

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2201. An act to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

H.R. 3505. An act to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes.

H.R. 3768. An act to expand the Timucuan Ecological and Historic Preserve, Florida.

H.R. 4193. An act to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 403. Concurrent resolution condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan.

H. Con. Res. 420. Concurrent resolution applauding the men and women who keep America moving and recognizing National Transportation Week.

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial.

MEASURES REFERRED

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

H.R. 2201. An act to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; to the Committee on Energy and Natural Resources.

H.R. 3768. An act to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Energy and Natural Resources.

H.R. 4193. An act to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal commu-

nities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 403. Concurrent resolution condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan; to the Committee on Foreign Relations.

H. Con. Res. 420. Concurrent resolution applauding the men and women who keep America moving and recognizing National Transportation Week; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4275. An act to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3505. An act to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes.

PETITIONS AND MEMORIALS

POM-444. A resolution adopted by the Cleburne Independent School District of the State of Texas relative to the social security system; to the Committee on Finance.

POM-445. A resolution adopted by the Board of Commissioners of the County of Cook of the State of Illinois relative to discrimination against women; to the Committee on Foreign Relations.

POM-446. A joint memorial adopted by the Legislature of the State of Maine relative to the United States Postal Service; to the Committee on Governmental Affairs.

JOINT RESOLUTION

Whereas, the United States Postal Service, founded in 1775, provides a means for commerce and communications and provides postal services to all communities, rich and poor, urban and rural, with uniform postage rates and it has for nearly 230 years provided dependable, affordable mail service. The United States Postal Service remains an important part of our nation's economic infrastructure through which nearly \$1 trillion of economic activity is conducted each year and in which 9,000,000 people are employed; and

Whereas, Americans currently enjoy the most extensive postal service at the lowest postage rates of any major industrialized nation in the world, and excessive below-cost postage discounts to large business and advertising mailers unnecessarily drain billions of dollars of revenue from the United States Postal Service and ultimately cause small businesses and ordinary citizens to subsidize those discounts through higher postage rates. Millions of older, disabled and economically disadvantaged Americans do not have easy access to the Internet or to electronic banking and bill paying and therefore are heavily dependent on the United States Postal Service for communication and the conducting of business transactions; and

Whereas, the President created the President's commission on the United States Postal Service, which has recommended far-reaching changes to postal operations and services, including severing postal employees from federal employee health, retirement and workers' compensation programs, and the repeal of certain existing laws, which would pave the way towards reducing rank-and-file wages and benefits while eliminating the current salary cap on executive-level postal positions in order to raise postal executive pay on par with that of corporate CEOs and the commission has recommended a new President-appointed, corporate-style board of directors and the new Postal Regulatory Board that would give these new politically appointed governing bodies broad authority to set rates without prior approval, review and refine the scope of the United States Postal Service's universal service obligation and uniform rate structure and change and restrict the scope of services currently protected under postal monopoly regulations; and

Whereas, this broad authority would allow post offices to be closed without community input and prices to be set with a complicated postage rate structure or would even turn over postal operations to private for-profit enterprises despite a recent survey whose respondents had an overwhelmingly favorable view of the United States Postal Service, with 3 out of 4 saying no major changes are needed and 3 out of 10 saying the United States Postal Service works extremely well as is; and

Whereas, replacing the United States Postal Service's public service obligation with a profit-seeking mandate would undermine the United States Postal Service's historical "universal service" obligation, weaken its national infrastructure and divide our nation politically and economically, and here in the District of Maine, the United States Postal Service has unilaterally implemented a cost-saving reduction of hours and access that restricts customer service by curtailing hours; and

Whereas, this program has reduced hours of service at over 50% of post offices in Maine, severely affecting customer service, without regard to customers' input and complaints. Maine is a rural state and our elderly and disabled citizens depend on postal services: Now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States, Congress and the United States Postal Service continue to maintain affordable, dependable mail service at current levels because of its social and economic importance to our nation; and be it further

Resolved, That we oppose any effort to undermine the United States Postal Service's universal service obligation and its uniform rate structure, that the service hours be returned to where they were before the report of the President's Commission on the United States Postal Service and prior to the implementation of the Small Post Office Reviews and Standardization Program and that any recommendation from the presidential commission that curtails public services related to our current postal service be rejected; and be it further

Resolved, That We, your Memorialists, go on record against any changes that would harm the workers of the United States Postal Service, including legislation to close small offices, take away or modify the collective bargaining system of postal workers or change the current bargaining system for employees benefits; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United

States; the Postmaster General, United States Postal Service; the Honorable Richard Cheney, President of the United States Senate; the Honorable Dennis Hastert, Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

POM-447. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Louisiana University of Medical Services, Inc., College of Primary Care Medicine; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 40

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the "stroke belt"; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, less than one-half of the 1998 graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Services, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small town, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination: Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine, and be it further

Resolved, That a copy of this Resolution be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the Congress of the United States.

POM-448. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Lifespan Respite Care Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 113

Whereas, An estimated 26,000 Americans care for one or more adult family members or friends who are disabled, chronically ill, or terminally ill. In addition, almost 25 percent of the nation's elderly experience multiple chronic disabling conditions that make it necessary to rely on others for help in meeting their daily needs; and

Whereas, Every year approximately 600,000 Americans die at home and many of these individuals rely on extensive family caregiving

before their deaths. The family caregiver role is personally rewarding, but it can result in substantial emotional, physical, and financial hardship. Of those individuals needing assistance in daily living, nearly 42 percent are under the age of 65; and

Whereas, Current respite care programs are insufficient to meet the needs of this underserved population. Moreover, the limited available respite care programs find it difficult to recruit appropriately trained respite workers; and

Whereas, The Lifespan Respite Care Act of 2003 will encourage the creation of state and local lifespan care programs. It will help improve the coordination and dissemination of respite care information and resources to family caregivers. It will also support evaluative research to identify effective respite care services that alleviate, reduce, or minimize any negative consequences of caregiving. Further, the act will promote innovative, flexible, and comprehensive approaches to respite care delivery and support training programs helping family caregivers to make informed decisions about respite care services; and

Whereas, The Michigan House of Representatives has begun work on legislation that complements the Lifespan Respite Care Act. With its passage, Michigan will be better prepared to assist individuals in caregiving: Now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Congress to support the Lifespan Respite Care Act of 2003; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-449. A resolution adopted by the Senate of the Legislature of the State of Vermont relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor and Pensions.

SENATE RESOLUTION NO. 23

Whereas, Vermont has established high academic standards for its students in the areas of reading, language arts, mathematics, social sciences, science and technology, civics, arts, and health; and

Whereas, Vermont has established and implemented rigorous tests to measure achievement of its standards in reading, language arts, and mathematics and consequences for schools whose students fail to do well on the tests; and

Whereas, as a result of Vermont's insistence on rigorous standards and testing, Vermont students do very well on national tests; for example, Vermont students scored as follows on the National Assessment of Education Progress tests in 2003: 4th grade math—highest average score in the nation, 4th grade reading—second highest average score in the nation, 8th grade math—3rd highest average score in the nation, 8th grade reading—2nd highest average score in the nation; and

Whereas, the federal No Child Left Behind (NCLB) Act of 2001 requires all states to develop high academic standards in reading and math only, and to hold schools accountable for student achievement of only those standards; and

Whereas, Congress has not provided sufficient funds for Vermont schools to successfully implement NCLB, thereby forcing them to direct resources away from Vermont's system of comprehensive standards and assessments, a system which has resulted in some of the highest test scores in the nation; and

Whereas, NCLB represents sweeping federal intrusion into state and local control of education, violating the time-honored American principle of balanced federalism and respect for state and local prerogatives, especially in the crucial area of education: Now therefore be it

Resolved by the Senate, That Congress be asked to amend the No Child Left Behind Act immediately to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states whose systems of standards and accountability result in high student achievement; and be it further

Resolved, That such waiver be available to these states so long as they maintain their successful standards and accountability programs; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the member of the Vermont Congressional Delegation.

POM-450. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 77

Whereas, in 1935, the United States established, by law, that workers must be free to form unions; and

Whereas, the freedom to form or join a union is internationally recognized as a fundamental human right; and

Whereas, union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces; and

Whereas, unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, workers want to organize, but are unable to, since more than forty million United States workers say they would join a union now if they had the opportunity; and

Whereas, even though, on paper, America's workers have the freedom to choose for themselves whether to have a union, in reality, workers across the nation are routinely denied that right; and

Whereas, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, many thousands of America's workers are routinely threatened, coerced, or fired each year because they attempt to form a union; and

Whereas, most violations of workers' freedom to choose a union occur behind closed doors and each year millions of dollars are spent to frustrate workers' efforts to form unions; and

Whereas, a worker's fundamental right to choose a union is a public issue that requires public policy solutions, including legislative remedies; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) has been introduced in the United States Congress in order to restore workers freedom to join a union; and

Whereas, the Employee Free Choice Act has received broad bipartisan support with over two hundred congressional members as co-sponsors; and

Whereas, at its March 17 meeting, the Hawaii State AFL-CIO Executive Board unanimously endorsed the Employee Free Choice Act: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, That this body supports the Employee Free Choice Act (S. 1925 and H.R. 3619), which would:

(1) Authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them;

(2) Provide for first contract mediation and arbitration; and

(3) Establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

Resolved, That this body urges Hawaii's congressional delegation to support the Employee Free Choice Act and to impel the United States Congress to pass this measure to protect America's workers and preserve their freedom to choose for themselves whether or not to form a union; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM-451. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Christopher Kangas; to the Committee on the Judiciary

HOUSE RESOLUTION NO. 579

Whereas, On September 11, 2002, Hearing Examiner Doug Dodge of the Bureau of Justice Assistance in the Department of Justice determined that Christopher Kangas was not a public safety officer within the meaning of the Public Safety Officers' Benefits Act of 1976; and

Whereas, This ruling denies his survivors benefits under the act and means that Christopher is ineligible to be memorialized on the wall of the National Fallen Firefighter's Memorial in Emmitsburg, Maryland; and

Whereas, The ruling has shocked and dismayed the Brookhaven Fire Department in Delaware County, Pennsylvania, whose fire chief, Rob Montella, has claimed: "He was a firefighter . . . what he was legally allowed to do, Chris did"; and

Whereas, When his last fire alarm sounded, Christopher Kangas, a junior firefighter for Brookhaven and 14 years of age, hopped on his bicycle to answer the call; and

Whereas, When he died of head injuries after being hit by a car while answering that call on May 4, 2002, he received a full hero's send-off and was laid to rest in a Class A fireman's uniform at a funeral steeped in honor and fire service tradition and attended by firemen from as far away as Massachusetts; and

Whereas, Flags at the National Fallen Firefighter's Memorial flew at half-staff in his honor and memory; and

Whereas, Rob Montella himself, State Fire Commissioner Ed Mann and Brookhaven line officers Dave Zamonski and Charles Leslie, first and second assistant chiefs, respectively, began their volunteer firefighting service answering fire calls as junior firefighters on bicycles, and Mr. Montella has said that Christopher was a firefighter who had a full set of gear, attended all training sessions, answered the calls and was in compliance with the Pennsylvania Junior Emergency Service Compliance Manual; and

Whereas, Upon Christopher's death, his mother became eligible for and received State and borough benefits because he had died in the line of duty, but under Hearing Examiner Dodge's September 11, 2002, opinion, he was denied Federal benefits; and

Whereas, This decision has concerned all firefighters who have learned of it, as it narrows the definition of firefighter and restricts their benefits; Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania

memorialize the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a "public safety officer" under the Public Safety Benefits Act of 1976; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and to each member of Congress from Pennsylvania.

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 Mrs. CLINTON (for herself, Mr. TALENT, and Mr. SCHUMER):

S. 2430. A bill to provide for improved medical readiness of the members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 2431. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the medicare program; to the Committee on Finance.

By Mr. TALENT:

S. 2432. A bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. THOMAS):

S. 2433. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. BOXER, Mrs. HUTCHISON, and Mr. BINGAMAN):

S. 2434. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2435. A bill to permit Inspectors General to authorize staff to provide assistance to the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUE:

S. 2436. A bill to reauthorize the Native American Programs Act of 1974; to the Committee on Indian Affairs.

By Mr. ENSIGN:

S. 2437. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER (for himself, Mr. KENNEDY, Ms. STABENOW, Ms. MIKULSKI, Mr. WYDEN, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. LEVIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. SARBANES, Mr. REED, Mr. DASCHLE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. FEINGOLD, Mr. REID, Mr. JOHN-SON, and Mr. DAYTON):

S. Res. 364. A resolution expressing the sense of the Senate concerning oil markets; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 333

At the request of Mr. BREAU, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 845

At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 976

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. LOTT) 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. 979

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 979, a bill to direct the Securities and Exchange Commission to require