

States of America and the Republic of Poland to the Treaty Between the United States of America and the Republic of Poland Concerning Business and Economic Relations of March 21, 1990, signed at Brussels on January 12, 2004. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Protocol.

I have already forwarded to the Senate similar Protocols for Romania and Bulgaria and now forward simultaneously to the Senate Protocols for the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic. Each of these Protocols is the result of an understanding the United States reached with the European Commission and these six countries that will join the European Union (EU) on May 1, 2004, as well as with Bulgaria and Romania, which are expected to join the EU in 2007.

The understanding is designed to preserve U.S. bilateral investment treaties (BITs) with each of these countries after their accession to the EU by establishing a framework acceptable to the European Commission for avoiding or remedying present and possible future incompatibilities between their BIT obligations and their future obligations of EU membership. It expresses the U.S. intent to amend the U.S. BITs, including the BIT with Poland, in order to eliminate incompatibilities between certain BIT obligations and EU law. It also establishes a framework for addressing any future incompatibilities that may arise as EU authority in the area of investment expands in the future, and endorses the principle of protecting existing U.S. investments from any future EU measures that may restrict foreign investment in the EU.

The United States has long championed the benefits of an open investment climate, both at home and abroad. It is the policy of the United States to welcome market-driven foreign investment and to permit capital to flow freely to seek its highest return. This Protocol preserves the U.S. BIT with Poland, with which the United States has an expanding relationship, and the protections it affords U.S. investors even after Poland joins the EU. Without it, the European Commission would likely require Poland to terminate its U.S. BIT upon accession because of existing and possible future incompatibilities between our current BIT and EU law.

I recommend that the Senate consider this Protocol as soon as possible, and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.  
THE WHITE HOUSE, March 12, 2004.

#### ORDERS FOR MONDAY, MARCH 22, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Monday, March

22. I further ask that following the prayer and the pledge, the morning hour be deemed 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 begin a period for morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each.

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

#### PROGRAM

Mr. FRIST. Mr. President, the Senate will next convene on Monday, March 22. No rollcall votes will occur that day. However, the Senate will resume consideration of the Jumpstart JOBS bill, also known as FSC/ETI. We have made some progress on the bill. We interrupted the bill when we took up the budget bill this week.

Given the March 1 deadline on the FSC/ETI bill, which we have passed, and the implementation of sanctions, because that deadline has passed, I am concerned about our ability to pass this bill in a timely way. We must address this and it will be the first order of business when we return.

It is clear that extraneous amendments may be offered and that will further complicate our ability to finish this bill in a timely and orderly way. We have already spent several days on the bill. I encourage my colleagues to stay focused. Let's address the bill in an appropriate way to complete action.

Chairman GRASSLEY and Ranking Member BAUCUS are still hoping to pursue an agreement to finish the bill, although I must put everyone on notice that it may be necessary to file cloture to bring this important legislation to a close.

I should comment on the bill itself because people say, why the focus? Why the urgency? I mentioned the March 1 deadline—we are past the March 1 deadline—the renewed sanctions that are impacting trade right now.

The bill brings our trade laws and our trade into compliance with our trade agreements. Right now they are out of compliance. People agree they are out of compliance.

In addition, the bill provides badly needed reforms to further stimulate manufacturing growth. It is a manufacturing bill. On this floor every day we are talking jobs, manufacturing jobs and loss of jobs, and this bill hits directly at the heart of improving the environment for manufacturing in this country.

We all know the recession hit the manufacturing sector hard, probably the hardest of any other sector. Manufacturing costs in the U.S. have been going up. They are getting higher and higher, where they have not gone up elsewhere in the world.

We compete in a global economy. In my home State of Tennessee, exports have risen 26 percent since 1997, and ex-

ports support 232,000 jobs in Tennessee, and that is about 10 percent of our overall workforce in Tennessee.

Some people have suggested we close our borders to trade. To me, and I think to most people, that is a declaration of defeat. We are the most creative society in the world. We are the most innovative society in the world today. Workers in the United States lead productivity when compared to all other workers in the world. If we are allowed to compete on a level playing field, U.S. manufacturers can and will compete anywhere in the world, but U.S. manufacturers currently have this additional burden of unnecessary cost.

The WTO also approved the European Union sanctions against the United States. As I mentioned, that began on March 1. That is a 5-percent tariff, a 5-percent tax, a 5-percent sanction on a whole variety of U.S. goods. Again, that makes us less competitive. Thus, we need to act and we need to act now. We do not need a lot of nongermane, extraneous amendments applied to this bill. Let's stay focused on this bill itself.

It has gone up 5 percent. These tariffs will increase by 1 percent a month to a high of 17 percent next year if we do not act and repeal these export subsidies. That, again, is another cost to U.S. manufacturing.

There are pending amendments, and others may be offered that day, and therefore Members are expected to come to the floor for debate throughout the day. The next vote will occur on Tuesday. As always, we will notify Members when we lock in a time certain for that rollcall vote.

I do thank everyone one last time for their hard work and their long hours this week. I thank the pages. They have done a tremendous job for us, from early in the morning until late at night; to the police, to all the clerks, again from hours before we start until well after we complete our business on the floor; and to all those who are behind the scenes and keep this wonderful building and institution functioning. We do not have the opportunity to thank them very much, and I hope in telling that story of the importance of thank-yous, I do say thank-you to all the people who provide the infrastructure that allows us to carry out real democracy at its best.

#### ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the provisions of S. Con. Res. 98, following the remarks of Senator NELSON for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Florida.

#### NASA FUNDING

Mr. NELSON of Florida. Mr. President, my compliments to the majority leader on the way in which he offered

leadership for the Senate on a rather rigorous and very lengthy discussion of the budget over the last several days. My thanks to him for the hospitality he provided in the course of a very long evening. And my compliments and congratulations to the chairman of the Budget Committee, Senator NICKLES, and to Senator CONRAD, the ranking member, for the extraordinarily bipartisan fashion, as the hours of the evening wore on and as nerves began to fray, of keeping a calm and cool deliberation in the midst of 300 amendments that had been filed. Those 300 amendments would have kept us here all day today, all day Saturday, all day Sunday, and well into Monday. Yet with that leadership, the chairman and the ranking member were able to get reasonable minds to come together and find consensus and therefore withdraw many amendments. That was a testimony and showed the Senate working its will.

I asked for this time because I want to comment on one part of the budget that was passed last night. In the wee hours of the morning, an amendment was passed by unanimous consent, sponsored by Senator SESSIONS, Senator SHELBY, this Senator from Florida, and Senator GRAHAM of Florida. It was an amendment to bring the level of funding for NASA provided in the budget resolution up to the level requested by the President. This was no small amount of money, for what had come out of the Budget Committee, over my objection, was a cut to America's space program, as evidenced in the NASA budget, of \$631 million.

My pleas in the course of our deliberations in the Budget Committee to get the White House to step forward and to support its request for its full funding at a level of \$16.2 billion, went unheeded. Indeed, those pleas went unheeded for the White House to support its own budget on NASA all the way up through the end of the deliberations this entire week until around 1 o'clock this morning.

It was only when Senator SESSIONS and Senator SHELBY each put their foot down to let the chairman of the Budget Committee know that their votes on final passage were questionable unless that was brought up to the level of the President's request did we successfully get inserted into the budget an amendment that would bring NASA up to the \$16.2 billion.

Where was the White House and why did it take—and I give great credit to Senator SHELBY—that long, with my encouragement and that of others, to get the budget resolution amended so when this budget resolution is ultimately passed after conference with the House of Representatives there will not be such a financial straitjacket on NASA so the appropriations committees could not give the adequate funding to NASA? Yet that is what we were faced with at 1 o'clock this morning.

Where is the White House? That is the subject of my commentary. There

is no greater supporter in the Senate for America's space program than this Senator from Florida, who has had the great privilege of being a part of the space program. There is no greater need than the need at this particular time for the full funding of the President's request, with all that NASA has on its plate. It has, not only the new initiative announced by the President back in January of going back to the Moon and then eventually to Mars—of course, no funding really being provided for that, the major funding being provided in the President's announcement in the outyears—but all the other things on NASA's plate.

We had a major space disaster, the second one that occurred within the span of 17 years. Now, as a result of an excellent report brought forth by Admiral Geman's commission, we understand what specific things need to be done to fix the problem and to get back into flight. Of course, it is going to cost a lot of money to make those fixes, and indeed the downtime is costing NASA all kinds of turmoil and uncertainty.

For us not to have the White House step forward and say with vigor that they support their budget request for NASA caused us to just narrowly, by the skin of our teeth, avert a disaster of almost passing a budget resolution last night that was \$631 million under the President's request. There is too much riding on our exploring the heavens for this extremely prestigious and very productive program of the United States called America's space program. As we explore the heavens, we continue to push out the frontiers of our knowledge, and as we develop the technology to do that, that then translates into magnificent enhancement in the quality of our lives as the technology from the space program is applied to our normal, everyday lives.

I call on the White House. I call on the leadership of NASA. We cannot take for granted just because the President has announced a major new initiative that it is going to get funded. Indeed, we are swimming upstream. The immediate reaction of the American people to the President's initiative was they didn't support it. There is only one person who can lead the space program. That is the President or the Vice President. A Senator can't lead it. The administrator of NASA can't lead it, particularly on bold new initiatives. It has to be the White House that leads it.

I implore the White House and NASA to step forward and support your report. Otherwise, we are going to get into a situation where mistakes of omission are going to occur like almost occurred last night. Suddenly we are going to find ourselves with a final budget product that is going to straitjacket NASA with less funds than the President requested.

Now more than ever NASA needs those funds to return to flight as safely as possible. I say that because space flight is risky. But it is a risk worth

taking because of the expansion of our knowledge and the fulfilling of our desire in our inner souls to be explorers and adventurers, a characteristic of the American people.

I felt compelled to share these thoughts as one of the biggest boosters of the U.S. space program—indeed, the world's space program. For we are in an international venture with other nations of this world on the international space station, sharing various citizens of the world on different avenues, namely, American rockets through the space shuttle and European and Russian rockets on other space ventures.

It is important the White House back their request vigorously. I hope and I expect they will do so, and then we will continue to have an excellent space program.

Thank you, Mr. President. I yield the floor.

#### ADJOURNMENT UNTIL MONDAY, MARCH 22, 2004

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until noon on Monday, March 22.

Thereupon, the Senate, at 2:18 p.m., adjourned until Monday, March 22, 2004, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate March 12, 2004:

##### THE JUDICIARY

WILLIAM H. PRYOR, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE EMMETT RIPLEY COX, RETIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS.

##### DEPARTMENT OF VETERANS AFFAIRS

MARY J. SCHOELLEN, OF ALABAMA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE JOHN J. FARLEY, III, TERM EXPIRING.

##### DEPARTMENT OF STATE

JACK DYER CROUCH II, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

##### FEDERAL MARITIME COMMISSION

JOSEPH E. BRENNAN, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2008. (REAPPOINTMENT)

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

##### To be captain

GEORGE W. MOLESSA, 0000

##### To be lieutenant commander

KIMBERLY A. CROKE, 0000

PATRICK FLYNN, 0000

LAURIE J. MOSIER, 0000

JAMES E. SCHEY, 0000

PAUL D. THORNE, 0000

##### To be lieutenant

CARISSA C. APRIL, 0000

GLENN A. BRUNNER, 0000

KENNETH R. BRYAN, 0000

DAVID A. BUTTERRIES, 0000

DONALD D. DEBLER, 0000

STEVEN R. DOYLE, 0000

DOUGLAS E. EGLESTON, 0000

PAUL M. GILL, 0000

MICHAEL P. GULDIN, 0000