

(Mrs. CLINTON) was added as a cosponsor of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2302

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2328

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2335

At the request of Mr. REED, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2335, a bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes.

S.J. RES. 23

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S.J. Res. 23, a joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

S.J. RES. 33

At the request of Mr. BROWNBAC, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 33, a joint resolution expressing support for freedom in Hong Kong.

S. CON. RES. 78

At the request of Mr. LIEBERMAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 78, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 90, a concurrent resolution expressing the Sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry.

S. CON. RES. 99

At the request of Mr. BROWNBAC, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution condemning the Govern-

ment of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 310

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. Res. 310, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 310, supra.

S. RES. 311

At the request of Mr. BROWNBAC, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 330

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

S. RES. 332

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 332, a resolution observing the tenth anniversary of the Rwandan Genocide of 1994.

S. RES. 336

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 336, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2004.

S. RES. 342

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 342, a resolution designating April 30, 2004, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2346. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act. My legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally.

Over 30 years ago, Congress passed the Animal Welfare Act (AWA) authorizing the Secretary of Agriculture to set and enforce standards protecting animals used in biomedical research, bred for commercial sale, exhibited to the public, or commercially transported from inhumane treatment. Despite the well-meaning intentions of the AWA and the enforcement efforts of the U.S. Department of Agriculture (USDA), the Act fails to provide reliable protection against the actions of some unethical animal dealers.

Under the AWA, Class B animal dealers are defined as individuals whose business includes the purchase, sale, or transport of animals in commerce, including dogs and cats intended for use at research facilities. To the dismay of animal welfare advocates and pet owners, some Class B, or "random source," dealers have resorted to theft and deception to collect animals for resale. In many instances these animals were found living under inhumane conditions.

As recently as August of 2003, USDA agents executed a warrant to investigate a Class B dealer from Arkansas suspected of violations of the AWA for the second time in several years. Many claims have been levied against this dealer, and approximately 125 dogs were seized by Federal agents during this week-long search. The investigation of this facility is ongoing, and an indictment is pending.

The complaint being investigated by the USDA against the dealer alleges that the respondents' veterinarian provided for them falsified official health certificates for cats and dogs, and also provided them with blank, undated, and signed health certificates. It is also alleged that the dealer failed to provide the barest standards of care, husbandry, and housing for the animals on the premises. The undercover investigation of this facility has revealed that its proprietors were aware that some of the companion animals brought to the facility were stolen, and also revealed a list of over 50 "bunchers," individuals who obtain animals and sell them to "random source" animal dealers. Bunchers have a variety of methods of obtaining companion animals, including responding to newspaper ads offering free animals, trespassing on private property to abduct the animals from yards, and house burglaries.

Inadequate veterinary care is one of the worst violations of the AWA committed against these animals. The expense for quality veterinary care is one that irresponsible Class B dealers do not wish to incur, and animals often die as a result of their untreated injuries or diseases. This was one of the violations uncovered by the investigation, and often resulted from another violation of the AWA that requires compatible grouping of animals. Vicious or diseased animals were not separated from the general population and posed a risk to all of the animals housed with them. In addition, this particular dealer also provided inadequate housing facilities that exposed the animals to injury from sharp wires. Fecal waste was allowed to accumulate in the housing facility, and often dead dogs were left where they fell in cages with other living animals. Food receptacles were found to be contaminated with moldy and rotten food, and potable water was not readily available to the animals. All of these are direct violations of the Animal Welfare Act. In addition to neglect, these animals often suffer abuse at the hands of dealers. Evidence of gross cruelty is being uncovered while the USDA continues to investigate this case.

The Pet Safety and Protection Act strengthens the AWA by prohibiting the use of Class B dealers as suppliers of dogs and cats to research laboratories. My legislation would not be a burden on research facilities because only two percent of the approximately 2,051 Class B dealers in the United States currently sell cats and dogs to research facilities. I am not here to argue whether animals should or should not be used in research. Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against cancer, Alzheimer's, tuberculosis, AIDS, and a host of other life-threatening diseases. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities and the poor treatment of these animals by some Class B dealers.

My legislation preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the AWA. Legitimate sources for animals include USDA-licensed Class A dealers, breeders, and research facilities, municipal pounds and shelters, and legitimate pet owners who want to donate their animals to research. These sources are capable of meeting the demand for research animals. The National Institutes of Health, in an effort to curb abuse and deception, have already adopted policies against the acquisition of dogs and cats from Class B dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allow-

ing the Department to use its resources more efficiently and effectively. Each year, thousands of dollars are spent on regulating dealers. To discourage any future violations of the AWA, my bill increases the penalties to a minimum of \$1,000 per violation.

I reiterate that this bill in no way impairs or impedes research, but will end the fraudulent practices of some Class B dealers, as well as the unnecessary suffering of these animals in their care. I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2346

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pet Safety and Protection Act of 2004".

**SEC. 2. PROTECTION OF PETS.**

(a) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

**"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.**

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

"(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

"(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

"(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

"(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

"(2) a publicly owned and operated pound or shelter that—

"(A) is registered with the Secretary;

"(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

"(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

"(3) a person that is donating the dog or cat and that—

"(A) bred and raised the dog or cat; or

"(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

"(4) a research facility licensed by the Secretary; and

"(5) a Federal research facility licensed by the Secretary.

"(e) PENALTIES.—

"(1) IN GENERAL.—A person that violates this section shall be fined \$1,000 for each violation.

"(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

"(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or

shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility."

(b) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "Sec. 8. No department" and inserting the following:

**"SEC. 8. FEDERAL RESEARCH FACILITIES.**

"Except as provided in section 7, no department";

(2) by striking "research or experimentation or"; and

(3) by striking "such purposes" and inserting "that purpose".

(c) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility".

**SEC. 3. EFFECTIVE DATE.**

The amendments made by section 2 take effect on the date that is 90 days after the date of enactment of this Act.

By Mr. VOINOVICH (for himself, Mr. DURBIN, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 2347. A bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; to the Committee on Governmental Affairs.

Mr. VOINOVICH. Mr. President, leveling the playing field for high school graduates in the District of Columbia continues to be a top priority of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia which I chair. Today I would like to highlight the tremendous impact the District of Columbia Tuition Assistance Program—D.C. TAG—has had on promoting higher education for high school graduates in the Nation's Capital and introduce legislation that would permanently authorize the District of Columbia College Access Act of 1999.

In 1999, I worked with the House and fellow Senators JEFFORDS and DURBIN to craft the District of Columbia College Access Act which was signed into law on November 12, 1999. Soon after, under the direction of Mayor Anthony Williams, the D.C. TAG Program was created to implement this important legislation. The first grants were awarded in 2000.

The aim of the Program was to afford D.C. high school graduates the same opportunity that high school seniors in each of the 50 States have, the ability to attend public universities and colleges at in-State tuition rates in all 50 States and participating private schools—Historically Black Colleges and Universities (HBCU) nationwide or private colleges or universities in Virginia or Maryland. The program has made it possible for D.C. residents to attend college who did not have access to similar State-supported systems.

The D.C. TAG scholarships are used by D.C. residents to pay the difference between in-State and out-of-State tuition, up to \$10,000 per student per

school year with a cumulative cap of \$50,000 per student. In addition, as of March 2002, D.C. residents attending participating private institutions started receiving tuition grants under the program of \$2,500 per student per school year with a cumulative cap of \$12,500 per student.

To date, D.C. TAG has dispersed more than \$63 million to a total of 6,527 students, many of whom are the first in their family to attend college. All current high school students who are D.C. residents are eligible for these scholarships and participation is increasing.

The powerful impact of the program on high school graduates continuing on to college is hard to deny. Data from the Department of Education's Integrated Postsecondary Education Data System show that the number of D.C. high school graduates continuing on to college increased from 1,750 in 1998 to 2,230 in 2002. That's a 28 percent increase since the program was created. This is the highest level of college attendance of District students and exceeds the national average, over the same period, of a 5-percent increase.

Mayor Williams stated that "No State in the Union can make that claim. This unprecedented figure is due in large part, if not almost exclusively, I believe, to D.C. TAG."

According to a survey conducted by the D.C. TAG Office, the grants have become an essential part of higher education planning for D.C. residents. The majority of students who have received assistance through the program have indicated that the existence of the grants made a difference in their decision to attend college, and also played a role in deciding which college to attend.

It is important for my colleagues to know that thousands of D.C. students have taken advantage of this program. It can help to turn around years of economic and educational despair in the District.

We are now coming to the end of the 5-year authorization for the program which expires in November 2005. Because of this and the success of the program, Senators DURBIN, JEFFORDS, LIEBERMAN, and I are introducing this bill to permanently reauthorize the D.C. College Access Act.

In closing I would like to quote two D.C. Residents. La Rue Purry, currently a freshman at the University of Alabama states that "This program gave me the opportunity to get the education I always wanted, the education my family couldn't have provided for me."

Brian Ford, a former D.C. TAG recipient, who testified at the House committee on Government Reform Hearing on March 25, 2004, stated that "The D.C. Tuition Assistance Program is a necessity for the city of Washington, DC, and for its residents. I urge Congress to please continue to provide financial support to the D.C. TAG program so one day students like myself

can have a college diploma hanging on the wall for the world to see."

I urge all of my colleagues to support this legislation and I'm confident that it can be enacted this year. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2347

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT AUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.**

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38—2702(i), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each succeeding fiscal year".

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38—2704(f), D.C. Official Code) is amended by striking "each of the five succeeding fiscal years" and inserting "each succeeding fiscal year".

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2349. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce S. 2349, "The Playwrights Licensing Antitrust Initiative" or "PLAI [play] Act."

This legislation is designed to ensure the continued vitality of American theater. When the theater is crowded and the curtain rises, it is easy to forget that the entire show began with one person: the lone playwright who put pen to paper. While this artistic independence—and the individual expression it fosters—are absolutely central to the continuing vitality of quality live theater in America, it has resulted in individual playwrights being increasingly forced into a situation where they bargain alone against corporate behemoths and organized labor groups over terms of compensation and artistic control when their works are performed on Broadway.

Due to the interaction of Federal labor law, the antitrust laws, and the Copyright Act, playwrights and their voluntary peer membership organization, the Dramatists Guild of America, operate under the shadow of possible antitrust litigation, which has substantially and detrimentally decreased their ability to coordinate their actions in protecting their artistic and financial interests. This has impeded the ability of playwrights to act collectively in dealing with highly-organized and unionized groups—such as actors, directors, and choreographers on the one hand—and the increasingly consolidated producers and investors on the other.

Playwrights contribute enduring, thoughtful entertainment and cultural enrichment to our lives. I know that

many of my colleagues here in the Senate share my appreciation for the creative work they do. Despite the importance of their work, our current antitrust laws prevent them from negotiating a standard form contract for the production of their works. As a result, playwrights—who are frequently at a substantial bargaining disadvantage—are forced to accept contracts on a take it or leave it basis.

If we truly want the American stage to flourish, we must remedy this situation. The PLAI Act is a narrow measure that allows playwrights, composers and lyricists—through either the Dramatists Guild or any other voluntary peer organization—to act collectively in dealing with other industry groups that operate both under and behind the bright lights of the American stage.

The PLAI Act enables playwrights to act collectively without violating the antitrust laws. It allows these men and women to sit down with their creative colleagues in the industry to negotiate, adopt and implement a standard form contract for the production of their works. Actors, stagehands, directors, producers and venue owners of live theater—nearly all other theater workers and artists—already have this right. Importantly, this extends only to the adoption and implementation—but not any collective enforcement—of an updated standard form contract. Thus, it would merely allow dramatists to replace the terms of the current standard contract—which I am given to understand has remained virtually unchanged for several decades—with amended terms that reflect the changing business and artistic landscape on Broadway.

My hope is that the basic ability to develop a standard form contract as well as provisions ensuring that certain artists' rights are respected in the production of their plays will encourage young, struggling playwrights to continue working in the field. Too often, playwrights with great potential abandon their writing—or choose to write for a different audience or venue—because they are powerless to negotiate even minimum levels of compensation or artistic copyright protection for their work. William Shakespeare himself was paid no more than eight pounds apiece for his plays, and was not able to make his living from writing. This was, of course, back in the late 16th century.

We should not allow today's antitrust laws to be used to discourage some of our most creative citizens from pursuing careers in live theater. When talented individuals are pushed away from their craft because of the unintended consequences of legislation, it is incumbent upon those of us in Congress to set things right.

As a long time enthusiast of live theater, and a lyricist myself, I am proud to co-sponsor this bill. It is my belief that the PLAI Act will help foster the next Arthur Miller, the next Andrew

Lloyd Webber, or the next Wendy Wasserstein. By helping playwrights in this way we encourage the continued vibrancy of American live theater and artistic and literary culture.

I commend my co-sponsor Senator KENNEDY for his efforts on this bill. His leadership and support represent a significant step forward in preserving the future of live theater in America. I urge my colleagues to join Senator KENNEDY and me in supporting the PLAI Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2349

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Playwrights Licensing Antitrust Initiative Act of 2004".

#### SEC. 2. NONAPPLICATION OF ANTITRUST LAWS.

(a) IN GENERAL.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement for the express purpose of, and limited to, the development of a standard form contract containing minimum terms of artistic protection and levels of compensation for playwrights by means of—

(1) meetings, discussions, and negotiations between or among playwrights or their representatives and producers or their representatives; or

(2) joint or collective voluntary actions for the limited purposes of developing a standard form contract by playwrights or their representatives.

(b) ADOPTION AND IMPLEMENTATION.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, or action for the express purpose of, and limited to, reaching a collective agreement among playwrights adopting a standard form contract developed pursuant to subsection (a) as the participating playwrights sole and exclusive means by which participating playwrights shall license their plays to producers.

(c) AMENDMENT OF CONTRACT.—A standard form of contract developed and implemented under subsections (a) and (b) shall be subject to amendment by individual playwrights and producers consistent with the terms of the standard form contract.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given it in section (a) of the first section of the Clayton Act (15 U.S.C. 12) except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) PLAYWRIGHT.—The term "playwright" means the author, composer, or lyricist of a dramatic or musical work intended to be performed on the speaking stage and shall include, where appropriate, the adapter of a work from another medium.

(3) PRODUCER.—The term "producer"—

(A) means any person who obtains the rights to present live stage productions of a play; and

(B) includes any person who presents a play as first class performances in major cities, as well as those who present plays in regional and not-for-profit theaters.

Mr. KENNEDY. Mr. President, it is a privilege to join in cosponsoring the Playwrights Licensing Antitrust Initiative Act, to permit the development of a standard, minimum contract for playwrights for the licensing and production of their work.

The bill will provide needed protection for playwrights whose work is the creative force behind so many memorable successes in the Nation's performing arts. The stunning creations that millions of Americans enjoy on Broadway, Off Broadway, and in local communities across the country reflect the special genius of our creative artists. They express our Nation's hopes, disappointments, achievements and its challenges for the years ahead.

If you travel to New York this week, you can attend any one of dozens of shows to entertain or enlighten us. There are classic musical productions—shows that we have loved all our lives such as *Gypsy* and *42nd Street* and *Fiddler on the Roof*, and more recently, *The Producers*. There are other dramatic works on issues that are important to each of us—about personal struggles and individual achievement and growth, about immigration and race relations—*Bridge and Tunnel*, *The Tricky Part* and *Caroline, or Change*. They are the new classics from the emerging voices of theater.

The men and women who write these shows should be fairly compensated for their creative achievements. The bill that Senator HATCH and I introduce today will provide a measure of greater fairness for them. Currently, they are prohibited from entering into any collective negotiation for compensation or control of their work. Because they are not members of a union, they must negotiate individually with producers of their work.

For well-known authors, the negotiation can be challenging. For emerging authors, it can be impossible.

The bill we are proposing will grant a very limited modification of the antitrust laws, so that playwrights will be able to negotiate a minimum compensation package as fair reimbursement for their work. It will give playwrights similar rights to actors, actresses, dancers, composers, musicians and others who bring theater to life on America's stages.

Currently, writers who work in the film industry enjoy greater protection for their work than their counterparts in the theater. We need to do more to see that our talented playwrights are able to continue their work in our theaters, and end the alarming current trend away from writing for live theater.

As President Kennedy once said, "I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for victories or defeats in battle or politics, but for our contribution to the human spirit."

I hope that we can take this opportunity to expand the creative arts in

our country and contribute to the vital spirit of our citizens in communities across America with their performances in drama, comedy and music.

American theater is as lively, diverse, and exciting as any in the world. We must do all we can to protect this unique legacy and ensure a healthy theater community in the years ahead.

I urge my colleagues to join us in supporting this important legislation.

By Mr. CONRAD (for himself and Mr. DORGAN):

S.J. Res. 34. A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, after 17 years of hard work on the part of many individuals, especially World War II veterans, the World War II memorial will become a reality on Saturday, May 29, 2004 with a dedication ceremony in Washington, D.C. Hundreds of thousands of World War II veterans and their families are expected to attend. In recognition of this important occasion, I am introducing a Senate Joint Resolution along with my distinguished colleague, Senator BYRON DORGAN, to honor our World War II veterans, their families and this dedication next month.

The idea for the National World War II Memorial was first presented to Congresswomen MARCY KAPTUR during a conversation with a constituent and World War II veteran, Roger Durbin in 1987. Shortly after that conversation, Congresswoman KAPTUR introduced legislation to create a memorial, and Congress passed legislation authorizing the national memorial in 1993.

The National World War II Memorial will pay tribute to the more than 16,112,000 veterans of all military services—Army, Army Air Corps, Marine Corps, Navy, Coast Guard and Merchant Marine—who served in World War II between the invasion of Poland in 1939 and the surrender of Japan in 1945. Approximately 69,000 of these servicemen were from North Dakota. The memorial will acknowledge the supreme sacrifice of more than 400,000 military personnel, including 1,569 North Dakotans, who lost their lives between 1939 and 1945.

As veterans and their families visit Washington over the coming weeks, many will recall the heroism and sacrifices from some of the remarkable campaigns and famous battles of World War II, including the attack on Pearl Harbor, December, 1941; the Battle of Midway, June, 1942; the Allied campaign across North Africa, November, 1942; Operation Overlord (D-Day), June 1944; the capture of Iwo Jima, February, 1945; and the Tokyo bombing raids of March, 1945.

The Memorial will also have special meaning for North Dakotans as they remember the heroic efforts of the 164th Infantry Regiment of the American Division, a unit of the North Dakota Army National Guard and the

first unit of the United States Army to land on Guadalcanal in October, 1942. Some of the fiercest fighting of World War II took place in the effort to recapture the island.

The Memorial will also hold special meaning for Senators and Members of Congress of the 108th Congress as we recognize and honor current members including Senator DANIEL K. AKAKA, Senator ERNEST F. HOLLINGS, Senator DANIEL K. INOUE, Senator FRANK R. LAUTENBERG, Senator TED STEVENS, Senator JOHN W. WARNER, Congressman CASS BALLENGER, Congressman JOHN D. DINGELL, Congressman RALPH M. HALL, Congressman AMO HOUGHTON, Congressman HENRY J. HYDE, and Congressman RALPH REGULA.

As we pause during the Memorial Day weekend to remember World War II veterans who served and sacrificed so much more than 59 years ago, it is my hope that Americans will honor and remember this "Greatest Generation" for the contributions that have enabled millions of Americans, for more than 50 years, to enjoy unparalleled prosperity and the blessings of freedom. Let us also remember the ongoing sacrifices of our active duty military personnel who are currently serving in all parts of the world, but especially in Iraq and the conflict against terrorism in Afghanistan.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 34

Whereas on May 29, 2004, thousands of veterans, their families, and friends will gather on the Mall in Washington, District of Columbia, to dedicate the National World War II Memorial;

Whereas on that day, Americans will pay tribute to the more than 16,112,000 veterans of all military services who served in World War II between the German invasion of Poland in 1939 and the surrender by Japan on V-J Day in 1945;

Whereas on that day, Americans will be reminded of the heroism and sacrifice of members of the Armed Forces who were on duty during some of the critical conflicts of World War II, including the attack on Pearl Harbor of December 7, 1941, the Battle of Midway of June 6, 1942, the invasion of Guadalcanal on August 7, 1942, the Allied campaign in North Africa in November 1942, Operation Overlord (D-Day) on June 6, 1944, the capture of Iwo Jima on February 23, 1945, and the Tokyo bombing raids of March 1945;

Whereas on that day, veterans and their families from North Dakota will honor the heroism and sacrifice of the approximately 69,000 North Dakota veterans who served in World War II, including 1,569 who made the ultimate sacrifice, and recognize the hardships and sacrifices of the 164th Regiment of the American Division, a unit of the North Dakota Army National Guard, who were the first unit of the United States Army to land on Guadalcanal on October 13, 1942, in the campaign to recapture that island;

Whereas on that day, America will acknowledge the supreme sacrifice of the more than 400,000 Army, Army Air Corps, Navy, Marine Corps, Coast Guard, and Merchant Marine personnel who were killed in action in World War II;

Whereas 12 distinguished Senators and Members of Congress serving in the 108th Congress, including Senator Daniel K. Akaka, Senator Ernest F. Hollings, Senator Daniel K. Inouye, Senator Frank R. Lautenberg, Senator Ted Stevens, Senator John W. Warner, Congressman Cass Ballenger, Congressman John D. Dingell, Congressman Ralph M. Hall, Congressman Amo Houghton, Congressman Henry J. Hyde, and Congressman Ralph Regula, served in World War II; and

Whereas World War II veterans, members of the generation known as "the Greatest Generation", through their sacrifice and hard work over more than 50 years, have enabled millions of Americans to enjoy unparalleled prosperity and the blessings of freedom: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That May 29, 2004, is hereby designated as Remembrance of World War II Veterans Day, and the President is urged to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

#### NOTICES OF HEARINGS/MEETINGS

##### 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 legislative 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, May 5, 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. 155, to convey to the town of Frannie, WY, certain land withdrawn by the Commissioner of Reclamation; S. 2285, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, UT, S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, NV, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; S. 1826, to direct the Secretary of the Interior to convey certain land in Washoe County, NV, to the Board of Regents of the University and Community College System of Nevada; S. 2085, to modify the requirements of the land conveyance to the University of Nevada at Las Vegas Research Foundation; and H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

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 Dick Bouts at 202-224-7545 or Amy Millet at 202-224-8276.

#### MEASURE PLACED ON THE CALENDAR—H.R. 2844

Mr. ALEXANDER. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2844) to require the States to hold special elections to fill vacancies in the House of Representatives, and for other purposes.

Mr. ALEXANDER. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### MEASURE READ THE FIRST TIME—S. 2348

Mr. ALEXANDER. Mr. President, I understand that S. 2348 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for a first time by title.

The assistant legislative clerk read as follows:

A bill (S. 2348) to extend the Internet Tax Freedom Act.

Mr. ALEXANDER. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

#### PUBLIC SERVICE RECOGNITION WEEK

Mr. ALEXANDER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 336, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 336) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through May 9, 2004.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be