

whole bill. I simply want this item removed.

At some point, this body has to come to grips with the fact that we tend to shove major policy decisions into larger bills without any real debate and discussion and without the American people having access to what their representatives are doing, thinking, or saying about some of these items. Somehow this has to change.

I also realize the 108th Congress is drawing to a close, and many of us are already looking to head home to our families and constituents. But I cannot, in good conscience, stand by and say nothing against a provision that conflicts so fundamentally with our country's dedication to human rights, to democracy, and to fundamental decency.

I urge my colleagues to join me in opposing cloture. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I am deeply troubled by the series of events which have brought us here today. The miscellaneous tariff bill, a relatively noncontroversial bill that has been making its way through the Congress for more than a year now, which is full of worthy noncontroversial provisions, has become the vehicle to pass a bill that is controversial, to say the least.

At the eleventh hour, behind closed doors, the conferees on this bill decided to tack on a bill to grant normal trade relations status to the Communist Laos People's Democratic Republic, one of the few remaining Communist states on the Earth.

For many years, I have worked to shed light on the serious allegations of human rights violations in Laos, many involving the status of the Hmong ethnic minority. By attaching Laos NTR to this bill without any opportunity to debate it and to consider it on its merits, we are missing an important opportunity to hold the Lao Government accountable. We are also missing an important opportunity to press the Lao Government to allow credible international observers into Laos and into the remote jungles where the Hmong ethnic minority live.

We should not be proceeding to this bill in its current form. The Finance Committee could have easily stripped the Laos NTR provisions from the conference report and passed a clean version of the miscellaneous tariff bill. Then we could have had a real debate on Laos NTR at a more appropriate time.

I will have more to say on this matter after the cloture vote. I urge my colleagues to vote against cloture so that Laos NTR can be considered on its merits and not part of an omnibus trade package.

I yield the floor.

Mr. HATCH. Mr. President, every year U.S. businesses lose several billion dollars in revenues due to international theft of their products. Every

time a book is photocopied without permission, a bootleg movie DVD is sold, or a piece of music is downloaded from the Internet, engineers, authors, musicians, actors, technicians, camera crews, lighting crews, building owners, investors—indeed, everyone involved in the process—lose money. The United States has long been the world leader in the creation of products protected by intellectual property. Almost every growing industry in the United States uses intellectual property laws as the single most important tool they have to ensure their companies will be viable and competitive in the world marketplace. Millions of employees throughout the United States can directly or indirectly tie their jobs to companies who use intellectual property protections for their products.

Because intellectual property is so important to the U.S. economy, our Government has a long tradition of working hard with the international community to enforce the basic and fair rights established by intellectual property law. Enforcement of these rights in foreign countries is extremely important to the U.S. economy and so the Congress has long provided Government officials with the direction and tools they need to pursue fair treatment of intellectual property on an international basis.

Be it through the Trade Act of 1974 or through the WTO establishment of the Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS Agreement, the U.S. Government has been very active in pursuing the protection of intellectual property that brings me to the bill at hand.

As passed by the Senate on March 4, 2004, H.R. 1047 contained five important measures that would have given the U.S. Government more tools in our effort to protect intellectual property around the world. Specifically, the five intellectual property sections of H.R. 1047 would provide the U.S. Trade Representative additional time to negotiate and consult with countries prior to bringing a World Trade Organization intellectual property dispute; it would have given companies and innovators the ability to request the U.S. Government suspend certain trade benefits to Caribbean and Central American countries who are not meeting their intellectual property commitments; and it would have standardized the criteria for adequate and effective protection of intellectual property under several U.S. trade programs, thereby giving U.S. companies greater ability to protect their IP in several countries around the world.

Unfortunately, during the conference with the House, H.R. 1047 was stripped of four of the five IP protections I just outlined. This is of great concern to me. I fear the House conferees who were opposed to these important IP measures are selling our economy short and jeopardizing thousands of U.S. jobs. Failure to pass these important protections diminishes the U.S.

Government's ability to encourage foreign governments to crack down on intellectual property violations. It is difficult to motivate foreign governments to seek out and prosecute those who steal the property of U.S. companies and sell it to consumers at reduced prices. However, this language would have provided an extra incentive for foreign governments to prosecute intellectual property theft and, hopefully, would have led to billions of dollars of additional U.S. exports across several industries.

Few U.S. industries enjoy a positive trade balance in the world marketplace; however, those few U.S. industries which do enjoy large positive trade balances with other countries depend on strong, internationally enforced intellectual property protections. It is beyond me why anyone would want to make it more difficult for these industries to enforce their property rights internationally. It is beyond me why anyone would want to stand idly by and watch American employees get ripped off by foreign companies.

Although this legislation was stripped of most of the intellectual property protections I worked so hard to include, I am supporting its passage because it provides tariff relief to many industries throughout the country. Many of our Nation's largest manufacturers and employers in industries such as agriculture, textiles, chemicals, pharmaceuticals, electronics, heavy equipment, and food and beverages all benefit greatly from the reduced tariffs provided by this legislation.

In fact, several large employers in my home State of Utah will benefit directly from this legislation. The reduced tariffs contained in this bill will provide these companies with the ability to compete for effectively in the global marketplace, to sell more products and services throughout the world, and create jobs in Utah. For these important reasons, I will support this legislation.

Although the Senate has not been able to take advantage of this opportunity to pass four very important intellectual property provisions on the Miscellaneous Tariffs Bill, I am hopeful that we can come together at the start of the 109th Congress and take up and pass these important protections. Those industries which depend on IP protections agree that we need them; the U.S. Trade Representative's Office agrees that we need them; and I call on my Senate colleagues to work with me next Congress to pass these important tools to help us combat international IP theft.

I yield the floor.

#### DUTY SUSPENSIONS FOR IMPORTED PRODUCTS

Mr. BUNNING. Mr. President, I would like to ask my colleague about the conference report to accompany H.R. 1047, the Miscellaneous Trade and

Technical Corrections Act of 2004, which passed the Senate floor by unanimous consent earlier today. This legislation contains a number of duty suspensions for imported products. The duty suspensions help make American industry competitive by allowing companies to reduce costs on needed inputs. An important criterion for duty suspension is that the imported product cannot compete with a domestic product.

I am concerned that duty suspensions were included in the bill for eight pigments that may compete directly with pigments produced in my State. If so, it could directly affect hundreds of workers in my State. The provisions at issue are: Sections 1439, 1440, 1441, 1452, 1453, 1454, 1455, and 1456.

I understand that the Department of Commerce has been contacted about these provisions and is willing to review them to determine whether they are appropriate for inclusion in this bill. Will the Senator work with me to ensure that the Department of Commerce completes its analysis?

Mr. GRASSLEY. I appreciate the Senator raising this issue with me. I am happy to work with the Senator from Kentucky and the Commerce Department to ensure that an appropriate and timely analysis is completed. I recognize that the duty suspensions in question take effect on January 1, 2005. If the results of this analysis demonstrate that the inclusion of these provisions in H.R. 1047 was inappropriate, I will gladly work with him to try and rectify the situation at the earliest possible date.

Mr. BUNNING. I thank my colleague and I pledge to work closely with you to resolve this matter.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time and ask unanimous consent that all time be yielded back.

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

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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, do hereby move to bring to a close debate on the conference report to accompany H.R. 1047, a bill to amend the harmonized tariff schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

Bill Frist, Chuck Grassley, George Allen, Craig Thomas, Jon Kyl, Mike Crapo, Robert F. Bennett, John Ensign, Pete Domenici, Lamar Alexander, John E. Sununu, Richard G. Lugar, George Voinovich, Peter Fitzgerald, Trent Lott, Lindsey Graham, Jim Talent.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 1047, a bill to amend the harmonized tariff schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Indiana (Mr. LUGAR).

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

The yeas and nays resulted—yeas 88, nays 5, as follows:

[Rollcall Vote No. 214 Leg.]

#### YEAS—88

Akaka	Dole	Mikulski
Alexander	Domenici	Miller
Allard	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Edwards	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Feinstein	Nickles
Biden	Fitzgerald	Pyror
Bingaman	Frist	Reed
Bond	Graham (SC)	Reid
Boxer	Grassley	Roberts
Breaux	Gregg	Rockefeller
Brownback	Hagel	Santorum
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Johnson	Smith
Chambliss	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kyl	Stabenow
Conrad	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Corzine	Levin	Talent
Craig	Lieberman	Thomas
Crapo	Lincoln	Voinovich
Daschle	Lott	Warner
DeWine	McCain	Wyden
Dodd	McConnell	

#### NAYS—5

Byrd	Dayton	Kohl
Coleman	Feingold	

#### NOT VOTING—7

Clinton	Hutchison	Lugar
Enzi	Jeffords	
Graham (FL)	Leahy	

The PRESIDING OFFICER. On this vote the yeas are 88, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Resolution No. 474 to be brought up for its immediate consideration, and I will allocate time.

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

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Ms. LANDRIEU. I am happy to cooperate. I thought we had worked this out. Perhaps we have not. I understand we are calling up a resolution for its immediate consideration and I will stay in the business that we are in.

Mr. FEINGOLD. Mr. President, I will suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will not object to a quorum call if it is only temporary, and I mean very temporary, so we can work out our differences. This is a very important resolution that deserves to come before the Senate. Tomorrow is National Adoption Day and the Senator from Louisiana and I find this an important priority for all Senators. With that, I will not object, understanding that Senator FEINGOLD offers this only temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### NATIONAL ADOPTION MONTH

Ms. LANDRIEU. I ask unanimous consent the Senate proceed immediately to the consideration of S. Res. 474, submitted earlier today by myself, Senator CRAIG, Senator BOND, as well as Senator DEWINE, Senator FITZGERALD, Senator LEVIN, Senators SANTORUM and STABENOW—those last names be added as cosponsors to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 474) to express support for the goals of National Adoption Month by promoting national awareness of adoption, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

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

Ms. LANDRIEU. I yield to my friend who cosponsored this resolution for his remarks prior to mine.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Louisiana for her leadership on this issue and on the introduction of this resolution to recognize what we believe to be a very important month and a very important day for America, for America's children, and especially for the foster care children of America.