United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JULY 21, 2004 No. 102

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, who surrounds us with shields of grace, mercy, and peace, thank You for our national and world leaders. Shower them with wisdom. Give them faith to exercise responsible stewardship of Your many blessings and an abiding awareness of their accountability to You. Remind them that abundance must be used unselfishly and that we enter the grave with empty hands.

Inspire our lawmakers today with a love that comes from a pure heart, a good conscience, and a sincere faith. Strengthen them in their work to wage the good fight against freedom's enemies. Bless all who labor with them. May the harvest of our work enable the people of our global village to lead peaceful and quiet lives that are pleasing to You. Give us Your peace at all times in every way.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

SCHEDULE

Mr. MCCONNELL. Mr. President, today following the 90-minute period for morning business, the Senate will resume consideration of the Morocco free-trade agreement. The agreement reached last night provides for a vote on final passage to occur at 11:30 this morning.

As a reminder, last night the majority leader filed a cloture motion on the nomination of Henry Saad to be U.S. Circuit Judge for the Sixth Circuit. That vote will occur tomorrow. We expect debate today on the Saad nomination, as well as other pending judicial nominations.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DOING RIGHT BY AMERICA

Mr. DASCHLE. Mr. President, in just over 100 days, the American people will make an historic and fateful decision. They will decide whether we stay the course we are on or move our country in a new and better direction.

As I have traveled around South Dakota and the Nation, I have heard a lot about the hopes and dreams Americans have for their families. I have listened to ranchers and farmers, teachers and mothers, police officers and firefighters. I am always humbled by the honesty of their message.

Families in South Dakota and across our Nation aren't asking for special deals or special advantage. All they want is a fair opportunity on a level playing field. They want to know that there is only one set of rules, and that the game isn't rigged against them. Most of all, they want to know that as we make decisions affecting the future of our country, our first priority is doing right by America.

If a policy isn't going to make us stronger and safer, if it is not going to expand opportunity and put common sense ahead of ideology, then it is not doing right by America.

Doing right by America rejects the defeatist view that we have enough money to rebuild Iraq, but not enough resources to take care of America.

At its heart, doing right by America means fulfilling our moral responsibility—together—to create a better future for our children and grandchildren. It is a simple value that Americans have always lived by, but it has been pushed aside these last 4 years. Boardroom priorities have crowded out kitchen-table needs, and special interests—like Enron, Halliburton, and the giant oil companies—have undermined our common purpose. Years of progress in spreading opportunity for regular Americans has been turned on its head.

We are all proud that America is a place of great wealth and success. But the genius of America has never been just the ability of the rich to get richer. The true genius of America has always been the promise that all Americans who work hard and play by the rules will have the opportunity to succeed.

The promise of opportunity is what inspired my grandparents, and tens of millions of other immigrants, to start a new life here. And nearly every day, I hear a new story that reminds me that my most important responsibility is defending the opportunity of regular Americans to build a better life for themselves and their children.

Middle-class families deserve an opportunity to compete for good jobs that reward work. They deserve an opportunity to send their children to good schools, and then on to good colleges and universities, without busting the family budget. They deserve an opportunity to purchase health insurance at a reasonable price so they can see a doctor—one they choose—when they are sick or injured, and so they can fill a prescription if their doctor writes

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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one. They deserve the opportunity to be safe—safe in their communities and safe in their homes. And, after a lifetime of hard work and years of paying into Social Security, they deserve the opportunity to retire with dignity and security.

That is not a lot to ask. But in some ways, it is everything. Widening the circle of opportunity and prosperity—year after year, decade after decade—is what makes America great. It is our heritage, and it must be our legacy.

But today, those with power often seem to have lost sight of this fundamental value and the difference between right and wrong. We saw that a few months ago, when a major telecommunications company gave one of its executives a severance package worth more than $8 million. This executive had worked there for only 7 months, and he was leaving because he hadn't done his job well. As the company handed the failed executive his $8 million check, it handed out something else to 12,000 of its rank-and-file workers: pink slips. That is not doing right.

Around that same time, a man I have known for years called my office. His name is Brad Besler. He is 47 and a fourth-generation rancher in western South Dakota. He and his wife, Fern, have five children—four have graduated from college, and the youngest is still in grade school. Brad called my office because South Dakota is entering its fifth straight year of drought and he is worried. Two years ago, the drought was so bad, and trying to survive it was so stressful, that he suffered a stroke that left him blind in one eye. A few months ago, he had another stroke.

If the drought is anywhere near as bad this year, he says he will have to sell his entire herd of cattle—the only income his family has. If that happens, he will have to drop his family's health insurance, which runs $896 a month.

He is trying desperately to avoid that because—with a blind eye, a bad back, and a history of strokes—he knows that if he loses his coverage, it will be next to impossible for him to ever get health insurance again.

Listening to Brad Besler, two things strike you. The first is his incredible courage and willingness to work hard to support his family. The second is that Brad's government seems to have forgotten about him.

We are not doing right by Brad Besler. And in my view, we are not doing right by America when we hand over millions to a lucky few who already have so much, while ignoring the real needs of those who are working so hard and so honestly.

But that is exactly what is happening in America today. There is an ever growing list of government policies that reward wealth, not work. That is not an accident; it is a conscious choice.

With Republicans in control of the entire Federal Government, it often seems as if their leaders are trying to narrow the circle of opportunity and prosperity in America. And they have put the needs of middle-class families on the back burner.

We see that even as the economy slowly improves. Corporations reap most of the benefits, while regular workers continue to struggle. In fact, during this recovery, corporations have gotten twice their normal share of the increase in national income, while workers have received their lowest share in over 50 years.

As the chief economist at Merrill Lynch observed: ''We've had a redistribution of income to the corporate sector.''

Or as Warren Buffett, one of the wealthiest men in America, put it: ''If there's class warfare going on, my class is winning.''

That isn't good for most American families, and it isn't doing right by America.

We can do better, and we have done better. During the Clinton administration, America created 21 million new private-sector jobs. Now, just 4 years later, the Bush administration is on track to have the worst job-creation record since the Great Depression.

During the first 2½ years of the Bush administration, we lost over 3 million private-sector jobs. And although the economy has finally started to recover some jobs in recent months, the new jobs pay, on average, 13 percent less than the jobs they are replacing.

As a result, too many average families are losing ground, even as they work harder and harder. And to make matters worse, the Bush administration continues to demand that millions of employees lose their right to overtime pay.

Since President Bush took office, real weekly earnings for average Americans have not grown at all—but their expenses have soared. Gas prices have gone up 23 percent; college tuition has gone up 28 percent; and health care premiums have gone up 36 percent.

And while the middle class is getting squeezed, huge corporations are growing rich. While consumers are struggling with record gas prices, Chevron-Texaco is reporting record profits. While family incomes have stagnated, overall corporate profits have risen by more than 50 percent.

A generation ago, the average American CEO made about 50 times more than the average worker. Now, thanks to bad policies and even worse values, the average CEO makes 300 times more than the average worker.

That is just not right. And unless we change course, it is going to get worse.

Instead of fighting to keep good jobs here, Republican leaders in Washington are using tax breaks to reward companies for shipping jobs overseas. Businesses are walking jobs out of the country, and the government is holding the door for them.

A few months ago, President Bush's top economic adviser told us that sending jobs overseas ''is probably a plus for the economy, in the long run. The President believes this.''

The President also seems to believe it is okay to send millions of dollars in unemployment pay to former Iraqi soldiers, while denying help to American workers whose jobs have been shipped overseas.

That is doing wrong by America.

As the election nears, the President's economic team has been grasping for ways to make a bad economy sound good. To deal with the loss of more than 2 million manufacturing jobs, they floated the idea of redefining ''manufacturing jobs'' to include fast-food workers preparing Big Macs and Whoppers. Manufacturing once meant building cars or fabricating steel for good wages. Now the Bush administration says it might mean putting a burger on a bun for minimum wage.

That is not being straight with America.

And we are not doing right by America by running up trillions in new debt and pretending it is not a problem.

During the Clinton administration, we turned huge deficits into record surpluses. Now, just 4 years later, $5 trillion of expected surpluses have turned into $3 trillion of new debt. As a result, we are giving our children something they don't want and don't deserve: a $25,000 birth tax. That is the share of our national debt owed by every child in America. My two grandchildren both inherited that debt the moment they were born.

It wasn't long ago that Republicans came to Washington promising fiscal discipline. Instead of keeping that promise, they have taken us on a 4-year fiscal binge that has squandered record budget surpluses and created record budget deficits.

In 2000, Republican leaders, including President Bush, promised that ''[t]he Social Security surplus is off-limits, off budget, and will not be touched.'' Four years later, they have already raided $500 billion from Social Security to pay for tax cuts, and they are planning to take another $2.4 trillion—$2.4 trillion—over the next 10 years.

That is your money. It comes out of your paycheck. It is supposed to be there when you retire. It is not supposed to be used to pay for tax breaks for millionaire CEOs or to reward companies for shipping American jobs overseas.

Looting Social Security is not doing right by American workers and retirees, and we can't let it happen.

The Bush administration is draining trillions from Social Security, borrowing hundreds of billions from China and Japan to pay our debts, sending billions of dollars to Iraq for roads and schools, and then planning on cutting billions here at home for education, environmental protection, medical research, Head Start, and nutrition programs for pregnant women and children. The administration even wants to cut $1 billion from homeland security at the very time it is warning of likely new terrorist attacks.

That is not doing right by America, and it doesn't make any sense. But this administration is making a habit of decisions that don't make much sense.

A couple of months ago, the Secretary of Health and Human Services defended the administration's plan to provide health care to all Iraqis, but not to all Americans. He said, ''Even if you don't have health insurance in America, you get taken care of. That could be defined as universal coverage.''

Try telling that to the nearly 44 million Americans who are uninsured—4 million more than when George Bush took office—and the millions more who are under-insured.

Try telling that to the millions of families who, year after year, are watching out-of-control health insurance premiums bust the family budget.

Or try telling that to the Lakota woman in South Dakota whose sister died a few months ago from a stomach cancer that went undetected because the Indian Health Service didn't have money to refer her to a specialist.

In America today, seniors can't afford the medicine they need and have discovered that last year's Medicare law is a sham that provides billions to insurance and drug companies. Many veterans can't use the VA health system anymore because of arbitrary, budget-driven barriers to care. And 32,000 National Guard members and reservists who are serving in Iraq will lose their health coverage when they come home because the Bush administration refuses to extend their coverage.

These aren't unintended consequences. They are clear choices.

When record debt makes it difficult to repair our crumbling roads and bridges, fund our children's schools, support our police and firefighters, and honor our commitment to America's veterans, that is the result of bad choices.

When American soldiers are sent into combat without armor in their protective vests, when they are losing limbs and sacrificing their lives because there aren't enough armored cars, when health services are being cut for veterans, and when the Bush administration says that there isn't enough money to let reservists and Guard members buy into the military health system, that is the result of bad choices.

These choices don't do right by America, and we need to change them.

There is something else we need to change. In the last 4 years, we have seen more and more secrecy and less and less accountability in the Bush administration.

During the past few years, a small group of courageous individuals has stepped forward and said things this administration didn't want to hear and didn't want anyone else to know. In every case, their patriotism, honesty, or competence was attacked.

Senator JOHN MCCAIN found that out. So did the President's former Treasury Secretary Paul O'Neill. And so did Medicare actuary Richard Foster, former Army Chief of Staff General Eric Shinseki, and former White House counterterrorism adviser Richard Clarke.

When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq's nuclear weapon capability, some Government officials retaliated by disclosing that his wife was a deep-cover CIA agent. For nothing more than political gain, they were willing to endanger the life of one of the people who protect our national security.

That is not doing right by America. Those aren't our morals, and they aren't our values.

In the America I know, moms and dads sit at the kitchen table every month and balance the family checkbook. When the car breaks down or there are unexpected doctor visits, there is a pinch. They don't expect the Government to bail them out when that happens, but they want a fair shake. They want their Government to focus on jobs and health care and education, and they don't want their Government to take their Social Security money to pay for tax breaks for millionaires and big corporations.

They want their Government to do right by them, and they have a right to expect that. But when they see oil industry interests coming before their interests, HMO profits coming before the health of seniors, and special deals for Halliburton coming before the safety of their sons and daughters in Iraq, they know their Government isn't doing right by America.

I am as frustrated as they are about these choices, but I am not discouraged about our ability to fix things. We can and we will. We can get America back on track by doing right by America.

Doing right by America means putting our common interests ahead of the special interests. It means paying as much attention to middle America as we are paying to the Middle East. And it means bringing common sense back to Government.

We should be thinking not just about the people who own Wal-Mart, but about the millions of Americans who work and shop there.

We should be changing tax polices so corporations have an incentive to keep jobs here at home, not ship them overseas, and we should aggressively enforce our trade laws to protect workers from unfair competition.

We should be improving roads and bridges and creating millions of jobs along the way, and investing in education, training, and technological innovation so workers who have lost jobs can find new ones, and workers who have jobs can get better ones.

And if we are truly going to do right by American workers, it is long past time that we increase the minimum wage, and it is absolutely essential that we stop the Bush administration from following through with its plan to strip millions of workers of their right to overtime pay.

Doing right by America means honestly confronting the health care crisis in our country, not pretending that it doesn't exist. As a first step, we should provide every American with the opportunity to choose from the same health care options, at the same price, as Members of Congress have. If it is good enough for those of us in Government, it ought to be an option for every American who needs health insurance.

Doing right by America means an honest prescription drug policy that doesn't funnel billions of dollars in windfalls to drug companies and HMOs, but instead offers seniors the medications they need at a fair price—without the mind-boggling complexity of the Bush administration's drug plan.

It means properly funding our children's schools and giving every American family a guarantee: If your sons and daughters work hard in school and get good grades, they will have a first-rate and affordable college education waiting for them the day they graduate from high school.

And it means putting our Nation on the road to energy independence. The next generation should be able to look forward to a future that is not put at risk by unrestrained pollution and a dangerous dependence on foreign oil.

Finally, doing right by America means being honest about performance, both at home and abroad. It is not pessimistic to acknowledge the problems workers have endured over the past 4 years; it is pessimistic to think that we can't do better.

And it doesn't endanger our troops to ask questions that might save their lives. If we are going to do right by them, we have to stand up for them, even if that means asking tough questions about the administration and its policies. And when our troops return home, we have to make sure they receive the medical attention they earned. We owe them more than empty promises.

We will have a clear choice in November. We can continue on the course we are on, where special interests come before common interests, where boardroom issues come before kitchen-table issues, and where opportunity is reserved for a small, members-only club. Or we can choose a new and better direction.

Doing right By America means that our values guide our policies. Our strength comes from opportunity and responsibility—and a commitment to making sure that our middle-class has a fair chance. It means fixing health care, creating good jobs again, and making education affordable.

Mr. President, we can do this, and we should do it together. Doing right by America shouldn't be an idea we just talk about, it should be the value that guides all our decisions in Congress.

I yield the floor.

The PRESIDENT pro tempore. The Chair inquires of the Democratic leader, the Democratic leader has used

time in excess of his leader time. Is it the intent that be charged against the time he had under his control under the previous order, or is that time outside that previous order?

Mr. DASCHLE. Mr. President, I ask that 10 minutes of the time that I consumed be applied against the Democratic morning business time.

The PRESIDENT pro tempore. The Senator has consumed more than that time. He wishes to have 10 minutes of that time counted against that time?

Mr. DASCHLE. Correct.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only for up to 90 minutes; the first half of that time under the control of the Democratic leader or his designee—that is now 35 minutes—and the second half under the control of the majority leader or his designee.

Who seeks time?

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. On behalf of Senator DASCHLE, we yield 15 minutes to Senator STABENOW and 10 minutes to Senator HARKIN.

The PRESIDENT pro tempore. Senator STABENOW is recognized for 15 minutes.

LOWERING THE COST OF MEDICINE

Ms. STABENOW. Mr. President, first I commend our Democratic leader for an outstanding vision of what we should be doing to do right by America. His eloquence this morning certainly speaks to every single person in Michigan and what we care about, the priorities and values that we have, and certainly it speaks to the sense of urgency that I believe we need to get something done for the people we represent in this wonderful country. We need to do right by America.

There is something wrong when we have provided funding for health care in Iraq for a broad, universal health care system, yet we cannot focus on health care at home for over 44 million people and focus on the costs of prescription drugs or make sure there is a real Medicare bill that works. There is something wrong with this picture. It is truly time for us to do right by America. That is our job.

I speak today specifically about a topic that I frequently think about on the floor of the Senate that needs to have a sense of urgency about it as we come to the end of this week. We will not be in session in August. We will come back only for a few weeks in the fall. There is a sense of urgency at home about the need to lower the cost of medicine, the access to prescription drugs in this country.

I rise to express great concern today because at this very moment the Senate HELP Committee was supposed to be marking up a bill that hopefully would lead to the safe importation of FDA-approved prescription drugs from Canada and other countries where it can be done safely. But, once again, the markup has been delayed. I am deeply concerned that with the number of legislative days winding down, we will not see a bill coming from committee to the floor of the Senate any time this year.

We know the prices of prescription drugs continue to rise and continue to place a tremendous burden not only on our seniors but on everyone who uses medicine on a regular basis.

We have a strong bipartisan bill that we put together to allow the reimportation of prescription drugs. It has been carefully discussed and deliberated. There is no reason that Americans should not benefit from the passage of this new law so we can have access to safe, FDA-approved drugs that come from FDA-inspected facilities in other countries. In fact, Sav-Rx, one of the companies that is offering a Medicare drug card now, is even promoting reimportation as part of their marketing.

As reported in Tuesday's Washington Post, the company's Web site reads:

> Sav-Rx is giving you the opportunity to save an additional 20%-30% on your mail order prescriptions through the use of our Canadian Mail Order Pharmacy.

This is one of our Medicare cards that is using a Canadian mail order pharmacy.

I have to say I am more concerned about mail order or Internet sales—particularly Internet sales—where we do not have the safeguards, or may not know where the prescriptions are coming from, rather than what our bill does, which is allow the local pharmacist in Michigan or the pharmacist in any other State to do business with the pharmacist across the border in a safe, FDA-approved way, with a closed supply chain that brings the medicine from one place to another so we know where it comes from and we can assure its safety.

But here we have one of those providing a Medicare card to seniors who are using right now a Canadian mail order pharmacy as part of this process. Yet we can't get the support to pass a bill that would guarantee this process is available for everyone through the local pharmacy—one pharmacy to another—and which is done in the safest possible way. We don't have regulations right now that mirror what we have in our bill in terms of promoting the safety of reimportation of prescription drugs.

If we are going to continue to see mail order and Internet sales, we certainly need to address the issues that we have addressed in our bill to make sure this process is safe.

This is all about numbers, as usual. The opposition is all about numbers. It is about the $17 billion annually that the drug companies stand to profit from the new Medicare law versus the $5 billion cost that American consumers can save per month from reimporting prescription drugs from Canada or allowing the local pharmacists in America to do business with the pharmacists in Canada.

It is about requiring our seniors to go through this complicated process under Medicare to attempt to get a discount through a Medicare card that would set up much more to profit the drug companies than to profit the seniors. It is about a process that we are forcing people to go through to try to get help. It is complicated. There are multiple cards. The prices can change every 7 days. The discounted drugs can change every 7 days.

We heard testimony on Monday from Dr. McClellan in charge of the Center for Medicare. What we are hearing is this massive effort of spending money to market and try to explain to people this complicated process. Why do we have this complicated process? Because it benefits the pharmaceutical companies. It doesn't allow Medicare to negotiate group prices to get the best deal for people. So we have this complicated, costly process going on to guarantee that the profits of the industry are protected.

On the other hand, all we need to do is bring to the floor this bipartisan bill that would allow our local pharmacists to do business safely with pharmacists in Canada and other countries. We could drop prices in half immediately for consumers. We would save over $5 billion a month for consumers. We would truly begin to address the stories we hear all the time—it is happening; they are not just stories—of people who are choosing between food and medicine, paying their electric bill or paying their rent. We don't make up those stories. It is happening every day, and I am sure it is happening right now as I am speaking. We can fix that, too.

If the HELP Committee brought up a bill, had a meeting and voted this bill out today, we would have on the floor a means for us to be able to work together to adopt a bill that works, is safe, and lowers prices. But instead one more time this is delayed—delayed, delayed. Unfortunately, folks can't delay their bills. When they go to the pharmacy to get their medicine, they can't say: I would be happy to pay you but nothing is happening in Congress yet. The President won't support lowering prices. So I can't afford to pay this right now. Can you wait? Can I pay it next year when they finally get around to fixing this, maybe? People can't do that when they go into the pharmacy. They have to pay for their medicine.

There is a sense of urgency which they feel that, unfortunately, is not felt in this body, or by the leadership. Those of us who have been working

across the aisle to get something done certainly feel it, but leadership does not. Unfortunately, the White House does not.

What we see is a continual unwillingness to schedule a bill, to bring it out, to give us an opportunity to vote and to get this done in the Senate.

We have legislation, S. 2328, the Pharmaceutical Market Access and Drug Safety Act, that is widely supported. It has been crafted carefully by Senate leaders on both sides of the aisle. It will work. It will guarantee that we put in place the safe precautions we need and that will allow us to finally be able to address the issue of lowering prices.

There are many concerns that I and my colleagues have about the bill before the HELP Committee. I will not go into all the specifics at this time, except to say we feel confident that the legislation we have introduced would fix the concerns and the problems, and that we can work together to get this done in the right way.

I am deeply concerned that right now seniors of this country are being asked to wade through Medicare card after Medicare card trying to find out whether there is anything that can be done for them in terms of lowering prices. They are wading through all the other complexities of the Medicare bill. We are not taking action as we could on something that would immediately make a difference.

I go back to what our Democratic leader spoke about so eloquently this morning. Senator DASCHLE spoke about doing right by America.

How is it that there is a sense of urgency here to be providing funds to make sure those in Iraq have access to health care? Certainly we want them to have access to health care. But what about us? What about doing right by America as well? What about taking just a portion of the funds we are spending abroad to build roads and schools and create health care systems and use that here at home to help Americans who are desperate about being able to afford the medicine they need?

I might also say that this is directly related to the health insurance premiums our small businesses and large businesses are paying in America. We know that about half the cost increases on health care premiums comes from the explosion of prescription drug prices.

When we pass the reimportation bill that we are coming forward with in a bipartisan way, we not only help our seniors who need our help and the disabled and their families and workers, we are helping businesses be able to lower prices. We are helping universities that have medical schools to be able to allow their pharmacies to do business with those across the border in a safe way. We are helping the local hospitals be able to lower their costs which in turn helps them lower the cost of health care and health insurance premiums.

Just one proposal has very broad implications to bring down prices and make sure we are addressing one of the fastest rising components of health insurance for businesses in our country.

We have a bipartisan bill before the Senate that is endorsed by the AARP, Families USA, the Alliance for Retired Americans, numerous senior, consumer groups, and health groups. I am deeply troubled by the fact it will be very difficult to bring this bill before the Senate and pass it before we break on Friday. This debate has gone on far too long.

As I have indicated, this can help business and individuals with the high cost of health care. It is time to get it done. We have the greatest country in the world. Give us a chance to make this change and we can help every American have access to the medicine they need. We can take an important step forward in doing right by America.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Iowa.

Mr. HARKIN. How much time do I have in morning business?

The PRESIDING OFFICER. There is 10 minutes.

LEAK INVESTIGATION

Mr. HARKIN. Mr. President, it has now been 1 year and 1 week, 1 year and 7 days since senior White House officials leaked the identity of a clandestine officer of the CIA, Valerie Plame, to Washington journalists. According to the Washington Post, there were two senior White House officials who called a number of reporters—at last count, maybe six—to reveal the name of Valerie Plame as being a covert CIA agent. Of course, only one reporter sought to publish that—was Mr. Novak—in one of his columns.

This criminal act was a brazen act of revenge and retaliation to punish Ms. Plame's husband, who dared to question one of the administration's key justifications for invading Iraq.

One year and 7 days and nothing has been done, nothing.

Here is what the White House had to say yesterday, July 20. Deputy Attorney General James Comey said:

> We take issues of classified information very, very seriously. As you know, we have prosecuted or sought administrative sanctions against any number of people throughout the years for mishandling of classified information.

Say again? After they exposed Valerie Plame, what happened? It took 6 months from the time of the leak of the Plame matter for Attorney General Ashcroft to recuse himself. Not until December 30 was a special prosecutor appointed. The President and Vice President have never appeared to take this leaking of her name and her identity very seriously—or even seriously.

In his only public statement about this leak, here is what the President said:

> I don't know if we are going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea.

That was George W. Bush, October 7, 2003.

If you look at the video of this, he is smiling when he says it. He has kind of a smirk on his face. Does that sound like a matter being taken very seriously? One year and 1 week later we are still awaiting any sign that prosecutions or even sanctions will be brought against anyone in this matter.

This dismissive attitude on the part of the President and the Vice President is not acceptable. We are not talking about a Washington game of gotcha. We are talking about a calculated act of betrayal and treachery against our Nation. A clandestine officer of the CIA was brazenly exposed by a couple of senior White House officials who somehow got access to this information. Who gave them access? Who in the CIA or the National Security Council gave her name to these White House officials? How did they come by it? She was a very deep undercover agent.

This betrayal has real consequences in terms of the national security of the United States. This single act by the White House has undermined the clandestine capabilities of the CIA. It has damaged our national security. It has weakened our country. In this respect, the Valerie Plame incident fits a much broader pattern, a pattern of actions by this administration that have made our Nation weaker, less secure, more vulnerable to terrorist attacks.

Don't take my word for it, take the word of some former CIA people. Here is Larry Johnson, former CIA analyst and State Department employee:

> For this administration to run on a security platform and allow people in the administration to compromise the security of intelligence assets, I think is unconscionable.

And here is James Marcinkowski, former CIA operations officer:

> The deliberate exposure and identification of Ambassador Wilson's wife, by our government, was unprecedented, unnecessary, harmful and dangerous.

Yes, the leaking of Valerie Plame's name weakened our country, made us less secure, more vulnerable to future attacks.

Almost 4 years ago, when President Bush was running for election, he went around the country raising his right hand, saying I swear to restore honesty and integrity to the White House.

It is time for Mr. Bush and Mr. CHENEY to raise their right hands again and to take an oath to tell the truth, the whole truth, and nothing but the truth regarding the Valerie Plame incident and what they know and what they have done to find out who exposed her name.

We had an example of this a few years ago when a President of the United States was put under oath and was filmed. We sat in the Senate and we looked at that film on video monitors during the impeachment of former President Bill Clinton. Regardless of how you felt about the impeachment, whether you thought it was good

or bad or what, the fact that the President of the United States was put under oath sent a clear message to the people of this country. No President is above the law, neither then nor now. It is time for this President and this Vice President to be put under oath. What happened 1 year and 7 days ago is unconscionable, unprecedented, harmful, dangerous to the security of our country.

The President of the United States could have solved this in 24 hours by calling in every one of his top senior officials, have them sign a piece of paper, have them swear under oath that they did not do this and had nothing to do with this. We could have solved it in 24 hours, but the President of the United States dismissed this. He sort of pooh-poohed the whole thing, smiled about it, and said, I don't think we will catch whoever did this.

Where is the sense of outrage by this President and Vice President that two senior officials would so brazenly, with such calculation, expose the cover, expose the person in the CIA with assets around the world, giving human intelligence to our CIA which we need so desperately in our war against terrorism.

I task the Senate this morning, as I will every day, to call upon the President and the Vice President and to call upon the special prosecutor to put the President and Vice President under oath. If this is not resolved, America will become weaker, less secure, and more vulnerable. We cannot allow that to happen to this country.

The people who exposed Valerie Plame are guilty of violating a law and they should be punished to the full extent of that law. That sends the signal to any other administration, be it Democrat or Republican, that this kind of treachery, this kind of violation of our laws, will not be permitted under any administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. There is 11 minutes remaining.

THE SENATE SCHEDULE

Mr. REID. Mr. President, I would like to direct a question through the Chair to the distinguished Senator from Illinois, who is on the floor.

Will the Senator from Illinois comment on the Senate schedule? We wasted a week, as the Senator may recall, on class action, where nothing was done. Then we spent a week on the marriage amendment when everyone knew, before it started, there were not enough votes. And then so far this week we spent yesterday on a judge. Nothing happened on that. The rest of the day we spent on a free-trade agreement with Morocco, where the actual time on that bill has been less than an hour and a half on actual speeches given. Even though there was 20 hours allotted, we were willing to yield back our time from early on in that debate. Now we are told we are still not going to go to legislative session, that we are going to work on more judges even though we have approved almost a record number of judges.

I ask my friend, does the Senator from Illinois think it is important we deal with other issues people in Illinois and Nevada talk to us about, such as doing an appropriations bill for homeland security or moving to something that is important to the people of Nevada, and that is maybe consider raising the minimum wage?

These are just a couple thoughts that come to the mind of the Senator from Nevada. Will the Senator from Illinois comment?

Mr. DURBIN. Mr. President, I would say, in response to my colleague from Nevada, I have had a number of jobs in my lifetime, and we are fortunate we are on salary on this job because if our pay depended on what we did and what we produced, we would not be drawing a paycheck around here for weeks at a time. We waste so much time on the floor of the Senate, it is hard to imagine.

We spent a whole week on a class action bill that went nowhere. Then we spent a better part of a week on a constitutional amendment on same-sex marriage that went nowhere. Now we are about to waste a third week in a row.

At the same time, I think there are 12 appropriations bills that have not been considered. During this period of time, we had notification from Secretary Ridge at the Department of Homeland Security and our FBI Director that America was going to face an attack. Most Americans stood up and took notice, as they should, and called our offices and said: What should we do? And we said: Lead your lives. Keep your eyes open.

But it is clear what we should do. Take a look at this Calendar. Right on the back of our Senate Calendar, the lead items are the Homeland Security appropriations bills. These are multibillion-dollar bills that will appropriate money to give to State and local governments as well as Federal agencies to make America safer—sitting on the Calendar for a month, without even being considered.

We will take a break, at the end of this week, for 6 weeks. We will be gone. We will come back, and they will still be sitting on the Calendar. God forbid anything happens in America. We are not going to do anything to deal with them.

Then you page through this Calendar and find bills waiting for action dealing with security at nuclear powerplants, security at ports across America, security at chemical plants, security on rail lines. If we paid any attention to Secretary Ridge, as we should, and Director Mueller, we would be meeting today with Senators on the Senate floor passing this legislation. Instead, we are killing time. We are doing nothing.

Now, it is hard to explain why this do-nothing Congress is wasting time when it should be, in fact, doing things to make America safer. I do not understand why the leaders in this Congress cannot pick up the very Calendar they print every day, turn to the back page and read the top line: homeland security. Pretty clear: homeland security. Yet we have not passed this legislation.

Mr. REID. Mr. President, I will direct another question through the Chair to my friend from Illinois.

I am not proud of this, but the State of Nevada is the least insured State for medical care in the country. We lead the Nation in uninsured. But there are 44 million people in America who have no health insurance. Even if we did not pass legislation dealing with the calamities facing American families because of no health insurance, don't you think we could talk about it? Don't you think we could bring something up?

For example, I know the Senator from Illinois has worked on this, the Senator from North Dakota has been a leader on this, as has been the Senator from Michigan, Ms. STABENOW: How about making it easy on the American people by allowing us to buy the same drugs we pay a fortune for here in America cheaper from the country just north of us, Canada? Wouldn't that be a good thing to work on?

Mr. DURBIN. Mr. President, I say, in response to the Senator from Nevada, he obviously does not understand the world as the folks across the aisle from us see it. They believe that families across America get up every morning and want to know whether the latest constitutional amendment has passed. They think that is what families do—rush to the television set, turn it on, and say quickly: Honey, did they pass a constitutional amendment?

That is not what I find. What I find at home is that families get together and say: I hope we can keep our job. I hope, for goodness' sake, that next year health insurance doesn't cost as much as it did last year and cover less.

That is the reality. That is the reality of life for families across America. So you wonder if those of us elected to the Senate really represent America and are listening to American families and businesses and labor unions, who tell us time and time again: The cost of health insurance is killing us. Why don't you do something?

Instead, the leadership in the Senate, in this do-nothing Congress, comes forward and says: We are going to blow off 3 days on the floor of the U.S. Senate debating a constitutional amendment about same-sex marriage.

Well, my wife and I have been married for 37 years. We believe in traditional marriage. But, for goodness' sake, why do you need to amend the

Constitution—in a Presidential election year, I might add—instead of talking about the cost of health insurance and making it more affordable and more accessible for people across America? That is a real issue, and it is an issue that has been really avoided by the leadership in this Senate.

Mr. REID. Mr. President, I direct another question to my distinguished friend.

About 6 weeks ago, I asked all 17 superintendents of school districts in Nevada to meet with me. We have 17 counties in Nevada. Each county has a superintendent of schools. The largest school district has about 300,000 students; the smallest, Esmeralda County, with 88 students. I don't know what their political affiliation is, but I will bet a lot more are Republicans.

We met for a couple hours. They were all asked the question: How is the Leave No Child Behind Act treating you in your school district? Without exception, every one of the superintendents said: The Leave No Child Behind Act is leaving children of Nevada behind, without exception. They said: Please change this. Give us some resources.

I say to my friend, education is important in Nevada. The Leave No Child Behind Act has been a disaster for Nevada. Shouldn't we be spending some time talking about education in the U.S. Senate rather than class action, marriage, and a few judges. We have approved more than 100. They want to defer attention away from the real issues of this country, so we are spending days of our existence on the Senate floor talking about judges. Shouldn't we be dealing with education?

Mr. DURBIN. Mr. President, I agree with the Senator from Nevada. In response, I would say, the reason why the Senate does not talk about education is because the President's education bill, No Child Left Behind, has been underfunded by $20 billion. We put Federal mandates on school districts that cost them enormous sums of money, which changed the way teachers teach in a classroom.

This administration—the President and his followers in Congress—has refused to send the money to help kids who are not scoring well on tests, kids who need someone to sit next to them and help them read, someone to help them understand basic math, someone to be there after school to sit down and work with them on their homework, someone to be with them in the summer months so they can do something and not lose all the knowledge they gained in the previous school year.

It takes people—dedicated men and women—who are teachers. It takes money. This administration says the money should go for tax cuts for wealthy people; it should not go for education. We should continue to spend $1.5 billion a week in Iraq, with no end in sight. That is why we don't talk about education.

This administration will not budget the money to pay for the Federal mandates the President included in No Child Left Behind. Ask any school district—in Nevada, Illinois, across America—what do you think of No Child Left Behind? We like accountability, but where is the promised money the President said would come to the school district to help us improve test scores? It is not there. That is why this do-nothing Congress avoids the issue of education, like the issue of helping families and businesses pay for health insurance.

Mr. REID. Mr. President, I believe our time has expired.

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, it is interesting to listen to my friends on the other side of the aisle this morning talk about any number of issues, in particular what we have been doing over the last several weeks—really the last several months—relative to the legislative agenda in the Senate. This is the only legislative body, I am sure, anywhere in the world that, because it is the most deliberative body in the world, allows the minority to in effect set the agenda because they have the ability to stop any legislation or debate or control the debate on any legislation unless the majority can obtain 60 votes to bring the debate to an end.

Here we have folks standing up this morning being critical of the leadership on this side of the aisle for not moving forward with a legislative agenda when, for the first time in the history of our great country, certainly the first time in the history of this great deliberative body, we have the folks on the other side of the aisle filibustering circuit court judge nominees of the President of the United States. That has never happened before.

There is one simple reason it is happening now. That is, in spite of this body approving hundreds of more liberal-leaning judges during the 8 years of the previous administration, the Democrats in the Senate refuse to allow more conservative judges to be appointed and confirmed by this President. We had another yesterday relative to another judge that is now being filibustered. That takes time.

In addition, the folks on the other side of the aisle are doing something I have never heard of in my 10 years of service on Capitol Hill; that is, they are demanding that before we go to conference on any bill, the end result of that conference be deemed to be so-and-so, which is to their way of liking, before they will agree to appoint conferees. That is not the way the legislative process works. The American people select the majority party in the Senate and the House to pass legislation. The majority should control, but, unfortunately, it does not.

Lastly, I am a big supporter of the No Child Left Behind program. I am a huge supporter of public education. It is the foundation of the future of America. I am happy to be the husband of a 30-year former schoolteacher. My daughter starts next week teaching in the public schools in my home county. My mother was a public school teacher. My brother is a public school teacher. I am a huge fan.

In spite of what I have just heard, I have yet to meet a teacher anywhere in America who doesn't say: I love the idea of providing accountability to the American people for the quality of education that I am providing to the children I teach. That is the basic concept of No Child Left Behind.

Sure, we have had problems with No Child Left Behind. Every major reform is going to have bumps in the road. I did four hearings in my State, invited every single school superintendent in all 159 counties, plus the city schools in my State to get together to bring their administrative personnel, but primarily bring me your teachers. I wanted to hear from them what complaints they had. They had serious complaints that were discussed with representatives of the U.S. Department of Education and the Georgia Department of Education. We resolved—we didn't resolve all of them, but we went to work and we got their complaints answered. We made changes in the regulations. All I heard this morning is: Well, No Child Left Behind doesn't work. Everybody is upset.

Everybody is not upset with it. I assure my colleagues, there has been no legislation coming forward from the other side of the aisle to try to correct it. It is simply a political year. It is unbelievable what we hear on the floor of the Senate these days. That is not what I got up here to talk about this morning, but I couldn't listen to that and not comment on it.

INTELLIGENCE

Mr. CHAMBLISS. Mr. President, I want to say something about Ambassador Wilson and his activities, but I see Senator BOND is here. He is going to follow me, and I know he is going to talk about that. Suffice it to say, only one comment needs to be directed about the issue of Mr. WILSON; that is, he didn't tell the truth. He didn't tell the truth, and that is explicitly set forth in the Senate intelligence report. It was also set forth in the report issued by Mr. Butler in Britain last week.

On the 7th of July, Chairman ROBERTS and Vice Chairman ROCKEFELLER of the Senate Intelligence Committee released a report on the U.S. intelligence community's prewar intelligence assessments on Iraq prepared by the Senate Select Committee on Intelligence. This 511-page report is highly critical of our intelligence analysis and collection capabilities, especially in the field of human intelligence or what we refer to as HUMINT.

Yesterday, the Senate Intelligence Committee began the first of a series of

hearings on intelligence reform. We heard from our colleague Senator FEINSTEIN about her proposal to create a new position of director of national intelligence to oversee the entire intelligence community. We also heard from three prominent experts—former Deputy Secretary of Defense John Hamre; former Director of Central Intelligence, Jim Woolsey; and Lieutenant General Odom, former Director of the National Security Agency—on how best to structure the intelligence community to meet the needs of the threats we face today and will face tomorrow.

This was a very interesting hearing. Senator FEINSTEIN does her homework. She studied this issue. She presented a very insightful presentation regarding her bill. I look forward to continuing this debate and continuing to review the process, looking both at what we have in place today as well as what reforms we should make relative to the intelligence community.

Tomorrow, we expect the 9/11 Commission to release its report on events leading up to the attack of September 11. There is no doubt that the intelligence community will also come under heavy criticism in that report.

These various reports and hearings are getting wide coverage in the media. I am glad they are. It is important for our debate on reforming the intelligence community to be as inclusive as possible. Intelligence reform is a bipartisan issue. The problems we have uncovered span more than a decade, under both Republican and Democratic administrations and Republican- and Democratic-controlled Congresses. The fact is, the systemic changes and reforms in the intelligence community, which would have made it more difficult for terrorists to strike us on 9/11 or to have more accurate information on Iraq's WMD capabilities, simply did not take place.

As more and more information gets into the public domain, especially in this highly charged political year, there will surely be attempts to politicize the complex issues of intelligence failures and intelligence reform. What I would like to do is to put some clarity on this for the American people.

First, there is only one principle to follow on intelligence reform. Intelligence is our first line of defense against terrorism, and we must improve the collection capabilities and analysis of intelligence to protect the security of the United States and its allies.

We should beware of anyone who tries to twist this principle in a political fashion. The truth is our country, our people, our liberties, and our way of life are under attack by radical Islamic terrorists who kill and destroy in the name of religion.

The security of the United States, which is so dependent on having accurate and timely intelligence, is not a Republican or a Democratic issue. It is a responsibility of all of us in the Congress to make sure we legislate and appropriate moneys so we have the best possible intelligence community.

Second, let's be clear about our tasks ahead. We are talking about amending the National Security Act of 1947, which has been the cornerstone of our security and intelligence structure for over half a century. While change is needed, it should be deliberate. It should also be substantive, even radical, if necessary.

The first comprehensive report detailing critical shortfalls within the United States intelligence community's performance was conducted by the House Subcommittee on Terrorism and Homeland Security. As the chairman of that subcommittee, I released its report on July 17, 2002. Following this, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence conducted a joint inquiry into the intelligence community's activities before and after the terrorist attacks of September 11, 2001, and issued its report in December 2002.

The Senate Intelligence Committee report released on July 7 reflects my deep concern that a number of issues identified both by the Subcommittee on Terrorism and Homeland Security and the joint inquiry have not yet been acted upon. For example, the subcommittee identified that information sharing among intelligence agencies was abysmal, and the joint inquiry report pointed out the CIA was too heavily reliant on foreign liaison reporting and that it had not taken the steps necessary to penetrate hard targets, such as the inner circle of al-Qaida. These issues have not yet been corrected to my satisfaction.

Third, as we address the question of how to reform the intelligence community, including the possible creation of a director for national intelligence, there are five important objectives for us to focus on.

First, coordination and information sharing throughout the intelligence community must be improved.

Second, HUMINT capabilities must be increased, and we must be willing to accept the risks associated with aggressive HUMINT operations. And that is a critical part of this. We must be willing to accept some of the risks that are going to be necessary to secure the type and quality of information on the intelligence side that we need.

Third, analytical competition needs to be preserved.

Fourth, our counterintelligence capabilities need improvement.

And fifth, the role and scope of the military's position in the intelligence community should be reviewed.

I included this last point because I want to ensure that the military's capability to support the intelligence requirements of our unified combatant commanders is maintained in any reformation of the intelligence community. That is absolutely critical. All one had to do was listen to our panel yesterday to understand the real importance of that point.

The scope of the military's direct involvement in intelligence is enormous and it needs to have a proper role in the intelligence community. Eight of the fifteen members of the intelligence community belong to the Department of Defense. In the current structure, each one of these DOD elements acts more or less independently, representing one small segment of the overall intelligence interests of our military. The creation of the Under Secretary of Defense for Intelligence has helped somewhat to bring a common intelligence policy to DOD, but we should also consider the creation of a single DOD intelligence command as part of any extensive and meaningful intelligence reform.

The Congress directed the establishment of the Unified Combatant Command for Special Operations, or what is known as SOCOM, over the objections of the Department of Defense because our colleagues had the vision to foresee the requirement. At the time, the DOD and Chairman of the Joint Chiefs of Staff objected, but in hindsight, the creation of SOCOM was the correct path. The rationale for establishing a Unified Combatant Command for Intelligence, or INTCOM, is very much the same, and I believe now is the proper time to explore this idea.

As we found in our review on the intelligence on Iraq, the intelligence community is made up of hard-working, dedicated men and women, and Chairman ROBERTS, in his statement, referred to giving them an intelligence community worthy of their efforts. So I welcome the proposal of Senator FEINSTEIN for establishing a Director of National Intelligence as one of the several ideas and issues for us to address and debate.

One final point. As President Bush has said many times, he is determined to make sure American intelligence is as accurate as possible for every challenge we face. America's enemies are secretive, they are ruthless, and they are resourceful. That is why the President supports intelligence reform as much as we do in the Congress.

In the coming months, the Senate Select Committee on Intelligence will solicit a broad range of views on reforming the intelligence community, and we will vigorously debate each intelligence reform measure that comes before us. I look forward to this challenge, and I will do everything in my power to ensure that the United States has the intelligence collection and analytical capabilities necessary to protect our lives, our property, our way of life, and our liberties.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my colleague from Georgia for his very thoughtful and incisive comments. I believe he is a great addition to the Senate with his experience working on

intelligence issues in the House. On the Senate Intelligence Committee, he makes great contributions. I appreciate and second what he has said.

SENATE INTELLIGENCE COMMITTEE REPORT

Mr. BOND. Mr. President, it is interesting today that some of our colleagues are on the floor talking about the wonderful expose Ambassador Joe Wilson made. Joe Wilson and his wife have become quite a cause celebre. He has had 30 appearances, he is writing books and, oh, yes, now he is on the Web site of Senator KERRY. The Web site is ironically entitled ''RestoreHonesty.com.''

On that Web site, Mr. Wilson said:

. . . this President misled the nation in his State of the Union Address.

Then he goes on to say:

They tried to intimidate me and others who were willing to speak up and tell the truth. . . . I was courageous to speak truth to the power of the Bush White House. . . .

George Bush's Administration has betrayed our trust—I know that personally.

That is quite an indictment. It goes along with quite a few other points.

I understand on the first page of his book—I did not buy it and I do not intend to. I was told that three times on page 7 he said President Bush lied. Why did he do that? It was all because of 16 words in the State of the Union Address on January 28, 2003.

I addressed this issue last week in this body, and I think I raised some very serious questions about the veracity of Ambassador Wilson's suggestions. I was given the opportunity last night on the Jim Lehrer PBS ''NewsHour'' to have a discussion with Mr. Wilson. Margaret Warner was the interviewer. Unlike many of the other sound-bite discussions on TV these days, we had a full 10 minutes. It was a very interesting discussion because I had the opportunity to make my points, and Mr. Wilson made his points. I commend PBS for giving us the opportunity.

What I cited when the interviewer asked me about my contentions that Mr. Wilson was not truthful was I noted that the basis of his charge and the basis of so much nonsense we have seen disseminated in the press and repeated by some of my colleagues on this floor and covered in scam political pieces being put out by friends of the Democratic nominee that President Bush lied was totally debunked, among other things, by the finding of Lord Butler's commission in the United Kingdom.

He said in paragraph 499 of the report released last week:

We conclude that on the basis of intelligence estimates at the time covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the Government's dossier and by the Prime Minister and the House of Commons were well-founded.

This is the important point. This is the examination of British intelligence:

By extension, we conclude also that the statement in President Bush's State of the Union Address of January 28, 2003, ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa'' was well-founded.

Mr. President, the British went back and looked at it, and they said what President Bush said about British intelligence was well-founded. He says:

The British Government had intelligence from several different sources indicating that this visit was for the purpose of acquiring uranium.

Now, we get a little bit more of that. Actually, the one piece of information that Ambassador Joe Wilson brought back from his trip to Niger in February-March of 2003—the only useful data he brought back was the fact that the Prime Minister of Niger told him the Iraqi delegation met with him in 1999 to begin discussions to establish commercial contacts. What do you think they wanted to import from Niger? Well, there are a couple of choices. Niger's second and third largest exports are mung beans and goats. Niger's largest export—three-quarters—is yellowcake uranium. The Prime Minister reasonably concluded that they were probably seeking yellowcake uranium. There is no evidence they actually purchased it. It was not conclusive. There was a forged document about purchases that was not truthful, but that does not debunk or in any way take away from the fact that President Bush was correct, and the British intelligence is still correct in saying that Iraq was seeking uranium from Africa.

Based on that, and since Ambassador Wilson, who came back finding only that there had been one contact, and that contact, according to most analysts, suggested there was even more of a basis for the conclusion in the State of the Union Address—he came back and debunked the whole thing, made it a lie.

The conclusion, unanimously reached in the Senate Select Committee on Intelligence, after over a year of investigation, 15,000 documents reviewed, over 200 interviews, signed on by all members of the committee, including Senator JOHN EDWARDS, says in conclusion 12:

It was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based upon Central Intelligence Agency reporting and other available intelligence.

Conclusion 13 says:

The report on the former ambassador's trip to Niger, disseminated in March 2002, did not change any analyst's assessment of the Iraq-Niger uranium deal. For most analysts, the information in the report lent more credibility to the original Central Intelligence Agency reports on the uranium deal.

You talk about thoroughly debunking the debunker. Our staff asked Mr. Wilson how he knew some of the things he was stating publicly with such confidence. On at least two occasions, he admitted he had no direct knowledge to support some of his claims, and he was either drawing on unrelated past experience or no information at all. For example, when they asked him specifically how he knew the intelligence community had rejected the possibility of a Niger uranium deal, or even exploration for a deal, as he wrote in his book, he told the committee his assertion may have involved a ''little literary flare.''

That is a heck of a thing to call a whopping lie, a ''little literary flare.'' Back home, we call that a fraud and a hoax. Now, I suggest to Mr. Wilson once again that he owes a public apology to the President and the Vice President. By the way, he said he knew the Vice President knew of his report. The Vice President did not get his report. There is no evidence of that. If he had, it would have been with the analysts' conclusion that his report probably made it more likely and not less likely that Iraq was seeking uranium from Niger. Anyhow, he stood by it.

I tell you, the whole premise of this smear campaign that was started by Ambassador Wilson to call the President a liar has been totally debunked by the British intelligence report, by Lord Butler, and by our own Senate Intelligence Committee's unanimous report.

By the way, we have been hearing a lot—and I understand we are going to hear a lot more—about Ambassador Wilson's wife. Let me deal with that. In our report, we found good evidence that she had actually made recommendations to the CIA to send her husband to Niger. On page 39 of the Intelligence Committee report, we state:

The former Ambassador had traveled previously to Niger on the CIA's behalf. The former ambassador was selected for the 1999 trip after his wife mentioned to her supervisors that her husband was planning a business trip to Niger in the near future and might be willing to use his contacts in the region.

Also, on page 39:

. . . interviews and documents provided to the Committee indicate that his wife, a CPD employee, suggested his name for the trip. The CPD {} reports officer told Committee staff that . . . . On February 19, 2002, CPD hosted a meeting with [Mr. Wilson], intelligence analysts from both the CIA and INR, and several individuals from the DO's Africa and CPD divisions. The purpose of the meeting was to discuss the merits of [sending the Ambassador]. . . . The INR analyst's notes indicate that the meeting was apparently convened by the former ambassador's wife, who had the idea to dispatch him to use his contacts to sort out the Iraq-Niger uranium issue. She left after she set it up, but she managed to get the job done.

But we didn't stop there. Even though Mr. Wilson had angrily denied and used barnyard expletives in Time magazine to say that his wife had nothing to do with the trip to Africa, and Joshua Marshall quoted him saying that it defies logic that his wife sent him, the most compelling answers of all that his wife gave to our staff when interviewed in January 2004, 6 months after the Wilson hoax began, and the

months and months of charges and Joe Wilson's fierce denials that his wife had anything to do with his selection—let me repeat. Ambassador Wilson angrily said his wife had nothing to do with his trip to Africa.

> That is bull [expletive]. That is absolutely not the case.

That is what Wilson told Time magazine on July 17, 2003.

So he had denied it. What did she say? Did she deny it? Six months after she heard her husband angrily denying it and knowing what he had been saying for months and what he wrote in his book, I had staff go back and see what she said when asked about this issue. Her quote was:

> I honestly do not recall if I suggested it to my boss. . . .

That is what she said. That is from the transcript. Frankly, I think that is very telling. She doesn't recall if she suggested it to her boss after 6 months, and her husband has been out there saying she had nothing to do with it. Are you kidding? Just who is the Ambassador's source for all of his denials? Yet 6 months later she cannot remember if she suggested it to her boss?

I know the occupant of the chair has interviewed some witnesses and tried some cases. When you get a person who has knowledge that is right on point, and it is an issue that has been the focus of great discussion for months and you ask them, Did you, in fact, say what the other witnesses said, you can do two things: Say, absolutely not, I didn't say it. But if that is not true, you have all these other witnesses who said you did. So what do you say? You say: I honestly do not recall.

I think that leaves us pretty clearly in the camp of saying that what the analysts and others said the February 12 memo she prepared means, and that is that she was the one who proposed sending her husband to Iraq.

Joe Wilson said that the CIA said to a couple of reporters who asked about that—and this is from last night—that she did not recommend her husband to undertake the Niger assignment. He stated that the officers who did ask him to check the uranium story were aware of who he was married to, which is not surprising; she did not recommend her husband.

Well, Ambassador Wilson may have found some people who were willing to say that, but we sent this whole report to the CIA. They fact-checked the whole thing. We even set out the facts that she recommended sending her husband. The CIA commented on almost everything that we had in the report. It was a lengthy report. It took them a long time. Not one comment, not one change, in the findings in our report that she was the one who recommended him to go.

That has been discussed at great length on the floor by people who are charging that somehow there was a criminal conspiracy to ''out'' Ambassador Wilson's wife in retaliation.

I believe the Wall Street Journal has been doing a very interesting analysis of this, and I ask unanimous consent that yesterday's Wall Street Journal article ''Mr. Wilson's Defense,'' be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. BOND. In fact, it was such a traumatic experience to have Mr. Wilson's wife identified that I saw their pictures in the paper. They posed for Vanity Fair in front of the White House. It must have been a crushing blow to them to have her identity publicly disclosed. So they had to get on the cover and make 30 appearances? And I trust his book sales are going well. Maybe he will even have a movie contract.

Anybody who reads the Kerry Web site, listens to his interviews, or goes to a movie should know that his whole thesis is a fraud and a hoax.

Regrettably, that is merely a continuation of a plan that we have seen implemented by opponents of President Bush and Vice President CHENEY.

I joined the Intelligence Committee in January of 2003 because I realized that intelligence is absolutely critical in the war on terrorism. We cannot stop terrorism by retaliating against suicide bombers. We cannot prosecute them. We cannot find enough to identify them, much less prosecute them. So I joined the Intelligence Committee.

Clearly, we used to have a history that politics stops at the water's edge. Well, I understood that politics stopped at the entrance to the Intelligence Committee, but it has not been that way.

There are those in the Intelligence Committee on the other side who want to use the Intelligence Committee as a vehicle not to improve our intelligence, not to find out what the weaknesses are and how to build a stronger case, but to attack the President. That is what this November 2003 minority staff memo says: Here are our options under the rules and we have identified the best approach. Our plan is as follows: One, pull the majority along as far as we can on issues that may lead to major new disclosures regarding improper or questionable conduct by the administration. And they certainly they have done it.

Two, essentially prepare Democratic additional views to attach to any interim or final reports, and we intend to take full advantage of it. They have done that, and either today or tomorrow I will discuss the politicization in those views.

They also go on to say: We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified.

Well, tough luck, guys. There were no exaggerated claims, nothing to contrast with the intelligence estimates. In fact, the big claim that they make that the administration was pressuring analysts to change their conclusion has been debunked. It has been debunked thoroughly and repeatedly throughout, and I have described this on the floor numerous times.

The conclusions are there was no pressure to change conclusions on weapons of mass destruction or on terrorism. We found in the conclusions that the Vice President's visits and questions to CIA were not only not pressuring to change the views but were expected.

One of the problems we find is that there is not enough questioning by policy users. By the way, one of the things they are attacking and one of the things that some of my colleagues have attacked is the office of Doug Feith, special policy—a two- or three-man operation—had a Defense Intelligence Agency analyst working with him. They reviewed for the Department of Defense the Secretary of Defense, the intelligence estimates they had, and they questioned them. That is what they should have done.

Somehow this office is being called unlawful by one of my colleagues. How bizarre. That is so far beyond the pale it is bizarre to say it is unlawful for a DIA agent working for the Secretary of Defense to question the CIA. Come on, gang. We need the CIA and the DIA to interact, get rid of group think, challenge those assessments.

Unfortunately, this attack on Doug Feith in the Office of Special Projects has heavy overtones of anti-Semitism. We can see the charges. They talk about the ''neocons'' who are warping our intelligence. Unfortunately, that is their code word for Jewish public servants, and I believe that is an unacceptable way to go about challenging policy. It is not a fruitful endeavor.

Going back to the political memo of 2003, as I said, they wanted to contrast the views. They also said:

> Once we identify solid leads the majority does not want to pursue, we could attract more coverage and have greater credibility in that contact than one in which we simply launch an independent investigation based on principled but vague notions regarding the ''use'' of intelligence.

Well, they are doing that because they are saying they want to go back and investigate Doug Feith's office. They had no findings of anything that Mr. Feith did was illegal, unlawful, or unwarranted pressure, but they are choosing to attack him because he represents the ''neocons.'' I think my colleagues get what I mean.

They go on to say:

> In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the majority.

They say, in summary, that intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet we have an important role to play in revealing the misleading, if not flagrantly dishonest, methods and motives of the senior administration officials who made the

case for a unilateral preemptive war. The approach outlined above seems to offer the best prospect for exposing the administration's dubious motives and methods.

That was the game plan that some of my colleagues took into this investigation of pre-Iraq war intelligence. That is deeply disappointing—disgusting, I would say—to say this is the game plan being played out on the floor to politicize intelligence.

Their conclusions about ''misleading,'' about ''pressure,'' unfortunately, are not supported by the facts. There was exhaustive examination and interviews. Chairman ROBERTS invited in anybody who claimed to know about improper pressure on the analysts and nobody could come forward with anything. Nobody could come forward with any. No wrongdoing by Doug Feith, but they are still going at it.

My colleagues on the other side of the aisle are not troubled by an absence of fact. They have a political jihad. They have their crusade. They have sold, to too many people, the base canard that President Bush and Vice President CHENEY were not telling the truth when, in fact, the whole basis of that charge was a fraud and a hoax.

As my colleague from Georgia said, we need to improve the intelligence operations. We have a lot of work to do. But we also have some work to do in the Congress, and that is to get over attempting to use the Intelligence Committee and the intelligence community as a political weapon to attack our opponents.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, July 20, 2004]

MR. WILSON'S DEFENSE

After U.S. and British intelligence reports exposed his falsehoods in the last 10 days, Joe Wilson is finally defending himself. We're therefore glad to return to this story one more time, because there are some larger lessons here about the law, and for the Beltway media and Bush White House.

Mr. Wilson's defense, in essence, is that the ''Republican-written'' Senate Intelligence Committee report is a partisan hatchet job. We could forgive people for being taken in by this, considering the way the Committee's ranking Democrat, Jay Rockefeller, has been spinning it over the past week. But the fact is that the three most damning conclusions are contained not in Chairman Pat Roberts's ''Additional Views,'' but in the main body of the report approved by Mr. Rockefeller and seven other Democrats.

Number one: The winner of last year's Award for Truth Telling from the Nation magazine foundation didn't tell the truth when he wrote that his wife, CIA officer Valerie Plame, ''had nothing to do with'' his selection for the Niger mission. Mr. Wilson is now pretending there is some kind of important distinction between whether she ''recommended'' or ''proposed'' him for the trip.

Mr. Wilson had been denying any involvement at all on Ms. Plame's part, in order to suggest that her identity was disclosed by a still-unknown Administration official out of pure malice. If instead an Administration official cited nepotism truthfully in order to explain the oddity of Mr. Wilson's selection for the Niger mission, then there was no underlying crime. Motive is crucial under the controlling statute.

The 1982 Intelligence Identities Protection Act was written in the wake of the Philip Agee scandal to protect the CIA from deliberate subversion, not to protect the identities of agents and their spouses who choose to enter into a national political debate. In short, the entire leak probe now looks like a familiar Beltway case of criminalizing political differences. Special Prosecutor Patrick Fitzgerald should fold up his tent.

Number two: Joe Wilson didn't tell the truth about how he supposedly came to realize that it was ''highly doubtful'' there was anything to the story he'd been sent to Niger to investigate. He told everyone that he'd recognized as obvious forgeries the documents purporting to show an Iraq-Niger uranium deal. But the forged documents to which he referred didn't reach U.S. intelligence until eight months after his trip. Mr. Wilson has said that he ''misspoke''—multiple times, apparently—on this issue.

Number three: Joe Wilson was also not telling the truth when he said that his final report to the CIA had ''debunked'' the Niger story. The Senate Intelligence report—again, the *bipartisan* portion of it—says Mr. Wilson's debrief was interpreted as providing ''some confirmation of foreign government service reporting'' that Iraq had sought uranium in Niger. That's because Niger's former Prime Minister had told Mr. Wilson he interpreted a 1999 visit from an Iraqi trade delegation as showing an interest in uranium.

This is a remarkable record of falsehood. We'll let our readers judge if they think Mr. Wilson was deliberately wrong, and therefore can be said to have ''lied.'' We certainly know what critics would say if President Bush had been caught saying such things. But in any event, we'd think that the news outlets that broadcast Mr. Wilson's story over the past year would want to retrace their own missteps.

Mr. Wilson made three separate appearances on NBC's ''Meet the Press,'' according to the Weekly Standard. New York Times columnist Nick Kristof first brought the still anonymous Niger envoy to public attention in May 2003, so he too must feel burned by his source. Alone among major sellers of the Wilson story, the Washington Post has done an admirable job so far of correcting the record.

Also remarkable is that the views of former CIA employee Larry Johnson continue to be cited anywhere on this and related issues. Mr. Johnson was certain last October that the disclosure of Ms. Plame's identity was a purely ''political attack,'' now disproven. He is also a friend of Ms. Plame and the author of a summer 2001 op-ed titled ''The Declining Terrorist Threat.'' You'd think reporters would at least quote him with a political warning label.

The final canard advanced by Mr. Wilson's defenders is that our own recent editorials and other criticism was somehow ''orchestrated.'' Well, by whom? Certainly not by the same White House that has been all too silent about this entire episode, in large part because it prematurely apologized last year for the ''16 words'' in a State of the Union address that have now been declared ''well-founded'' by Lord Butler's inquiry in Britain. If Mr. Bush ends up losing the election over Iraq, it won't be because he oversold the case for war but because he's sometimes appeared to have lost confidence in the cause.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. How much time do we have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

SENATE STANDARD OF MEASUREMENT

Mr. THOMAS. Mr. President, of course we all have spent a good deal of time concerned about the direction we are taking here, the number of things we are accomplishing, the fact that many of the things we would like to do have not been accomplished. I think that is a legitimate concern. We ought to try to deal with some of those issues.

On the other hand, there have been a number of things done, of course. I think we have had the most obstruction in the movement here that we have seen in many years. Many important issues have been stopped, have been obstructed, frankly, because our friends on the other side of the aisle did not want to go forward with these issues, or wanted to hold them up where they could add all kinds of unrelated amendments to them.

The Class Action Fairness Act, of course, was blocked. The fairness in asbestos injury resolution was blocked. The Patients First Act, the energy policy—probably one of the most important issues we could have dealt with this entire year is still there. Charity aid, recovery, and empowerment legislation, which gave strength to do things in the private sector, we were unable to do that; Personal Responsibility, Work, and Family Promotion Act; workforce investment; five judges were held up simply for the purpose of holding them up.

It is too bad. It is something we need to change. We ought to be concerned here with issues, not politics, not Kerry, not Bush, but talk about what the issues are here and the things we ought to be doing. Politics, of course, is part of our lives, but so is accomplishing something in the legislature.

We have done some things. The Omnibus appropriations bill for this fiscal year was passed this year. It was delayed but nevertheless passed. The Pension Stability Act had to do with changing the requirements for putting money into pensions. That made that better. The accountability, flexibility and efficiency—the transportation bill—again, one of the most important bills we could possibly pass, we passed it in the Senate but, unfortunately, it is still hung up in conference. The Internet bill which allows for the moratorium of taxation on the Internet, a good thing, was passed by the Senate.

The Jumpstart Our Business Strength Act, of course, is one that is pending and ready to go, I hope, to the conference committee. This is the one that the WTO had the penalties on exports from the United States and we had a 3-percent reduction for those that exported goods and that gave us a penalty. Now we are changing that. There is also a great deal in that bill with regard to encouraging the economy to grow.

So we have done a number of things. We have done some things to reduce

the redtape and the consumer initiative, taxpayer protection, and IRS accountability that strengthens the protection the taxpayers have in terms of what information is made public on their taxes.

Strengthening and improving health care; we did the project bioshield. These things have passed the Senate but have not been completed yet largely because we have not been able to go to conference on many of them.

Here again we find obstacles in our way this year that we have never seen before. I guess it means we need to take a little look at our system.

Keeping Americans safe at home—of course, we passed the unborn victims of violence bill that amends the Federal law regarding women who are assaulted, and an unborn child is killed, to allow the assailant to be charged.

Flood insurance reform is very important. It amends the Flood Act to encourage damage mitigation. Homeland security has been something, of course, we have passed.

Regarding crime, we have done a lot of things, even though we could do a great deal more, I am sure.

Educational initiatives—the NASA Workforce Flexibility Act offers scholarships, incentives, for highly qualified students to move forward.

IDEA reauthorization, the Individuals with Disabilities Act, is one that is very important to be reauthorized and moved through. It was passed by the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THOMAS. Mr. President, I ask unanimous consent to continue for 5 more minutes.

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

Mr. THOMAS. The point is, we have a problem with the process here. Obstruction is available. I don't think that is what is intended.

At the same time, we have accomplished a good many things that certainly are important and that we need to recognize.

I want to mention something that I believe is important, and that is taking a little look and having a way to have some measurement of the kinds of things that are brought up that are legitimately congressional—Federal kinds of issues.

I understand everyone has issues they would like to bring up. Frankly, some of them are inappropriate to be here on the Federal level. We continue to have more spending; we have more government; we have more involvement in people's lives. One of the reasons is we have not set up some criteria to say this is a good idea, but is it the thing that ought to be done in the Federal Government as opposed to State government or city government or county government?

TOM FEENEY, from Florida, one of the House Members, put out an interesting idea. He has a little card like a credit card. It measures these things against issues.

No. 1 is less government: Does the bill tend to reduce government regulations, the size of government, eliminate entitlements or unnecessary programs? That is one of the tests he has against the issue.

No. 2 is lower taxes: Does the bill promote individual responsibility in spending or reducing taxes? It is a good idea to take a look at that.

No. 3 is personal responsibility: Does the bill encourage responsible behavior among individuals and families, and encourage them to take care of their own issues to an extent? Remember, we don't want the government in our lives, yet things have to be done. It is a choice: do we do them ourselves?

No. 4 is individual freedom: Does the bill offer opportunities for individuals to do those kinds of things?

No. 5 is stronger families: Is it something that contributes to the family function, the family structure in our country, which is obviously one of the most important things we have?

Finally, No. 6, does it add to domestic tranquility and national defense?

I think those are interesting concepts, interesting measurements that one might take—in their own mind, of course. Each person would have a different view of how to deal with it but to see if what is before us meets some of these measurements and does these things.

First, I think we are going to have to do something about the kind of obstructionism we have seen that moves to keep us from doing what we need to do. Second, we need to recognize we have done a number of things and passed them in the Senate. Unfortunately, they are not fully done. Maybe a little unrelated, but important to me, we ought to have some kind of standard we measure in our minds as to whether this is a legitimate thing, necessary thing, appropriate thing to be done at the Federal level or indeed should be done other places.

Mr. President, I yield the floor.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2677, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2677) to implement the United States-Morocco Free-Trade Agreement.

The PRESIDING OFFICER. Under the previous order, time until 11:30 p.m. is equally divided for debate on or between the chairman and ranking member.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JOHNSON. Mr. President, I rise to discuss the Morocco-United States free-trade agreement, FTA, and the impact this bilateral free trade agreement will have on agricultural producers in my State of South Dakota. While I retain concerns on a number of agreements negotiated under Trade Promotion Authority, TPA, as part of fast track trade negotiations navigated by the current administration, I see a potential positive impact on the South Dakota economy from a number of provisions in this agreement. I am pleased that the needs of many sectors in our agricultural community were accounted for while hammering out the terms included in this FTA.

I am disappointed at the recent passage of the Australian free-trade agreement, AFTA, which seriously weakens our ability to foster growth in the agricultural sector. It is concerning that the adoption of the AFTA will hinder the retention of our agriculture producers, exacerbate supply, and consequently undermine our Federal price support programs. When dealing with sensitively priced commodities and a delicate supply and demand balance, I believe we must prudently evaluate the economic ramifications from any proposed trade agreement. I am concerned for the rural communities in my home state of South Dakota, and I will continue to evaluate trade agreements on a case by case basis to ascertain the potential benefits and negative impacts.

Despite these concerns, I am pleased to see that the Moroccan free-trade agreement holds promise and provides a number of potentially rewarding terms for United States producers and ranchers. The agreement encompasses a wide variety of commodities that are important to the health of the rural economy in South Dakota, including beef, soybeans, wheat, corn and sorghum. As in the case of beef, for example, increasing market access under this agreement is imperative for ensuring our producers and ranchers maintain ample opportunity for promoting quality American beef. This opportunity will be facilitated by a low in-tariff quota that will promptly be zeroed out.

As in the case of soybeans, duties on soybeans used for processing will cease immediately. Duties on soybeans for processed soy products and other uses will be reduced by half in the first year, and eliminated entirely within a 5-year timeframe. Additionally, wheat will benefit from this bilateral FTA. Fluctuating weather conditions present problematic conditions for Moroccan farmers, and as a significant

wheat importer, a beneficial trading relationship can be established from increased market access to the Kingdom of Morocco.

While I retain reservations about the direction the administration's free trade agenda has taken, I am pleased that a free trade agreement has been proposed that has garnered the support of many American agriculture producers, and will facilitate increased market access and positive economic impact for our rural communities.

Mr. ALLEN. Mr. President, I rise today to speak on the pending measure before the Senate, the U.S.-Morocco free-trade agreement. Soon this body will likely pass the implementing legislation and send it to the President for signature and subsequent enactment. Before that takes place, I believe it is important to outline to the people of the Commonwealth of Virginia my position on this matter and why I will vote in favor of its passage though it is not a perfect agreement.

The enactment of free trade agreements have the potential to increase the profitability of U.S. companies, increase U.S. jobs, open new markets for U.S. products and services and engender stronger relationships with other nations. However, the central tenet of such agreements must be fairness, clear benefit to all parties and a relatively equitable number and degree of concessions. Understanding that in any negotiation there must be some give and take, it is counterproductive and damaging for the U.S. to agree to provisions within these agreements that leave U.S. industries susceptible to loopholes that allow a non-party country duty free access to our market.

In the case of the Morocco free-trade agreement I am speaking of the textile provisions. This agreement, while in many ways better than previous free trade agreements, would still allow for non-party countries to export yarn or fabric to Morocco and upon production into apparel, be imported into the United States duty-free. If our government is going to negotiate an agreement with another country and make concessions to secure an equally beneficial arrangement, I cannot comprehend why loopholes would be included to permit a third party to benefit from the agreement without having to meet the requirements or make the concessions of those party to the trade pact.

Under a tariff preference level, the Morocco agreement will allow the use of fabric and yarn from a non-party of up to thirty million square meters equivalent. It is difficult to understand why such an exception is necessary, given that the total Moroccan trade in fabric and yarn with the U.S. in 2003 was 16.477 million square meters equivalent. I have been in contact with many in the domestic textile industry and have to sincerely agree with them that such a provision appears to be a substantial loophole that will ultimately allow a country other than the U.S. or Morocco to benefit from the U.S.-Morocco free-trade agreement.

The U.S. government has an obligation to the American worker to do away with the practice of providing exceptions like tariff preference levels. A third-party country that would provide yarn and fabric under these loopholes will have conceded nothing nor offered greater access to its market as it benefits from the agreement negotiated between the U.S. and Morocco. Make no mistake, concessions like this can adversely affect American jobs. Domestic textile production has provided Americans stable, well-paying jobs for generations; however the enactment of free trade agreements that allow a party to go outside of the agreement but enjoy duty-free access has contributed to the growing number of unemployed textile workers in this country.

Going forward, I would strongly recommend to those negotiating trade agreements on behalf of the American people to visit Southside Virginia and gain a first-hand perspective on how the concessions made in trade pacts can impact not only a few families, but entire communities. We must make sure that when we are opening our markets to other countries through trade agreements that we do not allow a third party to benefit without being party to the requirements and concessions of that trade agreement.

Even with the grave concerns I have with the textile provisions of this agreement, I believe that on balance, it provides a net-plus for the working people of the United States. The reduction in tariffs and protection of intellectual property and trademarks will provide great benefit to hundreds of thousands of U.S. jobs and further the global market share of their enterprises. Additionally, the relatively balanced nature of the U.S.-Morocco free-trade agreement sets a valuable example with the other developing countries around the world.

The removal of tariffs on 95 percent of bilateral trade on the day of enactment should greatly benefit the majority of U.S. industries and their employees. Given that Morocco currently places a 20 percent duty on U.S. exports while the U.S. only assigns a four percent tariff on Moroccan exports this agreement makes a strong initial push for free and open trade. With strong U.S. industries like information technology, machinery and construction equipment poised to gain immediate duty-free access to Morocco; the U.S. should see positive gains in exports to Morocco in the near future.

The domestic farming community will see tariffs on a large number of agriculture products cut significantly or eliminated immediately. The reduction of tariffs and the implementation of new tariff-rate quotas on products like beef, poultry and wheat will likely result in a tremendous growth in the amount of U.S. agriculture products exported to Morocco.

The U.S. has had a difficult time convincing its trading partners to actively protect intellectual property and fully prosecute those found to be pirating or counterfeiting U.S. software, movies and music. I am pleased the Morocco agreement establishes new protections for intellectual property rights and increases penalties for those found to engage in the piracy and counterfeiting of U.S. products.

Finally, the enactment of the U.S.-Morocco free-trade agreement sends a powerful message to developing nations around the world. It is a clear indication that the U.S. is interested in developing mutually beneficial economic and trade relationships that can result in greater access to the U.S. market and hopefully closer ties with the U.S. Agreements like the Morocco trade pact provide a clear example for those countries in Africa and the Middle East willing to make political and economic reforms.

In closing, I will vote in favor of the U.S.-Morocco free-trade agreement because comprehensively, it is beneficial to the U.S. business community. The reduction of tariffs and increased access to markets will improve the profitability of many U.S. companies and provide an example for future agreements with tolerant, reform-minded, developing nations. This could have been an outstanding, purely positive agreement, rather than a good agreement on balance.

Mr. McCAIN. Mr. President, the United States has enjoyed a close relationship with Morocco since 1777, when Morocco became the first nation to recognize the sovereignty of our fledgling Government. Since then we have stood together through thick and thin, and Morocco today remains one of America's dear friends. This free-trade agreement, FTA, will further strengthen the bond between our two nations, and illustrates the benefits of greater economic ties with countries in the greater Middle East.

Initially, the decision to begin negotiations with Morocco was controversial. But Morocco's economic liberalization and political reform efforts, combined with its role as a stabilizing force in the region, made the decision a simple one.

The trade negotiations produced an agreement that will render more than 95 percent of bilateral trade in consumer and industrial products duty-free immediately. U.S. investors in Morocco will be increasingly able to rely on a secure, predictable legal framework mandated by the FTA. U.S. banks, insurance companies, telecommunications companies and others will get new access to markets within Morocco.

In addition, U.S. firms are guaranteed a fair and transparent process for selling goods and services to a wide range of Moroccan Government entities, via the FTA's government contracting anti-corruption provisions. These kinds of measures are what we expect from a free-trade agreement. Unfortunately, this agreement also

contains protectionist language antithetical to the tenets of free trade.

As with the Australian FTA approved by the Senate last week, and the Singapore agreement that went into effect in January, the United States Trade Representative included language that could impair Congress's ability to pass and implement drug importation legislation. Such legislation is not only something Congress has worked on for the past several years, but has also enacted.

The provisions USTR slipped into the Singapore, Australia and Morocco FTAs have significant implications for drug importation. Let us be clear about this language—it is antifree trade, serves only to block American consumers from accessing lower cost goods and services, and contravenes clear congressional intent.

Congress has repeatedly voted, with bipartisan majorities, to allow drug importation. States and local governments are doing the same. An overwhelming majority of Americans believe that they have a right to import more affordable medicines. So a simple question comes to mind: what is our Trade Representative, who is charged with representing the interests of the American people, doing? Why deliberately include language in bilateral trade agreements that could thwart importation efforts? Why flagrantly disregard the intent of Americans and their elected representatives? It seems to me that the special interests have again found friendly territory.

When Americans wonder how this continues to happen, they should take a glance at the list of intellectual property ''advisors'' that worked with the negotiators. These advisors include representatives from drug companies, the pharmaceutical industry as a whole, and other lobbyists with a direct interest in blocking drug importation. How many public health and consumer advocacy groups were included on this committee? Zero.

The Singapore FTA was the first free-trade agreement to include language that could impact drug importation. The Morocco FTA must be the last.

Our trade negotiators must be less mindful of special interests and more responsive to the express intent of the Congress. We granted the President trade promotion authority, TPA, in 2002 to demonstrate our Nation's re-energized commitment to negotiating strong free-trade agreements. TPA was designed to lead to free trade, not more protection.

This agreement is not the first in which the administration has made use of TPA to promote its politically expedient policy priorities. Last year, immigration provisions were included in the Singapore and Chile FTAs. If the Administration is to continue to enjoy the privilege of TPA, trade agreements must no longer be vehicles that include items rightfully addressed by Congress under the Constitution.

The United States has been and should be the leading promoter of an open global marketplace. Steel tariffs, agricultural subsidies in the farm bill, and other forms of protection, however, have damaged America's free-trade credentials. If special interest carve-outs, like the one for the pharmaceutical industry in this FTA, continue to pollute our trade agreements, we will all be worse off. Our economy will suffer and our leadership role on trade will further decline.

I will vote yes, but let me reiterate what I said last week with respect to the Australia agreement: Should another FTA being negotiated now or in the future come before the Senate with similar protections for special interests, I will find it even more difficult to vote in favor of it.

Mr. LEVIN. Mr. President, I am disappointed to see that the U.S.-Morocco Free-Trade Agreement contains patent protection language similar to that contained in the U.S.-Australia Free-Trade Agreement. Although I will not oppose this agreement on this one basis, I will oppose the use of this language as a precedent for any future free-trade agreement.

Mr. FEINGOLD. Mr. President, I opposed the Morocco free-trade agreement. Unfortunately, it is one more in what has become an increasing number of deeply flawed trade agreements. These agreements continue to jeopardize U.S. jobs and businesses. They undermine environmental, health, and safety protections. They hinder our ability to loosen restrictions on reimportation of FDA-approved prescription drugs. They limit our ability to use our tax dollars to help our own businesses and workers through buy American policies, and to discourage corporations from reincorporating overseas, and they limit the ability of our democratic institutions to regulate essential services.

But though I opposed this trade agreement, I want to underscore my firm belief that our bilateral relationship with Morocco is extremely important. We need our Moroccan partners if we are to succeed in pursuing our first foreign policy priority: the fight against al-Qaida and associated global terrorist organizations. The United States cannot afford to ignore this critical North African ally which has suffered, as we have, brutal terrorist attacks. We cannot fight terrorists without a strong international coalition sharing crucial intelligence, drying up sources of financial and political support for terrorism, and tracking down terrorist leaders. In order to have a strong partner to count on, the U.S. must support the Moroccan people in their fight for basic human rights, their efforts to combat corruption, and their work to create the kinds of economic opportunities that the country's large population of youth need. Without these efforts, this population will stagnate and resentment will grow. The U.S. should be cultivating future partners in Morocco, not future antagonists.

Mr. LAUTENBERG. Mr. President, this Free Trade Agreement should have been easy for me to support.

It is an agreement with a moderate Arab nation, an FTA that will integrate Morocco's economy with that of America. This FTA will aid Morocco's economy, strengthen our ties with the Kingdom, and help to bolster the contention that market economics can lead to a peaceful and prosperous moderate Islam.

What troubles me is the Bush administration's ongoing inattention to the labor and environmental protections in trade agreements, which is inexcusable. This administration has refused to live up to the gold standard on labor and environmental protections, a standard set by the Clinton administration when it negotiated the United States-Jordan Free Trade Agreement.

Instead, President Bush and U.S. Trade Representative Robert Zoellick have backtracked, endorsing less stringent protections in agreements with Chile and Singapore. The administration ignored the disapproval of many in Congress of those provisions. Stunningly, the administration did not include Jordan-style provisions in the Morocco agreement, even though Moroccan officials announced they would be willing to accept them.

In short, President Bush settled for weaker protections than he could have gotten, and he did it for what would seem to be no reason other than to antagonize labor groups, environmental groups and some in Congress. I find that deplorable.

Despite the shortcomings of this agreement, however, and because Morocco is making progress on its labor and environmental laws, I will support this FTA to strengthen our ties with a moderate Arab nation that has been a good global citizen.

Mr. BURNS. I have always said that I support free trade, as long as it is fair trade. The Morocco free-trade agreement before us today is an excellent example of that principle. Once this agreement goes into effect, 95 percent of the tariffs on consumer and industrial goods are eliminated, with the remaining tariffs eliminated in 9 years. This deal represents the best access to a developing country yet. I applaud Ambassador Zoellick for his hard work in achieving a balanced free trade agreement that provides significant benefits to both trade partners.

Morocco imports more than $11 billion in goods each year, with $475 million coming from the United States. We have an opportunity to increase the United States presence in this emerging market. Current circumstances are certainly less than ideal for American goods: imports from the United States face a stiff tariff, over 20 percent. In Montana, we have not yet benefited from trade with Morocco, and I can only hope that passage of this agreement today will allow us to begin exploring the advantages that it can offer

Montanans and Moroccans alike, without unreasonable tariff barriers for our products.

I am especially pleased at the agriculture provisions in this FTA. Too often, free trade agreements represent a losing deal for Montana's farmers and ranchers, but I believe this agreement shows a commitment to fair trade for agriculture. In 2003, the United States exported over $152 million in agricultural products to Morocco. Under this agreement, that number could more than double, and I expect that some of that increase will be Montana beef and grains. According to an analysis by the American Farm Bureau Federation, ''the agreement is expected to result in a 10-to-1 gain for the U.S. agriculture sector, which already enjoys a positive trade balance with Morocco.''

I commend the Trade Representative for the wheat provisions in this FTA. I know that Morocco expressed some serious concerns about negotiating access for U.S. wheat, and Ambassador Zoellick worked hard to keep wheat on the table. Under this agreement, U.S. wheat exports could experience a fivefold increase. At the same time, the Agreement is sensitive to Moroccan domestic wheat producers. While we would always prefer tariffs to be completely eliminated, the expansion of tariff rate quotas, TRQs, in this agreement will allow Montana wheat producers vastly expanded access to Moroccan markets. Currently, wheat tariffs on U.S. exports to Morocco run as high as 135 percent. The commitments to reduce tariffs and expand TRQs are positive changes for our wheat producers.

In addition, the agreement includes an important provision that ensures long-term fair access. If Morocco provides other trading partners preferential access that is better than what we have here today, Morocco has agreed to immediately extend that treatment to the same U.S. product. This guarantees a level playing field for our agriculture producers. Finally, Morocco has also agreed to work with us at the WTO negotiations to limit the trade-distorting power of state trading enterprises. This is the same agreement that we secured in the Australia Free Trade Agreement approved last week. I am pleased to see a growing international consensus that state trading enterprises, like the Canadian Wheat Board, must be addressed to provide for real free and fair trade. I urge Ambassador Zoellick to continue focusing on this important issue.

Montana cattle producers also stand to benefit from this deal. Access to Moroccan markets for high quality beef—the kind of beef American cattle producers are known for is greatly increased. Tariffs on U.S. beef are often as high as 275 percent. The commitment to reduce these tariffs and to expand TRQs will allow domestic cattle producers to send prime and choice beef into Morocco hotels and restaurants, providing Morocco substantial tourism industry with the quality it demands. In addition, Morocco has agreed to accept U.S. inspection standards for beef, which will allow our products immediate access to Moroccan markets. This is a fair deal for our cattle producers.

In addition to the benefits to agriculture, service providers, such as telecommunications and construction, will have enhanced access to Moroccan markets. Telecommunications will be provided with non discriminatory access to the network. Intellectual property protection is provided, as are agreements on labor and environmental standards. The Morocco free-trade agreement represents an important step toward the President's goal of establishing a Middle East Free Trade Area, and I am pleased to offer my support.

Mr. BAUCUS. Mr. President, I spoke yesterday about the Morocco free-trade agreement and its benefits for both the United States and Morocco.

I hope and expect that when we vote on the Morocco implementing bill, the bill will pass by an overwhelming margin.

That is a fitting way to cap a busy month on trade and head into the summer recess.

As I look back at the accomplishments on trade since the beginning of the year, I am pleased at how much we have done. It would be considered a full plate in any year, but in an election year, it is especially gratifying to have achieved so much.

We passed the JOBS Bill, a complex tax measure that will help create jobs in America and bring the United States into compliance with the WTO. That bill passed the Senate overwhelmingly with 92 votes.

We extended and enhanced an important trade and development program for Africa—the Africa Growth and Opportunity Act through a unanimous vote.

We created a different trade and development program for Haiti, also through a unanimous vote.

And of course, just last week, we passed the Australia free-trade agreement implementing bill with 80 votes.

It has been a busy year.

I am heartened by the strong votes all these measures attracted. No victory is ever easy. They are hard fought by people working every day to do the right thing.

I want to congratulate Senator GRASSLEY and his staff for their leadership, and Ambassador Zoellick and his excellent negotiating team for all their hard work.

As I look ahead, there will be some difficult issues to confront. I believe we have more work to do to rebuild a strong consensus on trade. We could do better on both the substance of trade agreements and on the process of considering them.

I also believe we should be devoting more of our resources toward enforcing trade agreements we already have.

But today, I would like to focus on our successes on all we have already accomplished, and on what we are about to do.

When we vote to approve the Morocco legislation, we will be solidifying our oldest diplomatic relationship in the world.

We will be giving reform-minded governments in developing countries around the world incentive to redouble their efforts to modernize their economies.

We will also be setting a new standard for agreements with developing countries in a variety of important areas. These include intellectual property, market access, and even agriculture.

The Morocco agreement is a good agreement. I urge my colleagues to vote for it.

Mr. GRASSLEY. Mr. President, just over 2 months ago I expressed my interest in seeing both the U.S.-Australia and the U.S.-Morocco free-trade agreements pass the Congress by the August recess. A lot of people resisted this effort, arguing that it would be impossible for both the House and Senate to hold hearings, prepare the legislation, conduct mock mark-ups, report the bills, and pass implementing legislation for two free trade agreements in just two months. While the task was indeed difficult, I am very pleased to say that we are on the verge of achieving my goal today.

In just a few moments the U.S. Senate will have an historic opportunity to strengthen our relations with Morocco with the passage of the United States-Morocco Free-Trade Agreement Implementation Act. While nothing is certain, I expect this legislation to pass with strong bipartisan support. Passage of this legislation follows on the heels of a strong Senate vote in favor of the United States-Australia Free-Trade Agreement last week. The Australia bill itself was preceded by renewal and extension of the Africa Growth and Opportunity Act, which passed the Senate by unanimous consent on June 24 of this year. Prior to that, the Senate was able to work out its differences and pass the JOBS Act by a vote of 92 to 5. I will note that each of these bills passed in an election year, a year in which many pundits argued that nothing would get done. I also want to point out the broad bipartisan support which each of these bills received. In my mind, it is that element—bipartisanship—that is the key to our success.

I want to thank my ranking member, Senator BAUCUS, and the members of the Finance Committee for working with me to bring these bills to fruition. There are a lot of demands placed upon Finance Committee members and their staffs, and I appreciate their hard work and dedication in helping us produce legislation that will receive broad bipartisan support in the Senate.

Turning to the bill at hand, passage of the United States-Morocco Free-

Trade Agreement Implementation Act will help strengthen our relationship with a long-standing friend and ally of the United States. For over two hundred years, our two nations have enjoyed a strong and mutually beneficial relationship. Today, Morocco is a country in transition. It is a country that recognizes that its long-term economic prosperity lies not in shutting itself off to the world, but in opening up to the world. It is in large part Morocco's willingness to embrace free market and democratic principles that led President Bush to select Morocco as a potential free trade partner. This free-trade agreement will help lock in and hasten reforms that the Moroccan Government embraced on its own initiative. I am confident that this agreement will spur growth and opportunity for Morocco and its people.

This trade agreement is also very good for the United States, especially U.S. agriculture. Implementation of the agreement is expected to help advance U.S. agriculture exports to Morocco to unprecedented heights, enabling us to better compete with the European Union, Canada, and South America in the Moroccan market.

Many people worked hard to see today's vote become a reality. First and foremost, this would not have happened without the leadership of President George W. Bush. As I have noted before, President Bush is committed to building the U.S. economy by opening the world's markets to U.S. goods and services. The United States-Morocco Free-Trade Agreement is just the latest of his achievements in this regard.

The United States Trade Representative, Ambassador Robert B. Zoellick, also merits special recognition and commendation for his efforts in negotiating this agreement. His commitment to expanding U.S. trade opportunities is steadfast, for which I am grateful. I also want to express my thanks to John Veroneau, the general counsel in the Office of United States Trade Representative, Matt Niemeyer, the Assistant U.S. Trade Representative for Congressional Affairs, and Lisa Coen, Deputy Assistant U.S. Trade Representative for Congressional Affairs, for their many efforts to ensure that the committee was fully apprised of developments during the negotiations and their efforts to resolve concerns raised by members as the committee informally considered proposed implementing legislation for this trade agreement. In addition, I thank Michael Smythers, a special assistant to the President working in the White House Office of Legislative Affairs, for his efforts to facilitate our consideration of this implementing legislation.

I commend my colleagues on the Finance Committee for their interest in seeing that this trade agreement was concluded and that the implementing legislation was passed without delay. I would like to extend a special thanks to the ranking member of the committee, Senator BAUCUS. We have worked together over the years to expand trade opportunities for the benefit of U.S. farmers, ranchers, manufacturers, and service workers, and to benefit U.S. consumers. I am quite pleased with the outcome of our current efforts with the imminent passage of this implementing bill today.

My trade staff on the Finance Committee worked diligently over the past several weeks on developing the implementing bill and other materials connected with it. My goal was to have this legislation passed prior to the August recess, and they were instrumental in making this happen. Moreover, my trade staff engaged in consultations with officials from the Office of the United States Trade Representative throughout the negotiations, which began way back in January 2003, so this has been a long process for them. I greatly appreciate their hard work.

My chief counsel and staff director, Kolan Davis, deserves recognition. His dedication and skills are instrumental in advancing the Finance Committee's agenda. The Chief International Trade Counsel of the Finance Committee, Everett Eissenstat, also deserves special mention. His expertise in trade policy and his ability to juggle multiple trade priorities simultaneously are key to the Committee's success. I would also like to recognize the other members of my trade staff—my two trade counsels, David Johanson and Stephen Schaefer, for their invaluable technical assistance throughout this process. Additionally, the work of Zach Paulsen, Dan Shepherdson, and Tiffany McCullen, is appreciated, for their dedication to the Finance Committee's work and to the people of Iowa. Without the diligence and hard work of my staff, we would not be at the point we are today.

Senator BAUCUS' trade staff also deserves recognition. The Democratic staff director on the Finance Committee, Russ Sullivan, and the deputy staff director, Bill Dauster, worked well with my staff throughout the process. I also appreciate the efforts of Tim Punke, Senator BAUCUS' Chief International Trade Counsel, as well as Brian Pomper, John Gilliland, Shara Aranoff, Sara Andrews, and Pascal Niedermann.

Finally, I would like to thank Polly Craighill of the Office of the Senate Legislative Counsel for the many hours she put into drafting the implementing bill. Without her patience, hard work, and drafting skills, today's vote would not have been possible.

I look forward to the signing of this legislation into law by President Bush.

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—85

Alexander	Dayton	Lugar
Allard	DeWine	McCain
Allen	Dodd	McConnell
Baucus	Domenici	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (FL)	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Levin	Warner
Craig	Lieberman	Wyden
Crapo	Lincoln	
Daschle	Lott	

NAYS—13

Akaka	Graham (SC)	Sessions
Byrd	Harkin	Shelby
Dole	Hollings	Voinovich
Dorgan	Leahy	
Feingold	Reid	

NOT VOTING—2

Edwards	Kerry

The bill (S. 2677) was passed, as follows:

S. 2677

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Morocco Free Trade Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.

Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Business confidential information.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Morocco entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Morocco for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Morocco Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Morocco Free Trade Agreement entered into on June 15, 2004, with Morocco and submitted to Congress on _____, 2004; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on _____, 2004.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Morocco has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Morocco providing for the entry into force, on or after January 1, 2005, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2004 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than

this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 4.1, 4.3.9, 4.3.10, 4.3.11, 4.3.13, 4.3.14, and 4.3.15, and Annex IV of the Agreement.

(2) EFFECT ON MOROCCAN GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of Morocco as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date of entry into force of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Morocco regarding the staging of any duty treatment set forth in Annex IV of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Morocco provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex IV of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL SAFEGUARD GOOD.—The term ''agricultural safeguard good'' means a good—

(A) that qualifies as an originating good under section 203;

(B) that is included in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement; and

(C) for which a claim for preferential treatment under the Agreement has been made.

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to an agricultural safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on the date on which the additional duty is imposed under subsection (b); or

(B) the column 1 general rate of duty that would have been imposed under the HTS on the same agricultural safeguard good entered, without a claim for preferential tariff treatment, on December 31, 2004.

(3) F.O.B.—The term ''F.O.B.'' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

(4) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to an agricultural safeguard good, the rate of duty for that good set out in the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TRIGGER PRICE.—The ''trigger price'' for a good means the trigger price indicated for that good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement or any amendment thereto.

(6) UNIT IMPORT PRICE.—The ''unit import price'' of a good means the price of the good determined on the basis of the F.O.B. import price of the good, expressed in either dollars per kilogram or dollars per liter, whichever unit of measure is indicated for the good in the U.S. Agricultural Safeguard List set forth in Annex 3–A of the Agreement.

(b) ADDITIONAL DUTIES ON AGRICULTURAL SAFEGUARD GOODS.—

(1) ADDITIONAL DUTIES.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to paragraphs (3), (4), (5), and (6) of this subsection, the Secretary of the Treasury shall assess a duty on an agricultural safeguard good, in the amount determined under paragraph (2), if the Secretary determines that the unit import price of the good when it enters the United States is less than the trigger price for that good.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty assessed under this subsection on an agricultural safeguard good shall be an amount determined in accordance with the following table:

If the excess of the trigger price over the unit import price is:	The additional duty is an amount equal to:
Not more than 10 percent of the trigger price.	0.
More than 10 percent but not more than 40 percent of the trigger price.	30 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.
More than 40 percent but not more than 60 percent of the trigger price.	50 percent of such excess.
More than 60 percent but not more than 75 percent of the trigger price.	70 percent of such excess.
More than 75 percent of the trigger price.	100 percent of such excess.

(3) EXCEPTIONS.—No additional duty shall be assessed on a good under this subsection if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(4) TERMINATION.—The assessment of an additional duty on a good under this subsection shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Tariff Schedule of the United States to Annex IV of the Agreement.

(5) TARIFF-RATE QUOTAS.—If an agricultural safeguard good is subject to a tariff-rate quota under the Agreement, any additional duty assessed under this subsection shall be applied only to over-quota imports of the good.

(6) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury assesses an additional duty on a good under this subsection, the Secretary shall notify the Government of Morocco in writing of such action and shall provide to the Government of Morocco data supporting the assessment of additional duties.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or sub-heading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Morocco into the territory of the United States; or

(ii) from the territory of the United States into the territory of Morocco; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Morocco or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 4–A or 5–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Morocco or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Morocco or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Morocco or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good or a material produced in the territory of Morocco or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PROCEDURES.—A good that is grown, produced, or manufactured in the territory of Morocco or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Morocco or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of such good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Morocco, the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Morocco or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Morocco or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers have been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Morocco or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Morocco or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of the United States or Morocco.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 4–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Morocco or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 4–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term ''direct costs of processing operations'', with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Morocco or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the costs of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term ''direct costs of processing operations'' does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term ''good'' means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF MOROCCO, THE UNITED STATES, OR BOTH.—The term ''good wholly the growth, product, or manufacture of Morocco, the United States, or both'' means—

(A) a mineral good extracted in the territory of Morocco or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Morocco or the United States, or both;

(C) a live animal born and raised in the territory of Morocco or the United States, or both;

(D) a good obtained from live animals raised in the territory of Morocco or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Morocco or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Morocco or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Morocco or the United States and flying the flag of that country;

(H) a good taken by Morocco or the United States or a person of Morocco or the United States from the seabed or beneath the seabed outside territorial waters, if Morocco or the United States has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Morocco or the United States or a person of Morocco or the United States and not processed in the territory of a country other than Morocco or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Morocco or the United States, or both; or

(ii) used goods collected in the territory of Morocco or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Morocco or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Morocco or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term ''material'' means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Morocco, the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF MOROCCO OR THE UNITED STATES, OR BOTH.—The term ''material produced in the territory of Morocco or the United States, or both'' means a good that is either wholly the growth, product, or manufacture of Morocco, the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Morocco or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term ''new or different article of commerce'' means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Morocco, the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good that is assembled in the territory of Morocco or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term ''simple combining or packaging operations'' means operations such as adding batteries to electronic devices, fitting together a small number of components by bolting, gluing, or soldering, or packing or repacking components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term ''substantially transformed'' means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4–A and Annex 5–A of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Morocco pursuant to article 4.3.6 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS, as included in Annex 4–A of the Agreement.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Morocco to conduct a verification pursuant to article 4.4 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Morocco is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of Morocco,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 203;

(2) amendments to existing law made by the subsections referred to in paragraph (1); and

(3) proclamations issued under section 203(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) MOROCCAN ARTICLE.—The term ''Moroccan article'' means an article that qualifies as an originating good under section 203(b) of this Act or receives preferential tariff treatment under paragraphs 9 through 15 of article 4.3 of the Agreement.

(2) MOROCCAN TEXTILE OR APPAREL ARTICLE.—The term ''Moroccan textile or apparel article'' means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Moroccan article.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Moroccan article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Moroccan article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Moroccan article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Moroccan article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff

Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930) (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief (including provisional relief) that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex IV of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(C) In the case of a duty applied on a seasonal basis to such article, an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the immediately preceding corresponding season; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving an affirmative determination from the Commission under subparagraph (B), may extend the effective period of any import relief provided under this section if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that—

(1) is subject to an assessment of additional duty under section 202(b); or

(2) has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle with respect to a good after the date that is 5 years after the date on which duty-free treatment must be provided by the United States to that good pursuant to Annex IV of the Agreement.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Moroccan article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Morocco has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Morocco Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Moroccan textile or apparel article is being imported into the United States in such increased quantities,

in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 5 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.

The President may not release information which is submitted in a proceeding under this subtitle and which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party also shall submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

EXECUTIVE SESSION

NOMINATION OF HENRY W. SAAD TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 705, the nomination of Henry W. Saad, of Michigan, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Henry W. Saad, of Michigan, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed, along with Senator COLLINS, as in morning business.

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

(The remarks of Mr. LIEBERMAN and Ms. COLLINS pertaining to the introduction of S. 2701 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Might I inquire of the Chair what the pending business is.

The PRESIDING OFFICER. The pending business is the nomination of Henry Saad, of Michigan, to the Sixth Circuit Court of Appeals.

Mr. KYL. Mr. President, Senator HATCH is chairing a subcommittee hearing and asked that I open the debate with respect to the nomination and confirmation of Judge Henry Saad. So I think my comments are reflective of Chairman HATCH's views, but I will present them as my own as well.

I will first speak a little bit about Judge Saad and his nomination to this court and why we have had a problem in getting this far with his nomination but why I hope our colleagues will be willing to vote to confirm him.

As the Chair noted, he is a nominee to the U.S. Circuit Court for the Sixth Circuit. He was nominated, and I ask my colleagues to think of this date for a moment, on November 8, 2001. It is now 2004. He is a distinguished State court of appeals judge from the State of Michigan with nearly a decade of experience in that court. He has been there since 1994. In that capacity, he is actually elected and reelected, and he has been reelected twice to serve on the court of appeals with broad bipartisan support within the State of Michigan.

The American Bar Association has rated Judge Saad qualified to sit on the U.S. Court of Appeals for the Sixth Circuit. Therefore, his nomination should have come before us long before now. He should be confirmed, obviously.

I will mention a bit about the Sixth Circuit. There are 16 authorized seats on the circuit, but there are 4 vacancies. Obviously, one-fourth of the authorized seats on that court remain vacant today. President Bush has nominated four very well-qualified individuals from Michigan to fill these vacancies. The seat to which Judge Saad has been nominated has been deemed a judicial emergency and, of course, it is not hard to see why with that number of vacancies.

Interestingly, President George H.W. Bush, President Bush No. 41, first nominated Judge Saad to the Federal bench in 1992, but the Democratic Senate failed to act on his nomination at that time, as well as one other from Michigan, prior to the end of President Bush's term. So this is the second time he has been nominated for this prestigious court.

A bit about his personal history. Judge Saad was born in Detroit. He is a lifelong resident of the State. He would be the first Arab-American appointee to the Court of Appeals for the Sixth Circuit. According to the Detroit Free Press, Bush's nomination of Saad in the wake of the September 11 attacks—remember, it was only 2 months to the day following the September 11 attacks:

> conveys an important message to all the citizens and residents of this country that we embrace and welcome diversity and that we are extending the American dream to anyone who is prepared to work hard.

Judge Saad has had a distinguished career as a practicing attorney and law professor before serving on the State bench. From 1974 until 1994 he practiced law, first as an associate and then a partner with the prestigious Detroit firm of Dickinson, Wright. He built a national practice and reputation there in the areas of employment law, school law, libel law, and first amendment law. He serves as an adjunct professor at both Wayne State University Law School and the University of Detroit Mercy School of Law. He received his

bachelor's degree in 1971 and his law degree, magna cum laude, in 1974, both from Wayne State University. He received a special Order of the Coif award in 2000, which is bestowed by a vote of the faculty of the school upon a distinguished graduate who has earned his degree before the law school was inducting members into the Order of the Coif.

Judge Saad has significant appellate experience in both civil and criminal matters, authoring well over 75 published majority opinions. His nomination has broad bipartisan support, including endorsements from such disparate groups as the United Auto Workers and the Michigan Chamber of Commerce.

Judge Saad is dedicated to improving the law and helping his State and local community through volunteer work. He was chairman of the board of the Oakland Community College Foundation, president of the Wayne State University Law School Alumni Association, and he is currently a member of the board of visitors to the Ave Maria Law School.

Judge Saad was a board member of the National Council of Christians and Jews and the American Heart Association, as well as trustee of WTVS Channel 56 Education Television Foundation.

Judge Saad received the ''Salute to Justice John O'Brien Award'' for outstanding volunteer service to the people of Oakland County in 1997, and he received the Arab-American and Chaldean Council Civic and Humanitarian Award for outstanding dedication to serving the community with compassion and understanding in 1995.

Let me read a few statements from people who have endorsed the nomination and confirmation of Judge Henry Saad. The Secretary of Energy, former Senator from the State of Michigan, said:

> I have known Henry for twenty years on a personal and professional level. He is a person of unimpeachable integrity and will serve our country and our justice system remarkably well.

John Engler, the former Governor of Michigan, said:

> The President selected individuals [including Henry Saad] who are experienced judges and whose reputations for intellect, knowledge of the law, diligence and temperament are well established. Judge Saad has established a distinguished reputation on Michigan's appellate court which he will take to the federal appeals court.

The President of the United Auto Workers, Stephen Yokich, said:

> I have known Judge Saad for twenty-five years. He is a man of the highest integrity and a judge who is fair, balanced and hard working. I strongly support President Bush's nomination of Judge Saad to the federal appellate bench.

Congressman JOSEPH KNOLLENBERG, who is a Representative from the State of Michigan, said:

> I have known Judge Saad for over twenty-five years. He was an outstanding lawyer and is a highly regarded appellate jurist, known for his scholarly opinions, balance and fairness. I am confident he will be a great addition to the Federal appellate bench.

Justice Stephen Markman from the Michigan Supreme Court said:

> In his seven years on the Michigan Court of Appeals, Judge Saad has been one of its most thoughtful and fair-minded jurists. His opinions and his judicial integrity have earned him the respect of a remarkably broad range of his colleagues.

Finally, Judge Hilda Gage of the Michigan Court of Appeals said:

> I have served with Judge Saad on the Michigan Court of Appeals for six years. I admire his judicial independence and his scholarly analysis of the law. I applaud the President's nomination of Judge Saad to the Sixth Circuit Court of Appeals.

Those are some of the people who have worked with him, who have known him a long time, who represent a diverse point of view within the State of Michigan, and yet all of whom endorse the President's nomination of Judge Saad to the Sixth Circuit.

Let me speak for a moment about the status of his circuit because, as I noted at the beginning, there are four vacancies. One-fourth of the active seats on this court, are vacant. The President has nominated four very well-qualified individuals to fill these vacancies. All four of these vacancies have been deemed judicial emergencies by the Administrative Office of the U.S. Courts.

I might, for those who are not aware, describe what this means. The Administrative Office of the U.S. Courts characterizes, in some rare circumstances, vacancies on the court as judicial emergencies by virtue of the caseload of the court, the nature of the cases before the court, the ability of the court to turn out decisions and opinions, and the number of judges available to serve on the court. They balance all of those considerations. When the court does not have enough people to do the job it is required to do, when litigants are taking too long to get their matters heard before the court, and in effect when justice is not being done because it is being delayed, then the Administrative Office of the U.S. Courts declares judicial emergencies.

All four of these vacancies in the Sixth Circuit have been so designated. The confirmation of two judges in late April and early May of this year filled two of then six vacancies, but the circuit remains overburdened.

By the way, let me quantify what I said a moment ago. When I spoke of judicial emergency, in the court of appeals, that occurs specifically when adjusted filings per panel are in excess of 700, or any vacancy is in existence more than 18 months where adjudicated filings are between 500 and 700. All four of the Michigan vacancies on the Sixth Circuit have been in existence for more than 18 months and the adjusted filings total 588. That is why it is so important that we act now to fill this vacancy.

Only a substantial commitment on the part of the senior judges of the Sixth Circuit, and the district judges from within the circuit filling in, as well as visiting appellate judges from other circuits, has kept the caseload of this important circuit manageable. It is the third busiest court of appeals in the country. Chief Judge Boyce Martin has asked Congress to authorize a 17th judge for the court.

So if we filled all four of these vacancies today, not only would we have at least filled those judicial emergencies, but the chief judge of the circuit has said we need additional judges in addition to these.

Among the 12 U.S. Courts of Appeals, the Sixth is the 11th in the timeliness in the disposition of cases. Only the Ninth Circuit takes longer to issue its opinions. I am familiar with that, having practiced before the Ninth Circuit. When it takes so long for litigants who have disputes before the court to get action on their cases, justice is denied. This circuit, being the next to the bottom in terms of the speed with which its decisions are made, makes it a clear candidate for the Senate to act. It is unconscionable that we have not been able to confirm Judge Saad as well as the other three nominees to this court.

The district court judges within the Sixth Circuit have complained that what has turned out to be regular duty as substitute judges on the court of appeals has slowed down their own dockets considerably. In other words, they have not been able to do their own jobs because they have had to fill in for the circuit court judges. According to Judge Robert Bell, who is a district judge from the Western District of Michigan:

> We're having to backfill with judges from other circuits, who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges. . . . Putting together a federal appeals court case often takes a Herculean effort in a short time for visiting district judges. ''We don't have the time or the resources that the circuit court has,'' Bell said. You can't help to conclude that if we had 16 full-time judges with a full complement of staff that each case might get more consideration, not to say results would be different.

This quote, by the way, was the Grand Rapids Press, February 21, 2002.

U.S. attorneys in Michigan likewise have complained that the vacancy rate in the Sixth Circuit has slowed justice and complicated the ability to prosecute wrongdoers. It has enabled defendants to commit more crime while awaiting trial. It has led to less consistencies in the court's jurisprudence and effectively deprived the use of en banc review in some cases. En banc review is the situation where a panel of three judges has made a decision and the litigants have asked the full court to hear—in effect to rehear or have a mini-appeal—a case from the decision of the panel of three. If you do not have the full complement of judges on the court, you can't have the same kind of en banc review.

Let me quote a letter from 31 assistant U.S. attorneys in the Eastern District of Michigan sent to our colleague,

Senator CARL LEVIN, on January 16, 2002:

In years past, it was the normal practice of the Sixth Circuit that a case would be heard by the Court approximately three months after all briefs were filed, and in most cases an opinion would issue in about three additional months. At present, due to the large number of vacancies on the Court . . . it has been taking on average between twelve and eighteen months longer for most appeals to be completed than was the case for most of the 1990's.

These are the prosecuting attorneys. These are the people who I noted have complained that the vacancy rate has complicated their ability to prosecute wrongdoers. Our failure to act in the Senate has real-life consequences on the people of Michigan. When justice cannot be dispensed with because there are not enough judges and wrongdoers are awaiting trial and they are able to go out and commit additional crimes, we have a responsibility to solve that problem. That is why it is so important for us to vote and to vote up or down on the confirmation of Judge Saad.

I serve on the Judiciary Committee. I heard some questions raised about whether he would be a good addition to the court. You heard just a summary of the many people who spoke on his behalf with a wide diversity of opinion. He has a ''qualified'' rating from the Bar Association.

If my colleagues want to vote no on his nomination, they are free to do so. On rare occasions, I have voted no against judicial nominees. I voted no on very few occasions when President Clinton was making the nominations, but I felt that I always had the right to express my view one way or the other. That is all Judge Saad is asking for. With the nomination pending now for almost 4 years, it is time that he have a vote up or down.

Let me read to you a letter from 31 assistant U.S. attorneys in the Eastern District to Senator LEVIN:

[D]elays in criminal cases hurt the government; the government has the burden of proof, and the longer a case goes on the more chance there is that witnesses will disappear, forget, or die, documents will be lost, and investigators will retire or be transferred.

I go on from a different portion of this letter:

In some cases, convicted criminal defendants are granted bond pending appeal. The elongated appellate process therefore allows defendants to remain on the street for a longer period of time, possibly committing new offenses. In addition, the longer delay makes retrials more difficult if the appeal results in the reversal of a conviction.

Further quoting from this letter:

The Sixth Circuit has resorted to having more district judges sit by designation as panel members. This practice has contributed to a slowdown of the hearing of cases in district courts, because the district judges are taken out of those courtrooms. The widespread use of district judges also provides for less consistency in the appellate process than would obtain if full-time Circuit judges heard most of the appeals.

In some cases, the small number of judges on the Court has served to effectively deprive the United States of en banc review. . . . Achieving a unanimous vote of all of those judges of the Court who were not part of the original panel is, as a matter of practice, impossible, and not worth seeking. However, if the Court was at full strength, an en banc review could have been granted with the votes of about two-thirds of the active judges who were not part of the original panel.

Why haven't we been able to vote on Judge Saad? The two Senators from the State, notwithstanding the fact that there are four vacancies in their own State, that the prosecutors from the State have written as I have just indicated, that people of wide disparate views in their State support his nomination, the two Senators from the State have urged their colleagues not to allow the vote to go forward. The reason is because two nominees to fill vacancies in Michigan were left without hearings at the end of the Clinton administration in 2001. It is not uncommon at the end of an administration for there to be nominations pending. I predict that because of opposition from the minority party, there will be a lot of nominations President Bush would like to have confirmed but which will not be confirmed because the other party will not allow it to happen. Sometimes nominations are made too late in the year for the vetting to be done, for the Bar Association to report, for the hearings to be held, for the executive work of the Judiciary Committee to report the judges to the Senate floor, and for the full Senate to vote. That is not an uncommon occurrence.

I note, for example, that Senators who are upset that two judges weren't considered at the end of the Clinton administration should also note that two nominees, including John Smietanka, the very well qualified U.S. attorney from the Western District of Michigan, were also left without hearings at the end of President Bush's term in 1993. So President Clinton got to appoint the same number of judges to the Sixth Circuit as the number of vacancies that came open during his Presidency. As with his predecessor, there were a couple of nominations still pending at the time his term ended.

But as these examples illustrate, both parties have had nominations left pending at end of their President's terms. The effort of the Senators from Michigan to block the consideration of Judge Saad as well as the other three nominations of President Bush at the outset of his term in 2001 is unheard of. It might be one thing if these nominations had just occurred and we didn't have time to consider them, but Judge Saad, as I said, was nominated on November 11, 2001, 2 months after the historic event of September 11. Five of the Sixth Circuit active judges—nearly half—were appointed by President Clinton—one President. I don't think it is possible to argue here that there is some kind of political agenda by Republicans or by President Bush to deny President Clinton nominations and confirmations of his nominations.

I might note that an editorial opinion in Michigan confirms this point. It is overwhelmingly opposed to the tactics of the minority to prevent confirmation of the nominees President Bush has made to fill these vacancies.

Let me quote from the Grand Rapids Press of February 24, 2002. This is only 3 months after the nomination of Judge Saad:

The Constitution does not give these Senators from Michigan [Senators Levin and Stabenow] co-presidential authority and certainly does not support the use of the Court of Appeals to nurse a political grudge. . . . [Senators Levin and Stabenow] have proposed that the President let a bipartisan commission make Sixth Circuit nominations or that Mr. Bush re-nominate the two lapsed Clinton nominations. Mr. Bush has shown no interest in either retreat from his constitutional prerogatives. Nor should he. Movement in this matter should come from Senators Levin and Stabenow—and, clearly, it should be backward.

From the Detroit News, June 30, 2002:

It was wrong for the Senate to fail to act on Clinton's Michigan nominees. But another wrong won't make things right for Michigan. Enough is enough. . . . Senators, it is long past time to fill Michigan's voids in the hall of justice.

I will conclude with one comment. Colleagues on the other side of the aisle will argue that we actually have confirmed a lot of President Bush's nominees. The truth is that we have confirmed about the same number of district court judges as is usual for the Senate during the first term of the President. In the first 3½ years of President Bush's term, we have confirmed, so far, 198 judges, and that is pretty close to the other President's by this overall statistic. President Bush would be on about the same pace as President Clinton, who appointed a total of 371 judges in 8 years—just 4 fewer than the 375 appointed by President Reagan. This would be about par.

The problem is, in the circuit court judges, Presidents ordinarily get most of their nominees confirmed, but President Bush is only getting about half of his confirmed.

Here are the statistics. President Clinton saw 71 percent of his circuit court nominees receive a full vote in the Senate; the first President Bush, 79 percent. President Reagan, 88 percent of his circuit nominees were confirmed; President Carter, 92 percent. But in the 107th Congress—our Congress—President Bush has only gotten 53 percent of his circuit court nominees voted on by the full Senate, 17 out of 32.

That is where the problem is and there is no secret why. As has been described many times by my friends on the other side of the aisle, the circuit court is just below the Supreme Court. It is viewed as more powerful and more important than the district courts. There are many more district court judges. They are the court of first resort. Their cases are appealed to the circuit courts.

Most of the time, circuit court decisions are not appealed or the appeals

are not accepted by the Supreme Court. It can only hear maybe 300 cases or so a year, so, as a practical matter, the circuit courts become the court of last resort. That is why Democrats have refused to even vote on President Bush's nominees for circuit courts because they believe President Bush's nominees would not be as capable, have the right political philosophy, or serve the interests of justice as well as a President of their party.

As I have noted, whether Democrat or Republican, the full Senate under Republican control, as well as under Democratic control, has allowed votes on the vast majority of the circuit court nominees of previous Presidents. It is only President George Bush who has only received a vote on half of his circuit court nominees. That is what is going on. It is wrong. We need to vote. We need to vote on a nominee who has been pending now since November 11, 2001, Judge Henry Saad. I urge my colleagues when that opportunity comes within the next several hours, we will have that opportunity, they will agree to permit an up-or-down vote. That is all we are asking for.

If they have objections, and I see a couple of my colleagues are here, perhaps they would like to discuss their objections to Henry Saad. But let the Senate vote on this nominee as we do with most other issues. We bring it to the vote. Our Members want to vote. But at least this man, who has been waiting now for 3 years, would have a chance to have his nomination either confirmed or rejected.

I urge my colleagues to provide him that opportunity.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I ask unanimous consent that I be permitted to speak as in morning business and after I finish, in approximately 15 minutes, the Senator from New York be given an opportunity to speak.

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

BIN LADEN FLIGHT MANIFEST

Mr. LAUTENBERG. Mr. President, today I rise to discuss some disturbing information that was released to the public today. It concerns the aftermath of the terrorist attacks on the United States on September 11, 2001.

A little more than a week after September 11, precisely on September 19, 2001, a luxury airliner 727 took off from Boston Logan Airport. It was wheeled up, at 11 o'clock at night, under the cover of darkness. That airplane left the United States for Gander, Canada, then on to Paris, Geneva, and the final stop was Jeddah, Saudi Arabia.

The question was, Who was on this charter flight carrying people who will never again set foot in the United States? That charter flight, 1 week after September 11, carried 12 members of the bin Laden family out of our country. When they left, they took a million unanswered questions with them.

Now, on this chart is the flight manifest of that fateful flight. I will read the names of those with the last name of bin Laden: ''Najia Binladen, Khalil Binladen, Sultan Binladen, Khalil Sultan Binladen, Shafig Binladen, Omar Awad Binladen, Badr Ahmed Binladen, Nawaf Bark Binladen, Mohammed Saleh Binladen, Salman Salem Binladen, Tamara Khalil Binladen, Sana's Mohammed Binladen, and Faisal Khalid Binladen.''

I ask my colleagues, why in the world would we let 12 members of Osama bin Laden's family leave the country at that moment?

One of the first rules of a criminal investigation when you have the suspect on the run is to interrogate the family members. Osama bin Laden had just murdered over 3,000 Americans, but the administration let his family flee. The question is, Why?

There are reports that some of the bin Ladens were interviewed on the airplane by the FBI. Interviewed on the airplane? Everybody knows when the FBI is conducting a serious interview they do not do it within hearing of everyone else. These people were about to take off. Why would they disclose anything to U.S. law enforcement? They were getting out of here.

I have talked to law enforcement officials who said, at the very least, the bin Laden family should have been detained on a material witness warrant and put under oath and asked the question, Do you know where Osama bin Laden is? Do you know where his safe houses are? Where does he get his money? Who are his associates?

The Saudi PR machine has been spinning that Osama bin Laden is ostracized from his family; no one has any contact with him anymore. Most experts believe that is not the truth. It may be true for some family members but certainly not all.

It is, at the very least, unclear what bin Laden's position on Osama bin Laden really is. Osama bin Laden's brother, Yeslam bin Laden, was interviewed on television recently. He was asked the question, Would you turn Osama bin Laden in, if you knew where he was? He essentially said no.

Before it left this country, this charter flight stopped in several U.S. cities. It started by picking up one bin Laden, Najia bin Laden, in Los Angeles. It then flew to Orlando to pick up more members of the bin Laden family. Once in Orlando, the crew of this charter flight found out who they were carrying as passengers and threatened to walk out. They did not want to fly that flight but the charter company insisted they stay on the job. The airplane was flown from Orlando to Dulles, near Washington, to pick up more bin Ladens. Then the flight landed at Logan Airport in Boston to pick up additional family members to leave the country.

At Logan Airport, the officials there were not eager to let this plane full of bin Ladens take off so easily. The airport officials demanded clearances from the Bush administration before they let this airplane leave. But then, to their astonishment, the clearances quickly came through. Let them leave, was the order from the Bush administration. And we ask, Why?

Look at the names of the bin Laden family members who are allowed to leave the country. It is astounding, 12 of them, all of them with bin Laden last names. That is a pretty good indication that they ought to be questioned, ought to be interpreted, that they ought to tell what they know about Osama bin Laden, the murderer of our Americans.

Millions of Americans were still distraught on September 19. Thousands of foreigners were detained across our Nation and across the world, but the family of the perpetrator was let go. It makes no sense.

Some of these individuals' names raise specific concern. Take Omar bin Laden. He was under suspicion for involvement in a suspected terrorist organization. This was known on September 19, 2001, but the administration allowed him to flee. Once again, we must ask the question, why?

The President of the United States should explain to the American people why his administration let this plane leave. The American people are going to be shocked by this manifest, and they deserve an explanation.

These are 12 names that may have been inconvenienced in September 2001, if we detained them and subjected them to questioning under oath. They might not have liked it. That is 12 people potentially inconvenienced compared to the almost 3,000 names of those murdered on 9/11.

The American people deserve an answer. This information is reliable. Manifests are always filed with flights, especially those going out of the country. The destination: Saudi Arabia, Saudi Arabia, Saudi Arabia—all the way down the line. The passport numbers are blocked out on this chart, but their identity is quite clear.

This is a question that must be answered.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know my colleagues are waiting, so I will try to be brief. I have come to the floor to talk about a resolution Senator CORNYN and I are submitting on human trafficking. Before I get into that, I want to mention a couple of points in reference to my good friend from Arizona. One is a numerical question. He talked about courts of appeals

judges who have been approved under previous administrations and then mentioned the 107th Congress of this administration. It is sort of a bit of comparing not apples and oranges but apples and half apples.

I believe if you look at the number for the whole of President Bush's term, it goes up considerably. It might not be quite as high as some of the others, but it is much higher than the 53 percent Senator KYL mentioned. Senator KYL is a good friend of mine. I mentioned this to him while he was here.

But the second point I would make—I know my good colleague from Michigan, CARL LEVIN, will be bringing this up at some length—to me, the issue is not a tit-for-tat issue. They did a lot of wrongs previously when President Clinton was President and they did not let judges come through, and that created the vacancies in Michigan. But I have some sympathy for the Detroit News article Senator KYL quoted that said there should not be tit for tat here.

Two wrongs don't make a right. It is sort of anomalous for those creating the wrong to say two wrongs don't make a right. But there is a far more important point, and that is this: The reason we have no approval of judges in Michigan is the President has ignored the part of the Constitution that talks about advise and consent. For the vacancies in Michigan, if the President sat down with the Michigan Senators, Mr. LEVIN and Ms. STABENOW—both reasonable people, people who have engaged in many bipartisan relationships themselves—and said: ''How do we work this out?'' it would have been worked out in the first 6 months of the President's term.

The idea that, A, previous Senates have created vacancies, and then the President says to the Senators of that State or to the Senators of this body: ''It's my way or no way. I'm picking the judges. You have no say,'' that is what has created the deadlock.

The Constitution calls for advice as well as consent. In States where there has been advice, it has worked. In my State of New York we have no vacancies. Why? Because the administration has consulted with me. My colleague Senator CLINTON and I have nominated some judges to vacancies in New York. They have nominated the lion's share, but none of them would meet with this body's disapproval.

I am sure, if the President would simply sit down with Senator LEVIN and Senator STABENOW, and say: ''How do we work this out?'' it would be worked out, pardon the expression, in a New York minute. But they do not. They have an attitude: Here is what we want. You approve them. And if you don't approve every single one, then you are obstructionists.

As has been mentioned over and over again, of the 200 judges this body has dealt with, 6 have been disapproved and 194 have been approved. That is a darn good track record. I am a Yankee fan. The Yankees' percentage is up there around .700, .650 in terms of wins and losses. We are all proud of that. The President is doing a lot better than the Yankees.

The idea that ''It's my way or no way'' is not going to work. Furthermore, I would argue to my colleagues, it is not what the Founding Fathers wanted. If they wanted the President to appoint judges unilaterally, they would have said so in the Constitution. But they wanted the Senate to have a say.

I remind my colleagues, one of the first judges nominated by President Washington, John Rutledge of South Carolina, was rejected by the Senate because, of all things, of his views on the Jay treaty. And in that Senate were a good number of Founding Fathers, people who had actually written the Constitution, so clearly the Founding Fathers did not intend the Senate to be a rubberstamp.

Certainly they did not intend for the Senate to hold up a majority of judges, but when the President nominates people way out of the mainstream, when the President refuses to sit down and negotiate, these are the results. And I would guess—again, I defer to Senator LEVIN, who is on the floor—my view is, if the President or his counsel were to pick up the phone and say to Senator LEVIN: ''How do we work this out?'' it is still not too late, even as we enter the twilight of this Congress, to get it done.

That is all I will say on that matter. I will leave the rest to my colleague from Michigan.

(The remarks of Mr. SCHUMER pertaining to the submission of S. Res. 413 are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from New York for his comments relative to judicial appointments. He is exactly right in terms of the number of judges that this Senate has confirmed with the support of this side of the aisle. He is exactly right when it comes to the willingness of Senator STABENOW and myself to compromise the deadlock that exists with this administration over the Michigan judges. We have been willing to do that from the beginning of this administration. We continue to be willing to attempt some kind of a compromise relative to these vacancies.

What we are unwilling to do is to allow a tactic, which was used relative to these two women who were nominated by President Clinton which denied them hearings for over 4 years and over 1½ years respectively, to succeed, as the good Senator from New York said, to either create these vacancies or to leave these vacancies opened for the next President to fill. That is not the way things should work. It is not the way the Constitution contemplated it. We are going to do our best to continue to press for a bipartisan solution in a number of ways but in the meantime to not simply say, OK, go ahead, fill vacancies which should not exist but only exist because of the denial of hearings for two well-qualified women who were appointed by President Clinton.

I thank the Senator from New York for his comments, for his perception, for his willingness and determination—more than willingness—to look at the full meaning of the Constitution so that it is not just the President who makes appointments in a situation such as this and assumes that the vacancies, which were created by denial of hearings for nominees of the previous administration, will be rubberstamped by this body.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. LEVIN. I am happy to yield.

Mr. SCHUMER. First, I compliment my friend from Michigan for his steadfastness on this issue. Everyone knows the desire of the Senator and his colleague, Senator STABENOW from Michigan, to compromise. Over and over and over again, we on this side of the aisle have said: We don't expect the President to appoint judges that we agree with on most things. In fact, for 200 judges, the vast majority of us have voted for judges with whom we don't agree on many issues.

The point is, to blame these vacancies, as my friend from Arizona tried to do, on the Senators, when the President refuses to just pick up the telephone and call them and say, ''How do we work this out,'' is very unfair.

I ask my colleague, once again, is he willing—and is Senator STABENOW, to his knowledge, willing—to sit down with the White House and come up with a compromise to fill these vacancies and that these vacancies don't have to remain vacant except for almost the intransigence of the White House to say, ''If you don't do it our way, we are not doing it any way''? Am I wrong in that assumption?

Mr. LEVIN. The Senator from New York is decidedly right. We have expressed that willingness. There have been a number of suggestions which have been made for compromise. One of the suggestions which we have made was that there be a bipartisan commission appointed in Michigan to make recommendations to the White House to fill these vacancies. The recommendations do not have to include these two women. Bipartisan commissions have been appointed in other States without this kind of a deadlock existing but simply to promote bipartisanship. That suggestion has been rejected by the White House.

There was another suggestion that was made by Senator LEAHY when he was chairman of the Judiciary Committee for that period of time the Democrats were in the majority. That suggestion was actually supported by the then-Republican Governor of Michigan. There was a recommendation by then-Chairman LEAHY as to how to resolve this issue. That was also

rejected by the White House. We continue to be open to suggestions to fill these vacancies, but we are deeply of the belief that the tactic that was used to deny hearings to qualified women—one of whom is a Michigan court of appeals judge and the other one of whom is a celebrated appellate lawyer in front of the Sixth Circuit—should not succeed. Maybe it succeeds in some places where there are not Senators in those States who will object because the new President of their party picks somebody they like and may have recommended.

But in a situation like this, when you have the advise-and-consent clause in the Constitution, and where there has been this kind of a tactic used, which the White House acknowledges was unfair—Judge Gonzalez has acknowledged that that tactic of denying hearings was unfair—simply to then fill the vacancies that were unfairly created is not something we can simply roll over and accept.

Mr. SCHUMER. Will my colleague yield further?

Mr. LEVIN. Yes.

Mr. SCHUMER. I thank the Senator for his steadfastness. He is hardly a person with a reputation of being unwilling to compromise and work things out. To my knowledge, he loves to do that kind of thing.

I will make one more point before yielding the floor. This involves my previous discussion with the Senator from Arizona, to corroborate and clarify the RECORD. There have been 35 court of appeals judges confirmed under President Bush. There were 65 in the 2 Clinton terms, twice as long. At least thus far, we are doing a better job confirming President Bush's court of appeals nominees than the previous Senates did in confirming President Clinton's. The numbers are fairly comparable, with President Bush doing a little bit better.

With that, I yield back to my colleague and tell him I fully support him in his quest for some degree of fairness and comity.

Mr. LEVIN. I thank my friend from New York.

Mr. President, I discussed with the Senator from New York the situation and the background relative to these Michigan vacancies. Two women, Helene White, a court of appeals judge, and Kathleen McCree Lewis, well known in Michigan as a very effective advocate—particularly appellate advocacy—were nominated by President Clinton to be on the Sixth Circuit Court of Appeals.

Judge White was denied a hearing for over 4 years, which is the longest time anyone has ever awaited a hearing in the Senate. She was never given a hearing by the Judiciary Committee. Kathleen McCree Lewis waited over a year and a half without a hearing in the Judiciary Committee.

For a time, there was a refusal to return blue slips on these two nominees by my then-colleague Spence Abraham. But even after Senator Abraham returned the blue slips in the spring of 2000, the women were not given hearings. They never got a vote in the Judiciary Committee or on the floor.

That distortion of the judicial nominating process was unfair to the two nominees. It deprived the previous administration of consideration by the Senate of those two nominees. Senator STABENOW and I have objected to proceeding to the current nominees until a just resolution is achieved.

Moving forward without resolving the impasse in a bipartisan manner could indeed deepen partisan differences and make future efforts to resolve this matter more difficult. I have said repeatedly that the number of Michigan vacancies on the Sixth Circuit provides an unusual opportunity for bipartisan compromise.

Judge Helene White was nominated to a vacancy on the Sixth Circuit on January 7, 1997. I returned my blue slip on Judge White's nomination. The junior Senator from Michigan, Mr. Abraham, did not. More than 10 months later, on October 22, 1997, Senator LEAHY, as ranking member of the Judiciary Committee, delivered what would be the first of at least 16 statements on the Senate floor, made over a 4-year period regarding Sixth Circuit nominations in Michigan. He called for the committee to act on Judge White's nomination. His appeal, like others that were to follow, was unsuccessful.

For instance, in October of 1998, more than a year and a half after Judge White was nominated, Senator LEAHY returned to the floor, where he warned the following:

> In each step of the process, judicial nominees are being delayed and stalled.

His plea was ignored. The 105th Congress ended without a hearing for Judge White.

On January 26, 1999, the beginning of the next Congress, President Clinton again submitted Judge White's nomination. That day, I sent one of many notes to both Senator Abraham and to the chairman of the Judiciary Committee. In that letter, I said the 105th Congress had ended without a Judiciary Committee hearing for Judge White and suggested that fundamental fairness dictated there be an early hearing in the 106th Congress. Again, no hearing.

On March 1, 1999, Judge Cornelia Kennedy took senior status, opening a second Michigan vacancy on the Sixth Circuit. The next day, Senator LEAHY returned to the floor, repeated his previous statement that nominations were being stalled, and raised Judge White's nomination as an example.

On September 16, 1999, President Clinton decided to nominate Kathleen McCree Lewis to that second vacancy. Soon thereafter, within 2 weeks, I spoke with Senator Abraham about both nominations, the Lewis and the White nominations. It had been more than 2½ years since Judge White was first nominated. Twice in the next month and a half, Senator LEAHY urged the committee to act, calling the treatment of judicial nominees unconscionable.

On November 18, 1999, I again wrote to Senator Abraham and Chairman HATCH, urging hearings in January 2000 for the two nominees. I then noted that Judge White had been waiting for nearly 3 years for a hearing, and I stated that confirmation of the two women was essential for fundamental fairness. My appeals were for naught, and 1999 ended without hearings in the Judiciary Committee.

In February of 2000, Senator LEAHY spoke again on the floor about vacancies on the Sixth Circuit. A few weeks later, in February of 2000, I made a personal plea to Senator Abraham and Chairman HATCH to hold hearings on the Michigan nominees. Again, I was unsuccessful and no hearing was scheduled.

On March 20, the chief judge of the Sixth Circuit sent a letter to Chairman HATCH expressing concerns about an alleged statement from a member of the Judiciary Committee that ''due to partisan considerations,'' there would be no more hearings or votes on vacancies for the Sixth Circuit Court of Appeals during the Clinton administration. The judge's concern would turn out to be well-founded.

On April 13, 2000, Senator Abraham returned his blue slips for both Judge White and Ms. Lewis without indicating his approval or disapproval. The day Senator Abraham returned his blue slips, I spoke to Chairman HATCH and sent him a letter reminding him that blue slips had now been returned, that objections had not been raised, expressed my concern about the unconscionable length of time the nominations had been pending, and I urged that they be placed on the agenda of the next Judiciary Committee confirmation hearing.

Those efforts were unsuccessful. Two Michigan nominees were not placed on the agenda. I tried again early May 2000. I sent another note to Chairman HATCH, but those nominations were not placed on the committee's hearing agenda then or ever.

Over the next several months, Senator LEAHY went to the floor 10 more times to urge action on the Michigan nominees. More than once, I also raised the issue on the Senate floor.

In the fall of 2000, in a final attempt to move the nominations of two Michigan nominees, I met with the majority leader, Senator LOTT, and Senator DASCHLE to discuss the situation. I sent a letter to the majority leader urging him, stating, ''The nominees from Michigan are women of integrity and fairness. They have been stalled in this Senate for an unconscionable amount of time without any stated reason.''

Neither the meeting with the majority leader nor the letter resulted in the Judiciary Committee holding hearings on these nominations, and the 106th

Congress ended without hearings for either woman.

Judge White's nomination was pending for more than 4 years, the longest period of time of any circuit court nominee waiting for a hearing in the history of the Senate. And Ms. Lewis's nomination was pending for over a year and a half.

There has been a great debate over the issue of blue slips. I am not sure this is the place for a lengthy debate on that issue, but I will say there has not been a consistent policy, apparently, relative to blue slips, although it would seem as though the inconsistency has worked one way.

In 1997, when asked by a reporter about a Texas nominee opposed by the Republican Senators from Texas, Chairman HATCH said the policy is that if a Senator returns a negative blue slip, that person is going to be dead. In October 7, 1999, Chairman HATCH said, with respect to the nomination of Judge Ronnie White:

> I might add, had both home-State Senators been opposed to Judge (Ronnie) White in committee, John White would never have come to the floor under our rules. I have to say, that would be true whether they are Democrat Senators or Republican Senators. That has just been the way the Judiciary Committee has operated. . . .

Apparently, it is not operating that way anymore because both Michigan Senators have objected to this nominee based on the reasons which I have set forth: that we cannot accept a tactic which keeps vacancies open, refusing hearings to the nominees of one President to keep vacancies open so they can then be filled by another President. That tactic should be stopped. It is not going to be stopped if these nominations are just simply approved without a compromise being worked out which would preserve a bipartisan spirit and the constitutional spirit about the appointment of Federal judges.

It is my understanding that not a single judicial nominee for district or circuit courts—not one—got a Judiciary Committee hearing during the Clinton administration if there was opposition from one home State Senator, let alone two. Now both home State Senators oppose proceeding with these judicial nominees absent a bipartisan approach.

Enough about blue slips. Senator Abraham then did return blue slips in April of 2000. He had marked them neither ''support'' nor ''oppose'', but they were returned without a statement of opposition. And what happened? What happened is, even though those blue slips were returned by Senator Abraham, there still were no hearings given to the Michigan nominees to the Sixth Circuit.

There was also an Ohio nominee named Kent Markus who was nominated to the Sixth Circuit. In his case, both home State Senators indicated their approval of his nomination, but nonetheless, this Clinton nominee was not granted a Judiciary Committee hearing, and his troubling account of that experience shed some additional light on the Michigan situation.

He testified before the Judiciary Committee last May, and said the following. This is the Ohio Clinton nominee to the Sixth Circuit:

> To their credit, Senator DeWine and his staff and Senator Hatch's staff and others close to him were straight with me. Over and over again they told me two things: One, there will be no more confirmations to the Sixth Circuit during the Clinton administration, and two, this has nothing to do with you; don't take it personally—it doesn't matter who the nominee is, what credentials they may have or what support they may have.

Then Marcus went on. This is his testimony in front of the Judiciary Committee:

> On one occasion, Senator DeWine told me ''This is bigger than you and it's bigger than me.'' Senator Kohl, who kindly agreed to champion my nomination within the Judiciary Committee, encountered a similar brick wall. . . . The fact was, a decision had been made to hold the vacancies and see who won the Presidential election. With a Bush win, all those seats could go to Bush rather than Clinton nominees.

We are not alone in the view that what occurred with respect to these Sixth Circuit nominees was fundamentally unfair. Even Judge Gonzales, the current White House counsel, has acknowledged it was wrong for the Republican-led Senate to delay action on judicial nominees for partisan reasons, at one point even calling the treatment of some nominees ''inexcusable,'' to use his word.

The tactic used against the two Michigan nominees should not be allowed to succeed, but as determined as we are that it not succeed, we are equally determined that there be a bipartisan solution, both to resolve a current impasse, but also for the sake of this process. There is such an opportunity to have a bipartisan solution because there are four Michigan vacancies on the Sixth Circuit.

In order to achieve a fair resolution, Senator STABENOW and I have made a number of proposals, and we have accepted a number of proposals. We proposed a bipartisan commission to recommend nominees to the President. Similar commissions have been used in other States. The commission would not be limited to any particular people. The two nominees of President Clinton may not be recommended by a bipartisan commission. Of greater importance, the existence of recommendations of a commission are not binding on the President.

The White House, in response to this suggestion—again, even though it was used in other States—has said that the constitutional power to appoint judges rests with the President, and of course it does. So there is no way anyone would propose or should propose that a bipartisan commission be able to make recommendations which would be binding upon the President of the United States, nor is the recommendation binding upon the Senate of the United States. It is simply a recommendation. This has occurred in other States under these and similar circumstances, and there is no reason why it should not be used here.

We also, again, were given a suggestion by the then-chairman of the Judiciary Committee, Senator LEAHY, who has tried his very best to figure out a solution to this deadlock. Senator LEAHY made a suggestion which was acceptable to both Senator STABENOW and me. It was acceptable even to the then-Republican Governor of the State of Michigan, Governor Engler, but it was rejected by the White House.

We have an unusual opportunity to obtain a bipartisan solution. It is an opportunity which has been afforded to us by the large number of vacancies in Michigan on the Sixth Circuit Court of Appeals. Finding that bipartisan path would be of great benefit, not just as a solution to this problem but to set a positive tone for the resolution of other judicial disputes as well.

In addition to the points which I have made, we made the additional point at the Judiciary Committee relative to the qualifications of Judge Saad. We indicated then and we went into some detail then that it is our belief that his judicial temperament falls below the standard expected of nominees to the second highest court in this country.

The Judiciary Committee considered a number of issues relating to that subject, judicial temperament or shortfall thereof, of this nominee in a closed session of the Judiciary Committee. I will not go into detail further, except to say we have made that point. We feel very keenly about that issue.

The vote in the Judiciary Committee was 10 to 9 to report out this nomination. It was a vote along party lines. The temperament issue, however, was raised, and properly so, in the Judiciary Committee, as well as this basic underlying issue which I have spent some time outlining this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

THE IRAQ DEBATE

Mr. MCCONNELL. Mr. President, I rise today to discuss a matter of great relevance to the debate about the war in Iraq and the recent Senate report on the intelligence community. This report has illuminated a subject of considerable controversy and partisan criticism of the President.

I also rise to speak about the importance of maintaining a basic standard of fairness in American politics.

I am talking about the controversy that erupted over the infamous ''16

words'' in the State of the Union Address that Senator KERRY and numerous Senate Democrats and the media cited in accusations that the President misled the country into war.

On January 28, 2003, President Bush told the American people that:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That was in the President's State of the Union address in January 2003.

When doubt surfaced about some—but not all—of the evidence supporting this claim, Joe Wilson, who had traveled to Niger to investigate an aspect of the intelligence, penned an op-ed in the New York Times accusing the administration of manipulating intelligence.

Not pausing for a full investigation, a partisan parade of Democratic Senators and Presidential candidates took to the streets to criticize the President and accuse him of misleading the Nation into war, a very serious charge.

Sensing a scandal, the media pounced.

NBC aired 40 reports on Wilson's claim. CBS aired 30 reports, while ABC aired 18.

Newspapers did not hold back either. The New York Times printed 70 articles reinforcing these allegations, while the Washington Post printed 98.

Pundits and politicians gorged themselves on the story.

Joe Wilson rose to great fame on the back of this inflammatory charge. He wrote a book for which he received a five-figure advance, he was lionized by the liberal left, and he became an adviser to Senator KERRY's Presidential campaign, a campaign to which he is also a financial contributor.

Of course, we now know Wilson's allegation was false. And we know the chief proponent of this charge, Joe Wilson, has been proven to be a liar.

After more than a year of misrepresentation and obfuscation, two bipartisan reports from two different countries have thoroughly repudiated Wilson's assertions and determined that President Bush's 16-word statement about Iraq's effort to procure uranium from Niger was well founded.

In fact, the real 16-word statement we should focus on is the one from Lord Butler's comprehensive report about British intelligence. Here is what he had to say:

> We conclude that the statement in President Bush's State of the Union address . . . is well founded.

Let me repeat Lord Butler's statement:

> We conclude that the statement in President Bush's State of the Union address . . . is well founded.

Those are 16 words to remember.

It is now worth the Senate's time to consider Mr. Wilson's claims.

Claim No. 1 is Wilson's assertion that his Niger trip report should have debunked the State of the Union claim.

On this bold allegation, the Senate's bipartisan report included this important conclusion:

> The report on the former Ambassador's trip to Niger, disseminated in March 2002, did not change any analysts' assessments of the Iraq-Niger uranium deal. For most analysts, the information in the report lent more credibility to the original CIA reports on the uranium deal. . . .

Let me repeat:

> For most analysts, the information in the report lent more credibility to the original CIA reports on the uranium deal. . . .

Claim No. 2 is similarly egregious.

According to the Washington Post, ''Wilson provided misleading information to the Washington Post last June. He said then that the Niger intelligence was based on a document that had clearly been forged . . . '' But ''the documents . . . were not in U.S. hands until eight months after Wilson made his trip to Niger.''

Predictably, this bombshell appeared on page A9. Page A9, Mr. President. After this story had previously enjoyed extensive coverage on Page A1.

There were indeed document forgeries, but these documents were not the only evidence that convinced foreign intelligence services about Iraq's efforts to purchase uranium.

Damningly, the former Prime Minister of Niger himself believed the Iraqis wanted to purchase uranium and according to the Financial Times:

> European intelligence officers have now revealed that three years before the fake documents became public, human and electronic intelligence sources from a number of countries picked up repeated discussion of an illicit trade in uranium from Niger. One of the customers discussed by the traders was Iraq.

And the Wall Street Journal has reported that:

> French and British intelligence (services) separately told the U.S. about possible Iraqi attempts to buy uranium in Niger.—7/19/04

Mr. President, when the French corroborate a story that Iraq is seeking WMD, you're probably in the right ballpark.

Indeed, the Senate's bipartisan report concluded that at the time:

> it was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based on CIA reporting and other available intelligence.

Claim No. 3 is Wilson's repeated denial that his wife, Valerie Plame, a CIA analyst, never recommended him for the Niger trip.

In his ironically titled book, The Politics of Truth, Wilson claimed:

> Valerie had nothing to do with the matter She definitely had not proposed that I make the trip.

In fact, the bipartisan Senate Intelligence Report includes testimony that Plame ''offered up his name'' and quotes a memo that Plame wrote that asserts ''my husband has good relations with Niger officials.''

The New York Times recently reported that:

> Instead of assigning a trained intelligence officer to the Niger case, though, the C.I.A. sent a former American Ambassador, Joseph Wilson, to talk to former Niger officials. His wife, Valerie Plame, was an officer in the counterproliferation division, and she had suggested that he be sent to Niger, according to the Senate report.

That story can be read on Page A14 of the New York Times.

Claim No. 4 is Wilson's allegation that the CIA warned the White House about the Niger claim and that the White House manipulated intelligence to bolster its argument for war. Wilson charged:

> The problem is not the intelligence but the manipulation of intelligence. That will all come out despite (Sen.) Roberts' effort to shift the blame. This was and is a White House issue, not a CIA issue.
>
> This reckless charge by Wilson was, we know, repeated by many of the President's critics.

Of course, it is not true. It simply is not true.

The Senate Intelligence Report determined the White House did not manipulate intelligence, but rather that the CIA had provided faulty information to policymakers. And the Washington Post recently reported that ''Contrary to Wilson's assertions the CIA did not tell the White House it had qualms about the reliability of the Africa intelligence.'' (Susan Schmidt, Washington Post, A9, 7/10/04)

Again: Front page news on Page A9.

According to the New York Times and the Senate Intelligence Report, Joe Wilson admitted to Committee staff that some of his assertions in his book may have, quote, ''involved a little literary flair.''

''Literary flair'' is a fancy way of saying what ordinary people shooting the breeze on their front porches all across America call by its real name: a lie. That is what it is.

So, the truth is Joe Wilson did not expose the Administration; in fact, he has been exposed as a liar.

He misrepresented the findings of his trip to Niger, he fabricated stories about recognizing forgeries he never saw, he falsely accused the White House of manipulating intelligence, and he misrepresented his wife's role in promoting him for the mission.

Joe Wilson's false claims have been exposed, but the networks aren't rushing to correct the story. Will NBC correct the 40 times it ran Wilson's claims, will CBS correct the 30 times, will ABC correct the 18?

To be sure, a few networks and newspapers have noted the Senate Intelligence Report conclusions, but where is the balance? Where are the lead stories? Where are the banner headlines? In short, where is the fairness?

Sadly, that is the state of political coverage in this election year. Screaming charges about the President made on A1, repudiation of the charges on A9, if they are made at all. Is that fair?

What of the political campaigns? It's a small wonder the Democrat candidates for President and their supporters aggressively picked up the Wilson claim. After all, the media was driving the train, so why not hitch a ride?

However, now that Wilson's false claims have been exposed, shouldn't a

basic sense of fairness prevail? Shouldn't the partisans admit they were wrong, too?

For example, some of my colleagues in the Senate should ask themselves if it's now appropriate to distance themselves from Joe Wilson's distortions. Speaking on this floor on March 23, the Minority Leader praised Wilson and accused the Administration of retaliating against him:

> When Ambassador Joe Wilson told the truth about the administration's misleading claims about Iraq, Niger, and uranium, the people around the President didn't respond with facts. Instead they publicly disclosed that Ambassador Wilson's wife was a deep-cover CIA agent.

Just last month, Senator DASCHLE noted:

> Sunlight, it's been said, is the best disinfectant. But for too long, the administration has been able to keep Congress and the American people in the dark . . . other serious matters, such as the manipulation of intelligence about Iraq, have received only fitful attention.

I hope he will acknowledge now the inaccuracy of his statement, and allow the sunlight to shine on Ambassador Wilson's fictions.

Senator KERRY welcomed Wilson onto his campaign team of advisors, and his campaign hosts Wilson's website, which carries a disclaimer that it is ''Paid for by JOHN KERRY for President, Inc.''

The Kerry/Wilson website includes a collection of articles by and about Joe Wilson that propound his baseless allegations against the Bush Administration, which I don't have time to go into today. Suffice it to say that showcasing Wilson's discredited views should at least be met with some acknowledgement that he was wrong all along.

Perhaps we can learn a thing or two from the recent episode involving Sandy Berger.

Berger, an advisor to President Clinton and Senator KERRY stepped down from the Kerry campaign. He's under investigation for removing and possibly destroying classified documents being reviewed by the 9/11 Commission.

Were I to engage in a little literary flair, I might say it seems Sandy walked out of the National Archives with some PDBs in his BVDs, and some classified docs in his socks. At any rate, I think it is appropriate, and politically wise, for him to leave the Kerry campaign.

It is clear Senator KERRY approved of Mr. Berger's departure. He should certainly ask the discredited Mr. WILSON to leave the team as well.

I close with a simple observation. I believe vigorous political disagreements are the heart of a strong democracy. When our debates are rooted in fact, impassioned political disagreement makes our country stronger.

I also believe Americans value fundamental fairness—fundamental fairness—and deserve a news media that reflects this value. How is it fair to report an accusation with blaring page 1 headlines and around-the-clock television coverage and not give a slam-dunk repudiation of the charge the same kind of attention?

We will watch over the next few days to see if fundamental fairness will be met, and if those who championed Mr. WILSON's charges will set the record straight.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished majority whip, the assistant floor leader, for what is an excellent set of remarks, long overdue and very much on point.

I am on the Senate Select Committee on Intelligence. I remember when this whole brouhaha came up, how demeaned the President of the United States was, not only by the media but by this man, Ambassador Wilson, who immediately took great glee in slamming the President because of 16 words that happened to be accurate. We could not talk about it before now, but the British findings show the President was accurate. And I, for one, am very happy for the Butler report and for what came out.

I agree with the distinguished Senator from Kentucky that this was page 1 offensive media to the President of the United States, undermining what he was saying, what he was doing, and what we have backed him on this floor in doing. Now that this man has been caught in these shall I say discrepancies—some might be a lot stronger than that—we see hardly any comments about it. But having said that, I have to say I have been reading the Washington Post, and they have acted quite responsibly. Many of the other media have not acted that way. But the distinguished Senator from Kentucky covered this matter very well.

I feel sorry whenever partisan politics trumps truth, whenever, in the interest of trying to get a political advantage from one side or the other, anybody of the stature of a former Ambassador of the United States would participate in distorting the record, especially when he knew better.

So again, I thank my colleague.

Mr. MCCONNELL. Mr. President, I thank my friend from Utah. Hopefully, this will be the beginning of a wave of coverage both on the networks and in the newspapers on correcting the record and making it clear that Mr. Wilson's assertions are demonstrably false and have been so found by two different important reports.

Mr. HATCH. Mr. President, I thank my colleague. I want to comment that anybody with brains, when they saw that Iraqi team and knew of the Iraqi team—of course, they could not say much about it until now—knew the Iraqi team had gone over to Niger, why else would they have spent the time? Niger had hardly any exportable products other than food, except for yellowcake uranium. Why would they waste their time going to Niger?

I remember at the time thinking: This smells, this argument that the President has misused 16 words and that the CIA should be held totally responsible because those 16 words were wrong. And now we find they were not necessarily wrong. In fact, they were right.

That smacks of this whole matter of partisanship with regard to the current Presidential race. We have our two colleagues on the other side who are now running for President and Vice President who voted for our actions in Iraq. At least one of them spoke out on how serious the actions of the Iraqi regime under Saddam Hussein were, voted for it, and now they are trying to weasel out because they voted against funding it, saying they wanted to get it done right. Well, that is a nice argument, except that we have well over 100,000 of our young men and women over there, and others as well, who are put at risk if we do not fund the effort once it has started.

Secondly, I heard lots of comments from the other side as to weapons of mass destruction. They knew Saddam Hussein had them in the early 1990s. The U.N. knew they had them. Almost every Democrat of substance spoke out that he had them, were concerned about the fact that he had weapons of mass destruction, that he was trying to obtain weapons of mass destruction, including the distinguished candidate for President in the Democratic Party.

And to get cheap political advantage, they have tried to undermine the President of the United States because, so far, we have not been able to discover except small evidences of actual weapons of mass destruction.

What has not been said, for the most part, is any basement in Baghdad, any swimming pool in Baghdad—a city the size of Los Angeles—could store all of the biological weapons necessary to kill a whole city such as Baghdad or Los Angeles and could store all of the chemical weapons that could cause havoc all over the world. The fact we have not found them yet does not mean they are not there.

It does appear the nuclear program Saddam Hussein had authorized in the early 1990s—and had been well on its way to accomplishing the development of a nuclear device—was not as forward advanced as many of us thought. But there is no question they had the scientists in place. There is no question they had the knowledge in place. There is no question they had the documents in place. There is no question he wanted to do that, no question that he would have done it if he could.

I think as time goes on, more and more information will come out that will indicate that the President of the United States has taken the right course, with the help of this whole body. It seems strange to me that so many are trying to weasel out of the position they took earlier in backing the President of the United States and in backing our country and in backing

our soldiers, and are trying to make political advantage out of some of the difficulties we have over there.

Now that political advantage has been tremendously diminished—tremendously diminished—as of the time that jurisdiction was turned over to the Iraqis. They are now running their country, with us as backup to help them, to help bring about the freedoms all of us in America take for granted every day. I doubt they will ever have the total freedoms we take for granted every day, but they have a lot more freedom now than they ever even contemplated or thought possible under the Saddam Hussein regime.

That is because of our country. That is because of our young men and women who have sacrificed. I particularly resent it when, for cheap political advantage, some of our colleagues get up and moan and groan about what is going on over there. Every time they do it, it undermines the very nature of what our young men and women are sacrificing to accomplish.

Fortunately, it is the few who do that. But nobody on this floor on either side should be undermining our young men and women over in Iraq, who are heroically serving, some dying—over 900, as we stand here today.

Cheap political advantage—that is the era we are in, I take it. Both sides from time to time have used efforts to accomplish cheap political advantage, but I have never heard it worse than what I have seen this year against this President. I have never seen a more vicious group of people than the outside commentators who hate President Bush. In all honesty, we can sit back and let these terrorists run around this world and do whatever they want to do and act like it won't affect us or we can take action to try to solve the problem.

It is a long-term problem; it is not a short-term one. It is going to take a lot of courage and good leadership, and it is going to take people who don't just quit and hope they will go away. They are not going to go away. These people are committed ideologues. They are theocratic ideologues. And in many respects throughout the history of the world, that is where most of the really dangerous difficulties come. It is through vicious, radical, theocratic ideologues. Frankly, that is what we are facing. Anybody who thinks this is going to be just an easy slam dunk to resolve has not looked at any of the intelligence, has not thought it through, and really has not spent enough time worrying about it on the Senate floor or otherwise.

I have not always agreed with our President. I probably have been wrong when I haven't. The fact is, I sure agree with him in supporting our troops and supporting freedom in the world. Think about it. If Saddam Hussein had been allowed to go on unchecked, not only would millions of Iraqis be kept in terrible conditions, upwards of a million killed viciously by that regime, but ultimately he would have developed nuclear weapons, as he was trying to do in the early 1990s and came close to doing by everybody's measure who knew anything about it. Had that occurred and we didn't do anything about it, guess who would have had to. And if they had to, as they did in the early 1980s in taking out the nuclear reactor, we would have world war III without question.

So there is a lot involved here. This is not some simple itty-bitty problem, nor is it something conjured up by the President of the United States, nor is it something that really intelligent, honest, bipartisan people should ignore. We need to work together in the best interests of this country and of the world to make sure that these madmen do not control the world and continue to control our destinies and that these madmen don't get so powerful that they can do just about anything they want to in the world. You can see how they try to intimidate just by threats and even action. Well, great countries cannot give in to threats, nor can we give in to offensive action that needs to be dealt with. This country has led the world in standing for freedom.

I have to say that I loved the comment of Colin Powell when somebody in a foreign land snidely accused the United States of attempted hegemony or trying to be imperial. He basically said: Our young men and women have given their lives all over this world for freedom, and the only ground that we have ever asked in return is that in which we bury our dead. That is true to this day. I think if the rest of the world looks at it honestly, they will have to say America really does stand for that principle: freedom and decency and honor and justice, not just in this land but for other lands as well.

Mr. President, as I understand it, we are on the Saad nomination.

The PRESIDING OFFICER (Mr. TALENT). The Senator is correct.

Mr. HATCH. As we begin the debate on this nomination, I want to put it in the larger context of the judicial nomination process.

On May 9, 2001, President Bush nominated 11 outstanding individuals to serve on the Federal bench. I would note that this was months earlier than previous new Presidents, giving the Senate plenty of time to begin considering his nominees. In the 3-plus years—over 1,100 days—since those nominations, the Senate has confirmed only 8 of the first 11 nominees. By comparison, the previous 3 Presidents saw their first 11 appeals court nominees all confirmed in an average of just 81 days following their nomination. We are now 1,100 days past. Not so for President Bush.

While three of his first nominees were confirmed within 6 months, many others waited for 2 years or more before they were confirmed. But even this long wait was better than the fate of the three remaining nominees who have been subjected to filibusters.

One of those, Miguel Estrada, waited for more than 2½ years and became the target of the first filibuster against a judicial nominee in American history. This Hispanic man deserved better treatment, but he was mistreated for crass partisan purposes. Though a bipartisan majority of Senators supported Miguel Estrada, he had to withdraw after an unprecedented seven cloture votes, meaning seven attempts to try and get to a vote where he could have a vote up or down. Those seven cloture votes, any one of which would have ended the filibuster and allowed that vote up or down, he went through seven of them, the most in the history of this country for any judicial nominee. By the way, the only nominees who have ever had to go through cloture votes in a real filibuster or in real filibusters have been President Bush's nominees. We have had cloture votes before, but there never was any question that the nominees were going to get a vote in the end.

Several weeks prior to those first nominations, shortly after President Bush's inauguration, the Democratic leader stated that the Senate minority would use ''whatever means necessary'' to block judicial nominees they did not like. We have seen the fulfillment of that statement as a variety of techniques have been employed to delay or obstruct the confirmation of nominees, including bottling up nominees in committee, injecting ideology into the confirmation process, seeking all unpublished opinions, requesting nominees to produce Government-owned confidential memoranda, repeated rounds of written questions, and multiple filibusters. It is a sad commentary on the deterioration of the judicial confirmation process that we are now approaching double-digit filibusters in the U.S. Senate of 10 judges or more.

Let me reiterate a few points which I made yesterday concerning the process of confirming judges. Despite this range and frequency of obstructionist tactics which we have seen, some of them entirely new in American history, the Senate has confirmed 198 judges during the past 3 years. I will note that this is behind the pace of President Clinton in his first term. And the minority has made even these confirmations as difficult as possible. Yet some of my colleagues think that the constitutional duty to advise and consent has a time clock attached to it and that the time has run out for the Senate to do its duty. I reject this analysis, either that the previous agreement to allow the vote on the 25 judges was the sum total of our work in the Senate or the notion that judicial nominations cannot be confirmed after some mythical deadline is announced.

There are plenty of examples of confirmation of judges in Presidential election years during the fall, some of which occurred during or after the election was held. Stephen Breyer is a perfect illustration. He now sits on the Supreme Court of the United States.

Stephen Breyer was confirmed to the First Circuit Court of Appeals. That is just one example. I was the one who helped make that possible because Reagan had been elected.

The Republicans had won the Senate for the first time in decades. There was no real reason to allow what many thought was a liberal Democrat to be appointed to any court at that point or to be confirmed to any court at that point. But Stephen Breyer was an exceptional man. He not only had been chief of staff to Senator KENNEDY on the Judiciary Committee, and not only was he a Harvard law professor and a brilliant legal theorist, he was a very honest, decent, honorable man. I helped carry that fight. It wasn't much of a fight in the end because the Republicans agreed, and we confirmed Stephen Breyer late in the year after the election took place.

I helped facilitate that confirmation which took place after the November 1980 presidential election. That nomination was made by President Carter, who had just been defeated by President Reagan, and yet we acted on it. I note that Senator Thurmond was the ranking member at that time. Yet his name continues to be invoked as the authority of a binding precedent. I reject the notion of this purported rule and would hope that the service of the longest serving and oldest Member to have served in this body would not be used in the manner I have heard repeated in the committee and on the Senate floor.

Besides, Senator Thurmond was chairman of the committee, and at one time he did say: We have had enough confirmations, and this is what we are going to do. We are going to stop this year.

But even then he didn't.

Under the Senate Democrats' theory, the Senate has apparently confirmed enough judges. The remaining vacancies, half of which are classified as judicial emergencies because of the backlog, just don't seem to matter to them. According to their analysis, because of some acceptable vacancy rate or because of the mythical time clock, the remaining 25 judges pending before the Senate should be dismissed out of hand. This is not logical, nor is it the proper approach to take under the Constitution.

I will also respond to some of the arguments made that Senate Democrats have only rejected six or seven nominees. The fact is, the Senate has not rejected the nominees which have been filibustered. If they have the votes to defeat the nominee, then let those votes be cast and let the results stand. But a minority of Senators are denying the Senate from either confirming or defeating some of these nominees. That is what we are seeking today—an up or down vote.

Mr. President, unfortunately, one of the battlegrounds of this judicial obstructionism has been the Sixth Circuit Court of Appeals. Despite President Bush's attempt to fill four critical vacancies on that court, and two district vacancies in Michigan, these nominations remained stalled in the Senate. There are many factors contributing to the stalemate we have found ourselves in with regard to confirmations on the Sixth Circuit, some of which go back to the Clinton administration. I will discuss that in detail at a later point, but for now, everyone knows that I have been working to reach an accommodation that would help move this process forward.

I have great respect for Senators LEVIN and STABENOW. I have worked for many years with Senator LEVIN and have reached agreements with him on many difficult issues. For example, Senator LEVIN and I worked with Senators BIDEN and MOYNIHAN to dramatically revise the regulations pertaining to heroin addiction treatment. That effort is paying off. I remain hopeful that we can do so here.

On this issue, I have continued to work with Senators LEVIN and STABENOW. I have carefully listened to their concerns. And while the Michigan Senators' negative blue slips were accorded substantial weight—that is why this has taken so long—I delayed scheduling a hearing on any of the Michigan nominees because of the Michigan Senators' views. Their negative blue slips are not dispositive under the committee's Kennedy-Biden-Hatch blue slip policy. It was started by Senator KENNEDY, confirmed by Senator BIDEN, and I have gone along with my two liberal colleagues on the committee.

I don't think there is any doubt that I have attempted to reach an accommodation that would fill these seats. Unfortunately, my efforts have not been successful. I remain hopeful that we can come to a resolution, and I will keep trying to do so. But I must emphasize, in my view, integral to any accommodation is the confirmation of Judge Saad, Judge Griffin, and Judge McKeague—at least votes up or down. Since they have a majority of people in the Senate who would vote for them, I believe they would be confirmed in the end.

These are exceptional individuals. Judge Saad and Judge Griffin both serve on the Michigan Court of Appeals. Judge McKeague is a district Judge for the United States District Court for the Western District of Michigan. He was unanimously confirmed by the U.S. Senate.

It has been nearly 1 year since the Judiciary Committee first considered the nomination of Henry W. Saad, who has been nominated for a position on the United States Court of Appeals for the Sixth Circuit. This is an historic appointment. Upon his confirmation, Judge Saad will become the first Arab-American to sit on the Sixth Circuit, which covers the States of Kentucky, Ohio, Tennessee, and Michigan.

It is long past time for the Senate to consider Judge Saad's nomination. He was first nominated to fill a Federal judgeship in 1992, when the first President Bush nominated him for a seat on the United States District Court for the Eastern District of Michigan. The fact that he did not get a hearing may have worked to his benefit, since he was appointed in 1994 by Governor Engler to a seat on the Michigan Court of Appeals. He was elected to retain his seat in 1996 and again in 2002, receiving broad bipartisan support in each election.

On November 8, 2001, President Bush nominated Judge Saad for a seat on the Sixth Circuit, the position for which we are considering him today. When no action was taken on his nomination during the 107th Congress, President Bush renominated him to the Sixth Circuit on January 7, 2003. All told, Judge Saad has been nominated for a seat on the Federal bench three separate times. It is high time the Senate completed action on his nomination.

Judge Saad's credentials for this position are impeccable. He graduated with distinction from Wayne State University in 1971 and magna cum laude from Wayne State University Law School in 1974. He then spent 20 years in the private practice of law with one of Michigan's leading firms, Dickinson, Wright, specializing in product liability, commercial litigation, employment law, labor law, school law and libel law. In addition, he has served as an adjunct professor at both the University of Detroit Mercy School of Law and at Wayne State University Law School.

Judge Saad is active in legal and community affairs. Some of the organizations he has been involved with include educational television, where he serves as a trustee, the American Heart Association, Mothers Against Drunk Driving, and other nonprofit organizations that serve the elderly and impaired. As a leader in the Arab-American community, Judge Saad has worked with a variety of organizations in promoting understanding and good relations throughout all ethnic, racial, and religious communities. He is an outstanding role model.

Judge Saad enjoys broad bipartisan support throughout his State, as evidenced by endorsements in his last election by the Michigan State AFL–CIO and the United Auto Workers of Michigan. He has received dozens of letters of support from leading political figures, fellow judges, law professors, private attorneys, the Michigan Chamber of Commerce, and a variety of other groups.

Let me quote from just a few of the letters received in support of Judge Saad's nomination. Maura D. Corrigan, Chief Justice of the Michigan Supreme Court, wrote: ''Henry Saad has distinguished himself as a fair-minded and independent jurist who respects the rule of law, the independence of the judiciary, and the constitutional role of the judiciary in our tripartite form of government. . . . Judge Saad is a public servant of exceptional intelligence

and integrity. He has the respect of the bench and the bar.'' Other judges have written that he is ''a hard-working and honorable individual'' and that he is ''an outstanding appellate jurist with a strong work ethic.'' Roman Gribbs, a lifelong Democrat and retired judge, wrote, ''Henry Saad is a man of personal and professional integrity, is fair-minded, very conscientious and is above all, an outstanding jurist.'' Judge Saad has clearly earned the respect and admiration of his colleagues on the Michigan State court bench. His nomination deserves consideration by this Senate.

I hope that our consideration of Judge Saad's nomination is not overshadowed by collateral arguments about the propriety of his nomination, the committee blue slip process, an attack on his personal character and qualifications, or other diversionary arguments. The question before the Senate is the qualifications of Judge Saad to sit on the Federal bench.

We have heard from the other side about the President just steamrolling these nominations, without consulting with the home state Senators.

Mr. SESSIONS. Mr. President, I join the distinguished chairman of the Judiciary Committee, Senator HATCH, in supporting Henry Saad for the U.S. Circuit Court for the Sixth Circuit. He is an exceptionally qualified nominee who has great support in his area. He graduated with distinction from Wayne State University and then magna cum laude at Wayne State University School of Law. He has served for a decade on the Michigan Court of Appeals. He was nominated for this position by former President Bush 10 years ago and was held up, blocked, and did not get a hearing, and now he is back and being held up again.

He has the necessary experience to serve. He has been active in his community. He is a Heart Association board member, Oakland College Community Foundation chairman, member of the board of the Judges Association, Michigan Department of Civil Rights hearing referee. He is a Community Foundation of Southeast Michigan board member. He has written a number of articles on subjects such as employment discrimination, AIDS in the workplace, libel standards, and legal ethics. He has given a number of speeches, primarily on appellate advocacy. He has been nominated for a position as an appellate judge, so this is good experience. Appellate judges do not try cases, as the Presiding Officer knows. Appellate judges review trials that went on before. They review briefs carefully and they hear arguments from attorneys involved in a case and who have written briefs in summary, and then they make written rulings to decide whether the trial was properly tried or not. We need him on this circuit.

I have to share some thoughts about this matter because it is important and something smells bad. It is not good what has occurred with regard to this nominee and other nominees to the Sixth Circuit. There has been an orchestrated effort to block rule of law nominees for some time now.

The House of Representatives had hearings on this matter some time ago and was highly critical about what has occurred. Frankly, I am not sure we fully know the story yet of all that occurred. Let's take recent history when the Democrats were in the majority in the Senate and they controlled the Judiciary Committee and could decide what nominees came up for vote.

The Democrats made a number of questionable decisions, and they took care of some outside groups, and they took certain steps that were quite significant. A number of nominees were delayed or blocked. As I recall, even then there were four, maybe six, vacancies in this circuit. Right now, 25 percent of the circuit is vacant. It is an emergency situation, according to the courts, because we have so many vacancies there.

Thirty-one assistant United States attorneys—these are the prosecutors who try cases every day, not a political group, but a group of workhorse attorneys trying cases—have expressed concern about the failure to fill these appointments and how long it takes their criminal appeals to be decided. But I want to share this with my colleagues because I think we might as well talk about it. I wish it had not happened, but it has.

Take the case of Julia Gibbons of Tennessee. She was a very talented nominee to the Sixth Circuit early on. When the Democrats were in control of the Judiciary Committee, her nomination in 2001 was mysteriously slowed down. It did not move. At one point in March of 2002, Senator MCCONNELL spoke on the floor, and he complained that she had waited 164 days and never had a hearing, and we wondered what was going on and why this fine nominee was being held up.

We now know through the release of internal memos that were published in newspapers, in the Wall Street Journal and other places that discussed this case, what happened. Frankly, I do not think these memos should have been made public—under the circumstances, they were, based on what I know. But things leak around here. That is the way it is. I have to share with this body what occurred.

What we know is that in April of 2002, there was a staff memorandum to Senator KENNEDY from his staff that indicates that the NAACP, which was a party to a Sixth Circuit case, the Michigan affirmative action case to be exact, that they considered to be an important case—this is what the memorandum says: That the NAACP

> would like the Judiciary Committee to hold off on any Sixth Circuit nominees until the University of Michigan case regarding the constitutionality of affirmative action in higher education is decided by the en banc, Sixth Circuit. . . .

> The thinking is that the current Sixth Circuit will sustain the affirmative action program, but that if a new judge with conservative views is confirmed before the case is decided, the new judge will be able . . . to review the case and vote on it.

The Kennedy memorandum further states that some ''are a little concerned about the propriety of scheduling hearings based on the resolution of a particular case. We are also aware that the Sixth Circuit is in dire need of judges.''

The memorandum goes on to conclude:

> Nevertheless we recommend that Gibbons be scheduled for a later hearing: The Michigan case is important.

Even though it was understood to be wrong to influence the outcome of a pending case, it was recommended that Gibbons be delayed.

Now, people like to suggest that the holdup in these nominations is some flap with the home State Senators, that it is tit for tat. I remember a good friend who former President Bush nominated, John Smietanka, for this circuit. He was blocked. He was a wonderful nominee, a saintly person really, a great judge. He was blocked, so they say this is all tit for tat, but I do not think so.

I am afraid what really is at work is this circuit was narrowly divided. In fact, as I recall, the University of Michigan case was decided by one vote. Had the new judge been confirmed and voted the other way, it would have been a tie vote. That verdict would not have come out as it did. So I think there is an attempt to shape the makeup of this court. Let's not make any mistake about this whole issue. The judiciary debate is not about politics; it is not Republican versus Democrat. This debate is about the beliefs, the value judgment, and the legal philosophy of President Bush, and I dare suggest a vast majority of American citizens. President Bush and the American people believe that judges should be bound by the law, they should follow the law, they should strictly follow the law, and that unelected, lifetime appointed Federal judges are not in power to set social policy because they are unaccountable to the public. So that is the big deal.

There are people who believe otherwise. There are people who can no longer win these issues at the ballot box, if they ever could. They want judges to declare things that they do not want to have their fingerprints on, like taking God out of the Pledge of Allegiance. These are activist decisions. So I believe this is a matter far deeper than just Republican versus Democrat; it represents a debate about the nature of the American judiciary—do we stay true to an Anglo-American tradition that judges are not political, that they are independent, that they wear that robe to distinguish themselves from the normal person, that they isolate themselves from politics, and that they study the law and rule on the law?

That is what I believe a judge ought to do. That is the ideal of American law. It is very important that we maintain that.

When we have nominees held up explicitly to affect the outcome of a case that might come before them, a very important and famous case, indeed perhaps the most significant case that year—maybe even in the last half-dozen years—to be shaped and blocked simply because of that case is bad. In fact, after the case was over, Judge Gibbons was confirmed 95–0 by this body. There never was any objection to her other than they were afraid it would affect the outcome of the case.

There are vacancies on the Sixth Circuit. The President is empowered to make the appointments. He is empowered to make the appointments according to the legal philosophies and principles he announced to the American people when he ran for office. President Bush declared that he was going to nominate and fight for judges who would follow the law, not make law, who would show restraint, who would be true to the legitimate interpretation of the statutes and the Constitution, not using that document to further promote their own personal agendas. That is what he has done, and that is what Judge Saad's record is. He is not going to impose his values on the people of the Sixth Circuit. That is not his philosophy of judging. His philosophy is to follow the law, not to make the law. We have no fear of that kind of judge. We ought to confirm him.

The people of this Nation need to know that the Democratic leader, Senator DASCHLE, and the Democratic machine is time after time mustering 40 votes to block these nominees from even getting an up-or-down vote. In fact, when we vote on cloture to shut off debate and we have to have 60 votes, we are constantly getting 53, 54, 55 votes for these nominees, which is more than enough to confirm them, but we cannot shut off the debate and get an up-or-down vote. So by the unprecedented use of the filibuster, these judges are not getting an up-or-down vote. I say to the American people, they need to understand this. I believe the rule of law in this country is jeopardized by the politicization of the courts. We must not allow that to happen. I believe the collegiality and traditions of this Senate are being altered. There is no doubt we have not had filibusters of judges before. In fact, about 4 years ago, Senator LEAHY was denouncing filibusters when President Clinton was in office, and now he is leading it. The ranking member of the Judiciary Committee is leading a host of filibusters. It is an unprincipled thing.

I remember Senator HATCH, as chairman of the Judiciary Committee and a guardian of the principles and integrity of the Senate, on many occasions told Republicans when they said, Well, we do not like this judge, we ought to filibuster him, why do we not filibuster him, and he said, You do not filibuster judges; we have never filibustered judges; that is the wrong thing to do. And we never filibustered President Clinton's judges.

I voted to bring several of them up for a vote and cut off debate even though I voted against those judges because they should not be on the bench. I did not vote to filibuster the judge, and I think that is the basic philosophy of this Senate.

I hope we will look at this carefully. These nominees are highly qualified. They are highly principled. Many of them have extraordinary reputations, like Miguel Estrada, Judge Pickering, Bill Pryor, and Priscilla Owen from Texas, a justice on the Texas Supreme Court who made the highest possible score on the Texas bar exam. These are highly qualified people who ought to be given an up-or-down vote. If they were given an up-or-down vote, they would be confirmed just like that.

Unfortunately, we are having a slowdown, unprecedented in its nature. If this does not end and we cannot get an up-or-down vote on these judges, those of us on this side need to take other steps. And we will take other steps. We need to fight to make sure that the traditions of this Senate and the constitutional understanding of the confirmation process are affirmed and defeat the political attempts to preserve an activist judiciary that our colleagues, it appears, want to keep in power so that they can further their political agenda, an agenda they cannot win at the ballot box.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OMNIBUS SPENDING BILL

Mr. BYRD. Madam President, there are only 22 legislative days left in this fiscal year. The Senate seems to be frittering away those precious days. To date, the Senate has only passed one appropriations bill, the Defense bill. Only four bills have been reported from the Senate Appropriations Committee.

The House has passed nine appropriations bills, but apparently the Senate would rather work on political messagemaking than to take care of the Nation's vital business. So I fear, once again, that the Senate Republican leadership is setting a course for a massive omnibus spending bill. That is what it looks like. That is what we are going to do, have a massive omnibus spending bill, in all likelihood.

This year, with the failure of the Senate Republican leadership to even bring the Homeland Security bill before the Senate, the Omnibus appropriations bill may include as many as 12 of the 13 annual appropriations bills. That is very conceivable to ponder.

On July 8, Homeland Security Secretary Tom Ridge and FBI Director Robert Mueller announced that another terrorist attack is likely before the November elections, yet the Homeland Security appropriations bill, which the committee reported 4 weeks ago, has not even been presented to the full Senate for its consideration. What is wrong? What is wrong with this picture? Talk about fiddling while Rome burns. The flames are all around us.

The Senate Republican leadership is setting the stage for another one of these massive spending bills that may be brought up in the Senate in an unamendable form. And one shudders to think what will go on behind closed doors. Who among the 100 Senators will be in the meetings that produce a massive bill that appropriates over $400 billion for veterans, education, homeland security, highways, agriculture, and the environment? Who among the 100 Senators will be in the meetings when decisions are made about including provisions on drug importation, gun liability, farm bill issues, nuclear waste storage at Yucca Mountain, overtime rules, or on the outsourcing of government services? Does anybody know?

And, who knows what surprises, that were never debated or even contemplated in the Senate, will find their way into such an omnibus? What kind of interesting bugs will crawl into this big bad apple of a bill? I cannot tell you how many Senators will be in the room, but I can assure you of one thing. The White House will be there. You can bet on that. They will be there with their pet projects and their pet peeves and their opportunities to move certain items into their favorite States—doing their bidding, legislating right along with the Senators. They will be there. White House bureaucrats and soothsayers will suddenly become legislators for a day, or perhaps several days.

That is not the way our Constitution contemplated the writing of appropriations bills. The Framers believed that Congress ought to have the power of the purse. This White House would like to have it. They would like very much to have it. But all of those constitutional niceties get blurred and blended when it comes time to deal on Omnibus appropriations bills. The checks and balances gets thrown out the window when it comes time to deal with Omnibus appropriations bills.

One could conclude that the only thing the President wants from the fiscal year 2005 appropriations bill is the Defense appropriations bill. That is the only thing the President would want from the 2005 appropriations process—the Defense appropriations bill.

On June 24, 2004, in its Statement of Administration Policy, the White House urged the Congress to pass the Defense bill before the start of the August recess. Why?

In February, the President did not ask for one thin dime, not one thin dime did he ask for as far as the costs

of the war in Iraq—nothing. Administration officials had the temerity to insist that the costs of the war were not knowable. Then suddenly, on May 12, 2004, the President saw the light and realized that he needed more money for the war in Iraq. It must have come to him in a sudden vision. So, like a teenage driver, he put the foot on the gas and insisted that the Congress give him a $25 billion blank check for the escalating costs of his war in Iraq.

With the help of Senator STEVENS of Alaska, the blank check got canceled, but the defense conference report will include the $25 billion in additional funds. The President will get the one thing he wanted out of this year's appropriations process; he will get the Defense appropriations bill.

So I must ask the American people, why is it the President has not sent messages to the Congress urging prompt action on the bill that funds the veterans health care system? I am sure the veterans are concerned about what is going to happen with respect to their needs.

Moreover, does the President not know that the bill that funds our Nation's schools is stuck in subcommittee? What about the appropriations bill that funds our highway system that has not yet been considered by the House or the Senate? In February, the President proposed to put a man on Mars, but the bill that funds the space program has not been marked up by either the House or Senate appropriations committees.

According to President Bush, Congress must urgently send him the Defense appropriations bill; but for all of the other appropriations bills, the attitude is ho hum; so what.

According to the administration, we are facing another terrorist attack. Are we not even going to debate whether a 5-percent increase for the Department of Homeland Security is enough?

Last year, we fell prey to a 7-bill omnibus, but at least the Senate debated as freestanding bills 12 of the 13 bills. Now we are down to only one debate this year on the Defense bill. That is one bill, and only one debate this year, on the Defense bill.

Where do we go from here on funding the needs of the people? One of the options that has been discussed by the Republican leadership is to pass the full-year continuing resolution and leave town, get out of town, catch the next train, all aboard. That is right. The exalted servants of the people may just decide to enjoy a summer vacation if some in the Republican leadership have their druthers. What does it matter if all of the Federal Government, except the Pentagon, operates on automatic pilot for a full year? Who needs guidance from the Congress on the priorities? Who needs careful scrutiny of Federal programs? What about the new initiatives? Shouldn't they be under careful scrutiny? Shouldn't questions be asked and questions answered?

Let me give you, my colleagues, a few examples of what would happen under a full-year continuing resolution. If that is what you want, I tell you what you are going to get.

If the Senate Republican leadership refuses to allow the Senate to debate the Homeland Security appropriations bill, important funding in new programs would not be available to the Department.

As we all know, on March 11, 2004, nearly 200 people were killed by a series of bombs detonated on the transit system in Madrid, Spain. The Department of Homeland Security responded by sending out a list of security recommendations for mass transit and rail systems in the United States. These recommendations included moving garbage cans and asking commuters to be more alert to suspicious people and packages, like unattended backpacks. However, despite my efforts, no moneys were approved for fiscal year 2004 for mass transit or rail security. Are we comatose in the Senate? Perhaps we better reach back in our desks somewhere and get our living wills.

On an average workday, 32 million people travel on mass transit. Get that, 32 million people travel on mass transit on an average workday. However, under a continuing resolution, there would be no funding to help secure our mass transit and rail systems. There would be no funds for additional law enforcement presence, no funds for additional K–9 teams, no funds for additional surveillance, no funds for additional public education about the threat. Is that OK with the Senate?

Following the tragic events of September 11, the administration established a firm goal for the number of Federal air marshals so that a high percentage of critical flights could be protected. The exact number of air marshals is classified, but the fact is, the Federal air marshals program has never reached the staffing level called for in the wake of the September 11 attacks.

Instead, the White House has allowed the number of air marshals to fall by 9 percent, falling far below the goal. As air marshals leave the program, budget constraints prohibit the hiring of replacements. The number of air marshals continues to dwindle and the number of critical flights they are able to cover remains on a steady downward spiral. If forced to operate under a continuing resolution, the number of air marshals protecting domestic and international flights could fall by another 6 percent, putting Americans in greater danger. How can we contemplate such irresponsibility? Doesn't public safety count?

How about funding for our Nation's schools? Two and a half years ago the President promised to leave no child behind. The No Child Left Behind Act authorized $20.5 billion in fiscal year 2005 for title I, the Federal program designed to help disadvantaged students in kindergarten through high school, those students who are most at risk of being left behind. A continuing resolution would freeze title I funding at just $12.3 billion. That would leave behind 2.7 million students who would not receive the title I services that were promised to them in the No Child Left Behind Act.

A continuing resolution would also freeze funding for special education. Two months ago, the Senate voted overwhelmingly by a vote of 96 to 1 to authorize a $2.3 billion increase for the Individuals With Disabilities Education Act—better known, perhaps, as IDEA—in fiscal year 2005, and fully fund the law within 7 years. A CR would put the lie to that pledge.

As candidate for President in 2000, President Bush said:

> College is every parent's dream for their children. It's the path to achievement. We should make this path open to all.

But, my dear friends, under the Bush administration, the cost of tuition has gone up by 26 percent, making it harder and harder for low- and middle-income students to pursue that dream.

The Pell grant: A maximum Pell grant now covers only 34 percent of the average annual cost of college compared to 72 percent in 1976. Under a continuing resolution, there would be no increase in the maximum Pell grant now set at $4,050. There would be no increases for the College Work-Study Program or for other campus-based aid programs. So much for dreams, so much for promises, so much for empty talk.

For the construction and restoration of our Nation's highways and bridges, a long-term continuing resolution would stifle the flow of billions of new dollars going to our States to improve safety conditions, minimize congestion, and create badly needed jobs.

Just this past February, more than three-quarters of the Senate, 76 Senators, approved a surface transportation bill that called for an overall commitment of highway funds for fiscal year 2005 of $37.9 billion. Under a long-term continuing resolution, highway funding would be $4.25 billion less than that amount, a $4.25 billion shortfall. That difference represents more than 200,000 jobs across America, jobs that are desperately needed all across our States. But the Senate is in gridlock, much like the gridlock on our Nation's highways.

Our Nation's military is serving gallantly in Iraq and Afghanistan, but under a continuing resolution the Veterans Health Administration, unbelievably, would get drastically reduced health care services for our fighting men and women. Approximately 237,000 veterans would not be able to receive care, and veterans outpatient clinics would schedule 2.6 million fewer appointments. The waiting list for veterans seeking medical care would grow to over 230,000. What a way to treat our brave men and women. Shabby and shameful are the two words that come to mind.

Al-Qaida operatives are in the United States preparing for another terrorist

attack. The FBI must mobilize to find those terrorists before they attack us. But a full-year continuing resolution would force the FBI to freeze all hiring in fiscal year 2005. That would result in the FBI losing 500 special agents and negating the proposed increase of 428 special agents. Nor would the FBI be able to fund any of the new initiatives proposed in the fiscal year 2005 budget request, including resources for the new office of intelligence counterterrorism investigations, counterintelligence, and fighting cyber crime.

Another casualty of a full-year continuing resolution would be programs to combat HIV/AIDS, particularly in eastern Europe and Asia where the epidemic is spreading out of control. Only one in five people worldwide have access to HIV/AIDS prevention programs. Yet a continuing resolution would reduce funding for those programs by almost half a billion. That means there would be hundreds of thousands of new infections of the deadly virus—infections that could have been prevented, lives that could have been saved.

The list goes on and on and, like Tennyson's book, goes on. Members of this Congress have a duty and a responsibility to the American people. They do not want us to approve massive omnibus spending bills that no one has bothered to read. They do not want us to pass mindless continuing resolutions that put the Government on automatic pilot and their safety on the line. They do not want us to cash our own paychecks without doing the work we were sent here to do.

We are paid to debate legislation. We are paid to make careful choices on behalf of the people. The elections are coming, and if we are not going to do our work, then we should not claim the title of Senator. Just like Donald Trump, come November, the American people might decide to send us a very straightforward message: You're fired.

Last week, the Republican leadership jammed into the defense conference report a provision ''deeming'' the level of spending for fiscal year 2005 at the level in the budget resolution conference report. It seems now we are ''deeming'' our way through budget debates. ''Deeming''—this provision was not contained in the Senate or House version of the Defense bill. It was not debated here on the Senate floor. Yet this innocuous-sounding ''deeming'' provision will have far-reaching consequences. That provision will result in appropriations bills that inadequately fund homeland security, education, veterans, transportation, and other programs to meet domestic needs. And the consequences are not just on paper. The American public is being cheated year after year by the steady erosion of money available to fund the public's priorities. They are being ''deemed'' down the river.

This year, even while the directors of Homeland Security, the FBI, and the CIA are warning us of al-Qaida in our midst, we still are unaccountably and stubbornly sitting on the Homeland Security appropriations bill as if in total defiance of the dangers to our country and to the people's safety.

None of this is the fault of our able Appropriations Committee chairman, Senator TED STEVENS. Early on, I encouraged Chairman STEVENS to move 13 freestanding, fiscally responsible appropriations bills through the committee and on to the Senate floor. Senator STEVENS instructed his 13 subcommittee chairmen to produce balanced and bipartisan bills; however, the Senate Republican leadership has refused to free up floor time for the appropriations bills.

I will not be a party to such chicanery, and I implore the leadership of this body to stop the games and stop the politics. And I ask the majority leadership to set aside the pending business and proceed to the consideration of Calendar Order No. 588, H.R. 4567, the fiscal year 2005 Homeland Security appropriations bill.

Madam President, I yield the floor.

Mrs. FEINSTEIN. Madam President, I echo the comments of Senator BYRD, the ranking member of the Appropriations Committee. While I do not have the perspective of his years of service in the Senate and on the Appropriations Committee, I share his concern about the breakdown we are seeing in this year's appropriations process.

There are only 2 days left before the Senate leaves for an extended August recess. Yet the Appropriations Committee has reported out only 4 of the 13 appropriations bills we must pass this year. The Senate has passed only one Appropriations bill—the Defense Appropriations bill. This is a dereliction of our primary duty in the Senate, funding the functions of Government.

The blame for this situation does not go, in my view, to the Appropriations Committee. In the limited work the committee has done this year, it has operated in an efficient, bipartisan manner. But we all know that the committee has been hampered by the failure to enact a budget resolution.

A budget is a clear articulation of priorities. We are having these problems because of a failure to prioritize, or because of skewed priorities. As we all know, the Congressional Budget Office is projecting a $477 billion deficit in fiscal year 2004.

But some in the Congress continue to believe that more tax cuts should be the priority in this Congress. And they refuse to subject these tax cuts to the discipline of pay-as-you-go rules, which would require offsetting revenue increases, or spending cuts.

They insist that we can balance the books by ''controlling'' nondefense, nonhomeland security, discretionary spending. Yet, no one has shown any inclination to significantly cut discretionary spending. Just the opposite. As BILL YOUNG, the chairman of the House Appropriations Committee notes:

No one should expect significant deficit reduction as a result of austere non-defense discretionary spending limits. The numbers simply do not add up.

The notion of balancing the budget, while further reducing revenue, is simply wrong-headed. Or, as Chairman YOUNG succinctly puts it, ''the numbers simply do not add up.''

The Senate is scheduled for 19 legislative days after August. It does not appear that there is much hope for completing our appropriations work in that time. Indications in the media from the chairman and from the Republican leadership are that we will be faced with moving an omnibus appropriations bill when we return, possibly with some bills held over for a lame-duck session of Congress. That is a terrible way to do business, and I sincerely hope it does not come to that.

In the remaining 2 days before we recess, I am hopeful that we can at least take up my subcommittee's bill, the military construction bill. The subcommittee chairman, Senator HUTCHISON, and I have worked well together to craft a good bill with the support of Senators STEVENS and BYRD. I believe that it deserves the support of the full Senate.

And when the Senate reconvenes, in September, I hope that we on the Appropriations Committee will work efficiently, and on a bipartisan basis, to report freestanding bills to the Senate.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 413 are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan.

(Mr. CORNYN assumed the Chair.)

Ms. STABENOW. Mr. President, I rise today to express deep disappointment about what is taking place on the Senate floor in the cloture vote scheduled for tomorrow. For the past 3½ years, Senator LEVIN and I have been urging the Bush administration to work with us to develop a bipartisan solution regarding the Michigan nominees to the Sixth Circuit Court. We have met on several occasions with Judge Gonzales, the current White House counsel, and other White House staff, but the White House has rejected all of our efforts at a compromise. We also had numerous meetings with Chairman HATCH and testified before the Senate Judiciary Committee several times on the need for a bipartisan solution.

Chairman HATCH had expressed a willingness to work with us and to work with Senator LEAHY on a bipartisan solution to this impasse, but it seems these efforts have been abandoned by Republican leadership in

favor of scoring political points before the party conventions.

I still believe the best way to end this impasse is to forge a compromise. I hope the Bush administration and the Republican leadership will not continue down this road of what appears to be politically motivated and partisan cloture votes instead of working with us to develop a fair solution. A ''nay'' vote on cloture will preserve potential negotiations toward the bipartisan compromise we have been seeking. A ''yea'' vote will destroy these efforts and, unfortunately, be a vote for preconvention politics.

Let me start by saying a few words about Judge Saad's nomination. Judge Saad is before us now. After listening to people in Michigan who have shared serious concerns with both Senator LEVIN and I, and having had an opportunity to review the FBI background materials, I have to say that I have serious concerns about Judge Saad's temperament and appropriateness for serving on this important bench. While I cannot go into specifics, I urge my colleagues to review the Judiciary Committee's FBI background materials for themselves.

Judge Saad's lack of fitness for this appointment is also evidenced in the record he has put together as it relates to his work on the Michigan Court of Appeals. Most troubling, perhaps, are his decisions and reversals in cases involving the application of the law in civil rights cases—particularly in sexual harassment cases.

His decisions also demonstrate hostility to the rights of whistleblowers. We know in this day and age, as we have learned through those who were courageous and came forward in the Enron and Halliburton cases, and others where employees have come forward, how important it is to be able to protect the rights of employees who see that something is wrong and they step forward. They are what we call whistleblowers.

His decisions also have been hostile to the rights of people who are injured. For example, in Coleman v. State, Judge Saad joined in deciding against the plaintiff in a sexual harassment case, which was later reversed by the Michigan Supreme Court. Coleman, a State prison employee, was subjected to comments by her supervisor about her allegedly provocative dress and to daily inspections of her clothing, after she was the victim of an attempted assault and rape by an armed prison inmate. She was the one who was questioned, as too often we hear as it relates to women who are told it was their fault, because of the way they dress, and that is why they were assaulted. The Michigan Supreme Court reversed the decision, holding that there was sufficient evidence for the victim to go to trial.

In Haberl v. Rose, Judge Saad dissented from the court of appeals' reinstatement of a jury verdict for the plaintiff who was injured by a Government worker who was doing Government work but driving her own automobile.

In the complicated case, the majority found that Michigan's sovereign immunity statute was not applicable, since a more specific civil liability statute said that car owners are not immune from liability. Car owners have liability in these kinds of cases.

The dissenting Judge Saad stated that the sovereign immunity statute applied but the civil liability statute did not and, thus, the injured plaintiff could not recover.

Judge Saad was harshly criticized for his dissent by the majority of the judges, who essentially called him a judicial activist:

> Indeed, it is the dissent that urges ''rewriting'' the statutes in question and advocates overstepping the bounds of proper judicial authority.

Based on these concerns, I do not believe Judge Saad has the necessary judicial temperament to serve a lifetime appointment—a lifetime appointment—on the Sixth Circuit Court of Appeals.

Mr. President, I wish to speak more broadly now about the process of bringing the Sixth Circuit nominees to the floor of the Senate. Senator LEVIN has spoken eloquently about the history of the Sixth Circuit nominees prior to my serving in the Senate. He has explained how two extremely well-qualified women—Judge Helene White and Kathleen McCree Lewis—failed to get a hearing before the Judiciary Committee for more than 4 years and 1½ years, respectively, during the previous administration.

In fact, if she had been confirmed, Kathleen McCree Lewis would have been the first African-American woman on the Sixth Circuit Court of Appeals.

Senator LEVIN and I are not alone in the view we hold that what occurred with respect to these nominees was fundamentally unfair.

On more than one occasion, Judge Gonzales, the current White House counsel, has acknowledged that it was wrong for the Republican-led Senate to delay action on judicial nominees for partisan reasons, at one point even calling the treatment of some nominees during the Clinton administration ''inexcusable.''

Senator LEVIN and I have repeatedly proposed to settle this longstanding conflict by appointing a bipartisan commission to make recommendations to the White House on judicial nominations.

Our proposal would be based on the commission that is set up and working just across Lake Michigan in Wisconsin. The State of Wisconsin commission has produced bipartisan nominees for both district and circuit courts since its inception under the Carter administration.

In fact, just recently, the Senate confirmed Judge Diane Sykes for a vacancy on the Seventh Circuit Court of Appeals. Judge Sykes, a Bush administration nominee, was recommended by the bipartisan Wisconsin commission and had the support of both of her Democratic home State Senators.

This process works. The Wisconsin commission includes representatives from the Wisconsin Bar Association, the deans of the State's law schools, as well as members appointed by both Republicans and Democrats. They only recommend qualified candidates who have the support of the majority of the commission. The President then looks to the recommendations of the commission when making his nominations.

The Wisconsin commission's recommendations have always been followed by the President, regardless of political party. Again, this system has worked.

This type of commission preserves the constitutional prerogatives of both the President and the Senate. It allows the President to pick one of the recommended nominees and protects the Senate's advise and consent role.

Wisconsin is not the only State where this type of bipartisan commission works. In a similar form, it has worked in several other States, including Washington, California, and Vermont.

Unfortunately, the White House continues to reject this proposal from Michigan, despite having agreed to similar commissions in other States with other Democratic Senators.

Senator LEVIN and I are interested in finding a real bipartisan solution to this problem. We have stated on numerous occasions that we are willing to accept the commission's recommended nominees, even if they do not include Helene White and Kathleen Lewis, or any other person we would choose if it were up to us.

Instead of divisive cloture votes, let's look to the future and restore civility to this process. It is time to do that with the Sixth Circuit.

I hope we can still accomplish this and that the Bush administration and Chairman HATCH will work with us to develop a fair compromise to this longstanding problem.

Let me take a moment to reiterate this is not about being unwilling to fill vacancies. As other colleagues have indicated, we have, in fact, confirmed 198 judicial nominees of this President, and I have voted for the overwhelming majority of those nominees. This is more judicial nominees than were confirmed for President Reagan in all 4 years of his first term, more nominees than were confirmed for first President Bush during his 4-year Presidency, and for President Clinton in all 4 years of his second term. Mr. President, 100 judges were confirmed in the 17 months of the Democratic Senate majority.

So under Democratic control, we confirmed 100 judges, and we were only in the majority for 17 months of the last almost 4 years. Now, 98 more judges have been confirmed in the 25 months of Republican leadership. In other words, the Democrats were in the majority less time and confirmed more

judges for this President during the last 3½ years. So this is not about being unwilling to support filling judgeships, but it is about a very specific concern about what has been happening in Michigan and the lack of willingness of the administration to work with both Senators to fulfill our equal responsibilities of being able to pick the best people to serve our great State for a lifetime appointment.

These are not Cabinet appointments of this President. They are lifetime appointments. The reason the Framers of the Constitution divided the responsibility—half with the President and half with the Senate, as we know—is because this is a third branch of Government with lifetime appointments, and it is very important there be the maximum amount of input, balance, and thoughtfulness brought to this process.

Unfortunately, regarding the Sixth Circuit, until we have a fair solution, I believe I have no other option than to oppose this cloture vote and to urge my colleagues to do the same.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President. What is the business before the Senate?

The PRESIDING OFFICER. The nomination of Henry Saad to the Sixth Circuit Court of Appeals is the pending business.

Mr. HARKIN. I thank the Chair.

UNITED STATES-MOROCCO FREE-TRADE AGREEMENT

Mr. HARKIN. Mr. President, I wish to take a few minutes of the Senate's time to discuss the reasons behind my decision to vote against the Morocco free-trade agreement implementing legislation which the Senate passed earlier today. I want to make very clear that my vote was not in any way against a free-trade agreement with Morocco. My vote, as was my vote against the Chilean free-trade agreement, was a protest against the continued determination by this administration to undermine and to do away with provisions that address labor issues, especially the worst forms of child labor, that we had contained in the Jordan free-trade agreement and relevant provisions in the Generalized System of Preferences.

In fact, I welcome this affirmation of the strong economic and political relationship that exists between the United States and the Kingdom of Morocco which can be strengthened by this agreement. I recognize this legislation is almost certain to pass the House this week very easily, and the United States-Morocco Free-Trade Agreement will go into effect next January.

The Kingdom of Morocco is a politically moderate Muslim nation that has been a long-time friend of the United States, a friendship that has been demonstrated most recently with their support in the aftermath of the tragedy of September 11, 2001.

Morocco has been a valuable partner in fighting the global war on terror, and so it is appropriate for the U.S. Government to reciprocate that support with a bilateral free-trade agreement so long as it leads to expanded economic opportunities for both partners.

Once in place, this agreement will generate significant economic benefits to both Morocco and the United States, and with Morocco's strategic position on the continent of Africa and easy access into Europe through the Strait of Gibraltar, it could serve as a gateway to even more markets.

This bilateral free-trade agreement could also serve as the foundation for a far wider free-trade agreement with the entire region of the Middle East and northern Africa.

With respect to agriculture, this free-trade agreement provides modest but clear opportunities to a wide range of U.S. commodities.

The opportunities provided in the free-trade agreement in non-agricultural goods and services will be substantial as well, and it reflects the determination of the Government of Morocco to modernize their economy to the benefit of the people of Morocco.

So count me as a friend of Morocco. Morocco has been a strong ally of the United States. It is a moderate nation. I have had the privilege of visiting Morocco on at least two occasions, maybe more, and I have a great deal of respect and admiration for the Moroccan people. Nonetheless, I decided to vote against it because I intend to call attention to the decision of U.S. negotiators to retreat from the provisions under the Generalized System of Preferences that requires the U.S. Government to monitor our trading partners on their progress in meeting international standards on the use of child labor, and these provisions in the GSP also provide leverage to encourage those countries to continue to make progress by permitting sanctions to be imposed against those who backtrack.

The Bush administration has taken a weak stand toward child labor in this latest trade agreement. In 2000, I, along with then-Senator Helms of North Carolina, authored an amendment that unanimously passed the Senate that extended GSP benefits to countries that took steps to implement ILO Convention 182 on the worst forms of child labor, and it mandated that the President report on the progress of these countries. If the President determined that countries were not taking steps to implement the ILO Conventions, benefits would be withheld.

The trade agreement that we passed with Chile earlier, and with Morocco, takes a step backward. As I said at the time, I first proposed we have a free-trade agreement with Chile in 1993, 11 years ago. So I had mixed emotions when I had to vote against the free-trade agreement with Chile because Chile's Government is making great progress. But this administration sought to undermine what we had achieved in the Jordanian free-trade agreement and in the Generalized System of Preferences.

Morocco does have problems with child labor. Although not employed in regular manufacturing, child labor is commonly used in cottage industries, such as rug making, and many Moroccan middle-class households use children as domestic servants. The Government of Morocco did pass new labor laws last month which included raising the minimum working age from 12 to 15 and reducing the workweek from 48 to 44 hours, but a recent U.S. Department of Labor report indicates that enforcement of existing laws is severely constrained.

So while Morocco has been a good friend, while they are trying to make progress, I think our trade laws ought to bolster that progress in doing away with the worst forms of child labor.

I take into account these considerations when I determine whether I will support a given trade agreement, as well as the economic gains that may be generated.

As in the case of Chile, my concern about the lack of direct protection against the use of child labor was the overriding factor, so I voted no on the free-trade agreement with Morocco. Again, as I say, I do not want this to be misinterpreted in any way as any lack of support for our mutual friendship and the continued development of relations between the United States and Morocco.

APPROPRIATIONS

Mr. HARKIN. I was watching on the monitor when Senator BYRD was recently on the floor talking about the lack of considering appropriations bills. In 2 days, we are going to adjourn for recess. What do we have to show for it? By this point, the Senate should have passed most, if not all, of the 13 appropriations bills, but this year under the Republican leadership we have only passed one, the Defense bill. We have not even debated the 12 others, much less put them to a vote.

Why is that? Is it because we are so busy in the Senate that we cannot debate these? Hardly. We spent days talking about judges who stand no chance of being confirmed; days on an amendment to ban gay unions that everyone knew would not pass, could not even get a majority vote, let alone 67 votes needed for a constitutional amendment. We spent weeks on a class action bill because Republican leadership did not want to consider amendments on which they thought they might lose.

Meanwhile, the Senate leadership has taken no action on increasing the minimum wage or extending unemployment benefits that could really make a difference for hard-working Americans.

The highway bill, which would create thousands of jobs, is now almost a year overdue, hung up by a veto threat of the White House. The bill to authorize Corps of Engineers projects that are important to farmers in my State was passed by the committee a month ago. There is no sign of any consideration in the Senate.

According to the Senate leadership, there is no time to take up appropriations bills that provide funding for critically important Government services. Passing the appropriations bills ought to be one of our top priorities. These bills pay for everything from roads and veterans health to homeland security and education. But here it is, July 21, with only 21 legislative days remaining in the fiscal year, and we have passed one appropriations bill.

That is all.

As the ranking Democrat on the Labor, Health, Human Services and Education Appropriations Committee, I find this very troubling. It is not the committee chairman's fault. I know Senator STEVENS is anxious to pass these bills. The same goes for the chairman of the Labor, Health, Human Services and Education Appropriations Subcommittee, Senator SPECTER. Our staffs have worked together closely on a bill. We are ready to mark it up on a moment's notice, but the White House and the Republican leadership in the Senate seem to have no interest in moving any appropriations bill other than Defense.

The reason is simple when one thinks about it. If these appropriations bills get debated on the Senate floor, everyone will see what the Republican Party's priorities are. It will be very clear. The Republican Party is out of touch with middle-class and low-income Americans. Education is a case in point. Two and a half years after President Bush signed the No Child Left Behind Act, it is obvious he has no intention of providing the funding to make it work. President Bush's budget for next year shortchanges the No Child Left Behind Act by a whooping $9.4 billion.

No wonder we hear from school boards, teachers, and principals all over our States complaining about the No Child Left Behind Act. It is an unfunded Government mandate, the biggest of all, telling our local schools what they have to do, and yet we do not provide the funding that was promised by the President, $9.4 billion less than what he promised, and it is shortchanging our schools.

Look at title I in education. That is the Federal program that specifically serves disadvantaged children who are at the most risk of falling behind and being left behind. The President's budget shortchanges this program by more than $7 billion. Now we are up to $16 billion in two cases of education.

It is the same story with kids with disabilities. The President's budget provides less than half of the level Congress committed to paying when the Individuals with Disabilities Education Act was passed in 1975. Meanwhile, Mr. Bush continues to oppose the bipartisan legislation Senator HAGEL and I have offered to fully fund this law.

On higher education, the President offers virtually no help to low- and middle-income students who cannot afford to go to college. Under President Bush's budget, the maximum Pell grant award would be frozen for the third straight year while college tuitions continue to rise through the roof.

The level of Pell grants in the President's budget next year will be lower than it was in 2002. One wonders why so many students cannot afford to go to college now or why they are borrowing more money and graduating with these big debts. Well, maybe that is the administration's goal: Get these kids to borrow more money from the banks, pay these big interest rates, pay it back, rather than making Pell grants, which they should be providing.

Meanwhile, President Bush's budget eliminates funding entirely for programs like school counselors, arts and education, gifted and talented programs, and dropout prevention, all zeroed out in the President's education budget.

The administration says there is no money to do this, no money to make good on the pledges made only 2 years ago.

Well, I am sorry if I strongly disagree. Bear in mind that in this same budget with all of these cuts to education, the President calls for another $1 trillion in tax cuts.

It seems to me if there is room for $1 trillion in tax cuts, surely there is room for $9.4 billion to fund the No Child Left Behind education bill. That would be less than 1 percent of the proposed new tax cuts.

Time and again we hear this administration say, well, education reform is not about money. It is true, education reform is not only about money, but let's be real: If we are going to modernize school buildings, it costs money. If we are going to buy up-to-date textbooks and school technology, guess what. It costs money. If we are going to reduce class sizes, it costs money. If, under the No Child Left Behind Act, we want highly qualified teachers in the subjects in which they teach, guess what. It costs money. And if we want to ensure all kids with disabilities are learning at the proficient level as required by the new law, guess what. It costs money. If we want to ensure all young people, regardless of income, have a shot at going to college, guess what. It costs money. Unfortunately, money is something we do not get very much of in the President's education budget.

If they want a tax break for the wealthy, they get $1 trillion. If we want to fund education, forget it in the President's budget.

We Democrats tried to increase funding for education during the debate on the budget resolution in March. We offered amendments on the No Child Left Behind Act, on afterschool centers and Pell grants, but the Republican majority rebuffed us every time. Now the Republican leadership in the Senate will not even give us a chance to debate an education appropriations bill and offer amendments on the floor of the Senate. They will not even give us a chance to do that.

A couple of years ago when the President signed the No Child Left Behind bill, he seemed to think that education was an important Federal responsibility—Federal, not local. The President signed the No Child Left Behind Act, a Federal mandate to local schools. If the President thought 2 years ago that education was an important Federal responsibility, why is the President so reluctant to have us take up an appropriations bill that would fund this law?

I believe I know why. The Republicans have backed themselves into a corner. They are doling out so many tax cuts for the rich that they do not have any money left to fund our Nation's schools. They know if they offer an education bill with the limited amount of money they are willing to spend on students, there is going to be a huge outcry across the country. The American people would see what the President really stands for. They would see, in black and white, that this administration has no real interest in leaving no child behind.

Four years ago we were looking at over $5 trillion in surpluses over 10 years, with the Federal Reserve talking about the great economic effects of completely paying off the Federal debt by 2009. That was 4 years ago.

Four years later, now, this year, we are facing a record deficit of over $400 billion just this year. There are many reasons for that turnaround, but the biggest by far is the tax cuts. About half of the tax cuts we have passed here go to people averaging an income of over $1 million a year. Let me repeat that: Over one-half of those tax cuts that we have passed here go to people averaging an income of over $1 million a year.

This administration's misguided tax policies are undermining our Nation's fiscal strength; they are weakening our economy, jeopardizing Social Security, and reducing our ability to provide for the needs of our children and our Nation's education. It is no wonder that the Senate Republican leadership wants to avoid the issue of education funding. They do not want to bring the education funding bill out on the floor for open debate and amendments. They just want to sweep it under the rug and hope that no one notices.

The Republican Party controls the Senate schedule, so they have that power. But I urge them to reconsider. Let's mark up the bill in subcommittee, to the full committee, and bring it to the floor.

As I said, Senator SPECTER has done his job. My staff worked with his staff. We have a bill that is ready to go. Bring it out here. Let's have a good debate about how much we want to fund education. Give the public a chance to weigh in and see an open debate. Let's have amendments. Let's vote on them. I thought that was the way the process was supposed to work.

Maybe my friends on the other side of the aisle are right. Maybe people

really do care more about tax cuts for the rich than about funding education. I don't think that is so, but there is only one way to find out. That is to bring the education appropriations bill to the floor in open debate and let Senators on both sides of the aisle offer their amendments. Let's vote on those amendments, and let's see how the elected Representatives of the people of this country feel about funding education after those debates and after those votes. As I said, it seems to me this is the way our democratic system is supposed to work.

Again, I urge the Republican leadership: Bring out our appropriations bills. I focus on education because I happen to be the ranking member on the appropriations subcommittee dealing with education, health, and labor. There are so many more, as I mentioned, such as the highway bill and homeland security, that we need to get through on the Senate floor. There are 21 days left, and we have passed only one appropriations bill.

The Senate is not doing its business. It is time we do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business for 15 minutes.

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

Mr. DURBIN. Thank you, Mr. President.

DARFUR, SUDAN

Mr. DURBIN. Mr. President, 1,000 people died there yesterday, 1,000 people will die there today, 1,000 more will die tomorrow and the day after that, and then the next day for as long as we can possibly imagine. I am speaking of Darfur, Sudan. In that region of the world this year, 300,000 people may be dead; 1½ million people in Sudan are homeless. Villages have been decimated, women have been systematically raped, crops have been destroyed, and wells have been poisoned with human corpses. This is genocide. Let us not mince words. It demands action.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires signatories, including the United States of America, to prevent and punish acts that are ''committed with the intent to destroy, in whole or in part, a national, ethical, racial or religious group.'' That is exactly what is taking place in Sudan today.

We in the United States have to join with civilized nations around the world to stop the genocide in Darfur because we have failed sometimes before. We failed knowingly time and time again in the 20th century. Ten years ago we failed the people of Rwanda.

Samantha Power is the author of a book which I have read, a book which haunts and inspires me. It is a book entitled ''A Problem From Hell: America and the Age of Genocide.'' She wrote, ''The United States had never in its history intervened to stop genocide and had in fact rarely even made a point of condemning it as it occurred.''

That is a terrible condemnation on our Nation, and it is one that I think calls us all to action in Sudan.

This is not a partisan issue. I want to salute my colleagues on the Democratic side, Senator JON CORZINE of New Jersey, and on the Republican side Senator SAM BROWNBACK of Kansas and Senator MIKE DEWINE of Ohio. They have spoken out on this floor time and time again about the genocide in Sudan. They remember, as I remember, what happened in Rwanda—what happened while I was a Member of Congress, and while I did not pay as much attention as I should have.

Ten years ago, between 800,000 and a million people were butchered in Rwanda. The killings took place with terrifying efficiency. The weapons of mass destruction were simple: the machete, the club, the torch. Those with enough money in Rwanda were sometimes able to pay their killers to shoot them rather than hack them to death with a machete. These killings were crudely carried out and executed, but they were carefully orchestrated. They were designed to wipe out an ethnic group, the Rwandan Tutsis, from the face of the Earth, along with any other moderate Hutus who dared to question the ruling ideology.

Bill Clinton, a man I count as a friend, was President of the United States when this occurred. He read a series of articles about the killings in Rwanda. He turned to his National Security Adviser Sandy Berger and asked, Is what they are saying true? How did this happen? Bill Clinton came to realize after the genocide in Rwanda that the United States had made a historic, tragic mistake of not speaking up, of not moving with other nations to stop what happened in Rwanda. He visited that country and apologized on behalf of our country and the rest of the world for ignoring, for standing idly by, while a million people died. That happened in Rwanda because the United States allowed it to happen.

I am dwelling on Rwanda today, but the crisis is in Sudan. Why? Because years from now I don't want those of us serving in Congress to be asked about Sudan, How did this happen? We know how it is happening, and we know it continues to happen even as we speak.

Ten years ago, seven Tutsi pastors trapped in a hospital that was no sanctuary wrote to the world pleading for intervention and assistance. Here are their words: ''We wish to inform you that we have heard that tomorrow we will be killed with our families.'' There was no intervention. There was no help. And the next day, these Christian pastors and their families were killed, and hundreds of others with them.

We failed to act in Rwanda. We cannot fail to act in Darfur, Sudan. For months, in western Sudan, the janjaweed, Arab militias—death squads—have waged war on the ethnic African villagers. They have killed thousands outright. They have engaged in massive, systematic rape and told their victims that they hoped they would produce ''light-skinned'' babies. They have made 1.5 million people homeless, some internally displaced and some forced into Chad and other neighboring nations. The Sudanese Government, a government which should be protecting its people, has conspired in this mass murder and contributed to it by deliberately shutting out international humanitarian efforts to reach the refugees. Starvation, disease, and exposure to the elements are also the weapons of genocide.

My family grew up in Springfield, IL in a typical American community and typical American neighborhood. Next door were our closest friends, the Mays family. There was a young woman, a young girl when I first met her, who grew up with my kids. Her name is Robin Mays. She is an amazing young woman who succeeded in so many different facets of life and decided to enlist in the Air Force right out of college. She was in the Air Force for 7 years as an officer in charge of logistics. When she came out of the Air Force, she came to me and said, I would like to do something that uses my skills that might help people. I put her in contact with the World Food Program. She went to Ethiopia, and she was involved in dealing with the refugee problems and feeding thousands. She came back to the United States and went to work for USIA. A few months ago, she was sent to the Sudan, and she is there. She is working in Sudan now with the victims of genocide, with the refugees. The other day she sent an e-mail to her family. She shared it with me. She was so excited because she heard there were actually people in the United States talking about what was happening in Sudan. It was encouraging to her that the rest of the world even knew what was happening in Sudan. She didn't hold any great hope that we would run to her aid and find some relief for these poor victims, but she was so encouraged that we even knew and that we even cared.

What a sad commentary on a great nation like the United States and many other great nations around the world, that that is the best we can do to acknowledge the problem, to express our concern.

An estimated 180,000 Sudanese have fled to Chad, one of the poorest countries in the world. Hundreds of thousands more are displaced within Sudan, roaming around, trying to look for a safe place or something to feed their children. When you look at the images

of the mothers in the Darfur region, Sudanese mothers and their children with matchstick legs, covered with flies, dying, starving right before our eyes, we have to ask, are we doing what we should? Is the United States doing what it should?

We have to take steps, and we have to take them now, to stop this mass slaughter. We start by calling it what it is—genocide—and by labeling it a genocide. It calls all who signed the treaty to action to prevent genocide, not just to care but to do something. The United States and the United Nations must both label this for what it is. Secretary of State Powell has stated that Sudan is ''moving toward a genocidal conclusion.'' That is short of calling it a genocide, but I give the Secretary of State credit. In many times gone by, when a genocide was occurring, we could not even bring ourselves at the official level to acknowledge it. Secretary of State Powell is doing that, and I salute him for it. Sudan has reached the stage of genocide, but that genocide has not reached its final conclusion. There is still time to save the lives of hundreds of thousands.

On Friday of this week, many of us will leave this Chamber. We will be off to political conventions, campaigns, time with our families, vacations. The first part of September, we will return. Six weeks from now, 45 days from now, we will be back, but during that 45-day period of time, 40,000 or 50,000 innocent people will die in the Sudan. There is no vacation from genocide. There is certainly no vacation from the Sudan. I try to imagine, as I stand here with all the comforts of being a U.S. Senator in this great country, what it must be like to be a mother or a father in that country now watching your children starve to death, fearing systematic rape, torture, and killing, which have become so routine.

We have to do something. We have to do it now. Congress should move to pass resolutions to let the world know we are prepared to move forward. Senator BROWNBACK, a Republican from Kansas, and Senator CORZINE, a Democrat from New Jersey, are pushing forward a resolution that we should not leave this city for any length until it is enacted. But we need not just words. We need to continue to send assistance, as we have, and we deserve credit as a nation for caring and reaching out, but we need to do more—food, water, medicine, but also security for foreign aid workers to get in and to allow the Sudanese refugees to return home.

The United Nations Security Council has failed as well. It has been stymied by several nations which don't want to hold the Sudanese Government responsible for what is happening. We need to move immediately. I know our new U.N. ambassador, Jack Danforth, a man whom I greatly respect, a man of conscience, understands this, as we do. He needs to push those members of the Security Council to get the United Nations to act on Darfur and the Sudan immediately. We need to intervene. We need to see whether, in the 21th century, international institutions such as the United Nations can succeed where others have failed.

The United States also has rich intelligence resources and capabilities that track militia activity. We have 1,800 troops on Dijibouti who could join an international humanitarian mission. Ultimately, it is the African Union that must supply the personnel to enforce security, but we can help.

President Bush—and I disagree with him on so many things, but I have to give him credit where it is due—helped in Liberia with a handful of marines prepared to act. They brought stability to a situation that seemed out of control. We need that same leadership again from this White House, from this Department of Defense, from the State Department, and from this Congress.

Security is a prerequisite in this country of Sudan for helicopter and truck transport which is going to carry supplies to those who are literally starving to death. The Sudanese Government has to rein in these militias. It cannot continue to look the other way. It recently allowed some relief supplies to be offloaded, but the Government has helped unleash the genocide in the Sudan, helped arm and direct the Janjaweed. They cannot be trusted to see to their disarmament without international supervision. We have voted to extend millions in emergency assistance to Sudan, but that assistance will never reach them unless we create conditions on the ground that allow its distribution.

Mine is only one voice in a Chamber of 100 Senators, in a nation of millions of people. I don't know that what I have to say in the Senate will have an impact on anyone, but I could not and many of my colleagues could not countenance leaving Washington in good conscience for an August vacation recess and acting like the carnage in Sudan is not occurring. It is genocide. Those in the civilized world must stand up and not only condemn it but take action to bring it to an end as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Minnesota.

Mr. COLEMAN. Madam President, I rise to speak on a matter different than what my friend and colleague from Illinois has spoken about, but before I do, I associate myself with his comments.

I stand with him and others on both sides of the aisle in asking the question, Are we doing all that we should be doing in the Sudan? Genocide is occurring. We can have debate about the legal definition of genocide, but for the folks who are experiencing the pain and the suffering, the torture, they are not interested in legal debate.

I hope we heed the call of my friend from Illinois, that before we leave, before we go home to be with our families and do the things we do in our State and throughout this country, that we at a minimum speak out, that at a minimum the voice of this Congress be heard, and that we then move forward on the path, beyond speaking out, that will provide some action, that will provide a level of safety, security, and comfort, the basic things that need to be done in the Sudan.

As I listened, I want my friend from Illinois to know that his words have had impact. I hope they echo far beyond these halls and that we do what should be done, that we make a statement in this Congress, that statement be turned into action, and that action has some impact.

(The remarks of Mr. COLEMAN pertaining to the introduction of S. 2715 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COLEMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. FRIST. Madam President, last night I filed a cloture motion on the Sixth Circuit judicial nomination of Henry Saad. That vote will occur tomorrow morning. Two additional Sixth Circuit nominations are on the Executive Calendar, ready for consideration. I am prepared to ask unanimous consent for time agreements and up-or-down votes on these nominations; however, I understand that there will be objection from the other side.

I ask the Democrat leadership if it is true they would not agree to a time agreement on these Sixth Circuit nominations?

Mr. REID. The majority leader is correct.

NOMINATION OF RICHARD A. GRIFFIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

NOMINATION OF DAVID W. MCKEAGUE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

Mr. FRIST. With that objection, I ask unanimous consent that the Senate proceed en bloc to the nominations of Calendar No. 789, Richard Griffin, to be U.S. Circuit Judge for the Sixth Circuit, and No. 790, David McKeague, to be U.S. Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Without objection, the clerk will report the nominations.

The legislative clerk read the nominations of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit;

David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

CLOTURE MOTIONS

Mr. FRIST. I send a cloture motion to the desk on the first nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in according with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 789, Richard A. Griffin of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. FRIST. I now send a cloture motion to the desk on the second nomination.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Executive Calendar No. 790, David W. McKeague of Michigan, to be U.S. circuit judge for the Sixth Circuit.

Bill Frist, Orrin Hatch, Lamar Alexander, Charles Grassley, Mike Crapo, Pete Domenici, Lincoln Chafee, Mitch McConnell, Ted Stevens, George Allen, Lindsey Graham, John Warner, Jeff Sessions, John Ensign, Trent Lott, Jim Talent, Pat Roberts.

Mr. FRIST. I ask the mandatory quorums under rule XXII be waived and further that the votes on these nominations occur tomorrow in a stacked sequence, on Thursday, following the Saad cloture vote, unless cloture is invoked on any of the nominations.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period for morning business with Senators speaking for 10 minutes each.

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

HONORING EL MUNDO ON 24TH ANNIVERSARY

Mr. REID. Madam President, I rise today to congratulate El Mundo on its 24th anniversary and to recognize the tremendous importance of this weekly newspaper to Nevada's Spanish-speaking community.

The oldest continuing Spanish language newspaper in southern Nevada, El Mundo has grown dramatically over the last 24 years to a current readership of more than 120,000. The newspaper not only provides insightful coverage of important issues facing Nevada and the Nation, but also provides a window into the life and times of southern Nevada's Latino community.

By giving consumers the information they need to make important purchase decisions about everything from clothing to cars to homes, El Mundo's commercial listings have helped thousands of new residents acclimate to life in the region, and fueled the economic engine of southern Nevada.

The growth of El Mundo has paralleled the growth of Nevada's Latino community. When El Mundo was founded in 1980, about 50,000 Latinos lived in Nevada, representing 6 to 7 percent of the population. Today the Latino population approaches the half million mark and accounts for as much as 25 percent of our State's population.

El Mundo not only reflects the growing prominence of Latinos in Southern Nevada but also provides a channel through which this vibrant and diverse community is helping to shape the future of Nevada's economic, political, and cultural life.

I also want to take a moment to recognize Edward Escobedo, the founder and publisher of El Mundo, whose dedication and leadership has been indispensable to the growth of the newspaper. He and his colleagues can take great pride in transforming their vision into a southern Nevada institution. Eddie has been a leader in charitable and civic affairs in the greater Las Vegas area for decades. Nevada is a better place because of Eddie Escobedo.

LAS VEGAS INTERNATIONAL FOLK FESTIVAL

Mr. REID. Madam President, I rise today to recognize the Las Vegas International Folk Festival, which was held June 18 through 20.

Hosted by the Mexico Vivo Dance Company, the Festival brought together artists from around the world to celebrate the artistic traditions of the United States, Latin America, Europe, Asia, Africa, and the Caribbean.

All of the festival's performances were free to the public, providing the residents of Las Vegas with a wonderful opportunity to experience the world's diverse artistic and cultural heritages. Some 500 performing artists and dance students participated in this 3-day event.

I want to take a moment to recognize Ixela Gutierrez, the festival's founder and artistic director, who helped make this wonderful event possible. Among the leading artists in Nevada, Ms. Gutierrez has enjoyed a successful soloist dance career with The National Folkloric Ballet of Mexico, served as company director of Ballet Ollimpaxqui, and choreographed six seasons for the Las Vegas Civic Ballet. She also founded the Mexico Vivo Dance Company in Las Vegas in 1995 to preserve and share the rich artistic heritage of Mexican and Latin American folk dances.

Ms. Gutierrez has been recognized by many organizations throughout her career, and she received a special Award of Distinction in Culture from the Latin Chamber of Commerce of Las Vegas. She also has enjoyed the honor of performing for President Bush at the White House's Cinco de Mayo celebration. She is now focusing her energy and talent on building a new Las Vegas tradition, by making the International Folk Festival an annual event.

I also recognize the sponsors of this outstanding event: Fitzgerald's Hotel and Casino, Fremont Street Experience, Nevada Youth Alliance, and Mexican Patriotic Committee.

The inaugural Las Vegas International Folk Festival was a great success, and I am sure everyone who attended is looking forward to next year's event.

HONORING OUR ARMED FORCES

SERGEANT 1ST CLASS LINDA TARANGO-GRIESS

Mr. NELSON of Nebraska. Madam President, I rise today to honor SFC Linda Tarango-Griess of Sutton, NE.

Sergeant First Class Tarango-Griess served bravely in the 267th Ordnance Company of the Nebraska National Guard, which was deployed in February from Fort Riley, KS. She selflessly gave her time and her expertise to preserving American ideals through her service to the Guard. At the time of her death, she was serving in Samarra, Iraq, when an improvised explosive device detonated near her convoy vehicle.

Those who knew Sergeant First Class Tarango-Griess were continually inspired by the example of leadership she set, her positive attitude and her confidence were great assets to her and her colleagues. Her family recently set up a memorial in North Platte, NE. One poster, especially, demonstrated the ongoing optimism that she helped others to see. This poster reads: ''We will miss you. No goodbyes. See you later.''

My thoughts and prayers are with the family and friends of SFC Linda Tarango-Griess, but she will remain as a beacon of dedication and patriotism to all Americans from her shining example of commitment through her service to the Armed Forces.

SERGEANT JEREMY FISCHER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SGT Jeremy Fischer of Lincoln, NE.

SGT Jeremy Fischer bravely dedicated his life to our Nation through his service with the 267th Ordnance Company of the Nebraska National Guard. Sergeant Fischer was deployed in February from Fort Riley, KS, and was serving in Samarra, Iraq at the time of his death on July 11, 2004, when an improvised explosive device detonated near his convoy vehicle.

While SGT Fischer was in Iraq, he used his knowledge and skills to serve

the National Guard as a chemical repair specialist, and was part of a team that installed armor kits on Humvees to protect soldiers.

Those who knew him know that he embodied all the qualities people admire about Nebraskans. His presence was an asset in any situation. His warmth and personality will be missed among his fellow troops, his friends, and especially his wife and his family.

I extend my sincerest thoughts and my deepest thanks to the family of SGT Fischer. He will be remembered for the service he has given to the American Armed Forces, and the ultimate sacrifice he has made for our country.

REMEMBERING THE NAPER 28

Mr. NELSON of Nebraska. Madam President, August 3, 2004 marks the 60th anniversary of what is believed to be the worst military aviation disaster in the history of the State of Nebraska. At 8:25 p.m. an Army C–47 transport airplane dropped from the sky near Naper, NE, killing 28 brave World War II servicemen. The dead included 26 Army pilots, one flight surgeon, and an aircraft crew chief. They were traveling from the Bruning, NE air base to Pierre, SD to complete their training before being shipped off to war.

On August 8, Naper Historical Society of Boyd County, NE will dedicate a permanent memorial to the Naper 28. They raised funds for the Naper 28 Memorial through a donation campaign. What is perhaps most touching about this fundraising effort is not the funds themselves, not even the speed with which they came, but it was the sentiments attached by way of note or letter from other World War II veterans or their widows. At the time of the disaster, very little attention was paid to this aviation disaster. Though it commemorates the tragedy that befell the Naper 28, the memorial at Knollcrest Cemetery in Naper, NE, also bears witness to a more enduring lesson in bravery and valor and preserving the freedom that defines America.

No doubt, the town of Naper, and citizens throughout Boyd County are delighted finally to have a fitting memorial for the 28 servicemen who lost their lives in 1944. It is fitting that the Naper 28 Memorial will be dedicated the same year as the National World War II Memorial in Washington, DC. This year marks an especially commemorative year for America's veterans, and is a year when all Americans gratefully remember and honor the bravery and valor with which America fought in World War II.

Anniversaries, like the 60th anniversary of D–Day and the 60th anniversary of the Naper 28, are important reminders about our history as a Nation, and about our character as Americans.

As America pauses to recall the thankless bravery and sacrifice of those who died protecting our freedoms on D–Day, the people of Naper and all Nebraska also pause to remember the tragedy and sacrifices and lost opportunities of the Naper 28.

I submit the names of the brave souls of the Naper 28, as they appear on the memorial in Naper, NE, as further commemoration of their sacrifice.

They are as follows:

THE NAPER 28

F/O John F. Albert
2nd Lt. Willam F. Acree
2nd Lt. William Armstrong
2nd Lt. Millard F. Arnett, Jr.
2nd Lt. Herbert A. Blakeslee
2nd Lt. George E. Broeckmann
2nd Lt. Robert K. Bohle
2nd Lt. Jack L. Brown
2nd Lt. Richard E. Brown
2nd Lt. James C. Burke, Jr.
2nd Lt. Donald J. Clarkson
2nd Lt. Lloyd L. Hemphill
Sgt. Orson I. Hutslar
2nd Lt. Arthur Johnson
Capt. Clayton R. Jolley
Capt. Leonard C. Jolley
2nd Lt. Gerald C. Keller
2nd Lt. Jack E. Lytle
Capt. Stanley J. Meadows
2nd Lt. Robert E. Nesbitt, Jr.
2nd Lt. Bernard W. O'Malley
2nd Lt. Anthony J. Paladino
2nd Lt. Bruce S. Patterson
2nd Lt. Lelan A. Pope
2nd Lt. Charles V. Porter
Capt. Leslie B. Roberts
2nd Lt. Pat N. Roberts, Jr.
2nd Lt. LaVon H. Sehorn

MASS MURDER OF ROMA AT AUSCHWITZ SIXTY YEARS AGO

Mr. CAMPBELL. Madam President, during World War II, some 23,000 Roma were sent to Auschwitz, mostly from Germany, Austria, and the occupied Czech lands. Sixty Years ago, on the night of August 2 and 3, the order was given to liquidate the ''Gypsy Camp'' at Auschwitz. Over the course of that night, 2,898 men, women, and children were put to death in the gas chambers. In all, an estimated 18,000 Roma died at Auschwitz-Birkenau.

During the intervening years, Aug. 2 and 3 have become days to remember the Porrajmos, the Romani word that means ''the Devouring,'' and to mourn the Romani losses of the Holocaust.

As the U.S. Holocaust Memorial Museum has suggested, Roma are ''understudied victims'' of the Nazis. What we don't know about the Romani experiences during the war is far greater than what is known.

But we do know that the fate of the Roma varied from country to county, and depended on many factors. We know that, in addition to the atrocities in Auschwitz, thousands of Roma were gassed at Chelmno. We know that an estimated 90 percent of Croatia's Romani population—tens of thousands of people—were murdered. We know that approximately 25,000 Roma were deported by the Romanian regime to Transnistria in 1942, where some 19,000 of them perished there in unspeakable conditions. We know that in many places, such as Hungary, Roma were simply executed at the village edge and dumped into mass graves. We know that in Slovakia, Roma were put into forced labor camps, and that in France, Roma were kept in internment camps for fully a year after the war ended.

Still, far more research remains to be done in this field, especially with newly available archives like those from the Lety concentration camp in the Czech Republic. I commend the Holocaust Museum for the efforts it has made to shed light on this still dark corner of the past, and I welcome the work of nongovernmental organizations, such as the Budapest-based Roma Press Center, for collecting the memories of survivors.

I do not think I can overstate the consequences of the Porrajmos. Some scholars estimate that as many as half of Europe's Romani minority perished. For individuals, for families, and for surviving communities, those losses were devastating. Tragically, the postwar treatment of Roma compounded one set of injustices with others. Those who were most directly involved in developing the Nationalist-Socialist framework for the racial persecution of Roma—Robert Ritter and Eva Justin—were never brought to justice for their crimes and were allowed to continue their medical careers after the war. The investigative files on Ritter—including evidence regarding his role in the forced sterilization of Roma—were destroyed. German courts refused to recognize, until 1963, that the persecution of Roma based on their ethnic identity began at least as early as 1938. By the time of the 1963 ruling, many Romani survivors had already died.

During my years of service on the leadership of the Helsinki Commission, I have been struck by the tragic plight of Roma throughout the OSCE region. It is not surprising that, given the long history of their persecution, Roma continue to fight racism and discrimination today. I commend Slovakia for adopting comprehensive antidiscrimination legislation in May. As the OSCE participating states prepare for a major conference on racism, discrimination, and xenophobia, to be held in September, I hope they will be prepared to address the persistent manifestations of racism against Roma—manifestations that often carry echoes of the Holocaust.

NEED FOR THE INDEPENDENT NATIONAL SECURITY CLASSIFICATION BOARD

Mr. GRAHAM of Florida. Madam President, I am delighted to join my colleagues Senator WYDEN, Senator LOTT and Senator SNOWE in introducing a bipartisan bill that will begin to address our Government's dangerous tendency toward excessive secrecy.

I start from the belief that, in our democratic society, the people should have access to all information which their Government holds in their behalf. The only exceptions should be for necessary personal and company privacy concerns, such as tax returns, and for

legitimate national security threats, such as protecting the sources and methods of gathering extremely sensitive information. The current level of abuse of our classification system is so egregious as to be laughable.

To make matters worse, when the Congress has sought to declassify important information, we have allowed the fox to guard the henhouse—we have allowed the CIA and other agencies to determine what gets released to the American public from reports that are critical of their conduct.

I am personally most familiar with the report of the House and Senate Intelligence Committees' Joint Inquiry into the intelligence failures surrounding 9/11. After our report was filed in December 2002, it took 7 months to get a declassified version that we could release. And after all those months, the intelligence agencies and the White House refused to declassify pages and pages of information that might have caused them embarrassment—but certainly did not threaten our national security.

The most famous instance of censorship is the 27 pages that detail foreign sources of support of two of the 19 hijackers while they were living among us and finalizing their evil plot. For all we know, that pattern of support continues to this day. But our report found a number of instances where failures to share information were in and of themselves threats to national security.

Had Federal agencies' watch lists of terrorist suspects been shared, especially with State and local law enforcement officials, police might have detained prior to 9/11 several of the hijackers when they were stopped for traffic offenses. We also have learned that the President's Daily Brief of August 6, 2001, listed a number of pending threats to our homeland, including hijackings of commercial aircraft. If only that information had been shared with the airlines through the FAA, the airlines could have heightened security on board aircraft and more thoroughly screened their passenger lists. Instead, no steps were taken.

One of the Joint Inquiry's recommendations, No. 15, called on the President and the intelligence agencies to review executive orders, policies and procedures that govern national security classification of intelligence information:

> in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and for the American public.

The recommendation also called on Congress to review statutes, policies and procedures governing classification. As the recommendation states:

> Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.

The report called on the Director of Central Intelligence, the Attorney General, the Secretary of Defense, the Secretary of Homeland Security and the Secretary of State to review and report to the House and Senate committees with ''proposals to protect against the use of the classification process as a shield to protect agency self-interest.''

Regrettably, none of the executive branch agencies have responded to the Joint Inquiry's directives on this issue. So I am pleased to join my colleagues in cosponsoring this legislation, which will create an Independent National Security Classification Board within the executive branch to force the administration and the intelligence agencies to respond and to implement new procedures and standards. Once a new classification system has been adopted, the independent board will have access to all documents that are classified on the basis of national security concerns and the authority to review classification decisions made by executive branch employees. If the board disagrees with a decision, it can make a recommendation to the President to reverse or alter the classification.

If the President doesn't adopt the board's recommendation, he must within 60 days explain his decision to Congress:

> and post such notification and written justification on the White House website.

This will, at the very least, let the American people know that they are being denied information.

COSPONSORSHIP OF S. 2623

Mr. FEINGOLD. Madam President, I discuss a very important issue to my home State of Wisconsin, and that is the time limits placed on Supplemental Security Income, SSI, benefits for refugees and other humanitarian immigrants.

Due to a provision included in the 1996 welfare reform law, some refugees and other humanitarian immigrants legally residing in the United States, including many members of the Hmong ethnic group, are beginning to lose their eligibility for SSI. The provision states that refugees and other humanitarian immigrants are only eligible for SSI for 7 years. Some of these legal immigrants have already lost their benefits, and for others the 7-year deadline is quickly approaching.

Many of the Hmong who currently reside in Wisconsin and throughout the U.S. provided invaluable assistance to the U.S. military during the Vietnam War. The Hmong made great sacrifices in fighting against communists in Laos and providing intelligence to the CIA, and could no longer stay in the region out of fear for their safety. In return for their sacrifices for our Nation, we relocated them to the United States, along with their families, to live under refugee or humanitarian immigrant status.

The refugees and other humanitarian immigrants who depend on SSI are elderly or disabled and often lack any other financial resources. Many Hmong currently have applications for citizenship pending, and have been waiting for over 2 years for their applications to be processed by the Immigration and Naturalization Service and now the Department of Homeland Security. Others are suffering from serious mental or physical disabilities that prevent them from completing the requirements necessary to obtain citizenship. Losing their SSI eligibility will cause significant strain to those Hmong who rely on SSI as their only financial means.

I am proud to cosponsor S. 2623, the SSI Extension for Elderly and Disabled Refugees Act, which was introduced by Senator SMITH. This bill would extend the 7-year deadline by 2 years, giving those refugees who depend on SSI some additional time to navigate the naturalization process.

It is my sincere hope that this bill will be taken up and passed quickly, since time is of the essence for this population. Many of the Hmong risked their lives to help the United States and I believe that the U.S. Government should do all it can to provide for them in their time of need.

AMERICAN HOSTAGES IN COLOMBIA

Mr. DODD. Madam President, last February, I rose before the Senate to draw attention to the fate of three Americans taken hostage by the Revolutionary Armed Forces of Colombia (FARC)—Marc Gonsalves, Keith Stansell, and Thomas Howes. It has been 5 months since then—17 months since Marc, Keith and Tom were captured. Since that tragic day, these Americans and their families have lived in fear, never knowing what tomorrow may bring. I say today what I said then—there must be no higher priority than ensuring that Marc, Keith and Tom return safely home. I commend the actions taken thus far by United States and Colombian officials to find these brave Americans, but I urge them to redouble their efforts.

Marc, Keith and Tom were taken captive when their plane crashed in FARC controlled territory on February 13, 2003. Two individuals, an American pilot, Tom Janis, and a Colombian intelligence officer, were killed by the FARC at the crash site, and Marc, Keith and Tom have remained in captivity since that time. A video documentary released last year containing interviews with the three men dramatically underscores the urgency of their dire situation.

I know that all of our prayers remain with these Americans and their families. As any parent knows, it is impossible to describe the pain these families suffer knowing that their sons are in danger, unable to communicate with them, and uncertain whether they will ever see them again. Marc Gonsalves' mother, Jo Rosano, is a Connecticut

resident. When I met with her in February, I pledged that I would do everything possible to return her son. I stand by that pledge today.

To that end, I have met with President Uribe and Colombian officials and urged them to secure Marc, Keith and Tom's release. President Uribe has assured me that Colombian authorities are working to locate these Americans and that Colombia will not end its search until they are found.

I have likewise urged the Bush administration to provide all necessary assistance to locate and gain the release of Marc, Keith and Tom. During a hearing last year before the Senate Foreign Relations Committee, I urged William Wood, Ambassador to Colombia, to make their well-being and safe release his highest priority. Ambassador Wood agreed to do so and promised to keep me informed about developments as they occur. I thank him for his efforts to date.

Unfortunately, rescuing these three Americans will not be easy. But while doing so may not be easy, it is essential—it is our duty. We must leave no stone unturned in our efforts to secure their release. And we must make sure that their families know that we have not forgotten their sons and will not rest until we find them. I will continue to work tirelessly on behalf of Marc, Keith and Tom, and I urge the Bush administration and the Colombian government, to do everything in their power to expedite their return.

NOMINATION OF WILLIAM G. MYERS III

Mr. JOHNSON. Madam President, yesterday the Senate voted on the nomination of William G. Myers III who has been nominated for a position on the Ninth Circuit Court of Appeals. The Ninth Circuit includes most western States as well as Alaska and Hawaii. These western States contain a vast portion of our natural resources and is home to many of our Native Americans, Alaskan Natives and Hawaiian natives.

President Bush nominated Mr. Myers on May 15, 2003 while he served as Solicitor General for the Department of Interior. He was voted out of the Judiciary Committee on April 1, 2004, by a party line vote of 10–9.

A large portion of Mr. Myers' 22-year legal career has been in Washington working as a lobbyist and as a governmental lawyer in Republican administrations. During his legal career, Mr. Myers has never served in a judiciary capacity; he has never participated in a trial, and has received a partial Not Qualified rating from the American Bar Association, its lowest rating.

During his tenure as Solicitor General he has shown his contempt for environmental protections and has disregarded the necessary input of Native Americans into decisions that directly affect them. As Solicitor, he reversed an opinion made by his predecessor during the Clinton administration regarding the interpretation of a statute. This reversal led to the issuanc of a permit to the Glamis Company to open and operate the Glamis Imperial Mine on Quechan Indian Sacred land. The decision to overturn this opinion was done without government-to-government consultation with the Quechan Indian Tribe, which is required by the policies implemented by the executive branch. Despite requests made by the Quechan Indian Tribe to meet with the Interior Department, he never made any attempts to convene with the tribe while Solicitor, yet had several meetings with the Glamis Company regarding this gold mine.

Mr. Myers placed his mining industry ties before all others. It is his judgment demonstrated here that lead the nonpartisan National Congress of American Indians to oppose this judicial nomination for the first time in this organization's 60-year existence.

The nomination of Mr. Myers is opposed by more than 175 environmental, Native American, labor, civil rights, disability rights, women's rights and other organizations. The New York Times, the Los Angeles Times, and the San Francisco Chronicle have editorialized in opposition to his confirmation.

Now, I point out that I have voted and the Senate has confirmed many conservative judges. Do I like their politics? Probably not. Will I be happy with their rulings all of the time? No. Do I think they can resist partisan activism while serving on the bench? Yes. Regardless of a judge's political leanings, I will support a nominee who understands and is respectful of the rule of law. It is apparent that Mr. Myers will put industry ahead of our environment, the sacred land rights of Native Americans, and most importantly what is in the best interest of the general public.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On April 2, 2000, in Cedar Rapids, IA, Jason Allen was charged with allegedly attacking another man because he believed the man was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

• Mr. KERRY. Madam President, I am pleased to join my colleagues in the Senate—Chair of the Committee on Small Business and Entrepreneurship OLYMPIA SNOWE and former House Small Business Committee Chairman JIM TALENT—in support of legislation that will ensure the National Veterans Business Development Corporation is able to continue serving veteran small business owners.

In a letter to the Office of Management and Budget on March 19, 2004, the Department of Justice concluded that the Veterans Corporation is a government agency, and therefore subject to the laws, regulations, and guidance applicable to all executive branch agencies. This opinion by the admiration not only goes against congressional intent, but it severely undermines the ability of the corporation to deliver needed assistance to veteran entrepreneurs.

As a supporter of the original legislation that established the Veterans Corporation, I can tell you that Congress fully intended the Veterans Corporation to be a private entity and not a Federal agency. This bipartisan legislation simply clarifies the status of the Veterans Corporation and reaffirms Congress's original objective.

I urge all of my colleagues to support this legislation, which we seek to pass today. Passing this legislation expeditiously will mean that the Veterans Corporation can continue to carry out its congressionally mandated mission and that our veteran-owned small business are able to receive the development assistance they need to start and expand. •

THE SMART PROGRAM

• Mr. SMITH. Madam President, today I rise to recognize a proven early literacy program called SMART, which stands for ''Start Making A Reader Today.'' The program gives children who have difficulty reading the extra support and one-on-one attention they need to learn to read and succeed.

Each year, SMART matches more than 11,000 young children in Oregon with adult volunteers for weekly one-on-one reading sessions. Independent research shows that these relationships have a measurable impact on the students' reading performance. At a time when we are striving to better serve our Nation's students, this Oregon program is a model for the Nation. SMART has improved young Oregonians' performance on important benchmark exams, and has given students an important boost of confidence for continued academic success.

Twelve years ago, Johnell Bell was a first grader struggling to learn to read.

His teacher noted Johnell toiling to keep pace with his classmates, and recommended him for SMART. For several years, Johnell worked with one of SMART's 10,000 volunteers to develop his reading skills. With free books at his disposal, Johnell practiced reading at home and quickly developed into a star student and a dynamic young leader. Now a student at Portland State University, he is returning the favor. Every week, he spends time between classes with two SMART readers.

We should learn from proven successes and invest in programs that have a measurable impact on our children's future. By successfully mobilizing communities to improve the lives of thousands of children, SMART, and other programs like it, provide hope for America's children.●

U.S. INSTITUTE OF PEACE 2004 NATIONAL PEACE ESSAY CONTEST WINNER

● Mrs. CLINTON. Madam President, I would like to bring to my colleagues' attention the nationally recognized essay of one of my constituents, Vivek Viswanathan, a junior at Herricks High School in New Hyde Park, NY. I had the pleasure of meeting Mr. Viswanathan on June 23, 2004, when he visited my office during the United States Institute of Peace 2004 National Peace Essay Contest, NPEC Awards Week in Washington. The mandate of the United States Institute of Peace, as established by Congress, is to support the development, transmission, and use of knowledge to promote peace and curb violent international conflict. The Institute's annual NPEC, one of its oldest programs, is based on the belief that expanding the study of peace, justice, freedom and security is vital to civic education.

Mr. Viswanathan's essay, ''Establishing Peaceful and Stable Postwar Societies Through Effective Rebuilding Strategy'' was awarded first-place among the essays of his peers representing all 50 States, U.S. territories and overseas schools. In his essay, Mr. Viswanathan argues that to be effective, reconstruction efforts should be tailored to the specific post-war situation, obtain a large commitment of resources and assistance from the international community, and involve ''a nation's own people in a way that allows them to ultimately control their destiny and that eventually provides a clear exit strategy for international actors.'' I am proud of Mr. Viswanathan's commendable essay and congratulate him and his teachers at Herricks High School. Mr. Viswanathan is a bright and energetic student who will be a leader in his future endeavors. I would like to share with my colleagues a copy of Mr. Viswanathan's first-place essay. I ask unanimous consent that it be printed in the RECORD.

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

ESTABLISHING PEACEFUL AND STABLE POSTWAR SOCIETIES THROUGH EFFECTIVE REBUILDING STRATEGY

While the resolution of armed conflict may bring initial order within a war-torn nation, it does not guarantee long-term peace and stability. Establishing an orderly society from the ruins of war—enacting a workable political, economic, and social structure in a place where violence and instability have been the rule—is an undertaking that is necessarily complex. Moreover, the discontinuation of armed conflict does not imply resolution of the underlying concerns that caused the conflict. Humanitarian crises can compound problems. An inability to deal with these factors intelligently and effectively can cripple the rebuilding process and lead to renewed strife.

History has shown that the most effective rebuilding efforts integrate three important strategies. Firstly, they are tailored to the postwar situation with which they are dealing. An assessment of which factors-pose the gravest challenges to rebuilding in each post-conflict situation is absolutely necessary. Factors that destabilize rebuilding must not be addressed haphazardly but rather at their roots. Secondly, successful rebuilding involves a vast commitment of resources and assistance on the part of the international community. Piecemeal efforts will not suffice. Finally, rebuilding efforts must involve a nation's own people in a way that allows them to ultimately control their destiny and that eventually provides a clear exit strategy for international actors.

Case studies of the Marshall Plan in Western Europe and the U.N. and U.S.'s rebuilding efforts in Somalia in the early 1990s demonstrate the necessity of correctly identifying the most fundamental and pressing challenges of rebuilding, dealing with them in a powerful and forceful way, and involving a nation's people in rebuilding efforts in order to build a strong, self-sustaining society.

The Marshall Plan is a study in successful rebuilding. When World War II ended in 1945, the European continent was in tatters. America initially believed that limited aid and relaxed trade barriers would be enough to spur Europe to economic recovery. But by 1947, the economic situation was dire. The UN reported that postwar labor productivity in Europe was 40–50% of prewar levels, and low wages and food shortages compounded the problems. As the economy tanked, support for the Communist party in various countries began to grow. The U.S. began to fear Soviet domination of Western Europe.

By 1947, Secretary of State George Marshall understood the plight of the European continent and the danger it faced. ''The patient is sinking while the doctors deliberate,'' he told the American people. In a now-famous speech that year at Harvard University, Marshall laid out the European Recovery Program—the Marshall Plan—and brilliantly addressed the three important strategies of rebuilding. Firstly, he correctly assessed the situation in Europe. Marshall realized that the root problem that afflicted rebuilding efforts was economic and not political in nature. He emphasized that the effective way to stifle Communism was to address Europe's economic troubles. ''Our policy is directed not against any country or doctrine but against hunger, poverty, desperation, and chaos,'' Marshall said. ''Its purpose should be the revival of a working economy . . . to permit the emergence of political and social conditions in which free institutions can exist.''

Secondly, Marshall understood that for rebuilding to succeed, a massive investment of resources into Europe on the part of the U.S. was necessary. ''Assistance . . . must not be on a piecemeal basis . . . [it] should provide a cure rather than a mere palliative,'' he said.

Finally, Marshall understood that the chances of a rational and cohesive rebuilding effort would be greatly increased by allowing Europeans to retain much control over the rebuilding program. The U.S., he said, should limit itself to ''friendly aid'' and advice. The Marshall Plan's four-year timetable also provided a framework for success.

Eventually, between 1948 and 1952, the U.S. appropriated $13.3 billion dollars—a staggering sum in that day—for the Marshall Plan. The money was spent toward greatly increasing European productivity and modernizing factory and transport systems. And the Europeans had a hand in formulating a workable rebuilding policy.

The Plan was incredibly successful. Western Europe's gross national product climbed 32 percent during the Marshall Plan, and by 1952 agricultural production and industrial output exceeded prewar levels by 11 and 40 percent, respectively. Through the revived economy, Western Europe had been re-integrated into the free world; even as the U.S.S.R. dominated Eastern Europe, Western Europe would stand for four decades as a bulwark against Soviet expansion. Calling him a man who ''offered hope to those who desperately needed it,'' TIME named him its 1947 Man of the Year. And in 1953, Marshall was awarded the Nobel Peace Prize.

In contrast, the U.N. and U.S.'s post-conflict reconstruction experience in Somalia in the early 1990s demonstrates the consequences of an incompetent and halfhearted approach to nation-building. With the collapse of Mohamed Siad Barre's regime in 1991, Somalia plunged into civil war as various Somali clans engaged in a power struggle. The chaos triggered a great humanitarian crisis. Finally, after thousands were killed in intense fighting in Mogadishu, a U.N.-brokered cease-fire between rival clan leaders Mohamed Farah Aidid and Ali Mahdi Mohamed was achieved in March of 1992.

However, the U.N. and U.S.'s response afterward showed a disregard for the three important strategies of rebuilding. Firstly, the U.N. and the U.S. did not accurately assess the Somali situation. The immense humanitarian crisis blinded the international actors to the fact that the root problem that was afflicting reconciliation was political in nature. The initial U.N. and U.S. response in Operation Restore Hope sought to be purely hunianitarian in nature, when in fact the humanitarian and political situations were intertwined. The U.S. Deputy Chief of Mission to Somalia later wrote, ''The country's entire political and economic systems essentially revolved around plundered food'' that was stolen from the relief effort. Eventually, confronted with the deteriorating political situation, the U.N. Security Council authorized Resolution 794 in December of 1992, which allowed U.S. and international troops to use '''all necessary means'' to establish ''a secure environment for humanitarian relief operations in Somalia.'' Even at this point, guaranteeing political stability was seen as only a means for providing humanitarian relief, rather than an end in itself. This is a fine strategy for saving people's lives in the short-term—in fact, the intervention in Somalia saved tens of thousands of lives—but it is a poor strategy for rebuilding the fabric of a nation.

Secondly, the international community was not eager to put forth the significant monetary and troop commitment that successful nation-building entails. However, reductions in the troop force—from 25,000 to 4,200 by June of 1993—ultimately proved counterproductive. As James Dobbins, who

oversaw various postwar reconstruction efforts (including Somalia) while serving Bush and Clinton, put it, ''Only when the number of stabilization troops has been low in comparison to the population have U.S forces suffered or inflicted significant casualties.'' The international effort in Somalia was strikingly deficient.

Finally, the Somali mission failed to include many of the Somali people in rebuilding efforts. The cease-fire efforts attempted to treat the conflict as one between two major warlords, when there were actually many other disaffected people who went uninvited to peace talks. In fact, warlord Ali Mahdi Mohamed, given stature by his inclusion in the talks, attacked smaller clans the day after the U.N. invitation to talks. One U.N. advisor wrote that the international community's inability to recognize the importance of representation in Somali politics was ''central to nearly every failed peace conference.'' In the end, the concept of an effective exit strategy for international actors, which is designed to focus efforts on goals and results, instead degenerated in Somalia into a rationale for getting out.

After a clash between warlord Mohamed Farah Aidid and a U.N. force on June 5, 1993, and the battle between Aidid and U.S. forces on October 3, 1993 that left eighteen soldiers dead, Clinton ordered a withdrawal of American troops that was completed by March of 1994. The final U.N. troops left in February of 1995 as rival clans continued to fight. As his troops prepared to leave Somalia, Pakistani brigadier general Saulat Abbas lamented, ''We've been able to save a lot of people from hunger, disease. But we've not been able to contribute anything politically.'' The nation-building effort had failed.

The lessons of the Marshall Plan and international efforts in Somalia are clear. For those nations overrun by war, the cessation of violence is only a beginning. A careful and well-reasoned rebuilding and reconciliation effort that is uniquely relevant to the intricacies of each situation is necessary for the re-emergence of a strong society that can endure. In addition, international actors such as the U.N. and U.S. must truly be committed to investing all the resources necessary to build an orderly environment. This often means going against the prevailing political winds. Finally, the rebuilding of a nation must involve that nation's own people and provide for their society to eventually prosper on its own. With the proper approach and commitment in place, post-conflict rebuilding efforts can lead to societies that are peaceful, stable, and secure.●

WALTER JOHNSON—HALF A CENTURY OF SERVICE

● Mrs. BOXER. Madam President, I am pleased and honored to salute Walter Johnson, the distinguished secretary-treasurer of the San Francisco Labor Council, AFL–CIO. Walter is retiring after nearly two decades in this position and more than 50 years of outstanding service to the labor community and the people of the San Francisco Bay Area.

Born in North Dakota, Walter Johnson served his country in World War II and settled in San Francisco after his discharge. He got a job as an appliance salesperson at Sears Roebuck and joined Local 1100 of the Department Store Employees Union. Rising through the ranks of the union, he became its business agent in 1957 and was elected president a year later. He was elected secretary-treasurer in 1964 and reelected 11 times.

Walter was elected secretary-treasurer of the labor council in 1985, and has held this top post ever since. As the leader of more than 80,000 workers in 140 local unions and constituency groups, Walter Johnson represents the face and voice of San Francisco's labor movement.

He also embodies its heart. Walter's compassion and commitment to social justice are legendary. In the 1950s, he played a key role in breaking the color line by helping the first African American woman secure a position behind the counter at Woolworth's. Over the past half century, he has fought for workers' rights at home and in foreign lands including China and South Korea. A cancer survivor himself, he has been a leader in the fight against breast cancer. He is also active in his church, in promoting sports for children, and in the United Way of the Bay Area.

Walter has become a trusted friend and adviser to me and to other elected officials, but he never lets us forget that we work for the people not the other way around. Even after he retires, I will still hear Walter's voice and feel him tapping on my shoulder, reminding me never to forget the working men and women I represent.

After more than 50 years of service, even Walter Johnson needs a little time off. Along with thousands of his friends and admirers throughout the Bay Area, I wish him a long and pleasurable retirement.●

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 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 3574. An act to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

H.R. 3936. An act to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, DC, metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes.

H.R. 4259. An act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 4816. An act to permit the Librarian of Congress to hire Library of Congress Police employees.

H.R. 4850. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

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

H. Con. Res. 308. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day.

The message further announced that the House has passed the following joint resolution and bill, without amendment:

S.J. Res. 38. Joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

At 5:36 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 bill, in which it requests the concurrence of the Senate:

H.R. 4600. An act to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4492. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

H.R. 2694. A bill to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

S. 2695. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2704. A bill to amend title 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. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAE 125 Series 800A, 800A (C–29A0), and 800B Airplanes and Model Hawker 800 Airplanes Doc. No. 2003–NM–244'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8615. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model 330-202, 203, 223, and 243 Airplanes and A330–300 Airplanes Doc. No. 2003–NM–183'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC9081 MD82, DC–9–83 MD 83, DC 9–87 MD87, and MD 88 Airplanes Doc. No. 2000–NM–110'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8617. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737-600, 700, 700C, 800, and 900 Airplanes Doc. No. 2002–NM–323'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Airplanes Doc. No. 2003–NM–111'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Przedsiediorstwo Doswiadczalno Prdoukcykne Szybownictwa ''PZL–Bielsko'' Model SZD–50–3 ''Puchacz'' Doc. No. 2003–CE–66 Doc. No. 2003–CE–66'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schleicher Model ASW 27 Sailplanes Doc. No. 2003–CE–53'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A318, 319, 320, and 321 Airplanes Doc. No. 2004–NM–100'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Sytems (Operations) Limited Model BAE Airplanes Doc. No. 2003–NM–94'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and A300 B4 Airplanes Doc. No. 2002–NM–337'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model BAe 125 Series 800A Including C–29A and U–125 Variant and 800 B Airplanes; and Model Hawker 800 (Including U–125A Variant) and 800 XP Airplanes Doc. No. 2003–NM–216'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 and 400F Airplanes Equipped With Rolls-Royce Engines Doc. No. 2003–NM–202'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Defense and Space Group Model 234 Helicopters Doc. No. 2004–SW–09'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters Doc. No. 2003–SW–29'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta S.p.A. Model A109E Helicopters Doc. No. 2003–SW–32'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8629. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F28 Mark 0070 Airplanes Doc. No. 2002–NM–251'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8630. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Airplanes Doc. No. 2003–NM–18'' (RIN2120–AA64) received on July 19 , 2004; to the Committee on Commerce, Science, and Transportation .

EC–8631. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319 and A320 Airplanes Doc. No. 2003–NM–187'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8632. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Airplanes Doc. No. 2003–NM–17'' (RIN2120–AA64) received on July 19 , 2004; to the Committee on Commerce, Science, and Transportation .

EC–8633. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL-600 2B19 (Regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8634. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 200B, and 200F Airplanes Doc. No. 2002–NM–149'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8635. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–135 and 145 Airplanes Doc. No. 2003–NM–104'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8636. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Doc. No. 2001–NM–331'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8637. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–301, 3100, 315 Airplanes Doc. No. 2002–NM–297'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8638. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives:

Boeing Model 747–400 and 400 D Series Airplanes Doc. No. 2003–NM–126'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8639. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems (operations) Limited (Jetstream) Model 4101 Airplanes Doc. No. 2002–NM–208'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8640. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 Airplanes Model A300 B4 Airplanes and Model A300 B4 Airplanes and Model A300 B4–600R Variant F, and F4–600R (Collectively Called A300–600 Airplanes) Doc. No. 2003–NM–53'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8641. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–60 SHERPA Airplanes Doc. No. 2003–NM–200'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8642. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–60 Airplanes Doc. No. 2003–NM–236'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8643. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aircraft Equipped with Garmin AT Apollo GX Series Global Positioning System (GPS) Navigation Units with Software Versions 3.0 through 3.4 Inclusive Doc. No. 2002–NM–254'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8644. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aeronautica S.A. (EMBRAER) Model EMB–120 Airplanes Doc. No. 2003–NM–65'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8645. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 875–17, Trent 877–17, Trent 884–18, Trent 884B–17, Trent 892–17, Trent 892B–17, and Trent 895–17 Turbofan Engines Doc. No 202–NE–19'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8646. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta S.p.A. Model A109C, A109E, and A109K2 Helicopters Doc. No. 2001–SW–15'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8647. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3–SHERPA Airplanes Doc. No. 2003–NM–235'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8648. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland Model MBB–BK 117, A–1, A–3, A–4, B–1, B–2, and C–1 Helicopters Doc. No. 2003–SW–38'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8649. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lycoming Engines (Formerly Textron Lycoming) Direct-Drive Reciprocating Engines CORRECTION Doc. No. 89–ANE–10'' (RIN2120–AA64) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8650. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kimball, NE Doc. No. 04–ACE–31'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8651. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scottsbluff, NE Doc. No. 04–ACE–28'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8652. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Zanesville OH CORRECTION Doc. No. 03–AGL–14'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8653. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; CORRECTION Broken Bow, NE Doc. No. 04–CE–39'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8654. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Trinidad, CO CORRECTION Doc. No. 03–ANM–04'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8655. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (16) Amendment No. 3099'' (RIN2120–AA65) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8656. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (16) Amendment No. 449'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8657. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; St. Cloud, MN Modification of Class E Airspace; St. Cloud, MN Doc. No. 03–AGL–21'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8658. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Area 6604; Chincoteague Inlet, VA Doc. No. 04–AEA–05'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8659. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Cooperstown, NY Doc. No. 04–AEA–04'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8660. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Goldsoro, NC Doc. No. 04–ASO–5'' (RIN2120–AA66) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8661. A communication from the FMCSA Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Carrier Regulations; Hazardous Materials Safety Permits'' (RIN2126–AA07) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8662. A communication from the Attorney-Advisor, Maritime Administration, Department, transmitting, pursuant to law, the report of a rule entitled ''Maritime Security Program'' (RIN2133–AB62) received on July 19, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8663. A communication from the Acting Under Secretary of Defense, Comptroller, Department of Defense, a report relative to a multiyear procurement for the Tomahawk Cruise Missile (Block IV All-Up-Round (AUR)) Fiscal Year 2004 through 2008; to the Committee on Armed Services.

EC–8664. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to information for 2003 on the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors; to the Committee on Energy and Natural Resources.

EC–8665. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled the ''Lowell National Historical Park Boundary Adjustment Act''; to the Committee on Energy and Natural Resources.

EC–8666. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Certain Cross Chain Transactions'' (Rev. Rul. 2004–83) received on July 19, 2004; to the Committee on Finance.

EC–8667. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers to Provide for Satisfaction of Contested Liabilities'' (RIN1545–BA90) received on July 19, 2004; to the Committee on Finance.

EC–8668. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 904 to Income Subject to Separate Limitations'' (RIN1545–AX88) received on July 19, 2004; to the Committee on Finance.

EC–8669. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—August 2004'' (Rev. Rul. 2004–84) received on July 19, 2004; to the Committee on Finance.

EC–8670. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bankruptcy Implications on Golden Parachute Payments'' (Rev. Rul. 2004–87) received on July 19, 2004; to the Committee on Finance.

EC–8671. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Participation on Department of Health and Human Services Programs by Religious Organizations; Providing for Equal Treatment of All Department of Health and Human Services Program Participants'' (RIN0991–AB34) received on July 19, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8672. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities during Calendar Year 2003 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–474. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to income guidelines for senior citizens; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, Louisiana's senior citizens, with their wealth of lifetime experiences and knowledge, represent a valuable asset to our state; and

Whereas, according to the latest federal decennial census, 108,634 Louisiana citizens age sixty or older live at or below the federal poverty level; and

Whereas, only 40,754, less than thirty-eight percent, of these low-income senior citizens qualified for participation in the federal food stamp program at the end of February 2004, according to the Louisiana Department of Social Services; and

Whereas, many of these low-income senior citizens subsist on fixed incomes or have supplemental security income (SSI) as their only source of income; and

Whereas, many of these low-income senior citizens find that, even after being allowed certain medical deductions from income, their incomes disqualify them from receiving assistance through the federal food stamp program or qualify them only for a minimal amount of assistance; and

Whereas, as a result, many of these low-income senior citizens find themselves at the end of the month without enough money to buy food after meeting other monthly expenses: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the Congress of the United States of America to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–475. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to eliminating the ''new shipper'' bonding privilege; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 152

Whereas, antidumping and countervailing duties on imports are implemented to protect domestic fishery, agricultural, and industrial industries from unfairly subsidized imports; and

Whereas, under the present United States antidumping law, a ''new shipper'' may choose to post low-cost bonds on their imports or the full cash deposit as security for the amount of duties the United States Customs and Border Protection may assess against the imports; and

Whereas, many exporters, especially from China, are claiming ''new shipper'' status as means of evading the payment of any duties on their imports; and

Whereas, some ''new shippers'' evade payment of any duties by defaulting or dissolving the company, as shown by the fact that in 2003, the United States Customs and Border Protection failed to collect on $130 million in import duties, with over $100 million of such uncollected duties from Chinese imports; and

Whereas, the elimination of the option of posting a bond over a full cash deposit will close the loophole used by ''new shippers'' to avoid the payment of antidumping and countervailing duties on imports: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation eliminating the ''new shipper'' bonding privilege; be it further

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

POM–476. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to emergency supplemental appropriations to strengthen security and increase staffing at United States-Canada border crossings; to the Committee on Appropriations.

SENATE RESOLUTION NO. 118

Whereas, for generations, the friendly, shared border of 4,000 miles between our country and our Canadian neighbors has been a symbol of the blessings of peace. The recent terrorist attacks have, however, shattered our sense of security and prompted a reexamination of how we can better protect ourselves; and

Whereas, a major component of any new strategy must be making a stronger investment of resources and personnel along our northern border, especially at the crossings between the United States and Canada. The free flow of people and materials crossing our northern border every day reflects our close economic and cultural ties with Canada. The hard lessons learned on September 11, 2001, make it clear that greater scrutiny must be applied at entry points. The United States Customs Service processed 489 million passengers in 2000. To monitor this volume of traffic effectively, especially in the era of increased terrorist threats we now face, will require a far greater allocation of staffing, funding, and technology; and

Whereas, there is widespread agreement that the Customs Service and the Immigration and Naturalization Service are seriously understaffed. This seems to be especially true along our Canadian border when compared to efforts along the Mexican frontier. Allocating a significant portion of the emergency appropriations the President has called for is fundamentally important to our national security and the security of our Canadian neighbors: Now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the President of the United States to provide emergency supplemental appropriations to strengthen security and increase staffing at United States-Canadian border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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–477. A concurrent resolution adopted by the Senate of the General Assembly of the state of Ohio relative to retention and expansion of all military bases and centers in Ohio; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 31

Whereas, the United States Department of Defense is required by law to prepare a list of military bases to be closed or realigned for the Base Closure and Realignment Commission by May 16, 2005. The Department has announced that the 2005 round of closures could have an impact as great as the previous four rounds combined, closing nearly 100 bases; and

Whereas, the Commission will submit its list to the President of the United States by September 8, 2005, and, if the President approves the list, he will forward it to the United States Congress by September 23, 2005. The Congress will either vote on the approved list, or it will become effective 45 days after submission; and

Whereas, Ohio's military bases and centers are critical to our national security and impact the present and future capability of our defense force structure nationwide. The state of Ohio has always worked on behalf of a strong national defense and has a long history of outstanding community and state support of Ohio's military bases and centers; and

Whereas, Ohio has 38,000 defense jobs with a more than $4 billion economic impact on our state and local economies, including Wright Patterson Air Force Base as the largest single-site employer in Ohio. Thus, significant closures or defense job losses during the 2005 base realignment and closure process would have an extremely detrimental effect at both the state and local levels: Now therefore be it

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, express our support for retention and expansion of all military bases and centers in Ohio

and encourage all local governments to support the continued operation of those bases and centers at full capacity; and be it further

Resolved, That we, the members of the 125th General Assembly of the State of Ohio, urge the Governor's All-Ohio Task Force to Save Defense Jobs to work with communities, legislators, local officials, and industry and labor leaders to protect any threatened defense bases and centers and urge local governments and community, industry, and labor leaders to work with the Task Force to enhance the efficiency and effectiveness of Ohio's military bases and centers so that the Department of Defense will fully appreciate the military value of Ohio's defense contributions and exploit those capabilities by moving additional missions to our state, thereby strengthening national defense; and be it further

Resolved, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, to the United States Secretary of Defense, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, to the Governor of Ohio, and to the news media of Ohio.

POM–478. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to the posthumous promotion of Colonel Edward Ephraim Cross; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, Colonel Edward Ephraim Cross, a native of Lancaster, New Hampshire, was named a colonel by the governor of New Hampshire in 1861 at the outbreak of the Civil War and was given command of the 5th Regiment, New Hampshire Volunteers; and

Whereas, Colonel Cross valiantly led his regiment through many battles of the Civil War, including the battles of Fair Oaks, Glendale, Antietam, Chancellorsville, Fredericksburg, and Gettysburg, and was wounded several times; and

Whereas, prior to Colonel Cross's untimely death after suffering a wound by a sniper at the Battle of Gettysburg on July 2, 1863, he was informed by his division commander, Major General Winfield Scott Hancock, that he was to be promoted to brigadier general; and

Whereas, a number of Civil War historians and enthusiasts have over the years made requests of New Hampshire's governor and congressional delegation that Colonel Cross be promoted to brigadier general or brevet brigadier general: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court finds that Colonel Cross's record of conduct, performance, and devotion to duty reflect his allegiance to the highest standards of the military profession and that, if not for his untimely death at Gettysburg, Colonel Cross would have received a promotion to brigadier general; and

That the New Hampshire general court urges the governor and the federal government to take the procedural steps necessary to posthumously promote New Hampshire native Colonel Edward Ephraim Cross to the rank of brigadier general; and

That copies of this resolution be sent by the house clerk to the governor, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the members of the New Hampshire Congressional delegation.

POM–479. A joint resolution adopted by the General Assembly of the State of Colorado relative to Colorado's reservists and national guard members; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 04–1006

Whereas, our volunteer military is one of the best in the world; and

Whereas, a key to the success of this force is its ability to combine active duty troops from the Army, Navy, Air Force, and Marines with the citizen soldiers of the Colorado Reserve and National Guard; and

Whereas, throughout the history of this state Coloradans have contributed commendable service to this country, and currently Colorado is the proud home of active military bases as well as the ''Home of Heroes'', which has produced 5 Congressional Medal of Honor winners; and

Whereas, the War on Terrorism may go on for many years and may consist of smaller deployments of troops requiring mass support and rapid response; and

Whereas, there is a great reliance on our Colorado Reserve and National Guard units; and

Whereas, currently there are over 3,000 Colorado citizen soldiers who have been called up to fight this War on Terrorism both at home and abroad; and

Whereas, these citizen soldiers are our friends and neighbors; people who live, work, and raise their families here in Colorado; and

Whereas, these citizen soldiers are standing in the gap for us, activated to fill an essential need, protecting us both here at home and abroad from those who wish us harm; and

Whereas, while these citizen soldiers stand in the gap for us in our armed forces, keeping the War on Terrorism away from our homes and families, a gap is created in the families they leave behind; and

Whereas, these Colorado Reservists and members of the Colorado National Guard are often not only spouses, but also parents and frequently the primary breadwinners for their families; and

Whereas, the stress and financial difficulties resulting from the gap created by the volunteer's absence adds to the burdens of an already worried family; and

Whereas, while limited emergency relief funds do exist to help ease these financial burdens, these funds are not enough. It is unacceptable for us to stand by and let the burdens that our Reservists, National Guard members, and their families face continue to mount. It is time for the people of Colorado to take action and stand in the gap here at home for Colorado's fighting men and women; and

Whereas, neighbors helping neighbors is a Western tradition that is still alive and well here in Colorado; and

Whereas, we, the people of Colorado, must do our part to ensure that our fighting forces may take comfort in knowing that the entire state of Colorado is helping to fill the gap occasioned by their absence from their families so that they may focus on protecting us; and

Whereas, our role as citizens in the War on Terrorism is not only to function at a heightened state of vigilance throughout our daily lives in order to help prevent another terrorist attack, but also to ensure that our brave Colorado fighting men and women and their families are supported financially, emotionally, and spiritually; and

Whereas, currently, no Colorado organization exists that allows citizens to help their fellow citizen soldiers who serve either in the Reserves or National Guard lessen these financial burdens; and

Whereas, recently, The Stand in the Gap Project, Inc., was formed as a not-for-profit organization under section 501(c)(3) of the Internal Revenue Code to unite leaders and citizens in working toward a real, financial, and long-term solution for the burdens carried by military families; and

Whereas, the Stand in the Gap Project, Inc., aims to provide a method by which Colorado citizens can help by contributing their time, treasure, and talent to assist their fellow Coloradans who are standing in the gap through military service; and

Whereas, the Stand in the Gap Project, Inc., hopes to serve as a catalyst and a focal point for other organizations within the state to help effectively and efficiently reduce the stresses experienced by National Guard and Reserve families here in Colorado: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the Sixty-fourth General Assembly, support the efforts of The Stand in the Gap Project, Inc., and urge our fellow Coloradans to join us in taking responsibility for our troops and their families who struggle to help protect us.

(2) That we, as Colorado citizen legislators, are committed to doing everything humanly possible to address this problem and that we pledge to stand in the gap for Colorado Reservists, National Guard members, and their families in our own districts and throughout Colorado.

(3) That we encourage our fellow Coloradans to contact The Stand in the Gap Project, Inc., at www.thestandinthegapproject.org to find out how to contribute to this effort, both financially and through the organization of Stand in the Gap events in their own communities.

(4) That we urge all Coloradans to join in this effort and to continue to work to stand in the gap for our citizen soldiers until they all come safely home; be it further

Resolved, That copies of this joint resolution be sent to George W. Bush, President of the United States; Dick Cheney, Vice President of the United States; Donald H. Rumsfeld, Secretary of Defense; J. Dennis Hastert, Speaker of the United States House of Representatives; Ted Stevens, President Pro Tempore of the United States Senate; the members of Colorado's congressional delegation; The Stand in the Gap Project, Inc.; and the local affiliates of the Colorado Reserve and National Guard.

POM–480. A joint resolution adopted by the Legislature of the State of California relative to military airfares; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 16

Whereas, many thousands of Californians are serving in the United States military in stations spread throughout the world; and

Whereas, many of these men and women are in grave danger due to their engagement in, or exposure to, combat situations; and

Whereas, military service often requires individuals to be separated from their families on short notice for long periods of time under stressful conditions; and

Whereas, it is the patriotic duty of all Americans to support the men and women of the United States Armed Forces who are defending American interests around the world at great personal sacrifice: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges all airline companies in the United States to permanently establish, for active duty military personnel, a reduced price airfare equal to, or lower than, the lowest airfare offered for each ticketed flight, and that the airfare be free from time restrictions and fees or penalties for changes; and be it further

Resolved, That the Legislature of the State of California expresses gratitude to the commercial airline companies currently supporting our active duty military personnel through company policies that provide reduced airfares, flexible policies, and the use of frequent flyer award programs; and be it further

Resolved, That the Legislature of the State of California commends those commercial airline companies that support their employees who participate in National Guard and Military Reserve duty and are on leave from those companies for military duty; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to all Members of the Congress of the United States, to the Chair of the Federal Aviation Administration, and to the chief executive' officer of every airline company in the United States.

POM–481. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to funding for the dredging of canals around the city of Gibraltar; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 234

Whereas, the city of Gibraltar in Wayne County is a unique community, with more than five miles of canals bisecting the city and its four islands of residences. These public transportation routes include access to public and private facilities, including boat ramps and marinas. Thousands of people use the canals each year; and

Whereas, with no dredging of the Gibraltar canals since the late 1950s, the use of the canals is today significantly threatened by the buildup of sediment throughout the system. Boating traffic is hampered by the buildup. The task of dealing with the Gibraltar canals is made more complex by the results of testing that has identified contamination in the sediment. This fact will greatly increase the costs of dredging and disposal of the sediment; and

Whereas, the costs of dredging the canals is far beyond the resources available within the community of Gibraltar, and the canals are available to and used by many more people than residents of Gibraltar. This work clearly needs to be completed. The Gibraltar canals are notable components of the Detroit River system, and maintaining the quality of the canals is work that is strongly related to the quality of this vital part of our water transportation network. It is essential that necessary resources be directed to this task: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; 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–482. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to responsibility for surface transportation policy; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT MEMORIAL NO. 2003

Whereas, the motoring public in this state pays a federal fuel tax of 18.4 cents per gallon, and Congress has recently considered raising that tax by 5.4 cents per gallon, an increase of nearly one-third, with ongoing increases by indexation thereafter; and

Whereas, for nearly half a century the federal fuel tax has supported the Federal Highway Administration, which was formed in 1956 to build the interstate highway system and which successfully completed that mission by the mid-1980s; and

Whereas, most of the transportation problems that confront travelers today are local or regional, and state and local governments can respond to them more effectively than distant bureaucracies; and

Whereas, a growing share of the federal fuel tax is diverted to purposes other than highways and roads, including urban mass transit, ferry boats, commuter rails, historic renovation, hiking trails, landscaping, covered bridges, scenic byways and Appalachian redevelopment, which benefit narrow yet influential constituencies at the expense of the motoring public; and

Whereas, the federal government often threatens to withhold a state's share of federal highway money in order to force the state to comply with a variety of federal mandates, including clean air and safety standards, law enforcement and union contracts; and

Whereas, the federal management of highway funding results in a subsidy to wealthier states and slower growing states at the expense of less affluent states and fast growing states with greater transportation needs; and

Whereas, ''turnback'' legislation that would give each state full control of the federal fuel tax revenues collected by that state has been proposed in several past sessions of Congress and has again been introduced as H.R. 3113, the Transportation Empowerment Act.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States enact legislation that would return to the states full responsibility to formulate and implement their own surface transportation priorities by allowing each state to retain the revenues from the federal tax on fuel that is sold within its borders.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature and each Member of Congress from the State of Arizona.

POM–483. A resolution adopted by the Senate of the Legislature of the State of Illinois relative to the cost of motor fuel; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 102

Whereas, the price of gasoline has reached an average $1.70 per gallon nationwide; and

Whereas, the price of gasoline continues to climb, to the extent that some experts have predicted prices of $2.50 per gallon in the near future: Therefore, be it

Resolved, by the Senate of the Ninety-Third General Assembly of the State of Illinois, That we call upon the United States Congress to investigate and determine why the cost of motor fuel is so high and climbing; and be it further

Resolved, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

POM–484. A resolution adopted by the Council of the City of Parma of the State of Ohio relative to the No Oil Producing and Exporting Cartels Act of 2004 (NOPEC); to the Committee on Energy and Natural Resources.

POM–485. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to Luke Air Force Base and Yuma Army Proving Ground; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT MEMORIAL NO. 2011

Whereas, the State of Arizona, its local governments and its people recognize the vital role Arizona's Barry M. Goldwater Range and other military facilities play in ensuring our military's unparalleled training, combat readiness and air superiority in protecting American freedom; and

Whereas, Luke Air Force Base has operated continuously since 1951 as a top rate pilot training facility, plays a vital role in our nation's military superiority, is the home of the largest fighter wing in the United States Air Force, trains all F–16 pilots and crew chiefs for the United States Air Force and is strategically located within fifty miles of the Barry M. Goldwater Range; and

Whereas, in 1951 Luke Air Force Base and its related auxiliary fields was located in an unurbanized, agricultural portion of the Phoenix metropolitan area, but is now within one of the fastest growing counties and municipal areas in the Nation and State of Arizona, which has exacerbated the challenges caused by urbanization in the Phoenix metropolitan area; and

Whereas, the preservation of Luke Air Force Base is an issue of national, state and local concern; and

Whereas, the State of Arizona, local communities and landowners surrounding Luke Air Force Base and its related auxiliary fields have made substantial strides in preserving the mission of Luke Air Force Base and those efforts have been held as a model around the Nation for military facilities preservation; and

Whereas, the preservation efforts have placed a considerably disproportionate burden on the surrounding landowners of protecting a vital national defense asset; and

Whereas, despite the efforts Luke Air Force Base and its related auxiliary fields continue to face the increasing challenges caused by considerable growth; and

Whereas, additional land use restrictions surrounding Luke Air Force Base and its related auxiliary fields are impractical to implement without imposing an even greater and disproportionate burden on the landowners, many of whom's families have owned and farmed the surrounding lands before the presence of Luke Air Force Base; and

Whereas, the federal government has extraordinary landholdings in Arizona and the best long-term public policy solution for the preservation of Luke Air Force Base and its related auxiliary fields is a voluntary land exchange between the United States Bureau of Land Management and the owners of the vacant land and farm land within the high noise or accident potential :ones surrounding Luke Air Force Base and its related auxiliary fields; and

Whereas, the United States Army Yuma Proving Ground was established in 1942 and has continuously operated as a multipurpose training and testing facility able to test nearly every weapon system in the ground combat arsenal; and

Whereas, at one thousand three hundred square miles, Yuma Army Proving Ground has the size to allow Army weapon systems to fully exercise their capabilities, and to continue testing advanced systems capable of reaching greater distances requiring a

larger footprint without endangering the public; and

Whereas, Yuma Army Proving Ground is a national and international testing site for innovations in security, surveillance and weaponry systems; and

Whereas, Yuma Army Proving Ground is the United States Army's center for desert natural environment testing and its climate, terrain and excellent range facilities make almost perfect testing and training conditions; and

Whereas, in the last ten years, Yuma Army Proving Ground has become a key location for training operations for all services because of the similarity of its terrain and climate to the Middle East; and

Whereas, the mission of Yuma Army Proving Ground is an issue of national, state and local concern; and

Whereas, there remains within the boundaries of the Yuma Army Proving Ground testing and training ranges many parcels of property owned by both private land owners and the State of Arizona; and

Whereas, these privately and publicly owned lands within the boundaries of the Yuma Army Proving Ground testing and training ranges are a safety concern and compromise the overall mission and safety of the base; and

Whereas, the federal government has vast land holdings in the vicinity of Yuma Army Proving Ground and the best long term policy solution for the preservation of the Yuma Army Proving Grounds is a voluntary exchange of land between the United States Bureau of Land Management and the owners of private property, and between the Bureau of Land Management and the State of Arizona for the property that is located within the boundaries of the testing and training ranges; and

Whereas, such land exchanges would otherwise compromise the overall safety establish protections needed to eliminate the challenges caused by growth, pressures.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress, through statutory authority, authorize the United States Bureau of Land Management to prepare and execute a land trade of equitable value between the United States and the landowners of vacant land and farm land within the high noise or accident potential zones of Luke Air Force Base and its related auxiliary fields.

2. That the United States Congress, through statutory authority, authorize the United States Bureau of Land Management to prepare and execute a land trade between the United States and the private property owners and between the United States and the State of Arizona for land outside the boundaries of the Yuma Army Proving Ground testing and training ranges.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–486. A resolution adopted by the California State Lands Commission relative to the federal moratorium on oil and gas leasing off the California Coast; to the Committee on Energy and Natural Resources.

POM–487. A resolution adopted by the California State Lands Commission relative to the Commission on Ocean Policy and the Pew Oceans Commission report; to the Committee on Energy and Natural Resources.

POM–488. A concurrent resolution adopted by the Legislature of the House Representatives of the Legislature of the State of Louisiana relative to water-related environmental infrastructure and resource development and protection projects in Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 61

Whereas, during Fiscal Year 2000, the United States Congress appropriated the sum of twenty-five million dollars through Section 592 of the Water Resources Development Act for the establishment of water-related environmental infrastructure and resource protection and development projects in the state of Mississippi; and

Whereas, it has been indicated that congress is now considering the allocation of additional Section 592 funds to the state of Mississippi; and

Whereas, the state of Louisiana is experiencing water-related environmental problems, such as the depletion of portions of the Sparta and Chicot Aquifers and the contamination of available water supplies by effluent from wastewater treatment plants; and

Whereas, the public interest is served by utilizing federal funds to establish programs in the state of Louisiana to provide water-related environmental infrastructure and resource development and protection projects, including but not limited to wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to appropriate funds for design and construction assistance for water-related environmental infrastructure and resource development and protection projects in Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–489. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to Mississippi River Gulf Outlet; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 68

Whereas, the Mississippi River Gulf Outlet (MRGO), a seventy-mile long manmade navigation channel which connects the Gulf of Mexico to the Port of New Orleans was authorized by the United States Congress in 1956 to be six hundred fifty feet wide at the surface, five hundred feet at the bottom, and to have a guaranteed channel depth of thirty-six feet; and

Whereas, initial expectations were that the channel would create a regional economic boom in the short term due to construction jobs, but also in the long term due to the industrial development associated with the commerce that would come to the area through the shipping concerns; and

Whereas, the impact of the MRGO on the surrounding parishes has been more loss than boom—loss of nearly three thousand five hundred acres of fresh and intermediate marsh, loss of over ten thousand acres of brackish marsh, loss of over four thousand acres of saline marsh, loss of nearly fifteen hundred acres of cypress swamps and forest; and

Whereas, although the channel was authorized for only six hundred fifty feet across and thirty-six feet deep, today the channel is more than twenty-two hundred feet across, and the United States Army Corps of Engineers has routinely dredged the channel to over forty feet deep to accommodate bigger ships than were authorized by the United States Congress at an average cost of more than twenty-two million dollars; and

Whereas, the loss of marsh and land has put the surrounding area at much greater risk for more frequent and more drastic tidal surges and more prolonged flooding as a result of tropical storms and hurricanes, with the severity getting worse as there is greater and greater loss; and

Whereas, the loss of marsh habitat has altered the ecosystem throughout the basin resulting in the loss of habitat for more than six hundred fifty thousand fur-bearing animals and similar losses to waterfowl, a movement from a dominant white shrimp fishery toward a dominant brown shrimp fishery, and the movement of oyster production farther and farther inland with the movement inland of the saltwater line, all of which alters the economic foundation for the region; and

Whereas, in addition to the alterations caused in the fishery and wildlife dependent enterprises, there are impacts on the everyday lives of the people who live in the area—impacts which are being felt by a significantly larger population that must live with the threat of storm-driven flood surge, which will cause death and destroy personal property, both land and homes, and their communities through the loss of schools, libraries, public facilities including water purification plants and sewerage treatment plants; and

Whereas, also in danger of destruction due to the loss of land caused by the MRGO are major oil refineries and miles of pipelines, a sugar refinery, gas condensate recovery plants, and manufacturing plants which together can be valued in excess of three hundred billion dollars with a work force of nearly fifty thousand people at a time when the state is desperately seeking economic development opportunities; and

Whereas, as long ago as the 1960s it was becoming apparent that the anticipated economic benefits were not likely to materialize, and St. Bernard Parish officials began to call attention to the environmental impacts and damages to the point where by the 1980s the MRGO began to be termed an ''environmental nightmare''; and

Whereas, in 1993 the Lake Pontchartrain Basin Foundation first called for the closure of the MRGO because of its environmental impact throughout the Pontchartrain Basin, and this was followed in 1998 by the ''Coast 2050 Plan'', adopted by the Department of Natural Resources, including its recommendation for closure of the MRGO; and

Whereas, in 1999, a MRGO task force convened by the Environmental Protection Agency at the request of Congressman Tauzin also recommended closure of the channel; and

Whereas, the Congress of the United States has authorized the construction of a new lock on the Inner Harbor Navigation Canal which will serve to provide access to ocean going vessels which are now using the MRGO; and

Whereas, the Congress of the United States has failed to provide full funding capability for the lock project and thereby delayed its completion: Therefore be it

Resolved by the Legislature of Louisiana, That the United States Congress and the Louisiana Congressional Delegation are hereby memorialized to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project; be it further

Resolved by the Legislature of Louisiana, That the time for study and recommendation has passed and that the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of

Engineers are hereby memorialized to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan; be it further

Resolved, That a copy of this Resolution be forwarded to the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers.

POM–490. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to a hurricane evacuation route in Louisiana Mississippi; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, every hurricane season raises the prospect and threat of a hurricane hitting southeastern Louisiana from such a direction as to wreak enormous flooding, loss of life, and other devastation; and

Whereas, Louisiana's hurricane evacuation routes are growing increasingly vulnerable to coastal storm surge and flooding, and measures need to be taken as soon as possible to ensure the safe navigation of the residents inland; and

Whereas, due to the large population in the southern part of Louisiana and vulnerability to the destruction of property and businesses due to hurricanes and tropical storms, the development of a hurricane evacuation route is necessary for the protection and safe evacuation of the residents of south Louisiana; and

Whereas, the proposed evacuation route would offer a four-lane route from New Orleans, Louisiana along Highway 25 to the Mississippi state line, and continue along Mississippi Highway 27 to Crystal Springs, Mississippi to intersect with Interstate 55; and

Whereas, additionally, the proposed evacuation route should include a four-lane route from Paris Road, which is also known as Louisiana Highway 47, and connect in New Orleans into the proposed four-lane evacuation route from New Orleans, Louisiana to the Mississippi state line; and

Whereas, since Highway 25 and Highway 47 are already designated as evacuation routes, each of the proposed four-lanes would become a critical element to move thousands of people from New Orleans and the North Shore to safe areas northward: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to appropriate and expedite funding for the development of a hurricane evacuation route in Louisiana and Mississippi; be it further

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

POM–491. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to ownership of mineral rights and surface rights on state and federal lands in Michigan; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 171

Whereas, State-owned land in Michigan amounts to approximately 12 percent of the acreage, and the federal government manages another 8 percent of Michigan's surface area. This large percentage of state and federal land ownership is especially significant in the situations in which ownership of mineral rights is not consistent with the ownership of the surface rights; and

Whereas, the degree to which the rights to minerals do not align with rights to the surface of the land is cause for considerable litigation and frustration in Michigan. This frustration is felt by citizen groups, energy companies, local units of government, and all consumers of gas and oil; and

Whereas, the state of Michigan has jurisdiction over both mineral and surface rights on 3.8 million acres of land and mineral rights alone on another 2.1 million acres. Maps showing ownership of property in Michigan reflect a crazy quilt of ownership. The common situation of surface land ownership differing from ownership of the mineral rights below presents many problems to our state. This nonalignment of ownership makes it difficult to protect land from development and difficult to develop to extract the energy that our society needs. Instead, expensive and minimally productive litigation can be the result; and

Whereas, it would be far more productive for the state and federal governments to work together to do all possible to minimize conflicts in ownership between surface rights and mineral rights: now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States, the Department of Interior, the Bureau of Land Management, the National Forest Service, and the Department of Energy to work with Michigan officials to exchange property to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal; 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, the members of the Michigan congressional delegation, the Bureau of Land Management, the Department of Interior, the National Forest Service, and the Department of Energy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*Neil McPhie, of Virginia, to be Chairman of the Merit Systems Protection Board.

*Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

By Mr. ROBERTS for the Select Committee on Intelligence.

*Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mrs. CLINTON):

S. 2701. A bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. ALLEN, and Mr. LOTT):

S. 2702. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on Rules and Administration.

By Mrs. HUTCHISON:

S. 2703. A bill to provide for the correction of a certain John H. Chafee Coastal Barrier Resources System map; to the Committee on Environment and Public Works.

By Mr. GRAHAM of Florida:

S. 2704. A bill to amend title 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; read the first time.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE):

S. 2706. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

By Mr. LOTT:

S. 2707. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 2708. A bill to develop the National Strategy for Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SMITH:

S. 2709. A bill to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself, Mr. SESSIONS, and Mr. FRIST):

S. 2710. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 2711. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, and Mr. SHELBY):

S. 2712. A bill to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 2713. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE:

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by

the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; read the first time.

By Mr. COLEMAN:

S. 2715. A bill to improve access to graduate schools in the United States for international students and scholars; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON):

S. Res. 413. A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON):

S. Res. 414. A resolution encouraging States to consider adopting comprehensive legislation to combat human trafficking and slavery and recognizing the many efforts made to combat human trafficking and slavery; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Con. Res. 129. A concurrent resolution encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CRAIG, Mr. BIDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. DEWINE):

S. Con. Res. 130. A concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1223

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from Missouri (Mr. BOND), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) 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. 1840

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1888

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1888, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

S. 2077

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2077, a bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2199

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2199, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 2202

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2202, a bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes.

S. 2283

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2352

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2395

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of 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.

S. 2515

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2515, a bill to establish the Inspector General for Intelligence, and for other purposes.

S. 2519

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2519, a bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2566

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2603

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr.

STEVENS) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2659

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2659, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S.J. RES. 41

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 33

At the request of Mr. CRAIG, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 110

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Con. Res. 110, supra.

S. CON. RES. 124

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. CORZINE, the names of the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 124, supra.

S. RES. 223

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Res. 223, a resolution expressing the sense of the Senate that the life and achievements of Antonio Meucci should be recognized, and for other purposes.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 318

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 318, a resolution expressing the sense of the Senate that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 398

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 398, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 401

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. NELSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 401, a resolution designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 408

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Missouri (Mr. TALENT), the Senator from Florida (Mr. NELSON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 408, supra.

S. RES. 409

At the request of Mr. BAYH, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. NELSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. CARPER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 409, a resolution encouraging increased involvement in service activities to assist senior citizens.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mrs. CLINTON):

S. 2701. A bill to provide incentives for the sharing of homeland security information, promote the development of an information sharing network, provide grants and other support to achieve communications interoperability, and establish an Office of Information Sharing, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Madam President, I rise today with Senator COLLINS to introduce legislation that would promote the sharing of homeland security information across all levels of our Government, and to provide funding and support necessary to enable our first responders to communicate better with one another than they are able to do now during a terrorist attack.

I am delighted that the chairman of the Governmental Affairs Committee, Senator COLLINS, is my lead cosponsor on this legislation, and that another member of the committee, Senator AKAKA, is a cosponsor, as is Senator CLINTON.

One of the most painful and enduring lessons we should have learned from the September 11 attacks is that information about terrorist activities must be shared among Federal and other agencies to protect the American people's security. Unfortunately, almost 3 years after the attacks we have still not seen the kind of improvement and information sharing at all levels we need to have.

The widely respected, nonpartisan Markle Foundation, in alliance with the Brookings Institution and the Center for Strategic and International Studies, has looked at this problem at length and concluded that an entirely new approach is needed to the sharing of security information.

According to the Markle Foundation, the cold war paradigm that strictly limited access to information is simply ill-suited to the challenges we face today in an age of terrorism. Sharing information among relevant law enforcement agencies and other public agencies is vital to protecting our people's security precisely because we cannot predict from which direction the first signs of potential attack will come as we pretty much could during

the cold war. Yet the Federal Government has still developed neither a comprehensive strategy nor actual policies to change the 50-year-old cold war paradigm. We have to catch up quickly to win the war on terrorism.

Equally troubling is that too many first responders still lack, believe it or not, the basic ability to talk to one another when responding to emergencies, including, of course, a terrorist attack, because their equipment does not communicate directly. We use a complicated term called ''interoperability'' to describe this situation.

One of the most painful parts of the September 11 attacks in New York was the loss of more than 300 New York City firefighters and other law enforcement personnel who perished inside the collapsing Twin Towers of the World Trade Center. The look-backs at that day, probably including the one we will hear tomorrow from the September 11 Commission, lead a lot of people to conclude that we lost a lot of New York's finest—firefighters, police officers, other public servants—because they could not communicate with one another on the equipment they had. That is no longer acceptable.

The legislation we are introducing today addresses those challenges. First, we authorize $3.3 billion over 5 years to provide reliable and consistent funding to help law enforcement agencies around the country find solutions to this so-called interoperability problem. We create an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy to achieve that goal. It simply is outrageous that those who are in uniform every day to protect our security cannot communicate with one another in a time of emergency because we have not given them good enough equipment to do that.

Second, our legislation would require the Secretary of Homeland Security, in conjunction with the intelligence community and other Federal agencies, to establish a broad information exchange network modeled after the Markle Foundation recommendations which would break out of the cold war paradigm and allow full sharing of security information.

Third, our legislation requires implementation of performance measures and genuine incentives to encourage employees to implement the changes that are necessary.

As part of the continuing fight to keep America safe from terrorism, the test of our generation, all the cultural, technological, and administrative barriers that impede the flow of critically important homeland security information among different levels of Government and among agencies at the same level simply must be broken down. That requires an act of will and leadership, and then it requires funding. It is not going to come cheaply, but security of the American people never does come cheaply. We have the best military in the history of the world because we have invested in it. We are only going to have the best security at home from terrorism if we invest with similar generosity.

A nonpartisan task force of the Council on Foreign Relations recommended that the Nation spend double what Senator COLLINS and I are proposing in this bill to ensure dependable interoperable communications. What we are asking seems like a lot of money, but it is half of what an independent group thinks is necessary to protect our Nation. This legislation will help us develop a new structure, a new paradigm of information sharing to guarantee that first responders and preventers can communicate effectively with one another and with other governmental agencies when they respond to terrorist attacks or any other emergencies that threaten the safety or well-being of people throughout our country.

Madam President, I ask unanimous consent that text of the legislation Senator COLLINS and I are introducing today be printed in the RECORD.

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

S. 2701

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 ''Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The effective use of information is essential to the Nation's efforts to protect the homeland. Information that may prove important to those efforts, however, is often widely dispersed and may be uncovered or held by any of a number of Federal agencies, by 50 States or by the Nation's 650,000 local law enforcement officers who form the front lines of the war against terrorism, among others. Finding ways to share this information in an efficient and timely manner with those who need it is central to both preventing and responding to potential terrorist attacks on our Nation.

(2) Current approaches to information sharing are woefully inadequate and largely ad hoc. State and local officials frequently report that they do not receive adequate homeland security information from Federal officials, nor is there a consistent, easy way for State and local officials to effectively provide homeland security information in their possession to Federal officials. Federal agencies have often not shared information even with other Federal agencies, and State and local governments have few formalized means to share information with other States and localities.

(3) There are a number of barriers, both structural and cultural, to the more effective sharing of homeland security information including—

(A) a lingering cold war paradigm that emphasizes information security and maintaining strict limits on access to information;

(B) mistrust among historically rival agencies and between Federal and State officials; and

(C) few incentives to reward Government employees who share information outside their agencies.

(4) A further barrier to information sharing among police, firefighters and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to communicate and share important, sometimes critical, information in an emergency.

(5) A new approach to the sharing of homeland security information (a new ''information architecture'') is urgently needed to overcome these barriers and to meet the homeland security needs of the Nation. One useful model for such a network is the Systemwide Homeland Analysis and Resource Exchange Network (SHARE) proposed by the Markle Foundation in reports issued in October 2002 and December 2003. Like the envisioned SHARE Network, a new approach, to be successful, must be comprehensive, encompassing the many participants, at many levels of government, who strive to protect the homeland, and the system should be largely decentralized, permitting participants throughout the system to exchange information directly in a timely and effective matter without having to go through a central hub.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

(4) NETWORK.—The term ''Network'' means the Homeland Security Information Sharing Network established under section 4.

SEC. 4. HOMELAND SECURITY INFORMATION SHARING NETWORK.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a Homeland Security Information Sharing Network.

(2) FUNCTIONS.—The Network shall—

(A) to the maximum extent possible, consistent with national security requirements and the protection of civil liberties, foster the sharing of homeland security information—

(i) among offices and divisions within the Department;

(ii) between the Department and other Federal agencies;

(iii) between the Department and State, local, and tribal governments;

(iv) among State, local, and tribal governments; and

(B) provide for the analysis of homeland security information obtained or made available through the Network.

(b) COOPERATIVE DEVELOPMENTS.—In developing the Network, the Secretary shall work with representatives of other governmental entities that possess homeland security information or will otherwise participate in the network, including the Intelligence Community, the Department of Justice and Federal Bureau of Investigation, and the Department of Health and Human Services, and State, local government and tribal officials.

(c) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit status reports on the development and implementation of the Network to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Select Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The status reports shall include—

(A) a detailed description of the work completed to date with attached relevant documents produced in the development of the Network, including documents describing the strategy for the Network and the Network's design or architecture; and

(B) a detailed timetable and implementation plan for remaining work.

(3) SUBMISSION.—Status reports under this subsection shall be submitted—

(A) not later than 6 months after the date of enactment of this Act;

(B) not later than 12 months after the date of enactment of this Act; and

(C) at 1-year intervals thereafter.

SEC. 5. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

"SEC. 1801. HOMELAND SECURITY INFORMATION COORDINATING COUNCIL.

''(a) DEFINITION.—In this section, the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Director of Central Intelligence, the Secretary of Health and Human Services, and other Federal departments and agencies in possession of homeland security information, as identified by the President, shall establish the Homeland Security Information Coordinating Council (in this section referred to as the 'Coordinating Council').

''(2) COMPOSITION.—The Coordinating Council shall be composed of—

''(A) a representative of the Department;

''(B) a representative of the Department of Justice;

''(C) a representative of the Central Intelligence Agency;

''(D) a representative of the Department of Health and Human Services;

''(E) a representative of any other Federal department or agency in possession of homeland security information, as identified by the President; and

''(F) not fewer than 2 representatives of State and local governments, to be selected by the Secretary.

''(3) RESPONSIBILITIES.—The Coordinating Council shall—

''(A) develop, monitor, and update procedures and protocols for sharing homeland security information among Federal departments and agencies;

''(B) develop, monitor, and update procedures and protocols for sharing homeland security information with State and local governments so as to minimize the difficulties of State and local governments in receiving information that may reside in multiple departments or agencies;

''(C) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular homeland security information should be shared and in what manner;

''(D) review, on an ongoing basis, current issues related to homeland security information sharing among Federal departments and agencies and between those departments and agencies and State and local governments;

''(E) where appropriate, promote the compatibility and accessibility of technology, including computer hardware and software, used by Federal departments and agencies to facilitate the sharing of homeland security information; and

''(F) ensure that there is coordination—

''(i) among Federal departments and agencies that maintain homeland security information;

''(ii) multi-organization entities that maintain homeland security information, including the Terrorist Threat Integration Center and Joint Terrorism Task Forces; and

''(iii) the Homeland Security Information Network, in actions and policies relating to the sharing of homeland security information.

''(c) ADMINISTRATION.—The Department shall provide administrative support to the Coordinating Council, which shall include—

''(1) scheduling meetings;

''(2) preparing agenda;

''(3) maintaining minutes and records; and

''(4) producing reports.

''(d) CHAIRPERSON.—The Secretary shall designate a chairperson of the Coordinating Council.

''(e) MEETINGS.—The Coordinating Council shall meet—

''(1) at the call of the Secretary; or

''(2) not less frequently than once a month.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding at the end the following:

TITLE XVIII—HOMELAND SECURITY INFORMATION COORDINATING COUNCIL

''Sec. 1801. Homeland Security Information Coordinating Council.''.

SEC. 6. INCENTIVES TO PROMOTE SHARING OF HOMELAND SECURITY INFORMATION.

(a) AGENCY PERFORMANCE MEASURES.—

(1) PERFORMANCE PLAN.—Consistent with the requirements of section 1115 of title 5, United States Code, the Secretary shall prepare an annual performance plan that establishes measurable goals and objectives for information sharing between the Department and other appropriate entities in Federal, State, local, and tribal governments. The plans shall identify action steps necessary to achieve such goals.

(2) PERFORMANCE REPORT.—Consistent with the requirements of section 1116 of title 5, United States Code, the Secretary shall prepare and submit to Congress an annual report including an evaluation of the extent the Department's information sharing goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the previous year's performance plan.

(3) PERFORMANCE MANAGEMENT.—The Secretary shall incorporate the performance measures in the performance plan required under paragraph (1) into the Department's performance appraisal system. These performance measures shall be used in evaluating the performance of appropriate managers and employees. If appropriate, determinations for performance awards, bonuses, achievement awards, and other incentives for Departmental managers and employees shall include consideration of these performance measures.

(b) INCENTIVES PROGRAMS.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

"§ 4521. Awards to promote homeland security information sharing

''(a) In this section—

''(1) the terms 'agency' and 'employee' have the meanings given under paragraphs (1) and (2) of section 4501, respectively; and

''(2) the term 'homeland security information' means information relevant to, or of potential use in, the prevention of, preparation for, or response to, terrorist attacks upon the United States.

''(b)(1) The head of an agency may pay a cash award to, grant time-off without charge to leave or loss of pay, or incur necessary expense for the honorary recognition of, an employee who—

''(A) develops and implements innovative policies, practices, procedures, or technologies to foster appropriate sharing of homeland security information with other agencies and with State, local, and tribal governments; and

''(B) through such innovations, achieves measurable results.

''(2) A cash award under this section may not exceed the greater of—

''(A) $10,000; or

''(B) 20 percent of the basic pay of the employee.

''(3) A cash award may not be paid under this section to an individual who is appointed to, or who holds—

''(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(B) a position in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a); or

''(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(4) Consistent with paragraphs (1), (2), and (3), the Secretary of Homeland Security shall establish an awards program specifically designed to recognize and reward employees (including managers) of the Department of Homeland Security. An employee of the Department of Homeland Security may not receive an award under paragraph (1).

''(5) Not later than 1 year after the date of enactment of this section, and annually for 5 years thereafter, the Secretary of Homeland Security shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives a report detailing the implementation of programs under this section, including—

''(A) the number of managers and employees recognized;

''(B) the type of recognition given;

''(C) the number and dollar amount of awards paid to individuals holding positions within each pay grade, pay level or other pay classification;

''(D) the relationship between awards under this program and other incentive or awards programs; and

''(E) the extent to which the program is assisting in overcoming cultural and other barriers to sharing homeland security information.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—AWARDS TO PROMOTE HOMELAND SECURITY INFORMATION SHARING

''4521. Awards to promote homeland security information sharing.''.

SEC. 7. OFFICE OF INFORMATION SHARING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding after section 801 the following:

"SEC. 802. OFFICE OF INFORMATION SHARING.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) COMMUNICATIONS INTEROPERABILITY.—The term 'communications interoperability'

means the ability of public safety service and support providers, including law enforcement, firefighters, and emergency management, to communicate with other responding agencies and Federal agencies if necessary, through information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Information Sharing.

''(3) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(A) has submitted a plan under subsection (d)(3); and

''(B) the Secretary determines has not achieved adequate statewide communications interoperability.

''(4) OFFICE.—The term 'Office' means the Office of Information Sharing established under subsection (b).

''(5) PUBLIC SAFETY AGENCIES.—The term 'public safety agencies' means law enforcement, firefighters, emergency technicians, public health officials, and such other persons that the Secretary determines must communicate effectively with one another to respond to emergencies.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the Office of Information Sharing within the Office for State and Local Government Coordination and Preparedness, which shall be headed by a Director of Information Sharing appointed by the Secretary.

''(2) ADMINISTRATION.—The Secretary shall provide the Office with the resources and staff necessary to carry out the purposes of this section, including sufficient staff to provide support to each State, consistent with the responsibilities set forth in paragraph (3).

''(3) RESPONSIBILITIES.—The Office established under paragraph (1) shall—

''(A) foster the sharing of homeland security information among State and local governments and public safety agencies, and regional consortia thereof, and between these entities and the Federal Government by—

''(i) facilitating the creation of regional task forces with representation from State and local governments and public safety agencies and from the Federal Government to address information sharing needs; and

''(ii) facilitating the establishment of 24-hour operations centers in each State to provide a hub for Federal and State and local government intelligence and public safety agencies to share information;

''(B) foster the development of interoperable communications systems by State and local governments and public safety agencies, and by regional consortia thereof, by—

''(i) developing and implementing a national strategy to achieve communications interoperability;

''(ii) developing and maintaining a task force that represents the broad customer base of State and local governments, public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

''(iii) promoting a greater understanding of the importance of interoperability among all levels of Federal, State and local government;

''(iv) facilitating collaborative planning and partnerships among Federal, State, and local government agencies in all States where necessary;

''(v) facilitating the sharing of information on best practices for achieving interoperability;

''(vi) identifying and working to overcome the cultural, political, institutional, and geographic barriers within the public safety community that can impede interoperability among public safety agencies, including among Federal agencies;

''(vii) developing appropriate performance measures and systematically measuring the Nation's progress toward interoperability;

''(viii) coordinating with other offices in the Department and other Federal agencies providing grants for communications interoperability or for other equipment and training necessary to prevent, respond to, or recover from terrorist attacks, including the development of common guidance for such grants and consistent technical advice; and

''(ix) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

''(C) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on the design of regional information sharing networks and technology needed to support such governments, agencies, and consortia;

''(D) provide technical assistance to State and local governments and public safety agencies, and regional consortia thereof, on planning, interoperability architectures, acquisition strategies, and other functions necessary to achieve communications interoperability;

''(E) in conjunction with the Directorate for Science and Technology—

''(i) provide research, development, testing, and evaluation for public safety communications technologies and equipment;

''(ii) evaluate and validate new technology concepts, and promote the deployment of advanced broadband communications technologies; and

''(iii) encourage the development of flexible and open architectures and standards, with appropriate levels of security, for short- and long-term solutions to interoperability; and

''(F) in coordination with State and local governments, develop a system for collecting and distributing best practices in homeland security.

''(c) BASELINE ASSESSMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

''(2) REPORTS.—The Secretary, acting through the Director, shall submit to the Committee on Governmental Affairs of the Senate, the Select Committee on Homeland Security of the House of Representatives, and the Committee on Government Reform of the House of Representatives—

''(A) not later than 1 year after the date of enactment of this section, a report of the findings of the assessment required by subsection (c); and

''(B) not later than 18 months after the date of enactment of this section, a plan for achieving all necessary communications interoperability throughout the Nation.

''(d) PREPAREDNESS GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, through the Office, shall make grants to—

''(A) eligible States for initiatives necessary to achieve interoperability within each State, including—

''(i) statewide communications planning;

''(ii) system design and engineering;

''(iii) procurement and installation of equipment;

''(iv) operations and maintenance of equipment; and

''(v) testing and technology development initiatives; and

''(B) local governments (including a consortium of local governments), and public safety agencies within eligible States, to assist with any aspect of the communications life-cycle, including—

''(i) planning, system design, and engineering;

''(ii) procurement and installation of equipment;

''(iii) operations and maintenance of equipment; and

''(iv) testing and technology development.

''(2) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with other entities of the Department and other Federal entities so that grants awarded under this subsection, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability nationally.

''(3) ELIGIBILITY.—

''(A) SUBMISSION OF PLAN.—To be eligible to receive a grant under this subsection, each eligible State, or local governments or public safety agencies within an eligible State, shall submit a communications interoperability plan to the Secretary that—

''(i) addresses any aspect of the communications life cycle, including planning, system design and engineering, procurement and installation, operations and maintenance, and testing and technology development;

''(ii) if the applicant is not a State, includes a description of how the applicant addresses the goals specified in any applicable State plan or plans submitted under this section; and

''(iii) is approved by the Secretary.

''(B) INCORPORATION AND CONSISTENCY.—A plan submitted under subparagraph (A) may be part of, and shall be consistent with, any other homeland security plans required of the submitting party by the Department.

''(4) AWARD OF GRANTS.—

''(A) CONSIDERATIONS.—In approving plans and awarding grants under this subsection, the Secretary shall consider—

''(i) the nature of the threat to the eligible State or local jurisdiction;

''(ii) the location, risk, or vulnerability of critical infrastructure and key national assets;

''(iii) the number, as well as the density, of persons who will be served by interoperable communications systems;

''(iv) the extent of the partnerships, existing or planned, established between local jurisdictions and agencies participating in the development of interoperable communications systems, and their coordination with Federal and State agencies;

''(v) the extent to which the communications interoperability plan submitted under paragraph (3) adequately addresses steps necessary to implement short-term or long-term solutions to communications interoperability;

''(vi) the extent to which eligible States and local governments, in light of their financial capability, demonstrate their commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(vii) the extent to which grants will expedite the achievement of interoperability in the relevant jurisdiction with Federal, State, and local agencies; and

''(viii) the extent to which grants will be utilized to implement advanced communications technologies to promote interoperability.

''(B) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that any grant made under this subsection is

coordinated with neighboring jurisdictions, contiguous local governments, and within State and regional entities.

''(C) LOCAL FUNDING.—If the Secretary makes grants awards to States, the Secretary shall—

''(i) make it a priority to ensure that funding or resources reach local governments; and

''(ii) require applicants to demonstrate how such funding will reach local governments.

''(D) ALLOCATION.—In awarding grants under this subsection, the Secretary shall ensure that—

''(i) not less than .75 percent of the total amount appropriated for grants in any fiscal year shall be awarded, subject to clause (ii), to each eligible State, including the District of Columbia and the Commonwealth of Puerto Rico; and

''(ii) not less than .25 percent of the total amount appropriated for grants in any fiscal year shall be awarded to the territories of the United States, including American Samoa, the Commonwealth of Northern Mariana Islands, Guam, and the United States Virgin Islands.

''(E) PROCESS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practical, employ a peer review process such as that used to review applications awarded under the Assistance to Firefighters Grant Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2005 through 2008, and such sums as are necessary each fiscal year thereafter, for the operations of the Office, and for other entities within the Department whose activities facilitate the purposes of this section and the Homeland Security Interoperability Act of 2004.

''(2) PREPAREDNESS GRANT PROGRAM.—There are authorized to be appropriated to carry out the grant program under subsection (d)—

''(A) $400,000,000 for fiscal year 2005;

''(B) $500,000,000 for fiscal year 2006;

''(C) $600,000,000 for fiscal year 2007;

''(D) $800,000,000 for fiscal year 2008;

''(E) $1,000,000,000 for fiscal year 2009; and

''(F) such sums as are necessary each fiscal year thereafter.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 801 and inserting the following:

''801. Office for State and Local Government Coordination and Preparedness.

''802. Office of Information Sharing.''.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased to join my good friend, the Senator from Connecticut, Mr. LIEBERMAN, in introducing legislation that will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of Government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN and his staff for their efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

In the immediate aftermath of September 11, the phrase ''connect the dots'' gained a prominent place in our national lexicon. The agencies charged with intelligence gathering, analysis, and enforcement did not have structures in place that would have enabled them to effectively share information and coordinate responses. The dots were there, but our intelligence and law enforcement personnel were, in far too many cases, unable to connect them.

The heroism of our first responders on September 11 will never be forgotten. Their devotion to duty, their courage, and their training saved a great many lives that terrible day. Yet we now know that the lack of a unified command structure, the uneven and in some cases outright absence of interdepartmental coordination and incompatible communications equipment may have prevented them from saving even more lives, and it cost many first responders their own lives.

Throughout the Nation on that day, there was another problem. False reports of car bombings and other terrorist acts spread quickly, overwhelming the immediate efforts and response, preventing a full comprehension of what had actually occurred, and causing needless fear. Our frontline civilian and military agencies struggled to improvise a defense against an attack of unknown nature and scope. As the Chairman of the Joint Chiefs of Staff told the 9/11 Commission:

We fought many phantoms that day.

The enemy we are fighting is no phantom. It is real, and it is deadly. From the agencies of the Federal Government down to the State and local levels, we have dedicated personnel who can defeat that enemy. We must enable them to work together more effectively in this great cause. We cannot expect them to connect the dots if so many dots are hidden from view.

Although the Department of Homeland Security has made remarkable progress in forging cohesive strategies, State and local officials still tell Senator LIEBERMAN and they still tell me that they have difficulty in obtaining needed information from Federal agencies and that they lack a reliable way to convey their own information to Federal officials.

Turf battles, unfortunately, are still being fought among some agencies. There still is no effective system in place for State and local governments to share information with one another.

From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

A General Accounting Office report on interoperable communications released last week notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency.

Among the GAO recommendations are that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security needs to establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. I believe that grant program is the most important feature of our legislation.

At a homeland security conference held in my home State of Maine in May, one of the most persistent messages that I heard from Maine's first responders concerned the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has three deepwater cargo ports, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their defense of the front lines in the war against terrorism, however, is a national matter. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

The grant program established by our bill would guarantee every State a share of interoperability funding and makes additional funding available for States with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

At that Maine conference, I was joined by Under Secretary Asa Hutchinson. He, perhaps, best described the mutual responsibilities of this Federal-State partnership when he said:

We cannot secure the homeland of America from Washington, D.C.

In other words, we have to rely on State and local officials and on our first responders.

There is no question, however, that the security of the homeland requires

the involvement, leadership, and expertise of Washington, DC, and, yes, it also requires our financial commitment.

As Senator LIEBERMAN mentioned, a recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion. Our legislation authorizes $3.3 billion over 5 years. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to foster a culture of information sharing through all levels of government and across all boundaries.

It directs the Secretary of Homeland Security to establish a homeland security information-sharing network that will expedite the gathering, analysis, and distribution of information that is relevant to preventing or responding to terrorism anywhere in the Nation. The council established by this legislation will bring together representatives from all the relevant Federal agencies, and from State and local governments as well, to develop, monitor, and update procedures to enhance information sharing.

This bill would make an important contribution to the security of our Nation and the safety of our people. It would help us clear the barriers that now prevent agencies at all levels of government from cooperating and communicating to the fullest extent, whether those barriers are due to a lack of coordination or whether they are due to technology and incompatible equipment.

At the risk of piling one cliché on top of another, it is apparent to me that in order to connect the dots, we must think outside the box. Our enemy is cunning and remorseless. We must be clever and resourceful. This legislation is designed to foster innovative thinking by rewarding it, through a program that provides cash awards or other forms of recognition to agency employees who solve a homeland security problem. We already use pay-for-performance awards to recognize Federal employees who devise ways to deliver Government services more effectively and efficiently. We certainly can do the same for employees who think up ways to make our country safer.

The new Office of Information Sharing this legislation would establish in the Department of Homeland Security will continue the substantial progress being made by addressing specific issues related to improving cooperation among the various levels of government. A key element of improved cooperation will be getting technology, computer systems and communications equipment in particular, to work across the frontiers of government agencies.

The security of our Nation and the safety of our people require that we clear the barriers that prevent agencies at all levels of government from cooperating and communicating to the fullest extent. There is an additional reason why this is important.

Effective information-sharing is the best way in which we can protect ourselves from harm as we protect the civil liberties we cherish. We need borders that are closed to our enemies, but that remain open to our friends. We need to be able to travel safely, but also freely. We need to be able to protect ourselves against threats from abroad, but we also need to engage in open and vigorous trade. The greatest threats to these freedoms are the fear, suspicion and doubt that come from not knowing as much as we can about the enemy and from having the best, most coordinated defense possible.

I urge my colleagues to join me in supporting this legislation to build a better and stronger homeland security partnership.

I hope the legislation that Senator LIEBERMAN and I have introduced will enjoy widespread support.

Mr. AKAKA. Mr. President, I rise today to join my colleagues Senators LIEBERMAN and COLLINS in introducing the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004, a piece of legislation critical to improving the communication capabilities of first responders and among all levels of government.

One of the most important lessons our Nation learned on September 11 is that information sharing, both between agencies and levels of government and between emergency first responders, is critical to the prevention of and response to a terrorist attack on our homeland. There has been much talk about breaking down stove pipes and fully equipping our heroic first responders in the past 3 years, but this bill points out those goals have not yet been met.

The world watched as firefighters perished in the World Trade Center because their radios could not function inside the buildings and they did not have updated information about the imminent collapse of the towers. Ten months later it was reported that officers responding to a shooting at Los Angeles International Airport missed crucial information because they were not using the same radio frequency.

Yet almost all cities and counties in the United States still lack an interoperable communications system today and many still lack the infrastructure to provide 100 percent coverage for the radio systems they do have. In my home State of Hawaii, first responders are unable to communicate through radios in 25 percent of the island of Hawaii because of a combination of lack of infrastructure and diverse geography.

This problem can be solved, but it will require a commitment of not only funding but planning, communication and cooperation. The current SAFECOM initiative, which is supposed to address the interoperability problem, has failed in most, if not all, of these areas. While this issue clearly cannot be solved by one agency alone, the cross-government nature of SAFECOM crippled the program from the start. SAFECOM is supposed to be funded by multiple agencies meaning that if one agency is not in agreement with the others it can withhold funding and slow or stop activities. This formula has proven ineffective.

The Homeland Security Interagency and Interjurisdictional Information Sharing Act will address these issues. The bill creates an Office of Information Sharing within the Department of Homeland Security to develop and implement a national strategy and provide the leadership, outreach, and technical assistance necessary to achieve interoperability. The new office would receive a direct line of funding for its operations as well as to provide grants to States and localities to develop interoperable networks.

The bill would also require the Secretary of Homeland Security to develop a Homeland Security Information Sharing Network. The problem of informational stove piping will not be eradicated with ad hoc measures as is the practice today. The administration must institutionalize a system of sharing critical homeland security information among all levels of government. We are no longer in a ''need to know'' world. We must switch to a ''need to share'' mentality.

Three years is too long for the lessons of September 11 to not be implemented. I urge my colleagues to support this important piece of legislation and I thank Senators LIEBERMAN and COLLINS for their work on this issue.

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. ALLEN, and Mr. LOTT):

S. 2702. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on Rules and Administration.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the First Amendment Restoration Act of 2004, a companion bill to H.R. 3801, which was introduced earlier this year in the House by my former colleague, Congressman Roscoe Bartlett. In the last few years, we've seen some remarkable restrictions placed on the ability of organizations to exercise their first amendment rights with respect to campaign contributions. One particular example is the Bipartisan Campaign Reform Act of 2002, or BCRA, which contains some provisions that have always troubled me. Although in McConnell v. FEC, the Supreme Court upheld BCRA's restrictions as constitutional, this is not the first time that I've disagreed with the Court's conclusions on

what kind of conduct I think is or is not constitutionally protected.

Specifically, I am concerned with the provisions of BCRA that limit the ways in which some organizations can contribute funds within certain time frames before an election. Under BCRA, labor unions and corporations, which include trade associations and interest groups as diverse as the ACLU and the NRA, are limited to only contributing PAC funds within 30 days of a primary and 60 days of a general election. These limitations apply to contributions for what are know as ''electioneering communications,'' which are any broadcast, cable, or satellite communications that refer to a clearly identified Federal candidate and that reach 50,000 or more people in the relevant district or State.

I believe that Congress can go beyond what the Supreme Court's decision in McConnell v. FEC envisions as what is constitutionally protected speech and that Congress should provide further first amendment protections for organizations wanting to make political contributions. This is why today I am introducing the First Amendment Restoration Act. This bill would repeal those provisions of BCRA that limit corporations and labor unions from making any other contributions than those run through political action committees within the 30- and 60-day periods set out in the act. I am proud to say that Senators JIM INHOFE, GEORGE ALLEN, and TRENT LOTT have agreed to cosponsor this bill. I look forward to the debate on the First Amendment Restoration Act and on issues of campaign-finance reform in general, as we see how the restrictions we place on speech really play out in the real world.

By Mr. BIDEN (for himself and Mr. DEWINE):

S. 2705. A bill to provide assistance to Sudan, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, 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. 2705

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 ''Comprehensive Peace for Sudan Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has engaged in an orchestrated campaign of genocide in Darfur, Sudan, and has severely restricted humanitarian and human rights workers' access to Darfur in an attempt to inflict further harm on the Fur, Masalit, and Zaghawa people of Darfur and to prevent the collection of evidence of war crimes and crimes against humanity.

(2) As a result of this campaign, as many as 30,000 people have been killed, more than 1,000,000 people have been displaced within Sudan, and approximately 200,000 have been made refugees in Chad.

(3) As many as 320,000 people may die unless humanitarian aid is immediately delivered to the affected individuals.

(4) The United Nations High Commissioner for Human Rights issued a report which ''identified . . . massive human rights violations in Darfur perpetrated by the Government of Sudan and its proxy militia, which may constitute war crimes and/or crimes against humanity''.

(5) The Government of Chad, under President Idriss Deby, has served an important role in facilitating a renewable ''humanitarian cease-fire'' between the Government of Sudan and the two rebel groups challenging that Government in Darfur, the Justice and Equality Movement and the Sudan Liberation Movement, and has been a crucial partner in permitting humanitarian assistance to reach refugees who have crossed from Darfur to Chad in the tens of thousands.

(6) The cooperation and mediation of the SPLM is critical to bringing about a political settlement between the Government, the Sudanese Liberation Army, and the Justice and Equality Movement.

(7) Practical implementation of a comprehensive peace agreement between the SPLM and the Government of Sudan is impossible without the implementation of a peace agreement for Darfur.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

SEC. 4. SENSE OF CONGRESS REGARDING ACTIONS TO ADDRESS THE CONFLICT IN DARFUR.

It is the sense of Congress that—

(1) the United Nations Security Council should immediately pass a resolution—

(A) condemning the actions of the Government of Sudan in Darfur; and

(B) setting out specific actions that such Government must take to avoid the reimposition of sanctions;

(2) the United States Ambassador at Large for War Crimes should travel to the region to investigate allegations of war crimes, crimes against humanity, and genocide brought against the Government of Sudan;

(3) the President should immediately name a new Special Envoy to Sudan whose responsibilities include support for conflict mitigation throughout Sudan;

(4) the SPLM should take advantage of the opportunity afforded by the May 26, 2004, signing of the three protocols to help broker a political settlement to the conflict in Darfur;

(5) restrictions pursuant to Executive Order 13067 (50 U.S.C. 1701 note) should not be lifted unless there is peace in Darfur; and

(6) upon implementation of a peace agreement in Darfur, the signing of a comprehensive peace agreement between the SPLM and the Government of Sudan, and full cooperation from the Government of Sudan on the war against terrorism, the Government of the United States should immediately begin discussions of the necessary steps to normalize relations with Sudan, including the lifting of all economic and political sanctions.

SEC. 5. ASSISTANCE FOR SUDAN.

(a) HUMANITARIAN ASSISTANCE FOR CHAD AND DARFUR.—The President is authorized to provide $200,000,000 in fiscal year 2005 in assistance to meet the humanitarian crisis in Chad and Darfur pursuant to section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) to provide shelter, health, water and sanitation, protection of vulnerable populations, food, and other appropriate relief items.

(b) ASSISTANCE TO SUPPORT A COMPREHENSIVE NORTH-SOUTH PEACE AGREEMENT.—Notwithstanding any other provision of law, and subject to subsection (d), the President is authorized to provide $800,000,000 in assistance to support a comprehensive North-South peace agreement in Sudan for purposes including commercial assistance, infrastructure rehabilitation, disarmament and demobilization of fighters, and training and technical assistance to integrate members of the SPLM into the interim Government of Sudan.

(c) CERTIFICATION.—The President shall submit a certification to the appropriate congressional committees not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, that the Government of Sudan has—

(1) ensured that the armed forces and the militias, known as the Janjaweed, are not attacking civilians;

(2) taken significant demonstrable and verifiable steps to demobilize and disarm the Janjaweed in Darfur;

(3) ceased harassment of aid workers, including those who report human rights abuses, and allowed unfettered humanitarian access to Darfur; and

(4) fully cooperated with the deployment and operation of the African Union monitoring team for Darfur.

(d) PROHIBITION AND SUSPENSION OF ASSISTANCE.—

(1) PROHIBITION.—If the President does not submit the certification described in subsection (c) then the President may not provide the assistance authorized in subsection (b).

(2) SUSPENSION.—If, on a date after the President submits the certification described in subsection (c), the President determines such Government has ceased taking such actions, the President shall immediately suspend the provision of the assistance authorized in subsection (b) until the date on which the President certifies that such Government has resumed taking such actions.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) MEASURES AND SANCTIONS IN SUPPORT OF PEACE.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1)—

(1) the President shall implement the measures set forth in section 6(b)(2) of the Sudan Peace Act (50 U.S.C. 1701 note); and

(2) notwithstanding section 428(b) of the Homeland Security Act of 2002 (6 U.S.C. 236(b)), the Secretary of State shall prohibit the granting of a visa to—

(A) a senior member of the Government of Sudan;

(B) a senior official of the military of Sudan; or

(C) a family member of an individual described in subparagraph (A) or (B).

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) shall remain in place until the President makes the certification described in subsection (c)(1).

(c) CERTIFICATION.—The certification referred to in subsections (a) and (b) is a certification submitted by the President to the appropriate congressional committees not

later than 30 days after the date of enactment of this Act, and every 90 days thereafter, that—

(A) the armed forces of the Government of Sudan and militias allied with such Government have not attacked civilians in Sudan since the date of enactment of this Act; and

(B) the Government of Sudan is allowing unfettered humanitarian access to people in Darfur.

SEC. 7. MULTILATERAL EFFORTS.

The Secretary of State shall direct the United States Permanent Representative to the United Nations to pursue a Security Council Resolution that condemns the Government of Sudan for its actions in Darfur and calls for—

(1) accountability for those who are found responsible for orchestrating and carrying out the atrocities in Darfur; and

(2) member states of the United Nations to—

(A) freeze the assets of senior members of the Government of Sudan and their families held in each such member state;

(B) cease to import Sudanese oil;

(C) restrict the entry or transit of senior members of the Government of Sudan and their families through each such member state;

(D) deny permission for any aircraft registered in Sudan to take off from, land in, or overfly each such member state; and

(E) cease selling arms to the Government of Sudan.

SEC. 8. REPORTING REQUIREMENTS.

Not later than 30 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes—

(1) plans for and resources needed to assist with the reconstruction of Sudan to support a comprehensive peace agreement between the Government of Sudan and the SPLM, including a description of the effect that the crisis in Darfur will have on the resources needed;

(2) contingency plans for the delivery of humanitarian assistance through nonmilitary means should the Government of Sudan continue to obstruct or delay the international humanitarian response for the 2,000,000 Sudanese civilians declared vulnerable in Darfur;

(3) an assessment of the United States military personnel, platforms, equipment, and their associated costs required (should other efforts fail) to—

(A) deliver humanitarian assistance to Darfur; or

(B) provide security for the delivery of humanitarian assistance; and

(4) a strategy for providing medical and psycho-social assistance to victims of torture and sexual violence in Darfur.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the President—

(1) for fiscal year 2005, $200,000,000 to carry out the activities described in section 5(a); and

(2) for fiscal years 2005 through 2008, a total of $800,000,000 to carry out the activities described in section 5(b).

(b) REDUCTION OF AVAILABLE FUNDS.—The amount authorized to be appropriated under subsection (a)(2) shall be reduced by $50,000,000 180 days after the date of enactment of this Act if the President has not made the certification described in section 5(c) by the end of that 180-day period, and shall be reduced by an additional $50,000,000 at the end of each 180-day period thereafter that has ended before the President has made such certification.

By Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE):

S. 2706. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am pleased to be introducing legislation that expands the supports and services available to grandparents and other relatives who are raising children when their biological parents can no longer take care of them. I am happy to have worked with my friend and colleague, Senator OLYMPIA SNOWE, in crafting this important bill.

Today there is a phenomenon that is quietly changing the face of the American family and creating new challenges for our Nation's child welfare system—the growth of kinship care. According to the Census, more than 6 million children—1 in 12—live in households headed by grandparents or other relatives.

New York alone has over 409,000 children living in these households. The majority of these children—54 percent—live with their grandparents, while the rest live with aunts, uncles, siblings, and cousins. Sadly, one-fifth of families headed by grandparents are living in poverty.

While extended families have always stepped in to raise children when parents could not, over the past two decades we've seen a rise in the number of children living with grandparents and other relatives. A study conducted by the American Association of Retired Persons found that the number of children living in grandparent-headed households increased by 30 percent between 1990 and 2000.

Parents are unable to raise their own children for many different reasons, and we still have a lot to learn about this trend, but a few statistics are illuminating: Mothers are the fastest growing segment of the U.S. prison population. Approximately 7 in 10 women in correctional facilities have children under age 17. The number of women living with HIV/AIDS increased from 4,000 in the early 80s to close to 60,000 in 2000.

Many of these women are unable to raise their children and often rely on their relatives to fill in. Many other parents die or contract debilitating diseases that also make it impossible for them to fulfill their parental obligations.

Grandparents and other relatives have stepped forward, often at great personal sacrifice, to provide safe and loving homes for the children in their care. This has allowed tens of thousands of children to live with extended family rather than strangers.

Extended families can provide a sense of belonging and a connection with their family history. Children are traumatized when they are separated from their natural parents—being cared for by grandparents or other relatives can soften that blow.

But kinship families, especially those without formal legal custody of the children under their care, face a number of unnecessary barriers. Let me give you an example. Maria Lemmons, of Albany, lost her daughter, a single mother of 3, in a tragic car crash when Maria was 67. Maria immediately stepped in to take custody of her grandchildren, aged 11, 13, and 15. But as you can imagine, she struggled. Maria was financially secure, but she hadn't raised a teenager in over 20 years. She needed guidance about parenting and a support group to help her navigate the tough terrain of parenting.

At the other extreme is Susan Smith. Susan's daughter Cathy almost lost custody of her son, Jacob, when she became addicted to heroin and neglected him for days at a time. Susan intervened to take care of Jacob even though doing so required a significant financial sacrifice. Susan lives on a Social Security check of less than $300 a month. She can barely afford her groceries and her medicine. But she was not willing to let Jacob be raised by a stranger.

At the very least, both of these women need and deserve our compassion. But I believe they also deserve our support as they assume the awesome responsibility of raising children. The Kinship Caregiver Support Act will help women like Maria and Susan in three important ways.

First, it will establish a ''kinship navigator'' program. This program will provide funds to social service agencies to establish toll-free hotlines, websites, and resource guides on the local and State parenting support available to kinship families. These hotlines and websites will give grandparents critical information about enrolling children in school, obtaining SCHIP, Medicaid and other health insurance, safeguarding their homes for small children, applying for housing assistance, obtaining legal services, finding childcare, and identifying parental support groups so that women like Maria have someone to talk to about their experiences.

The kinship navigator program will promote partnerships between government agencies, not-for-profit and faith-based organizations to help them better serve the needs of kinship care families.

The second part of this legislation will make it possible for kinship families who serve as permanent legal guardians to receive the same payments that foster families would receive. This is extremely important because many grandparents want to raise their grandchildren but, like Susan, simply cannot afford to do so.

States will have the option to use their title IV–E funds to provide payments to grandparents and other relatives who have assumed legal guardianship of the children they've cared for as foster parents. Families would be eligible if the child has been under the care of the State agency for at least 12 months and was eligible for foster care maintenance payments.

There are a few States, such as Illinois and Maryland, that have already implemented subsidized guardianship waivers through the Health and Human Services demonstration project. These States have shown that subsidized guardianship is a cost-neutral and effective way to keep families together. My legislation will make it possible for all States to follow in their path. It values families that care for each other.

The final part of this legislation will require States to notify grandparents when children enter the foster care system. Unfortunately, grandparents and other relatives often do not know when their grandchildren or nieces and nephews come under the care of the State. By notifying grandparents and other relatives when children enter the foster care system, we can make it a lot easier for families to stay together.

I also want to note that in May of this year, the Pew Commission on Children in Foster Care recommended that children who live with a permanent legal guardian should receive federal guardianship assistance. This commission is widely considered to be one of the most comprehensive investigation of child welfare financing policy in decades and is chaired by a bipartisan group of child welfare experts, including legislators, state administrators, family service providers, judges, foster and adoptive parents, and former foster youth. It is encouraging that their recommendations are in line with the legislation I am introducing today.

I am very pleased with this legislation; it shows that we are moving in the right direction toward helping the thousands of children and the relatives that care for them in this country. I look forward to working with my colleagues to pass this bill in the Senate.

By Mr. LIEBERMAN:

S. 2708. A bill to develop the National Strategy for Homeland Security, and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation to forge a comprehensive and effective strategy for our homeland security.

Before 9/11, we did not truly perceive the threat of terrorism on our own soil, and what homeland security efforts we did have underway were badly divided. Dozens of agencies responsible for pieces of our homeland security were scattered across the Federal Government, and were largely unconnected to state and local officials and first responders on the front lines in our Nation's cities and towns. There were confusing overlaps and, more critically, treacherous gaps. And because everyone was responsible for parts of the effort, no one was ultimately in charge.

We took one large step to remedy these weaknesses by creating the Department of Homeland Security. The Department brings more than two dozen of the Federal Government's critical homeland security agencies and programs under one roof, allowing for unprecedented coordination and cooperation. It also created a Cabinet Secretary charged with managing the budgets and personnel of these agencies, and capable of providing a focal point for homeland programs and issues in the Cabinet and beyond.

But we knew that in addition to creating a better organization, we would need to lay out a clear roadmap to galvanize our homeland defenses—at all levels of government and the private sector. That is what many of us called for and, regretfully, it is something this Nation still sorely lacks.

The Administration did produce a ''National Strategy for Homeland Security'' in July 2002 that correctly identified many of the challenges we face in preparing to meet the threat of terrorism. But that document predates the creation of the Department of Homeland Security and is already out of date. More significantly, it failed to set priorities, clear deadlines and accountability for the vast array of homeland security tasks we face.

As the highly regarded Gilmore Commission on terrorism noted in its final report last December: ''Much is still required in order to achieve an effective, comprehensive, unified national strategy and to translate vision into action. Notably absent is a clear prioritization for the use of scarce resources against a diffuse, unclear threat as part of the spectrum of threats—some significantly more common than terrorism. The panel has serious concern about the current state of homeland security efforts along the full spectrum from awareness to recovery, worried that efforts by the government may provide the perception of enhanced security that causes the Nation to become complacent about the many critical actions still required.''

While it is true that the Department of Homeland Security is proceeding with some more targeted strategies regarding specific areas of concern, these cannot replace a comprehensive strategy that sets the ultimate policies and priorities for our homeland effort.

That is why I am introducing legislation requiring a new homeland security strategy that can provide the strong, precise national guidance we need on this critical issue.

In a February 3, 2004 report, the General Accounting Office surveyed seven existing Federal strategies related to terrorism—including the National Strategy for Homeland Security—and laid out guiding principles to improve these strategies. My legislation incorporates these principles, which stress accountability and prioritization as requirements for a new homeland security strategy. The new strategy must include a hierarchy of strategic goals and indicate the specific activities needed to achieve those goals, as well as the likely costs, and how such funds should be generated. In other words, the strategy must make real choices about priorities and resources. The current strategy identifies many goals, but rarely provides deadlines for action, standards or performance measures to assess progress, or details on the resources required for stated initiatives.

The strategy must clearly spell out organizational roles and responsibilities, including the proper roles of State, local, private and international actors and the coordinating mechanisms to bring these actors together. Almost three years after 9/11, we still too often must ask ''who is in charge?'' of key pieces of our homeland security agenda. And, critically, the homeland security strategy must address how it relates to other Federal strategies regarding terrorist threats, and how the strategies will be integrated.

The legislation also highlights certain substantive areas that should be addressed, such as a thoroughgoing strategy to maximize information sharing related to homeland security throughout the Federal Government and with state and local officials and, where appropriate, the private sector. The strategy must look at preparing the public health sector to detect and respond to terrorist attacks, at integrating military capabilities into our homeland security planning, at building all-hazards preparedness throughout all levels of government and the private sector, and securing our critical infrastructure, much of which is in private hands.

The bill would require that the strategy be written every four years, with updates every two years and annual progress reports to be submitted in conjunction with the President's annual budget request. Recognizing that many Federal agencies outside the Department of Homeland Security play a critical part in homeland security, it calls on the Assistant to the President for Homeland Security to help the Secretary construct the strategy.

Importantly, it would create an independent panel of experts to review the strategy and offer alternative proposals as appropriate—a so-called ''Team B'' to provide decision makers with alternative perspectives and solutions for consideration. This nonpartisan panel, to be called the Homeland Security Commission, would consist of nine members appointed by the Secretary in consultation with Congress. The members would be recognized experts in the field of homeland security and cannot be current officers or employees of the Federal Government. This Commission is modeled on the successful National Defense Panel, which helped guide strategic planning for our military forces. This Commission can help ensure that we marshal all the best ideas to defend our homeland and do not fall into complacent, or narrow ways of thinking about the threats we face. We know that terrorists are always adapting their strategies and techniques. We must do no less.

We meet today amid ongoing, and indeed heightened, threats of terrorist attacks on our homeland. We need not be intimidated, but we must be prepared. A new and more forceful national strategy will help energize and organize our resources—at all levels of government and within the private sector—to meet this threat. I urge my colleagues to support this legislation to give us such a strategy.

Mr. President, I ask unanimous consent that the full 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. 2708

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 ''National Strategy for Homeland Security Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Homeland Security Strategy Commission established under section 4.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) STRATEGY.—The term ''Strategy'' means the National Strategy for Homeland Security developed under this Act.

SEC. 3. NATIONAL STRATEGY FOR HOMELAND SECURITY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) DEVELOPMENT.—The Secretary, under the direction of the President, and in collaboration with the Assistant to the President for Homeland Security and the Homeland Security Council, shall develop the National Strategy for Homeland Security for the detection, prevention, protection, response, and recovery with regard to terrorist threats to the United States.

(2) SUBMISSION TO CONGRESS.—

(A) INITIAL SUBMISSION.—Not later than December 1, 2005, and not later than December 1st of each year in which a President is inaugurated, the Secretary shall submit the Strategy to Congress.

(B) BIENNIAL UPDATE.—Not later than 2 years after each submission of the Strategy under subparagraph (A), the Secretary shall submit to Congress an updated version of the Strategy.

(C) PROGRESS REPORTS.—Each year, in conjunction with the President's budget request, the Secretary shall provide an assessment of progress on implementing the Strategy, including the adequacy of resources to meet the objectives of the Strategy, and recommendations to improve and implement the Strategy.

(3) CLASSIFIED MATERIAL.—Any part of the Strategy that involves information that is properly classified under criteria established by Executive Order shall be submitted to Congress separately in classified form.

(b) COORDINATION WITH THE ASSISTANT TO THE PRESIDENT FOR HOMELAND SECURITY.—The Secretary shall seek the assistance of the Assistant to the President for Homeland Security and the Homeland Security Council to—

(1) coordinate the input of Federal departments and agencies outside the Department of Homeland Security, which have homeland security responsibilities; and

(2) work with the Secretary on all aspects of the Strategy.

(c) CONTENTS.—

(1) IN GENERAL.—The Strategy shall include—

(A) a comprehensive statement of purpose, mission, and scope;

(B) threat, vulnerability, and risk assessment and analysis, including an analysis of the threats and vulnerabilities regarding critical infrastructure, assets, and operations and a description of the role of the Homeland Security Institute in conducting such risk assessments;

(C) a statement of desired end-states, including a hierarchy of strategic goals and subordinate objectives, as well as specific activities for achieving results and specific priorities, milestones, and performance measures to monitor progress toward goals;

(D) an assessment of necessary resources and investments to achieve strategic goals, including the types of necessary resources involved and resource allocation mechanisms;

(E) a delineation of organizational roles and responsibilities across the many entities involved in homeland security efforts, including—

(i) the proper roles and responsibilities of State, local, private, and international sectors, and a designation of coordinating mechanisms; and

(ii) other specific measures to enhance cooperative efforts between the Federal government and the sectors described in clause (i); and

(F) an explanation of the relationship between the Strategy and other Federal strategies addressing terrorist threats, including how these strategies will be integrated, and details on subordinate strategies within the Department of Homeland Security regarding specific aspects of homeland security.

(2) ADDITIONAL CONTENTS.—In addition to the items listed in paragraph (1), the Strategy shall include—

(A) policies and procedures to maximize the collection, translation, analysis, exploitation, and dissemination of information relating to combating terrorism and the homeland security response throughout the Federal government, and with State and local authorities, and, as appropriate, the private sector;

(B) plans for countering chemical, biological, radiological, nuclear and explosive, and cyber threats;

(C) plans for the coordination with, and integration of, the capabilities and assets of the United States military into all aspects of the Strategy, as appropriate;

(D) plans for improving the resources of, coordination among, and effectiveness of, health and medical sectors for preventing, detecting, and responding to terrorist attacks on the homeland;

(E) measures needed to enhance transportation security with respect to potential terrorist attacks, including aviation and nonaviation modes of transportation;

(F) measures, based on the risk assessments under paragraph (1)(B), to identify and prioritize the need for protective and support measures for critical infrastructure and plans to secure these key assets;

(G) an assessment of the Nation's ability to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, and measures to enhance such preparedness across all levels of government and the private sector;

(H) measures to secure the Nation's borders from terrorist threats, including agroterror, while continuing to facilitate the flow of legitimate goods and visitors;

(I) plans for identifying, prioritizing, and meeting research and development objectives to support homeland security needs; and

(J) plans for addressing other critical homeland security needs.

(d) COOPERATION.—At the request of the Secretary or the Assistant to the President for Homeland Security, Federal agencies shall provide necessary information or planning documents relating to the Strategy.

SEC. 4. NATIONAL HOMELAND SECURITY COMMISSION.

(a) ESTABLISHMENT.—The Secretary shall establish a nonpartisan, independent commission to be known as the Homeland Security Commission.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members, including a chair, who shall be appointed by the Secretary, in consultation with the chairman and ranking member of—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Select Committee on Homeland Security of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Commission appointed under paragraph (1)—

(A) shall be recognized experts in matters relating to the homeland security of the United States; and

(B) shall not be officers or employees of the Federal Government.

(3) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed to the Commission for an 18-month term, which shall begin on December 1, 2005.

(4) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings. A quorum is required to approve any report issued by the Commission, but a minority of members may submit an appendix to be included in such report.

(c) DUTIES.—The Commission shall conduct an independent, alternative assessment of the optimal policies and programs to improve homeland security against terrorist threats, including, to the extent practicable, an estimate of the funding required each fiscal year to support such policies and programs.

(d) COMPENSATION.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director (subject to Commission confirmation) and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and all employees of the Commission shall be employees under section 2015 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not apply to members of the Commission.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) ADMINISTRATIVE PROVISIONS.—

(1) USE OF MAIL AND PRINTING.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) SUPPORT SERVICES.—The Secretary shall furnish the Commission any administrative and support services requested by the Commission.

(3) GIFTS.—The Commission may accept and dispose of gifts or donations of services or property.

(h) PAYMENT OF COMMISSION EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department for the payment of compensation, travel allowances and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Commission shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(i) REPORT.—Not later than December 1, 2006, the Commission shall submit, to the committees referred to under subsection (b)(1), a report that—

(1) describes the activities, findings, and recommendations of the Commission; and

(2) provides recommendations for legislation that the Commission considers appropriate.

By Mr. NELSON of Florida:

S. 2711. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today in support of a bill I introduced today to set up a national program to reduce the loss of life and property due to windstorms.

This bill recently passed the House of Representatives and it will be addressed and hopefully passed during the Senate Commerce Committee markup tomorrow.

We all know the catastrophic damage that windstorms can cause. In fact, the highest level of material damage and loss of life in this country has been attributed to hurricanes, tropical storms, tornadoes and thunderstorms.

My State of Florida, as a coastal State, has been especially affected.

In 1992, Hurricane Andrew caused losses in excess of $26.5 billion.

And annually the average financial loss due to tornadoes, thunderstorms and hurricanes is $6.3 billion. So increasing our understanding of windstorms, assessing the performance of our buildings, structures and infrastructures during windstorms, reducing the impact of wind hazards through retrofitting buildings and changing construction practices and transferring this knowledge to the pubic and building professionals is desperately needed.

And this bill accomplishes all of those things.

It is a coordinated plan to reduce material losses and human suffering.

An interagency working group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the Federal Emergency Management Agency will be responsible for planning and managing this program.

The program will have three goals: Improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction.

How do we achieve this? Data collection and analysis, outreach, technology transfer, and research and development.

As a result of this program, we will translate existing and future information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials.

And this interagency group will provide biennial updates of their progress to Congress so we know what progress has been made and what more needs to be done.

We'll also get a broad cross-section of interests involved through an advisory committee—so that real-life issues are addressed and onsite expertise is utilized.

And my hope is that the devastation of Hurricane Andrew will never be experienced again in my State of Florda or in any other State.

This bill and help us achieve that and I urge my collegues' support.

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

S. 2713. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator KENNEDY to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least $300,000 to each State, the District of Columbia and Puerto Rico and $50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to $600,000 to each State and $100,000 to eligible U.S. territories.

When the PATH program was established in FY1991 as a formula grant program, Congress appropriated $33 million. That amount has steadily increased over the years with Congress appropriating $50 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many States and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home state of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen firsthand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of whom are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

Thank you and I look forward to working with my colleague Senator KENNEDY on this important issue.

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. 2713

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

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc–24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State and Territory for a fiscal year is the product of—

''(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

''(2) a percentage equal to the quotient of—

''(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

''(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

''(b) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521 for a fiscal year shall, at a minimum, be the greater of—

''(A) the amount the State or Territory received under section 521 in fiscal year 2004; and

''(B) $600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and $100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States and Territories receive a minimum allotment in accordance with paragraph (1), then—

''(A) no State or Territory shall receive less than the amount they received in fiscal year 2004; and

''(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible.''.

By Mr. DASCHLE:

S. 2714. A bill to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs; read the first time.

Mr. DASCHLE. Recently, the Majority Leader pulled the class-action reform legislation from consideration after the Senate failed to invoke cloture on the bill. We all know he would have had the votes for cloture if he had not played games with the amendment process. Instead, he proposed allowing Democrats only five non-germane amendments and insisted that he choose which amendments could be offered. He insisted that under no circumstances could we offer a bipartisan bill to legalize the safe importation of lower-priced prescription drugs from Canada and other industrialized countries. The Majority Leader no doubt feared that the re-importation legislation would pass as a result of the broad bipartisan support it enjoys. But the drug industry didn't want lower prices, and we were prevented from offering our amendment.

The re-importation bill is just one of many health measures currently pending in Congress that would help Americans who are struggling with the high costs of care, drugs, and insurance. These bills have broad support—some even have Republican lead sponsors—and we should be considering them here in the Senate. In fact, it is our obligation to do so. Yet most of these bills continue to languish in committee while the majority plays procedural games with the amendment process and spends countless hours on bills and measures that the Majority Leader knows do not have the votes to pass.

In response, over the past week, we have begun the process of putting these measures on the calendar. We are doing so to highlight that these critical bills are available for consideration on the Senate floor, and to show how important it is to pass them and send them to the President for his signature as soon as possible.

Today, I would like to discuss a measure I first introduced on the day the conference report to the Medicare bill passed the Senate. This proposal was included in a broader piece of legislation that we introduced that day in response to the conference report, and, on December 9, I introduced it as a stand-alone measure. It is a very simple bill. It would strike the prohibition contained in last year's Medicare legislation that prohibits the government from using the power of 41 million beneficiaries to negotiate lower drug prices for seniors. Senators on both sides of the aisle have expressed support for striking that provision. Senators who supported the conference report have joined with those who opposed it, such as myself, in cosponsoring my bill. That's because it just makes sense.

The new Medicare law does almost nothing to rein in skyrocketing prescription drug costs. In fact, it actually prohibits Medicare from using its bargaining power to negotiate lower prices. We have seen the VA's success at negotiating lower prices. Similarly, we should use the power of Medicare's beneficiary population to obtain lower prices for seniors and people with disabilities. Rather than fragmenting the population to dilute our ability to negotiate lower costs, we have an obligation—both to Medicare beneficiaries and to American taxpayers—to secure the lowest possible prices. That's what my bill would do.

It's time for the Senate to side with seniors and taxpayers over the drug industry. It's time for the Senate to pass this bill.

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. 2714

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 ''Medicare Prescription Drug Price Reduction Act of 2004''.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

''(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that each part D eligible individual who is enrolled under a prescription drug plan or an MA–PD plan pays the lowest possible price for covered part D drugs, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements of this part and in furtherance of the goals of providing quality care and containing costs under this part.''.

By Mr. COLEMAN:

S. 2715. A bill to improve access to graduate schools in the United States for international students and scholars; to the Committee on the Judiciary.

Mr. COLEMAN. Madam President, September 11, 2001, was a day that changed America forever. It taught us that oceans cannot protect us from those who are fanatically devoted to harming us. The world has changed after September 11. The American experience, realities, changed after September 11. We live with greater uncertainty. We live with greater fear and concern about attack. We have, even those in this Chamber, gone through the process of thinking the unthinkable, thinking about attacks on our soil, on our towns, on our country.

The good news is that in the last 2½ years since September 11, America has not experienced another experience like that. It appears as if the measures we have taken have had some effect. The PATRIOT Act was passed with overwhelming support. It is now the subject of some debate, but let's not debate the importance of doing those things that protect this country from attack. The PATRIOT Act has clearly been part of that.

The efforts of our President in rooting out the Taliban and getting rid of Saddam have all had an impact on making this country safer. But there are no guarantees. Clearly, even today—we have the September 11 Commission report coming out tomorrow; we have the Senate Intelligence Committee report coming out, reviewing what we did, should have done, and what we could do better.

The bottom line is we want to make sure this never happens again. The effort to improve our safety and security is important. This is not a game. This is not to raise the fear for political purposes; this is the reality of the world in which we live.

But I do believe there is at least one area where our policy regarding security and measures we are taking to improve security should be examined and changed. That is why today I am introducing the International Student and Scholar Access Act.

Again, we all know there is absolutely no such thing as an absolute guarantee of absolute security in a free society, so what we do is measure the level of threat against the loss of certain other values and then we try to strike a balance. In the area of student visas, I believe we have pushed security concerns beyond the logical point and

need to make adjustments to our policy.

This is what I am talking about. America has been home to foreign students in great numbers for many years. If you go to the University of Minnesota, you see students from all over the world. The same is true in our private schools in Minnesota. The University of St. Thomas has a great international student program. Those are good programs.

What those programs do is provide young people from around the world an opportunity to study in America, to understand the American experience, to understand American values, to understand the American way of life. That is a good thing.

Unfortunately, I believe one of the terrorist hijackers on September 11 was an individual who had a student visa. He did not attend school. No one followed up. As a result of that, what happened is we looked at that student visa policy and said: We have to make changes.

I understand that. I understand we have to tighten up standards. I understand we have to be more careful about those who claim to be students who come into our country.

But I believe the result of what has been well intentioned—what is important, the security of our country; nothing is more important than the role of Government to make sure we are secure—in regard to student visas has been to push the ball a little too far. I think what we are seeing now is there are scores of young people who would like to be part of the American experience, who would like to study in our schools, who would like to understand American culture and American values, young people who, 20 or 30 years from now, when they are the Presidents and Vice Presidents and Ambassadors and Ministers of their country, would have a relationship, saying: I went to the University of Minnesota. I went to the University of Maine. I went to the University of Saint Thomas. I went to Bowdoin College. I understand what you are about and would like to be a partner with you.

I think we are at a point now where, in reaction to 9/11, what we are doing with student visas is to have kind of turned it around. Now that it is a national security issue, I think we are missing the opportunity for a lot of young people to become part of and understand and share in the American experience.

So now we have visa processes that are structured in a way that produces results that I don't think we want. They require that consular officers in our Embassies spend far too much time on people who do not threaten this country and excluding too many of them. That does not leave them enough time to deal with those folks who are a genuine threat.

It is the equivalent of a police roadblock. We are stopping so many innocent people that it calls into question if this is a good use of Government resources and power.

Again, it is in the interest of the United States of America to bring in the best and brightest foreign students to study in America. These are people who will lead their nations one day. The experience they gain with our democratic system and our values gives them a better understanding of what America is and who Americans are.

I had an opportunity the other day to spend time with a young woman from Iraq, a Kurd from Kirkuk. She was there to kind of shadow us and understand a little bit about American—this system of government. I thought—she had 1 day—just think if we had 4 years of her being here, or 5 years, and she came to understand this country and its history and its people and its culture and its ways and its values, and she carried that in her heart back to her country, with the opportunities we would have along the way to strengthen those relationships.

We hear so much today about anger at Americans, about hate directed toward Americans. But this is in a world that, at times, I think may hate us because they don't know us. They don't know us. They know what they see on Al-Jazeera or they know what they hear from some political leader who may disagree with the kind of government and the democracy and the values we have.

International education represents an opportunity to break down those barriers. I think some who hate this Nation do so out of ignorance. Foreign students who return to their nations many times become ambassadors of good will and understanding.

And don't discount the personal relationships. In our lives, we may see friends who we met back in college, people we have not seen in 20 years. When we run into those friends, there is a bond. Our young educated people become our leaders, not just in Government but in business, in industry, in education. The same is true throughout the world. The world is not such a big place. It is not such a big place when you have these human connections.

So these young people go back to their countries, young people who studied here, who learned of our ways, and they become ambassadors of good will and understanding, and they speak with credibility about the freedoms that spur American success.

Foreign students also help our economy. Higher education is a major service sector export, bringing in $12 billion to the U.S. economy every year. Competitors, such as the United Kingdom, Canada, and Australia are gaining market share while the United States is losing. Total international applications to U.S. graduate schools for the fall of 2004 declined 32 percent from the fall of 2003. Fifty-four percent of English as a second language programs have reported declines in applications.

When you think about the economy, it is not just a tourist economy. People are coming here to spend money. I had an opportunity to be involved in a series of meetings with some of my colleagues, chaired by Senator BAUCUS, the ranking member of the Finance Committee, and bringing in leaders of American industry, the CEOs of some of the largest corporations in America, to talk about what we have to do to ensure American competitiveness in this global economy. One of the issues these CEOs mentioned was the difficulty in having foreign students come to our country and the impact it has on their opportunities for success and innovation, and the impact that has on the American economy.

It is not just a long-term national security issue; it is an economic development and opportunity issue. We are shortchanging ourselves by losing access to talent.

The legislation I introduce today is an effort to reverse the decline in foreign access to U.S. education. My legislation seeks to promote foreign study in America by urging strategic thinking and by making commonsense changes to the way we process visa applications.

This legislation would help to clarify the often overlapping roles between lead agencies that work on international education—the Departments of State, Commerce, Homeland Security, and Education.

It proposes improvements related to SEVIS fees for tracking foreign students, by prorating fees for short-term students and allowing them to make payments in their local currencies. There is a process of payments that are made. If you are here for a short term, you pay as much as for a long term. It is another barrier, another impediment to providing an opportunity for foreign students to be here.

It would set goals for more timeliness and certainty in the visa process. It would press the State Department for commonsense improvements to give more discretion on personal appearance requirements and on the duration of security clearances. It would improve the interoperability between databases of the FBI and the State Department.

Perhaps the most critical part of my bill deals with the criteria for student visas. Currently, consular officers have to prove that a student visa applicant has essential ties which will ensure his or her return to his or her own country after study is complete. This requirement poses an unrealistic burden on students who are typically not yet sufficiently well established in their societies to be able to demonstrate a likelihood of return. In reality, international students are often encouraged to stay in the U.S. after they have completed their studies, by changing their status to that of H–1B, for example.

An observation on this, and let me go just a little bit more about the legislation, because what it does is it calls for

a more realistic standard for student visas. That is what we really need.

My legislation replaces the criteria of expected return with two other criteria. Students would have to demonstrate that they intend to come to the U.S. to complete a legitimate course of study, and that they have the financial means for doing so.

Let me explain why that makes so much more sense. The reality is, if we have a bright and enterprising student from Africa, from Uganda, or from Argentina, from Latin America somewhere, the issue we need to be concerned about is whether they are really coming here to study. The concern over 9/11 is, you had folks who came here who were using that to gain entry into this country. Are they coming here to study? Is it a legitimate course of study? Do they have the means to do so? Are they coming here for the purpose they intended?

Afterwards, if we have a highly trained and highly qualified college graduate from Uganda and they do whatever has to be done legally in terms of dealing with immigration, what is the issue? Why would you not want to have them here a little longer if they are going to contribute to the economic growth, to the increase in brainpower, to all the things that need to be done to make sure America stays competitive in this new global economy?

America is never going to compete with low-scale wages. We are past that. There is no way we can compete with China. Mexico can't compete with China today. America's economic success is tied to innovation and brainpower. That is our future. What we do to encourage that, certainly among folks here but also students from other countries who become part of that pool, who help us become more creative and entrepreneurial, is important.

I have to say—and I wouldn't be surprised if the Senator from Maine has not had the same experience—this issue consumes a lot of my time and that of my case workers back in Minnesota. Time and again they are asked by Minnesota colleges and universities to make a plea to the State Department to help process a foreign student's visa. These are students who want to come to the United States, who have the intellectual assets that all can gain from, who have scholarships or other resources to take care of themselves while in America. But because they don't have spouses or homes in their native lands, they are rejected for their student visas. What sense does that make? How does that further the interests of those in the United States? How does it further the interests of our colleges and universities that benefit from quality students, benefit from the diversity brought by students from Africa or from Asia, benefit from having a broader kind of dialog and exchange about what this world is all about?

I had a particular case of a talented young man from Uganda named Humphrey. Humphrey had a full ride to St. Thomas University in St. Paul, MN, which—I note with great pride—my son entered. He had his orientation just the other day. I have a personal interest in St. Thomas, but that is not the reason I advocated for Humphrey. Humphrey was a research assistant with Professor Martin O'Reilly at Uganda Martyrs University. Dr. O'Reilly stated:

> With service for 22 years in African countries, this is the most impressive student and human being I have ever known. He is one in a million.

Humphrey is a psychology student. His goal is to return to Africa and offer counseling services on a continent where the psychological scars are so deep. We just heard my friend and colleague from Illinois talking about the brutality, the genocide in Sudan. We know of what happened in Rwanda. We know the scars that need to be healed. Humphrey wants to go back and offer services where psychological scars are deep. Yet his visa application was rejected more than once because he could not prove to a consular officer that he intended to return to Uganda. I called that consular officer at one time, not to pressure as a Senator but just to ask them to take a look at the application. Don't let it just kind of get processed run of the mill because we have a process now that makes it difficult for students to come here. Take a look at it and then make a judgment, if the judgment is pretty clear.

I am happy to say that Humphrey's visa application was finally accepted and he began study in January. I fear that there are too many people like him who will not be educated in America. We will lose not only their wisdom but also the chance to show them what makes America so great. I believe in the tougher measures we implemented after September 11, but I think we have to be smarter with how we use these tools. I think we can strike a better balance between security and the value of bringing the world here to be educated. And that is in America's long-term interest.

I urge my colleagues to consider this important issue and to support this legislation. It is in many ways a national security issue, national security not just in having a process in place that weeds out those who shouldn't be here but long-term national security, making sure that America has those relationships and those contacts with the future leaders of countries around this world and gives them the opportunity to be educated here. Right now they are being educated in other places, in England and France and Germany. We are missing an opportunity. There is no reason. We can do better than that.

Let us look at this issue. It is still my first term, and I haven't finished yet. I haven't finished the second year. I know it takes a while to get things done. But I think the clock is ticking on this issue. Each and every day we are missing an opportunity. Each and every day as we see the numbers of international student applications decline, as we see less and less of the opportunities to establish those relationships because of the policies we have in place, it cries out for change.

My legislation offers that change. I hope this body considers it, and I hope we make the change. As a result, I know we will build a stronger America. We will build a better America. That is the reason I think we are all here.

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. 2715

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 ''International Student and Scholar Access Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States has a strategic need to improve its student visa screening process to protect against terrorists who would abuse the system to harm the United States.

(2) At the same time, openness to international students and exchange visitors serves longstanding and important United States foreign policy, educational, and economic interests, and the erosion of such exchanges is contrary to United States national security interests.

(3) Educating successive generations of future world leaders in the United States has long been an important underpinning of United States international influence and leadership.

(4) Open scientific exchange, which enables the United States to benefit from the knowledge of the world's top scientists, has long been an important underpinning of United States scientific leadership.

(5) The United States has seen a dramatic increase in requests for Visa Mantis checks designed to protect against illegal transfers of sensitive technology, from 1,000 in fiscal year 2000 to 20,000 in fiscal year 2003.

(6) Delays in issuing Visa Mantis security clearances have discouraged some international scholars from coming to the United States.

(7) International students and their families studying in the United States contribute close to $12,000,000,000 to the United States economy each year, making higher education a major service sector export.

(8) Delays in obtaining student visas have discouraged many international students from studying in the United States.

(9) Total international applications to graduate schools in the United States for fall 2004 declined 32 percent from fall 2003.

(10) The number of international students enrolled in the United States, which in raw numbers consistently increased over time and grew by 6 percent during both the 2000–2001 and 2001–2002 school years, leveled off dramatically during the 2002–2003 school year to an increase of only .6 percent.

(11) Concerns related to the anticipated international student monitoring system known as ''SEVIS'' have contributed to the decline in the number of foreign applicants to educational institutions in the United States.

(12) The United States requires a visa system for exchange programs that maximizes United States national security.

(13) The United States requires a comprehensive strategy for recruiting international students as well as enhancing the access of international students to higher education in the United States.

TITLE I—NATIONAL STRATEGY FOR ENHANCING INTERNATIONAL STUDENT ACCESS TO THE UNITED STATES

SEC. 101. STRATEGIC PLAN.

Not later than 180 days after the date of enactment of this Act, the President, in consultation with United States higher education institutions, organizations that participate in international exchange programs, and other appropriate groups, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a strategic plan for enhancing international student access to the United States for study and exchange activities that includes:

(1) A marketing plan to makes use of Internet and other media resources to promote and facilitate study in the United States by international students.

(2) A clear division of responsibility that eliminates duplication and promotes interagency cooperation with regard to the roles of the Departments of State, Commerce, Education, and Homeland Security in promoting and facilitating access to the United States for international student and exchange visitors.

(3) A mechanism for institutionalized coordination of the efforts of Departments of State, Commerce, Education, and Homeland Security in facilitating access to the United States for international student and exchange visitors.

(4) An effective mandate and strategic plan for use of the overseas educational advising centers of the Department of State to promote study in the United States and to prescreen visa applicants.

(5) Well-defined lines of authority and responsibility for international students in the Department of Commerce.

(6) A clear mandate related to international student access for the Department of Education.

(7) Streamlined procedures within the Department of Homeland Security related to international student and exchange visitors.

SEC. 102. ANNUAL REPORTS TO CONGRESS.

(a) IN GENERAL.—The President, acting through the Secretary State and in consultation with the Secretary of Education, Secretary of Commerce, and Secretary of Homeland Security shall submit an annual report on the implementation of the national strategy developed in accordance with section 101 to Congress that would describe the following:

(1) Measures undertaken to enhance international student access to the United States and improve inter-agency coordination with regard to international students and exchange visitors as provided in section 101.

(2) Measures taken to implement section 202.

(3) The number of student and exchange visitors who apply for visas from the United States, and the number whose visas are approved.

(4) The average processing time for student and international visitor visas.

(5) The number of student and international visitor visas requiring inter-agency review.

(6) The number of student and international visitor visas approved after submission of the visa applications during each of the following durations:

(A) Less than 15 days.

(B) 15–30 days.

(C) 31–45 days.

(D) 46–60 days.

(E) 61–90 days.

(F) More than 90 days.

(b) SUBMISSION OF REPORT.—Not later than May 30 of 2005, and annually thereafter through 2008, the President shall submit to Congress the report described in subsection (a).

SEC. 103. REFORMING SEVIS FEE PROCESS.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended in the second sentence, by inserting before the period the following: ''or the admission of an alien under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) for a program that does not exceed 90 days''.

(b) IMPROVING FEE COLLECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall jointly submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report on the feasibility of collecting the fee required by section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e))—

(1) in local currency at local financial institutions under procedures established by the Secretary of State; and

(2) by universities as part of a student's tuition and fees.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of State, Department of Education, Department of Homeland Security, and Department of Commerce such sums as may be necessary to carry out the activities described in section 101.

TITLE II—IMPROVING THE VISA PROCESS

SEC. 201. SENSE OF CONGRESS; PURPOSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements in visa processing would enhance the national security of the United States by—

(A) permitting closer scrutiny of visa applicants who might pose risks; and

(B) permitting the timely adjudication of visa applications of those whose presence in the United States serves important national interests; and

(2) improvements must include—

(A) an operational visa policy that articulates the national interest of the United States in denying entry to visitors who seek to harm the United States and in opening entry to legitimate visitors, to guide consular officers in achieving the appropriate balance;

(B) a greater focus by the visa system on visitors who require special screening, while minimizing delays for legitimate visitors;

(C) a timely, transparent, and predictable visa process, through appropriate guidelines for inter-agency review of visa applications; and

(D) a provision of the necessary resources to fund a visa processing system that meets the requirements of this title.

(b) PURPOSE.—It is the purpose of this title to specify the improvements described in subsection (a).

SEC. 202. VISA PROCESSING GUIDANCE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of State—

(1) shall issue appropriate guidance to consular officers in order to—

(A) give consulates appropriate discretion to grant waivers of personal appearance in order to minimize delays for legitimate travelers while permitting more thorough interviews of visa applicants in appropriate cases;

(B) give consulates appropriate discretion to allow security clearances under the Visas Mantis system to be valid for the duration of status or program, in order to avoid repetitive reviews of those visitors who leave the United States temporarily; and

(C) establish a presumption of visa approval for frequent visitors who have previously been granted visas for the same purpose and who have no status violations; and

(2) in consultation with the Director of the Office of Science and Technology Policy and appropriate representatives of the United States scientific community, shall issue appropriate guidance to consular officers in order to refine controls on the entry of visitors who propose to engage in study or research in advanced science and technology in order to ensure that only cases of concern, and not nonsensitive cases, are subjected to special review.

(b) TIMELINESS STANDARDS.—Not later than 60 days after the date of enactment of this Act, the President shall institute guidelines for inter-agency review of visa applications requiring security clearances which establish the following standards for timeliness in international student and visitor visas:

(1) Establish a 15-day standard for responses to the Department of State by other agencies involved in the clearance process.

(2) Establish a 30-day standard for completing the entire inter-agency review and advising the consulate of the result of the review.

(3) Provide for expedited processing of any visa application with respect to which a review is not completed within 30 days, and for advising the consulate of the delay and the estimated processing time remaining.

(4) Require the establishment of a process by which the applicant, or the program to which the applicant seeks access, can inquire about the application's status and the estimated processing time remaining.

(5) Establish a special review process to resolve any cases whose resolution is still pending after 60 days.

SEC. 203. INTEROPERABLE DATA SYSTEMS AT THE FBI.

(a) RESPONSIBILITIES OF THE FBI DIRECTOR.—The Director of the Federal Bureau of Investigation shall take the steps necessary to ensure that—

(1) the Federal Bureau of Investigation's databases and systems used in the National Name Check Program are interoperable with the requisite databases and systems at the Department of State;

(2) the files of the Federal Bureau of Investigation are automated and a common database is set up between the field offices and headquarters of the Federal Bureau of Investigation; and

(3) the Federal Bureau of Investigation has full connectivity to the Consular Consolidated Database through the Open Source Information System.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall report to the Committees on the Judiciary of the Senate and the House of Representatives on progress in implementing subsection (a).

SEC. 204. SETTING REALISTIC STANDARDS FOR VISA EVALUATIONS.

(a) IN GENERAL.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(1) by striking ''having a residence in a foreign country which he has no intention of abandoning'' and inserting ''having the intention, capability, and sufficient financial

resources to complete a course of study in the United States''; and

(2) by striking ''and solely'' after ''temporarily''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or'' and inserting ''subparagraph (F), (J), (L), or''.

SEC. 205. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on—

(1) the feasibility of expediting visa processing for participants in official exchange programs, and for students, scholars, and exchange visitors through prescreening of applicants by sending countries, sending universities, State Department overseas educational advising centers, or other appropriate entities;

(2) the feasibility of developing abilities to collect biometric data without requiring a visit to the Embassy by the visa applicant; and

(3) the implementation of the guidance described in subsections (a) and (b) of section 202, including the training of consular officers, and the effect of this guidance and training on visa processing volume and timeliness.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out to carry out this Act for the consular affairs function of the Department of State, the visa application review function of the Department of Homeland Security, and for database improvements in the Federal Bureau of Investigations as specified in section 203.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 413—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 413

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

SENATE RESOLUTION 414—ENCOURAGING STATES TO CONSIDER ADOPTING COMPREHENSIVE LEGISLATION TO COMBAT HUMAN TRAFFICKING AND SLAVERY AND RECOGNIZING THE MANY EFFORTS MADE TO COMBAT HUMAN TRAFFICKING AND SLAVERY

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. GRAHAM of South Carolina, Mr. LEAHY, and Mrs. CLINTON) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless

adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

SENATE CONCURRENT RESOLUTION 129—ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT NEW YORK CITY AS THE SITE OF THE 2012 OLYMPIC GAMES

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 129

Whereas the Olympic Games further the cause of world peace and understanding;

Whereas the country hosting the Olympic Games performs an act of international goodwill;

Whereas if New York City were chosen to host the 2012 Olympic Games, there would be a substantial local, regional, and national economic impact, which would include 7 years of international sports events, meetings, and related nationwide tourism activity in New York City;

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, New York City, celebrate these same ideals; and

Whereas New York City has never hosted the Olympic Games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages the International Olympic Committee to choose New York City as the site of the 2012 Olympic Games; and

(2) hopes that the United States will be selected as the host country of the 2012 Olympic Games, and pledges its cooperation and support for their successful fulfillment in the highest Olympic tradition.

SENATE CONCURRENT RESOLUTION 130—EXPRESSING THE SENSE OF CONGRESS THAT THE SUPREME COURT OF THE UNITED STATES SHOULD ACT EXPEDITIOUSLY TO RESOLVE THE CONFUSION AND INCONSISTENCY IN THE FEDERAL CRIMINAL JUSTICE SYSTEM CAUSED BY ITS DECISION IN BLAKELY V. WASHINGTON, AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CRAIG, Mr. BIDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. DEWINE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 130

Whereas Congress enacted the Sentencing Reform Act of 1984 to provide certainty and fairness in sentencing, avoid unwarranted disparities among defendants with similar records found guilty of similar offenses, and maintain sufficient flexibility to permit individualized sentences when warranted;

Whereas Congress established the United States Sentencing Commission as an independent commission in the Judicial branch of the United States to establish sentencing policies and practices for the Federal criminal justice system that meet the purposes of sentencing and the core goals of the Sentencing Reform Act;

Whereas Congress has prescribed both statutory minimum and statutory maximum penalties for certain offenses and the Sentencing Reform Act authorizes the Sentencing Commission to promulgate guidelines and establish sentencing ranges for the use of a sentencing court in determining a sentence within the statutory minimum and maximum penalties prescribed by Congress;

Whereas the statutory maximum penalty is the maximum penalty provided by the statute defining the offense of conviction, including any applicable statutory enhancements, and not the upper end of the guideline sentencing range promulgated by the Sentencing Commission and determined to be applicable to a particular defendant;

Whereas both Congress and the Sentencing Commission intended the Federal Sentencing Guidelines to be applied as a cohesive and integrated whole, and not in a piecemeal fashion;

Whereas in Mistretta v. United States, 488 U.S. 361 (1989), the Supreme Court of the United States upheld the constitutionality of the Sentencing Reform Act and the Federal Sentencing Guidelines against separation-of-powers and non-delegation challenges;

Whereas in Blakely v. Washington, 124 S. Ct. 2531 (2004), the Supreme Court held that the sentencing guidelines of the State of Washington violated a defendant's Sixth Amendment right to trial by jury;

Whereas despite Mistretta and numerous other Supreme Court opinions over the past 15 years affirming the constitutionality of various aspects of the Guidelines, the Blakely decision has raised concern about the continued constitutionality of the Federal Sentencing Guidelines;

Whereas the Blakely decision has created substantial confusion and uncertainty in the Federal criminal justice system;

Whereas the lower Federal courts have reached inconsistent positions on the applicability of Blakely to the Federal Sentencing Guidelines;

Whereas there is a split among the circuit courts of appeal as to the applicability of Blakely to the Federal Sentencing Guidelines, and the Second Circuit Court of Appeals has certified the question to the Supreme Court;

Whereas the orderly administration of justice in pending and resolved trials, sentencings and plea negotiations has been affected by the uncertainty surrounding the applicability of the Blakely decision to the Federal Sentencing Guidelines;

Whereas the current confusion in the lower Federal courts has and will continue to produce results that disserve the core principles underlying the Sentencing Reform Act;

Whereas two and one-half weeks after the Supreme Court issued its decision in Blakely, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system; and

Whereas the Department of Justice, the Sentencing Commission, and others advised the Committee that corrective legislation was not necessary at this time, with the hope that the Supreme Court would clarify the applicability of its Blakely decision to the Federal Sentencing Guidelines in an expeditious manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), Thatit is the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 21, 2004, at 9:30 a.m., in open session to consider the following nominations:

1. Vice Admiral Timothy J. Keating, USN, for appointment to the grade of Admiral and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command;

2. Lieutenant General Bantz J. Craddock, USA, for appointment to the grade of General and to be Commander, United States Southern Command;

3. Peter Cyril Wyche Flory to be Assistant Secretary of Defense for International Security Policy; and

4. Valerie Lynn Baldwin to be Assistant Secretary of the Army for Financial Management and Comptroller.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 21, 2004, at 10 a.m., to conduct an oversight hearing on ''Regulation N.M.S. and Developments in Market Structure.''

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

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 21, 2004, at 10 a.m., to hear testimony on ''Bridging the Tax Gap.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 21, 2004 at 9:30 a.m. to hold a hearing on ''The Multilateral Development Banks.''

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 21, 2004, at 10 a.m., to hold a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 1230, a bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information.

2. 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.

3. S. 2409, a bill to provide for continued health benefits coverage for certain federal employees.

4. S. 2628, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

5. S. 2536, the Homeland Security Civil Rights and Civil Liberties Protection Act of 2004.

6. S. 2635, a bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments.

7. S. 2657, a bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes.

8. S. 2639, a bill to reauthorize the Congressional Award Act.

9. S. 2275, the High Risk Nonprofit Security Enhancement Act of 2004.

10. S. 593, Reservists Pay Security Act of 2003.

11. H.R. 3797, the 2004 District of Columbia Omnibus Authorization Act.

Post Office Naming Bills

1. S. 2501/H.R. 4427, a bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

2. S. 2640, a bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

3. H.R. 3340, an act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

4. H.R. 4222, an act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

5. H.R. 4327, an act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

6. H.R. 4380, an act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

Nominations

1. Neil McPhine to be Chairman, Merit Systems Protection Board.

2. Barbara J. Sapin to be a Member, Merit Systems Protection Board.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, July 21, 2004.

Agenda

S. ____, Reauthorization of Vocational Education Act.

S. 2158, Pancreatic Islet Cell Transplantation Act of 2003.

S. 2283, State High Risk Pool Funding Extension Act of 2004.

S. 2493, Drug Importation.

H.R. 3908, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

S. Res. 389—A Sense of the Senate that physicians inform prostate cancer patients of the benefits and limitations of prostate cancer screening and treatment options.

S. Con. Res. 119—a resolution declaring the week of September 19, 2004, as Yellow Ribbon Suicide Awareness and Prevention Week dedicated to raising awareness about suicide and suicide prevention programs.

Presidential Nominations

To be a Member of the Board of Directors of the National Board for Education Sciences: Jonathan Baron, of Maryland; Elizabeth Bryan, of Texas; James R. Davis, of Mississippi; Frank H. Handy, of Florida; Eric Hanushek, of California; Caroline Hoxby, of Massachusetts; Roberto Lopez, of Texas; Richard Milgram, of New Mexico; Sally Shaywitz, of Connecticut; Joseph Torgesen, of Florida; and Herbert Walberg, of Illinois.

To be a Member of the National Council on the Humanities: Herman Belz, of Maryland; Craig Haffner, of California; James Hunter, of Virginia; Tamar Jacoby, of New Jersey; Harvey Klehr, of Georgia; Thomas Lindsay, of Texas; Iris Love, of Vermont; Thomas Mallon, of Connecticut; and Ricardo Quinones, of California.

To be a Member of the Board of Directors of the United States Institute of Peace, Maria Otero, of District of Columbia.

To be Assistant Secretary of Labor, Veronica Stidvent.

To be a Member of the National Institute for Literacy Advisory Board: Juan Olivarez and William Hiller.

Public Health Service Nominees: PN 1632–2; PN 1633–8; PN 1634–652; and PN 1511–224.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 21, 2004, at 2 p.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on pending legislation to reauthorize the Indian Health Care Improvement Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 21, 2004, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

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

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 21, 2004, at 10 a.m., on ''An Overview of the Radiation Exposure Compensation Program'' in the Dirksen Senate Office Building room 226.

Witness List

Panel I: Jeffrey S. Bucholtz, Deputy Assistant Attorney General for the Civil Division, Department of Justice, Washington, DC.

Panel II: Helen Bandley Houghton, San Antonio, TX; Jeffrey Thompson, San Antonio, TX; Jeffrey Thompson, Jacksonville, AK; Rita Torres, Surprise, AZ.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Armed Services, Subcommittee on Personnel be authorized to meet for a joint hearing on The Needs of Military Families: How Are States and the Pentagon Responding, Especially for the Guard and Reservists? during the session of the Senate on Wednesday, July 21, 2004., at 2 p.m., in SD–430.

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

SUBCOMMITTEE ON PERSONNEL

Mr. THOMAS. Mr. 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 July 21, 2004, at 2 p.m., in open session to receive testimony on how States have responded to military families' unique challenges during military deployments and what the Federal Government can do to support States in this important work.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 21, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 738, to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California, as a wild or scenic river, and for other purposes; S. 1614, to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System; S. 2221, to authorize the Secretary of Agriculture to sell or exchange certain National Forest System land in the State of Oregon, and for other purposes; S. 2253, to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief on public land through a Healthy Forest Youth Conservation Corps; S. 2334, to designate certain National Forest System Land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; and S. 2408, to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

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

EXECUTIVE SESSION

CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND PROTOCOL TO CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 25, treaty document No. 108–10 on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; further, that the committee declaration be agreed to, that any statements be printed in the RECORD, and the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate's action following the disposition of the treaty, and the Senate return to legislative session.

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

The treaty will be stated.

The legislative clerk read as follows:

Treaty document No. 108–14, Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment.

Mr. FRIST. Madam President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will stand and be counted.

Those opposed will stand and be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The Resolution of Ratification is as follows:

TREATY DOCUMENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS.

The Senate advises and consents to the ratification of the Convention on International Interests in Mobile Equipment (hereafter in this resolution referred to as the ''Convention'') and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (hereafter in this resolution referred to as the ''Protocol''), concluded at Cape Town, South Africa, November 16, 2001 (T. Doc. 108–10), subject to the declarations of section 2 and section 3.

SEC. 2. DECLARATIONS RELATIVE TO THE CONVENTION.

The advice and consent of the Senate under section 1 is subject to the following declarations relative to the Convention:

(1) Pursuant to Article 39 of the Convention—

(A) all categories of non-consensual rights or interests which under United States law have and will in the future have priority over an interest in an object equivalent to that of the holder of a registered international interest shall to that extent have priority over a registered international interest, whether in or outside insolvency proceedings; and

(B) nothing in the Convention shall affect the right of the United States or that of any entity thereof, any intergovernmental organization in which the United States is a member State, or other private provider of public services in the United States to arrest or detain an aircraft object under United States law for payment of amounts owed to any such entity, organization, or provider directly relating to the services provided by it in respect of that object or another object.

(2) Pursuant to Article 54 of the Convention, all remedies available to the creditor under the Convention or Protocol which are not expressed under the relevant provision thereof to require application to the court may be exercised, in accordance with United States law, without leave of the court.

SEC. 3. DECLARATIONS RELATIVE TO THE PROTOCOL.

The advice and consent of the Senate under section 1 is subject to the following declarations relative to the Protocol:

(1) Pursuant to Article XXX of the Protocol—

(A) the United States will apply Article VIII of the Protocol;

(B) the United States will apply Article XII of the Protocol; and

(C) the United States will apply Article XIII of the Protocol.

(2)(A) Pursuant to Article XIX of the Protocol—

(i) the Federal Aviation Administration, acting through its Aircraft Registry, FAA Aeronautical Center, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma 73125, shall be the entry point at which information required for registration in respect of airframes or helicopters pertaining to civil aircraft of the United States or aircraft to become a civil aircraft of the United States shall be transmitted, and in respect of aircraft engines may be transmitted, to the International Registry; and

(ii) the requirements of chapter 441 of title 49, United States Code, and part 49 of title 14, Code of Federal Regulations, shall be fully complied with before such information is transmitted at the Federal Aviation Administration to the International Registry.

(B) For purposes of the designation in subparagraph (A)(i) and the requirements in subparagraph (A)(ii), information is transmitted at the Federal Aviation Administration in accordance with procedures established under United States law.

(C) In this paragraph, the term ''civil aircraft of the United States'' has the meaning given that term in section 40102(17) of title 49, United States Code.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CAPE TOWN TREATY IMPLEMENTATION ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4226, 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 (H.R. 4226) to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty.''

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

Mr. FRIST. Madam President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 4226) was read the third time and passed.

EMERGENCY FOOD AND SHELTER ACT OF 2004

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 636, S. 2249.

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

The legislative clerk read as follows:

A bill (S. 2249) to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

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

Mr. FRIST. Madam 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 relating to the bill be printed in the RECORD.

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

The bill (S. 2249) was read the third time and passed, as follows:

S. 2249

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 ''Emergency Food and Shelter Act of 2004''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

''SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $160,000,000 for fiscal year 2005, $170,000,000 for fiscal year 2006, and $180,000,000 for fiscal year 2007.''.

SEC. 3. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

''(5) United Jewish Communities.''.

SEC. 4. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

''(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive the requirement of this paragraph for any board that is unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.''.

60TH ANNIVERSARY OF THE WARSAW UPRISING

Mr. FRIST. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 125 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 legislative clerk read as follows:

A resolution (S. Con. Res. 125) recognizing the 60th anniversary of the Warsaw Uprising during World War II.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements related to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 125) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 125

Whereas August 1, 2004, marks the 60th anniversary of the Warsaw Uprising, when against seemingly insurmountable odds and extreme hardships, Polish citizens revolted against the Nazi occupiers in Warsaw, Poland, in one of the most heroic battles during World War II;

Whereas the Warsaw Uprising was a part of a nationwide resistance against the Nazi occupation, was started by the underground Home Army, and lasted 63 days;

Whereas the Polish resistance, many of them teenagers, while heavily outnumbered and armed with mostly homemade weapons, fought bravely against the German soldiers and lost approximately 250,000 civilians and troops;

Whereas, to punish Poland for the uprising, the Nazis systematically razed 70 percent of Warsaw, including monuments, cultural treasures, and historical buildings;

Whereas the heroism and spirit of the Polish resistance are an inspiration to all peoples in their pursuit of liberty and democracy and are evident today in Polish contributions to the global war against terrorism and the more than 2,300 Polish troops currently deployed in Operation Iraqi Freedom; and

Whereas the heroic undertaking of the Polish underground represents one of the most important contributions to the Allied war effort during World War II and remains venerated in the Polish consciousness, even for the generations born after it ended: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the 60th anniversary of the Warsaw Uprising during World War II which will forever serve as a symbol of heroism in the face of great adversity and the pursuit of freedom.

COMBATING HUMAN TRAFFICKING IN SLAVERY

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 414, which was submitted earlier today by Senator CORNYN.

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

The legislative clerk read as follows:

A resolution (S. Res. 414) encouraging States to consider adopting comprehensive legislation to combat human trafficking in slavery and recognizing the many efforts made to combat human trafficking and slavery.

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

Mr. CORNYN. Madam President, I want to speak on the resolution that I believe will be passed by unanimous consent of the Senate which pertains to something I thought we would never be talking about now in the year 2004, and that is human slavery and trafficking in human beings.

The good work that has been done by the U.S. Congress, since, of course, the ratification of the 13th amendment in 1865 abolishing slavery and involuntary servitude, includes a remarkable tradition, and a bipartisan tradition, I might add, starting, after 1865, in 1909, when the United States Code criminalized slavery.

In 2000, the late Senator Paul Wellstone and Senator SAM BROWNBACK joined together as the lead sponsors, together with a number of other Senators and Representatives, to advance legislation to strengthen those laws, specifically the Trafficking Victims Protection Act of 2000, which was later signed into law by President Bill Clinton. That legislation was reauthorized in 2003 by a bipartisan effort and signed into law by President George W. Bush.

I expressly recognize the contributions of Senator SCHUMER, Senator GRAHAM of South Carolina, Senator LEAHY of Vermont, and Senator CLINTON, who joined in cosponsoring this resolution. Indeed, this resolution lays out the terrible tale of the fact that as many as 800,000 human beings are literally bought and sold worldwide into

some form of slavery or involuntary servitude. Approximately 16,000 of those human beings are brought into the United States each year, coerced into lives of forced labor or sexual servitude which, of course, is another way of describing slavery.

This has been a bipartisan effort. It is refreshing to know, particularly during an election year where there are differences that divide us, where we know sometimes the rhetoric gets a little overwrought, that we can come together on such an important issue.

The fact is the current administration has responded to the call by dramatically increasing efforts into devoting substantially more resources toward combating human trafficking. This has been done principally under the auspices of the civil rights division at the Justice Department which has prosecuted and convicted three times the number of traffickers over the past 3 years as had been done in the preceding 3 years, three times more in this last 3 years than had been done in the preceding 3 years.

The Department of Justice has created the Office of Special Counsel for Trafficking Issues to coordinate antitrafficking efforts. It has also published educational and awareness-raising materials and circulated them to officials across America and provided assistance to victims of this trafficking by installing among other things a toll-free hotline. Last week the Department of Justice sponsored a historic national conference on human trafficking in Tampa, FL, bringing together Federal, State, and local officials, social service agencies, and nongovernmental organizations to provide training and coordination to antihuman trafficking efforts across the country as provided in the fiscal year 2004 appropriations bill.

The problem we uncovered was brought home during a recent hearing I chaired for the Subcommittee on the Constitution, Civil Rights, and Property Rights of the Judiciary Committee. We heard testimony about the men, women, and children who continue to be trafficked into the United States. Each of these stories is tragic, disturbing, and heartrending. It is hard to imagine that this sort of thing continues to happen today. Let me mention two of them.

In January of 2004, several defendants were sentenced to prison terms ranging from 4 months to 14 years after a ringleader of a human trafficking ring admitted to running a human trafficking operation bringing women from Central America and then holding them in this country once they were smuggled into the country. They were held against their will. Many of them were sexually assaulted. All of them were forced to work against their will until their smuggling fees were paid by their families.

Another instance involved a research assistant and his wife at a university located in my State of Texas who were prosecuted for leading a trafficking ring that victimized young women. These young women were brought from Uzbekistan. They were lured to the United States by promises of lucrative modeling jobs, extravagant lifestyles, and also based on the promise that they would be able to bring their families once they were established here in the United States.

The defendants in this case used fraudulently obtained J–1 visas to bring women into the United States through El Paso, TX. The visas purported to show that the women were scientists traveling to the United States to do scientific research. But once here, their immigration documents were confiscated, and these women were forced to work at local strip clubs for the benefit of the defendants who ultimately collected more than $700,000 as a result of their criminal enterprise. These defendants were ultimately convicted and sentenced to 5 years in prison and ordered to pay more than a half million dollars in restitution to their victims.

One of the things that was brought home to me as a result of this hearing was that the same routes, the same criminal enterprises that engage in smuggling of human beings, who prey on their hopes or their desire for jobs and economic opportunity, it is the same people in many instances and the same routes and organizations that engage in illegal smuggling of human beings who want nothing more than to be able to come here and work and then send money home to their families. It is just that the ones who are the victims of this trafficking are not freed when they are brought into this country but literally kept in involuntary servitude and slavery, some approximately 16,000, we think, although the numbers have to be suspect. They have to be low because, indeed, we know the victims of this activity are reluctant to come forward because they may have come illegally into the country.

This is a persistent problem, one that touches on a larger issue, and that is, as we go forward with border security measures, to try to make sure that we protect our sovereign borders and to make sure our immigration laws are brought into modern times and the realities of our demand and indeed our reliance on labor provided by immigrants in this country. I hope we will view this as one of the terrible symptoms of a larger problem, and that is the need for us, as we establish the security of our borders, consistent with the post 9/11 world, that we also address the need to bring our immigration laws into this century. The President's call for immigration reform is part of it.

Particularly for those who are, once they are brought into this country based on promises of jobs and opportunity, but then enslaved, that we redouble our efforts to make sure we bring an end to this scourge.

I appreciate the bipartisan effort we have seen, the expressions of support for the work that has been done across the years by this administration, by previous administrations in combating the scourge of human slavery. I commend the Justice Department in particular for tripling the number of prosecutions they have obtained in these last 3 years over the preceding 3 years. This is a fight worth fighting. These are some of the most vulnerable victims we could possibly imagine. Their punishment is well deserved.

Mr. SCHUMER. Madam President, I come to the floor to speak about a bipartisan measure; that is, the resolution Senator CORNYN and I are submitting on human trafficking. I thank my friend from Texas for working with me to address this growing problem that devastates the lives of so many.

Human trafficking is one of the most heinous crimes in our world today. Everyone knows it is a heinous crime to take a person, often a young woman, kidnap her, and put her into, basically, sexual servitude. It is an absolute abomination.

What I think most people are not aware of is the large number of people who are so enslaved. Our State Department estimates 800,000 people are trafficked across international borders each year. Some are for domestic slavery, some are for farm slavery, and many are for sexual servitude.

According to these State Department estimates, approximately three-quarters of those trafficked are female, and 70 percent of these women are trafficked for sexual exploitation. So a little quick math would indicate it is pretty close to 400,000 a year who are engaged in sexual exploitation, and you cannot be too relieved that the other half are in other kinds of slavery.

The victims are kidnapped or lured with false promises of money, and then thrown into slavery. Their captors subject their victims to forced prostitution. They are sexually assaulted sometimes 20 times a day. The lack of protection against HIV and AIDS means an effective death sentence for many sexual trafficking victims.

The victims of forced labor fare only slightly better.

In the vast majority of cases, they are worked to near death. They are routinely assaulted, sometimes killed. The truly sad fact is that at least half of the human trafficking victims are children, sometimes as young as 9 or 10 years old. The traffickers abuse the children, keep them in line by threatening to kill their parents or other family members if they don't comply. Beatings and rape are part of their everyday experience. Their lives are more horrific than many of us could even imagine. To think I am the father of two daughters, just think of your young children being put in this situation, and you can see the gravity and the horror of the situation.

Here is another thing I will bet most Americans are not aware of. We think maybe this is happening in Africa or Asia or Europe. No, it is also occurring

right here in the United States. Sixteen thousand people are trafficked into the United States every year. Most are forced into sexual slavery in our own country. I have read in newspapers in New York about how some of these rings have been exposed. It is often among immigrant groups, but we are not immune.

We have taken some important strides against this evil. In the year 2000, President Clinton signed into law the bipartisan Trafficking Victims Protection Act. This act gave law enforcement real tools to fight against sexual trafficking and the money to fund that fight. Last year I was proud to join Senator BROWNBACK as the Democratic sponsor of the Trafficking Victims Protection Reauthorization Act of 2003.

Of course, with the death of Senator Wellstone, who had been such a leader on this issue, a void has been left. I am doing my best to at least fill a little bit of it. We added new tools to fight against these traffickers and refined the tools we already had created to better serve law enforcement. We have made some strides. The laws are working. But the bottom line is, there is still a whole lot more to be done.

I am pleased to join Senator CORNYN today in sponsoring this resolution. I thank him for his important work on this issue. The resolution recognizes the fact we need more awareness of this horrible crime, particularly at the State and local level. State and local law enforcement officers are often the first point of contact with victims in trafficking in the course of their normal work. This resolution puts the Senate on record supporting efforts to educate and empower State and local law enforcement officers in identifying trafficking victims. By raising awareness at the State and local level, we can better make use of the many tools we have in this fight.

T-visas are a vital part of the fight against sex trafficking. These visas enable victims of trafficking to testify against their traffickers and help put these criminals in jail. We have had the situation where we have the victims and they are sent home, and the people who did it go free. Currently, we issue less than 2 percent of the T-visas available, and yet we know that tens of thousands of victims go without T-visas every year, condemning them to lives of abuse and terror instead of the protection they deserve and that is available under the visa.

By educating and empowering State and local law enforcement officers to recognize trafficking crimes and raising awareness of this issue, we can identify more victims and get them the help they need and, most importantly, take their traffickers off the streets. We are also calling on the States to do a close examination of their current laws to see if they are adequate in the face of the human trafficking threat.

We must make sure we are prepared to deal with this crime at all levels. We must also make sure the victims of trafficking receive the same level of services regardless of what laws are used to prosecute their traffickers.

Far too often we find ourselves at odds with one another in the Senate. Our efforts on this issue show we can work together in a bipartisan way to protect some of the most endangered children in our world and put some of the most awful criminals behind bars. This resolution is an important step in the battle to save the lives of hundreds of thousands of women and children who are trafficked each year.

Along with Senator CORNYN, I urge my colleagues to support its immediate passage. Together, if we work hard, we can greatly and dramatically reduce this horrible crime.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank the Senator from New York for submitting the resolution about which he has just spoken.

Mr. LEAHY. Madam President, I am pleased to sponsor this anti-trafficking resolution with Senators CORNYN, SCHUMER, LINDSEY GRAHAM, and CLINTON, and to have worked with Senator CORNYN to emphasize the bipartisan commitment to eliminate trafficking. The resolution encourages States to join the 106th and 108th Congresses in passing legislation to combat human trafficking.

We cannot know with any certainty how many people are trafficked, but some experts estimate that nearly a million people worldwide every year are bought, sold, or trafficked, with about 16,000 of those people trafficked to the United States. These people are forced into involuntary servitude or, often, prostitution. Until recently, this issue was not a priority for governments around the world, but we are seeing signs of change, some prompted by our passage in 2000 of the bipartisan Trafficking Victims Protection Act, (TVPA) and last year's reauthorization of that law.

In 2000, I served on the conference committee for the TVPA, which passed in the House and Senate by overwhelming margins and was signed by President Clinton, whose Justice Department was intimately involved in the legislative process. This bill—on which our late colleague Senator Wellstone worked so tirelessly—signaled a bipartisan congressional commitment to the prosecution of traffickers and the protection of their victims. I am proud to have played a role in creating the law, and in reauthorizing it.

In forging the TVPA, Senators Wellstone and BROWNBACK, and Congressmen CHRISTOPHER SMITH and GEJDENSEN, sought both to eliminate trafficking at home and to make combating trafficking and slavery a foreign policy priority. We are seeing signs of progress in this area, and I believe we will see even more if States become more involved in this issue.

Combating trafficking has been a bipartisan issue. Senators and Representatives who are otherwise ideological opposites have worked together closely on anti-trafficking legislation, and the Justice Departments under both President Clinton and Bush have made it a priority to prosecute those who would deprive others of their most basic liberties. This resolution, too, provides an example of Senators from both sides of the aisle working together to further the cause of eliminating trafficking by punishing its perpetrators. I urge the Senate to pass it today.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the appropriate place.

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

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas it has been nearly 2 centuries since the abolition of the transatlantic slave trade, and well over a century since the ratification of the 13th amendment to the Constitution of the United States;

Whereas most Americans would be shocked to learn that the institutions of slavery and involuntary servitude continue to persist today—not just around the world, but hidden in communities across the United States;

Whereas according to Federal Government estimates, approximately 800,000 human beings are bought, sold, or forced across the world's borders each year—including approximately 16,000 human beings into the United States each year—and are coerced into lives of forced labor or sexual servitude that amount to a modern-day form of slavery;

Whereas the 13th amendment to the Constitution of the United States, ratified in 1865, abolishes the institutions of slavery and involuntary servitude;

Whereas numerous provisions of chapter 77 of title 18 of the United States Code have criminalized slavery since 1909;

Whereas the late Senator Paul Wellstone joined in a bipartisan manner with Senator Sam Brownback and many other Senators and Representatives to advance legislation to strengthen those laws, leading to the enactment of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), which was signed into law by President Bill Clinton;

Whereas Congress made further bipartisan improvements to the law when it enacted the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), which was signed into law by President George W. Bush;

Whereas the Department of Justice, under the leadership of its Civil Rights Division, has worked during the Clinton and Bush presidencies to strengthen anti-trafficking laws and to increase its own efforts to combat human trafficking and slavery in light of those recent bipartisan enactments;

Whereas the Trafficking in Persons Office of the Department of State continues to fight human trafficking around the world;

Whereas many nongovernmental organizations have made exceptional contributions to the prevention of human trafficking and

to the care and rehabilitation of victims of human trafficking;

Whereas survivors of human trafficking crimes risk their lives and the lives of their families to assist in the investigation and prosecution of their former captors;

Whereas effective prosecution of human trafficking crimes will not be possible unless adequate protections are offered to the survivors;

Whereas the fight to eliminate human trafficking and slavery requires the involvement of State and local law enforcement officials, as well as Federal law enforcement efforts;

Whereas the enactment of comprehensive State laws criminalizing human trafficking and slavery may be necessary to ensure that Federal efforts are accompanied by robust efforts at the State and local levels;

Whereas the States of Texas, Washington, Missouri, and Florida have recently enacted comprehensive State criminal laws against human trafficking and slavery;

Whereas the Department of Justice recently announced a comprehensive model State anti-trafficking criminal statute, and encouraged States to adopt such laws, at its first ''National Conference on Human Trafficking,'' held in Tampa, Florida; and

Whereas the Department of Justice's model State anti-trafficking criminal statute is available at the Department's website, http://www.usdoj.gov/crt/crim/model_state_law.pdf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the bipartisan efforts of Congress, the Department of Justice, and State and local law enforcement officers to combat human trafficking and slavery;

(2) strongly encourages State legislatures to carefully examine the Department of Justice's model State anti-trafficking criminal statute, and to seriously consider adopting State laws combating human trafficking and slavery wherever such laws do not currently exist;

(3) strongly encourages State legislatures to carefully examine the Federal benefits and protections for victims of human trafficking and slavery contained in the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Reauthorization Act of 2003, and to seriously consider adopting State laws that, at a minimum, offer these explicit protections to the victims; and

(4) supports efforts to educate and empower State and local law enforcement officers in the identification of victims of human trafficking.

EXPEDITIOUS SUPREME COURT ACTION IN BLAKELY V. WASHINGTON

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 130.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 130) expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

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

Mr. HATCH. Madam President, S. Con. Res. 130 expresses the sense of Congress that the Supreme Court should expedite consideration of the applicability of Blakely v. United States to the Federal Sentencing Guidelines.

As one of the original cosponsors of the Sentencing Reform Act of 1984, which created the United States Sentencing Commission, and a proponent of reducing sentencing disparity across the nation, I have a strong interest in preserving the integrity of the Federal guidelines against constitutional attack. Congress enacted the Sentencing Reform Act to reduce unwarranted disparity in Federal sentencing, including racial, geographical, and other unfair sentencing disparities by establishing standardized sentencing rules while leaving judges enough discretion to impose just sentences in appropriate cases.

As many here may already know, criminal defendants are routinely sentenced by judges who decide sentencing facts based upon a preponderance of the evidence standard. This has all changed in recent weeks. On June 24, 2004, in Blakely v. Washington, the Supreme Court held that any fact that increases the maximum penalty under a State statutory sentencing guidelines scheme must be presented to a jury and proved beyond a reasonable doubt even though the defendant's sentence falls below the statutory maximum sentence.

Although the Supreme Court explicitly stated in a footnote that ''The Federal Guidelines are not before us, and we express no opinion on them,'' it also characterized the government's amicus brief as questioning whether differences between the State and Federal sentencing schemes are constitutionally significant. The ambiguity apparent in Blakely and the strong suggestions by the dissent that it will apply to the Federal sentencing guidelines, has understandably created angst throughout the Federal justice system.

In just 2½ weeks after the Supreme Court's decision, we already had a split among the Federal circuit courts of appeal. In addition, at least two dozen lower Federal courts—and probably many more—have ruled the Federal Sentencing Guidelines unconstitutional. Some judges disregard the Federal sentencing guidelines in their entirety. Other judges apply mitigating sentencing factors but disregard any relevant aggravating factors. Still other judges are convening juries to decide some of these sentencing facts.

In fact, as I learned when the Judiciary Committee held a hearing on this very issue just last week, in my home State of Utah, the district judges adopted four different approaches to sentencing defendants after Blakely.

Let me briefly describe a couple of examples of the havoc caused by this Blakely decision. I'm sure we all recall Dwight Watson, the man who sat in a tractor last year outside the U.S. Capitol for 47 hours and threatened to blow up the area with organophosphate bombs. The day before the Blakely opinion, Mr. Watson was sentenced to a 6-year prison sentence. Less than a week after the Supreme Court's opinion, he was resentenced to 16 months, which was essentially time served. He is now a free man.

A defendant in West Virginia had an offense level that was off the sentencing charts. Although he would have been subject to a life sentence under the guidelines, the statutory maximum penalty was 20 years. He was given a 20-year sentence three days before Blakely was decided. A week later, his sentence was drastically reduced to 12 months. The judge did not rely on any relevant conduct or any sentencing enhancements in calculating the defendant's sentence. In other words, he only applied a portion of the sentencing guidelines—those that he thought remained valid after Blakely.

The concurrent resolution I introduce today urges the Supreme Court to act expeditiously to resolve whether the Federal sentencing guidelines can be constitutionally applied in light of Blakely v. Washington. While I wish we could have done more, unfortunately, we were unable to do so in such a short period of time.

As we go forward, I believe we should adopt legislation that would render the Federal sentencing guidelines constitutional regardless of whether Blakely applies. Unfortunately, while I have worked diligently with my colleagues on both sides of the aisle and in both Houses, we simply just ran out of time. While I hope that the Supreme Court will find application of the Federal sentencing guidelines constitutional under the 6th Amendment, I will continue to work with my colleagues over the next several months in preparation of a contingency plan to ensure that regardless of what the Supreme Court decides, that we will be able to preserve a system that promotes uniformity and reduces sentencing disparity across this country.

Mr. LEAHY. Mr. President, the Supreme Court's decision last month in Blakely v. Washington has raised significant concerns about the validity of the Federal sentencing guidelines. Blakely held that sentencing procedures used by the State of Washington violated the defendant's constitutional right to a jury trial because they allowed the judge to impose an enhanced sentence based on facts that were neither found by a jury nor admitted by the defendant.

Within days of this decision, a split developed among the Federal district and circuit courts regarding the applicability of Blakely to the Federal Sentencing Guidelines, and one circuit court invoked a rarely used procedural mechanism to certify the question to the Supreme Court. Lower Federal courts continue to reach inconsistent positions on Blakely issues on virtually a daily basis. By all accounts, the confusion and uncertainty is frustrating the orderly administration of justice in courts across the country.

Two and one-half weeks after the Court issued its Blakely decision, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system. As witness after witness described the disarray in the lower Federal courts, it became increasingly clear that the not-hypothetical application of Blakely to the Federal Sentencing Guidelines is threatening to undo 20 years of sentencing reform.

Twenty years after enactment of the Sentencing Reform Act of 1984, we must remind ourselves about the core values and principles that accounted for the bipartisan popularity of the original Federal Guidelines concept. The 1984 act was written and enacted against a history of racial, geographical, and other unfair disparities in sentencing. Congress sought to narrow these disparities while leaving judges enough discretion to do justice in the particular circumstances of each individual case. The task of harmonizing sentencing policies was deliberately placed in the hands of an independent, expert Sentencing Commission.

The Guidelines as originally conceived were about fairness, consistency, predictability, reasoned discretion, and minimizing the role of congressional politics and the ideology of the individual judge in sentencing. Blakely threatens a return to the bad old days of fully indeterminate sentencing when improper factors such as race, geography and the predilections of the sentencing judge could drastically affect the sentence. While I favor Federal judges exercising their discretion in pursuit of individual justice in individual cases, I do not want to see a return to the bad old days.

It may be that the Blakely decision was occasioned in part by recent tinkering with the Sentencing Reform Act that went too far. In recent years, Congress has seriously undermined the basic structure and fairness of the Federal Guidelines system through posturing and ideology. There has been a flood of legislation establishing mandatory minimum sentences for an ever-increasing number of offenses, determined by politics rather than any systemic analysis of the relative seriousness of different crimes. There has been ever-increasing pressure on the Sentencing Commission and on individual district court judges to increase Guidelines sentences. The culmination of these unfortunate trends was the so-called Feeney Amendment to the PROTECT Act, in which this Congress cut the Commission out altogether and rewrote large sections of the Guidelines manual, including commentary, and in which Congress also provided for a judicial ''black list'' to intimidate judges whose sentences were insufficiently draconian to suit the current Justice Department.

The Feeney Amendment was a direct assault on judicial independence. It was forced through the Congress with virtually no debate and without meaningful input from judges or practitioners. That process was particularly unfortunate given that the Republican majority's justification for the Feeney Amendment—a supposed ''crisis'' of downward departures—was unfounded. In fact, downward departure rates were well below the range contemplated by Congress when it authorized the Federal Sentencing Guidelines, except for departures requested by the Government itself. But having a false factual predicate for forcing significantly flawed congressional action has become all too familiar during the last few years.

The attitude underlying too many of these recent developments seems to be that politicians in Washington are better at sentencing than the Federal trial judges who preside over individual cases, and that longer sentences are always better. Somewhere along the line we appear to have forgotten that justice is not just about treating like cases alike; it is also about treating different cases differently.

These are issues that need to be examined in the future, in a thoughtful and deliberative fashion. The Sentencing Reform Act was the product of many years of work by members on both sides of the aisle. The current Sentencing Guidelines reflect more than a decade of work by the Sentencing Commission. If the Blakely decision ultimately requires some modification of our Federal sentencing system, we must proceed with extreme care. The last thing that any of us want is to risk making an already chaotic situation even worse by enacting ill-considered legislation that is itself subject to constitutional attack.

The Department of Justice, the Sentencing Commission, and other experts who testified before the Judiciary Committee have urged Congress not to act precipitously. I agree that corrective legislation is not immediately necessary and could be counter-productive, provided that the Supreme Court expeditiously clarifies the scope of its Blakely decision.

For these reasons, I am pleased to join Senator HATCH and other Judiciary Committee members in introducing a resolution regarding the Blakely decision. The words of the resolution are clear, unambiguous and unassailable: The Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines. Congress should take up and pass this resolution without delay.

Mr. FRIST. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Con. Res. 130) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 130

Whereas Congress enacted the Sentencing Reform Act of 1984 to provide certainty and fairness in sentencing, avoid unwarranted disparities among defendants with similar records found guilty of similar offenses, and maintain sufficient flexibility to permit individualized sentences when warranted;

Whereas Congress established the United States Sentencing Commission as an independent commission in the Judicial branch of the United States to establish sentencing policies and practices for the Federal criminal justice system that meet the purposes of sentencing and the core goals of the Sentencing Reform Act;

Whereas Congress has prescribed both statutory minimum and statutory maximum penalties for certain offenses and the Sentencing Reform Act authorizes the Sentencing Commission to promulgate guidelines and establish sentencing ranges for the use of a sentencing court in determining a sentence within the statutory minimum and maximum penalties prescribed by Congress;

Whereas the statutory maximum penalty is the maximum penalty provided by the statute defining the offense of conviction, including any applicable statutory enhancements, and not the upper end of the guideline sentencing range promulgated by the Sentencing Commission and determined to be applicable to a particular defendant;

Whereas both Congress and the Sentencing Commission intended the Federal Sentencing Guidelines to be applied as a cohesive and integrated whole, and not in a piecemeal fashion;

Whereas in Mistretta v. United States, 488 U.S. 361 (1989), the Supreme Court of the United States upheld the constitutionality of the Sentencing Reform Act and the Federal Sentencing Guidelines against separation-of-powers and non-delegation challenges;

Whereas in Blakely v. Washington, 124 S. Ct. 2531 (2004), the Supreme Court held that the sentencing guidelines of the State of Washington violated a defendant's Sixth Amendment right to trial by jury;

Whereas despite Mistretta and numerous other Supreme Court opinions over the past 15 years affirming the constitutionality of various aspects of the Guidelines, the Blakely decision has raised concern about the continued constitutionality of the Federal Sentencing Guidelines;

Whereas the Blakely decision has created substantial confusion and uncertainty in the Federal criminal justice system;

Whereas the lower Federal courts have reached inconsistent positions on the applicability of Blakely to the Federal Sentencing Guidelines;

Whereas there is a split among the circuit courts of appeal as to the applicability of Blakely to the Federal Sentencing Guidelines, and the Second Circuit Court of Appeals has certified the question to the Supreme Court;

Whereas the orderly administration of justice in pending and resolved trials, sentencings and plea negotiations has been affected by the uncertainty surrounding the applicability of the Blakely decision to the Federal Sentencing Guidelines;

Whereas the current confusion in the lower Federal courts has and will continue to produce results that disserve the core principles underlying the Sentencing Reform Act;

Whereas two and one-half weeks after the Supreme Court issued its decision in Blakely, the Senate Judiciary Committee convened a hearing to consider the implications of the decision for the Federal criminal justice system; and

Whereas the Department of Justice, the Sentencing Commission, and others advised the Committee that corrective legislation was not necessary at this time, with the hope that the Supreme Court would clarify the applicability of its Blakely decision to the Federal Sentencing Guidelines in an expeditious manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the current confusion and inconsistency in the Federal criminal justice system by promptly considering and ruling on the constitutionality of the Federal Sentencing Guidelines.

MEASURES PLACED ON THE CALENDAR—S. 2694, S. 2695, AND H.R. 4492

Mr. FRIST. Madam President, I understand there are three bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for a second time en bloc.

The legislative clerk read as follows:

A bill (S. 2694) to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

A bill (S. 2695) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

A bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

Mr. FRIST. Madam President, I object to further proceedings on the measures en bloc at this time.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

MEASURES READ THE FIRST TIME—S. 2704 AND S. 2714

Mr. FRIST. Madam President, I understand there are two bills at the desk, and ask unanimous consent that they be read for the first time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 2704) 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.

A bill (S. 2714) to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

Mr. FRIST. Madam President, I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, object to further proceedings on these matters en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 22, 2004

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 22. I further ask 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 a period of morning business, for statements only, for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate proceed to executive session and resume consideration of Calendar No. 705, the nomination of Henry Saad to be a U.S. circuit judge of the Sixth Circuit; provided further that the time until 11 a.m. be equally divided between the chairman and ranking member of the Judiciary Committee or their designees. I further ask consent that at 11 a.m., the Senate proceed to the cloture votes on the nominations, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume debate on the three Sixth Circuit judges. At 11 a.m., the Senate will proceed to three consecutive votes on the motions to invoke cloture on the three judicial nominations.

For the remainder of the day, the Senate will consider the Department of Defense appropriations conference report when it becomes available. Therefore, Senators should expect a busy day, and additional rollcall votes are expected following the scheduled cloture votes.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 706, 793, 798, and 799. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF STATE

Thomas Fingar, of Virginia, to be an Assistant Secretary of State (Intelligence and Research).

DEPARTMENT OF JUSTICE

Robert Clark Corrente, of Rhode Island, to be United States Attorney for the District of Rhode Island for the term of four years.

DEPARTMENT OF THE TREASURY

Juan Carlos Zarate, of California, to be an Assistant Secretary of the Treasury.

Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Madam 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 6:16 p.m., adjourned until Thursday, July 22, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 2004:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

LLOYD O. PIERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CONSTANCE BERRY NEWMAN.

AFRICAN DEVELOPMENT FOUNDATION

LLOYD O. PIERSON, AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2009, VICE JOHN F. HICKS, SR., TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 9335:

To be brigadier general

COL. DANA H. BORN, 3051

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT L. VAN ANTWERP JR., 8468

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES J. LOVELACE JR., 0304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. DUBIK, 1344

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GERALD F. FERGUSON JR., 6004

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 50, U.S.C., SECTION 2406:

To be admiral

To be director, Naval Nuclear Propulsion Program

VICE ADM. KIRKLAND H. DONALD, 3953

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 2004:

DEPARTMENT OF STATE

THOMAS FINGAR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH).

DEPARTMENT OF THE TREASURY

JUAN CARLOS ZARATE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

STUART LEVEY, OF MARYLAND, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ROBERT CLARK CORRENTE, OF RHODE ISLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.