

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking “plus” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, plus”, and by adding at the end the following new paragraph:

“(16) the biodiesel fuels credit determined under section 40A(a).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year ending on or before September 30, 2004.”.

(2)(A) Section 87 of such Code is amended to read as follows:

“SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

“Gross income includes—

“(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

“(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).”.

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking “fuel credit” and inserting “and biodiesel fuels credits”.

(3) Section 196(c) of such Code is amended by striking “and” at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting “, and”, and by adding at the end the following new paragraph:

“(11) the biodiesel fuels credit determined under section 40A(a).”.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 40 the following new item: “Sec. 40A. Biodiesel used as fuel.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2004, in taxable years ending after such date.

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, February 25, 2004, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 10th, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1354, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; S. 1575 and H.R. 1092, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; S. 1778, to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; S. 1819 and H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; and H.R. 3249, to extend the term of the Forest Counties Payments Committee.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. COCHRAN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Marketing, Inspection, and Product Promotion will meet on March 4, 2004 in SH-216, Hart Senate Office Building at 2:00 p.m. The purpose of this subcommittee hearing is to discuss the development of a national animal identification plan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to conduct a hearing on the “Proposals for Improving the Regulatory Regime of the Housing Government Sponsored Enterprises.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 24, 2004, at 9:30 a.m. on Voice-Over-Internet-Protocol (VOIP).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to receive testimony concerning the reliability of the Nation's electricity grid. Specifically, the recommendations in the February 10th North American Reliability Council Report Regarding the August 14th blackout will be reviewed and implementation of the proposed solutions will be discussed.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 2:30 p.m. to hold a hearing on The Middle East: Rethinking the Road Map.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, February 24, 2004, at 10 p.m. for a hearing titled “Preserving a Strong United States Postal Service: Workforce Issues.”

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2:00 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to hold a hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 2:30 p.m. to hold a hearing on intelligence matters.

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

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, February 24, 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.

COMMITTEE ON TERRORISM, TECHNOLOGY AND
HOMELAND SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Virtual Threat, Real Terror: Cyberterrorism in the 21st Century" on Tuesday, February 24, 2004, at 10 a.m., in Dirksen 226.

Witness List

Panel I: Mr. John Malcolm, Deputy Assistant Attorney General, DOJ, Washington, DC; Mr. Keith Lourdeau, Deputy Assistant Director, FBI, Washington, DC; and Mr. Amit Yoran, director of the National Cybersecurity Division, DHS, Washington, DC.

Panel II: Mr. Dan Verton, Author, Burke, VA; Mr. Howard Schmidt, Chief Information Security Officer, eBay, San Jose, CA; and Mr. Michael Vatis, Executive Director, Task Force on National Security in the Information Age, New York, NY.

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

PRIVILEGES OF THE FLOOR

Mr. ENSIGN. Mr. President, I ask unanimous consent that Dr. Rita Redberg, a legislative fellow for Senator HATCH, be granted floor privileges during consideration of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act.

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

Mr. DODD. Mr. President, I ask unanimous consent that privileges of the floor be granted to Lauren Doyle, a legislative fellow in my office.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Patrick Shen and Brett Tolman, detailees on the Judiciary Committee staff, be granted the privileges of the floor for the duration of this session.

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

Mr. TALENT. Mr. President, I ask unanimous consent that one of my staffers, Telly Lovelace, be permitted the privilege of the floor for the rest of the afternoon.

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

COMMEMORATING 200TH ANNIVERSARY OF THE BIRTH OF
CONSTANTINO BRUMIDI

AUTHORIZING PRINTING OF "HISTORY OF THE UNITED STATES CAPITOL"

PERMITTING USE OF ROTUNDA OF THE CAPITOL FOR COMMEMORATION OF HOLOCAUST

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following resolutions which are at the desk en bloc: H. Con. Res. 264, H. Con. Res. 358, and H. Con. Res. 359.

The PRESIDING OFFICER. The clerk will report the concurrent resolutions by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

A concurrent resolution (H. Con. Res. 358) authorizing the printing of "History of the United States Capitol" as a House document.

A concurrent resolution (H. Con. Res. 359) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolutions be agreed to, the preambles, where applicable, be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolutions be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 264) was agreed to.

The preamble was agreed to.

The concurrent resolution (H. Con. Res. 358) was agreed to.

The concurrent resolution (H. Con. Res. 359) was agreed to.

MEASURE READ THE FIRST TIME—H.R. 3783

Mr. FRIST. Mr. President, I understand that H.R. 3783 which came over from the House is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3783) 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.

Mr. FRIST. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard.

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

Mr. FRIST. Yes.

Mr. REID. Mr. President, I know H.R. 3740 is an important piece of legislation. It extends the highway bill now in effect for 4 months. I have not spoken to Senator INHOFE today, but we have communicated through staff. He and I would rather have a 1-month extension. It is my understanding that the two leaders have met and think that 60 days would be an appropriate time. I want everybody to be on notice that if there is any effort to extend this beyond 60 days, I will do whatever I can to make sure that is not the case.

It is so important that we move this most important piece of legislation to 4 months, as there will be no bill this year. We have spent too much time over here. It now appears that the debate is over dollars. It is not about the content of the bill in any way.

I hope the two leaders understand the grief and difficulty that Senators INHOFE and I and KIT BOND and Senator JEFFORDS have gone through to get to the point where we are. I will agree with the decision of the two leaders, but when it comes back from the House, I hope there will be an agreement to split the difference after that.

Mr. FRIST. Mr. President, in all likelihood, we will be looking at 2 months. Again, for those listening now, a lot of people said 1 month. A lot of people said 4 months. A lot of people said a year. So this was negotiated again with both sides, and we understand the immediacy and the importance of this bill, which I do also strongly support.

ORDERS FOR WEDNESDAY, FEBRUARY 25, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 25. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1805, the gun liability bill; provided that the time until 10:30 a.m. be equally divided between Senators CRAIG and REED of Rhode Island, or their designees, and the vote on the cloture motion occur at 10:30 a.m.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the motion to proceed to S. 1805, the gun liability bill. The cloture vote on the motion to proceed will occur at 10:30 a.m., and that will be the first vote of the day.