

### REVOCATION OF A PUBLIC LAND ORDER

The bill (H.R. 1101) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California, was read the third time and passed.

### NEW SHIPPER REVIEW AMENDMENT ACT OF 2005

Mr. MCCONNELL. I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 695, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 695) to suspend temporarily new shipper bonding privileges.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that statements related to the measure be printed in the RECORD.

The bill (S. 695) was read a third time, and passed, as follows:

S. 695

*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 "New Shipper Review Amendment Act of 2005".

#### SEC. 2. TEMPORARY SUSPENSION OF NEW SHIPPER BONDING PRIVILEGES.

Clause (iii) of section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)(iii)) shall not be effective during the 3-year period beginning on the date of the enactment of this Act.

#### SEC. 3. REPORT TO CONGRESS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Treasury, the United States Trade Representative, and the Commissioner of Customs and Border Protection, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing—

(1) recommendations on whether the suspension of the effectiveness of section 751(a)(2)(B)(iii) of the Tariff Act of 1930 should be extended beyond the date provided in section 2 of this Act; and

(2) assessments of the effectiveness of any administrative measures that have been implemented to address the difficulties giving rise to section 2 of this Act, including—

(A) problems in assuring the collection of antidumping duties on imports from new shippers;

(B) administrative burdens imposed on the Department of Commerce by new shipper reviews; and

(C) the use of the bonding privilege by importers from new shippers to circumvent the effect of antidumping duty orders.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the bill be held at the desk.

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

### SENATOR PAUL SIMON WATER FOR THE POOR ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1973, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1973) to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 1973) was read the third time and passed.

### REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 317, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 317) expressing the sense of the Senate regarding oversight of the Internet Corporation for Assigned Names and Numbers.

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

Mr. LEAHY. Mr. President, today at the World Summit on the Information Society, an agreement was announced to maintain the current structure for managing the Internet. This agreement marks a critical step toward ensuring the stability and security of the Internet and preserving its benefits not only for the United States, but for countries across the globe.

In late October I joined with the other co-chairs of the Internet Caucus in a letter to the White House urging the administration to stand firm in its position to protect the Internet and resist efforts to undo the structure that has worked so well so far. I also joined Senator BURNS in offering a resolution to maintain the currently effective status quo on Internet governance. The agreement that now has been reached in Tunis to maintain the current structure for managing domain names and the Internet is consistent with our efforts.

The value of the Internet is incalculable. The Internet has brought an unprecedented level of commercial exchanges in both the consumer and business-to-business realms. It has spawned and prompted the development of new ideas, businesses and relationships. It has empowered people who have never

had access to power and otherwise would likely never have an opportunity to be heard, much less challenge or influence public policy and institutional power. It has introduced and cemented friendships across the globe, and it has distributed information and fostered greater understanding and awareness of others' ideas and others' cultures. Becoming part of a global Internet environment has also shown us we are part of the wider world in which all of us live. It is values like these that no doubt our world partners are seeking to preserve in their proposals, yet would unwittingly undermine.

The United States developed and nourished the Internet. The open economy and constitutional liberties that are the foundations of our Nation allowed us the privilege and extraordinary responsibility to serve as the great incubator that has unleashed these spectacular developments and benefits.

No doubt we can do even better. Some have benefited substantially more than others. We have further strides to make before eradicating the digital divide and narrowing the gaps between the haves and have-nots. We also need to be vigilant in maintaining the essential freedom and influences that have kept the Internet flourishing. We should work closely with other countries to address challenges and concerns as they arise. By proceeding prudently and knowledgeably, taking care not to jeopardize the innovations and openness that have allowed the Internet to thrive, we can foster progress and continue to enjoy the benefits the Internet continues to bring to the world.

I ask unanimous consent that a copy of the letter from the Internet Caucus co-chairs to the White House and today's Associated Press article "Deal Reached on Managing the Internet" be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,  
Washington, DC, October 24, 2005.

Hon. GEORGE W. BUSH,  
The President of the United States, The White House, Washington, DC.

DEAR PRESIDENT BUSH: As co-chairs of the Congressional Internet Caucus, we are writing to applaud your position that governance of the Internet should not be transferred to an international government organization and to urge you to communicate this position to the international community during the upcoming World Summit on the Information Society (WSIS) in Tunisia.

As you know, the Internet's domain name system (DNS) is administered by the Internet Corporation for Assigned Names and Numbers (ICANN), a private, nonprofit organization based in the United States that works closely with the U.S. Department of Commerce. We believe that this privately-operated approach fosters market principles and is the most efficient way to administer the DNS. The greater the government involvement in running the Internet's day-to-day operations, the more likely that red tape and overly burdensome regulations will result.

However, the U.N., with the support of countries including China, Iran, and Cuba, released a report earlier this year which included proposals to take control of administration of the Internet from the U.S.-based ICANN and give it to a bureaucratic U.N. body. Recently, the EU has signaled that it would also support having an international body oversee the Internet. We believe that it is unacceptable for the U.N. to administer the Internet, and are extremely concerned that the EU would move toward this position.

The United States is uniquely positioned to protect the fundamental principles of free press and free speech upon which the Internet has thrived. The U.S. Constitution guarantees that basic rights, and to cede control of the Internet to countries with at best questionable records regarding these rights could jeopardize the continued success of the Internet and lead to significant restrictions on access to the Internet's wealth of information.

With the WSIS convening next month in Tunisia, we urge you to continue to take a strong stand for the principles that have guided the administration of the Internet to date and fostered the phenomenal growth of the Internet: free market principles, the freedoms of speech and the press, and limited bureaucratic involvement.

Thank you again for your work to ensure the freedom and effective administration of the Internet. We look forward to continuing to work with you on this important issue.

Sincerely,

BOB GOODLATTE,  
*Member of Congress.*  
CONRAD BURNS,  
*United States Senator.*  
RICH BOUCHER,  
*Member of Congress.*  
PATRICK LEAHY,  
*United States Senator.*

DEAL REACHED ON MANAGING THE INTERNET  
(By Matt Moore)

A summit focusing on narrowing the digital divide between the rich and poor residents and countries opened Wednesday with an agreement of sorts on who will maintain ultimate oversight of the Internet and the flow of information, commerce and dissent.

The World Summit on the Information Society had been overshadowed by a lingering, if not vocal, struggle about overseeing the domain names and technical issues that make the Internet work and keep people from Pakistan to Canada surfing Web sites in the search for information, news and buying and selling.

Negotiators from more than 100 countries agreed late Tuesday to leave the United States in charge of the Internet's addressing system, averting a U.S.-EU showdown at this week's U.N. technology summit.

U.S. officials said early Wednesday that instead of transferring management of the system to an international body such as the United Nations, an international forum would be created to address concerns. The forum, however, would have no binding authority.

U.S. Assistant Secretary of Commerce Michael D. Gallagher said the deal means the United States will leave day-to-day management to the private sector, through a quasi-independent organization called the Internet Corporation for Assigned Names and Numbers, or ICANN.

"The Internet lives to innovate for another day," he told The Associated Press.

Negotiators have met since Sunday to reach a deal ahead of the U.N. World Summit on the Information Society, which starts Wednesday. World leaders are expected to

ratify a declaration incorporating the deal during the summit, which ends Friday.

While the summit drew thousands of people from around the world, most western countries opted not to send their top-ranking leaders, preferring instead to send government workers and low-level figures.

However, other leaders were scheduled to attend, including Nigerian President Olusegun Obasanjo, Senegal's Abdoulaye Wade and Libyan leader Moamer Kadhafi. Venezuelan President Hugo Chavez was due to fly to the summit Wednesday, organizers said.

The summit was originally conceived to address the digital divide—the gap between information haves and have-nots—by raising both consciousness and funds for projects.

Instead, it has centered largely around Internet governance: oversight of the main computers that control traffic on the Internet by acting as its master directories so Web browsers and e-mail programs can find other computers.

The accord reached late Tuesday also called for the establishment of a new international group to give more countries a stronger say in how the Internet works, including the issue of making domain names—currently done in the Latin languages—into other languages, such as Chinese, Urdu and Arabic.

Under the terms of the compromise, the new group, the Internet Governance Forum, would start operating next year with its first meeting opened by Annan. Beyond bringing its stakeholders to the table to discuss the issues affecting the Internet, and its use, it won't have ultimate authority.

Viviane Reding, the EU Commissioner for Information Society and Media, said the agreement paved the way for a progressive forward motion in overseeing Internet governance.

"This agreement was possible because of the strong belief of all democratic nations that enhanced international cooperation is the best way to make progress towards guaranteeing the freedom of the Internet around the globe and also to enhance transparency and accountability in decisions affecting the architecture of the Web," she said.

"The fact that the EU spoke with one voice in Tunis, and had stood by its case for more cooperation on Internet governance in the run-up to the summit, certainly strongly influenced this positive agreement," she said.

U.S. Assistant Secretary of Commerce Michael D. Gallagher said the compromise's ultimate decision is that leadership of the Internet, and its future direction, will remain in the hands of the private sector, although some critics contend that the U.S. government, which oversees ICANN, if only nominally, could still flex its muscle in future decisions.

"The rural digital divide is isolating almost 1 billion of the poorest people who are unable to participate in the global information society," the agency said in a statement.

Ahead of the summit, rights watchdogs say, both Tunisian and foreign reporters have been harassed and beaten. Reporters Without Borders says its secretary-general, Robert Menard, has been banned from attending.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 317) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 317

Whereas the origins of the Internet can be found in United States Government funding of research to develop packet-switching technology and communications networks, starting with the "ARPANET" network established by the Department of Defense's Advanced Research Projects Agency in the 1960s and carried forward by the National Science Foundation's "NSFNET";

Whereas in subsequent years the Internet evolved from a United States Government research initiative to a global tool for information exchange as in the 1990s it was commercialized by private sector investment, technical management and coordination;

Whereas since its inception the authoritative root zone server—the file server system that contains the master list of all top level domain names made available for routers serving the Internet—has been physically located in the United States;

Whereas today the Internet is a global communications network of inestimable value;

Whereas the continued success and dynamism of the Internet is dependent upon continued private sector leadership and the ability for all users to participate in its continued evolution;

Whereas in allowing people all around the world freely to exchange information, communicate with one another, and facilitate economic growth and democracy, the Internet has enormous potential to enrich and transform human society;

Whereas existing structures have worked effectively to make the Internet the highly robust medium that it is today;

Whereas the security and stability of the Internet's underlying infrastructure, the domain name and addressing system, must be maintained;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, and reaffirmed the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society;

Whereas the U.S. Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, represent an appropriate framework for the coordination of the system at the present time;

Whereas the Internet Corporation for Assigned Names and Numbers popularly known as ICANN, is the proper organization to coordinate the technical day-to-day operation of the Internet's domain name and addressing system;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN makes significant efforts to ensure that the views of governments and all Internet stakeholders are reflected in its activities;

Whereas governments have legitimate concerns with respect to the management of their country code top level domains;

Whereas the United States Government is committed to working successfully with the international community to address those concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the topic of Internet governance, as currently being discussed in the United Nations World Summit on the Information Society is a broad and complex topic;

Whereas it is appropriate for governments and other stakeholders to discuss Internet

governance, given that the Internet will likely be an increasingly important part of the world economy and society in the 21st Century;

Whereas Internet governance discussions in the World Summit should focus on the real threats to the Internet's growth and stability, and not recommend changes to the current regime of domain name and addressing system management and coordination on political grounds unrelated to any technical need; and

Whereas market-based policies and private sector leadership have allowed this medium the flexibility to innovate and evolve: Now, therefore, be it

*Resolved by the Senate*, That it is the sense of the Senate that—

(1) it is incumbent upon the United States and other responsible governments to send clear signals to the marketplace that the current structure of oversight and management of the Internet's domain name and addressing service works, and will continue to deliver tangible benefits to Internet users worldwide in the future; and

(2) therefore the authoritative root zone server should remain physically located in the United States and the Secretary of Commerce should maintain oversight of ICANN so that ICANN can continue to manage the day-to-day operation of the Internet's domain name and addressing system well, remain responsive to all Internet stakeholders worldwide, and otherwise fulfill its core technical mission.

#### MEASURE PLACED ON THE CALENDAR—S. 2008

Mr. GRASSLEY. Mr. President, I understand there is a bill at the desk that is due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2008) to improve cargo security, and for other purposes.

Mr. GRASSLEY. Mr. President, in order to place the bill on the calendar

under the provisions of rule XIV, I object to further proceedings.

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

#### ORDERS FOR THURSDAY, NOVEMBER 17, 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, November 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that the Senate then resume consideration of S. 2020, the tax relief reconciliation bill, and that there be 10 hours equally divided for debate remaining under the Budget Act for the consideration of the bill.

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

#### PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow we will resume consideration of the tax relief reconciliation bill with 10 hours of debate remaining under the agreement just reached. We have a lot of work to do on this bill and on other must-do legislative items before we adjourn for the Thanksgiving holiday. Senators should be ready for late nights with many votes. Before we leave this week, we will need to act on

the tax relief bill, as well as appropriations conference reports, the PATRIOT Act conference report, and another short-term continuing resolution. The majority leader has asked Senators to remain flexible in that a weekend session is very likely.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Thursday, November 17, 2005, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 16, 2005:

##### DEPARTMENT OF AGRICULTURE

MARC L. KESSELMAN, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE NANCY SOUTHARD BRYSON.

##### EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD T. CROWDER, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE ALLEN FREDERICK JOHNSON, RESIGNED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

##### DEPARTMENT OF STATE

CLAUDIA A. MCMURRAY, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE JOHN F. TURNER, RESIGNED.

##### NATIONAL LABOR RELATIONS BOARD

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RONALD E. MEISBURG.