promise, throw us out.

I am afraid that the McCain substitute breaks the promise. I would like to work with Senator MCCAIN to resolve those last four differences. I look forward to the opportunity of joining with him, Senator ALLEN, and Senator WYDEN in coming to a result quickly this week.

Mr. WYDEN. Mr. President, will the Senator yield?

Mr. ALEXANDER. Yes.

Mr. WYDEN. I appreciate the Senator yielding. He has been very gracious.

Mr. ALEXANDER. I yield on the Senator's time.

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I want to ask the Senator a question because I have the sense that the Senator from Tennessee thinks we ought to just use the 1998 definition of Internet access. Is that correct? Is that what the Senator from Tennessee is saying?

Mr. ALEXANDER. I thank the Senator for his question. I suggest that the 1998 definition is a better definition than the one in the latest McCain proposal. The best definition is in the Alexander-Carper compromise in December, but in the interest of trying to get to a result, I could vote for either one of those two definitions.

Mr. WYDEN. What concerns me is that both the 1998 definition and the proposal of the Senator from Tennessee essentially discriminates against the future because the future is about broadband, particularly for rural areas, for job creation, and highly skilled jobs. If you use the 1998 definition, or essentially the Senator's proposal for just Internet access—I emphasis that is all we are talking about, Internet access—what you will have is a situation where folks could get Internet access through cable and those folks end up essentially getting a free ride. But if you get the Internet access and future DSL, you are going to get taxed.

That is why Senator MCCAIN and I and others would like to essentially continue the 7-year path we have had which is to promote technological neutrality—not to advantage one technology against another.

On the question of Internet access, which is what the President talked about yesterday where he said he doesn't want to see Internet access get taxed, that is what is in the McCain proposal. That is what I was trying to do. Unfortunately, that is not in the Senator's proposal or in the 1998 definition.

What will happen is this country will have the technology policy that discriminates against the future and discriminates against the field in which it is going to create highly skilled jobs.

By the way, cable isn't going to be serving those rural areas. It is going to be broadband and DSL which serves them.

I very much appreciate the Senator from Arizona yielding me this time. We have clarified an important concept. Both in the 1998 definition that the Senator from Tennessee said he would

be for or his compromise, in my view, would have the Senate taking a position with respect to the future of the Internet and with respect to the future of technology that would not be in the public interest.

I thank my colleague from Arizona for yielding me the time.

I wrap up by way of saying I am going to continue to work with the Senator from Tennessee who has been very thoughtful and generous with his time. We can find a common ground.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, how much time do I have?

The PRESIDING OFFICER. Six and one-half minutes.

Mr. ALEXANDER. Mr. President, I wish to make two points to the Senator from Oregon who has worked hard on this legislation from the very beginning. He is an original cosponsor.

No. 1, he is right about the 1998 definition. It isn't high-speed Internet access. There is a difference between the way high-speed Internet access offered over a telephone line and high-speed Internet access offered over a cable is treated.

But there are two solutions to that. One is, the Ninth Circuit just solved the problem—the Ninth Circuit Court of Appeals—by treating them the same. Now that is on appeal to the Supreme Court. So whatever we do here might be changed by the courts. That is why we need a short moratorium, so Senator MCCAIN's committee and your committee can go into a comprehensive look and solve this whole problem over the next 2 years. We are ready to do that. The FCC is ready to do that.

The second answer is, the Alexander-Carper amendment endeavors to treat all providers of high-speed Internet access the same. It is the best we can do from here. If the courts and the FCC do something in addition to that, we cannot control it.

Finally, I am concerned about the digital divide, too. But if power companies are going to be offering high-speed Internet access in Manassas, VA, which they do for $25 a month—thanks to the Rural Electrification Association, everybody is going to have high-speed Internet access available to them if they have an electric wire to their house. If they do not, DirecTV will sell it to them from the sky, or their telephone company will sell it to them, or their cable company will sell it to them. Yet another way may be invented.

So I do not think we have any problem with encouraging high-speed Internet access. It is the fastest growing technology in America today. It is the most heavily subsidized. They are giving it away in LaGrange, GA, and only about half the people will take it. It is coming. It is available. But if we are going to give any kind of subsidy, let's pay for it here. Let's not send the bill to State and local governments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, I want to make it clear to the Senator from Tennessee, I am anxious to work with him. But what we have seen, essentially, in this iteration of the debate, is a dusting off of the same arguments we have heard on the floor of the Senate in the past, that somehow this is going to result in extraordinary losses of revenue.

For example, in 1997, we were told by a number of the organizations at the State and local level that this was going to produce massive losses of revenue. In fact, the exact quote is: Our efforts, the efforts of Senator MCCAIN and I, and others, in 1997, would lead to a collapse of the State and local revenue system. The very next year, the year after we passed our first moratorium on multiple and discriminatory Internet taxes, we saw revenue go up $7 billion. So we have had essentially all of these dire projections, these calamitous projections year after year—and I put them all in the RECORD—and they have not come to pass.

The reason they have not come to pass is that nobody is talking about the Internet getting a free ride. All we have said, from the very beginning, is that under this legislation you have to treat the online world like you treat the offline world.

When I came to the floor of the Senate with the distinguished chairman of the Commerce Committee on this more than 7 years ago—and folks probably found this subject even more difficult then than they do now; I know that is hard to believe—we said: Look, if you buy the newspaper—essentially ''snail mail''—you are not paying any taxes, but if you buy the newspaper in the interactive edition, you pay a tax.

That was discriminatory. All we have tried to do over the last 7 years is essentially keep that principle in place and allow it to evolve with the technology. So for 7 years this has been about technology neutrality and dealing with these questions of State and local finance. The States have not lost money as a result of our making sure that you are not going to see multiple and discriminatory taxes on Internet access.

Mr. President, I yield the floor.

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

Mr. MCCAIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the letter from the Senator from Tennessee. My understanding is, he has four major concerns. I hope to work with him to resolve these concerns. If not, I hope we will see amendments and let the Senate work its will as to whether those concerns are valid in the view of a majority of the Senate. I look forward to seeing and debating and voting on these amendments.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona and look forward to doing that.

If I may continue the discussion for a moment with the Senator from Oregon, the reason State and local governments did not lose much money in the last few years from the moratorium on State and local taxation is because, one, there was a very narrow definition—narrower than the one this latest proposal and your proposal makes. You broaden the definition to include the whole Internet access backbone. You are not just talking about the connection between the end user and provider; you are talking about this backbone. You are talking about the normal business taxes that any other business would pay.

The other thing is, high-speed Internet access really had not arrived 5 or 6 years ago. It has arrived today. It is the fastest-growing technology. If we make a mistake on the telephone section of this bill, we will drive a Mack truck through State and local governments, and we can rename this bill the ''Higher Local Property Tax'' bill of 2004 or the ''State Income Tax Bill in Tennessee'' or the ''State Income Tax Bill in Texas,'' because if you take away hundreds of millions of dollars from State and local governments—or billions of dollars eventually—they have to look for another source of revenue. They may cut government some, but they will have to look for another source of revenue. We should be neutral about it. Ronald Reagan, the Republican Party—we have stood on the notion that we would return more responsibility, return more decisionmaking to local governments.

I urge my colleagues to look carefully at this legislation and vote for something that does no harm to State and local governments, and vote for something that gives the Commerce Committee a short time to figure this out properly, and vote for something that does not give an unnecessary benefit, unnecessary subsidy to what I judge to be already the most heavily subsidized and fastest growing new technology existing in the United States today.

I yield the floor.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 9 minutes, the Senator from Tennessee has 1 minute 15 seconds, and the Senator from North Dakota has 18½ minutes.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is obvious from the most recent discussion

between my colleagues—Senator ALEXANDER, Senator WYDEN, and others—that if this had been easy to fix, it would have been fixed.

I talked to Senator MCCAIN last evening before we broke, and we talked a bit about the process that brought this bill to the floor of the Senate. This bill came from the Commerce Committee. We tried, during the markup in the Commerce Committee, to reach an agreement about the definition. The definition is really the critical piece here, and we were not successful in the committee.

We agreed, when we reported it out of the Commerce Committee, that we would continue to work to try to see if we could find an acceptable definition that would represent a compromise. Frankly, we did that. Senator MCCAIN kept his word. We all continued to talk and work to see if, before we brought this bill to the floor, we would have that agreement. But the fact is, we did not reach an agreement. So now we have very differing views about exactly how we should proceed.

For my purpose, it does not matter to me whether the moratorium is 1 year, 2 years, 5 years. That is much less relevant to me than the question of this definition, of exactly what cannot be taxed, exactly what we are doing with the definition, exactly what consequences that definition would have on State and local revenues, and on the taxation of certain products and services. The determination of how we create a definition that represents the interests that all of us want is what is critical. At this point, we have been unable to do that.

So my hope would be that while this bill is on the floor of the Senate, we can find a way to reach a compromise that is satisfactory. At this point, I would not support the underlying bill that is on the floor with the definition as it currently exists. But what we ought to do is find a way by which we create a definition that does exactly what the Senate wants it to do, without being broader than is necessary to substantially erode the revenue base that now exists with State and local governments. I think that is possible, but it is not easy.

Listening to the discussion of Senator ALEXANDER and Senator WYDEN and others demonstrates this is very complicated. It happens I have worked in this area for some while because of the issue Senator ENZI and I have worked on, which is not a part of this discussion today, but the one in which we talk about the issue of the consumption tax that exists when you buy a product, for example, from a catalog, from a remote seller, or perhaps over the Internet. When you purchase that product over the Internet or from a catalog, you actually owe a tax; you just don't pay it. Nobody pays that tax or almost no one pays the tax. It is called a use tax.

The use tax is applied when the sales tax is not collected. But no one pays, or almost no one pays the use tax. So there is a substantial amount of money being lost to State and local governments for the support of schools and other services.

In addition, the folks on Main Street who actually sell the product from their storefront must charge the tax, and their competitor over the Internet sells without charging a tax. So there is a competitive issue that is a problem for local businesses as well. But the issue Senator ENZI and I and many others are concerned about and want to fix is not a part of the discussion. This is a narrower discussion about the moratorium that previously existed with respect to the imposition of a tax on the connection to the Internet. I have no disagreement with respect to the goals of those who want to prevent taxing ''the Internet connection'' in order not to retard the growth of broadband and the buildout of the infrastructure. We have no disagreement about that. I support the moratorium. I supported the previous moratorium. Again, it is of little matter to me whether it is 1 year or 5 years or even longer.

What is of great moment to me is how this definition is written. Because if it is written inappropriately, there could be a very significant set of unintended consequences that could be very costly to State and local governments and to their ability to fund education and other matters.

In summary, what I say is this: The bill is on the floor at the moment. One of the central pieces of the bill is at this point in great dispute. Unless we can find a way to negotiate a compromise on that definition, my guess is this legislation will not advance. I would prefer that it does advance. I hope we can find a compromise in the coming hours and days so that we write this definition in a manner that expresses the intent of the Senate and are able to move the legislation forward.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. WYDEN. I believe this time should be taken from the time allocated to Chairman MCCAIN.

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

Mr. WYDEN. Mr. President, Chairman MCCAIN, I and others who have worked on this effort to try to find common ground thought it was important early on to begin efforts to find some areas of agreement that would bring the sides together. Let me outline 10 particular areas of compromise we have essentially offered in the managers' proposal.

I, for example, strongly believe there should be a permanent ban on multiple and discriminatory taxes on Internet access. But in the name of trying to find a compromise, now we have a 4-year moratorium. We have a 3-year phaseout of the grandfather clause. This was something that was important to the States. We have a 2-year grandfather of taxes on DSL. Again, as I talked earlier, that is the technology of the future.

A fourth compromise reflects the concern about voiceover. What we have done is clarified that our legislation is not going to affect taxation of voice communication services utilizing the voiceover Internet protocol. We have clarified the taxes that would be covered, addressed a number of concerns the States had with respect to income and property taxes. We want to make sure those taxes, those opportunities for State and local revenue are protected.

We clarified the House language on DSL which was something State and local groups complained was too open-ended and vague.

With respect to the bundling of services, States and localities asked for a clear and uniform accounting rule. We protected universal services. We protected e-911 taxes, and we also made clear nontax regulatory powers would not be affected.

I thank the chairman for this time. I only wanted the Senate to know that as you tried to bring both sides together, there were 10 specific areas of compromise that were offered. I thank him for the time.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes 40 seconds.

Mr. MCCAIN. Mr. President, I reserve 5 minutes for the Senator from Virginia when he arrives. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

Let me, in response to my colleague from Oregon, say once again I believe we ought to pass this legislation dealing with a moratorium. There might be 5, 10, 15, or 50 areas in which we have worked to try to reach compromise. I don't know the exact number, but I would not dispute that. I simply say again: The problem remains the definition of what is determined to be in the law that represents the moratorium impact; that is, what is the definition of the Internet service? What exactly are you precluding from a State and local tax base? Is it now taxed? Would it be taxed in the future. It is obviously very complicated. If it were not complicated, I believe Senator ALEXANDER

and Senator ALLEN and Senator VOINOVICH and others would have long ago reached a compromise. But that has not been the case.

Perhaps one of the things we could do during this discussion and the ensuing debate today, tomorrow, and beyond, if that is what it takes, is at least begin to understand exactly what is in the compromise that is being proposed and what is in the legislation that has been offered by Senator ALEXANDER and Senator CARPER in their 2-year moratorium, called S. 2084. But again, if this were easy, compromise would already have been reached. It is not easy. It is very complicated and difficult and hard to understand.

I have been in a good number of meetings in which it appears to me virtually everyone, including myself, failed to understand what we were debating, but we debated it aggressively nonetheless. My hope is we can do better than that this time. We have had a good start with some of the discussion back and forth earlier today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia has 5 minutes.

Mr. ALLEN. Mr. President, I would like to address this issue as it lays right now as we are moving to proceed, and some of the misinformation, mischaracterizations of where we are. This issue is not a novel or new one for the Senate. We have debated this in the committee. It has been on the floor. Senator WYDEN and I were ready to roll with this back in November—a permanent moratorium making sure forever there would not be discriminatory taxes, multiple taxes, or access taxes for consumers on the Internet. Now we get to this point and there are a lot of mischaracterizations.

The Senator from Arizona, chairman of the Commerce Committee, has come up with a proposal, an amendment to the bill, which is not permanent. To me it is not ideal. It is not perfect. But a lot of what happens in the Senate fails to meet that standard of ideal and perfect. Once in a while, one has to be practical, pragmatic, and sometimes cut back on what you think is the ideal.

This amendment of the Senator from Arizona is a 4-year moratorium rather than a permanent moratorium. I look at a ''Dear Colleague'' letter from some of my colleagues, Senator CARPER and Senator ALEXANDER, and they say: A moratorium of 4 years, that is tantamount to a permanent moratorium while they argue for a 2-year extension of a moratorium.

Well, if 4 years is permanent, I guess whoever gets elected President next year is going to be there permanently; Senators with a 6-year term, that must be ad infinitum. Four years is temporary; it is not ideal. I would prefer it to be permanent, and the reason I would like it to be permanent is because companies have to invest millions, tens of millions of dollars, if they are going to get broadband out, especially small towns and rural areas. In the event there is a shorter duration, then that means it is less likely that there will be stability, predictability, and confidence that the laws will stay the same. Anyone, even those with a fourth grade education—at least those students who have the benefit of Virginia's standards of learning—will understand that if you tax something, fewer people will be able to afford it.

The question before the Senate is whether we want to have Internet access and the Internet service monthly bills to be burdened with, on average, about a 17-percent tax, as is the case on telephone bills. Senator WYDEN, myself, and many others believe that if we want more people to have access to broadband and the Internet, then the best way is not to burden it with regulations or taxes. This is particularly true for those with lower incomes and those in rural areas and small towns, who need access to the ability to conduct commerce, access to education, access to telemedicine—access to all forms of information, which is key to competitiveness these days.

The grandfather clause has also been changed from the bill Senator WYDEN and I originally introduced. We wanted to stop those who found a loophole in the original moratorium and started taxing the backbone of the Internet. They are taxing that and, of course, ultimately the consumer has to pay for those taxes. We wanted to stop that immediately. Senator MCCAIN's amendment gives those States greater leeway and gives them up to 2 years to wean themselves off of this latest loophole for taxation. For those who have been taxing prior to 1998—and many States are still taxing—although States such as Iowa, South Carolina, Connecticut, and the District of Columbia, which were grandfathered, have stopped taxing Internet access. But other States are continuing to do so. Senator MCCAIN's amendment—unlike what the House did, which was stopping these States from taxing instantly—gives them 3 years to wean themselves off of it.

The compromise that Senator MCCAIN put forward, to me, is not ideal; it is beneficial, though, in that at least for the next 4 years we are protecting consumers from being hit with these burdensome, counterproductive, undesirable taxes on their access to the Internet. While not perfect, it is a measure that we can move forward with. It will have the Senate on record as not being in favor of taxing access to the Internet, but rather on the side of the consumers, on the side of freedom, and on the side of opportunity.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. ALLEN. Therefore, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 10 minutes 45 seconds. The Senator from Arizona has 1 minute 26 seconds. The Senator from Tennessee has 1 minute 15 seconds.

Mr. DORGAN. Mr. President, I think we are probably ready to go to the bill. Let me make a point, however, with respect to my colleague from Virginia.

Look, once again, there is no disagreement in this Chamber about the question of whether we would support punitive or discriminatory taxes with respect to the Internet. The answer is, of course not. I don't care how long the moratorium is for. Let it be forever, as far as I am concerned. That is not the issue. The issue with the legislation proposed is what kind of definition exists, and what will the impact of that definition be on the revenue base of the State and local governments?

If we can get that definition squared away in a thoughtful and appropriate way, we ought to pass this 100–0. I regret that that is not the case with respect to the compromise offered. That should not surprise anybody because this has gone on now for some months. It is complicated, and we have found it difficult to reach agreement or an acceptable compromise at this point. I expect the likely thing to have happen here is we will be on the bill itself and it will be open to amendment. We can have amendments, and perhaps second degrees, and we will have discussion and votes and find out how the Senate feels about the specific definitions.

Again, the question of whether there should be support for a discriminatory or punitive tax on the Internet—that ought not to be a question. I think the answer to that is, no, absolutely not. Whether it is 1 year, 3 years, or 5 years, that is not a very big issue for me. We need, in the coming hours, to focus on the question of, What is the right definition? What do we intend to accomplish, and how do we define it in a way that is fair to everybody?

I believe we ought to have public policy that encourages the buildout of broadband in this country. I think it will help this country's economy and be something that stimulates economic growth in our country. Whatever we do with this legislation, I don't want to retard the growth of broadband and the development of the Internet. I think that I speak for almost all of my colleagues when I say that. Let's find a way to write this definition in an appropriate manner and that is satisfactory and move ahead. At this point, it hasn't been done even with the compromise. We have much work to do to reach that point.

Mr. President, I ask, does the Senator from Tennessee seek time?

Mr. ALEXANDER. Yes, I seek 30 to 45 seconds.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 45 seconds.

Mr. ALEXANDER. Mr. President, I want to simply echo what the distinguished Senator from North Dakota

said. I am perfectly willing and prepared to vote for a short-term ban on State and local taxation of pure Internet access, and I have been ready to do that since December. So I am for that. I can step over here and take my purist position and give you a long argument on why we don't need to do that and make that kind of subsidy, but I know there are 100 Members here and we all have to pitch in. I am ready to do that.

All we have to fix in the McCain proposal is the definition, which the Senator has just mentioned. We have to make clear, in my view, that nothing in this bill should preclude State and local governments from taxing telephone services, including telephone calls made over the Internet. That is two. The short term is three. I prefer 2 years, not 4 years. The fourth item is the grandfather clause, which ought to be easy to fix. They ought to end at the same time the moratorium ends. So that is not many points of difference—the definition, telephone calls over the Internet, and the term of the grandfather clause.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, my understanding is that Senator MCCAIN is just off the Senate floor and will be returning in a moment. Until he returns, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 55 seconds remaining, and the Senator from Arizona has 1 minute 26 seconds remaining.

Mr. DORGAN. I am prepared to yield back my time if that is the intention of the Senator from Arizona. That being the case, I yield back my time.

Mr. MCCAIN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the motion to proceed is agreed to.

INTERNET TAX NONDISCRIMINATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant 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. 2136, in the nature of a substitute.

Stabenow amendment No. 2141 (to amendment No. 2136) to express the sense of the Senate that the White House and all executive branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2136 WITHDRAWN

Mr. MCCAIN. Mr. President, I now withdraw the pending substitute amendment No. 2136.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment.

AMENDMENT NO. 3048

Mr. MCCAIN. Mr. President, I send a new substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3048.

The amendment is as follows:

(Purpose: To extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act for 4 years, and for other purposes)

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, 2006.

''(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 AND OTHER SERVICES OVER THE INTERNET.

''Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or any other service utilizing Internet Protocol or any successor protocol. This section shall not apply to Internet access or to any services that are incidental to Internet access, such as e-mail, text instant messaging, and instant messaging with voice capability.''.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this substitute, which I will describe in more detail in a minute, is, I hope, a fair and true compromise between the opposing sides in this debate. At least I hope it is viewed by a majority of the Senate as such.

I also understand there are very strongly held views on this issue. This is not the first time we have been to the Senate floor on this issue. This is the third time we have had debate and votes on it, and each time it becomes more difficult because we are talking about a lot more money, a lot more involvement, a lot more taxes and, of course, as technology evolves, of greater importance to America, whether it be economically, whether it be entertainment, or politically. The rise of the Internet in political campaigns in America today is one of the most recent phenomena.

I hope since we have, at least according to a letter I received from Senator ALEXANDER, boiled down our differences to four major differences—I in no way understate the importance of those differences, but there are only four—perhaps we could propose amendments and vote on those four differences and, in the meantime, continue our dialog in trying to reach a reasonable compromise.

I would like to point out it does no one any good for us to leave this issue in limbo. If we are going to allow taxation of the Internet in a broad variety of ways, then the Senate should decide to do so. If we are going to adopt this compromise, then the Senate should do so. The House, as we know, long ago passed legislation.

This particular legislation, before I offered a substitute amendment, was reported out of the committee 10 months ago. I hope all will act together in good faith and try and resolve it.

By the way, those four major differences, as defined in the letter to me from Senator ALEXANDER, are definition, voice over IP, duration, and grandfather clause. I hope we can address each of those either, as I said, in the form of negotiation or in the form of amendments which would be up or down.

I have been told the majority leader says we are going to complete action on this bill by Thursday night late. The Democrats have a retreat beginning on Friday which we all respect. I hope we can get a lot done so we do not find ourselves here at a very late hour on Thursday night.

Mr. President, I offer this amendment to the Internet Tax Nondiscrimination Act which offers, I believe, a true and fair compromise. On one end of the spectrum are those who do not believe the tax moratorium should be extended, and on the other end are those who want to make it permanent. This proposal, I believe, offers a middle-ground alternative to this debate and addresses the concerns State and local governments have expressed, while retaining some—many have said too few—aspects of the bill that was favorably reported by the Commerce Committee last year.

Before I summarize the substance of the amendment, I would like to spend a moment addressing a couple criticisms that have been raised about the compromise proposal.

First, I have heard a few Members talk about how consideration of S. 150 is moving too fast and that Members and their staffs have not had adequate opportunity to consider the substance of this matter.

With all due respect to my colleagues who believe this has been a less than deliberative process, I can think of few debates recently in which Members have had more time to prepare and negotiate. We voted the bill out of the Commerce Committee in July of last year. The Finance Committee, after requesting a sequential referral, discharged the bill without amending it.

Throughout this time, Members, including Senators DORGAN, HOLLINGS, ALLEN, WYDEN, SUNUNU, and many others who have spoken on this floor about this matter, continued to negotiate the substance of the legislation.

During that time, we heard from State and local groups such as the National Governors Association and the National Association of Counties. They had several opportunities, and did, to provide significant input.

We are here after almost 1 year of considering this matter, not because we have not discussed the issue thoroughly enough. Nor are we here because we have not properly defined Internet access or otherwise adequately dealt with the specifics of the Internet tax moratorium. We are debating this measure because the two opposing sides will not budge from their positions.

To be clear, the compromise amendment will not likely move those who are firmly on one side or the other. As Senator VOINOVICH said yesterday, for some Members the philosophical divide in this debate may be ''too deep to bridge.'' Its purpose is only to offer a compromise that other Members can vote for knowing that it strikes a reasonable balance between those who want a permanent and broad Internet access tax moratorium and those who want no moratorium at all.

Second, some Members who do not want to reinstate the Internet tax moratorium have expressed their view that the amendment is not a true compromise; that it does not go all the way to meeting their concerns about State and local revenues. I must respond to them by saying the amendment is a compromise precisely because it does not completely satisfy one side or the other. However, the amendment does protect a significant portion of the $20 billion in tax revenues from telecommunications services that States and localities claim they could lose as a result of S. 150.

In fact, even using the most aggressive revenue loss estimates available, it appears what is at stake is not more than 3.5 percent of total State and local tax revenues from telecommunications services. In my opinion, that is not just a compromise but a very generous concession to those who want to defeat the Internet tax moratorium. To criticize this proposal at this point as somehow not enough is just an empty exercise in moving the proverbial goalpost of this debate.

It seems to me the goalpost continues to move so much that it would not surprise me to hear at the end of this week that some Members actually support a Federal law requiring States to tax Internet access. I remind my colleagues that this debate is about striking a balance between S. 150, the Allen-Wyden bill, and S. 2084, the Alexander-Carper bill.

Clearly, this amendment goes a long way to compromising with the opponents of the Internet tax moratorium. Again, I have to repeat this because it is a crucial point: This body does not typically operate by capitulating 100 percent to one side or the other on a particular matter that is before it. In its normal course of business, the Senate compromises, and that is exactly what this amendment does.

Simply put, the amendment offered today is truly a reasonable compromise that addresses a host of concerns the States and localities have raised over the past 10 months. Throughout the negotiation process, State and local

groups have asked for a temporary extension to the Internet tax moratorium. Specifically, they have asked for a 2-year extension of the moratorium. The compromise amendment would extend the moratorium for 4 years.

Why 4 years? If we do it for 2 years, we would almost automatically be back revisiting the issue immediately when one looks at the process we have just been through. I think 4 years is a great deal less than permanent and not much more than 2 years, as the opponents of this legislation have alleged.

Another concern we have heard from State and local government is extending the Internet tax moratorium would somehow impact traditional telephone services. This amendment would ensure that State and local revenues from traditional phone service would not be impacted in any way, shape, or form. Again, the amendment would accommodate a concern raised by States and localities to the full satisfaction of State and local authorities.

State and local governments have also expressed concern that this bill would hamper their ability to tax voice services provided over the Internet. This amendment addresses that matter by setting forth a broad definition of services, including voice services that are provided over the Internet that would not be considered Internet access and therefore not be subject to the Internet tax moratorium. Once again, I believe this provision should fully address the concern of State and local governments.

The list of concessions made to State and local government interests in the amendment is extensive. For example, the compromise amendment would clarify that the Internet tax moratorium does not apply to nontransactional taxes such as taxes on net income, net worth, or property value. The amendment would clarify that otherwise taxable services would not become tax free solely because they are offered as a package with Internet access. The amendment would grandfather for 3 years, from November 1, 2003, the States that were taxing Internet access in October 1998. It would grandfather for 2 years, from November 1, 2003, the States that began to tax—according to many, improperly—Internet access after October 1998. It would ensure that universal service would not be affected by the moratorium. It would ensure that 9–1–1 and e–9–1–1 services would not be affected by the moratorium. Finally, it would ensure that regulatory proceedings that do not relate to taxation would not be impacted by the Internet tax moratorium.

I want to point out again, there are really 10 compromises offered in this: the 4-year moratorium, the 3-year phaseout of the grandfather clause, the 2-year grandfather of taxes on DSL, and voice over IP carve-out. It clarifies taxes covered. It clarifies the House's language on DSL. It provides a clear and uniform accounting rule. The universal service fees are unaffected. As I mentioned, e–9–1–1 taxes are unaffected, and nontax regulatory powers are unaffected.

I hope we can move forward if there is not agreement. Meanwhile, we continue to discuss the issue.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Arizona talks about four issues. There are three of them we really ought to be able to reach agreement on reasonably soon, and the other one is a very difficult issue, there is no question about that. That is the definition. But on grandfathering and VOIP, for example, the length of time of a moratorium, frankly, I think we can reach an agreement on those three areas.

Frankly, if we are able to reach an agreement on the definition, I do not care much about the grandfathering. I know some of my colleagues do, but that is a lot less important to me. I would also say that the length of a moratorium on Internet taxation is of much less importance to me as well. I would be willing to lengthen it by a substantial number of years provided we have the right definition. So I think the thing that is going to be difficult for us but one that we should attempt to resolve is this definition.

I want to just make this point: If the purpose of those who are most insistent on moving this legislation—and there are several in the Chamber who have really worked on this a long time—would be, for example, to create a broad new exemption from taxation for certain services and certain parts of the backbone of the Internet and so on, then that is a problem. I do not support that. I do not think we ought to carve out things that are now being taxed by State and local governments and say, by the way, we are going to federally preempt that. If that is not the purpose, though, then we surely should be able to find common ground on a definition that works.

My hope is that as we proceed we will understand that all of us—I think I speak for all of us—believe we ought to have a moratorium on taxing the Internet, that is, the connection to the Internet. I support that. I believe virtually all of us in this Chamber would agree we ought not levy punitive or discriminatory taxes on the Internet. I believe we would all agree on the goal that we would want to encourage through public policy the build out of broadband and the use of the Internet and particularly advanced telecommunications services. All of those represent areas of broad, substantial agreement in the Senate Chamber.

As we work through this now, the one area where I think we have substantial difficulties is trying to understand what each side means with respect to the definition of Internet service. How far up the backbone of the Internet does it go? Is it a definition that, in fact, would prevent the taxation of certain services that are now taxed, and on which State and local governments rely for that revenue? If that is the case, we ought to know that and discuss that. If it is not the case, we should be able to reach an agreement on the definition.

Senator ALLEN, for example, and many others who have been at this, Senator WYDEN and on the other side Senators CARPER and ALEXANDER and many others—we need to once again get our heads together and see if we can find agreement on this definition. But until that happens and unless that happens, it is my guess we are just going to be around here spinning our big old tractor wheels and nothing is going to happen. We are not going to pass legislation.

We are not going to agree to amendments. I am guessing the consensus wouldn't exist to do that. I wouldn't object to going to vote on some things, speaking for myself, but we have a lot of work to do to reach some sort of compromise. Let me say to my colleague Senator MCCAIN, I recall being in meetings with him a year ago and beyond that, and the attempt was to try to figure out, how can we find common ground? How can we extend the moratorium that then existed? We never got to the point of reaching any kind of agreement, but it wasn't because of any lack of effort on the part of the chairman of the committee. I am here. I will be here during consideration of this, and I want to work with Senator MCCAIN and others to see if we can find a way to make this work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3049 TO AMENDMENT NO. 3048

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3049 to amendment No. 3048.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To change the definition of Internet access service)

At the appropriate place, insert the following:

SEC. ____. CHANGE IN DEFINITION OF INTERNET ACCESS SERVICE.

Paragraph (10) of section 1105 of the Internet Tax Freedom Act, as redesignated by this Act, is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(B) GENERAL EXCEPTION.—The term does not—

''(i) include a tax levied upon or measured by net income, capital stock, net worth, or property value; or

''(ii) apply to any payment made for use of the public right-of-way or made in lieu of a

fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, franchise fee, license fee, or gross receipts or gross revenue fee.''.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona, the chairman of the Commerce Committee, and the distinguished ranking member, Senator DORGAN, for bringing this to the floor. As has been said by everyone, I think, we have been talking about this issue for a long time. It is such a crucial issue for many States and many cities, that we must get it right.

I think the bill of Senator ALLEN, the underlying bill, and now the bill of Senator MCCAIN are attempting to do something that is right. They are attempting to assure that interstate commerce is not obstructed by taxes on Internet access.

I am afraid, however, that the language is not clear enough as it deals with franchise taxes and right-of-way fees that have been in place in cities in many States in our country for a long time. That is why I have introduced an amendment that will clarify the definition of what is excepted from this Internet access tax ban. It says:

. . . any payment made for the use of a public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, a franchise fee, license fee or gross receipts or gross revenue fee.

I think we have found out since we started debating this issue years ago that cities determine their franchise fees, their right-of-way fees, in many different ways. I think it is very important that we not make a mistake here that would cause years of litigation, after which a city might win, it might lose, but it would certainly disrupt what it has been doing. The franchise fee is basically a local tax, not on Internet access, not meant to be on Internet access.

My position is that we should not tax Internet access. I do believe it is a taxation of interstate commerce. However, I think that once you get off the basic access, just as we have telephone lines' access, use of right-of-way, that we must create a level playing field so a line that is used for telephone and an Internet computer line will be able to be taxed in the same way.

In my State of Texas, prior to 1999 cities were compensated by telecommunications providers for the use of their rights-of-way pursuant to individual franchise agreements negotiated between the telecommunications company and the cities.

In the late 1990s, Texas cities and the providers began negotiating and drafting major compromises that would lead to more uniformity, more regulatory certainty. So the Texas law has established a uniform method of compensating cities for use of public rights-of-way. It is called a per access line fee. It is implemented to compensate cities for use of public rights-of-way.

The access lines are reported by the individual telecommunications providers to the Texas Public Utility Commission. The PUC then applies the individual city rate per access line to the total number of lines that a particular city may have within their corporate limits. It is a fair and equitable system that is used in Texas. An average city gets about 3.5 percent of its general revenue from telecommunications right-of-way compensation fees.

Passing Federal legislation that would call into question the validity of this Texas system could have disastrous effects on the ability of Texas cities to provide essential services such as police and fire, water, waste water, and parks, just to name a few. The right-of-way fees represent as much as $39 million annually to the city of Dallas; $9 million for Fort Worth; and $15 million for the city of San Antonio.

Cities in California, Nevada, Florida, Kentucky, and other States would also be adversely affected by the bill as it is written. So I am trying to clarify why franchise fees should be included. I am hoping we are all trying to go in the same direction here. I just want to make sure that we don't make a mistake.

There will be people who say it is really covered. It is covered in the underlying law. It is covered in the amendment that is offered by Senator MCCAIN and the one underlying by Senator ALLEN. People will say that. However, it is not clear and the city attorneys and these Texas cities and other States have looked at the language and they are very concerned they are going to be in litigation over this issue. If we know today that it is not clear, after the lawyers have looked at it, why not be sure? Why not be sure?

Everyone I have talked to believes that right-of-way and franchise fees should not be disturbed. It is part of the level playing field we are trying to create. My amendment will make it very clear what is accepted by definition. This should not have any impact on Internet access as both of the underlying bills would try to protect that from taxation. But it does protect cities, particularly since we have certain laws in some States that do have a component of a gross receipts fee within the access line issue, and I hope we will not step on a State with its local issues, trying to stay consistent with what has been done and accepted through all these years by passing this law without being very clear.

Mine is a clarification amendment.

Mr. WYDEN. Will my colleague yield?

Mrs. HUTCHISON. I am happy to yield to the Senator.

Mr. WYDEN. I want to make sure I understand this. Cable already pays a franchise fee when the streets are torn up in order to offer cable. My understanding of this amendment is that now there would be a new special tax for right-of-way for the very same service.

In effect, my reading of this is that cable would be taxed twice. They already get hit with a franchise fee and now your right-of-way provision would allow for a new special fee, which troubles me, again, because it has been our point all along through Internet access that you have already paid once.

Could my colleague from Texas clarify? Otherwise, I would have to strongly oppose this.

Mrs. HUTCHISON. Mr. President, I appreciate the question.

This is, of course, not to put a new tax in place. This is to try to acknowledge that different cities and different States have different definitions of franchise tax. It happens that in Texas there is a gross-receipts component in the franchise right-of-way access tax. It is a standardized law now for the cities of Texas, for cable companies and telecommunications companies.

We have a different definition which I am trying to protect. Certainly these cities have already made their contracts with their cable companies. This is not meant to change contracts; it is meant to allow the contracts which are in existence and use a well recognized and different definition of franchise or right-of-way tax.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment excludes from the definition of tax on Internet access transactional taxes such as gross receipts or gross revenue fees, constitutes an end run around Internet tax freedom, and eviscerates the moratorium itself. If we allow this to exclude payments made for use of the public right-of-way, including access line fees, franchise fees, et cetera, this amendment should be rejected.

I move to table the 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 proceeded to call the roll.

Mr. MCCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—64

Allard	Burns	Crapo
Allen	Campbell	Daschle
Baucus	Cantwell	Dayton
Bayh	Chambliss	DeWine
Bennett	Cochran	Dole
Bond	Coleman	Dorgan
Boxer	Collins	Ensign
Brownback	Conrad	Fitzgerald
Bunning	Craig	Frist

Grassley	McCain	Santorum
Gregg	McConnell	Sessions
Hagel	Mikulski	Shelby
Harkin	Miller	Smith
Hatch	Murkowski	Snowe
Inhofe	Murray	Stabenow
Johnson	Nelson (NE)	Stevens
Kohl	Nickles	Sununu
Kyl	Pryor	Talent
Leahy	Reed	Warner
Lincoln	Reid	Wyden
Lott	Roberts	
Lugar	Rockefeller	

NAYS—32

Akaka	Dodd	Kennedy
Alexander	Domenici	Landrieu
Biden	Durbin	Lautenberg
Bingaman	Edwards	Levin
Breaux	Enzi	Lieberman
Byrd	Feingold	Nelson (FL)
Carper	Feinstein	Sarbanes
Chafee	Hollings	Schumer
Clinton	Hutchison	Thomas
Cornyn	Inouye	Voinovich
Corzine	Jeffords	

NOT VOTING—4

Graham (FL)	Kerry
Graham (SC)	Specter

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Democratic leader is recognized.

AMENDMENT NO. 3050

(Purpose: 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)

Mr. DASCHLE. Mr. President, I have an amendment at the desk to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3050.

Mr. DASCHLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

[The amendment is printed in today's RECORD under ''Text of Amendments.'']

Mr. DASCHLE. Mr. President, I want very much to be able to continue to work on the underlying bill and find a way to resolve many of the outstanding issues. I think we have made some progress today.

Obviously, this is a piece of legislation that provides an opportunity for many of us who have concerns about other matters relating to our Senate agenda as well.

I was very concerned this morning to read in Energy Daily that the leadership has abandoned its plan to bring up the comprehensive Energy bill in May, and may wait now until fall to revisit comprehensive energy legislation.

Now, nearly 6 months after we could have enacted an Energy bill with the renewable fuels standard and other important components there is no prospect now of action on the legislation any time soon. So I have no recourse but to offer the renewable fuels amendment to another legislative vehicle, which I have done with this amendment.

The amendment is very straightforward. It is based on language that has passed in the Senate on two previous occasions. It eliminates the reformulated gasoline program, RFG, oxygenate standard and replaces it with a renewable fuels standard that sets a 10-year schedule for assured growth in ethanol demand.

It contains the same waiver authority agreed to in the energy conference report, strikes all liability protection for MTBE as well as ethanol.

It also bans MTBE within 4 years.

Over two-thirds of the Senate has now gone on record in support of a renewable fuels standard and the renewable fuels standard we create with this legislation. It has been reported out of committee twice, passed by the Senate twice, both times by a margin of more than two-thirds. A similar proposal has been reported out of the Environment and Public Works Committee and is pending now on the Senate calendar.

Last June, 68 Senators voted to add at that time the Frist-Daschle RFS amendment to the Energy bill. It is time to break the impasse.

As I said, my first choice would have been to bring the Energy bill to the floor, have a good debate, and send it on to the President without the MTBE liability immunity.

However, the Energy bill conference report stalled last November because of bipartisan opposition to the special interest MTBE liability relief provision included in that legislation, in spite of the efforts made by many of us to warn that is exactly what would happen. Dropping the liability protection from the bill for both MTBE and ethanol would have attracted more than enough votes to enact the Energy bill. Yet despite the direct intervention by President Bush, the defenders of MTBE liability relief remain defiant.

Senator FRIST placed a revised energy bill without MTBE on the Senate calendar last February, now almost 3 months ago. He has not chosen to call up that bill.

Today, Energy Daily has reported our Republican friends have abandoned plans to move comprehensive energy legislation any time in the near future. That is troubling for many of us who wanted to see it pass. Now we have little choice but to offer very important components of this bill to other legislation that may move through the Senate as well as the House.

The energy tax provisions, for example, that Senator FRIST placed on the calendar have now been added to the FSC/ETI bill. Senators Cantwell and Bingaman are leading the effort to pass stand-alone electricity standards to address the circumstances that caused the blackout last August.

It appears it is time to shift gears, not only for the tax provisions and the reliability standards, but for the renewable fuels standard as well. This bipartisan amendment is a careful balance of the often desperate and competing interests and a compromise in the finest tradition of the Senate. As I have said on many occasions, two-thirds of the Senate is on record in support of the bill. So I hope we can get legislation such as this considered quickly.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk. We can vitiate it if we get an agreement on a rollcall vote shortly. I am very concerned that we move this legislation quickly and comprehensively. This amendment is yet another attempt to do that in this body.

I ask that the motion be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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, 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. The Senator from Mississippi.

Mr. LOTT. Mr. President, I was not aware, and I do not believe the manager of the legislation who is temporarily off the floor was aware, this amendment would be offered at this time. He will return shortly. I am sure there are going to be some discussions about the amendment and the appropriate way for us to deal with it.

I understand the importance of this amendment that has been offered by Senator DASCHLE to a number of Senators on both sides of the aisle. I agree we should have a national energy policy. We have been talking about it for at least 3 years or longer. Yet here we stand today with no national energy policy. We do not have legislation on the books that gives incentives for more production of oil and gas to relieve some of the regulatory problems that delay or make it almost impossible to have nuclear plants, hydropower, conservation, alternative fuels, ethanol—the whole package. Yet last year, the Senate passed energy legislation. The House passed it. We had a conference.

Problems developed in the conference, and we have not been able, unfortunately, to move the energy legislation through the Senate because we have not been able to get 60 votes, even though we had, I think, 57 or 58 who voted for the bill.

I still think we should find a way to get this legislation through a conference or through to completion and

send it to the President. If we do not, a pox on all our houses because problems are here. They are going to stay, and they are going to get worse. We are not going to conserve. We are not going to produce. We are not going to do anything. We are at the mercy, then, of countries all over the world to provide the oil for over 50 percent of our energy needs in this country. This is dangerous.

We need a national energy policy because of economic security and national security. So I agree we need to do this. I do not agree with all the features in it. I did not like some of the provisions added at the end in the conference. I have my reservations about some of the renewable fuels. I have reservations about a lot of it, but I voted for it, and I am prepared to vote for it again in its current form with warts or with another problem. We should deal with this problem.

There is one way we will not deal with it comprehensively or deal with it at all, probably, and that is to pick it apart, pick all the meat off the bones of this national energy policy legislation. Piece by piece we will devour this good legislation, for example by putting a piece of it on the FSC/ETI jobs growth bill. If we put tax policies there, put ethanol here, or put it somewhere else, and start picking it apart piece by piece, what will happen is we will probably not get a comprehensive bill, and we probably will not even get the pieces. This is not wise.

I do not have the impression that it has been indicated by our leadership that we are not going to do an energy bill. I think it is on the agenda to be considered further, and it should be considered further.

We should work in a bipartisan and a bicameral way to get this legislation done. For that reason, I think it is a huge mistake to come pull out this one piece a lot of people do like and stick it on this legislation, because it is one of the engines that could possibly pull us to a national energy policy.

We will have discussion over the next few minutes about the way we would like to deal with it. But I personally do not think we should be adding this nongermane amendment, a critical part of the Energy bill, on this bill.

I would also like to say briefly that I think we have a good compromise package which Senator MCCAIN, the chairman of the Commerce Committee, has developed. He has worked over a long period of time with both the proponents and opponents to see if we could find compromise language on this Internet tax issue that was acceptable to get the job done.

It has not been easy because neither side wants to give. The proponents do not want even a 4-year moratorium. They want a permanent moratorium on Internet access taxes. I have in the past been inclined to be in that camp.

However, I have listened to Senator ALEXANDER and Senator VOINOVICH. I have heard from the Governor of my own State, and there is an argument on the other side, there is no question about this. We need to deal with this whole issue in a comprehensive way. The Commerce Committee needs some time and it will not be easy.

I went through the legislative process for telecommunications reform that we passed in 1996. We worked on it for 2 years. It was very laborious and it had the possibility of just falling apart right up until the end. It will probably take us a couple of years to get further comprehensive telecommunications reform done. In the meantime, we should have in place a moratorium on taxing the Internet. In fact, I believe there is an overwhelming majority that agrees. We saw the vote yesterday. I know that was not a vote on the substance, but anytime around here of late that there is a vote of 74 to 11 to go to the substance of a bill, that is pretty strong.

I believe most Senators want to get this moratorium in place. Could we tinker with it here or there? Surely, and there will be legitimate amendments that we should consider.

We are on the legislation now. We can begin the amendment process. We have had a relevant amendment. Senator ALEXANDER, the opponents, were reasonable and have allowed us to do this. They are going to have some really good and tough amendments that we are going to have to deal with, and that is the way the legislative process is supposed to work, I think. To have voted against proceeding to this bill at all would have been it. The year would have been over if we could not get on the substance of a bill of this nature with such a strong majority being in favor of getting results.

So the 4-year moratorium that is in this proposal that makes Internet access 100-percent tax free, while taking care to narrow the definition of Internet access to ensure that traditional telephone service is not included and while excluding voice over Internet protocol, is the right way to go. The Commerce Committee is already beginning to have hearings on comprehensive telecom legislation, and that will be the appropriate place to address matters such as voice over Internet protocol.

Senator SUNUNU has introduced legislation on VOIP, or voice over Internet protocol. We should not address that until we know exactly what we are doing. Certainly, we should not be saying that taxes are going to begin to be assessed in this area until we have thought it through. The compromise does grandfather States that taxed Internet access prior to the 1998 Internet Tax Freedom Act, and there are some 10 or 11 States that are in that category. This legislation would extend that grandfather status for 3 more years. For a 2-year period, it grandfathers the States that currently tax Internet access but were not protected under the 1998 grandfather clause.

So that is an oversimplification, but basically the rest of the bill just incorporates the common components between the two bills that were pending, the Alexander bill and the Allen bill. We should go forward with this legislation. We should get the job done.

What is happening once again is that while we have had one amendment that is germane to the substance, we now have an energy amendment being offered to the Internet tax moratorium. We hear there will be other nongermane amendments. This is the Senate. That is the way we do business, but we have work to do. We all agree this is something we want to do in a bipartisan way. My colleagues should take their shot or take their shots but make them count, and let's not get hung up on this legislation and drag it out with nongermane killer or poison amendments, because it will wind up killing or doing great damage to what I think is a reasonable compromise.

Again, I understand the Senate rules very well. My colleagues can offer anything on any subject at any time, unless there is agreement to the contrary. So Senators on both sides can dump their outbasket on this bill, but that would be a mistake. I do not believe the leadership on either side wants that to happen.

The best thing that could happen is for the Senators to get this off of our agenda right now. Let's get it off our backs. My colleagues would like to be able to vote both ways, or not be able to vote at all. We cannot do that because the moratorium has already ended and there are a lot of innovative people out there thinking of ways to tax Internet access.

Before my colleagues vote to allow a tax on the Internet, they should check with their children. If my colleagues have teenagers or kids in college, they will tear their head off. They do not want this interconnection to the Internet to be taxed, and if we were to go around and ask Senators if they want that, no, we do not want that. Let's vote on this issue. Let's deal with the substantive amendments and the germane amendments, if my colleagues want to offer a couple of relevant amendments.

I plead with the Senate, do not make this a punching bag because, if we do, we are going to show once again that we are incompetent to produce anything.

We did a pension bill. We saw we could do it. It still may not be perfect, but we got it done. This is one of those issues that is bipartisan. We need to get it done, and we need to get it done this week. I hope my colleagues will join in finding a way to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the amendment that has been offered a few moments ago by my colleague Senator DASCHLE is not some mysterious amendment. It is not some amendment that was offered under some mysterious procedure. This is the way the

Senate allows amendments to be offered.

Senator DASCHLE has offered an amendment that deals with the subject of energy, and specifically renewable fuels. My colleague from Mississippi, Senator LOTT, indicated that it is the way the Senate can do business. He is absolutely correct about that. The rules allow this amendment to be offered. However, I point out that the Senate really does not do business much anymore. We are not voting much. We are kind of at parade rest. If there was a ''gone fishing'' sign, it would long ago have been hung on all three doors of the Senate.

There is very little activity in the Senate. Very little is happening. I expect that is one of the reasons my colleague offered this amendment to this bill.

I will talk for a moment about the Energy bill. The Senator from Mississippi and the Senator from South Dakota both indicated that we ought to have an energy policy, and indeed we should. I was a conferee on the Energy bill. I signed the conference report, much to the consternation of some of my friends, because I thought on the whole it advanced our country's interest in energy.

It was not perfect. There were some things in it I did not like much, but the fact is, it came to the Senate floor and it lost by two votes. Everyone in this Chamber understands why it lost. It lost by two votes because the White House and the majority over in the House of Representatives decided to put in a retroactive waiver for liability of MTBE. They stubbornly persisted and demanded it be part of the bill even when they were told it was likely to kill the bill.

They preferred the bill die rather than take out that provision, the provision that was a favoritism provision for a few enterprises. So the bill died. Now they want to blame others for the death of that energy bill. It does not wash. That energy bill died on the Senate floor, lost by two votes, because there were some that stubbornly persisted in putting a favor in that bill for some of their friends and they would not back away from it. So they lost the bill. They were willing to let the bill go down because of that.

For example, that bill contained important provisions that I thought advanced the country's interests: production incentives, conservation, an efficiency title, a renewable fuels title. I will talk for a moment about the renewable fuels title because that is the subject of Senator DASCHLE's amendment.

I think the renewal fuels title is very important and advances this country's interests. I am a strong supporter of it. Incidentally, I will support this amendment, and I hope we get a vote on this amendment. It does not do damage to the underlying bill at all. We can, should, and will, in my judgment, have a vote on this amendment.

If we are not going to do a big energy bill, if instead of this week having energy on the Senate floor, which I would have preferred, we have the underlying Internet tax bill, if the priority is always going to be something other than an energy bill for the majority leader, then we have no choice but to take provisions of this energy bill that we think advances this country's interests, bring it to the Senate floor, and see if we can legislate on it.

I will now talk about the renewable fuels provision. The renewable fuels provision is pretty simple. Drive to the gas pump this afternoon and see what is going on. We used to see 55 percent of our oil came from off of our shores. It is now 60 percent. Sixty percent of the oil every single day that we use in this country comes from other parts of the world, much of it very troubled.

We are putting this country at great risk if we do not understand that endangers this country's economy, that endangers the opportunity for us to expand, grow, and promote opportunity in the future. Yet people seem oblivious to it. They say it is 60 percent coming from offshore, from Saudi Arabia, from Iraq, from Venezuela, from Kuwait, so what? Well, I think many of us understand the so what.

This country's economy, this country's well-being in the future, is held hostage by others, some of whom wish this country ill. In the new age of terrorism, we would be well advised to understand that this excessive and growing dependence on foreign sources of oil, foreign oil specifically, is very dangerous to this country.

My colleague offers an amendment that says at least one part of the Energy bill dealing with renewable fuels allows us to increase supply of energy in this country in a very significant way that is not only friendly to the environment but allows us to grow some energy in America's fields. It allows us to be innovative in creating new forms of energy to extend America's energy supply. Let me use ethanol as an example. Incidentally, let me say, for those who have heartburn over the offering of this amendment, 69 Senators have already voted for this amendment. This will not be a big problem if you just allow us to have the vote, put it on the bill. If the bill gets signed by the President, we have at least advanced this portion of the Energy bill.

But let me talk for a moment about ethanol. The ability to take the drop of ethanol from a kernel of corn and have the protein feedstock left and use that drop of alcohol to extend America's energy supply—good for us. That is called renewable energy. It expands the supply of energy. It means we can grow our energy in our fields.

We have a prodigious appetite for energy in our country. As all of us know, when the price of energy goes way up, the price of gasoline at the pumps continues to increase relentlessly, and we know we have to do something. It ought to be a warning sign.

My colleague brings to the floor of the Senate a sensible, thoughtful provision that had wide bipartisan support in this Chamber. What he says is pretty simple. He says if it is the case that we didn't have energy on the floor last month, last week, this week, next month, or even this summer, if that is the case, if that is what the majority wishes to do, to not put the Energy bill back on the Senate floor and allow us to work on that to get a good energy bill, then at least let's take portions of the bill that we know had strong bipartisan support and move that because that will strengthen this country.

Once again, let me say to those who counsel let's wait, let's just wait, the question is, Wait for what? Wait for fall? Wait for October? Wait for September? Nobody else is waiting. The price of gasoline is not waiting. The threat to our supply of oil is not waiting.

Read yesterday's newspapers about terrorists who want to interrupt the supply of oil. They are not waiting. Why should we wait to construct a sensible energy policy for this country's future? Why should we wait, above all, to move forward a provision that has strong, broad bipartisan support in this Chamber?

This is not the time to wait. This is time for us to move forward and understand that our economy, our Nation is at peril with respect to an energy supply if we do not advance those portions of the Energy bill that strengthen this country.

I, for example, believe we ought to advance the conservation title and we ought to advance the efficiency title, both of which are very important. My colleague offers, I think, perhaps the easiest and perhaps the most important provision dealing with renewable fuels. The easiest why? Because almost three-fourths of the Senate agree with it. Yet the amendment gets offered and we will have people walking around here choking on it. Nobody ought to choke on this amendment. The Senate ought to agree that this amendment makes sense. This amendment has previously been agreed to. This amendment advances this country's energy interests. We ought to agree to this amendment. Not yesterday, not tomorrow—now. This is not heavy lifting.

The only thing that is difficult in this Senate these days is that we are not doing anything. We face some real serious challenges in this country. We have an economy in trouble. We have energy problems. We are involved in a war in Iraq and a war in Afghanistan. We are beset by the terrorist threat. The fact is, this place is at parade rest. So my colleague Senator DASCHLE comes to the Senate floor and offers something that says, let's move on this subject; let's step forward; let's do the right thing; let's vote; let's advance this country's energy supply by passing the renewable fuels section of the Energy bill.

I understand. I managed the bill on this side on the Internet tax issue. I

understand this is inconvenient, but inconvenience is a small price to pay, incidentally, for advancing that important portion of this energy bill. I commend Senator DASCHLE for offering this, and I will strongly support it and hope we can move it quickly.

Let me just say as one person who is managing this on the floor of the Senate—I can't speak for the majority, but let me speak for the minority managing this—this should not take much time at all. My guess is Senator DASCHLE would agree to a very short time limit on debate. We have already debated this particular issue and had votes on it, so this should not interrupt us more than 30 minutes or an hour, after which we will have expressed ourselves as a Senate to move a very important piece of this energy bill—the renewable fuels portion of the Energy bill—forward with this legislation.

My hope is that is what we will decide to do. There is a possibility, however, that what happens the minute someone offers an amendment like this is this place goes into some sort of apoplectic seizure; it shuts down; we go into a quorum call. Why? Because people want to gnash and wipe their brow and wring their hands and fret on what to do because they can't deal with this. The way to do it is to put it up for a vote, have about 70 Senators vote for it, and add it to this underlying legislation, so that in the end we will have this important piece of the Energy bill for the American people. That will be good for this country and good for the American people, and when we have done it, I will say good for the American Senate as well.

I yield the floor.

Mr. REID. Mr. President, I have the highest regard for the distinguished junior Senator from Mississippi, Senator LOTT, but on this issue I disagree with him. I believe we have to move forward on energy legislation any way we can. If it is piecemeal, let's do that. The people of the State of Nevada are suffering from high gasoline prices. We have the second or third highest gas prices in all America.

For example, the bill we are going to take up next week, the FSC bill, in that bill I think very importantly the managers of that bill added to that some very important tax provisions that deal with energy. There are some short-term solutions I will speak to briefly, but there are some long-term solutions we must address.

Senators BAUCUS and GRASSLEY in the FSC bill address that. What have they done? They have provided tax credits for alternative energy. The tax credit for wind has expired. They are going to add, if we pass that legislation, a tax credit for solar, a tax credit for geothermal. This is the solution to the energy problems we have in this country. It will happen. It is only a question of time, when it is to happen. We need not depend forever on the vagaries of what OPEC does. We have to depend on what we can do.

People come to this Senate floor and say we need to produce our way out of the problem we have. We cannot do that. The United States has, even counting ANWR, less than 3 percent of the entire oil reserves in the world. Ninety-seven percent-plus of the oil is someplace other than the United States. So it is common sense that we cannot produce our way out of the problems we have today. We can do some things with the oil that we do have. We can make it better. We can have some of our smaller producing wells produce a little more. We can do some with exploration. But the answer is not that. We cannot produce our way out of the problems we have with oil.

So what can we do? The one thing we can do is do something with alternative energy. The Nevada test site in the deserts of Nevada has been the site for almost 1,000 nuclear explosions, some above the ground, some below the ground. At the Nevada test site, if you put solar panels on the Nevada test site you could produce enough electricity to serve the entire United States. The Nevada test site with solar panels could produce enough electricity to satisfy all the needs of this country.

We know that wind energy is doing very well. In the Midwest there are some farmers making more money on their windmills producing electricity than they are from the crops they produce. We know that Nevada has been said to be the Saudi Arabia of geothermal. We have, not unlimited, but huge amounts of geothermal power in the State of Nevada. You can drive places in Nevada and see steam coming out of the ground naturally. It is because of geothermal. Some wells have been tapped. The problem with tapping the resources we have with geothermal is the people have no tax credits to do it like they had for wind. If we did that, there would be immediately, in Nevada, a tremendous surge in the production of electricity which would feed our state, California, and other parts of the West with badly needed electricity. There would not be any pollution. The same, of course, applies to solar. So we need to do that.

There are some other solutions to problems we have. Of course, among the long-term solutions I did mention is more fuel-efficient vehicles. We certainly need to do a better job in that regard.

In recent years, there have been two major releases of oil from the Strategic Petroleum Reserve—during the Clinton years and during the first Bush years. It was done because it brought down the price of oil.

For example, in January 16, 1991, there was a decision made to release oil from our petroleum reserve. The next day crude oil prices fell from $32 to $21 a barrel. Of course, it dropped. We have done it on two separate occasions—during the Clinton years and the first Bush years. It made a difference.

A second release occurred. After that second release, within a week of the time the Strategic Petroleum Reserve was being used, the price of oil dropped from $37 to $31 per barrel.

Right now the price of oil is near $40 a barrel. Why doesn't the President release this oil from the petroleum reserve? I don't know. I know one thing. It would certainly be a help if that happened. It would increase the supply in this country. As supply is increased, we would have a lessening of prices.

The other thing which I think is extremely important is that we recognize there are other ways of bringing down the cost of oil. One thing the President could do is use his bully pulpit and his influence, which we understand is significant with the Saudis. Bob Woodward just published a book that said they knew about the war before anybody in the Congress knew about it.

Also, of course, we have been told the President has been assured that in September they will start releasing more oil. That will also bring down the cost of oil. I suggest rather than waiting until this fall the President do something now to pressure the Saudis into releasing more oil. They have cut by 10 percent their production of oil which began on April 1.

These countries are supposed to be our friends. We have young Americans giving their lives in Iraq right now to make that part of the world safer and more stable. It doesn't seem right the Saudis and other OPEC nations are not recognizing what we are doing for them.

We also know there are other things that can happen. The bill that was defeated on the Senate floor last year had a lot of problems with it. Senator MCCAIN referred to it as a ''hooters and polluters'' bill because of all of the ornaments that have been attached to the so-called ''Christmas tree.''

There are things which we need to do. People have said, Well, these things the President can do now do not matter. Getting the Saudis to increase the supply of oil would matter and, of course, having more oil come out of our strategic reserve would matter. The other thing the President could do is say let us stop buying oil to be put in the SPR right now. Some analysts suggest prices will only go down by 10 to 20 cents a gallon. That is significant.

In Nevada where the prices are approaching $2.50 a gallon, it seems to me that would be a help. Anything would help. As far as I am concerned, that is a good enough reason to do it.

Consumers need immediate relief. We are talking about as much as a million barrels of oil a week. That is about how much we put in the SPR which we are buying from the OPEC nations when they cranked up the price of oil. It doesn't make sense to do that. This isn't the huge supply of oil that comes into this country on a weekly base, but it still is a lot. It will make a difference.

The latest price spike in Nevada was caused, they say, by the shutting down of the refinery in northern California

which produces only 165,000 barrels of oil a day, or 1.5 million barrels a week. If that is the case, that is the same amount of oil we are buying from OPEC to put in the SPR. That logically would indicate the price should come down.

I think if we are going to do anything for energy in this country, we have to take it piecemeal: Do ethanol, and do what we are going to do next week with the legislation that has been crafted by Senators GRASSLEY and BAUCUS to give tax credits to the people who will produce good, clean energy.

The President in his State of the Union message said he wanted to move to a hydrogen economy. If we are going to depend on a hydrogen economy, we have to do something about producing hydrogen and use something other than fossil fuel to produce it, which only compounds the pollution. The only way you can have a hydrogen economy is produce the hydrogen by using alternative energy—sun, wind, or geothermal.

I hope we can, as Senator DORGAN has indicated, move forward very quickly and dispose of this legislation. If people vote the way they did the last time, this should go away very quickly. For people who say, I voted for it once, I am not going to this time because it is different form and it is stand alone, it seems to me it should be easier to do it that way than when it was in the bill which had so many different problems.

I commend and applaud the Senator from South Dakota for moving this particular piece of legislation which will improve the energy needs of this country.

I hope we look long term and do things other than what we have been doing; that is, try to produce our way out of the situation that is so desperate for the people in Nevada who have the third or fourth highest gas prices in America.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment offered by Senator DASCHLE.

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

Mr. DURBIN. Mr. President, I rise in strong support of this amendment. I have listened to the arguments propounded by the Senator from Mississippi in reference to this amendment.

First, we shouldn't shy away from this amendment for fear of being overworked. It was announced at our luncheon today we have had exactly 11 votes in the last 4 weeks in the Senate. There is certainly room for more activity here, and certainly activity should be focusing on important national issues such as energy.

Energy security is important for our Nation's future and it is a critical part of our foreign policy. Make no mistake: Our focus on the Middle East is about a lot of different issues, but it certainly is about the issue of energy and its future and America's dependence on external sources for its energy. That dependence has led to some terrible circumstances.

We are faced in the Midwest and across the Nation with high gasoline prices. In the city of Chicago and across the State of Illinois and all around our Nation, we are seeing gasoline prices reach record highs. If you ask why is this situation, I am afraid to say the culprit is very obvious: OPEC, the oil cartel in the Middle East, has decided to restrict the flow and supply of oil to the United States. By cutting off supply, demand forces the price up. They know that. We are, frankly, at their mercy.

Interestingly, during the last Presidential campaign when Governor Bush of Texas was running against Vice President Gore, he said at one point if he faced that situation as President of the United States he would take direct action against OPEC to bring down their prices and force them to supply oil to the United States. And yet weeks have gone by and none of that has occurred. In fact, businesses and families and workers all across the Nation are being held captive by the OPEC oil cartel.

Isn't it ironic that at the same moment we have sent over 100,000 Americans to risk their lives for security and stability in the Middle East, at a time when we are placing our military in the Middle East to stabilize it for many of these oil-producing countries, they have turned on us and said despite our jobless recovery and despite our recession they are going to restrict the flow of oil to the United States, knowing full well the hardship which it creates.

If Bob Woodward is accurate in his book, it is scandalous to believe the Saudis are doing this with the understanding that at some time before the election they will start sending more oil to the United States so gasoline prices will come down and benefit the current administration. That is what has been stated.

Prince Bandar, the ubiquitous diplomat in Washington, was the one who was brought in by this administration to be forewarned about the invasion of Iraq even before Members of Congress. He is such an important diplomat and international businessman that the administration felt his counsel was more important than the counsel of Members of Congress of both political parties.

If Mr. Woodward is correct in his assertions in his book, that there has been some sort of an agreement that the price of gasoline is going to go up, creating some discomfort, but come down just in time for an election surprise, an October surprise, that is awful; it is really unfair to the American people.

Why do we bring this amendment to the floor today? Well, Senator DASCHLE and Senator DORGAN, as well as Senator REID of Nevada, have made the case that this is a part of the Energy bill which we can pass today. We can pass it with a limited amount of debate and with an overwhelming, bipartisan rollcall, reflecting the support which alcohol fuels have in the Congress.

We know this fuel source is good for America. First, it is homegrown. We do not have to depend on foreign companies and foreign nations to befriend the United States.

We can grow the corn and other feedstocks that are necessary to make ethanol.

Second, it is definitely going to be an improvement on the environment. We know that by using alcohol fuels, we reduce pollution, which is a very positive thing.

Third, from a selfish point of view of the Corn Belt, we know that as more demand for corn is created by more production of ethanol, the price of corn goes up, farm incomes go up, and Federal payments go down. So it is a positive effect from three different perspectives.

Some argue we are making a mistake by trying to go at this one issue at a time; rather, we should bring the whole Energy bill before us. I saw Senator DOMENICI from New Mexico on the floor a few moments ago. No one has worked harder on this bill than Senator DOMENICI. I know his bitter disappointment when the bill failed by two votes, with bipartisan opposition, last December. I was one of the Senators who voted against it.

There were many provisions of that bill which I support, including the ethanol provision. But, frankly, at the end of the process, the Energy bill had become a dog's breakfast. It turned out to be a smorgasbord of special interest groups. They went out and included provisions in that energy bill which were nothing short of scandalous.

Senator MARIA CANTWELL from the State of Washington came to the floor and echoed an earlier comment made by Senator JOHN MCCAIN—Senator CANTWELL, a Democrat; Senator MCCAIN, a Republican—in which they said this bill had been dominated by hooters, polluters, and corporate looters. Now, it is a great phrase. When you parse it, you understand what they are talking about.

Imagine, the Energy bill we were being asked to vote for included a provision helping someone in the State of Louisiana build a strip mall for a Hooters restaurant. Now, I have never been lucky enough to go in a Hooters restaurant. I am sure there is a great deal of energy in a Hooters restaurant. I cannot believe it is the key to America's energy future. But it was part of that bill.

When it came to the polluters, take a look at the assessment of environmental groups of the Energy bill, which we rejected. Almost to a person, these environmental groups said we were relaxing standards when it came to air pollution; we were turning our back on sound energy policy coupled with sound environmental policy.

When it came to the corporate looters, whether you are dealing with electricity or oil, I think it is obvious. As we debate today this energy issue, across the street from us, in the Supreme Court, they are weighing the arguments in a case that has been brought against the Bush-Cheney administration, a case brought by groups that believe there should be full disclosure of the special interests that came to the table, the outside special interest groups that helped to write the Energy bill.

The Bush-Cheney administration—particularly Vice President CHENEY—has been so adamant to continue to conceal and keep secret the sources of information which led to that energy bill that the case has gone all the way to the U.S. Supreme Court. That is, frankly, because many of those who came to the table must be a great embarrassment to this administration. It has been said, it has been admitted by some, that Enron—and those were the glory days when Enron was still close friends with the White House—Enron was in on the writing of this energy bill. It is no surprise. Just read the bill. It was a bill that, frankly, had too many of those special interest groups writing too many provisions.

So here we come today with a proposal by Senator DASCHLE which is long overdue. It tends to take away all of the chaff and leave the wheat.

Let's go to the important part of the Energy bill where there is bipartisan consensus. Thank goodness we no longer have to labor with those provisions which provided a sweetheart deal for the producers of MTBE. MTBE is a fuel additive that has been put in gasoline for over 20 years in order to make engines run smoother. But over 20 years ago, they discovered that MTBE might work in your engine, but outside it was dangerous to the environment. It is not biodegradable. So if MTBE should leak from an underground fuel tank and get into the water supply of an individual with a well or a town that relies on an aquifer, it could make the water undrinkable and, in fact, potentially dangerous to public health.

European studies link MTBE contamination to the cancer-causing agents which, frankly, we are finding too often in our environment.

So the producers of MTBE knew about this problem in 1984, continued to sell the product, and now communities across America are being inundated with MTBE pollution.

In my State of Illinois, over 25 villages and towns have MTBE contamination. Over 200,000 people in my State live in an area where they are trying to cope with MTBE contamination of their water supply—a danger to families, a danger to businesses.

So what did this energy bill say? Along came a provision in the Energy bill which said the producers of MTBE, unlike any other company in the United States of America, should not be held accountable in court for their wrongdoing. If they knowingly sold a toxic and dangerous product, which caused damage to an individual, to their health, then, frankly, the Energy bill said: We are going to give them a pass. We are going to say they cannot be held accountable in court. Let the individuals bear the burden of the cost of the medical bills and cleaning up their water supply. Let the villages and towns pay the millions of dollars necessary to overcome MTBE contamination.

That is the reason I voted against that energy bill. I went back to Illinois to a meeting of my Illinois Farm Bureau, a group that was very strong for this ethanol provision, and it was a cool reception. They wanted to know why, after some 20 years on Capitol Hill, I turned my back on ethanol.

Well, I told them. I am still for ethanol. I still believe in it. I support this amendment. But I do not believe in the special interest favors that were included in that energy bill. They understood. Many of those same farmers came to me afterward and said: We understand completely. You ought to clean up that bill. You ought to pass the good provisions that are good for America and get rid of the rest of that mess.

Well, we are trying to do that today. Senator DASCHLE's leadership has brought an important part of this bill forward. Ethanol is not just an American homegrown energy source; in my part of the world, ethanol is a job source, and we desperately need jobs in America. We have lost over 2 million jobs under the Bush-Cheney administration. We have lost hundreds of thousands of manufacturing jobs just in the State of Illinois. Ethanol plants being built around the Midwest, around the Nation, will create good-paying jobs in rural areas, something we desperately need. I think it is important we do it.

For those who say, ''Well, why don't we wait until later,'' we cannot afford to wait. The highway bill, which should have been passed last year, that would have created millions of jobs across America, has been stalled in this Republican Congress now for 2 straight years. The battle between the White House and the Republican leadership I cannot even explain at this point, but for reasons that will only be known to them, they have held up the passage of the highway bill at exactly the wrong moment, the moment when we need jobs so much in America.

Passage of this amendment on the ethanol provision will get us moving toward more investment, more capital creation, and more production of ethanol and construction of ethanol plants across America. That is a positive, not just for the Midwest but for our Nation.

I commend Senator DASCHLE. I think, frankly, we should face this issue. We should debate it in a timely fashion. We should vote on it. If the 69 or 70-plus Senators who have stood with ethanol on a bipartisan basis in the past will continue to do so in the future, we can make this part of this bill and send it to the President for his signature, and say to those who have been waiting for some hope: When it comes to dealing with energy, we have an important part of this bill that we have succeeded in passing.

Many other challenges remain on energy. We can face them, but let's do the right thing. Let's adopt the Daschle ethanol amendment today.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I regret that I was not here at the time the Democratic leader offered his amendment. But, of course, it would not have mattered really much whether I was here.

I wonder, since we have seen a singular lack of progress in the last few months, particularly in the last few weeks—literally every piece of legislation, with the rarest exception, has been loaded up with extraneous amendments and has had to be brought down. Of course, I have only been here for 18 years. That is not a long time compared to some. But I have to say, I am unaccustomed to this kind of procedure where in good faith we brought this bill to the floor, in good faith we voted cloture on the motion to proceed, and then the Democratic leader stands up and proposes a totally, completely, absolutely extraneous amendment, an entire piece of legislation, the Energy bill, which has been hard fought in this body many times, as an amendment on the Internet tax moratorium bill, without warning, without saying what he was going to do, without having the courtesy to inform me as the chairman of the committee and the manager of the bill. If he had, I would have thought, well, maybe we ought to not bring it up. The temperature is 85 degrees in Phoenix today. It is not raining there like it is outside. Why don't we just go home? Why don't we go home, relax with our constituents and our families and friends, rather than go through this charade of telling Americans that we are legislating.

There was an old line in the cold war era. The Russians said: We pretend to work and they pretend to pay us. Well, we pretend to work and we are still getting paid. We are not working. We are not doing anything.

I say to my friend the minority leader and to my friend from Nevada—and they are my friends—what is this all about? You know very well that if an Internet moratorium is passed, an energy bill will not be part of it. Now we are going to go through the parliamentary charade of having somebody offer a second-degree amendment and somebody else will do a substitute, and then somebody else will offer a second-degree amendment. What am I supposed to tell my constituents, the taxpayers, we are doing here in Washington?

If I had a townhall meeting and said, yes, we had an Internet tax moratorium bill, a bill that is vitally important to both sides as far as whether taxation is going to be imposed on transactions over the Internet, which some 70 or 80 percent of the American people engage in now—billions of dollars—we are going to decide in a parliamentary fashion whether those transactions should be taxed or not taxed, and if so, under what circumstances—this is the third time we have revisited this issue. Ten months ago we passed it.

The Senator from Tennessee will tell me how many hundreds of hours he has devoted to this issue. The Senator from Virginia will tell me how many hundreds of hours he has devoted to it. What do we do? We take up the bill. We have debated it for barely 2 days. And what do we have? The Energy bill as an amendment to the Internet tax moratorium bill.

What am I supposed to tell my constituents? I will tell you what they are going to say: We don't get it. That is what they are going to say: We don't get it. Yes, it is important to me, Senator, whether the State and local governments can tax the things I buy on the Internet. Some people say they should; some people say they should not. But can't you guys and women get together and make a decision on it so I will be relieved of this lack of knowledge as to what the future holds?

What about all those people who are starting businesses that do business over the Internet? What about them? I am sorry, sir, we can't address this issue because we have to take up the Energy bill.

I certainly wouldn't say it is all about ethanol. I certainly wouldn't say it is about a product that we have created a market for which has absolutely, under no circumstances, any value whatsoever except to corn producers and Archer Daniels Midland and other large agribusinesses.

Here we go now. Here we go. The Democrats have a retreat on Friday, so we are not going to be here on Friday. No, we are not going to work 5 days this week. Actually, 3, excuse me. And here we go, now we are going to spend late this afternoon jockeying back and forth.

I am sure there may be a headline in South Dakota that says: Senator DASCHLE fights for ethanol. I bet there will be a whole lot of press releases, too, and maybe even the distinguished Senator from North Dakota will be fighting for ethanol, too. Meanwhile, we are not addressing the issues that the American people care about.

Right now they care about whether we are going to tax the Internet. I urge my colleagues to tell us, all I want to know is, are we going to spend between now and when we go out of session at the beginning of October in this kind of back and forth?

My side is also guilty, I freely admit. Are we going to spend that time between now and the beginning of October, when we will break to take the electioneering from the floor of the Senate out to our respective States, and do this or are we going to seriously legislate as the American people sent us here to do?

Obviously, I am upset because this is a bill I have been working on for a long time, an issue I have been involved in for many years. Obviously, I am upset by it. I apologize if I have offended any of my colleagues. But at the same time, this has been going on now for months. This is not the first time we have done this. This is about the 50th time, again, on both sides of the aisle. So why don't we make a decision. We are going to attach the minimum wage or we are going to attach lawyers' fees or medical malpractice or one of these; we are going to attach them all back and forth. And we will be able to force votes on it, but unfortunately, we don't legislate.

Why don't we make a decision? Why don't the leaders and all 100 of us get together and decide what we are going to do and what we are not going to do. At least the taxpayers may find some comfort in the knowledge that at least we would tell them what we are doing.

I would imagine that as we speak we will have some amendment and then a second-degree amendment, and we will fill up the tree, which probably very few living Americans understand, including Members of this body, but we will consult the Parliamentarian as to how the mechanics work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. MCCAIN. 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. DORGAN. 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. DORGAN. Mr. President, I know my colleague from Virginia wishes to speak on the bill, and perhaps the Senator from New Mexico does.

Let me say to my friend from Arizona, I understand his angst about this. But this is not a new procedure. The Senator from Arizona has employed the same procedure, as have I, as now does Senator DASCHLE today—that is, offering an amendment that does not relate to the underlying legislation.

There is a reason that happens. The reason that happens is the passion one has for legislating on a specific issue that doesn't get resolved because someone else won't allow you to bring it and debate it on the floor. So you offer an amendment under the rules of the Senate to another piece of legislation. That is what happened here. I say to my colleague, he has employed the same tactic, as have I.

Mr. MCCAIN. Never.

Mr. DORGAN. I will be glad to recite them. I will not do it at this moment. There were line-item veto amendments, motor voter, and others. Senator DASCHLE has not offered an amendment for the purpose of a headline in South Dakota. I happen to support renewable fuels and ethanol, and have for a long while. I make no apology for that, nor would Senator DASCHLE, because I think it advances this country's energy interests.

The reason it has to be offered now, according to Senator DASCHLE—and we all understand this—is we had an energy bill that failed here by two votes. I would have preferred we pass an entire energy bill in this Senate. I voted for it and I signed the conference report. I worked with the chairman of the Energy Committee. I would have preferred that to pass because it had titles in four areas I supported. I didn't agree with a colleague who said a few minutes ago he thought there were things that were unworthy and rendered it something we should not have passed. There were things in the Energy bill that were unworthy and I didn't support, but on balance I believed it would advance this country's interests. It failed by two votes in the Senate.

That bill contained production incentives, conservation efficiency, and renewable fuels. The issue of renewable fuels is not new. We have worked on this for a long time. If we cannot get the Energy bill, then we ought to get the renewable fuels piece at least. That has such wide, strong support here in the Senate. We have voted on it. I believe it was 69 votes in favor of that provision. We had bipartisan, strong support for that provision.

So if we cannot get the Energy bill, let's at least take that which will, in my judgment, be beneficial to this country's long-term economic and energy interests. That is what Senator DASCHLE offers this amendment for on this bill, because the other opportunities don't exist. If somebody said, well, let's bring an energy bill to the floor this week, rather than this bill, or bring it to the floor next week—and I am guessing; I don't speak for Senator DASCHLE—he would have said let's do that, because he supports certain provisions of that bill, voted for it, was the author of the renewable fuels provision and ethanol provision. So my guess is he certainly would want that to happen. But because we are now told the Energy bill will take a back seat to this, that, and the other thing, and that it will now perhaps be fall before we talk about it on the floor of the Senate, Senator DASCHLE had every right—perhaps an obligation—to come here and say: I have a passion about this, let's advance this. This is an opportunity.

Again, let me say I will bet, if I do a bit of research, perhaps almost all of us on the floor, with the possible exception of the Senator from Virginia, because he has been here fewer years—

but I would find everybody now on the floor has offered an extraneous amendment to pending legislation. That is not unusual. It is called for in the Senate rules. We face it every time we bring up a bill. What would be counterproductive is if you offer an amendment that becomes like throwing a wrench into the crankcase; you strip all the gears and shut everything down. That is trouble.

That is not the case here. We have already voted on this. We know there is wide bipartisan support. This isn't throwing a wrench in the crankcase; this is advancing a part of the Energy bill that ought to advance.

I will repeat, you have to be completely oblivious to reality not to understand we have a serious energy problem. Part of it is going to be solved by enhanced production, part by conservation, and part by efficiency. But another part of it is going to be solved some way, someday, somehow by a renewable fuels title that represents an advancement in our ability to produce ethanol and other renewable fuels. We are going to do that. We can do it sooner or later. We can do it now or we can wait. But I submit to you this: Given what we face in this world, the threat of terrorism, cutting off an energy supply to our country, 60 percent of our oil coming from outside of our shores, much from troubled parts of the world, we had better get the entire Energy bill up and get it done. I pledge—and I think the Senator from New Mexico will recognize I was a constructive part of his deliberations and voted for it and signed the conference report—I will again be a constructive part of those deliberations.

But if we are not going to get an energy bill up here, my colleague has every right to come to the floor and try to advance this renewable fuels provision. I support that. It is an appropriate thing to do. I don't believe it should impede us in any way. We can do it in a half hour. We know it, we know what it is, and we know what it will do for this country. It cannot be suggested this somehow is going to slow down this bill; it will not and it need not. The only thing that will do that is if those who decide they don't want this piece of the Energy bill to advance decide to find a way to interrupt this amendment.

Having said all that, I will say again it is not about headlines for anybody. It is about the right of Senator DASCHLE to offer an amendment that is important, which has already been discussed in the Senate. I hope the Senate will have a vote on it and pass it and move on and deal with the underlying bill and pass it when we have solved the definition problem. I support a moratorium, and I believe since we have had a moratorium for 5 years previous, we can find a way to solve the definition problem and continue a moratorium with respect to Internet taxation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wish the Senator from Arizona were here, because I would like to tell him I agree with many of the things he said. I certainly did not come to the floor—in fact, I left after the last vote, assuming I would not be back down here. I thought we were going on with something and that his bill, which had been debated, although it had a number of small amendments—I thought it would go through here and become law. But I have to admit between that little visit to my office and what I got on the phone about 25 minutes ago were very different. I don't want to be accusatory; I just want to say the minority leader, over a long period of time, has been in the same predicament we have all been in with reference to an Energy bill. He has been in the same predicament regarding ethanol as we have. We produced the first bill this year that had ethanol in it. As a matter of fact, everybody remembers that comprehensive bill was defeated by two votes in a cloture. It got 58 votes—that first one.

What we have is somebody has taken a piece of the Energy bill and attached it not directly to the McCain amendment but to the tree on the side, as an amendment which will fail when McCain passes. Nonetheless, I guess making the point that you had a vote on ethanol does somebody something.

AMENDMENT NO. 3051 TO AMENDMENT NO. 3050

Mr. DOMENICI. Mr. President, I want to suggest I am very pleased this happened, because I now send to the desk S. 2095 as an amendment to the Daschle amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3051 to amendment No. 3050.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the amendment.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Can the Chair give the Senator from Nevada an idea of how long it would take to read the amendment?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the inquiry is not in order while the amendment is being read.

Mr. DOMENICI. I did not hear the Chair.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that an inquiry is not in order during the reading of an amendment.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. REID. I object.

The PRESIDING OFFICER. There is objection. The clerk will continue with the reading of the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The inquiry is not in order.

Mr. REID. It is not in order?

The PRESIDING OFFICER. The regular order is the reading of the amendment. The clerk will continue.

The legislative clerk continued with the reading of the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the reading of the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be a temporary holdup in the reading of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object. I don't know what ''temporary'' means.

Mr. DOMENICI. Will the Senator object if it was understood that the reading could continue as soon as we finish our discussion? Temporarily, just 5 minutes per side and then the reading will continue.

Mr. REID. Reserving the right to object, Mr. President, it is my understanding the Senator from New Mexico is asking that there be 10 minutes of debate equally divided; following that, the reading of the amendment will continue?

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. And nothing will change.

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

Mr. DOMENICI. Mr. President, might I engage in a conversation with the distinguished Senator from Nevada and talk for a minute and tell him what is happening?

What I sent to the desk is a bill we will now call S. 2095, the comprehensive bill that we took to the Senate floor that Senator DORGAN alluded to. It was H.R. 6. We heard arguments that it was too expensive. This bill is no longer expensive. As a matter of fact, it is negative cost. It puts money back in the Treasury.

We heard that Republicans could not vote for it, and some Democrats, because of MTBE. That is out of this bill. It is no longer there.

I went back to the drawing board, took out direct spending, the raising of revenue was taken out of this bill, and

it was put in another bill. So there is no raising of revenue that goes in this bill. It is in the tax bill that will be up next week.

What I came to the floor of the Senate to do, and I say this to the distinguished acting leader of the minority, was to see, rather than piecemeal this bill, if we couldn't get an agreement that S. 2095 could become the subject matter and that we may have three or four or five amendments to a side. That is what I propound to the Senator from Nevada.

I know how strongly Senator DASCHLE feels about this energy bill as it pertains to all the items he wants, including ethanol, and all the other items I described. He would have no objection to any of them. MTBE is out of the bill. It is no longer subject to criticism because it costs too much. As a matter of fact, it is about as cheap a bill as you can get and still get an energy bill.

It does a lot of exciting things. With reference to the electric grid, it does great things to eliminate gridlock and to do other very important activities. I do not want to waste the time of Senator REID going through this bill because I think he knows what we are doing and he knows what he is doing.

I want to save this energy bill. I want to make sure everybody knows it is still alive and that it is good what happened here because some time in the next couple of days, we are going to prove that this energy bill still lives. I do not intend to kill the amendment of Senator MCCAIN. That is not my purpose. I want to make sure everybody knows and everybody in this country knows we have a good energy bill that is alive, and we have the tax portion alive in another area. Frankly, I did not think we could get this far. But I thank the distinguished minority leader for opening up this door.

He opened it a little bit, and I made a nice wide door and put in the whole bill. That is what this is about. A little tiny piece of the bill yielded an opportunity to put the whole bill in here. Now all I ask is that we sit down and make an agreement that this bill be looked at—I could say to the distinguished Senator who spoke about a bill that had been passed some time ago, I can almost guarantee him that if he liked that bill, he will much more like this bill than the one he voted for before. It is much better. It is much more streamline. It accommodates a lot more interests, and I believe we could get an overwhelming majority of votes for it.

I want to close by saying if there is anybody in this country who does not know there is an energy crisis, then they must have been sleepwalking for the last 6 months because we are in a crisis of high order.

I am offering a way to make sure we keep alive an energy bill that will work.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it goes without saying, but I will say it again, I have worked with Senator DOMENICI during my entire 18 years in the Senate. During more than half of that time, he and I have worked as the chairman or ranking member, as the majority of the Senate goes back and forth, on one of the most important subcommittees there is in the appropriation process, Energy and Water, so we have worked very closely together.

We are partners in that legislation, and he is my friend. However, on this energy bill let me say this: First, today of all days is a day when the Supreme Court of the United States was hearing a most important case, a case the Vice President of the United States has stalled for 3½ years. He had meetings during the transition period after President Bush and he were elected, meetings with people from the energy field, oil companies, automobile manufacturers, but we are not certain, people from the nuclear industry.

All the American people have asked for in 3½ years is tell us who they met with, what they talked about, and when the meetings took place. He has refused. Now this matter has gone to the Supreme Court, and that argument was held today. These were secret meetings, I guess is what they are, and if there was ever a time in the history of the country where we need to debate the energy crisis, as some refer to it openly, it is today. The first step to that would be to find out who the Vice President met with, why he met with them, what he talked about, and how long the meetings took place. He has refused to do that.

I also say that this country has arrived at a point in time where we are not going to be able to do major legislation. Let me give some examples with rare exception. Take, for example, the endangered species bill. The endangered species bill has caused problems in the State of North Dakota, and I know this because I have heard my two colleagues from North Dakota talk about the problems of the endangered species law in North Dakota. But it is not limited to North Dakota; the endangered species law is a problem for most States in the country. The State of Nevada ranks 34th in the number of listings for endangered species.

A number of years ago Senator BAUCUS, Senator CHAFEE, Senator Kempthorne and I tried to do a major revision of that bill. We could not do it. In that same Environment and Public Works Committee, there was a decision made that we needed to do something about Superfund. We could not. We have tried. Senator SMITH, Senator LAUTENBERG, and others on that committee tried. They were at loggerheads. They could not come up with a major revision of that bill.

So the decision has been made by most legislators that the way to improve the Superfund law that now exists is to improve it by bits and pieces. The way to improve the endangered species law in this country is to do it by bits and pieces. The Energy bill is the same thing.

I say to my friend, we are not going to pass a bill that the Senator from Arizona referred to as the hooters and polluters bill. Why was it referred to as the hooters and polluters bill? Well, many of us think it did nothing to clear up the environment. Where did the hooters come in? One of the ornaments attached to the Christmas tree bill was to give a financial stipend to a Hooters operation some place in the southern part of this country. That is where it got its name.

We are not going to pass major legislation on energy in the near future. What we can do, though, is pass the part on which there is general bipartisan agreement. Ethanol is an example. More than two-thirds of the Senate voted for that legislation. It seems to me entirely logical that we should dispose of that matter. It would do some good to help the energy crisis we all acknowledge is in this country.

As I spoke about earlier today, I throw bouquets to Senators BAUCUS and GRASSLEY for having done what they did in the recent FSC bill by including in that something that is extremely important—section 45, production tax credits for renewable resources—that expands and extends a credit for wind, geothermal, solar, and biomass. That is important. We should pass that measure next week. I think we are going to do that. We should do the ethanol bill now.

My friend from Arizona, the distinguished senior Senator from Arizona, asked, What is going on in the Senate?

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

Mr. REID. I ask that the Senator from Nevada be given an extra 4 minutes and the Senator from New Mexico be given an equal amount of time.

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

The Senator from New Mexico.

Mr. DOMENICI. Is it possible we could take that off the reading of the amendment?

Mr. REID. It is possible. I will think about it after.

Mr. DOMENICI. We would think that it would, but that is a guess, although it would be a pretty good guess.

Mr. REID. I ask unanimous consent that I be given 4 additional minutes, an extra 4 minutes be given to the Senator from New Mexico, and then we go back to reading the amendment when I finish.

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

The Senator from Nevada.

Mr. REID. Mr. President, what I was saying is the Senator from Arizona asked, What is going on in the Senate? I mean, can anyone imagine—and I am paraphrasing—they offered an amendment to energy on a bill that deals with the Internet tax?

My friend from Arizona, who is one of the most astute politicians this country has ever seen, knows what is going on. We are in the Senate. This has been going on for more than 200 years. We have the right to do that. In years past, no one ever considered it anything out of the ordinary.

The problem we have in the Senate today is we do not do anything. In the last 4 weeks, we have voted 11 times. Why? Because amendments are offered to important legislation like FSC and there is a desire to have a vote, for example, on overtime. How much time does Senator HARKIN want to debate that? He will take 10 minutes and vote on it. We have not been given that privilege.

So what is going on in the Senate today is what has gone on for 200 years. The difference is, nothing is ever brought to conclusion because people do not want to vote. The majority has made a decision they do not want to vote, so we do not vote.

So I say to my friend from Arizona, we are doing what has been historically done in this body. Some may ask, Well, Senator REID, why would you ask this amendment be read? Because I feel that offering this amendment of some 800 to 900 pages is only a message that says we are going to continue doing business in the Senate the way we have all year long and do nothing. Everybody knows that we are not going to pass this. It is the same as the endangered species. It is the same as Superfund. We are not going to pass a hooters and polluters bill.

We can take bits and pieces out of that legislation and do some good for this country. I repeat: To do the section 45 production tax credit would be a tremendous boon to this country. We would be able to start producing energy alternatively. It would help the capital markets. There would be construction jobs. I think it is the right way to go.

I am disappointed that my friend from New Mexico, who has worked hard—as my friend from North Dakota said, no one has worked harder on this energy bill than my friend from New Mexico, the distinguished senior Senator, but I say to him, someone I should not be giving advice to because he has far more experience than I have, this bill is not going to pass. I repeat for the third time, look at what we have tried to do with endangered species, look what we have tried to do with Superfund. Those are only two of the numerous other pieces of legislation we need to work on, but let's do them piece by piece. That will be my suggestion.

I will give some thought to taking away my objection to reading the amendment, but I am going to give some thought to that because I think offering this amendment is only a way of preventing our moving forward on this important legislation. I have spoken to the manager of this bill. He thinks that working with Senator MCCAIN, the chairman of the Commerce Committee, that we can come up with a compromise in a reasonable period of time. It is totally appropriate that we dispose of Senator DASCHLE's amendment. People should vote it up or down. More than two-thirds of the Senate approved it at one time. Why should that change?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I wish to talk about what is going on in the Senate. I could hardly believe my friend—and he is my friend; what he said about our working together is true, but I could hardly believe my ears when he suggested that the Republicans are keeping us from voting in the Senate. I mean, I have a list of what has been going on for the last 3 months. You know, it is nothing. It is not because of the Republicans, but the Democrats on every issue have said they want to filibuster it. We have had more clotures in the last 3 months than any 3 months in the history of the Republic, unless there was one after another on one bill of which I am unaware. So let's talk about that in reality.

Let me say to my good friend Senator REID, if he thinks there is only one good provision in this bill that everybody might vote for, let me tick off what is in this bill and ask you if you think it would be 51 or 61 votes for it. Let me start: Encouraging the production of domestic oil without violating the environment; encouraging the development of more natural gas from three sources, all American; encourage the building of necessary infrastructure such as the Alaska natural gas pipeline; encourage more renewable energy—everybody speaks about it, this bill promotes it, and we can't pass it—promote energy efficiency; promote clean coal technology; increase R&D on a variety of technologies and improve our electricity grid.

These are the things in this bill. I don't care how big it is, how many pages are in it. If the distinguished minority leader can bring up one piece of it because it is popular, then I believe I ought to be entitled to bring up the rest of the bill which is also popular. Remember, there is no MTBE in it. If we would have brought that first bill here without MTBE in it, it would have already passed; we would be finished. Yet this bill is more stripped down than that. Because in addition to MTBE not being in it, I have already told you that it doesn't cost anything. I have told you the tax provisions are somewhere else, and I have just given you a litany of what is in it.

I submit, before we are finished, if it takes all night or however long you want us to be here reading it, that we will have a vote and it will be a cloture on this bill and I submit there will be two of them. There will be one on Senator DASCHLE's and one on Senator DOMENICI's. I believe Senator DASCHLE's will fail and I believe mine will pass, and what we will have is we will have the hope and have alive the idea that a good Energy bill, which we have gone through and swept with all kinds of brushes to make it a bill that everybody likes, will be pending before us.

I am hopeful that in the process we will not have taken so much time that Senator MCCAIN can't get his bill done. I am very hopeful of that. I hope Senator MCCAIN's staff understands that all I have been speaking of, unless we have to stay here all night and tomorrow to get this read, I am looking for the time, looking ahead here and figuring that you can get your amendment done and we can get an important decision by this institution, in light of the terrific price of gasoline, whether they want an energy bill or not. That is going to be a good one to watch and it will be a good one to have a vote on, I will tell you.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds remaining.

Mr. DOMENICI. And how much does Senator REID have?

The PRESIDING OFFICER. The Senator has 8 seconds.

Mr. DOMENICI. Do you want to yield our time back?

Mr. REID. I would like an additional 1 minute on our side with the same rule in effect

Mr. DOMENICI. I would take 1 in addition in case you say something that needs to be rebutted.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. ALLEN. I ask the Senator from New Mexico to yield for the purpose of a question.

Mr. DOMENICI. Certainly.

Mr. ALLEN. Mr. President, I ask the Senator from New Mexico, while all this discussion is going on about the underlying bill, and while it is interesting to talk about endangered species and Supreme Court cases and so forth, and energy is important, clean coal and new sources of natural gas are important, and oil, and a variety of other things, the fuel cell and so forth—at any rate, the reality is when you speak of endangered species, there are endangered jobs in rural America.

Even though this debate is on the ethanol matter, the Corn Growers Association is very much strongly in favor of making sure there is no taxation on the Internet. They realize how important that is; that this measure be passed for jobs and economic growth in rural America. There are 35 States in the Corn Growers Association.

I would ask the Senator from New Mexico, what is the purpose of reading this title of this bill as opposed to acting on the Energy bill, which I consider a detour and a tangent off of the Internet access tax issue, or even addressing issues from those who want to tax the Internet and may want to put on some more amendments? Why do we have to spend time listening to the melodious

voice of our clerk reading off the title of your amendment?

Mr. DOMENICI. Senator, I yielded to you without knowing you were going to use all the time I had remaining.

Mr. ALLEN. I am sorry.

Mr. DOMENICI. If there is anybody I would like to do that for, I would do it for you, but how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 32 seconds remaining.

Mr. DOMENICI. Senator, I am going to try to answer your question when I get back on my feet, but I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from New Mexico has stated the bill he offered is not the so-called hooters and polluters bill, so named by the distinguished Senator from Arizona, but in fact it is a slimmed down version of that bill.

I ask through the Chair of my friend from New Mexico, is that, in fact, the case? Could you answer that yes or no? The bill that is now before the Senate is a slimmed down version of the so-called hooters and polluters bill?

Mr. DOMENICI. Senator, I can only do that in dollars. The original bill cost $31-plus billion; this one costs negative $1.2 billion.

Mr. REID. I ask, does this bill have in it the section 45 production tax credit?

Mr. DOMENICI. No, it does not.

Mr. REID. I ask my friend from New Mexico, would you support—supporting your bill here, that is the one I have offered as an amendment, would you support the FSC bill with the section 45 production tax credit in it?

Mr. DOMENICI. Sure.

Mr. REID. Mr. President, I am going to, at this time, that being the case, recognizing that what the Senator has offered is a slimmed down version and is not the original bill, and that he would support the provision in the FSC bill—I think a combination of those two might make some interesting votes here in the next day or two—I withdraw my objection to waiving reading the amendment.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DOMENICI. Could the Senator tell me what you said about votes in the next couple of days? I didn't get it.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Nevada.

Mr. REID. I know the Senator from Virginia wants to speak on the underlying bill. I will be as brief as I can.

What I told the Senator from New Mexico, through the Chair, is that it was my understanding that the bill that was offered in the form of an amendment was nearer the original bill that was offered and cloture was not invoked on it previously. I have been told by my staff and others that it is a slimmed down version of the original bill. That was confirmed by the Senator from New Mexico.

I further went on to say, to ask the Senator from New Mexico if it had the section 45 production tax credit in it. He said no. I then went further and said, would he, the Senator from New Mexico, support the FSC bill, which does have the production tax credits in it, and he said he would.

I then said, that being the case, that we have a smaller version of the original Energy bill than I originally thought, and, further, that he would support the FSC bill, including the production tax credit provision that was placed in there by Senators GRASSLEY and BAUCUS. I then said I think that is going to make for some interesting votes in the next few days.

Mr. DOMENICI. So you said about 2 days? I still didn't get that.

Mr. REID. I would assume the alternatives, I say through the Chair to my friend from New Mexico. I assume the majority has a number of alternatives. They can debate endlessly the amendment you have offered, the amendment the Senator from Arizona has offered, and we already have cloture having been filed on the minority leader's amendment—so it is possible, I don't know if the majority has made that decision, they could file cloture on your amendment.

Mr. DOMENICI. That is correct.

Mr. REID. They could file cloture on the amendment of the Senator from Arizona. That is why I said in a couple of days. It takes 2 days for these cloture motions to ripen. Maybe Thursday we could have a vote on all these matters, and I said it would make for some interesting votes.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum. I don't quite understand, I say to both Senators. I want to help, but I don't understand.

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, could I ask what the parliamentary situation is?

The PRESIDING OFFICER. There is a pending Domenici second-degree amendment to the pending Daschle first-degree amendment to the underlying text of the bill.

Mr. MCCAIN. So we are debating the Domenici second-degree amendment to the Daschle amendment to the substitute or to the original S. 150.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. I yield the floor. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I have been listening to the debate and the reading of titles of amendments. We have seen detours, political posturing, partisanship, criticizing of the Vice President, and all sorts of cover for past obstructionism.

Obviously, things such as the geothermal are important. Clean-coal technology is important. Biomass, solar photovoltaic, energy policy, exploration of the North Slope of Alaska, natural gas pipelines for greater quantities of natural gas—all of that is very important. Then you listen to people talk about endangered species. A Senator was talking about endangered species. I am thinking: You know what is endangered in this country—particularly out in rural areas—is jobs for people in rural America.

The main point of this debate and where we are supposed to be today is those who want to have the Internet free from taxation and others who have other ideas. The Senator from Texas, Senator HUTCHINSON, had an amendment. We voted on it, and we are supposed to be considering other amendments on Internet tax. Now we are off on a tangent of ethanol. First it was ethanol, and now it is the larger Energy bill. I was thinking the key people who like the ethanol provision are people who grow corn in America.

There is an association, the American Corn Growers Association. To get everyone to focus a second on the main issue, which is whether the Internet ought to be taxed at the State and local level, I will share with my colleagues what the American Corn Growers Association actually thinks of S. 150, the bill to make sure there is not taxation on the Internet.

They said they support S. 150. They want to make the existing Federal moratorium against State and local taxes on Internet access, as well as multiple and discriminatory taxes targeting interstate commerce, permanent and national in scope. They feel the bill would ensure technological neutrality so all Internet users, including their members—being the corn growers—are protected by the Federal moratorium no matter what technology they use to access the Internet. The Corn Growers Association feels the new technologies are particularly key to ensuring Internet access to rural America.

They are exactly right, whether that is through DSL lines, through wireless, satellites, or electric power lines, there are a variety of ways rural America needs to get access to broadband.

The American Corn Growers Association, which represents people and interests of corn producers in 35 States, works very hard to enhance farm income. They care about protecting rural communities. They say they recognize the need to have a strong and stable farm economy, not just for the farmers, but for consumers, as well. They feel the Internet Tax Freedom Act and S. 150 is intended to exempt access to the Internet from taxation, including, they recognize, transmission. The Corn

Growers feel to exempt from taxation the transmission is an integral part of accessing the Internet. They feel failure to amend the existing law would make consumers susceptible to substantial taxation of their Internet access. They also say even the definition of Internet access is outdated and does not cover all forms of technology used to access the Internet that exists today.

The wording of the original statute is exclusive of consideration of the multiple technological advancements and changes that have developed in business since 1998. This is inadequate, says the Corn Growers Association, and will almost certainly result in new taxes imposed on Internet users. They feel keeping the current language in place will perpetuate a competitive disadvantage among providers by exempting some of the types of high-speed Internet access while other types would be taxable.

We have the American Corn Growers Association, which undoubtedly would be for ethanol provisions proposed on the floor, but clearly the American Corn Growers Association, as well as dozens of organizations, whether technologically involved or not, care a great deal about whether broadband is going to be taxed.

All these parliamentary procedures and all these delays and tangents and detours take us away from the point at hand and the decision that needs to be made by the Senate. It ought to be done as quickly as possible. The question before us is whether American consumers are going to be hit on average with 17-percent telecommunication taxes on their monthly Internet service bill. The question is whether Internet service bills will look like a telephone bill, with multiple taxes from the localities, from the States, and even the Federal Government.

My friends, it is absolutely essential, I say to my colleagues, that we act on the Internet access tax issue. As more and more taxes get imposed, it is nearly impossible to ever get those taxes off. Look at your telephone bill. There is a slew of taxes; some that are incomprehensible. There is one tax placed on there in 1898 as a luxury tax. It was a luxury tax in 1898 to finance the Spanish-American War. Guess what? We are still paying that tax. That war has been over for over 100 years.

That is why it is important we act and not delay, not dawdle, not get off on tangents. If we do get off the point, we need to get back on the subject, the point of voting and taking a stand on whether Members stand on the side of freedom and opportunity for people by not having Internet access hit with 17-percent taxes or more, or whether we will stand on the side of freedom, where the broadband can get rolled out—not just to city areas and suburban areas, but out to the country, to rural areas so people can have access if they have their own business, access to sell goods or services all over the world, or all over the country, as the case may be.

If we continue to delay on this issue, we will see what has happened in the last 2 years. What has happened in the last 2 years, a little over 2 years, is unelected bureaucrats come up with revenue rulings or taxation rulings that have found a loophole in the original moratorium and have started imposing taxes, about $40 million worth of taxes across the country. That is not a great deal in money, but nevertheless taxing DSL is a great concern to many. When they tax Internet access, that means fewer people can afford it. The reason most people do not have Internet access is they cannot afford it. We are concerned about an economic digital divide. If you want to close the divide and make sure people all over this country have greater ability to have access to the Internet, and the benefits therefrom—whether education, access to information, commerce, telemedicine, a variety of other applications, particularly with broadband—then we must not tax Internet access. Adding taxes will not help.

I hope we will make a decision this week. Let the American people know where we stand. More importantly, let those companies that will have to make investments in the range of tens of millions of dollars to serve various areas know what the policy of this country will be. In the past, the question has been one of freedom—making sure the Internet was free from taxation. We see great growth, great opportunity. That should be the approach for the future, from my point of view.

A decision needs to be made so the folks planning expansion of the Internet—those companies, those entrepreneurs—know what the playing field will be in the future. It is my view, looking at the votes, whether on the motion to proceed or the most recent amendment from the senior Senator from Texas, the vast majority of the Senators realize the Internet ought to remain free from burdensome, onerous taxation. A majority of the Senators recognize we need to update the definition of Internet access to make sure the DSL, wireless and other methods of accessing the Internet, are not subject to these burdensome taxes.

From these votes, at least in the early indications, it appears that a majority of Senators recognizes that we ought to be closing the economic digital divide. A strong majority of Senators recognizes there are innovations, there are new ideas, and we want to make sure this country will be in the lead for adaptations, the benefits, prosperity, and opportunity that will flow from new advancements in technology. We certainly do not want to be increasing the costs to anybody in this country for logging on to the Internet everyday.

In my view, if the Senate does not act, if the Senate does not invoke cloture and pass an updated Federal moratorium on Internet access taxation, what we will see are State and local tax commissars imposing telecommunication-based taxes that average about 17 percent on the Internet. This moratorium that we are trying to get action on here on the Senate floor is designed to protect consumers and avert the adverse impact of taxation on real people in our real world and in our economy.

So while there are all these machinations and maneuverings and parliamentary procedures and political posturing and tangents and detours, I would ask my colleagues, in the midst of this, if we are going to have votes on all these other ideas, some of which have a great deal of merit—and maybe, for those of us who do not want to tax the Internet, we should feel somehow applauded or grateful that people would want to attach salutary, positive ideas; they figure this is going to pass, and this is the way to get those other ideas done—but as you get on to these other nongermane issues, let's act on them quickly, and let's also keep our eye on the ball.

While folks may care about endangered species, let's remember, real people in the real world who we want to make sure have the opportunities that come from having access to broadband and Internet, whether they are a small business owner, a student, or somebody who is looking for a better job, let's make sure we pay attention to the issue at hand, the underlying measure; and that is, to make sure the Internet stays free from onerous and burdensome taxation for all people all over the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am kind of surprised that the Corn Growers Association of America is supporting the Allen-Wyden legislation. I am sure that if they really understood the ramifications of this legislation, they would not be supportive of it because they would understand that if that legislation passes, their real estate taxes or other taxes they are paying would increase.

I am going to make a point of getting in touch with them. I received the President's Award last year from the Corn Growers, from Fred Yoder, who was their president, and worked very hard, several years ago, to get the petroleum people and the Corn Growers together to come up with the ethanol compromise that is now in the Energy bill.

I am glad the Senator from Virginia has pointed out they are supporting this legislation. I am going to get in touch with them right away and share with them some information they might not have had at the time they came out to support this legislation.

This afternoon the Senator from Arizona quoted from a policy paper of the National Governors Association and mentioned the criteria that the National Governors Association said

should be in any bill that deals with this question of Internet taxation. I would like to go through that policy paper and share that with my colleagues in the Senate.

First: NGA supports, as I do and as the Presiding Officer does, reasonable extension of the Internet Tax Freedom Act.

In this policy paper that was quoted from:

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—

and, by the way, Senator VOINOVICH—

offers a reasonable extension of the moratorium while addressing industry concerns for technological neutrality without unduly burdening state and local governments.

I am not going to go into all these, but I ask unanimous consent that this policy paper be printed in the RECORD.

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

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 to 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 attached chart.)

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 States 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 laws. 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

[$ millions]

	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

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

[$ millions]

	Revenues at risk under H.R. 49 [1]	Revenues at risk under S. 150 as amended [2]
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
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.

Mr. VOINOVICH. First, they talk about: ''DO NO HARM. Any extension of the moratorium should preserve existing state and local revenues.''

The next point they make is: ''BE CLEAR. Definitions matter.''

By the way, in the area of ''DO NO HARM,'' they mention the fact:

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 [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.

In terms of the definitions, they believe that:

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.

They go on to say, under definitions:

[The House bill] 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—

That is being able to use your computer to make telephone calls—

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 States 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 [nothing]. Language in S. 150 as amended and S. 2084 that requires service providers to unbundle taxable services from non-taxable Internet access is helpful, but only if the universe of what constitutes Internet access is actually limited.

It also goes on and talks about ''STAY FLEXIBLE. A temporary solution is better than permanent confusion.'' Did you hear that? ''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.

We are in an era right now of unbelievable change.

With so much uncertainty, a temporary extension of the moratorium is the best way to avoid unintended consequences from a permanent moratorium.

Their final conclusion—and I am sure the Presiding Officer is very happy about this—is:

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.

That is a point that the Presiding Officer has made several times on the floor of the Senate.

Continuing:

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.

Now, I contacted the National Governors Association earlier today.

I asked them if they could opine on the McCain amendment that was so eloquently spoken to by Senator MCCAIN. They worked very quickly and came back with a letter to Senator FRIST, majority leader, and Senator DASCHLE, Democratic leader. It is signed by Governor Brad Henry, Oklahoma, Chair, Committee on Economic Development and Commerce, and Governor Michael Rounds, South Dakota, Vice Chairman, Committee on Economic Development and Commerce.

I would like to read from that letter.

Dear Senator Frist and Senator Daschle:

The National Governors Association . . . supports an Internet access tax moratorium that benefits consumers, is fair to industry, and does no harm to states. As the Senate once again considers the moratorium, we urge you to oppose efforts that would deprive states of existing tax revenues and to support the compromise proposal to be offered by Senator Alexander and Senator Carper and embodied in S. 2084, the ''Internet Tax Ban Extension and Improvement Act.''

NGA supports the Alexander/Carper compromise because it best reflects the appropriate balance between state sovereignty and federal support for the Internet. First, it protects states by prohibiting new taxes on Internet access without interfering with existing state revenues. Second, by making the connection from a consumer to their Internet access provider tax free, the compromise language encourages broadband deployment by leveling the playing field for all technologies.

That is what we are trying to do. The amendment we tried to get in last year and which will be offered by the Senator from Tennessee tries to level the playing field for all of the providers of this access.

Third, because it is temporary, it gives Congress, industry, consumers, and states a chance to revisit the issue and make adjustments where necessary to accommodate new technologies and market realities.

Here is the paragraph that I think gets to the heart of the matter:

The recent proposal by Senator McCain, while an improvement on the bill sponsored by Senator Allen and Senator Wyden . . . does not go far enough to protect states. By adopting the broad definition of tax-free Internet access used in S. 150—

That is the same definition that is in the Wyden-Allen bill; the same definition is in the amendment proposed by Senator MCCAIN—

and terminating the grandfather protections before the end of the moratorium, the McCain proposal would still deprive state and local governments of existing tax revenues and violate the principle of ''do no harm.''

The nation's governors call on the U.S. Senate to oppose the McCain amendment and support Senator Alexander and Senator Carper in their efforts to strike a reasonable compromise to extend the Internet access tax moratorium.

The Senator from Tennessee, Senator ALEXANDER, Senator CARPER, and Senator VOINOVICH, who is the third sponsor of S. 2084, should be very happy

with the support we are getting from the National Governors Association. I hope our colleagues take that into consideration.

In addition to the letter from the National Governors Association, I would like to share a letter I recently received from the Ohio Department of Taxation. In fact, I have never seen a letter from the Department of Taxation of the State of Ohio turned around so quickly in my life. We faxed them the McCain proposal. We asked them to give us their opinion of the McCain amendment. I suggest to my colleagues that before they vote on this legislation, they take it upon themselves—as a matter of fact, I think it is an obligation for them—to get in contact with their State departments of taxation to get a read from them about what impact this amendment would have on their respective States. Some of my colleagues, frankly, are supporting this and may not want to hear the impact it is having on their State. But I think it is incumbent upon them at least to find out what their States think about this proposed legislation and the impact it would have on their respective States.

I am going to read a portion of this letter. It reads:

Dear Senator Voinovich:

We reviewed the text of the McCain language that you FAXed to us this morning. Our preliminary impression is that this bill is very similar to the version of S. 150 containing the ''managers amendment'' and has roughly the same negative revenue impact on Ohio. Specifically, we think that the bill would cause a state and local revenue loss of about $72 million per year. The amount would become larger as more telecommunications services are provided through Internet technology and/or bundled with Internet access, and as broadband Internet access is used by more households. Specifically, the $72 million estimate does not account for state and local revenues lost as more phone services are replaced by VOIP, which we believe the McCain bill will still prohibit the states from taxing (as long as VOIP is bundled with Internet access).

That is the way they do it. They bundle it together and under their definition this would be exempt from taxation.

As you know, the states objected to S. 150 on several grounds. One of the most important was the language ''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.''

This ''Allen-Wyden'' definition of Internet access is so broad that it essentially can be used to exempt what we have seen referred to as the ''Internet backbone'' telecommunications services, the ''middle mile'' telecommunications services, and the ''last mile'' telecommunications services. This is in contrast to S2084, which you cosponsored, and which would have provided a much more limited exemption for last mile telecommunications services that are used to connect an end-user (e.g. household) to an Internet service provider such as AOL or Earthlink or Comcast.

That is the thing we don't want. We want people to have to plug into that mile, but the thing we are concerned about is they want to go beyond that. They want to take in the whole watermelon.

In Ohio, the impact of the S. 150 moratorium on state and local taxation of all these telecommunications services may not be as damaging as in some other states because Ohio already has a broad exemption for the purchase of property used in providing telecommunications services. Even so, we still estimate that the annual full-year loss to Ohio from the provision would be about $72 million.

Another notable provision of the McCain bill is the exception of VOIP services from the tax moratorium. To the extent that such service mimics traditional telephone service, we believe that this means that State and local governments would be allowed to tax VOIP services insofar as they mimic traditional telephone services. The so-called VOIP exception to the moratorium actually does nothing for the states' ability to tax that or similar services that may migrate to the Internet. Current Ohio law allows 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 services that are defined as Internet access. This means that the exemption will not apply to voice services that are bundled with Internet access, and since that is how VOIP services are currently sold and probably will continue to be sold, the exception in the McCain bill will in fact provide no protection against states losing revenues as phone services migrate to VOIP.

The Senator from Tennessee, the Presiding Officer, has made it very clear if there was an amendment to that bill that made it very clear that could continue to be taxed, that might remedy this whole issue.

The letter goes on to say:

We do not know exactly how much revenues will be lost in the future due to the migration of currently taxable phone service to exempt VOIP service, but it could end up being most of Ohio's telecommunications tax revenues.

I'll read that again:

We do not know exactly how much revenue will be lost in the future due to the migration of current taxable phone service to exempt VOIP service, but it could end up being most of Ohio's telecommunications tax revenues.

You know if that happens, the State is either going to reduce services or they are going to find something else to tax. That is the way this thing operates.

The letter concludes:

To put the estimated $72 million loss in context, in fiscal year 2003, Ohio collected about $250 million in sales tax and use tax from telecommunications service providers. The most recent biennial budget bill switched local telephone providers from the old gross receipts tax to the sales tax and use tax, so that now the forecasted full year sales and use tax revenue from all telecommunications providers is about $370 million. This is at a 5 percent state tax rate—we are ignoring the current 6 percent tax rate because it is set to expire. . . .Thus, the estimated revenue loss from the McCain bill (excluding the VOIP loss) is slightly less than 20 percent of total estimated Ohio telecommunications sales tax revenues.

The fact is the McCain amendment is going to have a devastating impact on the revenues of our States and goes far beyond the moratorium I helped negotiate when I was chairman of the National Governors Association, and is something we should all be concerned about.

I also want to make another couple of points, if I may. I have heard so much today already and in the past about the fact that if we don't get this done, everything is going to stop and it is going to be a terrible thing for farmers and all Americans, and so on. The fact is, Internet technology has grown unbelievably over the past year. According to a study released by the Pew Internet and American Life Project last week, 55 percent of American Internet users have access to broadband, either at home or in the workplace. As a matter of fact, it is going to keep growing because I think the Senator from Tennessee pointed out this afternoon there are some communities that have their own electric companies that are giving it away.

This thing is moving. We don't see anything slowing down. We are moving fast. The report also noted home broadband usage is up 60 percent since March 2003, with half of the growth since November 2003.

You will recall back when we were debating this last year, the allegation was, gee, if we don't get this done, everything is going to be taxed, things are going to end up in the mud, slowed down, and we are in trouble. Since the moratorium ended, half of this growth occurred. So this thing is moving. This moratorium—the fact we didn't extend it has not really impacted this one iota. DSL technology now has a 42-percent share of the home market, which is up 28 percent since March 2003.

Most of the growth I outlined occurred after the Internet tax moratorium expired last November, which refutes the argument S. 150 was necessary to help the expansion of broadband services. In addition, April 21—a couple days ago—a major telecommunications company released their 2004 first quarter earnings. I want to read the first two sentences from the company's press release because it illustrates how fast this technology is growing. This is from SBC Communications:

SBC Communications, Inc., today reported first quarter 2004 earnings of $1.9 billion, as it delivered strong progress in key growth products. In the quarter SBC added 446,000 DSL lines, the best ever by a U.S. telecom provider.

Some of these people who are supporting the Wyden-Allen amendment and now McCain amendment are companies like this. They are doing well. They are moving. They are bragging, ''We are moving ahead.'' We all know the Federal Government today subsidizes this telecommunications industry. If I remember correctly from a speech the Presiding Officer gave this afternoon, it is a $4 billion subsidy from the Federal Government, and the States—all of them—have been doing

everything they can to encourage this industry.

I don't know of any industry that has been treated better than this industry. For the life of me, I cannot understand why it is they insist on having us whack out all of the taxes they are paying. I cannot understand it.

I think if this Senate does the right thing, what we are going to tell this industry, which does a pretty good job of lobbying around here and in the States—I knew it when I was Governor—we will tell them: You know what. You are not going to get a complete release of all the taxes you pay. It is time for you to sit down, like I did with the petroleum industry and the Corn Growers—they came to me and wanted me with them on ethanol, and the oil industry—and the Senator from Oklahoma knows them well—said you have to be with us. I said, you know something, I had Ashland Marathon Oil in Ohio, and I had my Corn Growers and I love you both. You ought to get in the room and sit down and talk to each other and see if you cannot work something out. Lo and behold, after 6 months, they had a big news conference. About 20 Senators were there, and on that stage were people who, if you talked to them 6 months before and said you are going to be on the stage together in a compromise, would have said you are crazy. They were on that stage and they put a compromise together.

The problem we have today in the Senate is the fact that the telecommunications industry thinks this thing is going to go through and they don't have to sit down and talk to State and local government officials, or with the Commerce Committee, and work something out. I know it can be done. I am prayerful our colleagues today understand that and that they will come together and say we have not been able to do this, and we will have a continuation of a moratorium. But let's sit down and work it out. Probably the best way to do that under the circumstances, with the time limitation we have, would probably be to pass a 14-or 15-month extension of the current moratorium, while we can take it back to the Commerce Committee, where we can get the telecommunications industry in, get the Governors and other local government officials in, and the FCC, and start to make some sense out of this.

I thank the Senator from Tennessee, Senator ALEXANDER, for the great leadership he has provided on this issue. We got together last year, and the train was moving and we got in the way of it and caught a lot of criticism because they were accusing us of being for taxing e-mail and the Internet and all the rest of it. That wasn't it at all. All we wanted to do was continue a moratorium but do no harm to our States. We probably understand that more than some Members because we are former Governors. In my case, I am a former mayor and county commissioner, and we also appreciate it because we all worked together for legislation in 1995—the unfunded mandates relief legislation I worked my heart out to get passed. As a matter of fact, the pen President Clinton used to sign that legislation is on the wall in my Senate office in the Hart Building. The first time I set foot on the floor of the Senate was the day the Senate passed the unfunded mandates relief legislation.

I don't like unfunded mandates. I don't think it is fair. We have done it to the States for so many years. We finally got that legislation passed. The American people should know this is a big unfunded mandate, the way it is put together. We can change it and make it fair so they are not going to see the taxes on telecommunications disappear and then see taxes increased in some other area.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Ohio and I know something about unfunded mandates, as does the Chair. It keeps creeping up, and we are making every effort in the committee that I chair and the subcommittee the Senator from Ohio chairs to try to resolve that problem. I think maybe we will because we have the right people in line to do it. I may not agree with the Senator from Ohio on this particular issue, but I certainly do on unfunded mandates.

I just found out that the distinguished Senator from New Mexico, Mr. DOMENICI, has filed an amendment that is a slimmed-down version of the Energy bill. I just have to stake out a position early because it is my understanding that the safe harbor language that was in H.R. 6 that is so fair and so necessary is not a part of the slimmed-down version. If it is not in the bill, I am not going to be able to support the bill. I will do everything I can for the Senator from New Mexico, but this is very serious.

The bill should permit that manufacturers, producers, marketers, traders and distributors of gasoline containing federally approved oxygenate MTBE cannot be sued under a claim that it is a defective product.

The Federal Clean Air Act Amendments of 1990 created the reformulated gas. The reformulated gas program said they had to use oxygenates. The most prevalent oxygenate to be used in these reformulated gases is MTBE. In fact, EPA specifically approved MTBE for this purpose.

Here is the situation we have: We have the Government coming along and saying, You are going to have to use MTBE. For all practical purposes, they have said this, they have mandated it. Then they turn around and say, We are going to let the trial lawyers in to sue you because maybe this substance which we approved, which we endorsed, is causing harm to someone. It is very important to understand that the safe harbor provision is necessary to prevent the trial lawyers from using the court system to punish companies for simply complying with the Federal law by using a federally approved additive.

The safe harbor is narrowly targeted and does not affect any claim against any person or any company actually responsible for spilling gasoline containing MTBE. That is very important because I keep hearing on this Senate floor: You let all these people off the hook who are spilling and polluting. That is not true at all. It is very narrowly defined.

Since September 30, 2003, in anticipation of the Energy bill, trial lawyers, including many known for the work they have done and the wealth they have accumulated in asbestos litigation, have as of March 25 brought over 60 groundwater contamination lawsuits in 17 States seeking damages from over 169 different named companies that allegedly manufactured, sold, or transported gasoline containing the federally approved fuel additive called MTBE.

One of those companies is Frontier Oil. They have been sued. They have never produced MTBE. They have never used it. They blended MTBE. But they are one of the companies being sued. The lawsuits do not allege defendants actually leaked or spilled gasoline containing MTBE that allegedly contaminated their groundwater. The lawsuits do not even name the actual polluters. Instead, the cases target any company that at any time may have distributed or sold gasoline containing MTBE or even some, as I just cited, that did not.

Defendants are vigorously defending these cases and will incur millions of dollars in legal fees and expenses simply for having made or sold gasoline containing a fuel additive specifically approved for use by Congress and the EPA.

I believe it is necessary to stake out this position. I cannot think of a fairness issue with which we have dealt that is more significantly addressed than this one. Government comes along and says you have to use this stuff; then they come along later and say there is something wrong with it and we are not going to offer you any defense at all—any defense. We are talking about huge multimillion-dollar lawsuits.

In the event this language does not end up in the legislation of the slimmed-down bill, I will have to oppose it. I cannot conscientiously support an energy bill that leaves everybody out to dry, particularly in the MTBE case.

That is my position. I think there are many others who share that position of fairness in dealing with this bill.

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

The ACTING PRESIDENT pro tempore (Mr. CHAMBLISS). Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk on the pending Domenici amendment.

The ACTING PRESIDENT pro tempore. 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 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.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk on the pending McCain substitute amendment.

The ACTING PRESIDENT pro tempore. 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 Snowe, Judd Gregg, Wayne Allard, Thad Cochran, Mike Crapo, Larry E. Craig, Ted Stevens, George Allen.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum with respect to the three cloture votes be waived.

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

Mr. FRIST. Mr. President, I am disappointed to have to come to the Senate floor and file these cloture motions at this time. Earlier today, I had hoped we would finally make progress on the pending Internet tax access bill. Last week, I said we would be addressing the Internet tax access bill Monday, Tuesday, Wednesday, and Thursday, which I and most people felt would be sufficient time to address this bill and allow for amendments to be debated and discussed.

We did debate and vote on a relevant amendment offered by Senator HUTCHISON today. However, at the very first opportunity to offer an amendment from the other side of the aisle, they offered a completely nongermane amendment, which clearly is going to slow down this legislation.

On Thursday, these cloture motions will be voted on. There will be two cloture votes with respect to the energy amendments, but ultimately we will have a third cloture vote and that vote will be on the underlying substitute relating to the Internet access bill. That is the vote that will determine if we will be going forward on this bill at that time.

Again, I scheduled this measure with the hope of taking a few days and allowing Senators to have that opportunity to bring their amendments to the Senate floor to debate and vote on those amendments. I hoped those amendments would be centering on the Internet tax bill, the bill under consideration. The latest turn of events today means that many Senators who have legitimate and relevant amendments are being denied the opportunity to debate and vote on their amendments. This is unfortunate.

That said, I remain committed to finishing the bill in a timely fashion, and I hope that we can get back together tomorrow morning and make appropriate plans in order to accomplish that over the course of the next several days.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, if the distinguished leader will yield for a brief comment, as I said to Senator DOMENICI this afternoon, this scenario that has been set up is going to create some very interesting votes because if we move down the road where we come to a McCain cloture vote, if cloture is invoked, then Daschle and Domenici fall. At least that is my understanding. If that is the case, then that part of the Energy bill would be gone. But anyway, that sets up some interesting dynamics here.

We do at least have out here, in addition to the FSC legislation, pieces of the original Energy bill. Who knows, we might wind up doing something on energy.

Mr. FRIST. Mr. President, I do hope we will be able to complete the Internet access bill and that we can work through the turn of events of today. Again, I hope over the course of the evening people will come back and lay out a plan to accomplish what is important to the technology community and the communications community broadly, and that is to be able to allow people to vote on the very important underlying bill.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNITION OF J.A. TIBERTI

Mr. REID. Mr. President, I rise today to congratulate J.A. Tiberti on his selection by the Boulder Dam Area Council of the Boy Scouts of America for the 2004 Good Scout Award. His philanthropic ventures and contributions to our State's economy have long made him a valuable part of the southern Nevada community.

The Good Scout Award recognizes an individual who exemplifies Scouting's ideals through professional leadership, community involvement, and personal commitment to excellence. This award reflects the personal character, dedication, and generosity of the recipient, and I can think of nobody more deserving than Mr. Tiberti.

As founder and chairman of Tiberti Companies, Mr. Tiberti has served as a prominent leader in southern Nevada's business community for the last 60 years. The company's construction of schools, hotels, banks, grocery stores and department stores has helped meet the needs of southern Nevada's growing population.

He also contributed to the region's dramatic growth by serving on the Las Vegas Planning Commission for 25 years and as a director of Nevada Power Company for 36 years.

Mr. Tiberti has also been a noted philanthropist, giving generously to many worthwhile causes. In 1979, he contributed $1 million to create the College of Engineering at the University of Nevada Las Vegas. This generous gift expanded the opportunities for higher education available to Nevadans and helped UNLV become one of our Nation's leading universities.

Mr. Tiberti and his family also have longstanding ties with the Boy Scout program and were instrumental in the development of Spencer W. Kimball Scout Reservation, Camp Potosi.

Please join me in congratulating J.A. Tiberti on this well-earned honor.

HONORING OUR ARMED FORCES

WILLIAM LABADIE

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to one of Arkansas' heroes who has paid the ultimate sacrifice in defense of his Nation. Sgt. 1st Class William W. Labadie, 45, a native of Bauxite, AR, was mortally wounded on April 7, 2004, during an attack by insurgents on his camp just south of Baghdad.

William Labadie, known to his friends as Wild Bill, joined the Marine Corps right after high school. After serving in the Corps for 8 years he returned home and later became a member of the Arkansas National Guard. Sgt. Labadie was known as a real soldier's soldier. He took his responsibilities seriously and was excited by the

opportunity to use his training in the service of his country. After having been in Iraq for less than a month and in a combat zone for less than 24 hours, Sgt. Labadie was fatally wounded when his camp came under a mortar and small arms attack.

Our condolences and prayers go out to William's wife, Sunnie, of Del City, OK; to his son, Bryan; and to his parents, Cheryl and Carl Winters of Bauxite, AR.

William's mother, Cheryl, was quoted in our State's newspaper, the Benton Courier, as saying that ''[t]his honestly was his goal in life. He knew that this was his last shot at 45 years old. He told his commanding officer: 'Give me a shot.' It was like he was going to Disneyland.'' That kind of enthusiasm is what makes this nation great. We honor William's spirit and his strong resolve to take on the responsibility of advancing freedom to the world.

BRANDON CLINTON SMITH

Mrs. LINCOLN. Mr. President, I also rise today to pay tribute to a son of Arkansas who gave up the security of his family and home to protect our freedoms in the war on terrorism. Marine Private First Class Brandon Clinton Smith, 20, of Fayetteville was killed on March 17, 2004, in Al Qaim, Iraq, as he and three of his fellow Marines were racing to help comrades who had come under attack by insurgents.

Brandon attended Fayetteville High School and dreamed of becoming a Marine. He fulfilled his dream by enlisting this past September. He was so proud of his decision that he framed his Marine Corps acceptance letter and hung it in his bedroom. Upon completing boot camp, Brandon became a member of the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Brandon was buried with full military honors in Fayetteville on Friday, March 26. Our thoughts and prayers go out to his father, Gordon Smith; to his mother, Deborah Bolin of West Fork; and to his sister, Desirae.

An attendee at Brandon's funeral was quoted by the Associated Press as saying that ''[Brandon] made a great Marine. We could see he had changed when he came back from training. He had found himself.'' As this mission in Iraq continues, I am humbled that this young Marine found himself in so great a purpose as defending his nation.

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 November 18, 2004, in Fargo, ND, Derek Puttbrese, 20, beat a friend in his apartment. Both the victim and Puttbrese admit that the assault originated after the victim admitted he was gay. The victim told authorities that Puttbrese had stayed at his apartment as a guest and attacked him after the two drank some wine.

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.

REMEMBERING THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to honor the victims of the Armenian Genocide, one of the great tragedies of the 20th century. Last Saturday, April 24, 2004, marked the 89th anniversary of the beginning of that tragic period and I urge all Americans to take time to remember, reflect, and pledge never to forget what happened.

On April 24, 1915, under the guise of collecting supplies for its participation in World War I, the Ottoman Empire launched a brutal and unconscionable policy of mass murder. The New York Times reported that the Ottoman Empire had adopted a policy to annihilate the Armenians living within the empire. Throughout the following years, Armenians faced violent attacks, starvation, deportation, and murder. Sadly, the world took little notice.

Before the violence began in 1914, 2.5 million Armenians lived in the Ottoman Empire. As a result of the genocide, 1.5 million Armenians had died and another 500,000 had been driven from their homes and villages. We must remember and pay homage to those that died. We must remind the world of these deaths and renew our commitment to ensure that such tragedies never happen again.

I am proud to represent an Armenian community of half a million in my great State of California. They are a strong and resilient community, taking strength in the tragedies of the past and the promise of a better tomorrow. This community is leading the effort to preserve the memory of the Armenian Genocide not only for future generations of Armenian Americans, but, indeed, for all Americans and all citizens of the world.

I urge my colleagues to join me in remembering the first genocide of the 20th century. Through our commemoration of this tragedy, we make clear that we will not tolerate mass murder and ethnic cleansing ever again and we will never forget.

Mr. FEINGOLD. Mr. President, people around the world are joining together to solemnly remember and honor the men, women and children who perished in the Armenian genocide. Eighty-none years ago, 1½ million Armenians were systematically massacred at the hands of the Ottoman Empire. Over 500,000 more were forced to flee their homeland of 3,000 years. Before genocide was defined and codified in international law, Armenians experienced its horror.

Yet it appears that the international community did not learn the lessons of Armenia's genocide. Throughout the 20th century, the international community failed to act as governments in Germany, Yugoslavia and Rwanda attempted to methodically eliminate people because of their religion or ethnicity. Minority groups were abandoned by the international community in each instance to be overwhelmed by violence and despair. In Armenia, as in Rwanda and the Holocaust, the perpetrating governments scapegoated their minority groups for the difficulties they faced as societies. They justified their campaigns of hatred with political and economic reasons in an attempt to rationalize their depravity.

This is why we must remember the Armenian genocide. To forget it is to enable more genocides and ethnic cleansing to occur. We must honor its victims by reaffirming our resolve to not let it happen again.

In the shadow of the Holocaust, in 1948, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide. What Winston Churchill once called a ''crime without a name'', was now called ''genocide'' by the Convention and defined as ''acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.'' The Convention required its parties to create domestic legislation to hold perpetrators of genocide accountable for their actions and to place these perpetrators before domestic courts or international tribunals.

The international community has a long way to go in punishing and especially, preventing genocide. But we have made the first steps. As we move forward, we must learn the lessons of Armenia's genocide. Can we recognize the rhetorical veils of murderous leaders, thrown up to disguise the agenda at hand? Have we, the international community, learned that we must not stand by, paralyzed, as horrors occur, but work collectively to prevent and stop genocides from occurring? We owe the victims of the Armenian genocide this commitment.

IN RECOGNITION OF 56 YEARS OF ISRAELI INDEPENDENCE

Mr. CHAFEE. Mr. President, I rise today to congratulate Israel on 56 years of independence. Last year, I visited Israel in my capacity as Chairman of the Subcommittee on Near Eastern and South Eastern Affairs of the Senate Committee on Foreign Relations. This was my first visit to Israel, and I was tremendously impressed with how much has been accomplished by this tiny country over the last several decades. I also was reminded of how much Israel has suffered at the hands of suicide bombers, who have killed hundreds

of Israelis and greatly set back the cause of peace.

In the past, I have expressed disappointment that the United States has not worked harder to advance the Israeli-Palestinian peace process, as well concerns about specific actions by the Israeli government. However, these concerns should not be misinterpreted as a lack of support for Israel or a lack of recognition of the very real threats that she faces. I am strongly committed to the long-term security of Israel, and I will continue to work towards the vision of a safe and secure Israel at peace with her Arab neighbors.

Israelis can be proud of the vibrant democracy that they have created, and I know that many Rhode Islanders share my deep appreciation for the close friendship between our two nations. I once again offer my congratulations and best wishes to the Israeli people.

BURMESE WAR CRIMES AGAINST WOMEN

Mr. BROWNBACK. Mr. President, I wish to draw the attention of my colleagues in the Senate to a new report by a credible organization based on the Thailand-Burma border. In ''Shattering Silences,'' the Karen Women's Organization has carefully investigated and recorded the Burmese military regime's use of rape as a weapon of war against ethnic minority women, revealing a shockingly brutal and callous practice.

The report documents that both young and old women are being raped, and usually very brutally. Forty percent of the rapes committed by the regime's soldiers were gang rapes, and over one-quarter of the women were killed after being raped.

This horrifying evidence, which echoes previous documentation conducted by our own State Department, suggests that Burma's regime is deliberately using rape as a weapon to terrorize and subjugate the Burmese people. Fifty percent of the rapes were committed by officers in the military regime.

Many of us hoped that after the exposure of the use of rape as a weapon in Bosnia, the practice would come to an end. Sadly, our hopes have not been fulfilled, and Burma is the new Bosnia. To be a woman in Burma's ethnic states is to live in constant fear of sexual violence and murder.

Ever since the United States imposed economic sanctions on Burma last year, the ruling regime has made repeated promises of a so-called transition to democracy. The rapes documented in this report show what many of us have known for a very long time; that promises by this regime are meaningless. Our State Department must take a lead in condemning these horrific acts and move to rally support for international sanctions on Burma. We cannot wait any longer, while more women face the war crimes committed by Burma's dictators.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. LEAHY. Mr. President, I proudly note passage of S. Res. 310, a resolution to designate May 15, 2004, as National Peace Officers Memorial Day. I again cosponsored this resolution with Senator CAMPBELL, as we do every year. We are right to remember and commemorate the sacrifice and commitment of our law enforcement officers serving our communities, States and country. We annually honor the officers and their families who made the ultimate sacrifice for public safety.

I commend Senator CAMPBELL for his leadership in this issue. This marks the 8th year running that he and I have teamed up to submit the resolution to commemorate National Peace Officers Memorial Day. As a former deputy sheriff, Senator CAMPBELL has experienced first-hand the risks faced by law enforcement officers every day while they protect our communities.

I also want to thank each of our Nation's brave law enforcement officers for their unwavering commitment to the safety and protection of their fellow citizens. They are real-life heroes.

Currently, more than 850,000 men and women who guard our communities do so at great risk. Each year, 1 in 15 offices is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty in the United States every other day. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country.

In 2003, 146 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 237 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. And, in total, more than 17,100 men and women have made the ultimate sacrifice—of that number 43 are police officers who have already been killed in 2004 while serving in the line of duty.

During the 108th Congress, we have improved the Justice Department's Public Safety Officers Benefits program by making law the Hometown Heroes Survivors Benefits Act (Public Law 108–182), which allows survivors of public safety officers who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for federal survivor benefits.

The Senate also passed the Campbell-Leahy Bulletproof Vest Partnership Grant Act, S. 764, which will extend through FY 2007 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program that helps State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. The House has yet to act on this important measure. We want to be sure that every police officer who needs a bulletproof vest gets one.

Last month, the Senate added to the gun liability bill by a vote of 91–8 the Campbell-Leahy Law Enforcement Officers Safety Act, S. 253. This measure would establish national measures of uniformity and consistency to permit trained and certified on-duty, off-duty or retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

This National Peace Officers Memorial Day, Vermonters will remember our brave State Police Trooper, Sergeant Michael Johnson, who was killed last Father's Day while trying to stop a suspect leading two other State troopers on a high-speed chase. Sergeant Johnson was not even on duty, but he went to help his fellow troopers that Sunday afternoon after hearing their trouble on his radio. He had just deployed a set of tire spikes across the interstate when the suspect swerved to avoid the spikes and struck him. Sergeant Johnson left behind his wife and three children. Words are insufficient for the brave sacrifice of the man who was so admired by his family, community and the Vermont State Police force. In memory of this bravery and service to his family, community, State and country, Sergeant Johnson will be one of the names added this year to the National Law Enforcement Officers Memorial.

National Peace Officers Memorial Day will provide the people of the United States with the opportunity to honor the extraordinary service and sacrifice given year after year by our police forces. More than 15,000 peace offices are expected to gather in Washington to join with the families of their fallen comrades. I thank the Senate for acting on this important resolution.

CHINESE COMPETITION

Mr. GRAHAM of South Carolina. Mr. President, in 2001, World Trade Organization members accepted China into the organization only after negotiating the most complex accession agreement in WTO history. Under their accession agreement, China committed to adopting a market- and rules-based economy and special safeguards for the domestic industries of other WTO members that could be severely injured by surges of imports from China's non-market economy. China has yet to live up to their commitments. China's problems stem from a significant lack of intellectual

property right enforcement, to the continued dumping and transshipping of textiles, to the subsidizing of their steel industry. China also manipulates their currency, the yuan, in order to gain an unfair competitive advantage.

These unfair trade practices seriously jeopardize many United States industries, including the textile and steel industries. The textile industry has been hit particularly hard by unfair trade with China. Since 1997, more than 250 textile plants in the U.S. have closed. With quotas on textile and apparel set to be totally phased-out on January 1, 2005, it is not unrealistic to expect even more job losses and factory closings in the textile industry. Quotas are set under the Multifiber Arrangement, MFA, an international agreement that allows countries to impose quotas on the level of goods imported from individual supplier countries. The MFA was designed to prevent a worldwide crisis in textile and apparel trade. Specifically, it was needed to keep very low wage producing nations from overwhelming global markets.

If these quotas are lifted, China is poised to control 70 percent of the textile and apparel market share. Allowing China to dominate world markets in this sector will result in the devastation of many third world economies, resulting in widespread economic and social instability.

If the goals of the World Trade Organization are to increase global prosperity and economic advancement through orderly trade, and especially to advance the development of the third world through orderly trade flows, we have to ask ourselves the following question: Does our current trade policy with China help further those goals, or will it continue to cost millions of United States' manufacturing jobs and undermine global advancement in general and in the third world specifically?

With the expiration of the quotas, the United States will see even more of the products they buy manufactured in a country that allows their workers to be treated poorly. Workers in Chinese factories suffer serious, routine and ongoing abuse at the hands of their employers. Health and safety conditions almost always fail to meet Chinese law or international standards, and workers regularly work illegally long hours for overtime pay that is not calculated according to law. Chinese workers also face harsh disciplinary measures and the use of heavy fines for minor infractions of factory rules.

We need to let China know that if they keep dumping and transshipping textiles, permanent quotas will be put in place. If China continues to steal intellectual property rights, they will find themselves before every WTO tribunal that exists. One of the best investments the U.S. ever made was spending billions of dollars during the Cold War to prohibit the spreading of communism. We need to show similar strength when it comes to standing up against China's communist dictatorship that trades unfairly, oppresses its people, and bleeds our economy dry.

What I would like to see my country do, Republican and Democrat, is to ask the Chinese to stop cheating; to try to persuade the Chinese government through international organizations such as the WTO, to stop stealing market share and become a better member of the Family of Nations. There's a lot of resistance to any idea about change. Our opponents argue that current trade policy is appropriate because of the fact that it may reduce prices to consumers. This is only true if you review what hidden costs we are paying. Such costs include: over 3 million lost manufacturing jobs in the past 5 years, frozen wages, health and pension benefits for workers that have managed to remain employed, shrinking tax base for Federal, State and local government. Maybe the greatest cost, however, is to our national security. There is no doubt that the United States was the single greatest military power in the 20th century because of its industrial strength. If we make China the new industrial superpower, will that not translate into China becoming the single greatest military power of the 21st century?

The large economic growth China has experienced over the last several years is not going to the average Chinese citizen. In fact, it is estimated that just 0.16 percent of the Chinese population controls 65 percent of the nation's U.S. $1.5 trillion liquid assets in the Mainland bank deposits. The income distribution in China is likely to be the most unequal in the world. Rather than using this economic growth to help China's 800 million rural residents who earn the equivalent of just 80 cents per day, it is going to their military disproportionately.

Today, China is the world's largest purchaser for foreign military weapons and technology. China's defense industry has become far more productive in the last five years and improvements can be expected as the Chinese economy continues to grow. China is now more than doubling its budgeted defense spending this year as part of an aggressive military modernization strategy. And some European countries are even pushing the European Union to lift the arms trade embargo on China. What I considered at one time to be a regional problem is a national security problem.

Rigged and unfair international trading rules are a key cause of the U.S. manufacturing crisis. China's unfair trade practices are costing United States jobs and jeopardizing our manufacturing base. They have shown that they are not yet committed to participating in a rules-based global trading system and are not yet willing to make the necessary steps to transition into a market-based economy.

China continues to manipulate the currency markets to keep the dollar artificially high and its own currency, the yuan, artificially low. By playing the currency market in this manner, China effectively subsidizes their exports to the U.S. and places a tariff on U.S. shipments to China. This mercantilist practice has caused serious damage to the U.S. manufacturing sector. The U.S. Congress must take action.

Senator CHARLES SCHUMER and I have introduced legislation that would require China to adopt a market-based system of currency. The goal of this legislation is to remove China's unfair currency advantage and the detrimental impact that it is having in the U.S. and abroad.

Something must be done to alleviate the detrimental economic impact China is having on our manufacturing industry. I urge the Leadership to allow a clean vote on this important legislation. I believe it will receive overwhelming bipartisan support and give the administration one more tool to get the Chinese to uphold their WTO obligations.

MOTORSPORTS FACILITIES FAIRNESS ACT

Mr. ALLEN. Mr. President, I rise today to express my strong and enthusiastic support for S. 1524, the ''Motorsports Facilities Fairness Act.'' This legislation would properly clarify and codify the classification of a ''motorsports entertainment complex'' as 7-year property for depreciation purposes. The legislation would define a ''motorsports entertainment complex'' as a permanent facility that hosts one or more racing events each year that are sanctioned by a nationally recognized sanctioning body. I was an original cosponsor of S. 1524, when my colleague, Senator SANTORUM, introduced it last July 31.

Virginia is home to twenty-seven motorsports facilities, ranging from the one-eighth of a mile Natural Bridge Dragstrip to such NASCAR Nextel Cup facilities as Richmond International Raceway and Martinsville Speedway. These tracks are found in every part of the Commonwealth, from Coeburn in Southwest Virginia, to Manassas in Northern Virginia to Norfolk in Hampton Roads. Every track makes a contribution to the economy, whether they run a weekly racing series, or draw over 100,000 fans for a Nextel Cup event.

The importance of these tracks for jobs and economic growth in Virginia was illustrated in an April 21, article in the Washington Times, by Jeffrey Sharpshott, entitled, ''Virginia City Seeks 'Something Else.'' This article described the significant positive impact of motorsports and the Martinsville Speedway on the area's economy: ''Martinsville, next-door neighbor to North Carolina, also tried to latch onto the rising popularity of auto racing and NASCAR. The town parlayed its speedway into a tourist draw. It opened a small community-

college program to teach future auto-team mechanics and managers. Kyle Petty, a team owner and driver, donated automotive parts. Tobacco commission funds allowed Patrick Henry Community College, the county's lone institution of higher learning, to retool a derelict building into headquarters for a motor-sports training program and to rev up the curriculum. ''We're actually getting people jobs,'' motorsports instructor Mike Sharpe says, standing among brightly painted car bodies, reinforced racing frames, powerful engines and high-tech calibration equipment.''

The Motorsports Facilities Fairness Act would provide certainty to track and speedway operators regarding the depreciation of their properties. This common sense proposal is necessary to allow these facilities to continue to enhance local and regional economies and to contribute to job growth.

The Motorsports Facilities Fairness Act responds to the recent decision of the IRS to question the long-standing depreciation treatment of motorsports complexes used by facility owners. For decades, motorsports facilities were classified as ''theme and amusement facilities'' for depreciation purposes. This long-standing treatment was widely applied and accepted, until now. Over the years, relying on this good faith understanding of the tax law, facility owners and operators invested hundreds of millions of dollars in building and upgrading these properties.

S. 1524 would merely allow the track owners to classify these facilities for tax purposes in the same way that they have done, without question, for years, or in some cases, decades.

I urge the Senate to ''green flag'' the process on this winning measure. Approve S. 1524, the Motorsports Facilities Fairness Act. Let's wave the ''checkered flag'' for jobs, economic growth and logic.

RACETRACK DEPRECIATION

Mr. NELSON of Florida. Mr. President, I rise today to address an issue important to my State, and to a growing number of Americans: Motorsports. Born in Daytona Beach, racing today is the fastest growing sport in the country and has given birth to an economy unto itself.

With 38 track and speedway facilities in locations throughout Florida, including two of the Nation's larger tracks—Homestead-Miami and Daytona International Speedways—motorsports contribute nearly $2 billion annually to Florida alone.

Simply put, these tracks, whether large or small, create jobs and expand tourism.

The Internal Revenue Service has allowed these facilities to depreciate their property over a 7-year period. Now they are challenging this long-standing industry practice and treating racetracks differently than other entertainment complexes.

That is simply unfair and will have a dire economic effect, discouraging the capital investments that these facilities rely on to improve their product and attract the legions of fans that have been so valuable to small towns across the country.

I urge my colleagues to join me in supporting prompt enactment of S. 1524, the ''Motorsports Fairness Act'' to clarify that these facilities are indeed 7-year property for purposes of depreciation.

20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

Mr. McCAIN. Mr. President, tonight we will mark a historic occasion—the 20th anniversary of the International Republican Institute. I am honored to chair the Institute's board of directors, and to have been involved for 14 years with an organization that has done so much for so many. Its staff of experts, under its leadership in Washington, has for two decades fanned out across the globe, bringing the benefits of their experience and education to those who hunger for democracy. For 20 years IRI has worked to advance democracy, promote freedom and self-government, and support the rule of law and human rights. In doing this, IRI embodies the fundamental values on which the American political system is based, and which we must encourage around the world.

Why do we spend energy, money, time and expertise to promote freedom and democracy abroad? We do it because we know that, as Ronald Reagan said in 1982 when he cited the Universal Declaration of Human Rights, ''freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.'' In America, we enjoy the fundamental right to be free. But we also know that we will never enjoy our rights in the fullness of security until all of humanity is also free.

The promotion of democracy and fundamental human rights is thus an inextricable element of American foreign policy. We use our power not simply to enhance our security, but to promote our values—for the good of others. For 20 years IRI has monitored elections, trained political candidates, promoted government reform, helped organize civil society, and increased political participation. Its mission is vital, and IRI has performed it with success in over 75 countries.

Anyone who reads the newspapers can see how critical this mission is today. Iraq is the biggest democracy project in a generation, and IRI is active on the ground, making a difference on a daily basis. Beyond Iraq, there is a growing recognition that the lack of freedom in the Greater Middle East offends not only America's national values, but also threatens our security. In other regions too—Central Asia, Southeast Asia, and others—freedom is lacking. When we confront these situations, the diagnosis is easy. The hard part is taking action. IRI takes action. Promoting democracy is a huge task—one IRI does superbly—and calls will only increase for it to do more.

I am confident it is up to the job. For 20 years the individuals who make up the International Republican Institute have made a positive difference in the world. While these are not the type of people to rest on their laurels, we should all recognize that these laurels are well deserved.

50TH ANNIVERSARY OF THE SALK POLIO VACCINE FIELD TRIALS

Mr. ALLEN. Mr. President, I have always been one to support innovation. It is with the innovative researchers of this Nation and the world that have provided us with some of the greatest contributions in history. Inventions such as the computer, the Internet, the automobile, the airplane, and vaccines have transformed the world as we once knew it, to the world that we live in now.

I would like to take a moment and recognize yesterday's event commemorating April 26, 2004, as the 50th Anniversary of the Salk polio vaccine field trials, a truly significant day for our Nation.

On April 26, the March of Dimes and the Centers for Disease Control and Prevention, commemorated the 50th anniversary of the development of the Salk polio vaccine along with several other organizations. This day in April holds great significance for the nation as it was that day in 1954 that the first dose of the Salk vaccine was distributed to children at Franklin Sherman Elementary school in McLean, VA as part of the National Field Trial Program. In the months that followed, more than 1,800,000 school children, collectively referred to as ''Polio Pioneers'', participated in these trials.

The outcomes of these field trials were truly significant. Reports indicated that the Salk vaccine was 80–90 percent effective in preventing polio and in the four years following the trials, medical personnel administered 450 million doses of the vaccine, making it a standard fixture among childhood immunizations. By the end of 2003, poliomyelitis had been eliminated world-wide in all but 6 countries. The result of this vaccination—nearly 5 million children have been given the ability to walk who would otherwise have been paralyzed and 1.25 million childhood deaths have been averted.

The Salk polio vaccine is a great contribution to our nation and to the entire world. While poliovirus was eradicated from the United States by the early 1980's, it continues to exist in the wild in a limited number of regions around the world. Nevertheless, the World Health Organization has set 2005 as the target date for complete, global eradication of the virus. It is through the unwavering support and undying

efforts of the innovators of this world and organizations such as the March of Dimes that make this occasion possible. The people of Virginia thank you, the people of the United States thank you, and most importantly the world thanks you.

TRIBUTE TO BEN H. BELL III

Mr. INHOFE. Mr. President, Members of Congress, it is not often we have an opportunity to recognize a senior executive in the United States Government as a leader, loyal soldier and a patriot. Ben H. Bell III epitomizes these traits after dedicating his adult life to serving this great country in several impressive capacities. Ben protected and defended our Nation during his 21 years as an officer and leader in the Marine Corps. He safeguarded our borders for 9 years, holding his last position as Assistant Commissioner for Intelligence with the Department of Immigration and Naturalization Services. For the next 2 years, Ben helped design the Foreign Terrorism Tracking Task Force just after 9/11 under Presidential directive and direction from the Attorney General.

Soon after, Secretary Mineta and Deputy Secretary ADM James Loy recruited Mr. Bell to establish and lead this Nation's first Office of National Risk Assessment, ONRA. This congressionally mandated office and its mission define our Nation's newly emerging need to manage and mitigate extreme risk for the protection of our homeland from terrorism.

It is through great dedication, unconditional loyalty, leadership, and passion that Ben H. Bell III has protected and defended our way of life every day without ever giving it a second thought.

On behalf of my colleagues in Congress and myself, we thank you, congratulate you, and salute you on such an accomplished and dynamic career.

TRIBUTE TO COLONEL WILLIAM GROVES

Mr. WARNER. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Colonel William ''Bill'' Groves. Colonel Groves, who currently serves in the office of Air Force Legislative Liaison, will retire after 21 years of active duty Air Force service. During his time in Washington, and especially with regard to his work here on Capitol Hill, Colonel Groves epitomized Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of Colonel Groves' many accomplishments, and to commend his superb service he provided the Air Force, the Congress and our Nation.

Colonel Groves entered the Air Force by Direct Appointment in 1983 with a Juris Doctor degree from the University of Akron School of Law. During his 21-year career, he served three tours as a Staff Judge Advocate, with assignments at the 6th Air Refueling Wing, the Air Force Office of Scientific Research, and the Aerospace Guidance and Metrology Center. In 1990, he completed a Masters of Law program in Government Procurement at George Washington University, in Washington, DC. He has completed two overseas tours in Germany and was deployed in 1994 as the Legal Advisor for the Combined Air Operations Center, Vicenza, Italy, during Operations DENY FLIGHT and PROVIDE PROMISE. Just prior to his current assignment, he served as Assistant General Counsel for Procurement, Missile Defense Agency here in Washington, D.C.

In 2001, Colonel Groves was selected as Chief, Programs and Policy Branch for the Air Force Directorate of Legislative Liaison. During this period, Colonel Groves led 14 liaison personnel responsible for all Air Force interactions with the Armed Services Committees on personnel issues, readiness, depot maintenance, environmental compliance, airspace and range operations, force structure, base closure, health care, inspector general matters, military construction, and acquisition policies. Additionally, he directed the process used for USAF activities worldwide to submit legislative proposals to Congress. In his years of working with the Congress, Colonel Groves provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism, and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of congressional processes and priorities and his unflinching advocacy of the programs essential to the Air Force and to our Nation. I am greatly appreciative of Colonel Groves' 21-year service to his Nation and offer my sincere wishes for a happy and prosperous retirement. On behalf of the Congress and the country, I thank Colonel Groves and his wife Joanne for the commitment and sacrifices that they have made throughout his honorable military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to Colonel Groves for a job well done.

ADDITIONAL STATEMENTS

NATIONAL PRIMARY IMMUNE DEFICIENCY DISEASES AWARENESS WEEK

• Ms. MIKULSKI. Mr. President, I rise today in support of National Primary Immune Deficiency Diseases Awareness Week. The national awareness week took place the week of April 19th. Primary immune deficiency diseases PIDD, are genetic disorders in which part of the body's immune system is missing or does not function properly. The World Health Organization recognizes more than 150 primary immune diseases which affect as many as 50,000 people in the United States. Fortunately, 7 percent of PIDD patients are able to maintain their health through regular infusions of a plasma product known as intravenous immunoglobulin. IGIV helps bolster the immune system and provides critical protection against infection and disease.

The Immune Deficiency Foundation, which is the Nation's leading organization dedicated to improving the quality of life for PIDD patients is located in Towson, MD. The foundation was founded in 1980 by parents of primary immune deficient children and their physicians. At that time, there were few treatments for many primary immune deficiency diseases, and the treatments that were available were painful and not very effective. There were no educational materials for patients, no public advocacy initiatives, and little research was being done. Over the past 24 years, the foundation has made tremendous strides.

Recently, the foundation entered into a historic research partnership with the National Institute of Allergy and Infectious Diseases at the National Institutes of Health. The establishment of the ''US Immunodeficiency Network'' represents the most significant advancement in primary immune deficiency research in our Nation's history. Despite the recent progress in PIDD research, the average length of time between the onset of symptoms in a patient and a definitive diagnosis of PIDD is nine and a half years. In the interim, those afflicted may suffer repeated and serious infections and possibly irreversible damage to internal organs. That it why it is critical that we raise awareness about these illnesses within the general public and the health care community.

I commend the Immune Deficiency Foundation for its leadership in this area and I am proud that I was able to join them in recognizing the week of April 19 as National Primary Immune Deficiency Diseases Awareness Week. I encourage my colleagues to help improve the quality of life for PIDD patients and their families.•

20TH ANNIVERSARY OF THE INTERNATIONAL REPUBLICAN INSTITUTE

• Mr. HAGEL. Mr. President, I rise today to congratulate the International Republican Institute on the 20th anniversary of its founding. As an IRI Board member since 1999, I have witnessed IRI's tremendous success in helping build democracy across the globe.

The International Republican Institute was founded in response to a 1982 speech by President Ronald Reagan, in which he called for a broad commitment to helping developing countries build democratic institutions. IRI began its work in Latin America. When the cold war ended, IRI expanded its programs to the states of the former Soviet Union.

Through its work today in more than 50 countries, IRI reinforces the American belief that all people can achieve freedom through the development of democratic political parties, good governance, and transparent election processes. IRI's success in teaching those in emerging democracies to build and manage democratic institutions does not stop at these countries' borders. Volunteers from Romania, Serbia, and other countries where IRI has worked are now helping to build a civil society in Iraq.

IRI also provides citizens from across the U.S. the opportunity to volunteer their skills to assist countries undergoing democratic transition. IRI volunteers teach others how to run political campaigns, increase the participation of women and youth, monitor elections, deliver government services, and communicate effectively with the public.

I congratulate and thank the International Republican Institute for its commitment to helping strengthen democracy around the world.•

CHRISTOPHER B. ELSER

• Mr. GRAHAM of South Carolina. Mr. President, Christopher B. Elser of Camden, SC, died on the afternoon of April 18, 2004. Christopher, a student at John Hopkins University in Baltimore, MD, died from stab wounds he received from an early-morning intruder who entered the room where he was sleeping. Christopher had spent the night in a fraternity brother's room after a party so his friend would have a quiet place to study.

Christopher was a junior in the Zanvyl Krieger School of Arts and Sciences at the University. He was also a member of Sigma Alpha Epsilon fraternity and played soccer his freshman year. He was known as a consummate gentleman, both on campus and off. As one of his fraternity brothers said, ''We all strived to be gentlemen, but we never had anyone embody it as much as Chris.'' His memorial service on April 19, 2004, drew more than 1,000 friends and family members to honor his life. Their numerous stories and memories further cemented Christopher's status as a gentlemen and also demonstrated the tremendous positive impact he had on everyone he met.

At an early age, Christopher developed an affinity with the thoroughbred horse business, nourished by his father's occupation as a thoroughbred trainer and consignor. As a precocious 10-year-old, he began his tenure on the Stable Crew at the August Yearling Sale in Saratoga, NY, serving with young men twice his age. Until his death, he worked in Saratoga for two weeks every August and was known for his infectious smile and inexhaustible spirit in both his work at the sale and in numerous after-hours adventures.

Christopher's memorial service in Camden, SC, was held outdoors at the Carolina Cup Steeplechase Museum on April 23, 2004. In an atmosphere reminiscent of his easygoing fun-loving demeanor, Christopher's friends and family gathered to celebrate his 20 years of life. As tales about his life unfolded, it became clear to all present what had made Christopher so special: his love for life. This trait brought more than 100 people together to honor an extraordinary young man's life and to mourn his untimely death. After the service, friends and family ate, drank, and told more stories of Christopher and, as he would have wished, there was more laughter than tears on this beautiful, South Carolina morning

Christopher is survived by his father, Kip, his mother, Rhetta, and his sister, Taylor.•

ENROLLED BILL SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker, on April 22, 2004, has signed the following enrolled bill:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

The enrolled bill was signed subsequently today, April 26, 2004, by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2348. A bill to extend the Internet Tax Freedom Act.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 27, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2022. An act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

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 Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. DODD, and Mr. SCHUMER):

S. 2350. A bill to establish the Long Island Sound Stewardship System; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 2351. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. INOUYE, and Ms. COLLINS):

S. 2352. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. KERRY, Mr. HAGEL, and Mr. ALLEN):

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; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself, Mr. FEINGOLD, Mr. LUGAR, and Mr. BIDEN):

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; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 874

At the request of Mr. TALENT, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 976

At the request of Mr. WARNER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) 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. 977

At the request of Mr. FITZGERALD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1345

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1345, a bill to extend the authorization for the ferry boat discretionary program, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. CHAFEE) 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. 1545

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1792

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2138

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2141

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2141, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on soybean base acres.

S. 2174

At the request of Mr. BUNNING, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2321

At the request of Mr. BYRD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors 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. 2336

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2348

At the request of Mr. ENZI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2348, a bill to extend the Internet Tax Freedom Act.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. CORZINE) 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 name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor 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. RES. 81

At the request of Mr. BROWNBACK, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 81, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

S. RES. 168

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 168, a resolution designating May 2004 as ''National Motorcycle Safety and Awareness Month''.

S. RES. 313

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of

autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

S. RES. 332

At the request of Mr. FEINGOLD, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 342

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 342, a resolution designating April 30, 2004, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes .

AMENDMENT NO. 2889

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2889 intended to be proposed to S. 1637, a bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. DODD, and Mr. SCHUMER):

S. 2350. A bill to establish the Long island Sound Stewardship System; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, Long Island Sound holds a special place in our Nation's history, its present, and its future. It has played a key role in the development of the Nation, from the early days of the colonists, through to this day. Its bounty nourished the colonists, its coves sheltered their ships, and provided harbors for trade.

Today, Long Island Sound remains a vital resource to the area: its biological resources provide jobs, and its beauty draws tourists who come to visit the Sound to fish, to sail, and simply to enjoy its shores. It is estimated that these activities contribute approximately $5 billion annually to the economy of the region. This is not so surprising when you realize that over 28 million people live within 50 miles of the Sound.

It is a blessing that so many people can enjoy and benefit from Long Island Sound, in so many ways. But it is also a challenge that threatens the future of the Sound. Less than 20 percent of the shoreline of Long Island Sound is accessible to the public, and every year, more shoreline is developed and removed from public access. Marshes and estuaries around the Sound are being drained and developed at an alarming rate. These tidal marshes are critical for the ecological health of the Sound, which is the foundation of the Sound's vital economic contribution to the region. In short, to preserve the blessings of Long Island Sound for future generations, this generation must act. This is why Senator CLINTON and I have introduced the Long Island Sound Stewardship Act.

The Long Island Sound Stewardship Act builds on the years of good work done by the Long Island Sound Study Group. This group, made up of dedicated people from Federal, State, and local government agencies, non-government organizations, and private interests, has worked together to develop a vision of good stewardship for Long Island Sound. Many of them are here today, and I thank them for their hard work.

Our bill will help us achieve their vision, by providing funds and a congressional mandate to work towards this vision. Under this bill, those who agree to preserve public access or ecological characteristics of their land can be recognized by having the land designated as a Long Island Stewardship Site. The bill also provides funding to facilitate the preservation of these characteristics. Most important, the bill achieves these ends through a voluntary program, a cooperative venture between all the stakeholders: public and private, Federal, State, and local.

The Long Island Sound Study has already set a fine example of cooperation and vision. I introduce this bill to further that vision. I look forward to working with the Connecticut and New York delegations, and all the stakeholders, as we develop and refine this bill. I am confident that working together, we will preserve the blessings of Long Island Sound.

I ask unanimous consent that the text of the Long Island Sound Stewardship Act be printed in the RECORD.

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

S. 2350

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 ''Long Island Sound Stewardship Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Long Island Sound is a national treasure of great cultural, environmental, and ecological importance;

(2) 8,000,000 people live within the Long Island Sound watershed and 28,000,000 people (approximately 10 percent of the population of the United States) live within 50 miles of Long Island Sound;

(3) activities that depend on the environmental health of Long Island Sound contribute more than $5,000,000,000 each year to the regional economy;

(4) the portion of the shoreline of Long Island Sound that is accessible to the general public (estimated at less than 20 percent of the total shoreline) is not adequate to serve the needs of the people living in the area;

(5) existing shoreline facilities are in many cases overburdened and underfunded;

(6) large parcels of open space already in public ownership are strained by the effort to balance the demand for recreation with the needs of sensitive natural resources;

(7) approximately ⅓ of the tidal marshes of Long Island Sound have been filled, and much of the remaining marshes have been ditched, dyked, or impounded, reducing the ecological value of the marshes; and

(8) many of the remaining exemplary natural landscape is vulnerable to further development.

(b) PURPOSE.—The purpose of this Act is to establish the Long Island Sound Stewardship System to preserve areas of critical importance because of the open space, public access, and ecological value of the areas.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term ''Committee'' means the Long Island Sound Stewardship Coordinating Committee established by section 5(a).

(2) REGION.—The term ''Region'' means the Long Island Sound Stewardship System Region established by section 4(a).

(3) STATES.—The term ''States'' means the States of Connecticut and New York.

SEC. 4. LONG ISLAND SOUND STEWARDSHIP SYSTEM REGION.

(a) ESTABLISHMENT.—There is established in the States the Long Island Sound Stewardship System Region.

(b) BOUNDARIES.—The Region shall encompass the immediate coastal upland and underwater areas along Long Island Sound, including those portions of the Sound with coastally influenced vegetation, as described on the map entitled the ''Long Island Sound Stewardship Region'' and dated April 21, 2004.

SEC. 5. LONG ISLAND SOUND STEWARDSHIP COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the ''Long Island Sound Stewardship Coordinating Committee''.

(b) CHAIRPERSON.—The Chairperson of the Committee shall be the Director of the Long Island Sound Office of the Environmental Protection Agency, or designee.

(c) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The chairperson shall appoint the members of the Committee in accordance with this subsection and section 320(c) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)).

(B) REPRESENTATION.—The Committee shall—

(i) include equal representation of the interests of the States; and

(ii) represent—

(I) Federal, State, and local government interests;

(II) the interests of nongovernmental organizations;

(III) academic interests; and

(IV) private interests.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 180 days after the date of enactment of this Act.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Committee.

(2) VACANCIES.—A vacancy on the Committee—

(A) shall not affect the powers of the Committee; and

(B) shall be filled in the same manner as the original appointment was made.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(f) MEETINGS.—The Committee shall meet at the call of the Chairperson, but not less than 4 times each year.

(g) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 6. DUTIES OF THE COMMITTEE.

The Committee shall—

(1) consistent with the guidelines described in section 9(c)—

(A) establish specific criteria for the evaluation of applications for stewardship site designations; and

(B) evaluate and award or deny stewardship designation to applicants for that designation;

(2) consistent with the guidelines described in section 9(d)—

(A) evaluate applications from government or nonprofit organizations qualified to hold conservation easements for funds to purchase land or development rights for stewardship sites; and

(B) award funds to qualified applicants;

(3) not later than 1 year after the date of enactment of this Act, develop and publish a management plan that—

(A) assesses the current resources of and threats to Long Island Sound;

(B) assesses the role of the Long Island Sound Stewardship System in protecting Long Island Sound;

(C) establishes—

(i) guidelines, schedules, and due dates for applying for designation as a stewardship site; and

(ii) specific criteria to be used in evaluating stewardship site applications;

(D) includes information about any grants that are available for the purchase of land or property rights to protect stewardship sites;

(E) shall be made available to the public on the Internet and in hardcopy form; and

(F) shall be updated at least every other year, with information on applications for stewardship site designation and funding published more frequently; and

(4) concurrent with the first management plan, publish a list of sites that the Committee considers most appropriate for designation as stewardship sites.

SEC. 7. POWERS OF THE COMMITTEE.

(a) HEARINGS.—The Committee may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Committee, the head of the agency shall provide the information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

SEC. 8. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(2) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Committee.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Committee without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 9. STEWARDSHIP SITES.

(a) DEFINITION OF QUALIFYING LAND.—In this section, the term ''qualifying land'' means land—

(1) that is in the Region; and

(2) that is—

(A) Federal, State, local, or tribal land;

(B) land owned by a nonprofit organization; or

(C) privately owned land.

(b) APPLICATION FOR DESIGNATION.—Owners or other parties in control of qualifying land may apply to the Committee to have the qualifying land designated as a Long Island Sound stewardship site.

(c) GENERAL GUIDELINES FOR STEWARDSHIP SITE DESIGNATION.—

(1) IN GENERAL.—The Committee shall choose land to be designated as a stewardship site based on—

(A) the contribution of the land to open space on and public access to Long Island Sound; and

(B) the ecological value of the land.

(2) CRITERIA.—In considering land described in applications submitted under subsection (b), the Committee shall consider—

(A) land cover;

(B) size;

(C) adjacency and connectivity to existing parks and open spaces;

(D) water quality;

(E) current or prospective recreational use;

(F) visitor demand;

(G) scenic quality;

(H) cultural resources;

(I) erosion and flood hazard prevention;

(J) environmental justice;

(K) fish and wildlife productivity;

(L) biodiversity;

(M) scientific value;

(N) water quality protection;

(O) habitat restoration characteristics;

(P) connectivity to other habitats that are vital to sustaining healthy living resources in the Long Island Sound watershed;

(Q) risk of development; and

(R) other criteria developed by the Committee under section 6(1)(A).

(d) GENERAL GUIDELINES FOR AWARDING FUNDS.—

(1) IN GENERAL.—The Committee shall award funds to qualified applicants to help to secure and improve the open space, public access, or ecological values of stewardship sites, through—

(A) purchase of the property of the site;

(B) purchase of relevant property rights of the site; or

(C) entering into any other binding legal arrangement that ensures that the values of the site are preserved.

(2) EQUITABLE DISTRIBUTION OF FUNDS.—The Committee shall exert due diligence to distribute funds equitably between the States.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $40,000,000 for each fiscal year, to be allocated from the national estuary program under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(b) ALLOCATION OF FUNDS.—For each fiscal year—

(1) not more than 15 percent of funds made available under subsection (a) shall be used to improve the facilities of stewardship sites; and

(2) at least 85 percent of funds made available under subsection (a) shall be used to secure the values of stewardship sites.

(c) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using any assistance or grant under this Act shall not exceed 75 percent of the total cost of the activity.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 2351. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Emergency Medical Services Support Act of 2004 with my colleague, Senator RUSS FEINGOLD. This legislation will strengthen Federal efforts to support community-based emergency medical services across America.

A comprehensive, coordinated emergency medical services system is essential to assure quality care and prompt response in incidents ranging from automobile crashes to catastrophic weather to terrorist attacks. The emergency medical services system is a crucial part of our health care safety net.

Unfortunately, for the past twenty years, Federal support for EMS has been both inefficient and uncoordinated. No fewer than seven Federal agencies are involved in various aspects of emergency medical services. Most, however, focus on only one segment of the EMS system and don't effectively coordinate with other agencies.

In 2001, at the request of Senator FEINGOLD and myself, the General Accounting Office researched the status of this vital system. The GAO report, titled, ''Emergency Medical Services: Reported needs are Wide-Ranging with a Growing Focus on Lack of Data,'' exposed the need to increase coordination among Federal agencies as they address the needs of regional, State, or local emergency medical services systems.

This legislation would formally establish a Federal Interagency Committee on Emergency Medical Services (FICEMS), which is currently an ad-hoc committee with little formal direction. It would require the National Highway Traffic Safety Administration, in coordination with the Department of Homeland Security, to provide organizational and staff support.

This legislation would enhance coordination among the Federal agencies involved with the State, local, tribal and regional emergency medical services and 9–1–1 systems. It also would help Federal agencies coordinate their EMS-related activities and maximize the best use of established funding.

The President has recognized the need for this coordination. He included a similar proposal in his reauthorization proposal for the ''Safe, Accountable, Flexible, and Efficient Transportation Equity act of 2003'' (SAFETEA) that was transmitted by Secretary Mineta to Congress on May 12, 2003. The Senate-passed highway bill also included a similar proposal.

The legislation we introduce today builds upon the Administration's proposal by creating a more effective structure and enhancing the role of local EMS providers into Federal EMS programs. While I support the provisions in the Senate-passed bill, they fail to create a mechanism for individuals at the state and local levels to provide input into how Federal EMS programs should be coordinated.

Local, State and Federal level emergency medical services systems are extremely diverse and involve numerous different agencies and organizations. To assure a viable, responsive emergency medical services system, Federal agencies need the input and advice of their non-Federal partners and from persons regulating or providing emergency medical services systems at the state and local level.

According to Tom Judge, the Executive Director of Lifeflight of Maine, an air ambulance provider, and Jay Bradshaw, the State of Maine's EMS Director, improved coordination can help strengthen support for a wide range of emergency medical services, from rural EMS providers, to communications between EMS systems, to improving coordination between local EMS providers and their Federal partners.

Another recent GAO report made it clear that the Center for Medicare and Medicaid Services needs to better coordinate its reimbursement with the Department of Transportation's matching grants for equipment and vehicles. Many of Maine's rural communities, such as Rumford, are at risk of seeing their first ambulance service closures due to low-reimbursement rates. If DOT targeted assistance to the low reimbursement areas that are at risk of shutting down, we might be able to maintain service in these areas.

Decisions at the Federal Communications Commission regarding spectrum management could make most of the existing EMS and Fire radios obsolete over the next few years. In St. George, Maine, the volunteer Fire Rescue has 30 mobile and portable radios, 40 pagers, and a base station that could become obsolete. In making future decisions regarding spectrum management, the FCC must work with Department of Homeland Security and the Department of Justice to help communities purchase interoperable radios if their old ones become obsolete.

I am pleased to have the support of Maine EMS, LifeFlight of Maine, the American Ambulance Association, the National Association of EMS Directors, and others for this legislation.

We must ensure that Federal agencies coordinate their efforts to support the dedicated men and women who provide EMS services across our Nation. I urge my colleagues to join me in supporting their efforts by cosponsoring this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague from Maine, Senator COLLINS, today to introduce legislation that will help improve and streamline Federal support for community-based emergency medical services. Our proposal will also provide an avenue for local officials and EMS providers to help Federal agencies improve existing programs and future initiatives.

Congress has long recognized the important role played by EMS providers. However, Federal support for EMS has been unfocused and uncoordinated, with responsibility scattered among a number of different agencies. In 2001, the General Accounting Office cited the need to increase coordination between the federal agencies involved with EMS issues but not much progress has been made since that report was issued. The Federal Government doesn't even have a good handle on how much it is spending on EMS or what the needs are for EMS. The bill we introduce today is a good first step towards addressing the deficiencies in our current EMS policies.

This legislation establishes a federal interagency committee whose purpose will be to coordinate federal EMS activities, identify EMS needs, assure proper integration of EMS in homeland security planning, and make recommendations on improving and streamlining EMS support. Although Federal law, PL 107–188, called for the establishment of a working group on EMS, this legislation goes further in detailing the role and function of the interagency committee. The Senate Governmental Affairs Committee will certainly iron out any overlap that may exist.

This legislation also establishes an advisory council for the interagency committee that includes representatives from throughout the EMS community. The advisory committee, made up of non-Federal representatives from all EMS sectors and from both urban and rural areas, will provide guidance and input to the interagency committee on a variety of issues including the development of standards and national plans, expanding or creating grant programs, and improving and streamlining Federal EMS efforts. The advisory council is a critical component of this legislation because it is the channel through which local EMS practitioners can directly impact and help reform national EMS policy.

I want to thank the American Ambulance Association, the Association of Air Medical Services, the Emergency Nurses Association, the National Association of EMS Physicians, the National Association of State EMS Directors, and the National Registry of EMTs for their support of this bill. I also want to thank all of those Wisconsinites who provided so much helpful input in coming up with this legislation. In particular, I would like to thank Dr. Marvin Birnbaum of the University of Wisconsin, Fire Chief Dave Bloom of the Town of Madison, and Dan Williams, chair of Wisconsin's EMS advisory board for their advice and guidance.

EMS providers are a critical component of our Nation's first responder network. We must act now to streamline and coordinate federal EMS support and work to better understand the needs of the EMS community. I therefore ask my colleagues to join me in supporting this legislation.

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. INOUYE, and Ms. COLLINS):

S. 2352. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes;

to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I rise along with my colleagues, Senators LANDRIEU, LIEBERMAN, INOUYE and COLLINS, in order to introduce S. 2352, the American Horse Slaughter Prevention Act.

As a veterinarian, I am well aware of the love that Americans have for their horses. Much of our Nation's early history and culture is associated with these animals. We think of George Washington's horses and the legend of Paul Revere's ride and the Pony Express. And more recently, we were reminded of how the Depression Era race between Seabiscuit and War Admiral raised the spirit of our Nation.

While horses in the United States are not raised for food, last year alone, almost 50,000 horses were slaughtered in the United States for human consumption abroad. Pet horses, ex-racing horses, workhorses and even some federally protected wild horses are currently being slaughtered for human consumption in Europe and Asia. A series of recent polls show that Americans overwhelmingly support a ban on the slaughter of horses for human consumption.

Often, owners who sell their horses at auction are unaware that their horses may well be on their way to one of the two remaining slaughterhouses in America where horses are killed for human consumption. These slaughterhouses are foreign owned and the product is shipped abroad as are the profits.

States have tried to be proactive in preventing this form of slaughter in the United States. Several States have already enacted state laws prohibiting the slaughter of horses for human consumption. Several other States are currently considering similar legislation. However, due to the absence of a Federal law on this subject, the two existing foreign-owned slaughterhouses, which happen to be located in Texas—a State that has passed a law banning horse slaughter for human consumption—have still been able to operate.

I know that some people have expressed concern about what will happen to horses if slaughter is banned. Many of these horses will be sold to a new owner, others may be kept longer, and still others will be humanely euthanized by a licensed veterinarian. Others will be cared for by the horse rescue community. The American Horse Slaughter Prevention Act does allow fines collected under the Act to be distributed to qualified horse rescue groups caring for horses confiscated under the Act.

Some people have questioned whether this law will result in the abuse and neglect of unwanted horses. Thankfully, statistics do not support this claim at all. Recently released figures show that the number of abuse cases dropped significantly in Illinois after the State's only horse slaughtering facility was destroyed in a fire in 2002. Also, since California passed a law banning the slaughter of horses for human consumption, there has been no discernible increase in cruelty and neglect cases in the State.

Futhermore, it is currently illegal to ''turn out,'' neglect, or starve a horse, so this bill will not result in an increase in the number of orphaned horses in the United States. If a person attempts to turn his or her horses out, under current law, animal control agents will be able to enforce Federal humane laws. As I stated before, this bill seeks only to prohibit the slaughter of horses for human consumption. If a person wishes to put an animal down, it costs an average of $50 to $150 to have the horse humanely euthanized and disposed of—a fraction of what it costs to keep a horse as a companion or a work animal. That cost is not too big a burden to bear when no other options are available.

The time for a strong Federal law banning this practice is now. This bill does not target other forms of slaughter, rendering, or euthanasia but rather focuses solely on the slaughter of American horses for human consumption. The House version of this bill, H.R. 857, currently has two hundred cosponsors. Please join Senator LANDRIEU and me in cosponsoring the American Horse Slaughter Prevention Act.

Ms. LANDRIEU. Mr. President, today I join my colleagues in introducing the American Horse Slaughter Prevention Act. This bill will prohibit the slaughter of horses for human consumption, a practice which many Americans oppose and of which many more are completely unaware. As a life-long admirer of these beautiful and noble animals, I was shocked to learn that tens of thousands of horses are slaughtered and exported each year for human consumption in other countries. Aside from the fact that there is virtually no demand for the human consumption of horse flesh in this country, the absence of humane treatment of these horses is very disappointing. We must ensure that this beloved animal is treated in an appropriate manner and that this deplorable act, which many Americans find unconscionable, is prohibited under Federal law. Therefore, I am proud to join my colleagues as a cosponsor of this legislation. I would like to take this opportunity to highlight a few issues about this important measure.

The need for the humane euthanasia of horses is a sad reality for all horse owners. Each horse's life has inherent value and it is usually with great sadness and care that horse owners face the realities of infirmity, age, or other reasons which call for the putting down of their animal. However, the current practice of horse slaughter is void of the human compassion involved with appropriate euthanasia. The export of horses for slaughter and the slaughter of horses in the United States by unskilled and careless workers increase the suffering of these animals. These slaughter houses appear uninterested in the welfare of these animals, and take little note of the objections of the millions of Americans who find the consumption of horse flesh to be inappropriate.

Throughout the development of this country, the human consumption of horse flesh has never been a widely accepted activity. This societal taboo is undoubtably due to the unique relationship enjoyed between mankind and horses for thousands of years. Horses have tread many steps with American men and women. They were there in our work, on our farms, for transportation and communication, in the taming of a vast American frontier, and on every battlefield prior to World War II. They have proven themselves loyal and gentle animals, without which the development of our country may not have been possible and certainly much more difficult. Horses demand the basic humane treatment that we should extend to all of God's creatures, and above that—our society has developed a heightened sense of respect and love for these indispensable animals. In modern times, horses have brought joy and entertainment to many. Through racing, recreation and even therapy to the handicapped, horses have touched the lives of many Americans. Clearly, they hold a special place in our lives and it is for these reasons that so many are strongly opposed to the slaughter of horses in this country for human consumption.

I am very encouraged by the leadership and hard work of Senator ENSIGN, who is himself a veterinarian. His expertise in this issue has brought many groups together in support of this legislation, and has facilitated understanding of the bill's provisions. Having garnered broad support in the House of Representatives, I am firmly committed to seeing that this bill is brought to the attention of all of our colleagues here in the Senate. I look forward to working with Senator ENSIGN and other colleagues, to ensure that we address these important issues and pass a common sense bill that reflects the desires of many of our constituents, who support the humane treatment of horses and the prohibition of their slaughter for human consumption.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—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

Mr. LUGAR (for himself, Mr. KERRY, Mr. HAGEL, and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 343

Calling on the Government of the Socialist Republic of Vietnam to:

(A) 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;

(B) Respect the human rights of ethnic minority groups in the Central Highlands and elsewhere in Vietnam.

Whereas the Government of Vietnam has discouraged the peaceful expression of dissent by its citizens through intimidation, harassment, and sometimes through imprisonment, house arrest and other forms of detention;

Whereas Vietnamese Government officials may travel freely throughout the United States;

Whereas the Government of Vietnam has failed to adequately address issues of land tenure and discrimination in ethnic minority areas of the Central and Northwest Highlands;

Whereas reports have been received alleging attacks by Vietnamese police and other Government representatives against Montagnards who were engaged in peaceful Easter week demonstrations pressing for religious freedom and the return of ancestral lands;

Whereas Montagnards were reportedly beaten and reportedly killed by police and other Vietnamese government representatives during the recent demonstrations; Now, therefore, be it

Resolved, That the Senate

(A) Strongly urges the Government of Vietnam to respect all universally recognized human rights;

(B) Expresses its concern over reports that the Government of Vietnam used excessive force to put down recent, peaceful demonstrations in Vietnam's Central Highlands;

(C) Calls upon the Government of Vietnam to allow international organizations and foreign observers ongoing unrestricted access to the Central and Northwest Highlands;

(D) Calls upon the Government of Vietnam to allow United States officials to travel freely throughout Vietnam including the Central and Northwest Highlands areas;

(E) Strongly urges the Government of Vietnam to address the concerns of indigenous minorities in the Central and Northwest Highlands of Vietnam, and to permit direct assistance and development activities aimed at improving socioeconomic conditions for all Highlands residents, whether provided bilaterally, through NGO's, or international organizations.

SENATE CONCURRENT RESOLUTION 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

Mr. ALEXANDER (for himself, Mr. FEINGOLD, Mr. LUGAR, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas the Republic of South Africa peacefully and successfully held democratic elections and transitioned to a democratic, nonracial form of government in 1994;

Whereas South Africa helped initiate and frame the New Partnership for Africa's Development and continues to head this partnership for development and responsible leadership in Africa;

Whereas South Africa actively supports the South African Development Community, which promotes regional economic cooperation and higher standards of living in Southern Africa;

Whereas South Africa has made significant advances in housing by constructing 1,600,000 houses for the poor of South Africa;

Whereas, since 1994, 9,000,000 people in South Africa have gained access to clean water;

Whereas, before 1994, 22,000,000 people in South Africa did not have access to adequate sanitation, but 63 percent of households in South Africa now have access to adequate sanitation;

Whereas, before 1994, 60 percent of people in South Africa did not have electricity, but more than 70 percent of households in South Africa now have electricity;

Whereas, from 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent, and students in South Africa now learn in a racially integrated school system;

Whereas the Government of South Africa has established nutritional and educational programs to benefit the youngest and poorest people in South Africa;

Whereas South Africa is experiencing the longest period of consistent positive growth, as measured by its gross domestic product (GDP), since growth in GDP was properly recorded in the 1940s;

Whereas F.W. de Klerk and Nelson Mandela share a Nobel Peace Prize for their work in ending apartheid in South Africa and establishing a representative government;

Whereas Desmond Tutu led the Truth and Reconciliation Commission to repair injustices among South Africans and improve race relations in the country, and was awarded a Nobel Peace Prize for his efforts;

Whereas South Africa has contributed troops to peacekeeping efforts in Burundi, Liberia, the Democratic Republic of the Congo, Ethiopia, and Eritrea;

Whereas South Africa President Thabo Mbeki has forged a relationship with President George W. Bush, making three state visits to the United States and hosting President Bush during his visit to Pretoria, South Africa;

Whereas South Africa has served as an inspiration for other African nations striving for democracy and the peaceful cooperation of many ethnic groups;

Whereas, after being isolated for many years because of the odious system of apartheid, South Africa has since 1994 become a premier location for large international conferences, a leading tourist destination, and the locale for numerous films; and

Whereas, in 1993, the Government of South Africa voluntarily halted its biological, chemical, and nuclear weapons programs and, in 1994, hosted the first conference in Africa on the implementation of the Convention on the Prohibition on the Development, Production, Stockpiling, and Use of Chemical Weapons and On Their Destruction, with annexes, done at Paris January 13, 1993, and entered into force April 29, 1997: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) applauds the Republic of South Africa for the remarkable transition to a democratic government and the tremendous progress achieved during 10 years of majority rule;

(2) looks forward to a continued partnership with South Africa focused on a sustained commitment to the health of South Africans; and

(3) anticipates continued social development and economic growth in South Africa.

Mr. ALEXANDER. Mr. President, I rise today to recognize the 10th anniversary of majority rule in the Republic of South Africa and to commend the South African people for the momentous social and economic achievements they have made since establishing a more inclusive democracy. We all remember that just ten years ago South Africa held its first democratic, nonracial election on April 27, 1994. This momentous event, along with the subsequent inauguration of Nelson Mandela as President, later in May, signaled the death knell of apartheid and the re-birth of South Africa as a more representative, non-discriminatory democracy. The struggle to end apartheid in South Africa captured the imagination and garnered the support of millions of peoples worldwide, including the people of the United States.

In August 2003, my wife, Honey, and I spent a few days in South Africa as part of a Congressional Delegation led by our Majority Leader, Senator BILL FRIST. While there, we toured Robben Island, the prison island where Nelson Mandela was jailed for twenty-seven years. It was a humbling and inspiring experience to walk the grounds and know that despite his imprisonment in this desolate jail, Mandela could emerge without bitterness or hate and advocate unity and peaceful change as he worked with then President F.W. de Klerk to end apartheid and establish a representative democracy, for which efforts both men received the Nobel Prize in 1993.

Traveling through Cape Town, Johannesburg, and Soweto, and meeting with both white and black South Africans reminded me how far South Africa has come in its social transformation, which has improved the lives of millions. In 1994, 22 million South Africans did not have access to adequate sanitation and 60 percent of South Africans did not have electricity. Now, 63 percent of South African households have

access to sanitation, more than 70 percent of households have electricity, and 9 million people have gained access to clean water since 1994.

However, my visit to South Africa also underscored that South Africa still faces daunting challenges that threaten to undo the gains it has made since 1994. First, and foremost, the most pressing issue facing not only South Africa, but also all of sub-Saharan Africa, remains HIV/AIDS. The 2003 announcement by the Mbeki government that it would soon begin providing antiretroviral treatment on a national scale to South Africans living with AIDS was an important step. President Mbeki was slow to come to this decision, and I hope now he will move forward with greater commitment. The South African government must persevere in combating the challenge of HIV/AIDS by making a strong political commitment and by expanding its prevention and treatment programs, such as the impressive ones that I visited during my time there.

Also facing South Africa and its neighbors is the economic and humanitarian crisis caused by Robert Mugabe's despotic regime in nearby Zimbabwe. I have spoken on this floor before to condemn President Mugabe's brutal oppression of his own people, and it is imperative that South Africa take a lead role among the international community in agitating for real change in practices of the Zimbabwean government.

Nelson Mandela aptly said, ''It is better to lead from behind and to put others in front, especially when you celebrate victory when nice things occur. You take the front line where there is danger. Then people will appreciate your leadership.'' Now is the proper time to celebrate the anniversary of South Africa's transition to an inclusive democracy, and we all look forward to South Africa taking a stronger leadership role on the front lines against the twin dangers of HIV/AIDS in Sub-Saharan Africa and the oppressive regime of Robert Mugabe.

To that end, today I submit a resolution to commemorate this important event. I'm proud to be joined in this effort by Senator FEINGOLD, the ranking member of the Subcommittee on Africa Affairs, which I chair, Senator LUGAR, the Chairman of the Foreign Relations Committee, and Senator BIDEN, the Ranking Member of the Foreign Relations Committee. Senator FEINGOLD has been an active leader on African issues throughout his tenure in the Senate, and I have been privileged to serve with him on our Subcommittee. Chairman LUGAR and Senator BIDEN were both leaders on the issue of sanctions against the apartheid regime of South Africa in the 1980's and early '90's. I hope they feel a sense of satisfaction, today, in celebrating ten years of successful majority rule since the peaceful end of that regime.

Today is Freedom Day in South Africa, a day to celebrate the end of apartheid, and the beginning of majority rule in that country. I hope my colleagues will join me in supporting this resolution to commemorate that event.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3048. Mr. MCCAIN proposed an amendment 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.

SA 3049. Mrs. HUTCHISON proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3050. Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) proposed an amendment to the bill S. 150, supra .

SA 3051. Mr. DOMENICI proposed an amendment to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra.

TEXT OF AMENDMENTS

SA 3048. Mr. MCCAIN proposed an amendment 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 Freedom Act; as follows:

Strike out all after the enacting clause and insert the following:

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, 2006.

''(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 AND OTHER SERVICES OVER THE INTERNET.

''Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or any other service utilizing Internet Protocol or any successor protocol. This section shall not apply to Internet access or to any services that are incidental to Internet access, such as e-mail, text instant messaging, and instant messaging with voice capability.''.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act take effect on November 1, 2003.

SA 3049. Mrs. HUTCHISON 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. ___. CHANGE IN DEFINITION OF INTERNET ACCESS SERVICE.

Paragraph (10) of section 1105 of the Internet Tax Freedom Act, as redesignated by this Act, is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(B) GENERAL EXCEPTION.—The term does not—

''(i) include a tax levied upon or measured by net income, capital stock, net worth, or property value; or

''(ii) apply to any payment made for use of the public right-of-way or made in lieu of a fee for use of the public right-of-way, however it may be denominated, including but not limited to an access line fee, franchise fee, license fee, or gross receipts or gross revenue fee.''.

SA 3050. Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) proposed an amendment 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 end, add the following:

TITLE ___—FUELS

Subtitle A—General Provisions Relating to Renewable Fuels

SEC. ___01. RENEWABLE CONTENT OF GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (r); and

(2) by inserting after subsection (n) the following:

''(o) RENEWABLE FUEL PROGRAM.—

''(1) DEFINITIONS.—In this section:

''(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

''(i) dedicated energy crops and trees;

''(ii) wood and wood residues;

''(iii) plants;

''(iv) grasses;

''(v) agricultural residues;

''(vi) fibers;

''(vii) animal wastes and other waste materials; and

''(viii) municipal solid waste.

''(B) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

''(I)(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

''(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

''(ii) INCLUSION.—The term 'renewable fuel' includes—

''(I) cellulosic biomass ethanol; and

''(II) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))).

''(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

''(2) RENEWABLE FUEL PROGRAM.—

''(A) 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 Alaska and Hawaii), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

''(ii) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under clause (i)—

''(I) shall contain compliance provisions applicable to refiners, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met; but

''(II) shall not—

''(aa) restrict cases in geographic areas in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iii) REQUIREMENT IN CASE OF FAILURE TO PROMULGATE REGULATIONS.—If the Administrator does not promulgate regulations under clause (i), the percentage of renewable fuel in gasoline sold or dispensed to consumers in the United States, on a volume basis, shall be 1.8 percent for calendar year 2005.

''(B) APPLICABLE VOLUME.—

''(i) CALENDAR YEARS 2005 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2005 through 2012 shall be determined in accordance with the following table:

''Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2005	3.1
2006	3.3
2007	3.5
2008	3.8
2009	4.1
2010	4.4
2011	4.7
2012	5.0.

''(ii) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

''(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

''(II) the ratio that—

''(aa) 5,000,000,000 gallons of renewable fuel; bears to

''(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

''(3) APPLICABLE PERCENTAGES.—

''(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2004 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline sold or introduced into commerce in the United States during the following calendar year.

''(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

''(i) IN GENERAL.—Not later than November 30 of each of calendar years 2005 through 2012, based on the estimate provided under subparagraph (A), the Administrator of the Environmental Protection Agency shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of paragraph (2) are met.

''(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

''(I) be applicable to refiners, blenders, and importers, as appropriate;

''(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

''(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

''(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

''(i) to prevent the imposition of redundant obligations on any person specified in subparagraph (B)(ii)(I); and

''(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (9).

''(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol—

''(A) shall be considered to be the equivalent of 1.5 gallons of renewable fuel; or

''(B) if the cellulosic biomass is derived from agricultural residue, shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

''(5) CREDIT PROGRAM.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(A) shall provide—

''(i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

''(ii) for the generation of an appropriate amount of credits for biodiesel; and

''(iii) for the generation of credits by small refineries in accordance with paragraph (9)(C).

''(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

''(C) DURATION OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance—

''(i) subject to clause (ii), for the calendar year in which the credit was generated or the following calendar year; or

''(ii) if the Administrator promulgates regulations under paragraph (6), for the calendar year in which the credit was generated or any of the following 2 calendar years.

''(D) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—The regulations promulgated under paragraph (2)(A) shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements of paragraph (2) to carry forward a renewable fuel deficit on condition that the person, in the calendar year following the year in which the renewable fuel deficit is created—

''(i) achieves compliance with the renewable fuel requirement under paragraph (2); and

''(ii) generates or purchases additional renewable fuel credits to offset the renewable fuel deficit of the previous year.

''(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

''(A) STUDY.—For each of calendar years 2005 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

''(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator of the Environmental Protection Agency shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) is used during each of the 2 periods specified in subparagraph (D) of each subsequent calendar year.

''(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

''(i) less than 35 percent of the quantity of renewable fuel necessary to meet the requirements of paragraph (2) has been used during 1 of the 2 periods specified in subparagraph (D) of the calendar year; and

''(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

''(D) PERIODS.—The 2 periods referred to in this paragraph are—

''(i) April through September; and

''(ii) January through March and October through December.

''(E) EXCLUSION.—Renewable fuel blended or consumed in calendar year 2005 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

''(7) WAIVERS.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under paragraph (2)—

''(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

''(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

''(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirements of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

''(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

''(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy shall conduct for the Administrator a study assessing whether the renewable fuel requirement under paragraph (2) will likely result in significant adverse impacts on consumers in 2005, on a national, regional, or State basis.

''(B) REQUIRED EVALUATIONS.—The study shall evaluate renewable fuel—

''(i) supplies and prices;

''(ii) blendstock supplies; and

''(iii) supply and distribution system capabilities.

''(C) RECOMMENDATIONS BY THE SECRETARY.—Based on the results of the study, the Secretary of Energy shall make specific recommendations to the Administrator concerning waiver of the requirements of paragraph (2), in whole or in part, to prevent any adverse impacts described in subparagraph (A).

''(D) WAIVER.—

''(i) IN GENERAL.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall, if and to the extent recommended by the Secretary of Energy under subparagraph (C), waive, in whole or in part, the renewable fuel requirement under paragraph (2) by reducing the national quantity of renewable fuel required under paragraph (2) in calendar 2005.

''(ii) NO EFFECT ON WAIVER AUTHORITY.—Clause (i) does not limit the authority of the Administrator to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7).

''(9) ASSESSMENT AND WAIVER.—

''(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall evaluate the requirement of paragraph (2) and determine, before January 1, 2007, and before January 1 of any subsequent year in which the applicable volume of renewable fuel is increased under paragraph (2)(B), whether the requirement of paragraph (2), including the applicable volume of renewable fuel contained in paragraph (2)(B) should remain in effect, in whole or in part, during 2007 or any subsequent year.

''(B) CONSIDERATIONS.—In evaluating the requirement of paragraph (2) and in making any determination under this paragraph, the Administrator shall consider the best available information and data collected by accepted methods or best available means regarding—

''(i) the capacity of renewable fuel producers to supply an adequate amount of renewable fuel at competitive prices to fulfill the requirement of paragraph (2);

''(ii) the potential of the requirement of paragraph (2) to raise significantly the price of gasoline, food (excluding the net price impact on the requirement in paragraph (2) on commodities used in the production of ethanol), or heating oil for consumers in any significant region of the country above the price that would otherwise apply to those commodities in the absence of the requirement;

''(iii) the potential of the requirement of paragraph (2) to interfere with the supply of fuel in any significant gasoline market or region of the country, including interference with the efficient operation of refiners, blenders, importers, wholesale suppliers, and retail vendors of gasoline and other motor fuels; and

''(iv) the potential of the requirement of paragraph (2) to cause or promote exceedances of Federal, State, or local air quality standards.

''(C) WAIVER.—If the Administrator determines, by clear and convincing information, after public notice and opportunity for comment, that the requirement of paragraph (2) would have significant and meaningful adverse impact on the supply of fuel and related infrastructure or on the economy, public health, or environment of any significant area or region of the country, the Administrator may waive, in whole or in part, the requirement of paragraph (2) in any 1 year for which the determination is made for that area or region of the country, except that any such waiver shall not have the effect of reducing the applicable volume of renewable fuel specified in paragraph (2)(B) with respect to any year for which the determination is made.

''(D) ECONOMIC IMPACT.—In determining economic impact under this paragraph, the Administrator shall not consider the reduced revenues available from the Highway Trust Fund as a result of the use of ethanol.

''(10) SMALL REFINERIES.—

''(A) TEMPORARY EXEMPTION.—

''(i) IN GENERAL.—The requirements of paragraph (2) shall not apply to small refineries until calendar year 2011.

''(ii) EXTENSION OF EXEMPTION.—

''(I) STUDY BY SECRETARY OF ENERGY.—Not later than December 31, 2007, the Secretary of Energy shall conduct for the Administrator a study to determine whether compliance with the requirements of paragraph (2) would impose a disproportionate economic hardship on small refineries.

''(II) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary of Energy determines under subclause (I) would be subject to a disproportionate economic hardship if required to comply with paragraph (2), the Administrator shall extend the exemption under clause (i) for the small refinery for a period of not less than 2 additional years.

''(B) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

''(i) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship.

''(ii) EVALUATION OF PETITIONS.—In evaluating a petition under clause (i), the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study under subparagraph (A)(ii) and other economic factors.

''(iii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

''(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A), the regulations promulgated under paragraph (2)(A) shall provide for the generation of credits by the small refinery under paragraph (5) beginning in the calendar year following the date of notification.

''(D) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (A).

''(11) ETHANOL MARKET CONCENTRATION ANALYSIS.—

''(A) ANALYSIS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, and annually thereafter, the Federal Trade Commission shall perform a market concentration analysis of the ethanol production industry using the Herfindahl-Hirschman Index to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.

''(ii) SCORING.—For the purpose of scoring under clause (i) using the Herfindahl-Hirschman Index, all marketing arrangements among industry participants shall be considered.

''(B) REPORT.—Not later than December 1, 2004, and annually thereafter, the Federal Trade Commission shall submit to Congress and the Administrator a report on the results of the market concentration analysis performed under subparagraph (A)(i).''.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(B) in the second sentence, by striking ''or (m)'' and inserting ''(m), or (o)''; and

(2) in the first sentence of paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

(c) EXCLUSION FROM ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXCLUSION FROM ETHANOL WAIVER.—

''(A) PROMULGATION OF REGULATIONS.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported, or introduced into commerce in the area during the high ozone season.

''(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

''(C) EFFECTIVE DATE.—

''(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

''(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

''(II) 1 year after the date of receipt of the notification.

''(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

''(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

''(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

''(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

''(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.''.

SEC. ___02. RENEWABLE FUEL.

(a) IN GENERAL.—The Clean Air Act is amended by inserting after section 211 (42 U.S.C. 7411) the following:

''SEC. 212. RENEWABLE FUEL.

''(a) DEFINITIONS.—In this section:

''(1) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given the term 'solid waste' in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

''(2) RFG STATE.—The term 'RFG State' means a State in which is located 1 or more covered areas (as defined in section 211(k)(10)(D)).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(b) SURVEY OF RENEWABLE FUEL MARKET.—

''(1) SURVEY AND REPORT.—Not later than December 1, 2006, and annually thereafter, the Administrator shall—

''(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

''(i) conventional gasoline containing ethanol;

''(ii) reformulated gasoline containing ethanol;

''(iii) conventional gasoline containing renewable fuel; and

''(iv) reformulated gasoline containing renewable fuel; and

''(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

''(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator may require any refiner, blender, or importer to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate.

''(B) RELIANCE ON EXISTING REQUIREMENTS.—To avoid duplicative requirements, in carrying out subparagraph (A), the Administrator shall rely, to the maximum extent practicable, on reporting and recordkeeping requirements in effect on the date of enactment of this section.

''(3) CONFIDENTIALITY.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

''(c) COMMERCIAL BYPRODUCTS FROM MUNICIPAL SOLID WASTE LOAN GUARANTEE PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the processing and conversion of municipal solid waste into fuel ethanol and other commercial byproducts.

''(2) REQUIREMENTS.—The Secretary may provide a loan guarantee under paragraph (1) to an applicant if—

''(A) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in paragraph (1);

''(B) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

''(C) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

''(4) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

''(A) meet all applicable Federal and State permitting requirements;

''(B) are most likely to be successful; and

''(C) are located in local markets that have the greatest need for the facility because of—

''(i) the limited availability of land for waste disposal; or

''(ii) a high level of demand for fuel ethanol or other commercial byproducts of the facility.

''(5) MATURITY.—A loan guaranteed under paragraph (1) shall have a maturity of not more than 20 years.

''(6) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under paragraph (1) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

''(7) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under paragraph (1) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

''(8) GUARANTEE FEE.—The recipient of a loan guarantee under paragraph (1) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

''(9) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit the United States is pledged to the payment of all guarantees made under this subsection.

''(B) CONCLUSIVE EVIDENCE.—Any guarantee made by the Secretary under this subsection shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

''(C) VALIDITY.—The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

''(10) REPORTS.—Until each guaranteed loan under this subsection has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this subsection.

''(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(12) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a new loan guarantee under paragraph (1) terminates on the date that is 10 years after the date of enactment of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS FOR RESOURCE CENTER.—There is authorized to be appropriated, for a resource center to further develop bioconversion technology using low-cost biomass for the production of ethanol at the Center for Biomass-Based Energy at the University of Mississippi and the University of Oklahoma, $4,000,000 for each of fiscal years 2004 through 2006.

''(e) RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Administrator shall provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

''(2) ELIGIBILITY.—

''(A) IN GENERAL.—The entities eligible to receive a grant under this subsection are academic institutions in RFG States, and consortia made up of combinations of academic institutions, industry, State government agencies, or local government agencies in RFG States, that have proven experience and capabilities with relevant technologies.

''(B) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application in such manner and form, and accompanied by such information, as the Administrator may specify.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2004 through 2008.

''(f) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE—

''(1) IN GENERAL.—The Secretary may provide grants to merchant producers of cellulosic biomass ethanol in the United States to assist the producers in building eligible production facilities described in paragraph (2) for the production of cellulosic biomass ethanol.

''(2) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this subsection if the production facility—

''(A) is located in the United States; and

''(B) uses cellulosic biomass feedstocks derived from agricultural residues or municipal solid waste.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—

''(A) $100,000,000 for fiscal year 2004;

''(B) $250,000,000 for fiscal year 2005; and

''(C) $400,000,000 for fiscal year 2006.''.

(b) CONFORMING AMENDMENT.—The table of contents for the Clean Air Act (42 U.S.C. 7401 prec.) is amended by inserting after the item relating to section 211 the following:

''212. Renewable fuels.''.

SEC. ___03. SURVEY OF RENEWABLE FUELS CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

''(m) SURVEY OF RENEWABLE FUELS CONSUMPTION.—

''(1) IN GENERAL.—In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

''(2) ELEMENTS OF SURVEY.—In conducting the survey, the Administrator shall collect information retrospectively to 1998, on a national basis and a regional basis, including—

''(A) the quantity of renewable fuels produced;

''(B) the cost of production;

''(C) the cost of blending and marketing;

''(D) the quantity of renewable fuels blended;

''(E) the quantity of renewable fuels imported; and

''(F) market price data.''.

Subtitle B—Federal Reformulated Fuels

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the ''Federal Reformulated Fuels Act of 2004''.

SEC. ___12. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking ''paragraphs (1) and (2) of this subsection'' and inserting ''paragraphs (1), (2), and (12)''; and

(B) by inserting ''and section 9010'' before ''if''; and

(2) by adding at the end the following:

''(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

''(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

''(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

''(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

''(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).''.

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

''SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

''Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

''(1) by a State (pursuant to section 9003(h)(7)) acting under—

''(A) a program approved under section 9004; or

''(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

''(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

''SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

''(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

''(2) to carry out section 9010—

''(A) $50,000,000 for fiscal year 2003; and

''(B) $30,000,000 for each of fiscal years 2004 through 2008.''.

(c) TECHNICAL AMENDMENTS.—(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

''Sec. 9010. Release prevention and compliance.

''Sec. 9011. Authorization of appropriations.''.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking ''sustances'' and inserting ''substances''.

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ''subsection (c) and (d) of this section'' and inserting ''subsections (c) and (d)''.

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking ''referred to'' and all that follows and inserting ''referred to in subparagraph (A) or (B), or both, of section 9001(2).''.

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking ''study taking'' and inserting ''study, taking'';

(B) in subsection (b)(1), by striking ''relevent'' and inserting ''relevant''; and

(C) in subsection (b)(4), by striking ''Evironmental'' and inserting ''Environmental''.

SEC. ___13. RESTRICTIONS ON THE USE OF MTBE.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as ''MTBE'') has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygenate standard, Congress was aware that—

(A) significant use of MTBE could result from the adoption of that standard; and

(B) the use of MTBE would likely be important to the cost-effective implementation of that standard;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown as of the date of enactment of this Act;

(10) in the report entitled ''Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline'' and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (4)(B), by inserting ''or water quality protection,'' after ''emission control,''; and

(3) by adding at the end the following:

''(5) RESTRICTIONS ON USE OF MTBE.—

''(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

''(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

''(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

''(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

''(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

''(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

''(A) IN GENERAL.—

''(i) GRANTS.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of—

''(i) iso-octane or alkylates, unless the Administrator, in consultation with the Secretary of Energy, determines that transition assistance for the production of iso-octane or alkylates is inconsistent with the criteria specified in subparagraph (B); and

''(ii) any other fuel additive that meets the criteria specified in subparagraph (B).

''(B) CRITERIA.—The criteria referred to in subparagraph (A) are that—

''(i) use of the fuel additive is consistent with this subsection;

''(ii) the Administrator has not determined that the fuel additive may reasonably be anticipated to endanger public health or the environment;

''(iii) the fuel additive has been registered and tested, or is being tested, in accordance with the requirements of this section; and

''(iv) the fuel additive will contribute to replacing quantities of motor vehicle fuel rendered unavailable as a result of paragraph (5).

''(C) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

''(i) is located in the United States; and

''(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

''(I) beginning on the date of enactment of this paragraph; and

''(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2004 through 2007.''.

(d) NO EFFECT ON LAW CONCERNING STATE AUTHORITY.—The amendments made by subsection (c) have no effect on the law in effect on the day before the date of enactment of this Act concerning the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. ___14. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) ELIMINATION.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking ''(including the oxygen content requirement contained in subparagraph (B))'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) APPLICABILITY.—The amendments made by paragraph (1) apply—

(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; and

(B) in the case of any other State, beginning 270 days after the date of enactment of this Act.

(b) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking ''Within 1 year after the enactment of the Clean Air Act Amendments of 1990,'' and inserting the following:

''(A) IN GENERAL.—Not later than November 15, 1991,''; and

(2) by adding at the end the following:

''(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

''(i) DEFINITION OF PADD.—In this subparagraph the term 'PADD' means a Petroleum Administration for Defense District.

''(ii) REGULATIONS CONCERNING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish by regulation, for each refinery or importer (other than a refiner or importer in a State that has received a waiver under section 209(b) with respect to gasoline produced for use in that State), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refiner or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000 (as determined on the basis of data collected by the Administrator with respect to the refiner or importer).

''(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

''(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refiner or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refiner or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refiner or importer during calendar years 1999 and 2000.

''(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refiner or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for emissions of toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

''(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

''(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

''(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

''(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

''(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

''(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the

PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

''(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

''(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refiner or importer shall meet the standards applicable under clause (iii)(I) beginning not later than April 1 of the calendar year following publication of the report under subclause (I) and in each calendar year thereafter.

''(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).''.

(c) COMMINGLING.—

(1) IN GENERAL.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by adding at the end the following:

''(11) COMMINGLING.—The regulations under paragraph (1) shall permit the commingling at a retail station of reformulated gasoline containing ethanol and reformulated gasoline that does not contain ethanol if, each time such commingling occurs—

''(A) the retailer notifies the Administrator before the commingling, identifying the exact location of the retail station and the specific tank in which the commingling will take place; and

''(B) the retailer certifies that the reformulated gasoline resulting from the commingling will meet all applicable requirements for reformulated gasoline, including content and emission performance standards.

(d) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(e) SAVINGS CLAUSE.—

(1) IN GENERAL.—Nothing in this section or any amendment made by this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator before the date of enactment of this Act regarding—

(A) emissions of toxic air pollutants from motor vehicles; or

(B) the adjustment of standards applicable to a specific refinery or importer made under those regulations.

(2) ADJUSTMENT OF STANDARDS.—

(A) APPLICABILITY.—The Administrator may apply any adjustments to the standards applicable to a refinery or importer under subparagraph (B)(iii)(I) of section 211(k)(1) of the Clean Air Act (as added by subsection (b)(2)), except that—

(i) the Administrator shall revise the adjustments to be based only on calendar years 1999 and 2000;

(ii) any such adjustment shall not be made at a level below the average percentage of reductions of emissions of toxic air pollutants for reformulated gasoline supplied to PADD I during calendar years 1999 and 2000; and

(iii) in the case of an adjustment based on toxic air pollutant emissions from reformulated gasoline significantly below the national annual average emissions of toxic air pollutants from all reformulated gasoline—

(I) the Administrator may revise the adjustment to take account of the scope of the prohibition on methyl tertiary butyl ether imposed by paragraph (5) of section 211(c) of the Clean Air Act (as added by section 203(c)); and

(II) any such adjustment shall require the refiner or importer, to the maximum extent practicable, to maintain the reduction achieved during calendar years 1999 and 2000 in the average annual aggregate emissions of toxic air pollutants from reformulated gasoline produced or distributed by the refiner or importer.

SEC. ___15. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and''; and

(2) by adding at the end the following:

''(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

''(i) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

''(I) ethyl tertiary butyl ether;

''(II) tertiary amyl methyl ether;

''(III) di-isopropyl ether;

''(IV) tertiary butyl alcohol;

''(V) other ethers and heavy alcohols, as determined by then Administrator;

''(VI) ethanol;

''(VII) iso-octane; and

''(VIII) alkylates; and

''(ii) conduct a study on the effects on public health (including the effects on children, pregnant women, minority or low-income communities, and other sensitive populations), air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the volatile organic compounds performance requirements that are applicable under paragraphs (1) and (3) of section 211(k); and

''(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the studies under clauses (i) and (ii).

''(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities such as—

''(i) the national energy laboratories; and

''(ii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).''.

SEC. ___16. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section ___01(a)) is amended by inserting after subsection (o) the following:

''(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

''(1) ANTI-BACKSLIDING ANALYSIS.—

''(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Reliable Fuels Act.

''(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

''(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2006.''.

SEC. ___17. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking ''(6) OPT-IN AREAS.—(A) Upon'' and inserting the following:

''(6) OPT-IN AREAS.—

''(A) CLASSIFIED AREAS.—

''(i) IN GENERAL.—Upon'';

(2) in subparagraph (B), by striking ''(B) If'' and inserting the following:

''(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If'';

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) in the second sentence, by striking ''this paragraph'' and inserting ''this subparagraph''; and

(4) by adding at the end the following:

''(B) OZONE TRANSPORT REGION.—

''(i) APPLICATION OF PROHIBITION.—

''(I) IN GENERAL.—On application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

''(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

''(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

''(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

''(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

''(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

''(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

''(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

''(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

''(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.''.

SEC. ___18. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking ''(C) A State'' and inserting the following:

''(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

''(i) IN GENERAL.—A State''; and

(2) by adding at the end the following:

''(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.''.

SEC. ___19. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals (including the protection of children, pregnant women, minority or low-income communities, and other sensitive populations);

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refiners;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refiners, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2007, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) State and local air pollution control regulators;

(D) public health experts;

(E) motor vehicle fuel producers and distributors; and

(F) the public.

SA 3051. Mr. DOMENICI proposed an amendment 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; as follows:

(The amendment will be printed in a future edition of the RECORD.)

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 28, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2172, Tribal Contract Support Cost Technical Amendments of 2004.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 29, 2004, at 10 a.m. 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.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 6, 2004 in SD–106 at 10 a.m. The purpose of this hearing will be to discuss Biomass Use in Energy Production: New Opportunities for Agriculture.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 27, 2004, at 9:30 a.m., in open session to consider the following nominations: Tina Westby Jonas to be Under Secretary of Defense (Comptroller); Dionel M. Aviles to Under Secretary of the Navy; and Jerald S. Paul to be Principal Deputy Administrator, National Nuclear Security Administration.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 27, 2004, at 9:30 a.m. on Telecommunications Policy Review: Lessons learned from the Telecommunications Act of 1996, in SR–253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 27 at 10:00 a.m.

The purpose of the hearings is to receive testimony regarding sustainable, low emission, electricity generation.

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

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 27, 2004, at 10:00 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''International Trade and Pharmaceuticals.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the sessio of the Senate on Tuesday, April 27, 2004 at 10:00 a.m. to hold a Nomination hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 27, 2004 at 10:00 a.m. on ''Judicial Nominations'' in the Dirksen Senate Office Building Room 226.

Brett M. Kavanaugh, to be United States Circuit Judge for the District of Columbia Circuit.

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

SPECIAL COMMITTEE ON AGING

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, April 27, 2004 from 10:00 a.m–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 27 at 2:30 p.m. in room SD–366.

The purpose of the hearing is to receive testimony on the following bills: S. 1064, to establish a Commission to Commemorate The Sesquicentennial of the American Civil War, and for other purposes; S. 1092, to authorize the establishment of a National Database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; S. 2046, to authorize the exchange of certain land in Everglades National Park; S. 2052, to amend the National Trails, System Act to designate El Camino Real De Los Tejas as a National Historic Trail; and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Tuesday, April 27, 2004, at 3:30 p.m., on the International Space Exploration Program, in SR–253.

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

MEASURE PLACED ON THE CALENDAR—S. 2348

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2348) to extend the Internet Tax Freedom Act.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

COMMUNICATIONS SATELLITE ACT OF 1962

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 2315 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2315) to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (S. 2315) was read the third time and passed, as follows:

S. 2315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF IPO DEADLINE.

Section 621(A)(i) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)(i) is amended—

(1) by striking ''December 31, 2003,'' and inserting ''June 30, 2005,'', and

(2) by striking ''June 30, 2004,'' and inserting ''December 31, 2005;''

APPOINTMENT

THE ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, pursuant to Public Law 108–132, Section 128, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Thomas Lopez of Virginia.

ORDERS FOR WEDNESDAY, APRIL 28, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, April 28. 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 the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee; provided further, that following that 60 minutes, the Senate resume consideration of S. 150, the Internet tax bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, following morning business, the Senate will resume consideration of the Internet tax bill. As I mentioned, I hope we can reach an agreement to address this Internet tax bill, hopefully with some amendments, over the course of tomorrow. That is going to take cooperation from both sides of the aisle.

Rollcall votes are possible during tomorrow's session.

We have a few more issues remaining. I think we can settle them in the next few minutes. At this juncture, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:27 p.m., adjourned until Wednesday, April 28, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

WE THE PEOPLE: PROJECT CITIZEN STUDENTS MAKE A DIFFERENCE IN TUCSON, AZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GRIJALVA. Mr. Speaker, I would like to take a moment to commend a group of students from my district for their civic engagement. Along with their teacher, these 23 students developed a proposal for curbing bullying in Arizona schools. This proposal was taken up in the Arizona State legislature with bipartisan support. The bill was introduced by Representative Phil Lopez and Representative Linda Gray, and has already passed the Education Committee and has garnered the support of Gov. Janet Napolitano. If passed, the bill would require that school boards adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils.

Using the skill of civic engagement, taught through Project Citizen, these students have made a positive impact in their community, and serve as role models for their peers. Project Citizen is a curricular program for middle school students that promotes competent and responsible participation in local and State government. The program helps young people learn how to monitor and influence public policy. In the process, they develop support for democratic values and principles, tolerance, and feelings of political efficacy. The Project Citizen program is administered by the Center for Civic Education with the assistance of the National Conference of State Legislatures. It is funded by the U.S. Department of Education by act of Congress.

Mr. Speaker, I am proud of the contribution of these students and applaud their efforts to be actively involved in efforts to improve their community. On behalf of the schools and children of Arizona I would like to thank the following students for their admirable interest in civic engagement. I hope their enthusiasm for government is shared among their peers.

Marina Ardt, Eva Baisan, Edward Barnes, Amanda Belt, Katie Brown, Audrey Bustamante, Nicholas Franco, Taiya Gehrels, Brianna Herreras-Crouse, Shelby Kline, Katie Knight, Mounir Koussa, Alison Lambert, Ben Langworthy, Pricilla Martinez, Dillon McCallum, Dylan Monke, Danny O'Sullivan, Johnny Police, Joy Ratanavongsa, Tanisha Sosa, John Taylor, Jessica Willy, and their teacher, Cheri Bludau of the Mansfeld Middle School of Tucson.

Mr. Speaker, I would also like to submit the attached article from the Tucson Citizen recognizing the valiant efforts of these young adults.

KIDS' ASSIGNMENT TURNS HEADS AT STATE LEVEL

Here is a brief primer on the workings of the Arizona Legislature from an expert who has learned how to write a bill, have it introduced by a lawmaker, then watched it advance through the Legislature:

''It is a very long process,'' explained Tashina Sosa. ''It's like a never-ending thriller book.''

Thriller book? Perhaps.

Horror story? More often.

But who am I to argue with an insider—someone who has seen firsthand the laborious and languorous way that the Legislature goes about its work.

There are several thousand professional lobbyists at work in Phoenix right now who are being paid well—very well—to get their employers' messages to lawmakers.

Tashina Sosa isn't one of them, although it is quite likely that she will be more successful than most of those professionals.

Sosa is a freshman at Tucson High Magnet School. And work that she and her classmates started last year when they were enrolled at Mansfeld Middle School may soon result in a law.

This law, unlike many of those passed by legislators, actually makes sense and actually is needed. It would require each school district to enact an anti-bullying policy.

Sosa and 23 other Mansfeld students were enrolled last year in a law-related education class taught by Cheri Bludau. Part of the class was a project called We the People-Project Citizen, a national program that promotes student participation in government.

After discussing several ideas and conducting research on matters ripe for change, the students settled on the issue of bullying, Bludau said.

But there were some concerns. Some students feared the topic may be too ''childlike'' and of little interest to the Legislature, Bludau said. Others were afraid that a law would be meaningless—that bullying was not something that could be stopped with legislation.

But the research was persuasive. Studies found that bullying is one of the most underrated and serious problems in schools. Students involved in murders in school and students who commit suicide are far more likely to be victims of bullies than the average student is. Education and federal officials estimate that nationwide, 160,000 students miss school every day because they fear being bullied.

''A majority of adults see it as a right of passage,'' Bludau said, ''but the students know it is impacting their lives.''

Using laws written in other states as a starting point, Bludau's class wrote a bill it hoped to have introduced in the Legislature. Class members took the bill to Project Citizen's state competition last year and won first place. They then submitted it for national competition and earned a ''superior'' rating—the highest award.

Last summer, Bludau e-mailed a copy of the proposed bill to Gov. Janet Napolitano. Within 45 minutes, Napolitano wrote back, saying she would be very much behind it.

Thus emboldened, the students went hunting for a legislator who would introduce the bill—and they found support from state Rep. Phil Lopes, a Tucson Democrat. He liked the bill, but because he is a member of the minority party, he needed help from a Republican. Rep. Linda Gray, a Glendale Republican and chair of the House Education Committee, signed on.

The bill was formally introduced and assigned a number and title: ''HB2533—Schools; policies; bullying'' and scheduled for a hearing and debate last week before the Education Committee.

The students were scheduled to go to Phoenix to testify in support of their bill—but they were foiled by another state issue. It was time for them to take part of the mandated AIMS test. Nonetheless, the bill easily passed the committee.

The bill is scheduled to be heard in the House Judiciary Committee today. Lopes is optimistic that it will eventually pass both houses and be signed into law by Napolitano.

''The kids did all the work,'' Lopes said. ''It's just incredible. I knew nothing about the substance of the topic. But I saw what they had done and said, 'My God, we've got to help them out.'''

Sosa is excited that her class's work may soon be memorialized in state law. And so is her classmate, Mounir Koussa, also now a freshman at Tucson High. ''It's good for me to know that a student can make a difference in society,'' Koussa said.

It has taken almost two months for the bill to make it to this point in the legislative process, and Bludau still can't quite believe her students have been so successful.

''Way back in January, little did we know that we could have this kind of impact on the state of Arizona,'' she said. ''I'm very proud of my students, as you can tell.''

Cheri Bludau's students have completed their assignment. Now legislators must complete theirs.

WHAT THE LAW WOULD DO

If the bill written by students at Mansfeld Middle School becomes law, it would require that school boards adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils.

Those procedures must include:

A confidential process that allows pupils to report incidents of harassment, intimidation or bullying to school officials.

A procedure for the parents or guardians of pupils to submit written reports concerning harassment, intimidation or bullying to school officials.

A requirement that school district employees report suspected harassment, intimidation or bullying.

A formal process for the documentation and investigation of reported incidents.

Disciplinary procedures for students admitting to, or found guilty of harassment, intimidation or bullying.

A procedure that provides consequences for submitting false reports.

The bill submitted by the students was amended in the House Education Committee to cover events not only on school grounds, but also on school buses, at school bus stops and at all school-sponsored events and activities.

A MODEL TWO-YEAR COLLEGE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to see the Boston Globe, in an editorial on Thursday, April 22, give appropriate recognition to the excellent job that

is done by Bristol Community College. As the Globe editorial correctly noted, ''Bristol Community College in Fall River has been performing . . . superbly for more than 30 years and is a model for other community colleges . . . as they strive to prepare Massachusetts residents for the jobs of today and the future.''

Dealing with a changing economy, in which workers lose their jobs through no fault of their own because of technology, globalization, and other factors, is the single most important issue facing us as a nation. The private sector is a great creator of wealth, but it does not by itself resolve the problems that are created by this ongoing transitional process, especially at times such as now when economic transitions are even more rapid than at other times.

This is why a well-funded, vigorous public sector is important to work along with the private sector in enhancing the quality of life for all Americans. And in the economic sphere, as Federal Reserve Chair Alan Greenspan frequently points out, community colleges have an essential role to play. I was therefore very pleased that the Boston Globe Editorial Board recognized Bristol Community College for the wonderful work it does.

I have been fortunate to be the Representative of Bristol Community College in Congress since 1983, and I have had numerous occasions during that time to see how well the people at BCC perform. To former President Eileen Farley and current President John Sbrega, I send my congratulations, along with my congratulations to all of the faculty, administrators and students who have done so much to make this institution an educational model.

Mr. Speaker, community colleges are an essential part of the way in which we should be responding to economic change, and because Bristol Community College is such a good example of how to do this, I ask that the editorial from the Boston Globe be printed here.

[From the Boston Globe, Apr. 22, 2004]

A MODEL TWO-YEAR COLLEGE

Community colleges have a threefold mission: They prepare some students for further schooling, they educate others for immediate entry into the work force, and they enhance the skills of those who have already been working for years. Bristol Community College in Fall River has been performing these roles superbly for more than 30 years, and is a model for other community colleges around the state as they strive to prepare Massachusetts residents for the jobs of today and the future.

''This school is wonderful,'' said Janet Maynard, 39, who is getting an associate's degree in nursing after a 19-year break from school. ''The staff is incredible. They don't leave anybody behind.'' Maynard, one of 6,600 students at Bristol, is juggling a paid job—one day a week at St. Anne's Hospital in Fall River as a unit secretary—with the hard work of rearing five daughters. St. Anne's, which has worked with Bristol's nursing program for decades, is paying Maynard's tuition in the conviction that it is investing in a more skilled work force.

Jason Brilhante, 21, attends Bristol because ''it's extremely affordable''—$2,544 a year—''and has high standards.'' After graduating from the two-year business program, he'll go on to Bryant College in Smithfield, R.I., with the aim of becoming a certified public accountant. Bryant will give him a partial scholarship, confident that his fine work at Bristol will continue in later years.

''We partner with them all the time,'' said Irene Olsen, retired personnel manager for the AT&T call center in Fairhaven and now a consultant with the union-management Alliance for Employee Growth and Development. Bristol offers business-related courses to 40 AT&T employees at the Fairhaven workplace. If students can't come to the beautiful Fall River campus, Bristol goes to them.

No wonder that Judith Gill, chancellor of higher education, praised Bristol in draft assessments of the 15 Massachusetts community colleges last fall—along with Middlesex and Holyoke community colleges—as a high-performing institution.

Other colleges complained that the six criteria used for the ratings were too few, so Gill took away the ''high performing'' designation from all three colleges. Gill promises that by 2006 the Board of Higher Education will devise better assessments based on 30 criteria. When that is published, the differences between high-performing colleges and those not doing well should be clear.

Assessments are important as community colleges make the case that they are vital to the development and maintenance of an educated work force in Massachusetts. They should never again have to endure the deep cuts in state aid—nearly 20 percent—they have experienced since 2001. Not all community colleges follow the example of Bristol in providing essential services to students and the wider communities they serve. Those that do earn the support and gratitude of everyone in Massachusetts.

TRIBUTE TO THE LATE MARY LADESIC

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MOORE. Mr. Speaker, I rise today to recognize the passing of Mary Ladesic, who was the first woman elected to countywide public office in Wyandotte County, Kansas.

Elected as Wyandotte County Treasurer in 1980, Mary Ladesic served in that position until her retirement in 1997. She died at her home on April 17. Born in Kansas City, MO, she lived in Kansas City, KS, for most of her life.

As Wyandotte County Treasurer, Mary Ladesic was a nationally recognized, innovative manager, starting a ''tag team'' program for marketing license plates that became a model for other Kansas counties and a successful amnesty program for collecting back taxes.

Mary Ladesic also was active in partisan politics at the county and state levels, as a member of the Southside Democratic Club and all Democratic clubs in Wyandotte County, a lifetime member of the Kansas Federation of Women's Democratic Clubs, vice chair of the Wyandotte County Democratic Central Committee, and was awarded the Georgia Neese Gray Award by the Kansas Democratic Party in 1997. As the Party's official description of that award states, it is

reserved for presentation to Kansans who have served in elected office at the municipal and/or county level and who have performed outstanding service to their local community in the pursuit of the principles of the Kansas Democratic Party. Such service commends a lengthy and broad participation in public service endeavors to the city, county and state. This award shall be considered the highest honor which can be bestowed by the Kansas Democratic Party to its municipal and county elected officials.

Survived by her husband, William, 3 children and 10 grandchildren, Mary also was a member of Stony Point Christian Church and an active supporter of Maur Hill School in Atchison, Kansas. I commend her for a life full of support for her community and service to others, and include in the RECORD a recent article from the Kansas City Kansan detailing her life and good works. Mary Ladesic will be missed by all who knew her.

[From the Kansas City Kansan, Apr. 20, 2004]

MARY LADESIC, FIRST WOMAN ELECTED TO COUNTYWIDE OFFICE, DIES

(By Mary Rupert)

The first woman elected to a countywide public office in Wyandotte County, former Treasurer Mary P. Ladesic, died Saturday.

Ladesic, 68, held the post of county treasurer for 17 years in Wyandotte County, beginning in 1980 and retiring in 1997. She died at her home in Kansas City, Kan.

''She liked the job of county treasurer because she loved people,'' remembered her husband, William Ladesic.

He recalled that as county treasurer, Mary always kept $100 of her own money in a drawer for people who didn't have quite enough money to pay their taxes. She'd give them $20 or $15, and tell them they could come back and repay her later, he recalled. They always did, he said.

''When she left that office, she took the $100 with her,'' he said. ''She trusted the people. She wouldn't say anything bad about anybody. She was just a beautiful person.''

Ladesic said his wife was a good campaigner.

''She treated people all alike, it didn't make any difference,'' Ladesic said.

He remembered that she used to tell him that people would sometimes complain to the treasurer about their taxes.

''Any time they complain, I can't say they're wrong, because any time you're taking money away from people, they should be angry,'' he remembered her telling him.

Ladesic said Mary was an innovator in her job, starting a ''tag team'' program and an amnesty program for back taxes. She worked to get state laws changed in order to implement the programs, he said. The license tag program raised $3 million in the first six months here, he said, and it won awards and became a model for other counties.

She also assisted in training new county treasurers at the state level, he said.

Ladesic recalled that Mary did volunteer work with her church at the food kitchen.

''She'd do the work of three people and wouldn't stop,'' he recalled. She also did volunteer work for Maur Hill School in Atchison, Kan., and for local Democratic events, he said.

''Mary was a pioneer in being the first woman elected to public office in Wyandotte County,'' said Don Denney, media relations specialist for the Unified Government. ''She was a dedicated public servant and will never be forgotten for what she accomplished.''

She received the Georgia Neese Gray Award and other national awards.

''She was a diehard Democrat who worked hard for her party,'' Denney said. ''My heart goes out to her husband, Bill, and the rest of the family.''

Ladesic was a member of the Southside Democratic Club, and other Democratic clubs in Wyandotte County, and had served as vice chairwoman of the Wyandotte County Central Committee of the Democratic Party.

Funeral services will be held at 11 a.m. Wednesday at Stony Point Christian Church,

149 S. 78th St. Visitation is from 4 to 8 p.m. Tuesday at the church.

ARMENIAN GENOCIDE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. BACA. Mr. Speaker, I rise today to commemorate the genocide of Armenians at the hands of the Ottoman Empire.

Starting in 1915, the Ottoman Empire tortured and murdered up to one and a half million Armenians. More than half a million were forced to leave and went into exile.

The Armenians settled across the world lending energy and strength to their adoptive communities.

It is important to recognize the historical atrocities perpetrated against the Armenians. We must teach our children about the fear, torture, mass graves, and expulsions of the Armenian people.

Through education and commemoration, our children can grow up to be better citizens and better Americans.

By recognizing genocide for what it is, the world can wake up to the obscene nature that sometimes grips nations and work to prevent the mass killing that devastated the Armenian people.

With this year's commemoration of the Armenian genocide, I urge all Americans to be vigilant and watchful. We must prevent hatred and bigotry. We must do all we can to prevent genocide. By commemorating the past, we can make the future a better place to live.

HONORING JACOB ANISH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate ten-year-old Jacob Anish of Chicago for his recent act of bravery and for the honor of receiving the Heroism Medal awarded by the Boy Scouts of America.

Jacob achieved this accolade for the courage he demonstrated on the evening of May 21, 2003 when a fire broke out in his family's home. Awakened by the smoke, Jacob maintained his calm despite the danger all around him. At a time when many boys of Jacob's age might have panicked, his first thought was not to run for safety but to save his sleeping younger brother, Gary.

As the smoke thickened, Jacob swiftly found his brother, then lifted him up and carried him from one side of the house to the other. The house faded into darkness as Jacob fought through the danger to find the rest of his family.

Jacob did not hesitate, nor did he waver from the Anish family fire plan which called for him to carry his younger brother to the neighbor's house and out of harm's reach. He maintained his composure throughout the fire like a young hero and natural leader.

Though their home was lost, Jacob's steadfast courage and sharp instinct made the difference in saving each of his family members, including their pet Dalmatian. Jacob's selfless act of valor is why the Boy Scouts of America are honoring him this year.

Mr. Speaker, I join his family, his Cub Scout Pack 3943, and all the people of the fifth district of Illinois in recognizing Jacob for his courage and for receiving the Heroism Medal. I am confident that Jacob will continue to set a strong example for his brothers and sisters, his peers, and young men and women across Chicago. I am very proud of Jacob Anish.

HONORING THE LATE KEITH CYLAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the late Keith Cylar, a fearless, passionate and extraordinarily effective advocate for persons with AIDS. Keith Cylar dedicated his life to the health and well-being of the most underprivileged and neglected elements of our society, and his passing at the age of 45 is a terrible loss to the city of New York and indeed to the entire Nation.

A social worker by training, Keith Cylar was the co-founder and co-President of Housing Works, one of the largest and most prominent non-profit organizations in the Nation dedicated to helping persons with AIDS. Through his leadership at Housing Works, Mr. Cylar helped to find housing for 15,000 New Yorkers. He also oversaw and managed the delivery of social services, such as job training and health care referrals, to thousands of our most underprivileged citizens, who often had few other resources upon which to draw.

Keith Cylar was also a leader of uncommon courage, an advocate who never hesitated to speak truth to power. Out of the fiery passions that drove the AIDS activist group ACT-UP, he and his partner Charles King forged a new kind of social service agency, one managed and operated by people who themselves were battling AIDS and HIV. Ultimately Keith Cylar helped transform Housing Works into one of the Nation's premier agencies providing housing to those afflicted by the AIDS epidemic. He accomplished this with caring and compassion, balancing a practical business acumen with a passionate advocacy that sometimes could be confrontational and uncomfortable for elected officials and bureaucrats alike. Indeed, because of the many demonstrations to protect City funding for programs serving people with AIDS that were organized in part by Housing Works, part of Park Row by New York's City Hall is still officially recognized to this day as ''People with AIDS Way.'' Passionate and uncompromising in his advocacy for the underprivileged and afflicted, Keith Cylar never wavered from his mission or failed to deliver for the clients who counted on him and Housing Works.

Because of his notable achievements on behalf of those battling disease and poverty and his indomitable and distinctive presence, Keith Cylar's spirit and determination have inspired us all. I ask my colleagues to join me in saluting his remarkable life and career, and recognizing him as a great American.

GUARDSMAN AND RESERVISTS FINANCIAL RELIEF ACT OF 2003

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GRIJALVA. Mr. Speaker, the passage of H.R. 1779 is a welcome first step in addressing the serious problems facing our National Guard and Reserve today. But as we once again mobilize more troops and send them off to fight, and possibly die, in an increasingly hostile environment, we must ask ourselves why legislation such as H.R. 1779 has become a necessary stopgap measure.

The very fact that Guard and Reserve members feel compelled to withdraw funds from their IRA's in order to pay the bills at home is unacceptable.

Yet, this is precisely the problem: Current compensation and benefits programs for the National Guard and Reserve were developed more than 50 years ago, when it was expected that they would be mobilized only in the most dire national emergency. Over the past dozen years, the Guard and Reserve contract has changed dramatically, with more than 40 percent of members being called to duty and in some cases, being repeatedly deployed without fulfilling the requisite off-duty time period. H.R. 1799 is a band-aid measure temporarily mending a broken system. Congress must and can upgrade Guard and Reserve compensation and benefits to better offset the demands and sacrifices imposed on the Guard and Reserve community.

It is a great injustice that those who selflessly and voluntarily serve our country are not repaid in kind. By this I mean that Guard and Reserve members are ineligible for military health coverage, except while on active duty or after age 60. Although covered by TRICARE when mobilized, many Guard and Reservists and their families are faced with changing doctors and dropping private coverage. We must provide adequate and comprehensive health care coverage for the Guard and Reserve community. It is my hope that this year's Defense Authorization Act will include permanent authority for a fee-based TRICARE coverage for all drilling Guard and Reserve members, and offer all such members the option to have the government pay part or all of their employer coverage premium during extended activations.

Loan forgiveness and increased education infrastructure funding for Guard and Reservists and their families should also be a top priority during this year's budget deliberations. Earlier this year, I received a letter from one of my constituents and his wife who are both Guard Members. Both were more than willing to serve their first tour of duty in Iraq, knowing full well that this would delay by a semester their graduate course studies. Six months later, both were facing yet another extension of active duty. Along with delaying their studies and future career path, they are now also incurring interest on a loan which is not being utilized. Congress must improve educational opportunities and benefits for Guard and Reservists by providing deferments and interest payments for borrowers of student loans who are called to active duty.

Health care, timely compensation, and education funding are only a few of the many

things we should and CAN provide to our Guard and Reserve members. Extending the military pay raise, providing meaningful tax relief for military families, and improving overall quality of life entitlement programs is the very least we can do for the families and servicemembers who have endured extraordinary—and in some cases—supreme sacrifices for our country.

The mistreatment of our Guard and Reservists and its repercussions on them and their families' morale and well-being must stop. Is it too much to ask that our government provide basic necessary services such as comprehensive health coverage and timely compensation to our Guard and Reserve members?

I urge my colleagues to include funding for these measures in this year's Defense Authorization Act and to push for passage of the many proposals addressing these issues which are currently stalled in Committee.

HEALTH CARE'S BREWING STORM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this week I had the pleasure of inserting into this forum a very good editorial from the Boston Globe about the excellent work that is done by Bristol Community College, which I have been privileged to represent for more than twenty years. It is important for us to spread good news. But it's also important for us to give people the bad news, especially when it is bad news that could be made worse if we do not act.

One of the most important institutions in the part of Massachusetts which I represent is the Southcoast Health System, which joins major hospitals in Fall River, New Bedford and Wareham. The President of that system, John Day, is an extremely knowledgeable student of health care in America, and not only does a first-rate job of administering the hospital system, he also has been an important source of information for me and others about health care policy.

Sadly, but honestly, he recently wrote an op-ed piece in the Boston Globe which began with the quote ''warning'' that ''a devastating health care crisis is closer than you think.'' John Day is deeply committed to providing the health care that people need, and he has been a leader in providing it to people of below average income in a part of the state of Massachusetts where that has been an issue. His eloquent plea for a change in our health care policy, and his dire—but hardly exaggerated—warnings about what will happen if we do not change, deserve our attention and I ask that his article be printed here.

HEALTH CARE'S BREWING STORM

(By John B. Day)

Warning: A devastating health care crisis is closer than you think. Like the side-view mirrors on our cars that warn us ''objects are closer than they appear,'' a rupture in the Massachusetts health care system is more of a real threat than it seems at first or even second glance. The professional health care that patients receive today has given us a false sense of security over the imperiled state of the entire system.

Patients across Massachusetts have been insulated from this reality by the health care community's medical, moral, and legal obligation to fulfill its mission at all costs. Patients continue to receive an abundance of health care services even as the economic vise on hospitals tightens.

The warning signs are easily recognizable—from the previously unacceptable delays in gaining access to doctors to the intolerably long waits in emergency rooms to ambulances being diverted from hospital to hospital. Because these cracks in the system have been incremental and the degeneration of the system gradual, we have come to accept them as routine when they are anything but. They are, in fact, alarm bells signaling the onset of a crisis.

Today's delays, long waits, and diversions are mere inconveniences compared to what may lie ahead. Do you want to see the day when patients are flatly turned away for lack of beds? Or when critical and costly services, such as psychiatric care, are eliminated? Or when resources become so scarce that only the fortunate few will have enough money and power to afford access to the advanced technologies and treatments to which many currently feel entitled?

Such dire scenarios may seem unthinkable in a state whose health care system was once the model for the nation. But there's a rapidly advancing storm poised to wreak havoc, already leaving shuttered local hospitals in its wake. In 1980 there were 118 hospitals in Massachusetts. Today there are 67.

As president and CEO of one of the largest community hospital systems in the state—and the largest employer in southeastern Massachusetts, it is my responsibility to issue the storm warning, before it hits us head-on.

I entered Massachusetts health care just after the famous blizzard of 1978, an act of nature that caused more destruction than most of us had ever experienced. The cost of the destruction and the loss of life might have been less had we the capability to warn people just how bad it was going to be.

Already, we are seeing the state eliminate insurance coverage for those who can least afford it. Health care providers are refusing to provide essential services because they cannot receive reimbursement for those services. For the first time, many of my colleagues at hospitals have begun to discuss the elimination of health care services.

SouthcoastHealth System, which I oversee, gives me a close look at this dilemma. Our patient population is older, sicker, and poorer than elsewhere in Massachusetts. More than 75 percent of our patients rely solely on Medicare and Medicaid, which reimburse hospitals substantially below our actual costs. Unlike public safety-net hospitals, community hospitals like Southcoast have no statutory entitlement to local or state funds in order to underwrite the cost of providing free care to the uninsured.

Our merger of St. Luke's Hospital in New Bedford, Charlton Memorial Hospital in Fall River, and Tobey Hospital in Wareham allowed us to stabilize the financial footing of our region's health care system. By cresting efficiencies of scale and sharing resources, we now provide care where it is needed most—in our own community. A decade ago there did not exist the continuum of care that is available today for tens of thousands of families in southeastern Massachusetts.

But while we are proud of these accomplishments, we know that mergers, consolidation, and cost-cutting maneuvers are not enough. The continuing state and federal funding cuts leave many hospitals with no choice but to cut core clinical services—services everyone expects to receive at their local community hospital.

During the blizzard of '78, many coastal residents refused to believe they were in real danger until the waves were crashing against their door. Let us not wait until we are on the brink of disaster to accept the dire circumstances that await us. It is time we recognize the tide is rising against the health care industry. It is imperative that state and federal governments, health care providers, industry leaders, and patients work cooperatively to find sustainable solutions to ensure that core medical services remain available to every resident of Massachusetts.

INTRODUCTION OF LEGISLATION DESIGNATING THE NEWELL GEORGE POST OFFICE IN KANSAS CITY, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MOORE. Mr. Speaker, joined today by Representatives TODD TIAHRT, JIM RYUN and JERRY MORAN, I am introducing legislation that would designate the United States Postal Service facility located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building.''

Newell Adolphus George served as a member of the 86th Congress, from 1959–61, representing the Second District of Kansas, which was redesignated as the Third District following the post-1960 congressional reapportionment. He was a member of the House Veterans' Affairs Committee. Born in Kansas City, Missouri, in 1904, he attended Hawthorne Grade School and Wyandotte High School in Kansas City, Kansas, as well as Wentworth Military Academy in Lexington, Missouri, and Park College in Parkville, Missouri.

After studying law at the University of Kansas City School of Law, Newell George obtained employment as a Capitol Hill elevator operator through the patronage of Senator George McGill of Kansas and graduated from the George Washington University Law School. He then was an attorney for the Reconstruction Finance Corporation in Washington, D.C., from 1935–1937, a regional counsel for the War Manpower Commission from 1942–43, and a regional attorney for the Bureau of Employment Security and the Federal Security Agency from 1937–52. After the Democratic Party lost control of the Executive Branch, George served as first assistant Wyandotte County Attorney from 1953–58. At that point, he began running for Congress, losing to incumbent Republican Errett Scrivner in 1954 and 1956. In 1958, however, a strong anti-Republican tide ran through the farm and western states, resulting in the defeat of numerous incumbent Senators and Representatives, including the defeat of Representative Scrivner by Newell George.

With Republican dominance returned to Kansas in 1960, Representative George was defeated for re-election by Robert Ellsworth of Lawrence, making Newell George the most recent resident of Kansas City to represent Kansas in the U.S. Congress. After his defeat, however, George was the first U.S. Attorney nominated for appointment by the new Kennedy-Johnson Administration. Newell George served as U.S. Attorney for Kansas from 1961–68. After losing another congressional race in 1968 to Representative Larry Winn, Jr., George practiced law privately in Kansas City, Kansas, and died in 1992.

Married to the former Jean Hannan of Kansas City, Kansas, Newell George was an intrepid public servant and active, concerned citizen. In addition to his political activities, he was a member of Abdallah Shrine, Scottish Rite; a master of the West Gate Masonic Lodge; president of the Kansas City, Kansas, Hi-12 Club; a member of the Kansas State Hi-12 Association; a member of the Breakfast Optimist Club; a member of the Wyandotte County, Kansas and American Bar Associations, the American Judicature Society, Delta Theta Phi law fraternity, the American Academy of Political And Social Science, the Kansas City, Kansas Chamber of Commerce, the Terrace Club, the Top o' the Morning Club, and the First Presbyterian Church of Kansas City, Kansas.

Newell George's other public service included membership on the Kansas Public Disclosure Commission; the Civil Service Commission of Kansas City, Kansas; the Kansas State Government Ethics Commission; and service as a director of the Kansas Multiple Sclerosis Society. Nicknamed ''Punk'' by his friends, George's other activities included managing a string of boxers, after boxing himself at Wentworth Military Academy; bowling; and adding to a collection of old books—mainly Bibles and McGuffey readers—begun by his father.

In short, Mr. Speaker, Newell A. George was the kind of community oriented, politically active individual who made things happen on the state and local level in so many American cities during the middle third of the twentieth century. With regard to Kansas and Kansas City, he was one of a small but hardy group of Democratic activists who kept two-party government alive in one of our country's most Republican states. It is fitting, therefore, that the House consider the legislation introduced today by the bipartisan Kansas House delegation that will designate Kansas City, Kansas', civic center post office in memory of U.S. Representative Newell George.

ISRAEL INDEPENDENCE DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. BACA. Mr. Speaker, I rise today to commemorate the 56th anniversary of Israel's independence.

For 56 years, Israel has faced existential threats. Born out of the ashes of the Holocaust, Israel has offered its shores to the most vulnerable of the world's Jewry.

Israel is a refuge to the persecuted and has rescued Jews from Germany, Morocco, Iraq, Iran, Cuba, Ethiopia, Russia and other countries where Jewish minorities were threatened.

She has persevered because to fail would take away the one safe haven that Jews around the world have from historical charges and anti-Semitic acts.

It was 56 years ago that the Jewish State of Israel declared its independence and became the first and only democratic nation in the Middle East.

In those 56 years, Israel has defended itself from war, terrorism and anti-Semitism. It has endured unbearable losses and terrible sacrifices.

As U.S. troops fight in Iraq, a safe and democratic Israel becomes ever more important. America stands side-by-side with the only democratic nation in the Middle East and commemorates the 56th anniversary of its independence.

HONORING NORTHSIDE COLLEGE PREPARATORY HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Northside College Preparatory High School of Chicago for its achievement on winning the first place title in the citywide Academic Decathlon and the second place position at the Illinois Academic Decathlon competition on March 13, 2004.

The Academic Decathlon is a team competition wherein students are tested through a diverse group of scholastic categories including: art, economics, essay interview, language and literature, mathematics, music science, social science and speech.

With up to nine members from each team competing in all ten events of the decathlon and representing a diversity of scholastic aptitude, the true spirit of this year's ''America: The Growth of a Nation'' theme has been advanced.

The decathlon, which was first created by Dr. Robert Peterson, has helped maximize the learning potential of young minds through competitive challenge. Northside College Preparatory has shown its ability to shine among the best and brightest of Chicago's academic community.

As winners of the citywide Academic Decathlon, the eight students from Northside College Prep High School went on to compete in the Illinois Academic Decathlon, and participated in the semifinals of one of the most prestigious high school academic competition in the United States.

I commend each of our Northside College Preparatory High School competitors: Andrew Miller, Catherine Cobb, Gathi Abraham, John Fitzgerald, Caitlin Lill, Aidan Roche, Geoffrey Kriston and Daniel Roe.

Reaching this level of competition is a tremendous achievement and one that deserves special recognition. Northside College Preparatory students set the strong example for academic excellence that the Academic Decathlon seeks to attain.

Mr. Speaker, I join with all residents of the Fifth Congressional District of Illinois in congratulating Northside College Preparatory High School on its achievement. I wish the Academic Decathlon competitors the best of luck and continued success as their education continues. I am very proud of these young and future leaders of tomorrow. It is my privilege to represent them in the U.S. Congress.

HONORING BILLIE JEAN KING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, I rise to honor Billie Jean King, a true American hero. King single-handedly revolutionized women's tennis, bringing world attention to the excitement of the women's game and fighting to ensure that men and women compete for equal prize money. King's brilliant play and unyielding quest for equal opportunities opened doors for all women competing in sports.

A true star in her own right, King won a record 20 Wimbledon titles (winning women's singles 6 times, doubles 10 times and mixed doubles 4 times), 13 U.S. Open titles and 29 Virginia Slims singles titles. King is the only woman to win U.S. singles titles on all 4 surfaces on which it has been played (grass, clay, carpet and asphalt). She is one of only 8 players to hold a singles title in each of the Grand Slam events. In 1967, she won the triple crown of singles, doubles and mixed doubles championships at both Wimbledon and the U.S. Open.

In 1968, King became professional and by 1971, she was the first woman athlete in any sport to earn more than $100,000 in a single year. Over the course of her career, she earned nearly $2 million in prize money. By the time she stopped playing competitively in 1984, she had won 71 singles championships and had been ranked in the world's top ten 17 times, number one in the world 5 times and number one in the U.S. seven times. Explaining her success, she has said, ''No one changes the world who isn't obsessed.''

King had been a strong advocate of women's tennis and women's rights throughout her career. She convinced her colleagues to form a players' union in 1973, the Women's Tennis Association. She was then the 1972 U.S. Open women's singles champion and had been outraged that her prize money was $15,000 less than the male champion. She threatened not to play unless the prize money was equalized by the following year and she persuaded U.S. Open organizers that the other women players would also sit out the game. In 1973, the U.S. Open became the first major tournament to offer equal prize money for men and women.

In 1973, she accepted a challenge from Bobby Riggs, former Wimbledon champion and self-professed male chauvinist pig. The prize was a winner-take-all $100,000. The heavily promoted match drew 30,472 spectators to the arena and attracted 50 million television viewers worldwide, a record for any tennis match. King played along with the theatrics: She was carried in on a litter by four men in short togas. Riggs was wheeled in on a rickshaw pulled by models he dubbed ''Bobby's Bosom Buddies.'' Once the game got underway, however, they were all business. King thrilled the crowd with an outstanding game of tennis, beating Riggs in straight sets, 6–4, 6–3 and 6–3. She proved that women's tennis was at least as exciting as the men's game, and that women deserved the same attention and prize money as their male counterparts.

King co-founded the Women's Sports Foundation, dedicated to promoting sports opportunities for women. In 1989 she helped found the coed World Team Tennis and served as its CEO. She is currently the director and official spokesperson for the organization, as well as a TV commentator.

Additionally, King coached the U.S. Olympic team, leading the U.S. squad to four Olympic medals. She also coached the U.S. Fed Cup teams to victory in 1976, 1996, 1999 and

2000. In 2003, she was awarded the prestigious Philippe Chatrier Award, the International Tennis Federation's highest honor. That year she was also one of six inaugural inductees in the Court of Champions at the USTA National Tennis Center.

In 1990, Life Magazine named her one of the 100 Most Important Americans of the 20th Century—the only female athlete to win the honor. She is a member of the International Tennis Hall of Fame and the National Women's Hall of Fame. She was also named Woman of the Year by Time Magazine in 1976. On April 27, 2004, King is the recipient of the National Woman's Party's Alice Award, in honor of her groundbreaking work on behalf of women in sports.

Mr. Speaker, I ask my colleagues to join me in celebrating the achievements of Billie Jean King, a sports legend, feminist, and champion.

TRIBUTE TO MARY ROSE DICKHAUT, SELECTMAN, TOWN OF CLINTON, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McGOVERN. Mr. Speaker, I rise today to pay special tribute to one of the many great local officials who provide such dedicated service to the cities and towns all across this country that we are privileged to represent. Because our office requires that we are frequently away from our constituents, I think we sometimes fail to fully appreciate and seldom still acknowledge the daily demands that our mayors, city councilors and selectmen encounter in the communities where they live and serve.

For no less than 18 years, Mary Rose Dickhaut has met and mastered those daily demands as a selectman in the Town of Clinton, Massachusetts. On Tuesday, May 4th, she will return to life as a private citizen, leaving behind a sterling example of civic commitment and selfless devotion to one's hometown.

Mary Rose's tenure both as a member of the Board of Selectmen and as Chairman is unsurpassed in a community widely known for its rich and vibrant political culture. Her public service is remarkable not only for its longevity and distinction as the town's first and only female selectmen but for its impressive record of achievement as well.

After nearly two decades, there is scarcely a local issue or major municipal project in the Town of Clinton that has not benefitted from the strong, steady and forceful advocacy of Mary Rose Dickhaut. She led the town in its historic battle against the Massachusetts Water Resources Authority to enforce a century old agreement to provide drinking water to the citizens of Clinton. She championed the restoration of the community's Town Hall, the revitalization of its downtown and the expansion of its police station. Long before it was fashionable to do so, Mary Rose urged the town to invest in its rapidly deteriorating water and sewer infrastructure. In 1999 and 2000, she cochaired the town's 150th Anniversary Celebration Committee which planned, among many other memorable events, the first Olde Home Days Festival in Central Park that has since grown to become a popular annual attraction for families from all over Central Massachusetts.

Mr. Speaker, while these very public accomplishments have placed Mary Rose's indelible handprint on the Town of Clinton, they do not begin to fully describe the tremendous contributions and sacrifices she has made on its behalf. As we know, many of the good deeds performed by elected officials go unnoticed and unrecorded. For 18 years, Mary Rose has graciously taken the nightly phone calls at home, politely endured the interrupted trips to the grocery store and faithfully attended the countless committee meetings and public hearings. She has endeavored whenever possible to help those who sought her capable assistance and to better her community for future generations to enjoy. Through it all, she has maintained a well-deserved reputation for honesty and integrity and earned the respect of her colleagues for her keen intellect, diligent work ethic and an unfailing fidelity to the town's best interests.

Mr. Speaker, the Town of Clinton, the Commonwealth of Massachusetts and the United States of America owe Mary Rose Dickhaut a debt of gratitude for her years of dedicated service. Accordingly, I respectfully request that this esteemed body convey its heartfelt appreciation to Mary Rose for her efforts and our best wishes for a happy, healthy and enjoyable retirement from public life.

Madam Chairman, you have earned it.

HONORING THE REV. DR. L.H. MAYFIELD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the Rev. Dr. L.H. Mayfield, a friend, fellow member, and retired pastor of Hyde Park Community United Methodist Church in Cincinnati, who will receive the Wesley Foundation United Methodist Campus Ministry in Cincinnati's 2004 Spirit Award on May 4, 2004.

Although he will be recognized by the Wesley Foundation for his work with young people, some say that Dr. Mayfield is best known for his attention to the needs of the poor, disadvantaged, and elderly. We can all agree that he celebrates life and has made a difference in all that he does.

The Wesley Foundation United Methodist Campus Ministry in Cincinnati has been serving Cincinnati's young adults in higher education since 1925. The Wesley Foundation's ministry is a welcoming, affirming community that nurtures spiritual growth and empowers students to explore, enrich, and practice their faith.

Dr. Mayfield was a member of the Wesley Foundation Board of Directors for 10 years. He was chairperson of the board while pastoring the Mt. Auburn United Methodist Church and serving as chaplain at Christ Hospital. Dr. Mayfield was instrumental in expanding Wesley Foundation to a full-time campus ministry with a building close to the university.

Dr. Mayfield has committed his time and energy to the Wesley Services Organization (WSO), a ministry that provides services to the elderly. WSO ministers to the elderly through Wesley Hall and Lincoln Crawford, both skilled nursing and rehabilitation facilities, and Wesley Community Services, which serves seniors in their homes. Dr. Mayfield has been a member of the WSO Board of Directors since 1965; and in 1980, he helped to raise the funds to build a new nursing facility for Wesley Hall. He also led the effort to regain Lincoln Crawford's financial stability.

Dedicated to many organizations in our area, Dr. Mayfield has volunteered with Hospice of Cincinnati, the Elizabeth Gamble Deaconess Home Association, the American Cancer Society, Cancer Family Care, and prison ministries.

Dr. Mayfield has received numerous awards for his community service. In 1999, he was the recipient of the Greater Cincinnati Foundation's prestigious Jacob E. Davis Volunteer Leadership Award, which is presented annually to an outstanding volunteer in the community, who then awards the money to a nonprofit organization. Dr. Mayfield designated WSO.

All of us in the Greater Cincinnati area thank Dr. Mayfield for his service and congratulate him on receiving this well-deserved honor.

EASTER CRACKDOWN ON THE MONTAGNARDS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SMITH of New Jersey. Mr. Speaker, Easter is usually a joyous time for Christians throughout the world. Unfortunately, that was not the case this year for many Montagnards Christians, ethnic minorities in Vietnam's Central Highlands. On Saturday April 10, more than a thousand ethnic minority Christians assembled in the streets of Buon Ma Thuot to protest ongoing religious repression and confiscation of tribal lands.

Their peaceful protests were met with brutal force by the Vietnamese police, who attacked and arrested the protesters and sealed off the area to foreigners—much like the Chinese Tiananmen Square massacre in 1989.

Numerous reports state that hundreds may be dead with many others arrested, injured, and or in hiding. This follows years of ongoing persecution and a brutal crackdown in December of 2001, when the government also forcibly suppressed mass protests in the region, after which the Vietnamese government closed hundreds of Christian Churches.

Religious persecution in Vietnam against Catholics, Christians, members of the Unified Buddhist Church, and members of Vietnam's indigenous religious groups has been well documented in the State Department's Country Reports on Human Rights and International Religious Freedom.

Last year, the Commission on International Religious Freedom recommended Vietnam should be designated as a Country of Particular Concern for ''systematic, egregious, and ongoing'' religious freedom abuses. As if there was any doubt, the Easter crackdown confirms the fact that Vietnam should be designated as a Country of Particular Concern for violations in religious freedom. Protections and

assistance for Montagnard asylum seekers should be provided also be provided by the Cambodian government and the UN High Commissioner for Refugees.

Congress will continue to keep up the pressure on the regime in Hanoi. We will work to pass H. Con. Res. 378, a resolution calling for the release of Father Nguyen Van Ly, a prominent and outspoken Catholic priest, that was reported out of the House International Relations Committee and has nearly 90 cosponsors.

And we will also work to pass H.R. 1587, ''The Vietnam Human Rights Act,'' which calls for careful monitoring of human rights in Vietnam. Similar legislation cleared the House 410–1 in the 107th Congress but stalled in the Senate.

Mr. Speaker, I would like to submit the following articles by Human Rights Watch detailing the events of the Easter crackdown, to the CONGRESSIONAL RECORD.

The United States and the world cannot turn a blind eye to this Easter crackdown and continual persecution of Montagnards and religious groups in Vietnam. We must take a stand.

[Article from Human Rights Watch]

VIETNAM: OPEN CENTRAL HIGHLANDS TO INTERNATIONAL OBSERVERS REPORTED KILLINGS OF MONTAGNARD PROTESTERS MUST BE INVESTIGATED IMMEDIATELY

(NEW YORK, April 22, 2004)—Vietnamese security forces appear to have coordinated with armed men in civilian clothing to savagely attack Montagnard protesters at more than a dozen mass demonstrations during Easter weekend, Human Rights Watch said today.

''The international community must act now and insist that Vietnam allow independent observers into the highlands to conduct a thorough and impartial investigation,'' said Dinah PoKempner, General Counsel for Human Rights Watch. ''We've received alarming reports that scores of protesters were wounded during the demonstrations, and that some protesters were beaten to death.''

Large-scale unrest involving between 10,000 and 30,000 indigenous minority Montagnards occurred in the Central Highland provinces of Dak Lak, Gia Lai, and Dak Nong on April 10 and 11, according to Vietnam's state media and independent accounts. Montagnard activists in Vietnam and abroad say that their movement seeks to peacefully press for religious freedom and return of ancestral lands in the Central Highlands. The Vietnamese government has charged that ''anti-government'' and ''counter-revolutionary'' elements are inciting the Montagnards to seek a separatist state.

Human Rights Watch has received first-hand reports that security forces and men in civilian clothing, armed with metal bars, shovels, clubs with nails attached to them, machetes, and chains, confronted Montagnard protesters at more than a dozen locations leading into Buon Ma Thuot, the capital of Dak Lak province, on the morning of April 10. According to witnesses, the demonstrators were not armed, although some defended themselves when attacked by throwing stones at the police.

In twelve eyewitness accounts obtained by Human Rights Watch, sources from seven different locations in Dak Lak, Gia Lai and Dak Nong provinces described seeing Vietnamese police, and civilians working with the police, beating protesters. Vietnam's state-controlled media reported that two protesters were killed—one from rocks thrown by other protesters and another who was run over by a tractor driven by Montagnards. While it is impossible to confirm the numbers of casualties because the government is barring outside observers from the region, to date Human Rights Watch has received credible eyewitness accounts that at least ten Montagnards were killed—one from a gunshot wound to the head and the others from beatings and hundreds were wounded.

Clashes broke out at more than a dozen locations when security forces and ethnic Vietnamese in civilian clothes blocked demonstrators on roadways leading into Buon Ma Thuot, including Phan Chu Trinh Road northwest of the city; at Ea Knir Bridge on the road from Ea Kao commune, which lies east of the city; and at three locations along the road leading to Krong Pak district town, which lies northeast of the city, including the Ea Pak and Krong Ana bridges. Particularly hard hit at Phan Chu Trinh Road were 3,000 protesters from several villages in Cu Mgar district, northwest of Buon Ma Thuot.

''The security forces were well prepared for the protesters,'' said PoKempner. ''They had set up ambushes at key places such as bridges and the main roads into the city, and assembled people dressed as civilians holding crude weapons to block the roads and attack the protestors.''

Security officials confiscated and burned hundreds of the farm tractors and makeshift trailers that many Montagnards were traveling on, which had been packed with food and supplies in preparation for several days of protests.

In Gia Lai province, Vietnamese state media reported that demonstrators from Ayun Pa, Cu Se, Dak Doa, Duc Co and Chu Prong districts gathered at the provincial administrative offices in Pleiku provincial town on April 10. on April 11, Montagnards gathered to demonstrate in numerous communes in Ayun Pa, Cu Se, and Dak Doa districts of Gia Lai. Human Rights Watch has received reports of clashes in at least seventeen locations in Gia Lai, with the fiercest incidents occurring in Ha Bau, A'Dok and Glar communes of Dak Doa district and Ia Tiem commune of Cu Se district.

State media reported that the provincial hospital in Pleiku received fifty-two injured people. The provincial hospital in Dak Lak reported forty injured people on the night of April 10. Prior to a government-imposed news blackout on hospital personnel, staff at Pleiku hospital told reporters that they had received scores of wounded people on Sunday night, many with deep gashes and head injuries, and that at least two demonstrators died that night. Many other wounded demonstrators, fearing arrest, have not gone to the hospitals despite being in need of medical attention, Human Rights Watch said.

Witnesses said authorities quickly collected wounded people and dead bodies from the Phan Chu Trinh area, and that within days, the blood on the roadway had been washed away.

Human Rights Watch stressed the urgency of an independent investigation. ''We fear that a huge cover-up operation has likely already taken place,'' said PoKempner. ''The Vietnamese government needs to account for the large numbers of people who never returned to their villages after the demonstrations and are now feared to be dead or detained at unknown locations.''

Hundreds of Montagnards have fled their villages and gone into hiding, Human Rights Watch said. In violation of Cambodia's obligations under international law, Cambodian security forces have been instructed to deport any Montagnards who try to cross the border.

TESTIMONY: THE KILLINGS ON PHAN CHU TRINH ROAD

A twenty-six year old Ede woman described a deadly incident she witnessed on Saturday morning, April 10 when several thousand Montagnard protesters, some riding on their farm tractors, arrived at Phan Chu Trinh road, an industrial area of machine shops and welding supply stores on the outskirts of Buon Ma Thuot. Police had lined up students and ethnic Vietnamese men in civilian clothing holding metal bars, shovels, and machetes along the roadway, she said.

''They suddenly rushed at the unarmed crowd, beating the demonstrators until many were lying in the streets,'' she said. ''They chased demonstrators who tried to flee, including children and women.''

She and many other demonstrators fled to the coffee fields behind the shops lining the roadway, chased by security forces. She described what happened:

''A thousand people tried to get away from the slaughter by the police and civilians. They were beating us with metal bars and sticks. People were bleeding from their throats, noses, mouths, and eyes. The villagers were crying as they tried to get away from the slaughter by the police and civilians. We were running helter-skelter. Those who tried to hide in the coffee plantation were caught, beaten and killed on the spot. Police, students, and Vietnamese threw rocks at us. Many of us were bleeding from being hit on our heads with rocks. Many people were injured and bleeding. We didn't have any first-aid for their wounds. They were bleeding from their throats, noses, mouths, and eyes. A blind woman sitting on the farm tractor was killed on the road by a dozen Vietnamese people, including police. They asked her to get down from the tractor but she could not because she was blind. They rushed at her and beat her until she fell from the tractor and died. The police and Vietnamese civilians smashed and stepped on our food, clothing and blankets we had prepared for a long-term peaceful demonstration asking for freedom and the end to harassment of our religion and our Montagnard life.''

HONORING NORVA MAXWELL, VISITING NURSE ASSOCIATION OF AMERICA CLINICIAN OF THE YEAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to congratulate Norva Maxwell of the Visiting Nurses Association of Central Jersey. Ms. Maxwell was recently chosen as the Visiting Nurse Association of America VNAA, Clinician of the Year among 90,000 VNAA Clinicians nationwide.

Norva Maxwell's holistic approach to patient care makes her highly effective as a community health nurse. Her clinical skills are impeccable. Her patience, sensitivity, and thoroughness allow her to detect problems others might have missed. In a number of instances, her experienced assessment has resulted in appropriate interventions for patients with assessment of respiratory distress, changes in mental status, or exacerbated injection.

Patients and families aptly describe Norva as ''a credit to the nursing profession.'' There

are countless examples of Norva going beyond the requirements of her job, visiting patients on her own time to bring them homemade chicken soup or picking up medications at the pharmacy.

Norva provides professional and empathetic care to people of all ethnic, cultural, and financial backgrounds in a very ethnically diverse service area. Due to her extensive knowledge of area social programs, Norva regularly develops a safety net of services for patients ready for discharge.

Norva is a member of the Salvation Army, and she and her family have worked at the Salvation Army camps for many years. Norva is always an active volunteer with a shelter for homeless families, and has made it possible for the families to spend a week at the camp each summer.

Mr. Speaker, again, I congratulate Norva Maxwell who's strong clinical skills, compassionate spirit and interaction with the community make her a true Ambassador for her agency and for neighborhood nursing.

REV. EDWARD LISOWSKI CELEBRATES THE ANNIVERSARY OF HIS 40TH YEAR OF ORDINATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. KLECZKA. Mr. Speaker, I rise today to acknowledge and honor the work of Father Edward Lisowski who is celebrating the 40th anniversary of his ordination into the priesthood of the Milwaukee Archdiocese. He was ordained by Archbishop William E. Cousins at St. John's Cathedral on May 30, 1964.

Over the years Father Lisowski has served in a variety of capacities including Pastor or Associate Pastor for 18 years. He has been a Chaplain for 22 years with the Department of Veterans Affairs, serving veterans at the Zablocki VA Medical Center and the North Chicago Veterans Administration Hospital.

Father Lisowski has devoted his life to serving parishioners and patients of all walks of life and has generously and compassionately offered his support and spiritual guidance. A gifted and talented speaker and educator he continues to offer his wisdom and comfort to all who are in need.

Born in Cudahy, WI, to Wallace and Victoria Lisowski in 1936 he received his first Sacraments at Holy Family Parish in Cudahy graduating from the grade school and later graduating from Don Bosco High School. He also completed a bachelor of arts in philosophy degree from De Sales University, which was followed by 4 years of study of Theology at St. Francis Seminary. Father Lisowski was also granted a master's degree from Marquette University in 1979. In addition to taking extensive and advanced training in Clinical Pastoral Education Father Lisowski has distinguished himself by serving on several prestigious professional boards and organizations.

I want to congratulate Father Lisowski on this his 40th anniversary of commitment to God and the Catholic Church and extend my best wishes to him on this important occasion.

TRIBUTE TO THE STATE OF ISRAEL ON THE 56TH ANNIVERSARY OF ITS INDEPENDENCE DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ACKERMAN. Mr. Speaker, I rise to add my voice to the chorus of Members sharing their warm wishes, praise, and congratulations to the State of Israel on its 56th anniversary of its Independence Day. I too am deeply gratified and proud of the many accomplishments of this relatively young country and the ancient people who have brought it into being and sustained it against astonishing odds.

Last week, Members commemorated Yom HaShoah, Holocaust Remberance Day; today, Yom HaAtzmaot, Israel Independence Day. Appropriately, we go from tragedy to celebration, but there is no question the two events and the two moods are inseparable. Without the singular tragedy of the Holocaust there might not have been a State of Israel created; with a State of Israel in existence, there might not have been a Holocaust. Bonded together are birth and death; bottomless despair and limitless hope.

Unquestionably, Israel has achieved more than anyone might have believed fifty-six years ago. The Jewish State has created and sustained the only true democracy in the entire Middle East. Faced with an unending series of defensive wars, stringent military service requirements and necessarily high defense spending, in the entire region, Israel is the only country which routinely lives with genuine respect for civil rights, rule of law, due process, and authentic elections that reflect the will of a free people. The only state in the Middle East with a culture that is Western and open, full of dissent and argument, pulsing with innovation in the arts and constantly open to change is Israel. In the sphere of economics, Israel has transformed itself into miniature powerhouse. Israel's economy is vibrant and dynamic, pushing the boundaries of technology and attracting venture capital at a remarkable rate. Israeli scientists, doctors and engineers routinely contribute to the body of human knowledge, and produce inventions that make all our lives safer, more convenient and more enjoyable.

Given the historic combination of its emphasis on education and technology, and the freedom enjoyed by the Israeli people, it is no surprise that Israel, with a population of only a few million, has a gross domestic product above $100 billion and an industrial base greater than all its neighbors combined. Not surprising but still miraculous.

Even more amazing is that Israel has achieved all this while also fulfilling its mandate as the safe harbor and refuge of the Jewish People. To succeed as Israel has is remarkable; to do so while absorbing millions of Jewish refugees from post-War Europe, the Arab states, from Ethiopia, and from the former Soviet Union is unfathomable. Millions of Jews from around the world, including this country, have made alliyah, have ''gone up'' to the Land of Israel, and made it their home. The result is a country which is an incredible mosaic, a new country formed in a timeless land by an ancient people.

And, as we all know, the Israel Defense Forces have made their reputation on the field of battle as one of the premier military organizations in human history. Unfortunately, tragically, they have been compelled to do so by circumstances not of their choosing. Israel has been under attack and at war for every single day of its existence. This painful fact is not now, and never has been, a result of the choices of Israel's government which has always sought peace and been desperate to make peace.

Mr. Speaker, no other country in the entire world is forced to endure a state of constant siege. No other country in the world regularly endures calls by other states for its extirpation. No other country in the world suffers the indignity of having terrorists committed to its destruction routinely described merely as ''militants,'' or praised as ''martyrs.'' No other country in the world is so unfairly isolated and routinely singled out for criticism and contempt.

Since President Harry Truman decided to ignore his advisors and chose to support the creation of Israel, the United States has been a true friend and ally to the Jewish State. Our values, our heritage, and our interests guide our special relationship, and it is no surprise our ties have only gotten stronger. In a time when both countries have been compelled to fight back against terrorism, there is no question we will only go from strength to strength.

Mr. Speaker, I am enormously proud of the ties between our nation and the State of Israel, and equally so, the support this House has shown again and again, without fail. On this occasion celebrating the 56th anniversary of Israel's Independence Day, I know the whole House joins me in extending to the Israeli people and their government the most enthusiastic of congratulations and best wishes for the many, many years of freedom and prosperity that are certain to come.

HONORING THE LIFE OF LAKE CHARLES NATIVE JEFFREY PARKER

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. JOHN. Mr. Speaker, on Friday, April 9, 2004, my district suffered the loss of a brave American. KBR Contractor Jeffrey Parker of Moss Bluff, LA, was killed in an attack on a fuel convoy while working as a truck driver in Iraq. Jeff was one of seven contractors and two U.S. soldiers reported missing in the attack.

As he is laid to rest in Louisiana, we honor his commitment to his family, his work, and his country. As his company noted, these contractors that lost their lives were ''brave hearts without medals, humanitarians without parades, and heroes without statues.''

Neighbors described him as a ''friend to everyone.'' Jeff was one of nine children in the Parker family. He was a father and a grandfather. He was to be married this summer after his work in Iraq was completed.

He took the job with KBR in Iraq to provide for his loved ones. He served his country in a vital support role and he tackled his job with courage, conviction, and bravery. He will be remembered as a hero whose spirit and determination defines the American spirit.

To his family, I humbly extend my thanks and the sincere appreciation of a grateful community, State, and country for his sacrifice. On behalf of the people of the 7th Congressional District and the U.S. Congress, I extend my heartfelt sympathy to the Parker family.

CONGRATULATING STUDENTS FROM NASHVILLE'S HILLSBORO HIGH SCHOOL ON THEIR ACHIEVEMENTS IN THE NATIONAL ''WE THE PEOPLE'' CIVICS COMPETITION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of students from Hillsboro High School in Nashville, Tennessee, who are this year's State winners of the Nation's largest annual competition in civics education: We the People: The Citizen and the Constitution. I am proud of these outstanding students for having earned a chance to represent our fine State and to compete in the national finals here in Washington.

These students should be honored not only for their achievements in this prestigious competition but for their interest in politics, government and current events. As citizens of this great Nation, we are all duty-bound to exercise the rights and obligations of citizenship. Recent times, however, have seen a steep decline in voter turnout and increased cynicism about the political process. I am refreshed by the energy and enthusiasm of these students and am impressed by their commitment to the democratic ideals of our Nation. These students will no doubt serve as role models for their generation.

I am also proud to support the annual We the People competition, which is the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. This program is administered by the Center for Civic Education and funded by the U.S. Department of Education. Since its creation, We the People has won widespread recognition for its effective and innovative programs to encourage civic participation in our younger generation. I am confident that Congress will maintain its support of this fine program and ensure its continued success.

On behalf of the people of the Fifth Congressional District of Tennessee, I extend my heartiest congratulations to the following Hillsboro High School students: Emily Bacon, Susan Bursch, Molly Caldwell, Juliane Codd, Maeve Cornell-Taylor, Jonathan Cox, Emelyn Davies, Alice Floyd, Maisha Grigsby, Claire Hipkens, Anna Holt, Hal Nichols, Caitlin Pinhey, Kaitlin Reinhardt, Andrew Schneider, Lauren Smyth, Michael Terrell, Lee Tice and David Winjun. I also commend the leadership of their teacher, Ms. Catherine Bradshaw.

I applaud the tremendous achievement of these students and wish them well.

IN HONOR OF THE 75TH BIRTHDAY FOR THE UNIVERSITY PARK ELEMENTARY SCHOOL

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to the 75th Birthday for the University Park Elementary School in Dallas, Texas. I am proud to represent the University Park Elementary School in Congress, and four of my staff members in my Washington, D.C. and Dallas offices are graduates of the Highland Park Independent School District, and so I am well aware of the quality education that University Park Elementary School and the Highland Park Independent School District deliver on a yearly basis. One of my staff members has three generations of his family that attended University Park Elementary School.

The State of Texas is celebrating 150 years of publicly educating young Texans, and along with this important anniversary is the 75th Birthday for the University Park Elementary School. This is a very special milestone in the history of the school, its students, families, teacher professionals, support staff, and the greater community that it has served with distinction for three-quarters of a century. I congratulate the school's principal Dr. Lynda Carter for her excellent leadership of the school during this birthday year.

University Park Elementary School opened its doors in September of 1928 with six teachers and 165 students. The school has come a long way from its initial academic year, as in 1988 the United States Department of Education cited University Park Elementary School for its excellence in education; and it has also received national recognition for excellence in the area of character development. In 2001, University Park Elementary School received special recognition from the Texas Commissioner of Education, Jim Nelson, for being one of the eight schools in Texas to receive an ''Exemplary'' rating for nine years of the rating system's existence.

University Park Elementary School will formally celebrate its birthday on Friday morning, and I am very much looking forward to being there personally in honor of such a great occasion. I sincerely salute the University Park Elementary School on its birthday, and I wish it continued success for many years to come.

PAYING TRIBUTE TO ALEX MADONNA

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to Alex Madonna of San Luis Obispo, California, in my district. Alex died on April 22, leaving a hole in the heart of his wife of 55 years, Phyllis, and in those of his large and devoted family. He will truly be missed by the people of San Luis Obispo County, and throughout the Nation.

Alex Madonna was a second generation American whose grandparents emigrated from Switzerland. A self-made man who was guided by a strong work ethic, Alex made his mark building and paving highways throughout the state and in numerous building projects. During World War II, Alex used his construction skills as a soldier in the Army Corps of Engineers. A champion of the agricultural community, Alex was also known as ''the host from the coast'' at the Madonna Inn, a landmark in San Luis Obispo.

In addition to his numerous business accomplishments, Alex Madonna was also a philanthropist of legendary proportions. Alex Madonna's generosity to the people and the organizations of San Luis Obispo is part of history. Nearly everyone in town has a story about a donation that Alex and Phyllis have made to our community.

San Luis Obispo will be wearing pink on Thursday, the day of Alex Madonna's funeral. The church will be packed with people wanting to say goodbye to a man whose life can be summed up in these words: determination, hard work and a great heart.

HONORING ISRAEL INDEPENDENCE DAY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FROST. Mr. Speaker, I rise today to celebrate Israel Independence Day on the 56th Anniversary of its birth as a state.

As Americans, we all take great pride in the founding of our country. The birth of Israel also serves as a sense of pride—not only to the people of Israel, but also to Jewish people throughout the world. Almost every day, we receive news of Israelis falling victim to terrorism and tragedy, yet every day, Israel stands as a symbol not just of the Jewish faith, but of freedom loving people who have the courage, even today, to live in danger, fight for freedom and work for peace.

While Israel and America were founded in different centuries, a world away from each other, both countries share similar values which provide a foundation for a strong society. These values are rooted in educating our children, keeping our families healthy, and protecting our citizens from harm.

I applaud Israel for all it has accomplished throughout the past 56 years. It has weathered war and terrorism, and yet it still remains a democratic state committed to improving the quality of life for all its citizens. The commitment to serve its people is the mark of a great country, because only when a state wants its citizens to succeed, will it too succeed. In its short but rich history, Israel has proven its success by this unwavering dedication.

Mr. Speaker, it is with honor and respect of Israel's great history, that I congratulate the country for its successes, and look forward to a long-lasting relationship between our two countries, based on our shared values.

NATIONAL CERVICAL CANCER SCREENING MONTH

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. OXLEY. Mr. Speaker, in honor of National Cervical Cancer Screening Month in January, I would like to bring attention to the tremendous opportunity our country has to make cervical cancer the first real victory in the war on cancer. For the first time in over 50 years, we have a new screening approach that offers great hope for finally eliminating cervical cancer. We must seize this opportunity by ensuring that all women have access to the best tests available.

Worldwide, cervical cancer is the second most-common cancer among women. Approximately 470,000 women are afflicted and 230,000 die each year, according to the World Health Organization. In the United States, incidence and deaths from cervical cancer have decreased by almost half since the early 1970s, largely due to widespread screening with the Pap test, according to the American College of Obstetricians and Gynecologists. However, research shows that cervical cancer rates have remained steady for the past few years. According to the American Cancer Society, over 10,500 American women will be diagnosed with cervical cancer this year and 3,900 will die.

No American woman, however, should die of cervical cancer because it is nearly 100 percent preventable. It is a slow-developing disease that can usually be treated easily before abnormal cells develop into cancer. According to the American Cancer Society, when detected at an early stage, cervical cancer has one of the highest 5-year survival rates of all cancers. The key to prevention and successful outcomes is to screen women early using the best screening approaches possible.

While the Pap test has gone a long way toward reducing cervical cancer rates, it is not perfect. It relies upon a visual examination of cervical cells, and errors in collecting the cells or interpreting them can lead to false-negative results. According to the Agency for Healthcare Research and Quality, the accuracy of the conventional Pap smear at identifying women with cervical cancer or precancerous conditions was only 51 percent. Newer, improved Pap tests bring that accuracy up to a range of 61 percent to 95 percent, depending upon the study cited.

While imperfect, the Pap test has been so successful to date largely because it is done with high frequency. If cervical cancer or its precursors are missed in one screening round, they are likely to be detected in a subsequent screening round. At the same time, women who receive ''false-positive'' results from the Pap test usually undergo necessary follow-up Pap tests or other procedures.

We know that a virus, human papillomavirus, (HPV) is the cause of cervical cancer. Studies show that it is found in 99.7% of cervical cancers and must be present for the disease to develop. Most people will be infected with HPV at some point in their lives, but their body's immune system will clear the virus without any noticeable symptoms. However, persistent infection over several years with high-risk types of HPV can lead to cervical cancer in women. Persistent HPV infections are more likely to be found in women aged 30 and older.

In 2003, a DNA test for HPV was approved by the U.S. Food and Drug Administration for routine screening in women aged 30 and over in conjunction with a Pap test. Numerous studies show that adding an HPV test to a Pap test can increase to almost 100 percent the ability to identify women with cervical cancer or precursor conditions. Additionally, HPV testing gives clinicians important information: the ability to identify which women are at increased risk of cervical cancer and who should therefore be monitored more closely to ensure that cervical cancer is not missed. Women who test negative with both tests can be better reassured, while reducing their need for unnecessary, invasive exams.

Since its approval last year by the FDA, HPV testing has gained rapid acceptance in the healthcare community. Already, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society and the Association of Reproductive Health Professionals, have updated their screening guidelines to include HPV testing in routine screening for women aged 30 and over.

These groups' guidelines recommend that, because HPV testing is so sensitive and because cervical cancer develops so slowly, that women can be safely screened with the combination of a Pap test and an HPV test every three years. Research shows that this can also result in lower long-term costs. With this approach, however, it is important that we not confuse infrequent cervical cancer screening with infrequent gynecologic visits. This essential annual exam also screens for such conditions as breast cancer, hypertension, osteoporosis and STDs. For many women, the gynecologic exam is their only opportunity each year for routine, preventive medical care.

Major private insurers now reimburse for HPV testing as well as covering a woman's annual gynecologic exam. These include Aetna, Cigna and many Blue Cross Blue Shield plans. Last month, Kaiser Permanente, the nation's leading health maintenance organization, announced that its largest region will now offer HPV testing, along with a Pap test, as standard-of-care cervical cancer screening for all women aged 30 and over. Earlier this month, the nation's largest women's health practice in the country also announced that it will offer HPV testing to all of its patients who are 30 and over as part of their routine cervical cancer screening program.

As the private healthcare system brings newer and better technology to women, we must make sure that all women have access to these advanced screening techniques. All women deserve to benefit from the most effective screening technologies available. Having advanced testing technology is the first step in eliminating cervical cancer.

250TH ANNIVERSARY OF HAMPSHIRE COUNTY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. CAPITO. Mr. Speaker, I rise today to honor the 250th Anniversary of Hampshire County, West Virginia, which I proudly represent here in Congress. The Virginia General Assembly authorized the creation of Hampshire County effective May 1, 1754, removing the South Branch, Patterson Creek, New Creek, and Capon River valleys from Frederick County, Virginia. It was named after the English county of the same name.

Hampshire County was established to provide an accessible local government for citizens on the north side of Cape Capon and Warm Spring Mountain and to more effectively deal with the conflicts stemming from the onset of the French-Indian war.

The history of Hampshire County extends longer than that of the United States or the State of West Virginia. The county has undergone several border changes over the years; at one time it included all of present day Mineral, Hardy, and Grant counties, along with portions of Morgan and Pendleton counties, an area extending 2,800 square miles. Today, the county has an area of just over 640 square miles, but continues to grow in population. The county's population grew by 22.5 percent between 1990 and 2000, and currently 20,798 people call Hampshire County home.

I am honored to represent Capon Bridge, Mill Creek, Romney, and the other communities of Hampshire County here in Congress. I congratulate Hampshire County on its 250th anniversary and wish the county all the best for the next 250 years.

WELCOME TO DANISH FOREIGN MINISTER DR. PER STIG MOLLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in welcoming to the United States and to the American Congress the Foreign Minister of Denmark, Dr. Per Stig Moller. Dr. Moller has served as his country's Foreign Minister since 2001. During his tenure, Denmark has shown strong support for the United States in the war against terrorism and has provided military forces to assist us in Afghanistan and Iraq. In a time of strained trans-Atlantic relations, the Danes have remained steadfast and unwavering supporters of the United States.

Denmark has contributed one of the largest Special Forces contingents in support of Operation Enduring Freedom in Afghanistan, as well as providing F–16 aircraft for use there. From the very beginning of Operation Iraqi Freedom, Denmark has been an active member of the coalition and has contributed combat forces including a submarine and a corvette, as well as a medical team. Denmark has shown its willingness to continue its support in Iraq with stabilization forces and financial and human support. To date, Denmark has appropriated more than 500 million US Dollars for Operation Iraqi Freedom, including assistance for humanitarian aid and reconstruction. This represents a contribution of some 100 dollars per person, making Denmark the country that has contributed the most per capita except for the United States and the United Kingdom. At present, more than 500 Danish soldiers are daily risking their lives in Iraq.

Mr. Speaker, on behalf of the American people, I want to express to the Danish people and the Danish government—and particularly to the families of those Danes who have made the ultimate sacrifice—our deepest gratitude for their assistance in the struggle in Iraq. Denmark has suffered both military and civilian deaths and casualties in Iraq.

Mr. Speaker, Dr. Moller has played a critical role in Denmark's support of our efforts against terrorism since he became Denmark's Foreign Minister in 2001. In addition, he has demonstrated remarkable foreign policy leadership during the Danish Presidency of the European Union in 2002. Under Denmark's leadership of the EU, the historic expansion of the European Union was agreed upon. Under Dr. Moller's leadership Denmark has affirmed its commitment to the war on terrorism and he has been dedicated to seeking a comprehensive and lasting peace in the Middle East.

Dr. Moller was born in Denmark in 1942. He received his MA in literature from the University of Copenhagen. In 1973, he received his PhD, and he is a highly respected intellectual. For many years he has been a widely read commentator in leading daily papers. For many years he was a member of the senior management of National Danish Radio, and he later became Chairman of the ''Radio Council,'' the Executive Program Board of National Danish Radio.

Born into politics, Dr. Moller followed in the footsteps of both his father and mother, who were leading conservative politicians. He became a member of the Danish Parliament in 1984, and since that time, he has been a leading spokesman for his party, particularly on foreign affairs and human rights issues. For more than a decade, he was a member of the Council of Europe. In 1997, he became the chairman of his party. Previous to his appointment as Foreign Minister, he served as Minister of Environment, where carried out extensive environmental reforms.

Mr. Speaker, Dr. Moller is the author of numerous books on a variety of themes—from the history of the Baltic Countries to environmental problems and the values of an ''open society.'' His book about Danish pastor Kaj Munk, who was a leading opponent of the German occupation of Denmark during World War II, became a national bestseller when it was published in 2000.

The political and intellectual efforts of Dr. Moller have been recognized in numerous honors and awards that he has received. In 1997 he was elected ''Politician of the Year'' in Denmark. He has received a series of prestigious Danish awards, including the ''Georg Brandes Prisen'' and ''Kaj Munk Prisen.'' Internationally, he has been recognized with numerous awards, including the Raoul Wallenberg Medal.

Mr. Speaker, I would be remiss if I do not mention another facet of Denmark's efforts to improve relations with the United States—an effort in which the Danish Foreign Ministry has played an important role. Each year for the past several years, the Humanity in Action program has brought Danish students to the United States to serve as fellows in offices and committees of the United States House of Representatives, and a similar number of American students have gone to Denmark to learn first-hand about the Danish political system. Thus far, some 60 students have participated in this program. This exchange is an important element in strengthening the bonds of understanding between Danes and Americans of the next generation of political leaders.

Mr. Speaker, the Congressional Friends of Denmark are hosting Foreign Minister Moller for his visit to Capitol Hill today. This Congressional member organization was established in 1999 to foster stronger relations with the government and people of Denmark. The Friends of Denmark include many members of this body who are of Danish heritage, who have Danish constituents, who seek to strengthen ties between our two countries and/or who admire the contributions of the Danish people and their government to international peace and security and respect for human rights. Mr. Speaker, urge my colleagues to join me today in welcoming and honouring Danish Foreign Minister Dr. Per Stig Moller on his visit to the United States Congress.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WAXMAN. Mr. Speaker, today we commemorate the 89th anniversary of the Armenian Genocide, a painful chapter in world history when the international community stood silent as Armenian villages were purged and systematically destroyed.

Between the years of 1915 and 1923, close to one and half million Armenians were killed while hundreds of thousands of others were mercilessly deported, exiled, and uprooted from their homes. Although the atrocities were documented by the United States and others, the information was never acted upon. Sadly, even today, the issue remains buried.

After 89 years, the victims and their descendants deserve better. No longer should their suffering go unnoticed or unmourned. Recognition of the Armenian Genocide is long overdue. It is time for the United States to make a concerted effort to overcome the historical denial that genocide took place, and put an end to the harmful isolation of Armenia that tragically continues.

We must identify ways to facilitate the lifting of the blockade against Armenia and encourage a peaceful resolution of the conflict in Nagorno-Karabagh. We must help Armenia continue to flourish as a burgeoning democracy, extend Permanent Normal Trade Relations (PNTR) status to strengthen her economy, and stand ready to help maintain her military strength.

Let us resolve ourselves to ensure that the coming year will be one that brings full recognition of the genocide that took place, and peace to the region and the memory of those who perished.

56TH ANNIVERSARY OF ISRAEL'S INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to recognize and honor the 56th Anniversary of Israel's Independence Day. With the establishment of the State of Israel in 1948, Jewish independence was restored.

I commend the Israeli people for their remarkable achievements in building a new state and a pluralistic and democratic society in the Middle East in the face of terrorism and hostility. On this occasion, I extend my warmest congratulations and best wishes to the state of Israel and her people for a peaceful, prosperous, and successful future.

Independence Day is a celebration of the renewal of the Jewish state in the Land of Israel, the birthplace of the Jewish people. In this land, the Jewish people began to develop its distinctive religion and culture some 4,000 years ago, and here it has preserved an unbroken physical presence, for centuries as a sovereign state, at other times under foreign control.

On this 56th Anniversary of the establishment of the State of Israel, we recognize that the Israeli people have created one of the leading nations in the fields of science, technology, medicine, and agriculture. The people of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees the freedoms of speech and press, and free, fair, and open elections with respect for the rule of law. With a strong democracy in a troubled part of the world, Israel has absorbed millions of new immigrants from all over the world. Some of these immigrants arrived without a single possession, but Israel welcomed them by providing housing, education, social security, and health care.

I rise also to condemn the rising tide of anti-Semitism around the globe and to demonstrate the United States' lasting bond of friendship and cooperation with Israel, which has existed for the past 56 years.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing and paying tribute to the state of Israel as she celebrates her 56th Independence Day and again extend my warmest wishes for a peaceful and prosperous future.

ISRAEL'S INDEPENDENCE DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to express my heartfelt congratulations on the 56th anniversary of Israel's Independence Day. Today we celebrate the rebirth of the Jewish State. On this land, thousands of years ago, the Jewish people developed their culture and continue to cultivate it today.

The ideals, which Israelis live with, and for, were enshrined in their declaration of independence and represented by David Ben-Gurion, a leader in the struggle to establish the State of Israel, and the first Prime Minister. He presided over national projects, in order to rapidly develop the country, none more important than the airlift of Jews from other countries. There are over 6.7 million people, over 5.5 million of them Jewish, currently living in Israel.

Faced with constant fear and terror I commend the Israelis for creating and maintaining a viable democracy, founded on liberty, justice, and peace. They have overcome and accomplished so much in a short amount of time. Lasting peace between Israel and its neighbors remains the ultimate goal and peace has been achieved in certain regions. Together, we can make realize the ultimate goal of peace with all of Israel's neighbors and share legitimate security and success.

Mazel Tov!

TRIBUTE TO RETIRING SHERIFF JOHN HEMEYER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SKELTON. Mr. Speaker, it has come to my attention that my good friend John Hemeyer will retire as Sheriff of Cole County, Missouri. He has held the office since 1986.

Sheriff Hemeyer has had a long and respected career in law enforcement. On the job, he is respected as a co-worker and boss. He has shown concern and a willingness to help those with whom he serves. He has personally touched the lives of countless Cole County residents. He has been described as always willing to enter any situation first, which is an admirable trait for those who serve the community as first responders.

For almost two decades, Sheriff Hemeyer has been willing to let those he serves, the people of Cole County, make the decision as to whether or not he would return as sheriff, and the voters have asked him to stay every time. This year, he has decided to take a well-deserved retirement. His decision to not seek another term was met with sadness and an outpouring of appreciation for his years of dedicated service and a job well done.

Mr. Speaker, I am sure the Members of the House will join me in honoring Sheriff Hemeyer for his years of service and in wishing him all the best in the days ahead.

CONGRATULATING WILLIAM F. ALDINGER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. KIRK. Mr. Speaker, I rise today to express my congratulations to a business leader from the 10th Congressional District of Illinois, Mr. William F. Aldinger, CEO of Household International—and now HSBC North America—on his recognition by the Friends of Adam Smith (FOAS) for the 2004 Business Citizen medal tonight.

I have had the pleasure to get to know Bill over the past several years and I am thrilled the FOAS has recognized his leadership in community service, involvement and public policy. By visiting their headquarters in Prospect Heights, Illinois, to learn how they serve over 50 million customers, I have seen how Household has helped empower its employees to play a more active role in politics and good government by conducting internal voter registration drives.

With almost 6,000 employees in Illinois—and 50,000 throughout the United States—I have seen first hand how Household-HSBC is active in their community under Bill's leadership. Whether with Junior Achievement, the American Cancer Society, Neighborhood Housing Services of Chicago, Habitat for Humanity and many more, Household-HSBC employees are constantly working to make their communities better places to live. Finally, I believe the Business Citizen medal is not just an award for Bill Aldinger, but all his employees. Congratulations Bill, and all members of the Household-HSBC North America team, and keep up the great work.

ARMENIAN GENOCIDE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VISCLOSKY. Mr. Speaker, I rise today in solemn memorial to the estimated 1.5 million men, women, and children who lost their lives during the Armenian Genocide. As in the past, I am pleased to join so many distinguished House colleagues on both sides of the aisle in ensuring that the horrors wrought upon the Armenian people are never repeated.

On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community were brutally executed by the Turkish government in Istanbul. Over the course of the next 8 years, this war of ethnic genocide against the Armenian community in the Ottoman Empire took the lives of over half the world's Armenian population.

Sadly, there are some people who still deny the very existence of this period which saw the institutionalized slaughter of the Armenian people and dismantling of Armenian culture. To those who would question these events, I point to the numerous reports contained in the U.S. National Archives detailing the process that systematically decimated the Armenian population of the Ottoman Empire. However, old records are too easily forgotten—and dismissed. That is why we come together every year at this time: to remember in words what some may wish to file away in archives. This genocide did take place, and these lives were taken. That memory must keep us forever vigilant in our efforts to prevent these atrocities from ever happening again.

I am proud to note that Armenian immigrants found, in the United States, a country where their culture could take root and thrive. Most Armenians in America are children or grandchildren of the survivors, although there are still survivors among us. In my district in Northwest Indiana, a vibrant Armenian-American community has developed and strong ties to Armenia continue to flourish. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and his distinguished service in the House serves as an example to the entire Northwest Indiana community. Over the years, members of the Armenian-American community throughout the United States have contributed millions of dollars and countless hours of their time to various Armenian causes. Of particular note are Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional District, who have continually worked to improve the quality of life in Armenia, as well as in Northwest Indiana. Three other Armenian-American families in my congressional district, Dr. Aram and Mrs. Seta Semerdjian, Dr. Heratch and Mrs. Sonya Doumanian, and Dr. Ara and Mrs. Rosy Yeretsian, have also contributed greatly toward charitable works in the United States and Armenia. Their efforts, together with hundreds of other members of the Armenian-American community, have helped to finance several important projects in Armenia, including the construction of new schools, a mammography clinic, and a crucial roadway connecting Armenia to Nagorno Karabagh.

In the House, I have tried to assist the efforts of my Armenian-American constituency by continually supporting foreign aid to Armenia. This past year, with my support, Armenia received $84 million in U.S. aid to assist economic and military development. In addition, on April 16, 2004, I joined several of my colleagues in signing the letter to President Bush urging him to honor his pledge to recognize the Armenian Genocide.

The Armenian people have a long and proud history. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee, which allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had either been killed or deported.

While it is important to keep the lessons of history in mind, we must also remain committed to protecting Armenia from new and more hostile aggressors. In the last decade, thousands of lives have been lost and more than a million people displaced in the struggle between Armenia and Azerbaijan over Nagorno-Karabagh. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Azerbaijan, Turkey, and other countries continue to engage in a debilitating blockade of this free nation.

Consistently, I have testified before the Foreign Operations Appropriations Subcommittee on the important issue of bringing peace to a troubled area of the world. I continued my support for maintaining the level of funding for the Southern Caucasus region of the Independent States (IS), and of Armenia in particular. In addition, on February 26, 2004, I joined several of my colleagues in sending a letter to President Bush urging nim to ensure parity in military assistance between Armenia and Azerbaijan.

Mr. Speaker, I would like to thank my colleagues, Representatives JOE KNOLLENBERG and FRANK PALLONE, for organizing this special order to commemorate the 89th Anniversary of the Armenian Genocide. Their efforts will not only help bring needed attention to this tragic period in world history, but also serve to remind us of our duty to protect basic human rights and freedoms around the world.

ISRAEL INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MENENDEZ. Mr. Speaker, today, I am proud to join my colleagues in the United States Congress and world leaders in celebrating the creation of the State of Israel on this 56th anniversary of Israel's Independence Day. On this historic day, we honor the achievements of the Jewish people and the Jewish state, and salute a young and proud nation that has accomplished so much in so little time.

In the 56 years since independence, Israel has welcomed immigrants from all corners of the world as her population grew from 806,000 to 6,780,000 people, including over a million new immigrants from the former Soviet Union. Israel today is a vibrant democracy, the only democracy in the Middle East, and a world leader in technology and agricultural innovation for arid regions.

We must remember that these great achievements have come at a great cost. More than 20,000 Israel Defense Force members have died fighting for the cause of a Jewish state in the years since the war of independence—over 185 Israeli soldiers in the past year alone, since the last Remembrance and Independence Days.

And we must also honor and remember those innocent civilians who have been killed by terrorists trying to destroy the State of Israel and her people. In the last year, at least 176 people were murdered and 906 wounded in terrorist attacks.

On this Day of Independence, the United States of America and Israel stand side-by-side in our commitment to democracy, to peace, and to the State of Israel. The United States will never flinch and will never waiver in its support for the safety and security of the State of Israel and of her people.

A SPECIAL TRIBUTE TO LIEUTENANT COLONEL RICHARD W. LAUGHLIN ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a special person in Ohio's Fifth Congressional District. This year, Lieutenant Colonel Richard W. Laughlin, Professor of Military Science and Leadership at Bowling Green State University, will retire after 20 years of distinguished service in the United States Army.

Mr. Speaker, Lieutenant Colonel Laughlin graduated from the United States Military Academy at West Point in May of 1984. His hard work and dedication at West Point, the Army's pinnacle of leadership, was exceptional. Upon graduation, he branch selected artillery.

LTC Laughlin graduated from the Field Artillery Officers Basic Course in 1985, and his competence and professionalism in that field served the Nation well as he advanced in rank. Over a period of 8 years, serving at Fort Sill, Oklahoma and at Fort Richardson, Alaska, LTC Laughlin was promoted to first lieutenant and then to captain while serving as Fire Direction Officer, Battery Executive Office, S2, Headquarters Battery Commander, and as assistant S3.

Assigned to the University of Pittsburgh as an assistant professor for military science in 1993, LTC Laughlin was awarded the Governor's Cup for the Commonwealth of Pennsylvania as the best ROTC battalion in the state in 1994. While serving as Chief of Operations for the 1st Cavalry Division at Fort Hood, Texas, he was promoted to the rank of major. He then transferred to Fort Hood, Texas to serve as Rear Detachment Commander, 82nd Field Artillery. Under his able leadership, the 82nd trained and deployed thousands of combat-ready soldiers to the Bosnian conflict in 1999.

LTC Laughlin began his current assignment as a Professor of Military Science at BGSU in 2000. Under his guidance, the ROTC program has been forged into a respected hallmark of the University, with program members participating in numerous campus events. LTC Laughlin's 20-year commitment of distinguished service to his country leaves as its legacy a stronger Army of able combat-ready forces, and a generation of students inspired by his dedication and courage.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the steadfast patriotism and unwavering spirit of Lieutenant Colonel Richard C. Laughlin. I am confident that his example will serve as an inspiration to a new generation of soldiers who, like him, will be brave and vigilant guardians for the United States and its citizens. May he now enjoy the freedoms and liberties that he has so ably helped to protect over his distinguished career.

ARMENIAN GENOCIDE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. HONDA. Mr. Speaker, I rise today to ask the Members of the House to join us in recognizing past instances of genocide and reaffirming our Nation's commitment to never again allow the perpetration of such atrocities anywhere on this earth. House Resolution 193 appropriately reaffirms America's obligation to international genocide conventions, and underscores the importance of recognizing past crimes against humanity, including the Holocaust and the Armenian, Cambodian, and Rwandan genocides.

We all know that silence in the face of genocide only encourages those who would commit such atrocities in the future. Israel Charney, the noted genocide and Holocaust scholar, has written extensively about the psychology of genocide denial. He has explained to the world what we should all know from history: to deny genocide is to celebrate the mass murder and to endorse the doctrine of corrupt power that brought about the destruction in the first place. To erase agonizing memories of genocide only mocks the sensibilities of the victims and their descendents—in essence, once again, victimize the victims.

For this reason, America must recognize the Turkish massacre and displacement of Armenians as an act of genocide. The House Judiciary Committee, upon its unanimous approval of the Genocide Resolution, described the Armenian Genocide in the following terms:

> Beginning in 1915, the Islamic Turkish state of the Ottoman Empire sought to end the collective existence of the Christian Armenian population. From 1915 through 1918, during World War 1, the Ottoman Empire subjected the Armenian people to deportation, expropriation, abduction, torture, massacre, and starvation. The atrocities were renewed between 1920 and 1923. It is estimated that one and a half million Armenians were killed out of over two million Armenians who had lived in the Ottoman Empire. It should be noted that these activities ceased with the institution of the new Republic of Turkey in October, 1923.

U.S. recognition of the Armenian genocide is long past due. By failing to admit and recognize atrocities that clearly took place we undermine our Nation's credibility and commitment to combat genocide. On April 24, President Bush issued his annual message in remembrance of the victims of the Armenian Genocide—only he failed to use the word ''genocide.'' In failing to refer to the Armenian Genocide accurately, he has turned his back on his own campaign pledge and on 190 Members of Congress who want the Armenian Genocide recognized.

It is not enough to say ''never again.'' We must take concrete steps to give it meaning and to bolster our own resolve. Passing House Resolution 193 is a small but important step in this ongoing effort to thwart those who would commit genocide. It is the least we can do for the millions who have been killed in Turkey, Germany, Rwanda, and Cambodia. Understanding the lessons of these tragedies will help prevent future crimes against humanity.

Mr. Speaker, I appreciate this opportunity to honor the victims of genocide, and to urge my colleagues to always remain cognizant of the pledge our Nation has made to prevent future acts of genocide.

INTRODUCTION OF THE FEDERAL DISASTER CONSUMER PROTECTION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. BORDALLO. Mr. Speaker, today I am introducing legislation that would protect the credit histories of consumers residing in areas where damages caused by a disaster impede the efficient payment of debts. My bill would provide an important safeguard for individuals living in disaster-prone regions in order to ensure that their financial histories are not adversely affected by an inability to make prompt payments during and in the immediate aftermath of a Federally Declared Disaster Area.

I am concerned that public law does not provide a consistent legal means for consumers to rectify credit discrepancies occurring during a period in which their residence was included in a Federally Declared Disaster

Area as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While I understand that many financial institutions do institute voluntary programs to give such customers reasonable flexibility in making payments, I also understand that these policies are not required nor are they uniform. Additionally, even where voluntary policies are instituted on the part of financial institutions, inevitably some mistakes will be made. The process of reconciling a credit report is often very difficult and time consuming, and disaster victims already face enough burdens during the recovery process.

The Federal Disaster Consumer Protection Act will assist victims of a disaster by allowing for a 7-day grace period beginning on the date on which the disaster area is declared. If the due date on a payment falls on 1 of those 7 days, an affected consumer would be able to request that any adverse credit report as a result of a late payment be removed from his or her credit history. To prevent abuse, the consumer would had to have made his or her account current within 30 days of the due date in order to exercise this protection. This legislation would also give the Secretary of the Treasury discretion to extend the grace period if he or she sees fit.

My bill proposes minimal standards that should not be a burden on those responsible financial institutions that already have a fair policy for dealing with consumers adversely impacted by a disaster. While I do believe that financial institutions should implement fair policies with regard to bank fees and other penalties for late payment during a disaster, my bill does not impose any new regulations with regard to these issues. The sole purpose of this legislation is to protect the consumer's credit. Support for this legislation will help reduce the risk of inaccurate credit reporting impeding the financial recovery of already vulnerable consumers residing in a Federally Declared Disaster Area.

ON THE 56TH ISRAELI INDEPENDENCE DAY

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. MAJETTE. Mr. Speaker, I rise on this Yom Ha'atzmaut, Israel's Independence Day celebration, to congratulate the people of Israel in their fifty-sixth year. I would like to recount a brief passage from Yitzchak Rabin, a warrior of peace, upon the occasion of his signing a Declaration of Principles for the Oslo Peace Accords in Washington, in what seems like a forever ago, in 1993. Prime Minister Rabin said then:

> We have come from an anguished and grieving land. We have come from a people, a home, a family that has not known a single year, not a single month, in which mothers have not wept for their sons. We have come to try and put an end to the hostilities so that our children, and our children's children, will no longer experience the painful cost of war, violence and terror. We have come to secure their lives and to ease the sorrow and the painful memories of the past, to hope and pray for peace.

On the fifty-sixth birthday of the State of Israel, we are still praying for that peace. Day after day, hour after hour, we see mothers weep for their sons and daughters. But we no longer see those images as distant—because it has happened here, too, in the United States. We know now that terrorism incurs irreparable pain and loss. The State of Israel has known this loss since its modern beginnings in 1948.

Our loss in the United States connects us to Israel beyond the often symbolic, annual gesture of alliance—we are dear friends, and our friendship runs deep. It is rooted in the values and ideals we share—Israel, a vibrant and passionate democracy which includes respect for diversity and religious freedom for all faiths, mirrors the proud character of the United States

And so, today, I wish the state of Israel and its citizens a peaceful birthday—last year I had the opportunity to visit Israel for the first time. Upon seeing the sunrise over the old city walls of Jerusalem, I was overwhelmed by the region's history. The leaders and citizens of Israel have yearned to achieve their vision of peace since the modern State of Israel was born. But this vision eludes us still. We cannot let this peaceful image go—we must continually strive to reach it.

Upon its establishment, the first official recognition of the State of Israel came from the United States of America. We have continuously demonstrated our support for Israel—and that support will be strengthened as we endure the pain of terrorism, and fight the battle for a lasting and secure peace, together.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WAXMAN. Mr. Speaker. I rise in honor of Israel Independence Day, Yom Ha'atzmaut, to celebrate the strength of the U.S.-Israel relationship and pay tribute to the people of Israel whose vibrant democracy and brave military stand beside us on the front lines of the war against terrorism.

In the fifty-six years since the establishment of the State of Israel, the United States has worked with Israel to create a wide array of foundations and forums for bilateral cooperation on issues ranging from agriculture, science, energy, and the environment, to the development of technology for military and homeland security needs.

We have also worked hard to build a robust economic relationship. Despite the small size of Israel's population, Israel's GNP is now higher than that of most of its neighbors combined. This is a testament to the openness of the Israeli economy and its high volume of trade with the United States.

Perhaps most fundamental, however, is our work together to advance peace and security in the region. While Israeli peace agreements with Egypt and Jordan are enduring cornerstones of this effort, the refusal of the Palestinian leadership to embrace a peaceful and democratic future remains a painful challenge.

Each year, on the Israeli calendar, the celebration of Yom Ha'atzmaut comes on the heels of Yom Ha'zikaron, Israel's Memorial Day, when the nation expresses its eternal debt and gratitude to the soldiers who gave their lives for the achievement of the country's independence and its continued existence. Tragically, over the past three years of Palestinian terrorism, hundreds of Israeli civilians have joined those fallen heroes on front lines that now encompass the doorstep of its cafes, buses, and supermarkets.

Although the Palestinians have attempted to justify their hatred as a reaction to Israel's settlement policy or its acts of self defense, the true source of violence is the Palestinian leadership's desire to annihilate the Jewish State even if it sacrifices the dream of Palestinian statehood.

That is why even as the United States remains an honest broker in the effort to reach a final peace settlement, as a nation fighting the threat of terrorism ourselves we must continue to act in solidarity with Israel and on behalf of its right to exist as a secure, democratic, and Jewish state for generations to come.

PAYING TRIBUTE TO THE HISTORY OF THE GREAT SAND DUNES NATIONAL PARK AND PRESERVE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McINNIS. Mr. Speaker, I rise today to highlight the grassroots effort to protect one of Colorado's greatest natural treasures: The Great Sand Dunes. I was privileged to play a part in this momentous and exciting process. My own effort to preserve this beautiful area began in 1989 on a family vacation to the Great Sand Dunes National Monument in Colorado's San Luis Valley, where I had a conversation with my friend Bob Zimmerman about his idea to re-designate the Great Sand Dunes National Monument as a National Park and Preserve. This conversation with Bob was the catalyst for a decade-long effort to put the Sand Dunes in their rightful place alongside the nation's other crown jewels as a National Park and Preserve.

A rare gem, Colorado's Great Sand Dunes cover an area of thirty-nine square miles and reach heights of 700 feet above the floor of the flat San Luis Valley, making them the tallest dune fields in the western hemisphere. The Dunes are nestled between rugged, snowcapped mountains that include 14,000-foot peaks peppered with pristine alpine tundra. The Great Sand Dunes of Colorado are a unique hydrological system that feeds one of Colorado's largest wetland areas and are home to beaver meadows and spacious grasslands that are dotted with beautiful mountain flowers. High mountain streams cascade first into pristine lakes situated above the timberline, flowing into dense spruce and fir forests, streaming farther to reach large Aspen groves, ponderosa forest, pinion-juniper woodlands, cottonwood and mountain willow riparian areas. As the newest member of America's National Park system, the Great Sand Dunes is one of the nation's most biologically diverse parks, encompassing wetland species such as sandhill cranes, the rare white-faced ibis, and Rocky Mountain species of bighorn sheep, marmots and ptarmigan. The park also represents a diverse cultural heritage, where Native American sites spanning thousands of

years, standing Ute Indian wickiups, mammoth kill sites, and a branch of the Old Spanish Trail traveled by some of the earliest Spanish people in America all sit side by side.

The Dunes themselves are a historic product of the wind and rain eroding the Sangre de Cristo and San Juan Mountain ranges that ring the San Luis Valley. For thousands of years prevailing westerly winds have come over the Rockies and down the flood plain of the Rio Grande River, picking up sand particles on the way. These dry surface layers of sand are deposited at the east edge of the valley before the wind rises to cross the Sangre de Cristo Mountains. This continuing process gradually enlarges and changes the shape and sand patterns of the dunes each day. Overall, the dunes maintain a stable form as a result of the combination of wind, topography, and moisture from rain and snow. Another unique feature of the Great Sand Dunes is a small stream called Medano Creek that is fed by melting snow and only flows during spring and early summer along the eastern edge of the dunes before disappearing below ground in the valley. Medano Creek displays a ''surge-flow'' behavior in that it flows in waves and is the best example of this phenomenon in the world. Under the ground of nearly half the valley is a fundamentally important aquifer that serves as both the principal source of ground water for irrigation and the maintenance of the Dune ecosystem. If the aquifer were even modestly depleted, the rivers and creeks that feed these dunes would dry up. Part of this vital aquifer underlies the scenic open-space Baca Ranch, consisting of 100,000 acres running alongside the Dunes. The expansive Baca Ranch property is critical to the preservation of the fragile Sand Dunes ecosystem and the economic life of the San Luis Valley. Following multiple water battles in the Valley, a plan came together whereby the Baca Ranch could be part of a solution to these water issues while also helping in the park's designation. The Great Sand Dunes National Monument is one of Colorado's greatest natural treasures and I am honored to bring the concerns of the people of the San Luis Valley to the attention of this nation.

The Great Sand Dunes National Park proposal was a ground-up, community driven effort to enhance the status of the Great Sand Dunes National Monument to a National Park and Preserve. The push to preserve the Sand Dunes area began in the 1930's as Elizabeth Spencer and other members of the Chapter V of the P.E.O. Sisterhood in Monte Vista, Colorado circulated petitions and wrote letters to elected officials in Washington to prevent construction and commercial mining companies from hauling off truckloads of sand. All of their hard work resulted in President Herbert Hoover's proclamation creating the Great Sand Dunes National Monument. It wasn't until the fall of 1999 that the movement to crown one of Colorado's natural jewels while preserving the agricultural way of life in the San Luis Valley began to take its next steps. Protecting the great natural environment of the Dunes came out of requests from citizens who represented the San Luis Valley. Several community members contacted me about trying to preserve and protect the Sand Dunes while putting an end to the decades long fight over efforts to export the Valley's water. This input from the local community was critical to the legislative proposal that I planned to draft and introduce at the upcoming Sand Dunes Summit.

In early December of 1999, I invited then Secretary of the Interior Bruce Babbitt, to participate in a public forum at the Great Sand Dunes to announce our efforts to work together on an initiative to re-designate the Sand Dunes as a National Park, and also to solidify the Administration's support for this proposal. Together with U.S. Senator BEN NIGHTHORSE CAMPBELL, U.S. Senator WAYNE ALLARD, and Colorado Attorney General Ken Salazar, I affirmed the importance of acquiring the Baca Ranch property as crucial to the fragile Dune ecosystem and an important step in protecting the water of the San Luis Valley. At the same time, the Nature Conservancy, under the leadership of state director Mark Burget, was considering entering into tough negotiations to purchase the Baca Ranch. I was encouraged by their dedication.

The communities of the San Luis Valley overwhelmingly supported the Great Sand Dunes National Park proposal. For several months following the Summit, I worked with my staff to consult with the communities of the San Luis Valley through town hall meetings over countless working weekends. Our goal was to develop a set of community-generated principles that would serve as the basis for my legislative proposal to Congress for the authorization of the new park.

Before going to work on this proposal in Washington, I sent my staff out in the community to learn the issues better than anyone else, so that the eventual draft legislation would adequately reflect local priorities. Ahead of the Summit, my staff had spent significant time on the ground, meeting with local citizens and officials who were interested in creating the Great Sand Dunes National Park, including county officers, Friends of the Dunes' supporters, the Nature Conservancy, and park officials. The information gathered through these meetings was instrumental in formulating the legislative proposal to create the Great Sand Dunes National Park and Preserve. For instance, one of the priorities voiced locally was the need to preserve the ability of the Colorado Division of Wildlife to manage the big horn sheep population. That required some creative problem solving, since typically hunting is not allowed in a park. That's where we came up with the idea to create a nature preserve, managed by the National Park Service, that would protect the aspects, such as the hydrology, that make the park unique, while also allowing for the hunting needed to manage the big horn sheep population.

Another creative idea that was implemented in the proposal was the designation of the Baca National Wildlife Refuge. That designation allowed for different management regimes than a national park. It was envisioned for land diverse enough to be managed for wildlife (including the overpopulated elk), while also flexible enough to account for an area that could support significant migratory bird populations, such as waterfowl, cranes and shorebirds, through continuation of many of the Ranch's irrigation practices. In this way, the park could become an economic draw in and of itself. Additionally, I listened to the wishes of the citizens of Saguache County who were concerned about the potential for traffic congestion created by a possible northern entrance to the park. I decided to include a locally driven advisory council that could be a platform for ensuring that these local concerns were considered when the management of the future park was being crafted. I was also able to offer the Forest Service some incentives to support the bill. While the Forest Service was very reluctant to give up the land that it was currently managing in what was to become the preserve, I was able to offer them the chance to manage the area of the Baca Ranch that includes the mountains, specifically the 14,000+-foot Kit Carson Peak. This helped ease some management headaches because of travel restrictions across the Baca Ranch that broke up the continuity of the forest and notably the 14,000-foot ridge. This enticement helped to eventually convince the Forest Service to support the goals of the legislation.

Finally, the most important part of this process was the innovative way in which my staff and I offered to protect the hydrologic resources of the area with an approach that respected the local water interests. This was a unique and creative effort to give the federal government the ability to protect the water in a manner that made everyone comfortable with the process. This is perhaps the lynchpin of the legislation, and one of the primary reasons for the bill. After all, it is the interwoven hydrologic system in the San Luis Valley that creates the Dunes themselves. In fact, without the water to move the sand back down to the dunes and create the conditions for the dunes themselves, the Valley's agriculture and Colorado's largest concentration of wetlands would cease to exist. It is important to remember that the San Luis Valley had just gone through a lengthy and expensive water fight with American Water Development Incorporated and Stockman's Water—a battle that led to two ballot initiatives in 1998 that the Valley worked together to defeat. As a result of that effort, the provisions in this bill that offered a way to protect the Dunes and the water and agriculture in the Valley ensured our success.

On March 28, 2000 I introduced H.R. 4095, a bill to establish the Great Sand Dunes National Preserve and authorize the Secretary of the Interior to re-designate the Great Sand Dunes National Monument as a National Park. This legislation was well received in the local community, where numerous organizations passed resolutions or wrote letters in support of my bill. My staff and I worked with members of the Administration, along with State and local government officials to bring this important legislation to the attention of my colleagues in the Congress. Without the support of many of these organizations and numerous dedicated individuals, this legislation would never have become law.

I am grateful for the support of several individuals who worked with us to make this legislation a reality. Christine Canaly of the San Luis Valley Ecosystems Council, a retired Adams State College professor and president of the Friends of the Dunes organization; Hobey Dixon, whose efforts to elevate the dunes and save the ecosystem, with special attention to keeping the water in the San Luis Valley, were instrumental to building a coalition of local support. Mike Gibson, former head of the Nature Conservancy's San Luis Valley Project; Ray Wright, the Chairman of the Rio Grande Water Conservation District; Ralph Curtis, the manager of the Rio Grande Water Conservation District. Ralph, along with the rest of the Colorado water community, were helpful in working with us to creatively forge consensus solutions to the water issues central to the ecosystem and the Valley's

economy. Their suggestions helped us to push for the purchase of the Baca Ranch property that is crucial to maintaining the fragile Dunes ecosystem. Mike Blenden, the local manager for the U.S. Fish and Wildlife Service, played a significant role in helping me to craft the ''Refuge'' portion of the bill. Steve Chaney, who serves as superintendent of the Great Sand Dunes National Monument and Preserve, was also an invaluable source of support and dedication throughout the entire process. I was fortunate to receive the support of Colorado State Legislators Gigi Dennis and Lewis Entz, who teamed up to pass a resolution in the Colorado legislature that supported our efforts to create the new National Park and Preserve. My staff and I were also grateful for the dedication of various individuals from the Governor's office and the Colorado State Land Board, who worked with us to help structure the finances of the Baca Ranch land purchase. The Action 22 organization also passed a supportive resolution encouraging the park's re-designation. However, this legislation could never have been successful without the initial support of the grass-roots efforts of people like local organizer Dion Stewart, Rio Grande County Commissioners Randall Brown, Doug Davie, and Vern Rominger, Alamosa County Commissioners Darius Allen, Charlotte Bobicki, and Bob Zimmerman, and citizens throughout the region.

Despite this overwhelming support from state and local officials, neighboring communities and statewide organizations, H.R. 4095 had opposition from two of Colorado's U.S. Congressional Representatives from Teller County and Eastern Colorado, whose disagreements centered on concerns over control of water usage in Colorado and a belief that the Great Sand Dunes National Monument was not on par with our other national parks.

In response to the clear intentions of the Representative from Teller County to kill the legislation through the Committee process in the U.S. House of Representatives, it became clear that we would have to try another route. I went to Senator WAYNE ALLARD and worked out a strategy with him to pass an identical measure in the Senate. Senator ALLARD quickly agreed and S. 2547 was introduced on May 11, 2000. Within a month, the Senate Committee on Energy and Natural Resources held a Subcommittee hearing and a full Committee mark-up. On October 5, 2000 the U.S. Senate unanimously passed S. 2547. Pursuant to a prior arrangement with the Speaker of the House, the following day the Senate-passed version of my bill was received in the House and held at the desk for subsequent consideration on the Floor. This parliamentary procedure is very unusual. On October 24, I debated well into the evening with my opposing colleague about the merits of the bill. I welcomed the support that I received from other members of the Colorado Congressional delegation, who spoke in favor of this legislation on the Floor. However, given the Representatives position on the Resources Committee at the time, we couldn't take anything for granted. That evening, after the debate, I had my staff personally deliver a ''Dear Colleague'' letter from me to each Member of Congress asking that they support my Sand Dunes bill, which would be voted on the next day.

On October 25, 2000, by a vote of 366 to 34, the House of Representatives overwhelmingly approved the legislation. On November 22, 2000, the President signed the legislation designating the Great Sand Dunes National Park and Preserve into law.

I was overjoyed with the enactment of our legislation, but I also knew that, in order to make sure the monument made the transition to a national park, the essential Baca Ranch property would need to be incorporated into the park. My staff and I have continued to work with the Nature Conservancy to stave off a few procedural battles and have asked for the necessary appropriations to acquire the funds necessary for the purchase of the Baca Ranch and the transfer of ownership from the Nature Conservancy to the federal government. As of April of 2004, we have managed to acquire all but roughly $3 million of the funding needed to go towards the closing costs to the U.S. Fish and Wildlife Service, which is the last step in re-designating the Great Sand Dunes National Park and Preserve. My staff and I have, in conjunction with U.S. Senator BEN NIGHTHORSE CAMPBELL, already made the request for the final appropriation. We are encouraged by the resolve of all of our supporters in this final step. It has been a long journey and I especially want to thank all of those devoted individuals and organizations that have worked with me to make this initiative a legislative success. The designation of this park is a tribute to the natural beauty of Colorado and the hard work of numerous capable and committed people. The realization of our goal is in sight, and I hope that in the very near future we will achieve our common dream of creating the Great Sand Dunes National Park and Preserve.

I'd like to thank Elizabeth Peetz of my staff who helped compile the history of these efforts.

ISRAEL AND THE UNITED STATES ON ISRAEL'S 56TH INDEPENDENCE DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANTOS. Mr. Speaker, I wish to congratulate Israel on its Independence Day, the 56th anniversary of the founding of the modern State of Israel. In 56 years, Israel has experienced more dangers and more triumphs, more success and more tragedy, more highs and lows than many states that have existed for many centuries longer. Throughout it all, Israel's indomitable spirit has conquered adversity.

Israel has much for which to be grateful. Foremost, Israel has so often been blessed with great leaders, with wise and visionary leadership. This tradition goes back to Israel's modern origins. At the end of the nineteenth century, the founder of the modern Zionist movement Theodor Herzl made the most preposterous and prophetic prediction I know of, when he asserted that a Jewish state would be born within a half-century. He made that prediction in 1897, when virtually nobody took the idea seriously. Fifty-one years later, in 1948, the state of Israel was founded.

In statehood, Israel's leaders have been practical, humane, bold, and peace-loving. It is a pity that Israel's neighbors generally have not been blessed with leaders of a similar type.

Mr. Speaker, David Ben-Gurion and the Zionist leadership were practical enough to accept the 1947 U.N. partition resolution, though they had hoped for much more. They were humane enough to treat their Arab citizens as equals when Arab leaders were threatening to drive the Jews into the sea. They and their successors were bold enough to do what is necessary to keep Israel and the Jewish people alive, regardless of what the rest of the world might think.

Usually, the world decides much later that Israel was right after all. Remember the bombing—the then much criticized bombing—of the Iraqi nuclear reactor Osirak in 1981? How universally scorned it was at the time. At that time, I was the only Member of the Congress to commend Israel for its action. How grateful the civilized world is now for Israel's bold move in 1981.

Once again, courageous Israeli leadership has come to the fore. As I speak, I have no idea whether Prime Minister Sharon's plan for unilateral redeployment from Gaza and parts of the West Bank will be accepted by the Israeli people, government, and Knesset. I do know that Prime Minister Sharon's plan demonstrates a clear commitment to establishing a structure of peace in the absence of a viable Palestinian peace partner. And I do know that the Israeli verdict on that plan will be arrived at democratically.

Mr. Speaker, Israel also has been blessed with the great friendship and unswerving support of the United States. It has earned this friendship not only because of shared strategic interests but also because Israel has fashioned a society that embodies the same fundamental values as our own.

Against impossible odds, Israel has established a vibrant, open, prosperous, free, and fully democratic society; a pluralistic society built by people from virtually every country in the world; a society that is politically, economically, and intellectually on a par with the best of the West. In fact, the Arab population of Israel enjoys incomparably more freedom and democratic rights than do those who live anywhere in the Arab world.

Mr. Speaker, the past four years have been among the most dangerous in the history of the State of Israel. The scale of Israeli loss in the so-called intifada is staggering—much of it the result of suicide bombings.

Israel should know that its friends in the United States stand in complete solidarity with it in its fight against terrorism. Its friends here will defend its right to protect itself against all forms of terrorism, against the scourge of those who place no value on human life. Its friends fully understand and support Israel's right to build a security fence to keep out suicide bombers. And Israel should know that its friends here won't be afraid to stand up to unjustified and disturbingly persistent criticism coming from Europe, from those who have managed to misunderstand the lessons of their own history.

And Israel should rest assured that its friends here agree that violence must end before negotiations begin. You cannot negotiate with terror; you can only defeat it. Only when the Palestinians learn that they cannot exhaust Israel through violence will they be ready for the kinds of political compromises necessary for a lasting peace. Israel's friends understand that.

Mr. Speaker, for Israel's friends, today is a day for joy, solidarity, and reflection. As we

join with our Israeli friends to celebrate the remarkable story of Israeli independence, we take special pride in the role our nation has played and continues to play in supporting Israeli security and in promoting the special bilateral relationship from which our nations have derived great and mutual benefit.

IN RECOGNITION OF EUNICE W. JOHNSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Eunice W. Johnson, a nationally known business leader and humanitarian. On May 2, 2004, she will address the 129th Commencement Exercises at Talladega College in Talladega, Alabama.

Eunice Johnson is a graduate of Talladega College with a B.A. degree in sociology and a minor in art. She grew up in Selma, Alabama, where her father, Dr. Nathaniel Walker, was a physician, and her mother, Mrs. Ethel Walker, was the principal of the high school and taught education and art at the college level at Selma University. Following graduation from Talladega College, Eunice Johnson earned her Master's degree in social work from Loyola University in Chicago. She also studied journalism at Northwestern University and interior decorating at the Ray School of Design.

Mrs. Johnson is the secretary-treasurer of Johnson Publishing Company, Inc., which was founded by her husband, John H. Johnson, in 1942. Johnson Publishing Company publishes Ebony and Jet magazines and is the largest Black-owned publishing company in the world. Since 1961, she has been producer and director of Ebony Fashion Fair, the world's largest traveling fashion show, which has donated over $49 million to the United Negro College Fund and other African-American charities. Out of her involvement in Ebony Fashion Fair, Mrs. Johnson created Fashion Fair Cosmetics, which is a world leader in cosmetics and skin care for women of color.

Eunice Johnson has been an active member of many community organizations in the Chicago area where she lives. She has received the Outstanding Black College University Alumnus Award from the Alabama A&M University Alumni Association and the Honorary Doctorate of Humane Letters from Talladega College and Shaw University. She is a Golden Life Member of Delta Sigma Theta and a member of the Advisory Board of the Harvard Graduate School of Business.

I am proud to recognize one of the most distinguished and successful alumni of Talladega College, Eunice W. Johnson, as she addresses the graduating class of 2004, and appreciate the House's attention to this important matter today.

CONGRATULATING GEORGE AND GERMAINE BRIANT

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize George and Germaine Briant, of Hammond, LA. George and Germaine were married on July 20, 1921. Having spent over 80 years together, I am proud to honor George and Germaine as Louisiana's longest married couple.

George Briant is a World War I veteran. He was awarded the Purple Heart and the French Legion of Honor due to his outstanding service to this country. Following in his father's footsteps, their son George fought in World War 11. In 1945 at the age of 25, George was killed during the filming of a movie while on leave from his military duties.

On February 14, 2003, the Briants were recognized by the Louisiana Family Forum as the longest married couple in Louisiana. A dinner was also held in honor of the Briants at the Louisiana Governor's Mansion last year. George and Germaine currently reside at Live Oak Village in Hammond, where they are often seen happily spending all of their time together.

I come to the floor of the House of Representatives today to personally commend and honor the marriage of George and Germaine Briant. They serve as living examples of lifelong commitment, love, courage, and faith. Again, congratulations to George and Germaine on 80 years of marriage. I wish you a very Happy Anniversary.

ISRAEL INDEPENDENCE DAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to mark the anniversary of the establishment of the State of Israel and to pay tribute to those who have given their lives for the achievement of the country's independence and its continued existence.

Israel's Independence Day comes just 8 days after the Holocaust Remembrance Day which is the day that has been set aside for remembering the victims of the Holocaust and for contemplating what can happen to civilized people when bigotry, hatred, and indifference reign. Lost 2 thousand years earlier, Jewish independence was restored in 1948 with the establishment of the State of Israel. Independence Day is a celebration of the renewal of the Jewish state and allows the Jewish people to continue development of their distinctive religion and culture.

However, their independence has come at a price. The State of Israel has faced obstacles and challenges to its very survival, with conventional military attacks leading the way to suicide bombers who have killed innocent Israeli men, women, and children. Through these adversities, Israel has endured with continued strength, conviction, and faith. As the only democracy in the region, it serves as a model for its neighbors and provides hope for the future. As the United States had to face the harsh realities of terrorism following the unthinkable attacks on our country on September 11, 2001, the bond between our nations has never been stronger.

Mr. Speaker, the commemoration of the independence of Israel is an important reminder of the contributions of Israel to democracy worldwide. Today, I ask my colleagues to join me in celebrating Israel's independence and to pay tribute to the fallen men, women, and children that have died in Israel's continued struggle for independence and democracy.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

Today, we continue the crusade to ensure that this tragedy is never forgotten. This 89th anniversary of the Armenian Genocide is an emotional time. The loss of life experienced by so many families is devastating. But, in the face of the systematic slaughter of 1.5 million people, the Armenian community has persevered with a vision of life and freedom.

Armenian Americans are representative of the resolve, bravery, and strength of spirit that is so characteristic of Armenians around the world. That strength carried them through humanity's worst: Upheaval from a homeland of 3,000 years, massacre of kin, and deportation to foreign lands. That same strength gathers Armenians around the world to make certain that this tragedy is never forgotten.

Without recognition and remembrance, this atrocity remains a threat to nations around the world. I've often quoted philosopher George Santayana who said: ''Those who do not remember the past are condemned to repeat it.'' And to remember, we must first acknowledge what it is—Genocide.

Tragically, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks. More than 500,000 were deported. It was brutal. It was deliberate. It was an organized campaign and it lasted more than 8 years. We must make certain that we remember.

Now, we must ensure that the world recognizes that Armenian people have remembered, and they have survived and thrived.

Out of the crumbling Soviet Union, the Republic of Armenia was born, and independence was gained. But, independence has not ended the struggle.

To this day, the Turkish government denies that genocide of the Armenian people occurred and denies its own responsibility for the deaths of 1.5 million people.

In response to this revisionist history, the Republic of France passed legislation that set the moral standard for the international community. The French National Assembly unanimously passed a bill that officially recognizes the massacre of 1.5 million Armenians in Turkey during and after WWI as genocide.

Several nations have since joined in the belief that history should beset straight. Canada, Argentina, Belgium, Lebanon, The Vatican, Uruguay, the European parliament, Russia, Greece, Sweden and France, have authored declarations or decisions confirming that the genocide occurred. As a country, we must join these nations in recognition of this atrocity.

I am proud to join more than 100 of my colleagues in cosponsoring H. Res. 193, which emphasizes the importance of remembering and learning from past crimes against humanity. We must demand that the United States officially acknowledge the forced exile and annihilation of 1.5 million people as genocide.

Denying the horrors of those years merely condones the behavior in other places as was evidenced in Rwanda, Indonesia, Burundi, Sri Lanka, Nigeria, Pakistan, Ethiopia, Sudan, and Iraq. Silence may have been the signal to perpetrators of these atrocities that they could commit genocide, deny it, and get away with it.

As Americans, the reminder of targeted violence and mass slaughter is still raw. We lost nearly 3,000 people on September 11. I cannot imagine the world trying to say that this did not occur. The loss of 1.5 million people is a global tragedy.

A peaceful and stable South Caucasus region is clearly in the U.S. national interest. Recognizing the genocide must be a strategy for this goal in an increasingly uncertain region. One of the most important ways in which we an honor the memory of the Armenian victims of the past is to help modern Armenia build a secure and prosperous future.

The United States has a unique history of aid to Armenia, being among the first to recognize that need, and the first to help. I am pleased with the U.S. involvement in the emphasis of private sector development, regionally focused programs, people-to-people linkages and the development of a civil society.

I recently joined many of my colleagues in requesting funding for Armenia including for Foreign Military Financing, for Economic Support Funds, and for assistance to Nagorno-Karabakh.

Armenia has made impressive progress in rebuilding a society and a nation in the face of dramatic obstacles. I will continue to take a strong stand in support of Armenia's commitment to democracy, the rule of law, and a market economy—I am proud to stand with Armenia in doing so. But there is more to be done. Conflict persists in the Nagorno-Karabakh region.

Congress has provided funding for confidence building in that region, and I will continue my support of that funding and the move toward a brighter future for Armenia. But in building our future, we must not forget our past. That is why I strongly support the efforts of the Armenian community in the construction of the Armenian Genocide Memorial and Museum. Because so many Armenians have spoken of the destruction, they have made certain that we remember.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to the next generation and help Armenia build its future.

IN RECOGNITION OF KIDS DAY AMERICA/INTERNATIONAL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in recognition of the ''Kids Day America'' event in Anniston, AL, to be held this year on May 15, 2004. ''Kids Day America'' is in its 10th year and is a special day set aside across the nation to address health, safety, and environmental issues that affect us as individuals and as a community. Wade Clinic of Chiropractic of Anniston is the official chiropractic office representing the event.

This year in Anniston, ''Kids Day America'' will benefit the Wellness Education Foundation, a national nonprofit organization formed for the purpose of educating communities across the country about wellness issues. The Anniston Police Department is bringing McGruff, the Crime Dog; the Calhoun County Sheriff's Department will be present to fingerprint ID children; the Calhoun County LINC Program will be presenting parenting workshops; the Health Department will be distributing information; and the Alabama Power Company will be presenting their ''SafetyOpolus.''

More than 1500 communities have participated in ''Kids Day America.'' With the help and support of thousands of local police departments, county sheriff offices, dentists, and photographers who volunteer, the children who attend will be able to complete their own Child Safety ID cards.

I salute ''Kids Day America'' for the service it provides and commend Wade Clinic of Chiropractic of Anniston, Alabama, for its sponsorship of this event on May 15, 2004.

CONGRATULATIONS TO ISRAEL ON ITS NATIONAL DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RANGEL. Mr. Speaker, I rise today to honor the people of Israel who celebrate their Independence Day today in accordance with the Hebrew calendar. Fifty-six years ago, on May 14 1948, the Jewish people proclaimed the establishment of their own state and Israel was born. After hundreds of years of diaspora and persecution and three years after the full terrors of the holocaust were disclosed to the world, the Jewish people were finally able to return to the land of their biblical roots.

The Israeli and the American people have had a special relationship ever since 1948. President Harry S Truman was the first head of state to recognize the new country. He had always seen the extraordinary connection of the American people and the Jewish population in the Middle East. In his memoirs he stressed that both the Americans and the Jews in the Near East were pioneers who turned unexploited lands into powerful engines of growth. Under the hard working hands and the sweat of the Jewish people, the bleak desert started to bloom and within years of its existence the state of Israel became an economical developed country which attracted immigrants from all over the world.

Even before the state of Israel was established, President Truman foresaw that the Jewish state would be a stable democracy with values similar to those of the United States. Truman admired Israel's first President Chaim Weizmann as a great statesman and the relationship of these two men was one of mutual understanding and respect. These sentiments are still dominant between Americans and Israelis today.

Israel has had to fight against external foes from the very beginning of its existence. With great bravery, the Israeli people have been defending their country for 56 years and have lost more than 21,700 soldiers and thousands of civilians in this struggle. Yesterday, the Israeli people observed a special annual day of remembrance for the victims of this fight. I want to express my sympathy to the people of Israel for their human losses in the past and in the present. The American people are deeply concerned about the ongoing conflict between the Palestinians and the Israelis and hope that these two people will soon find a way to live together in peace.

I wish the Israeli people a peaceful and cheerful Independence Day. They have every reason to be proud of their country.

ON THE LOSS OF LANCE CORPORAL MATTHEW K. SERIO

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of Lance Corporal Matthew K. Serio, a brave Marine who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Monday, April 5, Lance Corporal Serio was killed by enemy fire during combat operations near Fallujah, Iraq. A member of Charlie Company, 1st Battalion, 5th Marines, Lance Corporal Serio was serving his second tour of duty in Iraq. He graduated from North Providence High School in 2001, where he distinguished himself as a member of the football team. After graduation, he pursued a lifelong dream and immediately enlisted in the U.S. Marine Corps.

I extend my deepest condolences to his parents Anthony and Sharon, his younger brother Chris, and his older brother A.J., who serves in the Navy. The people of North Providence and Rhode Island have demonstrated their love and appreciation for Matthew's sacrifice and have spoken highly of his contributions to their lives. Those who knew him well recalled his friendliness and compassion, as well as his patriotism and love of service.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF THE DONOHO SCHOOL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to The Donoho School in Anniston, Alabama, on the occasion of the celebration the of school's 40th anniversary on Friday, May 7, 2004.

The Donoho School is an independent, college-preparatory day school in Anniston, Alabama, enrolling 366 students in pre-kindergarten through grade twelve. It was founded as a secondary institution in 1963 and chartered under the name of The Anniston Academy. In 1976, the name was changed to The Donoho School in recognition of Mrs. Harriet Wallis Donoho, a founder and benefactor of the school.

The Donoho School's mission is to provide a quality college-preparatory education to capable, highly motivated students. It is committed to the development of the total child by providing a challenging curriculum in an atmosphere conducive to good citizenship, personal integrity and devout religious principles. The school's academic, athletics, fine arts and other student activities are designed to fulfill this commitment.

As the Congressional representative for Anniston, Alabama, I have long been aware of the outstanding reputation The Donoho School holds in the local community and surrounding areas. I am proud to salute this fine school on its 40th anniversary.

CONGRATULATING DOROTHY NORIEA

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize Dorothy Noriea, of Mandeville, Louisiana. Dorothy has been named the Louisiana Breast Cancer Task Force's Board Member of the Year.

After being diagnosed with breast cancer in the summer of 1998, Dorothy underwent a lumpectomy, mastectomy, chemotherapy and radiation and completed treatment in 1999. Dorothy has since served as a member Louisiana Breast Cancer Task Force, an organization which puts forth an immeasurable amount of effort in working towards a cure for breast cancer.

In addition to her work with the Louisiana Breast Cancer Task Force, Dorothy also serves on the Board of the Mandeville PTA, the Greater Covington Junior League, the Beau Chene Garden Club, and the Presbyterian Women's Club. Her invaluable service to the community shows her to be selfless and full of strength and courage.

I come to the floor of the House of Representatives today to personally commend and honor Dorothy Noriea on being named the Louisiana's Breast Cancer Task Force's Board Member of the Year. I am honored that we as members of the U.S. Congress are able to recognize a woman who has been through so much in her own personal life yet still manages to give so much to the community. She deserves tremendous acknowledgement and appreciation for all that she has contributed to the citizens of Louisiana.

Again, I would like to thank Dorothy Noriea for so honorably representing the state of Louisiana.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

April 24, 1915 is remembered and solemnly commemorated each year by the Armenian community and others throughout the world. On that day, Armenian religious, political, and intellectual leaders were arrested in Constantinople, taken to the interior of Turkey and murdered. In the years that followed, Armenians living under Ottoman rule were systematically deprived of their homes, property, freedom, dignity, and ultimately their lives. By 1923, 1.5 million Armenians had been massacred and 500,000 more had been deported.

The Armenian Genocide is a historical fact, despite the efforts of some to minimize its scope and deny its occurrence. Many of the survivors of the genocide came to the United States, where they and their descendants have contributed to our society in countless ways. In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and a will to survive. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion and have told the story of the genocide to an often indifferent world. As Members of Congress and people of conscience, we must work to overcome the indifference and distortions of history, and ensure that future generations know what happened.

Mr. Speaker, genocide is the most potent of all crimes against humanity because it is an effort to systematically wipe out a people and a culture as well as individual lives. Denying that genocide took place when there are recorded accounts of barbarity and ethnic violence is an injustice. This was a tragic event in human history, but by paying tribute to the Armenian community we ensure the lessons of the Armenian genocide are properly understood and acknowledged. I am pleased my colleagues and I have this opportunity to ensure this tragedy is remembered.

CELEBRATION OF ISRAEL INDEPENDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. MALONEY. Mr. Speaker, today we commemorate Yom Ha'Atzmaut, Israel's Independence Day. For 56 years, Israel has been forced by its neighbors and many in the international community to fight for the right to exist. As the only country in the region with a popularly elected democracy, Israel remains our staunchest ally.

In the face of continuous terror, citizens of Israel try to lead a normal life. However, they remain haunted by acts of violence that they have witnessed. Sadly, many have felt the anguish of knowing someone who has been murdered. Many are afraid to ride buses, sit in cafes, or visit outdoor markets. The pursuit of happiness, often taken for granted in the United States, is summarily abridged by those that seek to destroy Israel.

The majority of Israeli citizens desire peace with their neighbors. They want to be free from terrorist attacks and free from the constant fear that plagues them. On this day, Yom Ha'Atzmaut, we must pledge to work to further the goal of peace in the Middle East and ensure the continued existence of the lone representative democracy in the region, our friend and ally, Israel. Let us not forget that this is a day of celebration for Israelis who commemorate the establishment of Israel with great joy. Against all odds, the fledgling Jewish State has survived and grown into a stable, economically strong country.

TRIBUTE TO NATIONAL ETHNIC COALITION OF ORGANIZATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RANGEL. Mr. Speaker, I am pleased today to pay tribute to an outstanding humanitarian organization, the National Ethnic Coalition of Organizations. NECO, as it is better known, celebrates its 20th anniversary this year.

NECO's mandate is simple but powerful, universal in scope and humanitarian in purpose. It seeks to preserve ethnic diversity, promote equality and tolerance, combat injustice and bring about harmony and unity among all peoples.

Since its founding in 1984 this multi-ethnic coalition has taken leadership in the promotion of diversity and has sponsored programs, activities and educational initiatives designed to break through the walls of ethnic misunderstanding and ignorance.

I am especially pleased and proud in this tribute to acknowledge the inspirational leadership and tireless work of NECO's Chairman and a good friend, William Denis Fugazy. Bill has been the leader of NECO throughout these 20 years and in that role has become one of our nation's most respected humanitarian leaders and a dedicated visionary, who constantly works to promote brotherhood and respect between all citizens.

NECO's most distinct program is familiar to many of you and to the general public. Each year since 1986, NECO has awarded the Ellis Island Medal of Honor. It honors Americans of various ethnic origins for their outstanding contributions to this country. It is an award that has been bestowed on all American Presidents since 1986 as well as Nobel Prize winners, leaders in entertainment, business and science and a number of members of Congress on a bi-partisan basis. I was proud

in 2001 to cosponsor a resolution which passed the House and Senate to recognize the Ellis Island Medal of Honor.

Beyond the Ellis Island Medals, NECO has provided leadership in a wide range of humanitarian and national civic work. This includes raising more than $1 million to renovate and refurbish the Immigrant Wall of Honor on Ellis Island, a wall which contains the names of more than 200,000 immigrants to the United States who first aimed to begin the American dream on Ellis Island.

One of the best-known of NECO's programs is the Forum Children's Foundation. This project involves sponsoring children from various third world nations who are in need of urgent medical assistance to come to the United States and receive this care. To date more than 30 children have been provided with surgeries and related care that could be characterized as either life saving or life changing in nature. The Foundation assumes the responsibility for the costs associated with the care and the transportation necessary to receive it. In this endeavor they have made a genuine difference in the lives of not only the children but their families as well.

NECO in its history has been deeply involved as an advocate to combat the rising local, state, and national problem of hate crimes. It began in response to one of the most heinous of all hate crimes that was committed against James Byrd in Texas. NECO in addition to helping the Byrd family with the funeral costs, also established two scholarships a year in conjunction with the James Byrd Jr. Foundation for Racial Healing. NECO has worked closely with the sponsors of comprehensive hate crime prevention legislation in both the House and the Senate working to educate and inform the Congress about the need to prevent hate crimes by providing law enforcement with adequate resources and responsibility. Today in our nation we average nearly 25 hate crimes a day and it is obvious that we must do more to combat the problem.

NECO is constant in its efforts to combat negative ethnic and racial stereotyping. This has included work with the Family Exchange Peace Program. This program brings thousands of school children and their families together to raise awareness about the diverse racial and ethnic heritage of New York City as well as to encourage racial, ethnic and cultural harmony.

NECO also is responsible for one of the most important Italian American organizations, the Coalition of Italo-American Associations. The Coalition representing 143 organizations around the nation with a membership of some 1.5 million works in conjunction with NECO on the key mission to fight discrimination including negative media stereotyping, and to spotlight the contributions which Italian Americans make and continue to make to America.

NECO also is responsible for the Forum Club, a leading business organization in New York City, which sponsors monthly high-level programs with prominent speakers from government, media and business.

Over the past 20 years NECO has distinguished itself in many humanitarian programs and initiatives. It has stayed true to its mission to promote the strength of diversity and to promote understanding and harmony. Its positive mission and message is challenged so often by some harsh realities of modern society such as hate crimes and discrimination, yet NECO's strength of character and sense of commitment has been unwavering.

It is a special honor for me to recognize NECO and its great work these past twenty years. I salute NECO's leadership including its Board of Directors, staff and volunteers and most especially their Chairman, Bill Fugazy. NECO is an outstanding model of an organization which does so well by doing such good.

THE LOSS OF MASTER SERGEANT RICHARD L. FERGUSON

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of Master Sergeant Richard L. Ferguson, United States Army—a brave soldier who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Tuesday, March 30, Master Sergeant Ferguson was killed in Samarra, Iraq, when the vehicle in which he was riding overturned in a non-hostile incident. He served with 2nd Battalion, 10th Special Forces Group out of Fort Carson, Colorado. Raised in Coventry, Rhode Island, Master Sergeant Ferguson joined the Army at the age of 17 and served his nation honorably as a member of the elite Special Forces. His assignments sent him around the globe on important and challenging missions, and it was while stationed in Germany that he met his wife, Marianne. Marianne now lives in Colorado with their children, Jonathan, Jordan, and Jason.

Master Sergeant Ferguson's many years in the Army demonstrate his dedication to our nation's freedom, a belief shared by others in his family that were also called to service; his father, Lee F. Ferguson, Sr., served in Korea, his brother, Lee Jr., was a member of the 82nd Airborne, and his brother Eric is in the Air National Guard. Richard Ferguson also leaves a sister, JoAnn Phillips of Coventry, and a daughter, Audrey. Those who knew him well spoke highly of his love of his family, and his patriotism. He was described as a leader who demonstrated humility, commitment and courage.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF PIEDMONT ELEMENTARY SCHOOL'S STUDENT COUNCIL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in recognition of Piedmont Elementary School of Piedmont, Alabama. This fine elementary school has established a Student Council in order to teach its students the importance of government and the democratic principles. As I read the letters of some of its young officers, I know that this experiment has been successful. These young people, under the leadership of student council sponsors Miss Leslie Gary and Mrs. Melinda Whaley, are indeed a credit to their school, their community and their state.

As a reward for their service on the Piedmont Elementary School Student Council and to further their education about our American government, these students will be traveling to Washington, D.C., on April 27 to May 1, 2004. The Alabama Legislature has designated them as ''Ambassadors of Goodwill.''

I welcome these Alabama Ambassadors of Goodwill and their principal, John H. McGill, as the Piedmont Elementary School Student Council visits our Nation's Capital. I salute these young people for their accomplishments.

THANKING SISTER IMELDA FOR THIRTY-FIVE YEARS OF GUIDANCE, SERVICE, AND LEADERSHIP

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VITTER. Mr. Speaker, I rise today to recognize Sister Imelda Moriarty, Principal of St. Catherine of Siena School in Metairie, Louisiana. Sister Imelda is retiring after thirty-five years of teaching at St. Catherine. She is a pillar of the Louisiana educational community and will be sorely missed.

Sister Imelda began teaching at St. Catherine of Siena School in 1969 with a class of forty-one students. She became principal in 1974, and she will retire as principal in May of 2004. Since the arrival of Sister Imelda, St. Catherine has become the largest nonpublic school in Louisiana.

Generation after generation of children from the New Orleans area have attended and will attend St. Catherine. Under the guidance of Sister Imelda, thousands of students have received excellent educations and have become positive contributors to their communities. More importantly, these students have developed a moral, ethical and spiritual foundation to help guide them through life. It is through Sister Imelda's faith that she has become such a positive and powerful source in the lives of so many children.

My wife and I are both personally affected by the retirement of Sister Imelda. Three of our four children attend St. Catherine, and Sister Imelda's departure will be a very emotional event for students and parents alike. Younger students will miss her open arms and candy

jar (both always full). Older students will miss her quiet Irish brogue and countless forays onto the stage during plays and talent shows. Parents will miss her most unassuming air that always commands immediate respect from both parents and students. And, most of all, we will all miss her absolutely unwavering faith in God and dedication to our children.

I come to the floor of the House of Representatives today to personally commend, honor and thank Sister Imelda on the occasion of her retirement from St. Catherine of Siena School. Sister, may the road always rise to meet you and the wind always be at your back.

A TRIBUTE TO THE CAREER OF PATRICIA ANN JOHNSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. ROSS. Mr. Speaker, I rise today to recognize the dedicated service of an individual from my district who has devoted her professional life to enhancing the educational development of students in our great State of Arkansas.

Patrica Ann Johnson has given 36 years of service in education to primary and community college students. On April 30th, Ms. Johnson will retire from teaching, but her legacy will continue in the schools and community where she taught.

Ms. Johnson served Mena for 31 years, teaching the first, second, third, and fourth grades at Louise Durham Elementary School where she was a continued source of inspiration for hundreds of school children while working for their educational and social advancement. In addition to her elementary school teaching, Ms. Johnson taught physical and health education at Rich Mountain Community College to students enrolled in those programs.

Ms. Johnson is an outstanding example of the lifetime dedication to service of Arkansas educators. I urge all citizens of Mena and the staff and students of Louise Durham Elementary School and Rich Mountain Community College to join me in honoring the career of a truly gifted, caring, and committed woman on the celebration of her retirement.

REGARDING THE VALUE OF LONG-TERM RESEARCH STUDIES IN UNDERSTANDING HEALTH RISKS AND CONSEQUENCES

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. EVANS. Mr. Speaker, I rise today to recognize an important forum that took place in our Nation's capital last month. This forum, called by the U.S. Medicine Institute, convened scientific leaders from throughout the Federal Government to discuss the value of longitudinal studies in determining populations' risks for developing various health care conditions or diseases.

Science has long recognized the value of such studies, but it is critical for us as policymakers to also understand their role in helping inform our decisions. As the Ranking Member of the Committee on Veterans' Affairs, I am aware of numerous occasions upon which the Committee employed data from such studies to determine matters related to compensation for service-connected conditions and eligibility for health care benefits. For example, Congress has used longitudinal studies to determine conditions that should be compensated due to veterans' exposure to dioxin and to identify the effects of various exposures on the health of veterans from the first deployment to the Gulf. In the near future, VA intends to propose a followup study that will examine the long-term effects of post-traumatic stress disorder on veterans. This will provide important information to current and future generations of veterans.

Determining the effects of war-time exposures on veterans' health is often a convoluted task. During service, troops may be exposed to a variety of agents all of which may have health effects that are poorly understood. In combination, these agents may also have different effects. Further complicating matters, some exposures are known to cause health effects that do not appear until many years later. There are often too many unknown factors to determine exactly which troops were exposed to which agents at any point in time.

While there have been some limited improvements in documentation of troop locations, troop exposures and servicemembers' health before, during and immediately following deployment, large information gaps are likely to exist well into the future. Longitudinal research can help fortify available information and ensure that Congress and the Administration give individuals the benefit of the doubt.

I am pleased that the U.S. Medicine Institute saw fit to give this important topic its time and attention. I am offering the Institute's executive summary from its March 4, 2004 forum entitled ''Taking the Long View: The Value of Studies Over Time'' for inclusion in the CONGRESSIONAL RECORD in the hopes that all Members will recognize the importance of supporting these studies to better inform our policy decisions.

TAKING THE LONG VIEW: THE VALUE OF STUDIES OVER TIME

Long-term studies help answer specific questions about health risks and consequences over time and often deliver byproducts not originally envisioned but with ongoing, exponential value. Consequently, long-term studies are essential for informed policymaking and provide liberal return on the substantial investment they entail.

These were the views interwoven throughout a forum held on March 4, 2004, by the nonprofit U.S. Medicine Institute for Health Studies. The consensus among panelists and participants was that long-term studies undoubtedly deliver great benefit to society at large, as well as to the specific group or groups targeted in a particular protocol. For example, the 22-year-old Ranch Hand study of agent orange exposure in Vietnam offers a trove of longitudinal data on the aging process in men—with much of this data yet to be tapped.

Forum deliberations found long-term studies of such value in answering questions relating to public health that they should become a byproduct of how ''we normally do business'' in healthcare—especially as digital patient records make collection and analysis of data amenable to routine analysis.

These edited proceedings present the remarks of panelists at the forum and the ensuing discussion among participants. Observations presented during the group's deliberations include:

Long-term studies are essential for the understanding of disease and, consequently, for disease management. They give policymakers the data and findings needed to make rational determinations about eligibility for compensation relating to occupational exposures.

As long-term studies are done in future, they should be accompanied by ''clear'' business case analyses, ''so that there really is a clear understanding of the rewards that come from the . . . investment in conducting these studies.''

As disease patterns among Americans shift away from the acute toward chronic, multiple conditions, long-term studies will assume a greater role, because they allow examination of particular populations and pick up a ''different set of information'' about risk factors than short-term clinical trials can.

Decades-long studies such as the Framingham Study that delineated risk factors in heart disease and the Harvard Nurses Study of risk factors for major chronic diseases in women are well-known examples of the importance that long-term investigations can have in shaping health practices and policies.

Long-term studies conducted by federal agencies need the stability afforded by designated funding, rather than having their funds come through basic agency appropriations.

The Veterans Affairs and Defense departments use long-term studies to help answer questions about potential deleterious health effects in troops from exposures during deployments—questions now anticipated for every deployment: Who was exposed; are those exposed showing unusual disease; are those exposed dying at unusual rates or from unusual causes, or has their health changed over time; do those exposed show higher incidence of cancer(s); do the children of those exposed exhibit higher rates of birth defects?

A classic longitudinal study is the Air Force Ranch Hand Study, initiated in 1982, which has seen the collection of 74,000 biological specimens and 19,000 x-rays and has involved more than 13,000 physical exams, more than 20,000 questionnaires and thousands of records on conception and birth. In addition, more than 2,800 death records have been obtained.

This study is scheduled to terminate in 2006, but that directive has met with controversy on grounds there is much information yet to be mined. To resolve whether the study should be continued, Congress has asked the Institute of Medicine to examine the scientific merit of retaining and maintaining the medical records, specimens and other data collected for the study; the potential value of extending the study; and the advisability and costs of making study specimens available to independent researchers.

An important longitudinal study that is just beginning in the military is the Millennium Cohort Study, which involves an initial study group of 10,000, with 20,000 more to be added this year and another 20,000 to be added in 2007. The study will examine employment exposures and post-deployment consequences in a group exposed in Kosovo or Southwest Asia, compared to a non-exposed cohort.

Study participants will be followed every three years by postal surveys; demographic and health information will be obtained and correlated over a 22-year period.

The Veterans Affairs Department regularly turns to the Institute of Medicine for objective, independent literature reviews of the

long-term effects of exposure on troops—for Vietnam, for the first Gulf war and for the current Iraq conflict, for example. Results are used to help set compensation policy.

Ti-service longitudinal studies might best be centralized and coordinated through the Uniformed Services University of the Health Sciences, which encompasses all service branches as well as the U.S. Public Health Service.

Doing longitudinal studies often is difficult in the academic setting, where there is pressure for immediate pay-off. At the same time, studies produced by federal researchers all too often are rejected by regular scientific journals as being of limited interest because they focus on military or veteran populations.

ISRAEL INDEPENDENCE DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the people of the State of Israel and the greater Jewish community on the 56th anniversary of their Independence. The creation of the Jewish State in 1948 was met with the immediate support and recognition from the United States, and our country has continued to consider Israel our closest friend and strongest ally. As Israel continues to fight against terrorist groups, it is more important than ever the United States continues to show our solidarity and provide whatever aid and support both economic and moral, to our friend Israel.

Israel, as the only truly democratic nation in the Middle East should be lauded for 56 years of democracy. Israel continues to show the world that this small state which has been surrounded by aggressive states for most of its existence is here to stay. I believe the survival of the Jewish state is paramount and the United States must continue to encourage Israel's sustained efforts to defend the freedoms and rights it has secured its citizens.

That is why I commend President Bush, for his strong leadership in standing with Prime Minister Sharon in support of Israel's withdrawal from Gaza, and in support of limited Israeli settlements in the West Bank. Prime Minister Sharon's bold and courageous position is following in the footsteps of Prime Minister Barak's withdrawal of Israeli troops from Lebanon. Unfortunately though, just as in Lebanon, I do not believe Hamas, the Palestinian Authority or other terrorist organizations will show the strong leadership and quest for peace that the Israeli government has shown, by stopping their terrorist attacks against the Jewish state.

Since its Independence, Israel has endured the unstable and troubling conditions in the Middle East that have sparked several wars and incited much violence. Yet the Israeli people remain united and strong and continue to stand up for their nation. That is why I stand here today, and re-affirm the right of the Israeli people to always protect themselves and their state from the forces of terrorism, no matter where it may exist.

Israel is a modern success story, the only Democracy in the Middle East, the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders. Her detractors, and those who hide their anti-Semitism behind anti-Zionism must not denigrate the success of Israel. I am proud to be one of Israel's strongest friends in Congress and to stand here today and wish Israel a hearty Mazel Tov on 56 years of Independence.

A TRIBUTE TO THE PLAYERS AND COACH OF THE UNIVERSITY OF VERMONT MEN'S BASKETBALL TEAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SANDERS. Mr. Speaker, I want to take this opportunity to congratulate the players of the University of Vermont Men's Basketball Team, and their coach, Tom Brennan, on an extraordinary basketball season.

It is certainly worthy of both recognition and celebration when a team finishes a tough schedule with over 20 wins—UVM went 22–9 on the year—and wins its conference championship. UVM lost its first game in the NCAA tournament to Connecticut, but there is no disgrace in losing to the only team which never lost a game in the entire tournament, for UConn was the eventual champion of the collegiate Division I basketball.

And it is certainly worth acknowledging the excitement that the team evoked all over the state of Vermont; our state is very proud of the wonderful record of this year's glorious team, and of both the men's and women's basketball teams at the University of Vermont in recent years. And the state is very proud as well that Vermont's own Taylor Coppenrath was selected to the AP All-America Team, as an honorable mention.

But what the people of Vermont are most proud of, and I include myself in their number, is that this basketball team not only played well on the basketball court, they worked hard and learned well in the classrooms and laboratories that are the heart of our state university. College is, after all, primarily about academics and not athletics.

At a time when the nation, and the NCAA as well, is deeply concerned that many athletes competing in major sports at Division I schools are not graduating from college, when there is widespread concern that often the educational mission of universities is put aside in the interest of athletic success, the men's basketball team in Vermont reminded us all that education and athletics can go together.

Of the 64 teams in the NCAA Division I Men's Basketball tournament, only the University of Vermont had 8 of its players with a grade point average of 3.0 or better. The Catamounts had the best GPA of any team in the 65–team NCAA tournament.

The team's dual achievement—succeeding at the highest level in both athletics and academics—makes Vermont proud, and serves, I believe, as an example to the nation.

Our congratulations go to the members of the 2003–2004 University of Vermont Men's Basketball Team: T.J. Sorrentine, Jack Phelan, Kyle Cieplicki (of Shelburne, VT), Martin Klimes, Mike Goia, Taylor Coppenrath (of West Barnet, VT), David Hehn, Germain Njila, Alex Jensen, Corey Sullivan, Matt Hanson, Scotty Jones and Matt Sheftic (of Essex Junction, VT). And to those who helped them succeed on the court and off: Tom Brennan, head coach; Jesse Agel, associate head coach; Pat Filien, assistant coach; Jeff Rush, assistant coach; Chris Poulin, athletic trainer/strength coach; Reza Mohamed and Amarildo Barbosa, student managers; and Ryan Gore, student athletic trainer.

CELEBRATING THE ANNIVERSARY OF ISRAEL'S INDEPENDENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate Yom Ha'Atzmaut, the anniversary of the Independence of the State of Israel.

It took a horrific, unimaginable Holocaust for the world to finally acknowledge the need to establish a homeland for the Jewish people, to shield it from the persecution and discrimination that it had endured for generations. That recognition came in 1948, and the State of Israel was born.

Today it is as important as ever to preserve and safeguard this Jewish national homeland and to ensure the security of Israel and its people. Never again should a people face annihilation. That is why a safe and secure Israel is in everyone's interest.

We must continue to strive for a settlement of conflict in the Middle East that guarantees the right of all people in the region to live in peace. That is my wish on this day as we celebrate the independent State of Israel.

IN RECOGNITION OF PROFESSOR CHÉRE GIBSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today before this house to honor the accomplishments of Professor Chére Campbell Gibson who will be retiring after 27 years of service to the University of Wisconsin System and the University of Wisconsin-Madison School of Human Ecology on June 30, 2004.

Professor Gibson received her B.S. from Macdonald College of McGill University in Nutrition, and her M.S. and Ph.D. in Continuing and Vocational Education from the University of Wisconsin-Madison.

Professor Gibson has had a long, multi-faceted, and distinguished career of teaching, research, and outreach in the discipline of adult education with a particular emphasis on distance learning. She is especially well-known among distance educators around the world. Professor Gibson also has the distinction of being the first faculty member on the UW-Madison campus to teach a course completely on-line. This distinction gave her many opportunities to participate in faculty development workshops around campus and the country as well as involvement in the selection of learner and course management systems.

Throughout her career, she has had an enduring concern about the equality of access to

education and has recognized the importance of ensuring not only access but also success in educational pursuits. In recognition of these contributions to the field of teaching and learning at a distance, the United State Distance Learning Association inducted her into their Hall of Fame in 2003.

Chére Campbell Gibson's love of teaching and working with students is a consistent thread throughout her professional career. She has and will continue to have a lasting impact on the lives of her students and advisees. It cannot go without saying that she has also wonderfully touched the lives of her colleagues and friends.

The Executive Committee of the School of Human Ecology, at its meeting on March 22, 2004, by unanimous vote, endorsed the recommendation of the Department of Interdisciplinary Studies to award Emerita status to Professor Chére Campbell Gibson.

Mr. Speaker, it is an honor and my great pleasure to recognize today the outstanding and exemplary service of Professor Chére Campbell Gibson. On behalf of my constituents and citizens from the great State of Wisconsin, we say a hearty thank you, and wish her all the very best in her future endeavors.

2ND ANNIVERSARY OF GOVBENEFITS.GOV

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. PUTNAM. Mr. Speaker, on April 29, 2004, the U.S. Department of Labor will celebrate the second anniversary of GovBenefits.gov. Additionally, in collaboration with the Department of Education, the U.S. Department of Labor will launch the GovLoans.gov website as an integrated part of GovBenefits.gov. GovLoans.gov will be a one-stop shop for Federal loan programs.

I want to recognize the successful interagency collaboration between the U.S. Department of Labor and the U.S. Department of Education to improve the American public's access to their government through the launch of GovLoans.gov. I would also like to congratulate and recognize the U.S. Department of Labor for consistently demonstrating GovBenefits.gov as a leading government-to-citizen initiative that is offering tremendous value to the American public

GovBenefits.gov is a prime example of what e-Government should look and act like. In working together with nearly a dozen other agencies, the Department of Labor has launched this one stop shop for individuals interested in learning what government benefits for which they may be eligible.

GovLoans.gov will provide a broad range of information on Federal loan programs, as well as educational tools and resources to help citizens and small business owners understand the loan process. This site will also help consumers find the loan that best fits their individual needs, and will serve as a trusted and comprehensive point of access to Federal loan information.

GovLoans.gov is a Presidential initiative managed by the U.S. Department of Education that will provide citizens and small business owners with comprehensive information on available Federal loan programs from the five major Federal credit agencies: the U.S. Departments of Education, Agriculture, Housing and Urban Development, Veterans Affairs, and the Small Business Administration.

GovLoans.gov consolidates loan programs across government into a single portal and simplifies the language describing each program, enabling citizens and small business owners to easily find applicable Federal loans that meet their needs and to better understand the loan process.

GovBenefits.gov represents a partnership of 10 Federal agencies, including the U.S Department of Labor (managing partner), and the U.S. Departments of Agriculture, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, State, Veteran Affairs, and the Social Security Administration.

Mr. Speaker, as Chairman of the Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, I commend the U.S. Department of Labor for its work in developing GovBenefits.gov as a leading government-to-citizen initiative that is offering tremendous value to the American public and recognize GovBenefits.gov and GovLoans.gov as citizen-centric initiatives that are demonstrating the intent of the President's Management Agenda.

EASTERN NEW MEXICO'S COMPASSION EARNS NATIONAL ATTENTION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to tell my colleagues about an amazing act of selflessness that has recently earned national press coverage for a small town in my congressional district.

In February, the Portales News Tribune reported that students in Dora, New Mexico had donated $3,000 they raised for their prom to the family of sixteen-year-old Clayton Stokes, who was killed in a pickup truck crash. Motivated by this, other students in the school helped raise another $4,000 for the family.

Dora High School Principal Bill Stockton said that the 11th grade students who attend the school decided to donate their prom money after a memorial assembly for their late classmate. These students had diligently been saving for their prom for 3 years.

Clayton, a resident of Causey, was a bright young man with a promising future before him. He was born on March 21, 1987, in Carlsbad, to Jim and Cathy Stokes. He was active in both varsity basketball and baseball at Dora High School. He enjoyed riding horses and snowboarding and was a member of the Dora FFA. Family members said he enjoyed working in construction with his father and two brothers and spending time with family and friends.

As Principal Stockton noted, losing a student in a small school is like losing a family member. The students' gesture alone deserves our deep praise and admiration, however, there is more to this story.

Rooney Moon Broadcasting was so touched by the students' generosity that the station asked radio listeners to help replace the money so the students could have their prom after all. Within hours, the station helped raise nearly $17,000. Incredibly, the money has continued coming in and the station places the latest total around $22,000. A memorial scholarship in Clayton's name is planned.

This money poured in from residents all across eastern New Mexico, primarily from residents in Curry and Roosevelt counties. It is clear to me that the spirit of ''paying it forward'' is alive and well in this area of New Mexico.

The first donation came from Mike Knight, owner of Rib Crib in Clovis, who volunteered to cater the Dora prom. McDonalds of Portales pledged $1,000 for the scholarship fund. The Bank of America in Clovis and Tankersley's arranged for all the boys to have rental tuxedos.

The May 3, 2004, issue of People magazine has an article about this wonderful deed. The magazine has a section entitled ''Local Heroes'' for people in the country that are making a difference. This act is certainly worthy of this recognition. On a personal note, I am pleased that millions of Americans will learn of the honorable and heroic deeds of my eastern New Mexico constituents through this article in one of the largest publications in the Nation.

Mr. Speaker, thank you for affording me the opportunity to brief my colleagues regarding this inspiring story. In a time of bleak news in our world, it is indeed refreshing to be reminded of the kindheartedness of our friends and neighbors. I am attaching the article and request that it be reprinted in its entirety in the CONGRESSIONAL RECORD so that we may be reminded of this account throughout the ages.

[From People, May 3, 2004]

THE PROM MUST GO ON

For three years, the 11th graders of Dora High in remote Dora, N. Mex., had scraped their pennies together from bake sales and fund-raisers for their prom. Then, suddenly, a prom didn't seem so important. Around midnight on Feb. 15, classmate Clayton Stokes was driving home after hanging out with friends when he dozed at the wheel. His truck flipped over, and Stokes, 16, an athlete and jokester, died instantly.

Tragic as it was, Stokes's death set off an avalanche of goodwill that has left residents of Dora (pop. 500) feeling pretty good about their town. The day after his death, Clayton's classmates piled into vans and drove to the Stokeses' home. There, they handed a $3,000 check—their entire prom fund—to his devastated parents, Jim, 48, and Cathi, 45, so they could bury their youngest boy. ''We never thought twice about it,'' says Kassandra Clark, 16. The rest of the school chipped in, raising another $4,000. ''They floored us,'' says Jim, a construction worker. ''For them to love my boy so much to give up their prom,'' adds Cathi. ''It didn't take the pain away, but it eased it.''

That was only the beginning. Local radio host Steve Rooney and his cohost got wind of the gesture, and on the day Clayton was laid to rest, they asked listeners for donations so the kids could have their prom. ''We couldn't answer the phones fast enough,'' he says. The juniors, who had held a sleepover at classmate Ashlet Carter's house, tuned in while dressing for the memorial. ''We had to redo our makeup,'' says Carter. ''We all kept crying.''

The money kept coming—$22,000 so far, some of it to create a scholarship fund in Clayton's name. And on April 24, Dora High will have a prom. What would Clayton think

of it all? ''He'd go, 'Dang, golly,'''' says Travis Belcher, his best friend. ''He wouldn't believe it, but he'd be pretty proud.''

POSTHUMOUS TRIBUTE TO EUGENE MARTINYAK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. McCOTTER. Mr. Speaker, recently I lost an inspirational family member, and with sadness, I pay my uncle, Eugene Martinyak, a posthumous tribute today.

Eugene truly lived the American Dream. Born to Polish and Ukrainian immigrants in 1936, he served our Nation in the United States Army from 1954–1957. Starting from virtually nothing, Eugene supported his family of four children while working full time attending college.

As a professional, Eugene helped develop computer systems for the Chrysler Automotive Corporation. In doing so, Eugene fulfilled a promise to his children: gave them more than he ever had.

Thus, on behalf of us all, I extend my deepest condolences to his wife Carol and his entire family for their loss.

CHANGE OF COMMAND FOR THE USS ''JOHN F. KENNEDY'' (CV–67)

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. CRENSHAW. Mr. Speaker, I rise today to honor Captain Ronald H. Henderson, Jr, Commander of the USS *John F. Kennedy* (CV–67). As he prepares to move on to a new challenge, I would like to thank him for all that he has done as the Commander of Mayport's aircraft carrier, the USS *John F. Kennedy*. His passion for the Navy and its sailors has been evident through his leadership during the unprecedented and extensive maintenance overhaul that was accomplished here at Mayport. It was his management, skill, and persona that brought to a successful completion the largest overall ever attempted outside of a Naval Shipyard. He epitomizes the dedicated military patriot.

As the Navy moves into the 21st Century, it will take innovative and effective leadership to make this service truly transformational. Leaders who possess these characteristics are what makes our Navy the greatest in the world. Under his command, both in war and in peace, he inspired his crew to rise to all challenges. Thanks to his guidance, ''Jack is back.''

Here in the community he should be commended for reaching out to our citizens and inviting them to go aboard the *Kennedy* and share a glimpse of life at sea. Civilians, in record numbers, were afforded opportunities to experience firsthand the pride that the crew and the Navy has in our beloved carrier. Jacksonville has been enriched by his service.

It has been my honor and pleasure to work with him these past two years. Jacksonville will miss you, but I know he will continue to lead the Navy in whatever new job he is assigned. I wish him luck in his new assignment and well-deserved promotion, and best wishes to his family, Kathryn and Alexander. I hope when it is time for retirement, he will think about returning to Jacksonville.

WOMEN INSPIRING HOPE AND POSSIBILITY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

On Friday, March 19, 2004, I had the honor and privilege of recognizing forty-one worthy nominations describing sacrifices and contributions these women have made for our community. The people who nominated the women describe the dedication they have witnessed: volunteer hours for veterans services, service on non-profit boards, homeless programs, mentors for young women, healthcare providers going above the call of duty, child advocates, volunteers at churches and synagogues, successful business women, wives, mothers and friends.

Allow me to share information about this year's nominees:

Charlotte Anderson—Charlotte is a person who goes out of her way every single day to help others. She works through her church, community, and through her job at Jiffy Lube to make other peoples lives easier, and happier.

Sandra Begay-Campbell—Sandra's work with Native American tribes truly inspires hope for improving conditions and providing new possibilities through technology for Native Americans and others in rural areas. As a member of the Navajo Nation, she serves as a cultural interpreter to both Sandia and the Navajo Nation.

Jo Ann Clements—Jo Ann served as President of the City Council for Beta Sigma Phi in Albuquerque and Rio Rancho. Her tireless efforts earned her Beta Sigma Phi's top honor as ''Woman of the Year.'' She also served on this year's ''Women on the Move'' committee for the YWCA, where she encouraged nominations, sold sponsorships and ads, and did whatever she could to make the event successful.

Sandy Cody—Sandy is owner of Resources for Excellence, a small, woman-owned business. Sandy generously donates her time and skills to non-profit agencies like Alzheimer's Association, Southeast Community Economic Alliance, and Goodwill Industries, to make life better for people in need and in risk.

Rose Diaz—Rose is the 2004 President of the Oral History Association. She also served on the NAFTA Committee for Enterprise for the Americas Act and the Good Neighbor Environmental Board. She is a former Executive Committee member of the Board of Directors of the National Council on Public History.

Lori Dotson—Lori has dedicated her career to improving the quality of life within her community through protection of the environment, including serving as an Expert Witness to successfully protect the groundwater supply in her community. Lori has designed and managed projects to clean contaminated groundwater and contaminated sites. She is also a key member of the organizing committee for the Cystic Fibrosis Foundation: Sandia Peak Challenge.

Katherine Fishback—In 1945, Katherine opened the Fishback Studio of dance. Fishback served on several national dance organization faculties. She received a 50-year Life Achievement Award for her teaching career from Dance Masters of America, Inc.

Jessie Fitzgerald—Jessie was the first woman County Extension Agent in the United States. She served on the Lava Soil and Water Conservation District Board in Grants for many years before moving to the Albuquerque area and joining the Ciudad Soil and Water Conservation District.

Linda Gabaldon Ward Hersee—Linda is very active with Thunderbirds Little League. She serves as the Team Mom, Sponsor Director. Linda is very active in the community and is always there to help.

Aileen Gallegos—Aileen is a current Board Member at Ronald McDonald's House; graduate of Leadership Albuquerque; and active choir member at Prince of Peace Catholic Church.

Verna Gurule—Verna is a fourth grade teacher at Alvarado Elementary School in the North Valley. Volunteers who work with her have witnessed her devotion to her class and her tireless efforts to give her students every opportunity to participate in an enriched curriculum.

Bonnie Herbert—A member of Assistance League of Albuquerque for 19 years, she became President of the organization in 1998, and now is their National Director of Philanthropic Projects.

Kitsie Hilaire—Kitsie has volunteered with the American Red Cross for over twenty years. Since her arrival to Albuquerque in 1999, Kitsie has been instrumental in improving their community's emergency response and preparedness skills. Kitsie is also a volunteer with the ''Hearts Apart Program'' on Kirtland Air Force Base.

Michelle Holdren—Her community involvement has her working with Youth At Risk, a mentoring program in the Rio Rancho Area, and Northside Civitans has her work with the youth at Youth/Diagnostic and Development Center, the Camino Nuevo Youth Center, and El Ranchitos Del Los Ninos. Michelle devotes a great deal of time to the Multiple Sclerosis Society, American Cancer Society, Alzheimer's Association, and Project Share.

Regina Lee Hunter—Regina has done much to make Sandia National Laboratories a better place to work for Sandians with handicaps. As a founding member of Sandia's Disability Awareness Committee, she has worked to have specific handicapped parking marked and to have enforcement for the usage of these locations.

Nobie Hurley—Nobie moved to Albuquerque in 1960. She was the Director of Volunteer Services for St. Joseph's Hospital from 1976 to 1997. Since retirement Nobie has been volunteering her time at the Bernalillo County Republican Party as well as the State Republican Party. Nobie was recently asked by Archbishop Sheehan to be on his advisory council for the National newspaper publication of ''The people of God.''

Cristina Jaramillo—Cristina has served as President for the Valencia Shelter for Victims of Domestic Violence, Chairman of the University of New Mexico Valencia Campus Development Board, and as a member of the Belen Chamber of Commerce Board, and Belen Noon Optimists. Cristina currently serves as a member of the United Way of Central New Mexico Women in Leadership Council, New Mexico Financial Corporation and Ranchers Banks Board of Directors, United Way's Valencia County Community Board, UNM–VC Development Board, Albuquerque Chamber of Commerce Albuquerque Reads Committee, and as a representative member of the Albuquerque Hispano Chamber and the Boys and Girls Club of Valencia County.

Michelle Judkins—Michelle worked fulltime for 15 years to raise money for the care of elderly people that could not afford quality nursing home care, all while raising a child alone. She then supervised and trained Hospice volunteers, and started an upscale Hospice thrift store to raise money.

Lillian Kennesson—Lillian was diagnosed with breast cancer just before her 26th birthday. She was one of the youngest to be treated at UNM Cancer Research and was fortunate to have an amazing doctor. Her family celebrated because she had been placed in remission, until a year later when she was diagnosed with cancer again. This time it was caught in the early stage at age 29. She made a vow to live each day to the fullest, eat healthy and exercise each day.

Susan Kitsch—Susan is the Principle Member of Laboratory Staff at Sandia National Labs, where she administers programs for military and industrial partners primarily in Synthetic Aperture Radar. Susan was a founding member of the NM Compensation and Benefits Association.

Lilly Kutzscher—Two and a half years ago, Lilly's niece had her fourth child. Her niece lost her husband and now is living with her mother. Lilly took it upon herself to care for this child at their home five days a week while her niece and mother work to support the family.

Darlene Leonard—Darlene is the manager of Volunteer Programs in Sandia's Community Involvement Department. She coordinates Make-A-Difference Day for Sandia, and under her leadership, the Sandia program was recognized by Parade Magazine as one of the outstanding programs of its kind. The Thunderbird Awards is a program that Darlene is particularly proud of.

Linda Lee Louie—Linda knew no English when she and her husband married in 1963. Encouraged by her husband, she attended evening classes at the Old Albuquerque High School and studied with a tutor to achieve English literacy. Linda donates her bilingual skills and knowledge of Chinese culture to benefit Albuquerque and the Asian American community.

Linda Lovato-Montoya—Linda is doing extraordinary things in the fight against breast cancer and was recently recognized by Yoplait, SELF Magazine and the Susan G. Komen Breast Cancer Foundation as one of 25 Yoplait Champions. Linda provides support, advocacy, education, and awareness about breast cancer to NM Hispanics.

Emma Lutton—Emma has turned her attention to the youth in her area by forming a Youth Development Program committee which provides youth education activities and senior mentorship. She is also developing programs to enhance Education, Arts and Music and Recreation activities for their youth and seniors jointly.

Rebecca Maloy—Rebecca is a minority business owner of a local construction company, Maloy Construction. She has been recognized with an Outstanding Women's Award from NM Woman Magazine, which also featured her on their cover. Rebecca wrote an article ''Business to Crow About,'' also featured in the magazine.

Joyce Miller—Joyce spends many hours helping out at St. Mark's Church. Often she cooks meals for the needy or seniors. She leads a women's bible group and prepares the altar for services. When St. Mark's Church flooded, she cleaned out the water and debris.

Sheila Nawman—Shortly after 9/11, Sheila was working at her computer when a banner showing a star with five vertical stripes caught her eye. Sheila decided to make a 14 inch by 42 inch banner to display support of those affected by the tragic event. So far, over 1100 banners have been presented.

Audrey Rose Ornelas—Audrey has accomplished her dream of obtaining a Bachelor of Arts degree in Psychology. To get to this point she had to go beyond her disabilities, not only physical but learning disabilities as well. She underwent several brain surgeries due to brain injuries, and she is also dyslexic and has other learning disabilities. She plans to continue on to Highlands University for a master's degree in counseling with an emphasis on children and adolescents who are handicapped.

Beth Pattillo—As a full-time working mother in Los Alamos County, Beth runs errands and shovels driveways for elderly neighbors, makes meals for the sick, babysits to give stressed moms a break, leads a Girl Scout Troop, and teaches in her church.

Tara Ransom—Tara is a junior at La Cueva High School. She volunteers at Casa Esperanza, Joy Junction, Roadrunner Food Bank, Balloon Fiesta, and the Doggie Dash and Dawdle. Tara developed hydrocephalus as a small baby and has had six surgeries on her brain. The only medical option to keep Tara alive is a shunt, a drain made of silicone. Silicone has been branded as dangerous and it has been a constant fight for most of Tara's life to keep the material available.

Karen Renschler—Karen is the mother of autistic twin sons, who are now 19 years old. Karen is now a teacher, developing a fine arts program for 40 severely handicapped children with exceptionalities ranging from blindness to cerebral palsy to autism.

Karen Robinson—Karen is a dedicated, full time volunteer, encouraging students in the area of science and math. She teaches hands-on science at Collet Park Elementary School. At Grant Middle School, she plays a very important role with their 8th grade Science Class. She also helps organize their science fair and prepares 18 students to go on to the Southwest Regional Science Fair.

Audrey Roybal—This nomination was made on behalf of Annette's seven-year-old son who thinks the world of his first-grade teacher, Mrs. Roybal. She makes learning fun, she is very compassionate, caring, professional, and informative.

Juanita Sanchez—Juanita is a member of the Laboratory Staff at Sandia National Labs running the United Way campaign at Sandia for the past 12 years. Juanita also serves on the United Way's Campaign Cabinet and serves on the Board of Directors for the Peanut Butter and Jelly Preschool.

Carol Schulze—Carol began volunteering with the American Red Cross Mid-Rio Grande Chapter in August 2000 and has been a valuable resource to them ever since. After completing basic disaster training, Carol began volunteering at the chapter office full-time as a caseworker, assisting disaster clients with their needs.

Georgia Seery—Georgia taught physical education and spent her entire professional career in Socorro. Georgia and her husband started many community youth programs introducing golf. She was a leader and a teacher by example. She held high standards and expectations. She was organized and objective. She challenged her students to do their best in academics and sports. She has made a difference in hundred of young lives.

Bonnie Snowdon—Bonnie is the mother of a mentally ill son who is now in his 30's. She works tirelessly for better treatment of the mentally ill, gives much time and effort to supporting the mentally ill, gives them hope, and suggests ways for them to better themselves despite their limitations.

Rosemary St. John—Rosemary has been a volunteer with the American Red Cross Mid-Rio Grande Chapter since January 1999. She has been instrumental in helping the chapter improve service delivery to the Albuquerque community, serving on a Disaster Action Team and assisting people displaced by small local disasters, such as single house fires, with their immediate disaster-caused needs.

Anna Vargas—Anna currently attends Albuquerque Job Corps. Anna was born in Mexico, but left that country to get away from an abusive father. In 2000, she went to the shelter for victims of domestic violence and in November of that year, she gave birth to her son. She is now an intern in Congresswoman WILSON's District Office.

Judy Zanotti—Judy had a successful career at PNM and then she retired. She is President of New Mexico First, Judy volunteers for dozens of other organizations. This past year, she served as Mistress of Ceremonies for the luncheon for President Fox from Mexico, co-chair for the 20th Annual Celebration of ''Women on the Move,'' chair of the selections process for the ''Ethics in Business'' Award, and a member of the committee to select a new Dean of the Anderson Schools of Management at UNM.

IRI CONTINUES TO PROMOTE FREEDOM AROUND THE WORLD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I have previously expressed my support for the International Republican Institute's (IRI) outstanding work in Iraq, Eastern Europe, and Africa and want to reiterate my support as IRI celebrates its 20th anniversary. Tonight, IRI led by president George Folsom will celebrate this auspicious occasion during its 2004 Freedom Dinner at which IRI will present the Freedom Award for advancing democracy to Dr.

Condeleeza Rice, the National Security Advisor, and honor the late Sergio de Mello, the United Nations High Commissioner for Human Rights who was killed in Iraq.

I also want to focus on the unique opportunities which IRI provides for Americans to share the skills they have honed on campaign trails and in the halls of Congress with their counterparts in developing democracies. Volunteers from across the U.S. augment IRI's operations in over 56 countries by conducting specialized training missions on crafting campaign finance laws, strengthening political participation among women and youth, and implementing political polling. Additionally, IRI frequently sends volunteers to serve on election observation missions. Recently, my own Chief of Staff, Eric Dell returned from an election observation mission in Macedonia where he worked with IRI professionals from across the globe.

Mr. Speaker, IRI's use of volunteers builds goodwill for the U.S. as Americans assist men and women overseas to strengthen political parties and democratic institutions. For example, interactions between a city administrator from rural South Carolina and a mayor in Malawi can go far in breaking misconceptions about the U.S. and about the prognosis for democracy in Africa. IRI volunteers demonstrate to newly elected parliamentarians in Eastern Europe that building democratic institutions is not only a goal of U.S. government officials but that it is the desire of the American people. I hope that my colleagues and their staffers consider participating in IRI training missions as one of the best opportunities to play a critical role in implementing U.S. foreign policy.

HONORING SISTER ROSEMARY WARD FOR HER ENDLESS SERVICE AND DEDICATION TO THE COMMUNITY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to recognize and pay tribute to a remarkable citizen from my district, Sister Rosemary Ward. Sister Rosemary was recently presented with the Patrick Daly Memorial Award for her dedication to the care and education of children on Staten Island. For almost 55 years, she has been an exceptionally devoted teacher and principal in schools within my district. As do the truly great educators, she possesses a deep understanding and compassion for children. In combining this gift with her own values and ideals, she has created a holistic philosophy for education that has made her an invaluable asset to the community as teacher and principal. Her achievements are widely known and well sung by the innumerable citizens she's left a lasting impression upon. It is with pleasure and honor that I'd like to congratulate Sister Rosemary for this distinguished award, and on behalf of the citizens of Staten Island offer my most sincere gratitude for the extraordinary contributions she's made to the community.

HONORING HERNANDO COUNTY LAW ENFORCEMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Hernando County Sheriff's Office and the Brooksville City Police Department for their commitment to maintaining law and order while safeguarding county residents. Hernando County has grown tremendously. It is regarded as one of the fastest growing counties in the nation with a population that has increased 330 percent since 1980. This growth has presented new challenges to our local law enforcement agencies. Thanks to the leadership and commitment of Sheriff Nugent and Police Chief Boyce, Hernando County continues to be provided effective and professional law enforcement.

I would like to recognize the bravery and selflessness of the fine individuals who wear the badge as this week marks Hernando County Law Enforcement Appreciation Week. These fine individuals who serve in law enforcement are an exceptional breed. They serve in the line of fire to protect us from harm's way and ask for little in return. The brave men and women of Hernando County law enforcement have more than earned our gratitude and whole hearted support. I am so very proud of our local sheriffs and police and happily thank them for their service and dedication to the county's safety. The residents of Hernando County and I are indebted to them.

RECOGNIZING FREEMAN'S FUR SHOP

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. WHITFIELD. Mr. Speaker, I rise in recognition of Freeman's Fur Shop, an outstanding small business with a unique history in my hometown of Hopkinsville, Kentucky.

Freeman's Furs is owned and operated by Mr. Paul Shafranck. The business has operated for 68 years. Freeman's was founded by the late Howard Freeman when he fashioned a fox fur neckpiece for his wife. The business expanded to an internationally known landmark. For many years, Howard Freeman trapped many of the animals and then designed and made the coats. Upon his death in 1994, his son, Lindsay, took over the business along with his daughter, Ann Freeman Peace. In 1997, Freeman sold the business to Shafranck.

Freeman's Furs has offered fur design, creation, storage, cleaning and repairs to customers from around the world. The quality of work performed and customer service provided is a testament to Howard Freeman. Freeman Fur's will cease operation in April, 2004.

Mr. Speaker, Freeman's Fur Shop is beloved by its faithful customers and all who walk through its doors. It is a shining example of the significance and economic impact a small business can have on a community. I am proud to bring the accomplishments of Freeman's Fur Shop and its employees to the attention of this House.

RECOGNIZING JUSTIN SNYDER

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Ms. CORRINE BROWN of Florida. Mr. Speaker, Justin Snyder attained his bar mitzvah on May 1, 2004. Justin is a seventh grade honor student at Pace Academy in Atlanta, Georgia. He is sincerely committed to academics, as evidenced by his effort to obtain all ''A's'' in each of the last quarter's grading periods over the past twelve (12) quarters. Such an achievement has earned him the distinction of being placed on the Headmaster's List for the past four (4) years. Justin has also participated on the Academy's debate team, where he won many awards for his scholastic achievements. Finally, he is a member of ''People to People Student Ambassadors'', a travel program, which has enabled him to travel with other young people to Washington DC, California, Australia, and this summer to Europe.

Justin also finds time for recreational and sporting activities. He is an avid basketball, baseball, and tennis player—having won trophies in each sport. From his enjoyment of skiing, he has secured many awards in the form of pins and medallions, and has skied on various slopes not only throughout the United States, but also the world. Justin has scuba dived in the Cayman Islands, the Great Barrier Reef in Australia, and has caught a seventy-two (72) inch sailfish off the coast of Cancun.

Even at a relatively young age, Justin Snyder has left his mark on the youth community in his hometown of Atlanta, Georgia; evidencing a strong sense of fundamental fairness in his dealings with others, and strong moral principles, gleaned from his friends, his religious upbringing, and his family. I know that we will continue to see more great accomplishments for this fine young man, as he grows and blossoms into manhood. I am proud to recognize, and to honor Mr. Justin Snyder on this important step in his life, and wish him much continued success for the future.

ISRAEL'S INDEPENDENCE DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 56th anniversary of Israel's independence.

The dream of a Jewish state stretches back two millennia to the destruction of the ancient Jewish kingdom of Israel. At the end of the Nineteenth Century, after the two thousand years of diaspora, persecution, and pogroms, Theodor Herzl and his fellow Zionists began the drive to revive the Jewish homeland. The unspeakable horrors of the Holocaust cemented the necessity of a Jewish state, and Israel was finally established as a sovereign and independent nation on May 14, 1948.

In the 56 years since its establishment, Israel has served as a beacon of democracy in the Middle East. In the face of war, terrorism, and frequent diplomatic isolation, Israeli society has flourished because of the pluralism, freedom, and human rights guaranteed by Israel's democracy. These democratic values have sustained a strong alliance between Israel and the United States, an alliance of friendship, principles, strategy, and a commitment to defeat terror.

Perhaps more than any other nation, Israel understands the dilemmas faced by a democratic society confronted with terror. Terrorism threatens the institutions that nurture Israel's prosperity—both through the bloodshed it engenders and through the sacrifices of civil liberties necessary to achieve security. Israel has admirably maintained an open, democratic society in spite of relentless threats to its citizens. We in America must salute this accomplishment and try to learn from the Israeli experience how to balance homeland security and a free society.

Much as its existence has been constantly challenged over its turbulent history, Israel currently faces critical threats to its well-being. The cycle of terrorist violence and reprisals shows no signs of ceasing, and the virulent specter of anti-Semitism remains a staple in the Middle East and is resurgent in Western Europe. However, we must embrace the cautious optimism embodied in Israel's national anthem, Hatikvah, which means ''the hope.'' We hope that Israel will continue to serve as the ''light unto the nations'' that Herzl envisioned more than a century ago and that Israel's 57th year will be a time of peace throughout the region.

CONGRATULATING MAURICE CALDERON OF REDLANDS FOR SERVICE TO THE HISPANIC COMMUNITY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate Maurice Calderon of Redlands, whose efforts to ensure that all communities in San Bernardino County have access to financial services has been recognized by the Foreign Ministry of Mexico, which presented him with the Ohtli Award for public service.

I have counted Maurice Calderon as a friend for more than 30 years, and I have been proud to work with him on many projects to improve our communities in San Bernardino County. Maurice was born and raised in Banning, California, and served as a school board member there for nine years, followed by another nine as a community college trustee.

He is currently the Senior Vice President of Governmental Affairs and Community Development at Arrowhead Credit Union in San Bernardino, California. In that position, Maurice has been an advocate for providing financial services to the large and growing Hispanic community, many of them immigrants from Mexico. He was instrumental in convincing the credit union to open a new branch in the San Bernardino minority community after all other banks had closed their outlets there.

Maurice is truly a community activist, serving as a member of both the Inland Empire Hispanic and African American Chambers of Commerce. He is a member of the Board of Trustees of both the University of California Foundation, and the San Bernardino Valley College Foundation. Maurice is also a Director for the Inland Empire Economic Partnership, and President of Sinfonia Mexicana.

His service has been recognized by many honors: ''Father of the Year'' from the City of Banning, ''Citizen of the Year'' from the City of Beaumont, ''Hispanic of the Year,'' and ''Influential Latino of the Year'' in 1998 by the Inland Empire Hispanic Chamber and Hispanic Lifestyle Magazine, respectively. Maurice was the inaugural recipient of the California Credit Union League Diversity Award, and was named to the Southern California Native American and Latino Hall of Fame.

Most recently, Maurice Calderon has been recognized for his public service to the Mexican immigrant community by the Mexican Ministry of Foreign Affairs, which awarded him the Reconocimiento Ohtli Medal. It honors those individuals who are role models for society, and have contributed successfully toward building relations with the Mexican community living outside of the country.

Mr. Speaker, a big reason for Maurice Calderon's dedication to his community is the support he receives from Dorothy, his wife of more than 40 years, and his two children and four grandchildren. Please join me in congratulating the entire Calderon family for this honor, and thanking him for all the years of public service he has given the people of San Bernardino and Riverside counties.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. GALLEGLY. Mr. Speaker, on Thursday, April 22, 2004, I was unable to vote on H. Res. 602, on ordering the previous question (rollcall 126); and on agreeing to H. Res. 602 (rollcall 127). Had I been present, I would have voted ''yea'' on both questions.

Additionally Mr. Speaker, on Thursday, April 22, 2004, I was unable to vote on the Larson amendment to H.R. 2844 (rollcall 128); and on Larson amendment (2) to H.R. 2844 (rollcall 129). Had I been present, I would have voted ''no'' on both measures.

And, finally, on Thursday, April 22, 2004, I was unable to vote on final passage of H.R. 2844, the Continuity in Representation Act of 2004 (rollcall 130). Had I been present, I would have voted ''yea.''

RENEW THE BAN ON ASSAULT WEAPONS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. FARR. Mr. Speaker, in 139 days the assault weapons ban will expire. In 139 days our streets could be flooded with AK–47's. In 139 days the work of 10 years and the progress towards safer neighborhoods could vanish. In 139 days we could see the semiautomatic weapons that are used in combat zones on our street corners.

But we don't have to let this happen. H.R. 2038, the Assault Weapons Ban and Law Enforcement Protection Act of 2003, is a common sense approach to protecting Americans from dangerous and impractical weapons. I continue to support responsible legislation that protects the rights of those who collect or hunt and use weapons for legitimate recreational purposes, but I think we can all agree that restricting the availability of Uzis will not impede lawful hunting. Assault weapons make up less than 1 percent of all guns but they are 18 times more likely than other guns to be cop-killers, and 16 times more likely to be traced to crime than other firearms.

H.R. 2038 is supported by more than three-fourths of the American public and virtually every major national law enforcement organization. In fact President Bush and Attorney General John Ashcroft have both stated their support for this legislation. I urge the leadership of the House to protect Americans from these senseless weapons of mass destruction and bring this legislation to the floor for a vote.

IN OBSERVANCE OF THE 56TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. MATSUI. Mr. Speaker, I want to join my colleagues and the world Jewish community in congratulating the people of Israel on the celebration of the 56th anniversary of their independence. Israel is the only true democracy and our country's strongest ally in the Middle East. Since the United States became the first country to recognize Israel's independence, our countries have shared a deep friendship and partnership. We are bonded by our commitment to democracy and freedom.

Since they declared their independence in 1948, Israel has faced continuous challenges to their right to exist as a sovereign country. To this day, we hear new reports almost daily of violence against the people of Israel. Thousands of innocent lives have been lost to attacks by terrorist organizations.

As Israel's partner, the United States must stand with its allies against these violent assaults on the Israeli people and maintain our commitment to a free, peaceful and democratic Israel. As partners in peace, the United States must also support Israel's right to take necessary measures to defend its citizens against violence. The future of Israel, and the hopes of peace in the Middle East depend on it.

CELEBRATING ISRAEL'S 56TH ANNIVERSARY OF INDEPENDENCE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 2004

Mr. RODRIGUEZ. Mr. Speaker, I rise today to congratulate the state of Israel on the celebration of its 56th anniversary of independence. Born out of the ashes of the Holocaust, Israel has blossomed into a dynamic and successful democracy. I urge all of my colleagues to pause and recognize this grand achievement.

Since their forced removal from the historic land of Israel by the Romans some 2,000 years ago, Jews have migrated the four corners of the earth. With the establishment of the modern state of Israel, Jews once again found sovereignty and self-rule in the land of their forefathers

The United States has a special relationship with Israel and her people, and it is right that we do. Israel, like the United States, values liberty, individual expression, and freedom of religion, assembly and the press. It too is a land of immigrants from continents as diverse as Asia, Europe, Africa, and the Americas. We share basic values of freedom, a love of life, and a concern for our citizens' well-being. Israel also is a land of great innovation, home to great advancements in biosciences, agriculture and computer sciences to name a few. Israel's military and our own share resources and work together to achieve advances in defense technology that benefit both nations.

We all know that Israel finds itself beset by enemies sworn to its destruction, facing daily acts of terrorism. We in Congress stand firmly behind Israel's security. Israel is a reality, and it is here to stay. The sooner Israel's neighbors accept this basic point, the sooner we will see progress toward peace.

Israel faces many great challenges, and solving them will take our active participation. The United States has a stake in the future of Israel and in the entire region, and we must not neglect our obligation to lead and the opportunity to respond. We should not dictate results, but should work always to create an environment that encourages dialogue.

Today is a day of celebration, one that marks the great achievements of Israel and her citizens these past 56 years. Like our own independence, Israel's comes at great cost. We all look forward to the day when Israel will celebrate its independence in peace.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4383–S4443

Measures Introduced: Three bills and two resolutions were introduced, as follows: S. 2350–2352, S. Res. 343, and S. Con. Res. 100. **Page S4428**

Measures Passed:

INTELSAT IPO Extension: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2315, to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering, and the bill was then passed. **Page S4443**

Internet Tax Non-Discrimination Act: Senate agreed to the motion to proceed to consideration of 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, and then began consideration of the bill, taking action on the following amendments proposed thereto:

Pages S4390–96, S4397–S4402, S4402–22

Pending:

McCain Amendment No. 3048, in the nature of a substitute. **Pages S4402–22**

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. **Pages S4406–22**

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. **Pages S4413–22**

Rejected:

Hutchison Amendment No. 3049 (to Amendment No. 3048), to change the definition of Internet access service. (By 64 yeas to 32 nays (Vote No. 72), Senate tabled the amendment.) **Pages S4404–06**

Withdrawn:

McCain Amendment No. 2136, in the nature of a substitute. **Page S4402**

During consideration of this measure today, Senate also took the following action:

Stabenow Amendment No. 2141 (to Amendment No. 2136), to express the sense of the Senate that the White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures, fell when McCain Amendment No. 2136 (listed above) was withdrawn. **Page S4402**

A motion was entered to close further debate on Daschle Amendment No. 3050 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 29, 2004.

Pages S4406, S4422

A motion was entered to close further debate on Domenici Amendment No. 3051 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 29, 2004. **Page S4422**

A motion was entered to close further debate on McCain Amendment No. 3048 (listed above) and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, April 29, 2004. **Page S4422**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, April 28, 2004. **Page S4443**

Appointments:

Commission on Review of Overseas Military Facility Structure of the United States: The Chair, on behalf of the Majority Leader, pursuant to Public Law 108–132, Section 128, appointed the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Thomas Lopez of Virginia. **Page S4443**

Messages From the House: **Page S4428**

Measures Placed on Calendar: **Page S4428**

Enrolled Bills Presented: **Page S4428**

Additional Cosponsors: **Pages S4428–30**

Statements on Introduced Bills/Resolutions **Pages S4430–35**

Additional Statements: Pages S4427–28

Amendments Submitted: Pages S4435–42

Notices of Hearings/Meetings: Page S4442

Authority for Committees to Meet Pages S4442–43

Record Votes: One record vote was taken today. (Total—72) Pages S4405–06

Adjournment: Senate convened at 9:45 a.m., and adjourned at 8:27 p.m., until 9:30 a.m., on Wednesday, April 28, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4443.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Tina Westby Jonas, of Virginia, to be Under Secretary of Defense (Comptroller), Dionel M. Aviles, of Maryland, to be Under Secretary of the Navy, and Jerald S. Paul, of Florida, to be Principal Deputy Administrator for Defense Programs, National Nuclear Security Administration, who was introduced by Senator Nelson (FL), after each nominee testified and answered questions in their own behalf.

TELECOMMUNICATIONS POLICY

Committee on Commerce, Science, and Transportation: Committee held a hearing to examine telecommunications policy, focusing on lessons learned from the Telecommunications Act of 1996, including opening the telephone exchange market to competition, after receiving testimony from David Dorman, AT&T Corporation, Bedminster, New Jersey; Richard C. Notebaert, Qwest Communications, Denver, Colorado; and James Geiger, Cbeyond Communications, Atlanta, Georgia, on behalf of the Association for Local Telecommunications Services.

Hearings recessed subject to the call.

INTERNATIONAL SPACE EXPLORATION PROGRAM

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space held a hearing to examine International Space Exploration Program, focusing on competition and cooperation in the space exploration arena globally, receiving testimony from Marcia S. Smith, Specialist in Aerospace and Telecommunications Policy, Congressional Research Service, Library of Congress; Sven Grahn, Swedish Space Corporation, Solna, Sweden; John M. Logsdon, George Washington University Elliot School of International Affairs, Washington, D.C.; and James Oberg, Soaring Hawk Productions, Dickinson, Texas.

Hearings recessed subject to the call.

ELECTRICITY GENERATION

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine sustainable, low emission, electricity generation, focusing on clean coal, wind, geothermal, and solar energy technologies, biomass, and nuclear waste management, after receiving testimony from David K. Garman, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; Richard E. Smalley, Rice University, Houston, Texas; Ernest J. Moniz, Massachusetts Institute of Technology Laboratory for Energy and the Environment, Cambridge; Francis P. Burke, CONSOL Energy, Inc., Pittsburgh, Pennsylvania, on behalf of the National Mining Association.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 1064, to establish a commission to commemorate the sesquicentennial of the American Civil War, S. 1092, to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans, S. 1748, to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 2046, to authorize the exchange of certain land in Everglades National Park, S. 2052, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, and S. 2319, to authorize and facilitate hydroelectric power licensing of the Tapoco Project, after receiving testimony from Senators DeWine and Hutchison; Paul Hoffman, Deputy Assistant Secretary of the Interior for Fish, Wildlife and Parks; J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission; Kathy Copeland, South Florida Water Management District, West Palm Beach; Brian Rooney, Remembering Veterans Who Earned Their Stripes, Northridge, California; Richard Moe, National Trust for Historic Preservation, Washington, D.C.; Randall M. Overbey, Alcoa, Inc., Knoxville, Tennessee; Faye Phillips, Louisiana State University, Baton Rouge; John L. Nau III, Texas Historical Commission, Houston, Texas on behalf of the Advisory Council on Historic Preservation.

INTERNATIONAL TRADE AND PHARMACEUTICALS

Committee on Finance: Subcommittee on International Trade and Subcommittee on Health Care held a joint hearing to examine international trade and

pharmaceuticals, focusing on name-brand prescription drug prices, trade initiatives that promote innovation and ensure access to lifesaving medicines, importation of prescription drugs, drug counterfeiting, the Medicare Importation Study and Task Force, and making greater use of generics, receiving testimony from Grant D. Aldonas, Under Secretary of Commerce for International Trade; Josette Sheeran Shiner, Deputy U.S. Trade Representative; William K. Hubbard, Associate Commissioner for Policy and Planning, Public Health Service, Food and Drug Administration, Department of Health and Human Services; John E. Calfee, American Enterprise Institute, Washington, D.C.; and Gerard Anderson, Johns Hopkins University School of Bloomberg of Public Health, Baltimore, Maryland.

Hearings recessed subject to the call of the chair.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of John D. Negroponte, of the District of Columbia, to be Ambassador to Iraq, after the nominee testified and answered questions in his own behalf.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Brett M. Kavanaugh, of Maryland, to be a United States Circuit Judge for the District of Columbia Circuit, after the nominee, who was introduced by Senator Cornyn, testified and answered questions in his own behalf.

INDEPENDENT AGING

Special Committee on Aging: Committee concluded a hearing to examine opportunities and challenges relating to assistive technologies for independent aging, focusing on how to accelerate and amplify the development of these technologies crucial to the nation's future security and economic well-being, after receiving testimony from Eric Dishman, Intel Corporation, Hillsboro, Oregon, on behalf of the Center for Aging Services Technologies; Martha E. Pollack, University of Michigan Department of Electrical Engineering and Computer Science, Ann Arbor; Lydia Lundberg, Elite Care-Oatfield Estates, Milwaukie, Oregon; Joseph F. Coughlin, Massachusetts Institute of Technology Age Lab & New England University Transportation Center, Cambridge; Stephen McConnell, Alzheimer's Association, Washington, D.C.; and Ronald Seiler, University of Idaho Center on Disabilities and Human Development, Moscow.

House of Representatives

Chamber Action

Measures Introduced: 7 public bills, H.R. 4218–4224; and 1 resolution, H. Res. 607, were introduced. **Pages H2405–06**

Additional Cosponsors: **Pages H2406–07**

Reports Filed: Reports were filed today as follows:

H. Res. 607, providing for consideration of H.R. 4181, 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 (H. Rept. 108–470);

H. Res. 516, a resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector, amended (H. Rept. 108–471); and

H.R. 3866, to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, amended (H. Rept. 108–461 Pt. 2);

H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement (H. Rept. 108–472 Pt. 1);

H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall (H. Rept. 108–473 Pt. 1);

H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center (H. Rept. 108–474 Pt. 1); and

H.R. 2179. A bill to enhance the authority of the Securities and Exchange Commission to investigate, punish, and deter securities laws violations, and to improve its ability to return funds to defrauded investors, and for other purposes, amended (H. Rept. 108–475 Pt. 1). **Page H2405**

Speaker: Read a letter from the Speaker wherein he appointed Representative Boozman to act as Speaker Pro Tempore for today. **Page H2379**

Recess: The House recessed at 12:57 p.m. and reconvened at 2 p.m. **Page H2382**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Rhode Island Veterans Post Office Building Redesignation Act: H.R. 3942, to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building'', by a ⅔ yea-and-nay vote of 395 yeas with none voting ''nay'', Roll No. 131;

Pages H2384–85, H2392–93

Honoring the life and legacy of Melvin Jones: H. Res. 399, honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International, by a ⅔ yea-and-nay vote of 395 yeas with none voting ''nay'', Roll No. 132; and

Pages H2385–87, H2393

Supporting the goals and ideals of Financial Literacy Month: H. Res. 578, supporting the goals and ideals of Financial Literacy Month, by a ⅔ yea-and-nay vote of 391 yeas with none voting ''nay'', Roll No. 133. **Pages H2388–92, H2394**

Recess: The House recessed at 3:03 p.m. and reconvened at 6:30 p.m. **Page H2392**

Committee Resignation: Read a letter from Representative Tauzin wherein he resigned from the Select Committee on Homeland Security, effective immediately. **Pages H2395–96**

Committee Appointment: The Chair announced the Speaker's appointment of Representative Barton of Texas to the Select Committee on Homeland Security. **Page H2396**

Discharge Petition: Representative Edwards moved to discharge the Committee on Rules from the consideration of H. Res. 584, 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 (Discharge Petition No. 8).

Senate Message: Message received from the Senate today appears on page H2383.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H2392–93, H2393, and H2394. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:40 p.m.

Committee Meetings

LABOR, HHD, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

VOCATIONAL EDUCATION EXAMINING SUCCESS

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled ''Examining Success in Vocational Education.'' Testimony was heard from public witnesses.

NUCLEAR SECURITY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''Nuclear Security: Can DOE Meet Physical Facility Security Requirements?'' Testimony was heard from Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; the following officials of the Department of Energy: Linton F. Brooks, Administrator, National Nuclear Security Administration; and Glenn S. Podonsky, Director, Office of Security and Safety Performance Assurance; and a public witness.

INTERNAL REVENUE CODE—PERMANENTLY EXTEND CERTAIN PROVISIONS

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 4181, 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, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides that the amendment printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted, and that the bill shall be considered as read. The rule provides for consideration of the amendment printed in part B of the Rules Committee report accompanying the resolution, if offered by Representative Rangel of New York, or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Weller, Gerlach and Rangel.

RUSSIA

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Russia. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 28, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold hearings to examine medical programs in the armed services, 10 a.m., SD–192.

Committee on Armed Services: to hold a closed briefing on the performance of force protection equipment for ground forces in Iraq, including the Up-Armored HMMWV, and potential alternatives to meet force protection needs of the Combatant Commander, 11 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to continue hearings to examine telecommunications policy, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 11:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the reauthorization of the Economic Development Administration, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine fraud and abuse in Medicare's power wheelchair program, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of James Francis Moriarty, of Virginia, to be Ambassador to Nepal, Michele J. Sison, of Maryland, to be Ambassador to the United Arab Emirates, Thomas Charles Krajeski, of Virginia, to be Ambassador to Yemen, Richard LeBaron, of Virginia, to be Ambassador to Kuwait, and Jeffrey D. Feltman, of Ohio, to be Ambassador to Lebanon, and David Michael Satterfield, of Virginia, to be Ambassador to Jordan, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Constance Berry Newman, to be an Assistant Secretary of State for African Affairs, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, Thomas Neil Hull III, of New Hampshire, to be Ambassador to Sierra Leone, and Roger A. Meece, of Washington, to be Ambassador to the Congo, 3 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine the use and prevention of abuse of government purchase cards, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Substance Abuse and Mental Health Services, to hold hearings to examine mental health in children and youth, focusing on issues throughout the developmental process, 10 a.m., SD–430.

Subcommittee on Children and Families, to hold hearings to examine how to promote a healthy marriage, 2 p.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 2172, to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the Playwrights Licensing Antitrust Initiative Act, focusing on safeguarding the future of American live theater, 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review Agricultural Trade Negotiations, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on Global Disease, 10:15 a.m., 2358 Rayburn.

Subcommittee on Legislative, on GOP, and Capitol Police, 1 p.m., H–140 Capitol.

Subcommittee on Transportation, Treasury and Independent Agencies, on Federal Transit Administration, 10 a.m., 2358 Rayburn.

Committee on Education and the Workforce, hearing entitled ''Assessing the Impact of the Labor Department's Final Overtime Regulations on Workers and Employers Overtime Regulations,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, to mark up a measure authorizing the Satellite Home Viewer Improvement Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprise and the Subcommittee on Oversight and Investigations, joint hearing entitled: ''A Review of TRIA and Its Effect on the Economy: Helping America Move Forward'', 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing entitled ''Money Matters: Coin and Currency Design and Counterfeiting Issues; followed immediately by consideration of H.R. 3916, Presidential $1 Coin Act of 2004, 2 p.m., 2128 Rayburn.

Committee on House Administration, oversight hearing on GPO, 10 a.m., 1310 Longworth.

Committee on International Relations, hearing on the United Nations Oil-for-Food Program: Issues of Accountability and Transparency, 10:30 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on North Korea: Human Rights, Refugees and Humanitarian Challenges, 1:30 p.m., 2172 Rayburn.

Subcommittee on Europe, to mark up H. Res. 577, Recognizing 50 years of relations between the United States Government and the European Union, 3 p.m., 2255 Rayburn.

Committee on Resources, hearing on H.R. 2933, Critical Habitat Reform Act of 2003, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 3744, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; S. 33, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; S. 434, Idaho Panhandle National Forest Improvement Act of 2003; S. 435, Sandpoint Land and Facilities Conveyance Act of 2003; and S. 1537, To direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing entitled ''Fiscal Year 2005 National Institute of Standards and Technology Budget: Views from Industry,'' 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Integrated Deepwater System, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, oversight hearing on Aging Water Supply Infrastructure, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs' research on Alzheimer's, Diabetes and Parkinson's diseases, 10 a.m., 334 Cannon.

Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response, oversight hearing entitled ''The Office for Domestic Preparedness First Responder Assistance Programs,'' 10:30 a.m., 2212 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine consumer-directed doctoring, 10 a.m., SD–628.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 28

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 150, Internet Tax Nondiscrimination Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 28

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) S. 1904—Wilkie D. Ferguson, Jr. United States Courthouse Designation Act;

(2) H. Con. Res. 376—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby;

(3) S. 2043—Ronald Reagan Federal Building Designation Act;

(4) H. Con. Res. 388—Authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service; and

(5) H.R. 3170—Increased Capital Access for Growing Business Act.

Consideration of H.R. 4181, 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 (modified closed rule, one hour of debate).

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