And so we had to act and act now.

Let me explain why.

First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years.

Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has free rein to rebuild his arsenal of destruction, and someday—make no mistake—he will use it again as he has in the past.

Third, in halting our air strikes in November, I gave Saddam a chance, not a license. If we turn our backs on his defiance, the credibility of U.S. power as a check against Saddam will be destroyed. We will not only have allowed Saddam to shatter the inspection system that controls his weapons of mass destruction program; we also will have fatally undercut the fear of force that stops Saddam from acting to gain domination in the region.

That is why, on the unanimous recommendation of my national security team—including the vice president, the secretary of defense, the chairman of the joint chiefs of staff, the secretary of state and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

They are designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbors.

At the same time, we are delivering a powerful message to Saddam. If you act recklessly, you will pay a heavy price. We acted today because, in the judgment of my military advisers, a swift response would provide the most surprise and the least opportunity for Saddam to prepare.

If we had delayed for even a matter of days from Chairman Butler's report, we would have given Saddam more time to disperse his forces and protect his weapons.

Also, the Muslim holy month of Ramadan begins this weekend. For us to initiate military action during Ramadan would be profoundly offensive to the Muslim world and, therefore, would damage our relations with Arab countries and the progress we have made in the Middle East.

That is something we wanted very much to avoid without giving Iraq a month's head start to prepare for potential action against it.

Finally, our allies, including Prime Minister Tony Blair of Great Britain, concurred that now is the time to strike. I hope Saddam will come into cooperation with the inspection system now and comply with the relevant UN Security Council resolutions. But we have to be prepared that he will not, and we must deal with the very real danger he poses.

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people.

First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens.

The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

Second, so long as Iraq remains out of compliance, we will work with the international community to maintain and enforce economic sanctions. Sanctions have cost Saddam more than $120 billion—resources that would have been used to rebuild his military. The sanctions system allows Iraq to sell oil for food, for medicine, for other humanitarian supplies for the Iraqi people.

We have no quarrel with them. But without the sanctions, we would see the oil-for-food program become oil-for-tanks, resulting in a greater threat to Iraq's neighbors and less food for its people.

The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world.

The best way to end that threat once and for all is with a new Iraqi government—a government ready to live in peace with its neighbors, a government that respects the rights of its people. Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently.

The decision to use force is never cost-free. Whenever American forces are placed in harm's way, we risk the loss of life. And while our strikes are focused on Iraq's military capabilities, there will be unintended Iraqi casualties.

Indeed, in the past, Saddam has intentionally placed Iraqi civilians in harm's way in a cynical bid to sway international opinion.

We must be prepared for these realities. At the same time, Saddam should have absolutely no doubt if he lashes out at his neighbors, we will respond forcefully.

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people.

And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Because we're acting today, if is less likely that we will face these dangers in the future.

Let me close by addressing one other issue. Saddam Hussein and the other enemies of peace may have thought that the serious debate currently before the House of Representatives would distract Americans or weaken our resolve to face him down.

But once more, the United States has proven that although we are never eager to use force, when we must act in America's vital interests, we will do so.

In the century we're leaving, America has often made the difference between chaos and community, fear and hope. Now, in the new century, we'll have a remarkable opportunity to shape a future more peaceful than the past, but only if we stand strong against the enemies of peace.

Tonight, the United States is doing just that. May God bless and protect the brave men and women who are carrying out this vital mission and their families. And may God bless America.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. BYRD has not yielded back his time as yet, has he?

The PRESIDING OFFICER. He has not formally done so.

Mr. REID. Mr. President, I briefly say this. I voted——

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I do not intend to use my time. I have already made my speech. If I have some time, I yield whatever time he needs to the Senator from Nevada.

Mr. REID. I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I voted for the first gulf war. In fact, I was the first Democrat to announce publicly that I would do that. I voted for the second gulf war. I have no problems with having done that.

I have the greatest respect for the senior Senator from Alaska. I know what a fine chairman he is on the Appropriations Committee. But I do say this: That for anyone now to say the war is over, it is not over. The war is going on as we speak. One need only go to the families of the 16 people who were killed when the helicopter was shot down just a few hours ago.

Having said that, we still have a long hard row ahead of us in this war in which we are engaged.

I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back all of his time?

Mr. BYRD. Yes, I yield back my time.

The PRESIDING OFFICER. Without objection, the conference report is adopted.

The Senator from West Virginia.

Mr. BYRD. I do not think it should be adopted by unanimous consent. That was not meant to happen. I understood there would be a voice vote. I hope the Chair will propound the question for the voices to vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. BURNS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of Interior and related agencies for the

fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the conference.

(The conference report is printed in the House proceedings of the RECORD of October 28, 2003.)

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, it gives me a great deal of pleasure to bring this conference report to the floor, along with my good friend from North Dakota, Senator DORGAN. We have spent a lot of hours on this particular legislation, the appropriations for the Department of the Interior, also some portions in here for the Department of Energy, the Forest Service, the Indian Health Service, and several other independent agencies under the Interior Subcommittee's jurisdiction.

Both the House and Senate bills conformed to the same 302(b) allocation and our conference allocation is effectively the same. This means the priorities of both bodies, as expressed in their respective bills, had to be pared back substantially to bring this bill to the required level. Nobody should be surprised if they think they did not get everything they wanted in this bill. There is an old saying, ''I didn't get everything I wanted, but I wanted everything that I got.'' Nobody did get everything they wanted, including this chairman. But I can tell you the Members were treated fairly. I think the House and Senate had a good exchange during the course of our conference discussions.

That being said, this bill does a number of positive things. It has been a most difficult year. Generally speaking, we have tried to protect the core operating programs of the land management agencies, the Indian Health Service, and the other agencies in this bill. Where possible, we have provided targeted increases for high priority programs such as park operations and, of course, forest health.

Beyond that, we have continued our efforts to attack the maintenance backlog within the land management agencies: The BIA administration of the school system and the Indian Health Service. In a few cases we have invested in new facilities, where they are critically needed.

This bill also continues to fund a number of grant programs for a variety of purposes, from habitat conservation to energy conservation to the arts and the humanities. Most of these programs have been continued at around current-year levels. Advocates of these programs may be disappointed that we did not provide large increases, but the constraints of our allocation simply would not allow it.

There is a specific issue I would like to mention briefly and that is the Indian trust reform. The court recently issued an opinion in the Cobell litigation that would compel the Department of Interior to spend an estimated $9 billion to $12 billion—that is with a ''b,'' billion—over the next 3 years, on an exhaustive historical accounting of individual Indian money accounts, an accounting that may or may not shed light on the ultimate solution to the trust problem. If there is one thing with which everybody involved in this issue seems to agree, it is that we should not spend that kind of money on an incredibly cumbersome accounting that will do almost nothing to benefit the Indian people. What we need to be doing is fixing the trust system and settling this case once and for all. The conference agreement provides that there is effectively a time out, so Congress can address this issue in a comprehensive fashion. I sincerely hope Congress will take advantage of this opportunity to act for the benefit of the Indian people throughout our country.

Finally, I express my thanks to staffs on both sides of the aisle who worked so hard on getting this conference report together: Larissa Sommer, Ginny James, Leif Fonnesbeck, Ryan Thomas, and Bruce Evans on my own subcommittee on this side. On the committee of course are the folks on the other side who worked so hard, and the rest of my committee staff. They have done a great piece of work bringing this difficult conference to a successful conclusion. Chris Heggem and Ron Hooper of my personal staff have also contributed a great deal to this bill on items that are particularly critical to my State of Montana.

I also want to thank Peter Keifhaber and Brooke Livingston of Senator DORGAN's staff for their cooperation and good humor. Given that Brooke is to be married Saturday, I think it is safe to say she is glad to get this item off the floor. We couldn't conclude it quickly enough. I am glad we can accommodate her on that schedule.

Again, I thank my good friend from North Dakota. We are neighbors. Our border is very porous. We always stand our ground, though, and thank goodness there was the Little Missouri River.

I yield to the ranking member of this committee, Senator DORGAN from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin where my colleague from Montana ended. That is, with thanks to a great deal of staff help to put this subcommittee bill together: Bruce Evans, Virginia James, Leif Fonnesbeck, Ryan Thomas, Larissa Sommer on his side, and Peter Keifhaber and Brooke Livingston on our side.

This is a conference report that spends $19-plus billion on a wide range of issues—the National Park Service, the Bureau of Land Management, Fish and Wildlife, Bureau of Indian Affairs, a portion of the Department of Energy, and the Forest Service. As you take a look at all of these issues—the National Endowment for the Humanities and Arts, the Smithsonian Institution—this is quite a remarkable subcommittee and the jurisdiction is broad and very interesting.

Senator BURNS and I do share a common border between North Dakota and Montana. He is a good legislator to work with. We are friends and have had a good working relationship on this conference report.

I am going to vote for this conference report. There is much in it that represents progress, as far as I am concerned, in a range of areas, but I do say—and my colleague, Senator BURNS, knows this—that I have great heartburn about the final provision in this conference report that deals with Indian trust land. I will talk about that in a moment. While I vigorously oppose that provision, I, nonetheless, will vote for the conference report.

Let me say that we have in a range of areas in this conference report a backlog of work that needs to be done, whether it is dealing with the infrastructure for repair and maintenance of the Park Service or the Forest Service, the issues dealing with Indian housing, health and education, and there are so many areas that it is hard to focus. We have tried to have a limited amount of resources spread throughout the obligations here to meet unlimited wants and needs. But that is the process of trying to get a bill such as this done.

One of the key issues where we made some progress this year is the area of tribal colleges. The reason I mention that is because we have been battling for some long while dealing with a range of issues on Indian reservations. I mentioned previously there is a bone fide crisis on the issues of Indian health, housing, and education. There is really a crisis in those areas. It seems to me that one of the ways to give people an opportunity and some hope for a better future is education.

On Indian reservations, the tribal college system has been a remarkable tool that has given hope to a lot of people who were not able to get their education but have now gone back to school to get their education through a tribal college. We have been able to increase the funding for that to $48 million. That is not a large part of this bill. But the President recommended $38 million, which is a cut from last year. We restored last year, and my colleague, Senator BURNS from Montana, and I got this up to $48 million. It is the most sizable increase we have seen in the history of this account. We have done it because it is an investment in the lives of the people who have hope for a better life because of this. I appreciate the cooperation and the assistance of my colleague from Montana.

Let me also speak about the provision in the bill that is troublesome to me; that is, the issue of Indian trust lands. All of us understand that the Indian trust situation has grown more

and more difficult. We now have a court order, as a result of the Cobell v. Norton lawsuit, that apparently, according to experts if followed to the letter, would require us to hire accountants from Maine to California and about $9 billion worth of work—that is right, with a ''b,'' $9 billion worth of work—to try to sort out what the accounts are in the Indian trust funds. If this is a $13 billion fund, or somewhere in the neighborhood of $13 billion, would the Native Americans want us to begin a process in which we spend up to $9 billion to hire accountants and financial folks and others to sift through these accounts? I think that is just nuts. That doesn't make any sense at all to anybody.

But what I have difficulty with is resolving this issue. We can't put it off. We have to resolve it. At the end of this piece of legislation, the House-Senate conference, over my objections, put language in the conference report which effectively stays the court's September 25 order for as long as 14 months.

First, I think that is unconstitutional. I think that is a violation of the separation of powers. It is apparent to me, at least. The language I am talking about that is in this conference report tells the court how to construe and apply statutes.

But the question of construction and application is not a function of the Congress. We passed the statute but how it is construed and applied is not a legislative function. We don't have any business or ability, for that matter, to tell the courts how to write their opinions. But I am afraid we are going to add another issue to the litigation because of what was put in this bill.

We know that between now and late next summer we have an obligation in this Congress to try to find a way to resolve this issue and head off the requirement to spend billions and billions of dollars doing the accounting necessary to sort out the Indian trust funds. Failure to do that undermines the legitimate rights of Native Americans in this country to whom these funds belong.

We have a requirement, in my judgment, to create a solution between now and the end of next summer in order to avoid in the next appropriations bill having to spend billions of dollars for an accounting of these funds. There needs to be a settlement, an agreement. I hope that will be the case.

But I think what we have done, in effect staying a court order—or creating a ''timeout''—is going to add a layer of additional problems rather than begin to solve a problem. I regret that was put in the conference report.

Having said that, the conference report is an important piece of legislation. It has taken longer than we would have hoped to get it done. But it is now going to the House and to the Senate for approval of the conference report and will go to the President. I assume he will sign this conference report. I think we will have done pretty good work in most areas of this report.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The 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, I rise today to express admiration for the hundreds of Nevadans who risked their lives last week to help our neighbors in California battle the deadly wildfires that swept that State. Approximately 500 people came from Nevada to California to help fight the fires. Firefighters from every part of the State—Las Vegas, Henderson and Pahrump in the south, Reno, Carson City and other communities in the north—traveled over the border to help fight the fires. Firefighting units from the Nevada Test Site, the naval air station at Fallon, and the Lake Mead National Recreation Area were sent over the border to help Californians. We even sent 240 Nevada forestry conservation inmates who had been trained to fight fires.

I am very happy and proud that Nevadans responded in this way. We believe in helping our neighbors in the West. So I wasn't surprised that we lent a helping hand.

As one firefighter told the Las Vegas Sun newspaper, the decision to go to California was a no-brainer. He said:

We didn't even have to think twice about it. We wanted to help our fellow firefighters.

As these Nevada firefighters began returning home over the weekend, they described the gratitude of the Californians whose houses had been saved. They believed they contributed to saving those homes. Unfortunately, they also warned that our State could be next in line for devastating fires.

The California fires raged through forests that had been decimated by drought and disease, leaving dead trees that were dry as tinder. Similar conditions are present in Nevada and other Western States. That is why I supported the forest management act the Senate passed last week.

We have heard the grim toll of the California fires: 20 lives loss, 1 firefighter's life lost, almost 3,500 family homes destroyed, as much as $2 billion in damage. But these fires have also had a direct impact on air quality and water quality. The forest management act is part of the solution but it is not the whole solution.

We have to work together with State and local agencies, and with private groups, to monitor and manage the conditions in our public forests and rangeland. In our State, we have a great example of this kind of cooperation, the Eastern Nevada Landscape Coalition.

Hundreds of brave Nevadans did their part to control the deadly fires in California last week. We must all do our part to prevent similar fires in the future.

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. 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. LEVIN. Mr. President, I will vote for the Interior appropriations conference report because it contains valuable funding for Michigan's parks, trails, museums, and forests. However, I have reservations about several aspects of this legislation.

I am disappointed that the conference report does not include the language I offered with Senator COLLINS, unanimously adopted by the Senate, which would have directed the Department of Energy to develop procedures to ensure the Strategic Petroleum Reserve is filled in a manner that minimizes the cost to the taxpayer and maximizes the overall supply of oil in the United States. The amendment expressed the sense of the Senate that the Department of Energy's current procedures for filling the SPR are too costly for the taxpayers and have not improved our overall energy security.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price of oil. Prior to that time, DOE sought to acquire more oil when the price of oil was low, and less oil when the price of oil was high. In early 2002, however, DOE abandoned this cost-based approach and instead adopted the current cost-blind approach. Because over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

The DOE's cost-blind approach has proven to be very expensive without much benefit to energy security. DOE's staff estimates that in just 2 years, 2000 and 2001, the policy now abandoned by DOE saved the taxpayer approximately $175 million, and that a continuation of this policy could have saved the taxpayer additional hundreds of millions of dollars through 2005. Economists estimate that the DOE's current policy has increased the cost of crude oil by up to $1.75 per barrel of oil, and 5 to 7 cents per gallon of gasoline at the pump. DOE's own figures also show that under the new policy overall energy security—as determined by the total amount of oil in both governmental and private storage—has barely increased.

I am very concerned that without the direction provided in the Senate's version of this bill, the American consumers, businesses, and the taxpayers

will continue to pay dearly for the Department of Energy's cost-blind approach to acquiring oil for the Strategic Petroleum Reserve, with only minimal, if any, benefit to our energy security.

The Department of Energy does not need new authority, however, to adopt sound business practices. DOE already has sufficient legislative authority to improve the cost-effectiveness of the SPR program. The Department of Energy should try to better spend the taxpayers' dollars and improve our overall energy security. I urge the Department to follow the direction unanimously adopted by the Senate and improve its procedures for filling the SPR.

In addition, I am also concerned about a provision in the bill which limits the Department of the Interior's ability to perform its legal and statutory responsibilities with respect to the 1994 American Indian Trust Management Reform Act. For several years, Native Americans have come to expect that the Federal Government and, specifically, the Department of the Interior would rightfully manage and account for the Native-American trust fund. Unfortunately, because the U.S. Government has not adequately fulfilled its obligations, Native Americans have had to use the judicial system to have their rights enforced. A rider on this Interior Department conference report, which was not included in the either the House or Senate bill, was added in conference which abrogates the rights of 500,000 Native Americans. The provision, which legislates on an appropriations bill, sends the wrong message to Native Americans that their judicial gains can be changed by an act of Congress, drafted in a backroom and added by a conference committee when neither House had approved the language.

A full and appropriate accounting of the Native-American trust fund is necessary to make sure that the tribes are treated fairly. To overturn court decisions through undebated legislation is not good practice, especially when the judicial proceedings are ongoing. The trust fund contains approximately $176 billion while an appropriate accounting of the fund would cost an estimated $9 to $12 billion.

There are also antienvironmental provisions in this bill that I do not support. Language in the conference report will roll back the moratorium on offshore drilling in Bristol Bay, reduce judicial review on Tongass timber sales, and waive National Environmental Policy Act, NEPA, review for expiring grazing permits.

Further, the conference report also drastically reduces funding for the Land and Water Conservation Fund, LWCF. Lower funding of the LWCF may result in the inability to purchase and protect land needed for habitat around the Great Lakes. It also could result in land being developed which will result in more pollution flowing into the tributaries and the Great Lakes.

Ms. CANTWELL. Mr. President, while I plan to vote for this bill because it funds a host of programs critical to our Nation and my home State of Washington, I rise today to voice my grave concerns over a provision that would prevent the Department of Interior from conducting a full accounting of Individual Indian Trust accounts.

On September 25, 2003, in the case of Cobell v. Norton, U.S. District Judge Royce Lamberth ordered the Department of Interior to account for all individual Indian assets held in trust since 1887. This accounting is critical if our government is to meet its federal trust responsibility and reach an equitable settlement over the funds owed to over 300,000 American Indians.

My concerns over this funding limitation are threefold. First, it subverts both the legislative and committee process. Last week, Indian Affairs Committee Chairman CAMPBELL and Vice-Chairman INOUYE introduced legislation that provided a blueprint on how we can move forward on this issue. As a member of the Indian Affairs Committee, I feel strongly that the committee of jurisdiction should deal with this issue so that we can hear from the multiple stakeholders through the traditional hearing and legislative drafting process.

Secondly, by forestalling a court order, I am very concerned that this rider may violate the Constitution's separation of powers doctrine. With the insertion of this provision, Congress is interfering with the ability of a federal agency to comply with the ruling of a Federal judge. It could also be considered a takings, since Indian account holders are being denied redress to secure just compensation for the use of their property.

Finally, this provision will delay efforts to settle this lawsuit because it will remove any incentive the Interior Department might have to participate in good faith negotiations. I hope that its inclusion will at least spur the parties to try and reach a mutually acceptable settlement within the year that this rider will be in effect.

After a century of mismanaging Indian assets, it's time for our Nation to keep our promises. While I share the concerns of my colleagues over the potential expense of the accounting process, I believe that the cost further supports the need for a negotiated settlement. That is why I am committed to working with the all affected stakeholders as well as the chairman and vice-chairman of the Indian Affairs committee to resolve this matter once and for all.

Mr. BENNETT. Mr. President, I rise in support of the Interior conference report and urge its approval. While there are a number of important matters addressed through this bill, I would like to make particular note for the record the absence of any limitation on the Memorandum of Understanding, MOU, between the State of Utah and Department of the Interior regarding the use of a process for resolving R.S. 2477 claims through the Federal Land Policy Management Act, FLPMA disclaimer of interest authority.

This agreement establishes a process through which the State will identify State- and county-owned roads that run across public lands and meet certain criteria. The State will then apply to the Department of the Interior, DOI, for disclaimers on those roads. Each application will be examined and determination will be made as to whether each road meets the strict standards set forth in the MOU. If the road qualifies, DOI will issue a recordable disclaimer of interest for that road. While there had been some action in the House to prevent this process form going forward, I am pleased that effort was rejected and that, upon approval of the conference report and its approval by the President, the State of Utah and the Department of the Interior will be free to pursue this agreement without limitation.

I believe that this bill is an affirmation of the good faith effort that the parties have made to resolve some of these long standing questions through the MOU, and affirms limitations imposed by the parties themselves in the MOU. Those limitations imposed by the parties ensure that claims in national parks, national wildlife refuges, congressionally designated wilderness, and wilderness study areas will not be considered through this MOU. I also believe that it is important that they move forward with this process and give the counties an opportunity to have a local transportation system with certainty. The conclusion reached by the conferees, to allow this MOU to go forward, will allow the parties to resolve these issues through the recordable disclaimer authority as designed under FLPMA, rather than through the court system. This will bring the issue to resolution faster, provide for public participation, and will be less costly to the taxpayer than litigation.

Mr. INOUYE. Mr. President, I regret that I must rise to speak in opposition to certain provisions of the conference report to the Interior appropriations bill for Fiscal Year 2004 relating to litigation now pending before the United States District Court for the District of Columbia in a class action lawsuit entitled Cobell v. Norton. In the Cobell case, a class of several hundred thousand individual Indians are seeking an accounting of funds held in trust for them by the United States.

As early as 1876, a Philadelphia newspaper reported that the government was unable to account for the funds it held in trust for individual Indians and Indian tribes. Since that time, the amount of funds for which the government cannot account has grown exponentially. The parties to the litigation agree that more than $13 billion have gone into the individual Indian trust accounts, but in the aggregate, the outstanding balance in those accounts

today is little over half a million dollars.

As you know, the United States acts as the trustee for thousands of individual Indians who did not ask to be removed from their aboriginal lands, to be forcibly placed on reservations, to have their lands allotted against their will, or to have this trusteeship imposed on them. And yet these people who have suffered great deprivation at the hands of the government seek not to hold the government liable for the loss of their funds—they seek only to have a proper accounting of the funds that the United States holds in trust for them.

However, today, with the adoption of this conference report, the United States Government will again deal the Indians yet another blow—by denying them the right to seek a simple accounting in a court of law of the funds that are rightfully theirs. And people in Indian country are asking, and I think justifiably so, would the Congress single out any other group of Americans for such treatment?

The relevant language of the conference report seeks to prevent the provisions of the American Indian Trust Fund Management Reform Act, or any other statute, or any principle of common law from being construed or applied to require the Department of the Interior to commence or continue the conduct of an historical accounting of individual Indian money accounts until the earlier of the following shall have occurred: No. 1, Congress shall have amended the American Indian Trust Fund—Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or No. 2, December 31, 2004.

We have consulted with Senate legal counsel on the language and we are advised that this provision is of questionable constitutionality as it relates to the separation of powers amongst the three branches of government. Contrary to the principle established by the U.S. Supreme Court more than 150 years ago in Marbury. v. Madison, that it is the exclusive task of the Judicial Branch to determine the application of the law to a case, this provision of the conference report reaches into the province of the Article III courts by restricting those courts in what law they may apply in the Cobell litigation.

On several occasions, I have joined the chairman of the Senate Indian Affairs Committee in urging the parties to the Cobell litigation to enter into negotiations that would enable them to reach a fair and voluntary settlement to this litigation. I deeply regret the fact that thus far negotiations between the parties have not borne fruit. Nonetheless, I remain committed to working with the administration, the Cobell plaintiffs, and our colleagues in the Senate and the House of Representatives to enact legislation that will provide a process for reaching a fair and voluntary settlement.

Accordingly, I cannot support this effort to deny to our Nation's First Americans a right that is guaranteed to all other citizens of the United States, while providing them with no alternative means of obtaining full and fair relief.

Mr. NICKLES. Mr. President, I rise in support of the conference report of the FY 2004 Interior and Related Agencies Appropriations Bill.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides $19.7 billion in discretionary budget authority and $19.4 billion in discretionary outlays in FY 2004 for the Department of the Interior, the Forest Service, energy conservation and research, the Smithsonian and the National Endowment for the Arts, and National Endowment for Humanities.

The bill is at the Subcommittee's 302(b) allocation for budget authority and outlays. The bill provides $185 million or 0.9 percent more in discretionary budget authority and $1.1 billion or 5.9 percent more in discretionary outlays than last years bill. The bill provides $72 million more in discretionary budget authority and $93 million more in discretionary outlays than the President's budget request.

In addition, this bill provides $400 million in emergency funding for the Forest Service and the Department of the Interior for wildland fire suppression activities. These funds were requested by the President.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2691, INTERIOR APPROPRIATIONS, 2004.—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 2004, $ millions]

	General purpose	Conservation	Mandatory	Total
Conference Report:				
Budget authority	19,657	0	64	19,721
Outlays	19,424	0	70	19,494
Senate 302(b) allocation:				
Budget authority	19,657	0	64	19,721
Outlays	19,424	0	70	19,494
2003 level:				
Budget authority	19,472	0	64	19,536
Outlays	18,340	0	73	18,413
President's request:				
Budget authority	19,555	0	64	19,619
Outlays	19,266	0	70	19,336
House-passed bill:				
Budget authority	19,627	0	64	19,691
Outlays	19,393	0	70	19,463
Senate-passed bill:				
Budget authority	19,625	0	64	19,689
Outlays	19,361	0	70	19,431
Conference Report Compared To:				
Senate 302(b) allocation:				
Budget authority	0	0	0	0
Outlays	0	0	0	0
2003 level:				
Budget authority	185	0	0	185
Outlays	1,084	0	−3	1,081
President's request:				
Budget authority	102	0	0	102
Outlays	158	0	0	158
House-passed bill:				
Budget authority	30	0	0	30
Outlays	31	0	0	31
Senate-passed bill:				
Budget authority	32	0	0	32
Outlays	63	0	0	63

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. CAMPBELL. Mr. President, in 1996, the lawsuit now known as Cobell v. Norton case was filed. To date we have spent many millions of dollars on accountants and lawyers, no accounting has been done, and not one penny

has been paid to an Indian account holder.

On September 25, the judge in the case, Judge Lamberth, issued a decision that guarantees more years of litigation and, by all estimates, billions more dollars spent, and no end in sight to the lawsuit.

With appeals, congressional squabbling over money and further lawsuits aimed at securing money damages, the case is just beginning.

The Department claims that pennies on the dollar are owed the plaintiffs, but without billions more spent on accounting activity, it cannot say for sure how much is in the accounts.

Cost estimates from the Interior Department suggest that it will cost $10 to $12 billion to comply with Judge Lamberth's order, money that will be spent year after year through fiscal year 2008 at least.

I believe this money is better spent on reconstituting the Indian land base, building a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than $175 billion dollars should be in these accounts, a number the Department vigorously contests.

Last Monday night, the Interior Appropriations Committees intervened in the case by adding a rider that will delay the accounting order by the judge conceivably until the end of 2004. Because of the enormous cost of an accounting, I believe the appropriators' intervention will only get worse in the future.

Two weeks ago, along with Senators INOUYE and DOMENICI, I introduced S. 1770, the Indian Money Account Claim Satisfaction Act of 2003, to reach a legislated settlement of the case. A hearing was held on October 29, 2003.

I do not support the Cobell rider, and I want to make that clear. I do support a legislated settlement to the case, and I say to those who have come to the floor: If you are serious about settling this matter, join me and Senators INOUYE and DOMENICI in our efforts.

At the hearing on the 29th, it appears both the Department and the plaintiffs are willing to move ahead with mediation of this case, and I fully support that and will be doing everything in my power to make sure that happens.

If you are not serious, continue on the current course.

I thank the Chair.

Mr. BAUCUS. Mr. President, I rise today to support the conference report accompanying H.R. 2691, the Interior Appropriations bill of 2004, because of the $2.5 billion for firefighting, $400 million to pay back Federal agencies for fire costs in 2003, and $50 million included for important Montana projects.

These important funds will help care for Montana's public lands, parks and wildlife and they will help boost our state's economy.

This bill also provides a good step towards establishing a permanent firefighting fund so Federal agencies don't have to borrow from other accounts to pay for firefighting costs, which halts important restoration and salvage projects.

This fire season alone the Forest Service was forced to take $695 million from other accounts, the Department of the Interior $165 million, to fight fires after the agencies' firefighting budgets dried up for fiscal year 2003.

I must support this conference report to ensure that Montana lands are conserved for future generations and protected from unnecessarily high fire threats.

However, my support for this bill is not without reservation. The historical accounting language included in this conference report essentially states that the Department of Interior may not comply with Judge Lamberth's order without consequence for one year.

I am not happy about how this came about though. Riders—especially on an issue this important—are no way to legislate. Indian trust accounting must be resolved in a collaborative way, in the light of day where all parties can come to the table. Eight years ago, Eloise Cobell started her battle to champion the cause for accountability of Indian Trust monies. Ultimately she won when Federal District Court ruled that the United States government had breached its trust obligations to hundreds of thousands of American Indians and that the government should be compelled to provide a comprehensive historical accounting. While indeed the cost of the accounting is expensive, it is crucial to balance the cost with due respect for the District Court order. This rider now attempts to modify the court order Eloise Cobell fought so hard to win. Legislating away the district court decision may only invite further litigation. Hopefully, there will be a meaningful settlement in the interim.

I am committed to working together to get this resolved. And in the coming days and weeks, I will be doing all I can to ensure Montana tribes are at the table as these talks continue.

Mr. DODD. Mr. President, I rise to express my concerns about language included in the Interior Appropriations Conference Report that I believe is unfair to Native Americans—specifically, those Native Americans who have been waiting years for an accounting from the Tribal Trust.

While no tribes in Connecticut are directly impacted by this language, many others throughout Indian Country are. In my view, the provision contained in this conference report undermines the expectations of all Americans who believe that the Federal Government should abide by the rule of law when the Government administers Federal programs and initiatives.

Since 1996, the Department of the Interior has been engaged in a legal battle with Native Americans who want the Department to provide a full accounting of money owed to Indians by the Department. The conflict grew out of the Department's continuous mismanagement of Indian oil royalties, grazing fees and the like for more than a century. As many as half a million Native Americans have been wrongfully denied monies that are owed to them. It appears that the Department may have squandered billions of dollars over the course of the last 116 years. Money that should have gone to Indian education and housing, healthcare and community development was instead wasted.

Recently, U.S. District Judge Royce Lamberth ordered the Department to account for all royalties owed to Native Americans. Judge Lamberth also held the Secretary in contempt of court, because he believed that the Department had not been completely forthcoming about how the Department was working to resolve the dispute. The contempt ruling was overturned on appeal; but needless to say, this conflict has been heated.

Now, this conference report arrives here before the Senate with language that would delay a lawful judicial order rendered by Judge Lamberth and language that would prevent Judge Lamberth from issuing further contempt orders against the Secretary, regardless of the merits of any such order.

I am told that the Senate Legal Counsel has expressed concerns about the constitutionality of the new language because it essentially legislates a judicial outcome by telling a Federal judge how to interpret the law.

I am opposed to the inclusion of this provision. It is my hope that the Senate will take steps to mitigate against the damage that this language may cause.

Too many Native Americans have already waited too long for justice. Requiring them to wait longer serves no valid public policy and is simply wrong.

Mr. REID. Mr. President, is there time still on the bill?

The PRESIDING OFFICER. The majority still controls 24 minutes.

Mr. REID. If the majority is willing to yield back their time, we can vote.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Senator BURNS said he will yield back his time.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Montana.

Mr. BURNS. Mr. President, I assume that the minority leader——

Mr. REID. He will speak after the vote.

Mr. BURNS. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

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

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 433 Leg.]

YEAS—87

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bennett	Ensign	Mikulski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Fitzgerald	Nickles
Brownback	Frist	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Jeffords	Snowe
Coleman	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wyden

NAYS—2

Bayh	Daschle

NOT VOTING—11

Biden	Hatch	Murkowski
Corzine	Kerry	Sarbanes
Edwards	Lieberman	Thomas
Graham (FL)	Miller	

The conference report was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, again, I express my gratitude to all of those who contributed to this appropriations bill. There are many in this body, in fact too many to mention. But Senator DORGAN and I appreciate their cooperation. We think it is a good bill.

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. DASCHLE. 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. DASCHLE. Mr. President, I come to the floor to express my objection to a provision in the conference report the Senate just passed regarding management and accounting of the American Indian trust fund.

Just over a month ago, on September 25, U.S. District Court Judge Royce Lamberth ordered the U.S. Department of the Interior to conduct a full and accurate historical accounting of the assets held in trust by the Department for hundreds of thousands of individual American Indian account holders. In his ruling, Judge Lamberth charged that the Interior Department's handling of the Indian trust funds ''has served as a gold standard for mismanagement by the federal government for more than a century.''

The trust fund language inserted into this conference report—behind closed doors—would stay Judge Lamberth's decision. It would effectively halt the Cobell v. Norton lawsuit and further delay justice for 300,000 to as many as a half-million Indian trust fund account holders. This provision is unconstitutional and, I believe, unconscionable.

Partly because so many Americans Indians live on remote reservations, not many Americans understand what the Indian trust fund dispute is about. This dispute stretches back to the 1880s, when the U.S. government broke up large tracts of Indian land into small parcels of 80 and 160 acres, which it allotted to individual Indians. The government, acting as a ''trustee,'' then took control of these lands and established individual accounts for the land owners. The government was supposed to manage the lands. Any revenues generated from oil drilling, mining, grazing, timber harvesting or any other use of the land was to be distributed to the account holders and their heirs.

The government has never—never—lived up to its trust fund responsibilities. The Indian trust fund has been so badly mismanaged, for so long, by administrations of both political parties, that today, no one knows how much money the trust fund should contain. Estimates of how much is owed to individual account holders range from a low of $10 billion to more than $100 billion. As Tex Hall, president of the National Congress of American Indians has said, ''This is the Enron of Indian Country.'' In fact, it may well be bigger than Enron.

The people who are being denied justice in this case include some of the most impoverished people in all of America. More than 68,000 are enrolled members of South Dakota, North Dakota and Nebraska tribes. Some live in homes that are little more than shacks, with no electricity and no running water. They are being denied money that is rightfully theirs—money they need, in many cases, to pay for basic necessities.

The court has ordered an accounting. This rider will undermine that order. It will delay resolution and delay justice. What other group of Americans would we dare to treat this way? I don't know of one, Mr. President. Why target American Indians? Many account holders are older people, ''elders'' who have suffered extreme economic deprivation their entire lives. If this rider staying Judge Lamberth's ruling becomes law, as I expect it will, many of them may not live long enough to see justice. This is shameful.

When the Senate debated the Interior appropriations bill, several of us offered an amendment that would have strengthened accountability for the Indian trust fund. Instead, unbelievably, the provision in this conference report would weaken accountability of the trust fund.

Judge Lamberth's decision directed the Secretary of the Interior to conduct a full and fair historical account of the trust. Such an accounting is the first, critical step in reaching a fair resolution to the Indian trust fund dispute.

The mismanagement of the Indian trust fund is a national disgrace. It stretches back generations and, as I have said on numerous occasions, administrations of both parties share the blame. In the seven years since the Cobell lawsuit was filed, Congress has appropriated hundreds of millions of dollars on litigation-related activities. This is money that is desperately needed and would have been much better spent funding health and education and housing programs in Indian Country.

In addition to the gross injustice, there are three additional aspects of this provision that are deeply troubling.

First, this rider is unconstitutional. By telling the court how it must construe existing law, Congress would be violating the constitutional separation of powers. In addition, by denying account holders a full accounting of their trust fund monies and other assets, this rider constitutes a taking of property without just compensation or due process of law.

Second, there has been virtually no public debate or discussion of this rider. It was drafted without any consultation with tribes, with plaintiffs in the Cobell Indian trust fund lawsuit or with the membership of the Congressional committees of jurisdiction. This rider ignores the government-to-government relationship between tribes and the Federal Government, and is almost universally opposed in Indian Country. Since any effective, long-term solution to the trust fund problem must be based on government-to-government dialogue, this rider is likely to prove deeply counter-productive.

Last week, the Senate Indian Affairs Committee held a hearing on a settlement bill where both parties agreed to mediation. The House Resources Committee has been holding field hearings on settlement. This is the way the trust fund dispute should be resolved—not in back-room deals.

Third and finally, this provision perpetuates a shameful pattern of neglect of American Indians and tribes and a failure of the Federal Government to meet its legal and moral obligations to them.

Mr. President, there's another shameful truth about this bill—and that is what is not in it.

Earlier this month, during Senate debate on the Interior appropriations bill, Democrats offered an amendment to address a critical funding shortfall for the Indian Health Service—a shortfall so acute that Indian people are frequently turned away from IHS clinics and hospitals unless they are literally in danger of losing a life or limb. They are denied earlier, less expensive care that might prevent such a dangerous condition in the first place.

We asked our Republican colleagues to restore the $292 million that they had promised, during the budget debate, to support. They refused. The actual shortfall in IHS clinical services is over $2.9 billion. And our colleagues refused to provide one-tenth of that amount in this bill. They refused to support one-tenth of what is needed to provide basic health services to American Indians.

Our Republican colleagues said they agreed on the need for better health care for Indian people; they said they agreed that much of the care being denied is truly essential; but they said, we simply can't afford to do more. Given some of the spending we've seen lately, that excuse rings pretty hollow to Indian people. And it rings pretty hollow to me, too.

We spend twice as much on health care for Federal prisoners as we spend for American Indians. The Indian Health Service has to ration care because of lack of funding. That is inexcusable.

Despite these deep flaws with the Indian trust fund and the Indian Health Service, the Senate has approved this rider, in part because this conference report contains many other programs that are urgently needed. But this is not the end. This in no way absolves the Interior Department of its legal and moral obligation to restore integrity to trust fund management as soon as possible. We will continue to press for a full and fair accounting of all assets in the Indian trust funds. And we will continue to push for full funding of Indian health care. It is long past time that we keep the promises we have made to American Indians and tribes.

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

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

ORDER OF BUSINESS

Mr. LOTT. Mr. President, for clarification for those of us who have an interest in the proceedings from this point forward, if I could inquire, do we have anything scheduled now other than morning business?

The PRESIDING OFFICER. We do not.

Mr. LOTT. Do we have any idea how long morning business will last?

The PRESIDING OFFICER. We are not in morning business yet.

Mr. LOTT. Do we anticipate morning business of 15 minutes—or how long? I would like to keep an eye on this place. I just as soon it not be any longer than necessary. I would like the staff to be able to go home.

The PRESIDING OFFICER. The Chair does not have any orders at this point in time.

Mr. LOTT. Mr. President, could I inquire of the leadership? Do we have any idea what the schedule for the remainder of the evening will be?

Mr. FRIST. Mr. President, through the Chair, we are working on the schedule right now. We just cleared the Syria Accountability Act and we are going to be making some plans shortly. We will be in morning business for a while. I wouldn't send staff home until we have planned out exactly what we will be doing. We should know in about 20 minutes or so. We have gotten a lot of things cleared. Right now we are working on this. We will get the schedule planned in a very few minutes. We will be in morning business and may be doing a little more business tonight as we go forward. I do not expect to have any more rollcall votes tonight.

Mr. LOTT. Mr. President, I thank the leader for that information.

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

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

THE INTERNET TAX NONDISCRIMINATION ACT—S. 150

Mr. ALLEN. Mr. President, I rise today to ask my colleagues to support S. 150, the Internet Tax Nondiscrimination Act.

As many of my colleagues have heard me say on many occasions, I believe it is important that we—and I tried to do it myself—advocate policies and ideas that promote freedom and opportunity for all Americans. We in the Senate must advance ideas that help create more investment, thereby creating more jobs and prosperity rather than more burdens from taxation and regulation.

This measure permanently extends the moratorium banning access taxes and taxes that discriminate against the Internet. It is one of my priorities. I know the Senator presiding shares that same philosophy and has been a great leader in that regard.

As we all know, the Internet is one of our country's greatest tools and symbols of innovation and individual empowerment. I look at the invention of the Internet as profoundly transforming and revolutionary for the dissemination of ideas and information, as important as was the Gutenberg Press.

Accordingly, I think everyone in the Senate would want to help the Internet grow and flourish as a viable tool for education, information, and commerce. I stand on the side of freedom of the Internet, trusting free people and free entrepreneurs—not on the side of making this advancement in technology easier to tax for the tax collectors.

One of the great things about the Internet is that it is not limited by boundaries of State governments, local governments, not even limited by the boundary of this country. Clearly, the Internet is intrastate commerce. Thus, the Federal Government, Congress, has jurisdiction in the taxation and regulation of the Internet.

My legislation, S. 150, promotes equal access to the Internet for all Americans and protects every American from harmful, regressive taxes on Internet access services as well as duplicative and predatory taxes on Internet transactions. Specifically, as reported out of the Commerce Committee, S. 150 has five provisions.

First, it extends permanently the country's Federal prohibition of State and local taxation on Internet access service.

Second, it makes permanent the ban on all multiple and discriminatory taxes relating to electronic commerce. This ensures that several jurisdictions cannot tax the same transaction simply because the transaction happens to occur over the Internet.

Third, my legislation repeals the so-called grandfathering provision over a 3-year-period.

Fourth, we make clear the original intent of the Internet Tax Freedom Act by updating the definition of Internet access to ensure the moratorium applies consistently to all consumers. If we are going to exempt Internet access services from taxation permanently, then it makes sense to do so in a manner that applies to all methods and