

is my understanding, after having spoken to the managers of the bill, that she would need to be here at approximately 10 a.m. tomorrow.

Mr. DOMENICI. That is about right.

Mr. REID. We will go into session at 9:30. Staff should advise Senator BOXER to be here at 10.

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. Madam President, maybe I did not make it clear, because it was not clear, that we are going to have three votes. I assumed we would go right into the first vote and not need the 2 minutes, but we are going to do this later, so Senator SCHUMER would also need the 2 minutes as with the two Boxer amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. AL-EXANDER). The Senator from New York has 5 minutes remaining.

Mr. DOMENICI. I don't see anyone here who wants to argue in opposition to you. We have already voted. I know the Senator from New York has great, innovative capacity and that he has proudly come up with an amendment the likes of which the Senate has never seen or heard, but I have an inclination that it is similar to what we have voted heretofore; I don't believe it has been offered to do anything other than cause significant mischief to the ethanol bill which is before the Senate, which I understand has very broad support.

So my argument would merely be, in all deference, to suggest that enough is enough, and just as we voted heretofore in opposition to the other amendments, we follow suit and vote against the amendment of the distinguished Senator from New York.

I only used 3 minutes and I yield back any other time in opposition. I thank the Senator for being generous in only using a small amount of the Senate's time this evening. I do mean the latter seriously.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I conclude, first, one difference with this amendment—it has the support of the ranking Democrat on the Energy and Natural Resources Committee, which the others did not. Second, it affects all of the coastal States, not just one or two.

On the other amendments there was a general opt-out. Those who advocate ethanol would say every State could opt out and we would not have an ethanol program. Here, the main States that care about it in PADDs II and III, half of the States in the country or less, would not be allowed to opt out. It would be cheaper for them.

I say to my good friend, "mischief"? We are creating mischief with this amendment? My goodness, the amendment my good friend the chairman of the Energy and Natural Resources Committee is creating affecting the

drivers in more than half the country is enormous, all to help the corn growers and to help the ethanol industry. That is the kind of mischief that people do not like about Washington.

They are saying, you are telling me, Mr. John Q. Smith of New York, Miss Mary E. Jones of Oregon, Miss Young Teenager who just learned to drive from Denver, CO, they must use ethanol even if it costs more.

I see my good friend from Pennsylvania, one of the great upholders of free market principles—except when it comes to steel and corn.

Let's be realistic here.

Mr. SANTORUM. If the Senator from New York would yield, if he checks my vote on the last 2 amendments he would find I am a great defender of the free market principle and have joined the Senator from New York in support of those.

Mr. SCHUMER. I retract my remarks. I should not have assumed the worst.

Mr. DOMENICI. Will the Senator yield?

Mr. SCHUMER. I say to my friend from New Mexico who also upholds free market principles that this is not a free market bill. This is the opposite. Even the Wall Street Journal editorial page has come out against this proposal.

Can't we form a nice little coalition of the States poorly affected, the States that are hurt by this, plus all those who believe in the great free market, like my good friend from Pennsylvania on the issue of corn?

Mr. DOMENICI. I remind the Senator, in response to the Senator from New Mexico and his remarks about this being more of the same and enough is enough and his comment, one thing is different, and that is that the ranking minority member of the Energy Committee was on his amendment, I remind the Senator that same Senator has offered his own amendment and it did not get enough votes. If you get as many votes as he got, you are doing quite well. I don't know that you can expect more by saying he is on it since he has tried his best and failed already.

Mr. SCHUMER. Reclaiming my time, I simply say to my friend from New Mexico, the underlying is so bad and so egregious it is worth trying and trying again.

You know the old song: what made you think that ram could punch a hole in the dam? Everyone knows a ram can't punch a hole in the dam, but he had high hopes. He had high hopes, high, apple pie-in-the-sky hopes.

That is what we have here. We know if we persist, because we are right, we can do it, just like the ad, that could not move a banana tree plant in the same aforementioned song.

We are going to keep trying. We know it is an uphill fight. We do not think that is because we are wrong. We think that is because there is a lot of power on the other side. I guess our lack of strength and votes thus far is

somewhat made up for in the passion we felt about this issue in these amendments.

If my colleague would like to conclude, I yield him whatever time remains.

Mr. DOMENICI. I am anxiously awaiting for you to decide you have used your time up. Have you?

Mr. SCHUMER. I ask the President if I have.

The PRESIDING OFFICER. The Senator has 54 seconds.

Mr. SCHUMER. In deference to my good friend from New Mexico, and in hopes that he will see the error of his ways, I yield back those 54 seconds.

Mr. DOMENICI. I am so thrilled. That is the first act of generosity that has occurred with reference to the chairman, who has been trying to get this bill completed. I am very thrilled.

Tomorrow we will have three votes, as I indicated, starting sometime after 10 o'clock. They will all be on ethanol. We have a bill with all kinds of things in it and we will just be finishing the subject matter of both votes on ethanol.

I do thank the minority managers for their efforts, in particular Senator REID, in trying to narrow down the number of amendments on the Democratic side, which they have done.

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

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

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senate be in a period of morning business and Senators be permitted to speak for up to 10 minutes.

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

The Senator from Wyoming is recognized.

ENDANGERED SPECIES FUNDING ACT

Mr. ENZI. Mr. President, there is no question that the goals of the Endangered Species Act are noble. Wyoming residents understand the desire to maintain a healthy environment and to manage and protect wildlife. In fact, it is a business we have been in for generations. The fact that today's private lands are the primary habitat for a more abundant range of wildlife than can be found on Federal public lands is a strong testament to my Wyoming's residents' belief in protecting wildlife and their willingness to put those beliefs in action.

It was the State of Wyoming, not the Federal Government, that took action to find the believed extinct black-footed ferret. The State then used its own

money to build a facility that was able to nurse the ferret back into existence. As a result of the State's unilateral efforts we now have several populations of black-footed ferrets spread across several States.

Unfortunately, the ESA has moved beyond its goals of recovery species and had become a tool to control development, to shut down small businesses, and to impose costs—in the form of unfunded mandates—on States, local governments and private individuals.

Then there are those other costs, the ones that can't be put into exact dollar figures but which seem to drain the already limited resources of private land owners. Whether it is the grizzly bear, black-footed ferret, Canada lynx, Preble's meadow jumping mouse, gray wolf, whooping crane, bald eagle, western snowy plover, sage grouse, Wyoming toad, Colorado pikeminnow, razorback sucker, Colorado butterfly plant, or a flower called the Ute Ladies' tresses, Wyoming residents have been forced to invest valuable man hours and personal property to ensure these plants, fish and animals are managed according to national priorities as set by non-resident Federal agencies.

It is only fair that Federal dollars be provided to pay for Federal priorities.

Imagine, as a home owner, that an endangered species is discovered in your yard. What if you were then denied the use of your garden, back yard and driveway, couldn't mow or pull any weeds and were told, oh, yes, you have to change jobs too. You'd be on the phone to your lawyer, your governor, your Senator and the President. And all of them would say, "It's the law and you are not entitled to a dime of compensation." Now how would you feel about the Endangered Species Act?

Granted, a farm or ranch is larger than your garden or back yard, but it is often the sole source of support for some of our Nation's hardworking families—and to have acres taken away and out of use without compensation would appear to violate the Constitution! My bill merely provides for just compensation for this, a Federal priority and mandate.

My bill would guarantee funding for implementing the ESA while requiring the Federal Government to pay for all the costs relating to the establishment of State management plans, monitoring, consultation and administration, surveys, conservation agreements, land acquisitions, losses from predation, losses in value to real or personal property or any other cost imposed for mitigating management of a species covered by the ESA.

When they see the real costs of these regulations and their impact on communities, the American public will, for the first time, realize what it costs to declare a species as endangered. It's one thing to dictate how someone else or another community spends its resources, and it's quite another to face those costs and lost opportunities yourself.

There should be no question in anyone's mind that the Endangered Spe-

cies Act is an unfunded mandate. For far too many years states, local governments and individual property owners have borne the brunt of implementing the Federal Endangered Species Act. They stagger beneath the momentous weight of having to pay for the mismanagement and policy decisions of federal bureaucracies.

One of the biggest problems with this statute is that the people forcing implementation have no real perspective on what it does or how it impacts states and local communities. It is very easy for them to sit back in their protected communities, surrounded by granite walls and pavement, and dictate to the West that our herds of cows and flocks of sheep are needed to feed the wolves they transplanted here, or that species preservation is more important than providing jobs for the community and putting food on the table. It's easy for them because they don't have to live with the results of their decisions. It doesn't cost them anything and they have nothing to lose. The only investment most Americans make in the Endangered Species Act is rhetoric.

I love Wyoming and the plants and animals that populate it. I would hate to see anything happen that would change the ability of Wyoming and individuals to continue managing its land with the kind of productivity that we now have.

The reality is, however, that the Endangered Species Act has become more of a hindrance than a help. Not one species has been recovered because of the rules and regulations imposed by this statute. What has had the biggest impact has been the people on the ground who are not allowed to make personal choices on how they manage their own property. If we continue to impose the costs and expenses on local landowners and communities, there will come a day when they are no longer there to make the wise and well informed management decisions that will make a real difference in the future existence of our Nation's endangered species.

I hope my colleagues will consider this bill and the costs it puts on individuals and recognize that the Endangered Species Act is a Federal priority and, as such, it should be a Federal cost, not a personal cost.

I yield the floor.

COMMEMORATING THE 100TH ANNIVERSARY OF THE HISTORIC FRANKLIN HOTEL

Mr. DASCHLE. Mr. President, I would like to congratulate my dear friend Bill Walsh on the 100th anniversary of the Historic Franklin Hotel in Deadwood, SD.

The Franklin Hotel is truly a piece of living history and a jewel of the Black Hills. Throughout the decades, the Franklin has accommodated Presidents and celebrities, including Teddy Roosevelt, William Taft, John Wayne, and the great Babe Ruth. In addition to being a much-celebrated destination

for visitors to the Black Hills, the Franklin has also served as a cornerstone for the community of Deadwood. The Franklin was a source of comfort for city dwellers during the Great Depression, and hosted the first radio broadcast in the State of South Dakota.

Today, the Franklin continues to be a place of celebration, as it accommodates thousands of tourists in the Black Hills each year. From viewing the Days of '76 Parade on the veranda, to celebrating St. Patrick's Day in Durty Nelly's, to a grand New Year's Eve celebration, the Franklin continues to be a source of great entertainment and a place where special memories are made daily.

The Historic Franklin Hotel is a true reminder of our rich Western heritage. Today, on its 100th anniversary, the task of maintaining and preserving this rich cultural treasure rests on the shoulders of Bill Walsh. If founder Harris Franklin were alive today, he would be proud of Bill's dedication to the preservation of this historic landmark. I extend my best wishes to Bill and the Franklin Hotel's Board of Directors, Jo Roebuck Pearson, Mike Trucano, Taffy Tucker, and Orville Bryan.

Congratulations to all of you as you celebrate this extraordinary milestone. We look forward to the next 100 years.

RELEASE OF AUNG SAN SUU KYI

Mr. LUGAR. Mr. President, today I rise to affirm the call from Secretary of State Powell that military leaders in Burma release Aung San Suu Kyi from continued "protective custody."

The reimposition of custody of Daw Aung San Suu Kyi and the denial of requests by United States and other officials to meet with her and assure her good health and well-being are unconscionable. She should be released immediately and unconditionally. In addition to the release of other National League for Democracy leaders who have been arrested, I also call upon the government of Burma to allow the NLD to reopen its offices throughout the country.

The only hope for democracy in Burma will be found in dialogue among the National League for Democracy, the State Peace and Development Council and the ethnic nationalities. The arrest of Aung San Suu Kyi is a major setback to meaningful reform, and raises serious questions about whether the current ruling junta can be trusted to live up to any of its promises. The United States must continue to support Daw Aung San Suu Kyi and the NLD.

I am pleased that the Bush administration, in coordination with the United Nations Security Council and other members of the international community, is "considering all measures available in our efforts to foster this transition to democracy."