

be agreed to, and the substitute amendment then be agreed to and be considered as original text for the purpose of further amendment.

I further ask unanimous consent that when the Senate returns to the bill Senator HARKIN or his designee be recognized in order to offer his amendment relating to overtime.

I further ask unanimous consent that the following list of amendments that I send to the desk be the only remaining first-degree amendments to the bill; provided further that they be subject to the second degrees which are to be relevant to the amendment to which they are offered.

I finally ask unanimous consent that following the disposition of the amendments the bill be read the third time and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of the amendments is as follows:

Alexander—pollution control
 Allen—TAA Housing
 Baucus—Managers' Amendments
 Bayh—Applying anti-subsidy laws to non-market economy
 Bingaman—Medical student matching program
 Bingaman—Outsourcing
 Breaux/Feinstein—Re-patriation
 Cantwell—UI (separate vote guarantee)
 Clinton—Privacy of information
 Coleman—Customs
 Coleman—TAA
 Collins—Manufacture jobs tax credit
 Corzine—Trade barriers
 Daschle—5 relevant or relevant to the list
 Dayton—Credit for making motion picture accessible for hearing impaired
 Dorgan/Mikulski—Runaway plants/Notification
 Feingold—Buy American provisions
 Frist—5 relevant or relevant to the list
 Frist or designee—UI
 Graham (Florida)—Repeal of international title
 Graham (Florida)—Strike international manufacturing and replace with job credit
 Grassley—Family Oppt. Act
 Grassley—Managers' amendments
 Harkin/Wyden—No tax deduction for outsourcing
 Harkin—Overtime
 Hollings—Strike all international provisions
 Hutchison—Architects/Engineers
 Kennedy—Multi-Employer pensions
 Kyl—Contract Manufacturing
 Kyl—Strike energy
 Landrieu—Reservists
 Lautenberg—Foreign subsidiaries doing business with terrorist nations
 Levin—Advanced technology vehicle incentives
 Levin—Tax shelters
 McCain—20 relevant
 McConnell—3 relevant
 McConnell—Overtime
 Miller/Schumer—Green bonds
 Nickles—Corporate rate
 Nickles—Electricity depreciation
 Nickles/Kyl—Death tax
 Nickles—Family tax relief extension
 Reed—CARE (Senate passed bill) as modified
 Reid—3 relevant
 Santorum—CARE
 Santorum—Sec. 29 Coke

Schumer—China
 Specter—Cotton trust fund
 Specter—Manufacture legacy costs
 Talent—Sickle Cell
 Wyden/Coleman/Rockefeller—TAA for service & health care

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

SGT DAVID M. MCKEEVER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of David M. McKeever, a sergeant in the United States Army. Sergeant McKeever was killed on April 5, 2004, in Baghdad, Iraq, when his Army unit was ambushed while guarding a hospital. He had 15 days left in Iraq when he was killed. He was 25 years old.

Sergeant McKeever was assigned to the 1st Armored Division and had been recently promoted from the rank of specialist to sergeant. He was stationed at Fort Carson in Colorado Springs, CO before later moving to the Army base at Giessen, Germany in September 2002. He was one of thousands of brave American service men and women serving in Iraq who confront danger every day. Their tremendous risks and sacrifices must never be taken for granted.

His wife, Niki, grew up in Kearney, NE. Last October, Sergeant McKeever, a Buffalo, NY native, visited family in Kearney while on leave. Sergeant McKeever leaves behind his wife; son, Dylan, now 1 year old; parents, David T. and Carol of Buffalo; brother, Thomas; and four older sisters. Our thoughts and prayers are with all of them at this difficult time. America is proud of David M. McKeever's service and mourns his loss.

Sergeant McKeever will be buried in Kearney. He will be remembered as a dedicated soldier with an optimistic outlook on life.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant McKeever.

U.S. ARMY PFC CLESTON C. RANEY

Mr. CRAPO. Mr. President, I rise today with great sadness and tremendous gratitude to honor the life of a brave young soldier from Idaho. U.S. Army PFC Cleston C. Raney of Rupert was only 20 when, on March 31, 2004, he lost his life in Iraq. Private Raney was killed by a roadside bomb doing what he considered his duty: fighting for the freedoms we all hold dear. Today, I recognize his service and express my sincere condolences to the family and friends of this exceptional young man.

Private Raney was born in Twin Falls, ID, and attended school in

Rupert and Burley. Driven by a strong sense of purpose, he joined the Army in November of 2002 and began his military career as a combat engineer in Fort Riley, KS, in April 2003. In September 2003 he was deployed to Iraq. He served honorably until his death.

Private Raney's death was part of the deadliest day of the war for the Army's 1st Infantry Division, stationed at Fort Riley, KS. Four fellow soldiers from the same division were also killed. This fact underscores the great threats that continue to face our young men and women in the Armed forces. It is also a testament to their great bravery, commitment, and resolve. Private Raney's death was the ultimate sacrifice by a brave young America, made so that we and others around the world can live in freedom.

His family is very private and has asked that the media allow them to grieve without the glare of cameras and the insistent questioning from reporters, but they did share some thoughts publicly about Cleston and his love of life and family. He was a young man at the beginning of so many opportunities in his life. He loved his family and enjoyed participating in activities with them, particularly beating his cousin Gina at pool. He was so typical of many 20-year-old young men, and yet his sacrifice for his country is anything but typical.

Private Raney's decision to serve our country places him in my highest esteem. With gravity and sincerity, I honor him. My thoughts and prayers are with his grieving loved ones as they work to find peace in this difficult time. I know my colleagues here in Congress and many Americans throughout our country do the same.

CLOTURE VOTES ON S. 2207 AND S. 1637

Mr. LIEBERMAN. Mr. President I rise to discuss S. 2207, Pregnancy and Trauma Care Access Protection Act of 2004, and S. 1637, the Jumpstart our Business Strength (JOBS) Act. Unfortunately I did not have an opportunity to cast a cloture vote yesterday on S. 2207 due to my observance of Passover in Connecticut. The medical malpractice problem is a difficult issue and one about which I have long been concerned. We need to strike the appropriate balance so that we have a system that ensures those harmed by medical negligence are justly compensated while at the same time not set up a system that unnecessarily inflates insurance rates. I have long sought to address this issue in a fair and rational way. For instance, I authored several bipartisan and balanced reform bills with Senator MCCONNELL in the past. Unfortunately, the bills that have been before the Senate this Congress have been neither bipartisan nor balanced.

This includes the Pregnancy and Trauma Care Access Protection Act of 2004. S. 2207 goes further than necessary and than advertised, offering

limited liability not only to doctors, but also to medical device manufacturers and drug companies. Furthermore, the \$250,000 cap on noneconomic damages included in this bill may often prove too low for many seriously harmed patients. I believe in meaningful and fair medical malpractice reform; but this bill and the others debated on the floor this session simply do not fit that description. For these reasons I would have voted against cloture for S. 2207, which failed to receive the needed 60 votes by 49 to 48.

I was also unable to cast a second cloture vote on a motion to recommit S. 1637, the "Jumpstart our Business Strength (JOBS) Act," a bill to repeal the foreign sales corporation tax regime, and its successor, the extraterritorial income tax regime, that have been found to be an illegal export subsidy by the World Trade Organization. I voted against the first cloture filing on March 24 and, had I been present on April 7, I would also have voted against cloture. The cloture vote failed to meet the 60-vote threshold by 50 to 47. I support many of the provisions of the underlying bill, S. 1637, which provides tax relief to domestic manufacturers, curtails abusive tax shelters, and contains a number of international tax simplification and reform measures.

Cloture would have prevented debate on a number of amendments that deserve to be debated and voted upon. The Senate must renew efforts to bring the FSC/ETI bill to the floor, to pass S. 1637, while at the same time allowing open debate and votes on issues of importance to American employees.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In February 2004, two gay men visiting from Washington State were attacked by four men and one woman outside a popular bar in Government Camp, OR. Investigators believe the two men were attacked because of their sexual orientation and are pursuing leads in the search for the suspects. The five suspects are charged with first-degree intimidation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE IRS TAX GAP

Mr. BAUCUS. Mr. President, in the next week, millions of Americans will do their duty, obey the law, and complete their income tax returns. Although this is clearly one of our citizens' least favorite annual rituals, most taxpayers will do what's right and provide their share of funding to keep our national government running.

But while these honest Americans are doing their part, a number of others are trying to get by without doing theirs. And that's what I would like to talk about this afternoon.

Some call it the "tax gap"—the difference between the amount of taxes that taxpayers actually owe to the Federal Government and the amount of taxes that taxpayers actually pay to the Federal Government.

This is not about raising taxes. This is about enforcing the tax laws on the books. This is about collecting the taxes that are owed to the Treasury under the existing Tax Code.

While most Americans, with quiet patriotism, file their tax returns and pay their taxes on time, too many do not. There are a number of ways that these folks try to skirt the law: Some don't file their returns. Others understate their incomes. Still others take excessive or illegal deductions. And there are those who claim fictitious refunds.

Unfortunately, there is a growing perception among honest taxpayers that a large number of people are cheating the tax collector—and getting away with it. The IRS Oversight Board Annual Survey on Taxpayer Attitudes reported that the proportion of Americans who "completely agree" that it is all Americans' civic duty to pay their fair share of taxes has steadily declined.

In 1999, 81 percent of Americans agreed that it's their duty to pay taxes. In 2002, only 72 agreed with that statement. And last year, that group fell to just 68 percent of the population.

This trend is very disturbing, but it is also very clear. More and more people believe that cheating is acceptable.

As if this public attitude were not disturbing enough, the growing lack of taxpayer compliance jeopardizes the voluntary tax system on which our government depends. American taxpayers who voluntarily pay their fair share of the country's revenue will not support a tax system that tolerates widespread cheating.

Taxpayers expect their Government to ensure that all pay their fair share. Not one dime more, but not one dime less. The millions of honest taxpayers deserve no less.

The National Taxpayer Advocate estimated that the tax gap for 2001 was \$311 billion. But this is based on 16-year-old data from 1988. There is every likelihood that the tax gap is significantly higher. It certainly isn't less.

For the taxable years 2001 to 2003, the cumulative tax gap exceeded a trillion dollars. In other words, if all individ-

uals and corporations fully paid all of their taxes due for the past 3 years, the IRS could collect an additional \$1 trillion.

This huge level of unpaid taxes is harmful to law-abiding Americans and to the economy as a whole. Just as retail stores raise prices for honest shoppers after they lose merchandise due to shoplifting, honest taxpayers pay more to cover those who aren't paying their share.

In terms of the economy, each dollar in unpaid taxes increases the deficit by a dollar. The administration predicts that the deficit will be cut in half in the next 5 years. But since the administration took office, the cumulative IRS tax gap has exceeded \$1 trillion. Let me say that again: \$1 trillion. This is enough to help shore up Social Security, pay for the war in Iraq, ensure that no child is left behind, fix the highways and extend unemployment insurance.

Currently, the overall taxpayer non-compliance rate is 15 percent and growing. The plain fact is that voluntary compliance has been and remains the backbone of our tax system. Our primary mission must be to maintain and enhance the health of that system by encouraging and facilitating voluntary compliance with our tax laws. A 1-percent point swing in voluntary compliance will increase, or decrease, revenues each year by more than \$20 billion.

Our Federal budget has gone from one of the greatest surpluses in its history to the highest deficit ever known—\$478 billion—close to half a trillion dollars in the current fiscal year.

Now more than ever we need a plan of action to close the IRS tax gap. I propose the following:

First, let's make it easier for people to pay their taxes. Our Federal Tax Code and accompanying regulations are more than 54,000 pages long. They are too complex, confusing, and costly to comply with. In addition to making the code simpler for individual taxpayers, simplification would reduce opportunities for dishonesty. Tax shelters develop because sections of the lengthy code are manipulated to achieve unwarranted tax benefits.

That is why I support a broadly based blue ribbon commission that would recommend simplifications for our income tax system that we could act on.

Second, we need better data on non-compliance. To fix a problem, you have to know the facts. I support the National Research Program that would allow us to have a more accurate estimate of the IRS tax gap and should help IRS identify where they should target their enforcement efforts.

Third, the IRS needs to do a better job enforcing our current tax laws. And that may take Congress passing legislation forcing them to take stronger action. Bills such as the good Government tax administration bill would improve efficiency and strengthen safeguards in IRS collection cases. And in