

For CBS, let me say this: The CBS eye has been closed to truth, closed to fairness, closed to presenting the facts honestly to the American people. CBS has a great legacy. It is a storied name when it comes to public information in America. This chapter is sad and disgraceful.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2261, AS MODIFIED, TO
AMENDMENT NO. 2233

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Kyl amendment be temporarily set aside and, further, that the Senate now proceed to the consideration of amendment No. 2261, as modified, which is at the desk. I further ask consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

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

The amendment (No. 2261), as modified, was agreed to, as follows:

(Purpose: To extend transfers of excess pension assets to retiree health accounts, and for other purposes)

At the appropriate place add:

SEC. ____ . EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking “December 31, 2005” and inserting “December 31, 2013”.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended—

(A) by striking “January 1, 2006” and inserting “January 1, 2014”, and

(B) by striking “Tax Relief Extension Act of 1999” and inserting “Pension Stability Act”.

SEC. ____ . CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 501(c)(15)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

“(i) the gross receipts for the taxable year do not exceed \$600,000, and

“(ii) more than 50 percent of such gross receipts consist of premiums.”.

(b) CONTROLLED GROUP RULE.—Section 501(c)(15)(C) of the Internal Revenue Code of

1986 is amended by inserting “, except that in applying section 1563 for purposes of section 831(b)(2)(B)(ii), subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded” before the period at the end.

(c) CONFORMING AMENDMENT.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “exceed \$350,000 but”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ . DEFINITION OF INSURANCE COMPANY FOR SECTION 831.

(a) IN GENERAL.—Section 831 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) INSURANCE COMPANY DEFINED.—For purposes of this section, the term ‘insurance company’ has the meaning given to such term by section 816(a).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. ____ .

On page 12, line 5, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

On page 16, line 18, before “or” insert “or the mining or processing of iron ore or beneficiated iron ore products,”.

SEC. ____ . FUNDS FOR REBUILDING FISH STOCKS.

Section 105 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of the Consolidated Appropriations Act, 2004) is repealed.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pension rate bill tomorrow, there be 30 minutes of debate equally divided between the chairman and ranking member or their designees, with an additional 10 minutes under the control of Senator KYL. I further ask consent that following the use or yielding back of the time, the Senate proceed to a vote in relationship to the Kyl amendment No. 2236; provided further, that following the disposition of the Kyl amendment, the Senate then proceed to a vote on the adoption of the Grassley amendment No. 2233, with no intervening action or debate. Finally, I ask consent that following the disposition of that amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, again, with no intervening action or debate.

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

Mr. REID. Mr. President, if my friend from Iowa will yield, I express my appreciation, for the Senate and the staff, to the leader for getting us out of here as early as possible. The weather is treacherous. There was a meeting at the White House that prevented us from getting out earlier. For everyone, I express my appreciation to the leader for adjourning at this time.

Senator INHOFE and I just finished a very constructive conversation. I have spoken to Senator JEFFORDS and to Senator BOND. We feel very good about moving forward on the highway bill next week. I know the chairman of the Finance Committee is here. They are going to meet on Monday to work on a

provision on taxes. We can't do the bill unless they do that. I have spoken to the Senators from Alabama and Maryland, Senator SARBANES and Senator SHELBY. They are going to mark their provision up on Tuesday as it deals with mass transit.

I hope this most important bill, creating hundreds of thousands, if not millions, of jobs over the next 5 years can be completed before we go for our break in the middle of February.

Mr. GRASSLEY. Mr. President, I associate myself with the remarks the distinguished assistant Democratic leader just made about the highway bill. It is one of the most important jobs bills we can have before the Senate this year. It should have been done last year. We couldn't get it done. But we can do that now and the Senate is committed to that. I think the leadership in the House is committed to it. Obviously, we need to get it done.

I thank the Senator from Nevada.

MOULIN ROUGE HOTEL AND CASINO

Mr. REID. Mr. President, March 24, 1955, was a significant date in the history of Las Vegas. That date marked the opening of Nevada's first racially integrated hotel—the Moulin Rouge Hotel and Casino.

At that time, the city of Las Vegas was already earning international recognition as an entertainment and resort mecca. However, black entertainers performing in Las Vegas were not allowed to stay in the hotels where they performed, nor were they allowed to enter the casinos or restaurants on the Las Vegas Strip. Instead, entertainers such as Sammy Davis Jr., Nat “King” Cole, and Lena Horne were forced to seek accommodations in local boarding houses.

The Moulin Rouge changed all that. When the Moulin Rouge opened, it immediately became the night spot for top stars such as Davis, Harry Belafonte, and Frank Sinatra. They were joined by Ella Fitzgerald, Lionel Hampton, Count Basie, Bob Hope, Tallulah Bankhead, Louis Armstrong, and many more.

When shows on the Strip ended, entertainers and their followers flocked to the Moulin Rouge where they would continue performing into the wee hours of the morning.

The hotel became home to black entertainers headlining on the Strip, and a venue where they performed, alongside their white peers, to audiences of all races.

The Moulin Rouge closed in October of 1955, just 6 months after its celebrated opening. However, its impact lived on. Other Las Vegas hotels began their own efforts at desegregation. And when the civil rights movement reached full swing in early 1960, the old Moulin Rouge became the site of an historic meeting between Governor Grant Sawyer, leaders in the African-American community, and Las Vegas

hotel operators. The meeting resulted in an agreement by resort operators to end their segregation practices, and to make their casinos, restaurants, and hotel rooms accessible to all people regardless of race.

The "Moulin Rouge Agreement" made national news, and the building has since been listed on the National Register of Historic Places. It is a living symbol and tribute to the struggle for equality and civil rights. Over the years, a number of owners tried to bring the Moulin Rouge back as a viable resort, but none was ultimately successful. Then, last year, a tragedy occurred. On May 29, 2003, one day before a new owner was scheduled to take over the property, an arsonist's fire ravaged the casino. The three-alarm blaze destroyed many irreplaceable historic photos and relics, including the famous Moulin Rouge wall mural and its unique mahogany bar.

Miraculously, the entire front facade and the historic Moulin Rouge neon sign survived the fire, along with the original tile-covered columns and the signature tower. These structures, along with the original hotel building which also survived, will provide the foundation from which a new Moulin Rouge will rise.

This year marks the 40th anniversary of the landmark Civil Rights Act of 1964, so it seems fitting to announce that the Moulin Rouge, a symbol of civil rights change in Las Vegas, will rise from the ashes.

The Moulin Rouge Development Corporation, which was stymied in its efforts to purchase the hotel by the tragic fire, will soon finalize purchase of the property. This Thursday, January 29, the company will publicly announce its plans for the new Moulin Rouge.

These plans call for restoration of the original facade and the original hotel, along with construction of a new hotel, casino, and shopping mall. This new facility will include museum exhibits, provided by the Moulin Rouge Museum and Cultural Center, that celebrate the history of the property and the achievements of minority leaders, entertainers, and other pioneers of the civil rights era.

I congratulate Dale Scott, Rod Bickerstaff, Chauncey Moore, and other officials of the Moulin Rouge Development Corporation for their vision and hard work in bringing forth this proposal.

It has been a long road. But those of us who love history are delighted that the Moulin Rouge will be saved, and that its famous neon sign will shine once again. It will serve as a reminder of how far we have come, and how much remains to be done.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO BRIAN D.
HAZELGROVE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a

brave young man from Edinburgh, IN. CWO2 Brian D. Hazelgrove, 29 years old, died outside of Mosul, Iraq, on January 23, 2004, after his Kiowa Warrior helicopter crashed while returning from a combat mission. Brian joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Brian was the 24th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Brian leaves behind his father, Ron; his wife, Kimmi; his half brother, Brad; and his children, Taylor, Zachary, Brandon, and Katelyn. May Brian's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Brian's family, his friends, and the entire Edinburgh community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Brian, a memory that will burn brightly during these continuing days of conflict and grief.

Brian graduated from Edinburgh High School in 1994, where he played on the basketball team. Friends and family members remember Brian for the love he shared with his entire family, his energetic personality and his unfailing sense of humor. His half brother Brad spoke for all who were blessed to have known Brian when describing him to the Indianapolis Star as "just a joy . . . the guy was amazing."

After joining the Army in 1994, Brian began his military career in intelligence. He later became a helicopter pilot, serving with the 3rd Squadron, 17th Air Cavalry Regiment from the 10th Mountain Division at Fort Drum, NY. Prior to Brian's service in Operation Iraqi Freedom, he also served two tours of duty in South Korea. He was deployed to the Middle East in November.

As I search for words to do justice in honoring Brian's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brian's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brian D. Hazelgrove in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just

cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brian's can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God bless us all.

TRIBUTE TO SGM PHILIP ALBERT

Mr. DODD. Mr. President, I rise in tribute to U.S. Army SGM Philip Robert Albert, of Plymouth, CT, who lost his life on duty in Afghanistan on November 23, 2003. He was 41 years old.

Sergeant Major Albert, a member of the 2nd Battalion of the 87th Infantry Regiment, 10th Mountain Division, was killed along with four other soldiers in a helicopter crash in northeastern Afghanistan. His service to his country will not be forgotten.

Philip Albert was a career military man. He enlisted in the Army after graduating high school at 18 years of age, and he never looked back. He fought in the first Gulf War in 1991 and was serving his second tour of duty in Afghanistan. Sergeant Major Albert was on the front lines in the war on terror, searching the mountains of Afghanistan for members of al-Qaida and the Taliban, protecting coalition forces as well as the Afghan people.

Like so many of the men and women who serve in our Armed Forces, Philip Albert didn't consider himself a hero. For him, putting his life on the line for his country was simply part of his job—a job he did with dignity, courage, and honor.

Sergeant Major Albert's devotion to his country was matched only by his love for his family. The youngest of 8 siblings, he enjoyed the company of his brothers and sisters, and he was especially fond of the time he spent with his many nieces and nephews.

In recent years, Sergeant Major Albert had spoken with his family and friends about the possibility of retiring from the Army. But it was difficult for an individual like Philip Albert to walk away from the job he loved. After he witnessed the horrific attacks of September 11, he must have decided that America could use his experience, his dedication, and his service. Because once again, when his country called on him, Philip Albert answered the call.

Philip Albert perished just a few days before Thanksgiving. The Thanksgiving holiday will obviously have a very different meaning for his family and friends for many, many years to come. But I would like them to know that each and every one of us in the Senate—and indeed every single American—owes a tremendous debt of thanks to Philip Albert.

It is people like Sergeant Major Albert who make it possible for us to live each and every day in freedom, peace, and security. It is their sacrifices, in lands thousands of miles away, that keep us safe here at home. We must