

transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Relief or Reduction in Royalty Rates—Deep Gas Provisions" (RIN101-AD01) received on April 29, 2004; to the Committee on Energy and Natural Resources.

EC-7317. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Procurement Guideline IV for Procurement of Products Containing Recovered Materials" (FRL#7655-2) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7318. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Educational Outreach and Baseline Assessment of Existing Exposure and Risks of Exposure to Lead Poisoning of Tribal Children; Notice of Funds Availability" (FRL#7351-5) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7319. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals" (FRL#7322-8) received on April 29, 2004; to the Committee on Environment and Public Works.

EC-7320. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Stock Basis After a Group Structure Change" (RIN1545-BC28) received on April 29, 2004; to the Committee on Finance.

EC-7321. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture and export of defense articles or defense services sold commercially under a contract in the amount of \$25,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-7322. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Neurological Devices; Technical Amendment" received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7323. A communication from the Director, Regulations Policy and Management Staff, transmitting, pursuant to law, the report of a rule entitled "Biological Products; Bacterial Vaccines Toxoids; Implementation of Efficacy Review; Correction" (Doc. No. 1980N-0208) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-7324. A communication from the Director, Regulations Policy and Management Staff, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Cardiovascular Devices; Reclassification of Arrhythmia Detector and Alarm; Correction" (Doc. No. 1980N-0208) received on April 27, 2004; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE REPORT OF COMMITTEE (REPRINT)

The following executive report of Foreign Relations Committee was submitted on Thursday, April 29, 2004:

\*Scott H. DeLisi, of Minnesota, a Career Member of the Senior Foreign Service, Class

of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge the information contained in this report is complete and accurate.)

Nominee: Scott H. DeLisi.  
Post: Eritrea.  
Contributions, Amount, Date, and Donee:  
1. Self: 0.  
2. Spouse: 0.  
3. Children and Spouses: 0.  
4. Parents: Joseph S. DeLisi, 0; Gloria A. DeLisi, 0.  
5. Grandparents: Deceased prior to 1999.  
6. Brothers and Spouses: 0.  
7. Sisters and Spouses: 0.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 2375. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. ALLEN, Mr. BUNNING, Mr. CORNYN, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. HATCH, Mr. LOTT, Mr. MILLER, Mr. ROBERTS, Mr. SPECTER, Mr. ENSIGN, Mr. COCHRAN, Mr. SESSIONS, Mr. BURNS, Mr. BYRD, Mr. ALEXANDER, Mr. DOMENICI, Mr. LEVIN, and Mr. SANTORUM):

S. Res. 348. A resolution to protect, promote, and celebrate motherhood; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Con. Res. 102. A concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 68

At the request of Mr. INOUE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a

law enforcement officer, and for other purposes.

S. 950

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 976

At the request of Mr. WARNER, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1197

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1197, a bill to amend the Public Health Service Act to ensure the safety and accuracy of medical imaging examinations and radiation therapy treatments.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as

a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1773

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1773, a bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes.

S. 1889

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1889, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate.

S. 1909

At the request of Mr. COCHRAN, the names of the Senator from California (Mrs. BOXER), the Senator from Kentucky (Mr. BUNNING), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2065

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2065, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2166

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2166, a bill to amend title 10, United States Code, to exempt abortions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds.

S. 2192

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2192, a bill to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2212

At the request of Ms. COLLINS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2212, a bill to amend title VII of the Tariff Act of 1930

to provide that the provisions relating to countervailing duties apply to non-market economy countries.

S. 2237

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2237, a bill to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2292

At the request of Mr. VOINOVICH, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Mr. STEVENS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2292, a bill to require a report on acts of anti-Semitism around the world.

S. 2309

At the request of Mr. DORGAN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2309, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists.

S. 2311

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2311, a bill to provide for various energy efficiency programs and tax incentives, and for other purposes.

S. 2321

At the request of Mr. BYRD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S.J. RES. 30

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S.J. RES. 34

At the request of Mrs. DOLE, her name was added as a cosponsor of 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.

S.J. RES. 36

At the request of Mrs. FEINSTEIN, the names of the Senator from California

(Mrs. BOXER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S.J. Res. 36, supra.

S. CON. RES. 90

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. SARBANES) 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 names of the Senator from Florida (Mr. GRAHAM), the Senator from Indiana (Mr. LUGAR) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 99, a concurrent resolution condemning the Government 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. CON. RES. 100

At the request of Mr. ALEXANDER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. RES. 198

At the request of Mr. BROWNBAC, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 198, a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. LUGAR) 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.

AMENDMENT NO. 2649

At the request of Mr. BAYH, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2649 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform

and simplify the international taxation rules of the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2375. a bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation to allow penalty-free withdrawals from retirement plans during the period that a military reservist or a National Guardsman is called to active duty. Specifically, the provision would allow individuals who are called to active duty for at least 179 days between September 11, 2001, and September 15, 2005, to avoid the 10-percent penalty tax that is normally imposed on early distributions.

This bill passed the House of Representatives by unanimous consent late last month, and it is my hope that this important and appropriate legislation will receive the same resounding support by my colleagues in the Senate.

Nearly 3,000 reservists and Guard members from my home State of Utah have been called to active duty and are currently stationed in the Persian Gulf and Afghanistan. I believe it is safe to say that when many of these brave young men and women were informed by their commanding officers they would be placed on full-time active duty, they were not only concerned with the extended time period they would be called away from their families, but also with the reality that by temporarily leaving behind their full-time civilian jobs, many of them would leave behind a higher paycheck. Many reservists are suddenly faced with the prospect that their income may no longer cover all of the expenses for themselves and their families.

Some may say that allowing reservists to make withdrawals from their retirement accounts without incurring a penalty is too small a step and not worthy of our time. But to many reservists and Guard members, these retirement accounts can be a significant resource in helping to alleviate some of their financial stress. Providing our soldiers with an additional option to support their families certainly seems like a worthwhile cause to me.

The cost of this bill to the U.S. Treasury is estimated to be only \$4 million over 10 years. I think we can all agree this cost is minimal considering the tremendous sacrifices that our reservists, Guard members, and their families are making each day. In addition, there is a provision in this bill that would allow our soldiers to repay any amount withdrawn, without

penalty, for 2 years after leaving active duty.

There is no doubt that there are many additional much needed improvements to our policies that each of us must work together towards to ensure the financial peace of mind for our Guard and Reserve members and their families. It is imperative for each of us to give our soldiers not only all of the tools, armor, and technology to fight those who seek to destroy peace, but we must also do everything within our power to give our soldiers every appropriate resource to make it easier to care for their loved ones they have left behind.

I urge my colleagues to give serious consideration to this bill, and it is my hope that it can be passed by unanimous consent. I am confident that President Bush would have no hesitation in signing this important bill into law, if we can pass it in the Senate and send it to him.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 348—TO PROTECT, PROMOTE, AND CELEBRATE MOTHERHOOD

Mr. BROWNBAC (for himself, Mr. ALLEN, Mr. BUNNING, Mr. CORNYN, Mr. CRAPO, Mr. DURBIN, Mr. FITZGERALD, Mr. HATCH, Mr. LOTT, Mr. MILLER, Mr. ROBERTS, Mr. SPECTER, Mr. ENSIGN, Mr. COCHRAN, Mr. SESSIONS, Mr. BURNS, Mr. BYRD, Mr. ALEXANDER, Mr. DOMENICI, Mr. LEVIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 348

Whereas the second Sunday of May is observed as Mother's Day;

Whereas motherhood and childhood are entitled to special assistance;

Whereas mothers have a unique bond with their children;

Whereas the work of mothers is of paramount importance, but often undervalued and demeaned;

Whereas mothers' concerns about their children and their education should be supported by the national agenda;

Whereas a child's healthy relationship with the mother predicts higher self-esteem and resiliency in dealing with life events;

Whereas the complementary roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas mothers have an indispensable role in building and transforming society to build a culture of life; and

Whereas mothers along with their husbands, form an emotional template for a child's future relationships: Now therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of mothers to a healthy society; and

(2) calls on the people of the United States to observe Mother's Day by considering how society can better respect and support motherhood.

##### SENATE CONCURRENT RESOLUTION 102—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION OF TOPEKA

Mr. BROWNBAC (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 102

Whereas Oliver L. Brown is the namesake of the landmark United States Supreme Court decision of 1954, *Brown v. Board of Education* (347 U.S. 483, 1954);

Whereas Oliver L. Brown is honored as the lead plaintiff in the Topeka, Kansas case which posed a legal challenge to racial segregation in public education;

Whereas by 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People (the NAACP), an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African-Americans throughout the country;

Whereas Oliver L. Brown became part of the NAACP strategy led first by Charles Houston and later by Thurgood Marshall, to file suit against various school boards on behalf of such parents and their children;

Whereas Oliver L. Brown was a member of a distinguished group of plaintiffs in cases from Kansas (*Brown v. Board of Education*), Delaware (*Gebhart v. Belton*), South Carolina (*Briggs v. Elliot*), and Virginia (*Davis v. County School Board of Prince Edward County*) that were combined by the United States Supreme Court in *Brown v. Board of Education*, and in Washington, D.C. (*Bolling v. Sharpe*), considered separately by the Supreme Court with respect to the District of Columbia;

Whereas with respect to cases filed in the State of Kansas—

(1) there were 11 school integration cases dating from 1881 to 1949, prior to *Brown v. Board of Education* in 1954;

(2) in many instances, the schools for African-American children were substandard facilities with out-of-date textbooks and often no basic school supplies;

(3) in the fall of 1950, members of the Topeka, Kansas chapter of the NAACP agreed to again challenge the "separate but equal" doctrine governing public education;

(4) on February 28, 1951, the NAACP filed their case as *Oliver L. Brown et al. v. The Board of Education of Topeka Kansas* (which represented a group of 13 parents and 20 children);

(5) the district court ruled in favor of the school board and the case was appealed to the United States Supreme Court;

(6) at the Supreme Court level, the case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, D.C. (which was later heard separately); and

(7) the combined cases became known as *Oliver L. Brown et al. v. The Board of Education of Topeka, et al.*;

Whereas with respect to the Virginia case of *Davis et al. v. Prince Edward County Board of Supervisors*—

(1) one of the few public high schools available to African-Americans in the State of Virginia was Robert Moton High School in Prince Edward County;