

I also note that last Congress the Senate Judiciary Committee favorably reported the Innocence Protection Act of 2002, which included provisions on student loan forgiveness. The bill would have established a program under which full-time prosecutors and public defenders could apply for repayment assistance of the Federal Stafford loans and would have extended the Perkins loan forgiveness program to include public defenders. I commend Senator DURBIN for his strong leadership in these matters. Unfortunately, those improvements and encouragements to young lawyers were blocked and are not yet enacted. They need to be. We must ensure that full-time public defenders have equivalent eligibility if the public defense function is to fulfill its constitutionally required role in our criminal justice system.

Specifically, with respect to the Homeland Security Federal Workforce Act that we consider today, I believe the program it establishes for student loan repayment can be an important incentive for our national security programs and understand those to include our law enforcement agents and officers. I regret that the substitute amendment lowers the maximum amount of loan repayment from \$80,000 to \$60,000 but believe it is an important start and should be used broadly as an incentive to both recruit and retain our national security employees. According to Dr. Paul Light of the Brookings Institution Center for Public Service, in 2002 the Department of Justice and the Department of Defense together awarded student loan repayment to only seven employees. To have its intended effect to recruit and retain outstanding talent to government service, especially national security positions that include law enforcement, we need to have a broad-based incentive through loan forgiveness. Student loans, include law school loans, that saddle talented and public-spirited graduates are a key reason so many opt for higher paying jobs in the private sector. An effective program of student loan forgiveness can help counterbalance that pressure.

I regret that the bill as written limits its application to executive departments like the Department of Justice and does not include Federal courts, which oversee our federal public defenders. Our prosecutors and our public defenders need this assistance and incentive to join and remain as critical components of the criminal justice system. To skew programs to help only one side of the criminal justice system is shortsighted and unfair. For more information on this important topic of loan forgiveness, I urge consideration of pages 37 through 40 of Senate report 107-315.

I am concerned that the Bush administration and its Office of Personnel Management will adopt an unreasonably restrictive view of those Federal employees who contribute to our national security. As I read the sub-

stitute amendment, the determination of national security positions is left to the Secretary of the Department of Homeland Security, the Secretary of the Treasury, the Attorney General and the other agency heads. That decision no longer is intended to reside with the Director of the Office of Personnel Management. That is an improvement. I hope that it will lead to a more broadly-based determination of the employment positions eligible for the student loan repayment program to include all who contribute to our national security.

I also look forward to enactment of the fellowship program provided by the bill and the strengthening of our national security workforce. I have been extremely disappointed by the efforts made at the Department of Justice to fulfill the mandates of the USA PATRIOT Act with respect to improving our workforce. As I detailed recently in connection with the confirmation hearing for the nominee to be the Deputy Attorney General, the Attorney General has yet to give us a straight answer with respect to hiring the necessary Arabic translators. That was a need I identified within days of the September 11, 2001 attacks and insisted be addressed in the PATRIOT Act. Over the last 2 years the Department has been both evasive and inconsistent in its answers regarding implementation of those provisions in that Act. Recently the FBI has, again, put out the call for assistance and additional translators. While Senator VOINOVICH may be correct that these provisions in the bill may be necessary, it is my hope that they will encourage the administration to do that which it could have done but has not under existing authority.

The administration has a long way to go to provide for our national security. I support this bill as another bipartisan effort by the Senate to help it along the way.

Mr. BENNETT. I ask unanimous consent that the Collins substitute amendment which is at the desk be agreed to; that the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2114) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 589), as amended, was read the third time and passed.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 108-10

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 5, 2003, by the President of the

United States: Convention on International Interests in Mobile Equipment and Protocol to Convention on International Interests in Mobile Equipment (Treaty Document 108-10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

#### *To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Convention on International Interest in Mobile Equipment and the Protocol on Matters Specific to Aircraft Equipment, concluded at Cape Town, South Africa, on November 16, 2001. The report of the Department of State and a chapter-by-chapter analysis are enclosed for the information of the Senate in connection with its consideration.

The essential features of the Convention and Aircraft Protocol are the establishment of an international legal framework for the creation, priority, and enforcement of security and leasing interests in mobile equipment, specifically high-value aircraft equipment (airframes, engines, and helicopters), and the creation of a worldwide International Registry where interests covered by the Convention can be registered. The Convention adopts "asset-based financing" rules, already in place in the United States, enhancing the availability of capital market financing for air carriers at lower cost. The Convention's and Protocol's finance provisions are consistent with the Uniform Commercial Code with regard to secured financing in the United States.

This new international system can significantly reduce the risk of financing, thereby increasing the availability and reducing the costs of aviation credit. As a result, air commerce and air transportation can become safer and environmentally cleaner through the acquisition of modern equipment facilitated by these instruments. The new international system should increase aerospace sales and employment, and thereby stimulate the U.S. economy.

Negotiation of the Convention and Protocol has involved close coordination between the key Federal agencies concerned with air transportation and export, including the Departments of State, Commerce, and Transportation, as well as the Eximbank, and U.S. interests from manufacturing, finance, and export sectors.

Ratification is in the best interests of the United States. I therefore urge the Senate to give early and favorable consideration to the Cape Town Convention and Aircraft Protocol, and that the Senate promptly give its advice and consent to ratification, subject to the seven declarations set out in the

accompanying report of the Department of State.

ORDERS FOR THURSDAY,  
NOVEMBER 6, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 6. 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 60 minutes, with the first 30 minutes under the control of the minority leader or his designee, and the second 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business, the Senate proceed to executive session and the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit, and that there then be 60 minutes equally divided for debate on the nomination prior to the vote on the motion to invoke cloture.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Thank you, Mr. President.

Let me just say, very briefly, we have been told that next Wednesday the majority leader is going to move to a period of time where the majority will come and talk for some 30 hours about how the judges that have been recommended by President Bush have been treated.

I would say, I cannot possibly imagine why in the world we would take the time of this body at such an important time in the history of this country. On this side of the aisle, we have bent over backwards to cooperate on appropriations bills. We have cajoled, begged members on our side not to offer controversial amendments. On any one of these appropriations bills, there can be all kinds of things offered. Maybe they would be deemed not appropriate procedurally, but certainly a debate could be had and they would have to be disposed of by a vote. But we wanted to work for what we thought was the betterment of this body and this country.

We agreed, without any reservation or hesitation, to be in next Monday and Tuesday, Tuesday being a legal holiday. And when we are told that the sacrifices made to move this matter along are going to, in effect, play second fiddle to two legislative days; that is, 30 hours talking about judges, keep in mind we have done a pretty remarkably good job on these judges.

We have approved 168 judges; we have turned down 4—168 to 4. We have the lowest vacancy rate of the Federal judiciary in some 15 years.

So I say—and not in any way as criticism other than constructive criticism—I cannot imagine how the majority would allow this to happen. We are aware of this. And as my friend, the distinguished Senator from Utah knows, we work very hard to try to make things as convenient for Members as possible. But, keep in mind, recognizing how we can work to make things easy on Members, we can also work to make things hard on Members.

If this is going to be done, there has to be some reasonable response to it. You cannot be slapped around forever. We believe in turning our cheeks, and we have done it. Our cheeks have been turned and both sides slapped and we still move forward. But I think this is the ultimate. I think we have taken about as much as we are going to take.

I say to everyone within the sound of my voice, this is not to threaten, but just to make people understand that there is going to have to be some appropriate action taken if this is going to happen. We have been told it is going to happen by the highest authorities on the majority side. We have asked that it not happen. We have been told it is going to happen. I think it is too bad for our Nation.

I have no objection to the unanimous consent request.

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

PROGRAM

Mr. BENNETT. For the information of all Senators, tomorrow, following morning business, there will be 60 minutes for debate prior to the cloture vote on the Pryor nomination. If cloture is not invoked on the nomination, the Senate is expected to resume consideration of H.R. 2673, the Agriculture appropriations bill. It is hoped that we can finish that bill at an early hour during tomorrow's session, and therefore Senators should expect a very busy day tomorrow with rollcall votes occurring throughout.

ORDER FOR ADJOURNMENT

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SESSIONS.

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

The Senator from Alabama.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I thank Senator BENNETT for his leadership today and the work he does. He is such an able part of this body. I will just say to Senator REID, the assistant Democratic leader, that something has happened here in this body that has never happened before.

Even though there are a majority of Senators prepared to vote and confirm a series of highly qualified nominees for the Federal bench, for the first time in the history of this Nation, the Democratic leadership—Senator DASCHLE and his team—have deliberately and systematically filibustered. That has never been done before on Federal judges. It should not be done. It is a complete change in the history of this body.

I believe that Senator FRIST is correct that we need to talk about these nominees, and we need to spend some time talking about them. We need to state what their records are, what their accomplishments are, why they are fine and decent men and women, and why they ought to be confirmed.

I hope the American people will listen because everywhere I go people tell me they are concerned about the courts. They believe judges are stepping outside of their bounds. They are legislating when they ought to be adjudicating. They are taking over schools, prisons, hospitals, and whatever else, and running them for years and years. And people question that.

President Bush has said: I am going to nominate judges who believe in the rule of law and who believe in doing the right thing, who do not legislate but adjudicate, who decide cases based on what the law says, not what they think is good politics.

Now we have these filibusters for the first time in history. I cannot imagine why Senator DASCHLE and his team would object to utilizing the legitimate, historic rules of this body, to talk all night, if need be, about why filibustering is unfair. They are not going to be out here anyway doing business. We are not doing anything in the middle of the night anyway.

To take a day of this session to talk it all the way through that day about the incredible, historical change in procedure that has occurred here is eminently justified. Why they would think they should, therefore, be offended is really amazing to me. There is just no basis for it. It is mock anger that they are going to now block legislation, which apparently was the intention all along.

We passed the CARE Act 90 to 5. We can't move the bill to conference because that bill is being filibustered under the leadership of Senator DASCHLE and the Democrats. We passed the Healthy Forests Act 80 to 14, an overwhelmingly bipartisan vote. That is being blocked, so it cannot be sent to conference. This is obstructionism again and again. I believe it is not harmful for the American people to have a glimpse of what is going on in this body.

When we saw what went on in the Intelligence Committee with the disclosure of this internal memorandum for the first time in history that I know of—the Intelligence Committee, which has always been organized and always been led to be a nonpartisan—not bipartisan, a nonpartisan entity dealing