

DODD, Mrs. DOLE, Mrs. FEINSTEIN, Ms. LANDRIEU, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1637, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. __. METHOD OF ACCOUNTING FOR NAVAL SHIPBUILDERS.

(a) IN GENERAL.—Notwithstanding section 10203(b)(2)(B)(i) of the Revenue Act of 1987, in the case of a qualified naval ship contract, the taxable income of such contract shall be determined under a method identical to the method used in the case of a qualified ship contract (as defined in section 10203 of the Revenue Act of 1987).

(b) QUALIFIED NAVAL SHIP CONTRACT.—For purposes of this section—

(1) IN GENERAL.—The term “qualified naval ship contract” means any contract or portion thereof that is for the construction in the United States of 1 ship or submarine for the Federal Government if the taxpayer reasonably expects the delivery date or the warranty expiration date will occur no later than 8 years after the construction commencement date.

(2) DELIVERY DATE.—The term “delivery date” means the date on which the Federal Government issues a letter of acceptance or other similar document for the ship or submarine.

(3) WARRANTY EXPIRATION DATE.—The term “warranty expiration date” means the date on which the construction contractor’s responsibility to perform work or service on the ship or submarine under the contract is terminated.

(4) CONSTRUCTION COMMENCEMENT DATE.—The term “construction commencement date” means the date on which the physical fabrication of any section or component of the ship or submarine begins.

(c) EFFECTIVE DATE.—This section shall apply to contracts for ships or submarines for which the Federal Government has issued a letter of acceptance or other similar document after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2004, at 9:30 a.m., in open and closed session to receive testimony on Military Strategy and Operational Requirements, in review of the Defense Authorization Request for fiscal year 2005.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 4, 2004, at 2:30

p.m., on the nominations of Rhonda Keenum, to be Assistant Secretary and Director General of the U.S. and Foreign Commercial Service for the Department of Commerce, Linda Combs, to be Assistant Secretary for Budget and Programs and Chief Financial Officer for the Department of Transportation, Douglas Buttrey and Francis Mulvey, to be Members of the Surface Transportation Board, in SR-253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 4th at 10 a.m.

The purpose of the hearing is to review the Energy Information Administration (EIA) Annual Energy Outlook 2004 Report regarding the supply, demand and price projections for oil, natural gas, nuclear, coal and renewable resources, focusing on oil and natural gas. In addition, commercial and market perspectives on the state of oil and natural gas markets will be considered.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 4, 2004, at 9:30 a.m. to hold a Business Meeting.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 4, 2004, at 2:30 p.m. to hold a Subcommittee hearing on Hong Kong.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Higher Education and the Workforce: Issues for Reauthorization of the Higher Education Act during the session of the Senate on Thursday, March 4, 2004, at 10 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 4, 2004, at 9:30 a.m., in Dirksen Senate Building Room 226

Agenda

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; William James Haynes II to be

U.S. Circuit Judge for the Fourth Circuit; Raymond W. Gruender to be U.S. Circuit Judge for the Eighth Circuit; Franklin S. Van Antwerpen to be U.S. Circuit Judge for the Third Circuit; Diane S. Sykes to be U.S. Circuit Judge for the Seventh Circuit; Louis Guirola, Jr., to be U.S. Circuit Judge for the Southern District of Mississippi; Judith C. Herrera to be U.S. District Judge for the District of New Mexico; Virginia E. Hopkins to be U.S. District Judge for the Northern District of Alabama; Kenneth M. Karas to be U.S. District Judge for the Southern District of New York; F. Dennis Saylor to be U.S. District Judge for the District of Massachusetts; Sandra L. Townes to be U.S. District Judge for the Eastern District of New York; Ricardo S. Martinez to be U.S. District Judge for the Western District of Washington; Gene E.K. Pratter to be U.S. District Judge for the Eastern District of Pennsylvania; Neil Vincent Wake to be U.S. District Judge for the District of Arizona; William S. Duffey, Jr., to be U.S. District Judge for the Northern District of Georgia; James L. Robart to be U.S. District Judge for the Western District of Washington; Juan R. Sanchez to be U.S. District Judge for the Eastern District of Pennsylvania; Lawrence F. Stengel to be U.S. District Judge for the Eastern District of Pennsylvania; Michele M. Leonhart to be Deputy Administrator of Drug Enforcement; Domingo S. Herraiz to be Director of the Bureau of Justice Assistance Department of Justice; LaFayette Collins to be U.S. Marshal for the Western District of Texas, and Ronald J. Tenpas to be U.S. Attorney for the Southern District of Illinois.

II. Executive Session.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. HATCH. Madam President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, March 4, 2004, for a joint hearing with the House of Representatives Committee on Veterans’ Affairs, to hear the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, and Blinded Veterans Association. The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Madam President, I ask unanimous consent that the Select Committee on intelligence be authorized to meet during the session of the Senate on March 4, 2004, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ENERGY

Mr. HATCH. Madam President, I ask unanimous consent that the Subcommittee Energy of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 4, at 2:30 p.m., to receive testimony regarding new nuclear power generation in the United States.

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

SUBCOMMITTEE ON MARKETING, INSPECTION, AND PRODUCT PROMOTION

Mr. HATCH. Madam President, I ask unanimous consent that the Subcommittee on Marketing, Inspection, and Product Promotion of the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, March 4, 2004. The purpose of this hearing will be to discuss the development of a national animal identification plan.

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

SUBCOMMITTEE ON PERSONNEL

Mr. HATCH. Madam President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2004, at 2:30 p.m., in open session to receive testimony on compensation, benefits and health care for active and reserve military personnel and their families, in review of the defense authorization request for fiscal year 2005.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that the privilege of the floor be granted to Rob Sand of my staff for the duration of the day.

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

Mr. THOMAS. Madam President, I ask unanimous consent that Cathleen West, a fellow on the Finance Committee staff, be granted the privileges of the floor for the remainder of the debate on S. 1637.

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

UNANIMOUS CONSENT AGREEMENT—BUDGET RESOLUTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, March 8, at noon, the Senate proceed to the budget resolution, if available and qualified.

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

GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 368, H.R. 506.

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

The assistant legislative clerk read as follows:

A bill (H.R. 506) to provide for the protection of archaeological sites and the Galisteo Basin in New Mexico, 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 the third time, passed, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The bill (H.R. 506) was read the third time and passed.

FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 286, H.R. 2059.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, 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 the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The bill (H.R. 2059) was read the third time and passed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader pursuant to Public Law 108-176, appoints the following individual to serve as a member of the National Commission of Small Community Air Service: Robb B. Sexauer of South Dakota.

The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108-199, appoints the following individuals to serve as members of the Abraham Lincoln Study Abroad Fellowship Program: the Senator from Illinois, RICHARD J. DURBIN and Brad R. Heegel of South Dakota.

ORDERS FOR MONDAY, MARCH 8, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 12 noon, Monday, March 8. I further ask unanimous consent 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 for their use later in the day, and the Senate then begin consideration of the fiscal year 2005 budget resolution, if available, as provided under the previous order. I further ask unanimous consent that notwithstanding the Senate's adjournment, it be in order for the Foreign Relations and Budget Committees to file legislation from 10 a.m. to 12 noon tomorrow.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this has been a difficult week from many perspectives. We had two contentious pieces of legislation, and we certainly understand that on this side. As far as the legislation now before the Senate, it should not be such. I think there is no question that the majority of the Senate by far wants to pass the legislation that has been before the Senate today and yesterday.

The issue that is now holding up this legislation is whether the Senate is going to vote on an overtime amendment that is being offered by Senator HARKIN. It is an issue that we feel strongly about on this side. We want to vote on whether the President should go forward with these regulations. We want to vote. We will take a half hour evenly divided, we will take 20 minutes evenly divided to get a vote on this amendment. We are not stalling for time.

This is something that will have to be dealt with sometime during the next month or so in this legislature. We are willing to work in any way to cooperate and get this bill done, but one of the things we can't do is not have a vote on this overtime issue. Senator DASCHLE and I have talked with Senator HARKIN on four occasions at my last count. We said: Senator HARKIN, don't offer this amendment; this legislation is important; we are trying to get it passed. He has reluctantly agreed every time not to move forward with this legislation.

That is no longer part of what we are able to do. We talked with Senator HARKIN. He has been such a gentleman as to how we proceeded on this. He will continue to be a gentleman, but he is not going to relent offering this legislation because we do not think he should anymore.

I say that with the full knowledge that on this very important piece of legislation we are willing to vote, we are willing to discuss the amendments that Senators GRASSLEY and BAUCUS have. They want to improve the legislation. I think they can do that, and I think their amendments will be supported.