(Mrs. MURRAY) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 985

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. KOHL) and the Senator from Oregon (Mr. WYDEN) 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. 1733

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1733, a bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs.

S. 1900

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1900, a bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes.

S. 1957

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1957, a bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2275, a bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes.

S. 2321

At the request of Mr. BYRD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2321, a bill to amend title 32, United States Code, to rename the National Guard Challenge Program and to increase the maximum Federal share of the costs of State programs under that program, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2365

At the request of Mr. COLEMAN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2365, a bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003.

S. 2389

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2389, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from Nevada (Mr. REID) 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.J. RES. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.J. Res. 36, a joint resolution approving the renewal of import restrictions contained in Burmese Freedom and Democracy Act of 2003.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 313

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to coordinate with implementing partners in creating an online database of international exchange programs and related opportunities.

S. RES. 362

At the request of Mr. GRAHAM of Florida, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 362, a resolution expressing the sense of the Senate on the dedication of the National World War II Memorial on May 29, 2004, in recognition of the duty, sacrifices, and valor of the members of the Armed Forces of the United States who served in World War II.

AMENDMENT NO. 3151

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 3151 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3154

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3154 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction , and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3169

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3169 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction , and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. LEVIN, Mr. CHAFEE, Mr. LIEBERMAN, Mr. AKAKA, Mr. SARBANES, and Ms. MIKULSKI):

S. 2438. A bill to amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A–76, and for other purposes; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, competitive sourcing is the process by which the Federal Government conducts a competition to compare the

cost of obtaining a needed commercial service from a private sector contractor rather than from Federal employees. Properly conducted, competitive sourcing can be an effective tool to achieve cost savings. Poorly utilized, however, it can increase costs and hurt the morale of the Federal workforce.

The current guidelines under which agencies conduct these competitions are contained in the Office of Management and Budget's (OMB) Circular A–76 (A–76). To ensure that we maximize the benefit and minimize the cost of competitive sourcing, A–76 competition must be conducted in a carefully crafted manner. The rules under which they take place must be fair, objective, transparent, and efficient. In one particular regard, I believe the current rules fail to meet these criteria.

Specifically, they do not allow Federal employees to protest the agency's decisions in an A–76 competition beyond the agency's own internal review processes to the General Accounting Office (GAO). Congress has vested in the GAO the jurisdiction to hear and render opinions in protests of agency acquisition decisions generally. Private sector contractors, in contrast to federal employees, have standing to protest agency procurement decisions, including those in A–76 competitions, before GAO. Today, along with my distinguished colleague, Senator LEVIN, I am introducing legislation to correct this imbalance by providing Federal employees with standing to protest A–76 decisions to GAO.

The current situation does not arise from any conscious policy decision of Congress, GAO or OMB. Rather, it occurs because the Federal statute that confers protest jurisdiction upon GAO, the Competition in Contracting Act of 1984 or ''CICA,'' was not drafted to address the unique nature of A–76 competitions, in particular, the role of Federal employees in the ''Most Efficient Organization'' or ''MEO,'' which is the in-house side of these competitions. This was not deliberate—this particular circumstance for protest was simply not contemplated by Congress when drafting CICA.

Recent revisions to A–76 created the potential for GAO to review past decisions by Federal courts and revisit its own opinions to see whether the revisions would merit a determination that Federal employees had gained standing to protest adverse A–76 competition decisions. However, a recent GAO protest decision indicates that GAO has concluded it lacks the authority under CICA to hear protests from Federal employees in the MEO in these competitions. As a result, corrective legislative action has become necessary in our view.

Our bill would extend GAO protest rights on behalf of the MEO in A–76 competitions to two individuals. The first is the Agency Tender Official or ''ATO.'' The ATO is the agency official who is responsible for developing and representing the Federal employees' MEO. The second is a representative chosen directly by the Federal employees in the MEO for the purposes of filing a protest with GAO where the ATO does not, in the view of a majority of the MEO, fulfill his or her duties in regards to a GAO protest.

As I mentioned, the rules under which these competitions are run must be fair. In addition to being objectively fair, however, I think they must also be perceived as fair by all parties. If the private sector perceives the rules to be unfair, they will decline to participate in competitive sourcing competitions, and the Federal Government will enjoy less competition in its acquisitions. If Federal employees perceive the rules to be unfair, there will be less interest in Federal employment at a time when we are all concerned about the Federal Government's human capital challenges. As the congressionally established Commercial Activities Panel noted in its report on competitive sourcing, the lack of GAO protest rights for Federal employees was one of the most often-heard complaints about the A–76 rules. Providing them with protest rights that are similar to those enjoyed by the private sector is, I think, vital to assuring Federal employees that the rules of the game are fair to them.

The rules must also be efficient. There are three interests that are served by A–76 rules that ensure a speedy process with finality. The Federal Government benefits by enjoying the benefits and efficiencies of competitive sourcing sooner rather than later. Federal workers benefit in that they spend less time having to worry about the outcome of these competitions, which can be stressful as they create uncertainty about employees' employment situations. Finally, because time is money in the private sector, private contractors will benefit by spending less time on competitions as well. In my view, having Federal employees vote to choose a representative to protest when they are dissatisfied with the ATO should achieve the maximum efficiency possible while respecting Federal employees' interests.

In the end, our intent is to bolster the A–76 process by providing a mechanism for Federal employees to seek redress from GAO, an entity that is well known for its fair, effective and expert handling of acquisition protests.

By Mrs. HUTCHISON (for herself, Mr. FRIST, and Mr. CORNYN):

S. 2439. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to acknowledge the lifetime achievements of Dr. Michael Ellis DeBakey, a public servant and world-renowned cardiologist, by offering legislation to award him the Congressional Gold Medal.

When he was only 23 years of age and still attending medical school, Dr. DeBakey accomplished what would be the first of many life saving accomplishments. He successfully developed a roller pump for blood transfusions—the precursor and major component of the heart-lung machine used in the first open-heart operation. This device later led to national recognition for his expertise in vascular disease.

Like many Americans of his generation, Dr. DeBakey put his practice on hold and volunteered for military service during World War II with the Surgeon General's staff. During this time, he received the rank of Colonel and chief of Surgical Consultants Division.

As a result of his military and medical experience, Dr. DeBakey made numerous recommendations to improve the military's medical procedures. His efforts led to the development of mobile army surgical hospitals, better known as MASH units, which earned him the Legion of Merit in 1945.

Following WWII, Dr. DeBakey continued his hard work by proposing national and specialized medical centers for those soldiers who were wounded or needed follow-up treatment. This recommendation evolved into the Veterans Affairs Medical Center System and the establishment of the commission on Veterans Medical Problems of the National Research Council.

In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where it started its first surgical residency program and was later elected the first President of Baylor College of Medicine.

Adding to his list of accomplishments Dr. DeBakey performed the first successful procedure to treat patients with anyeurysms. In 1964, Dr. DeBakey performed the first successful coronary bypass surgery, opening the doors for surgeons to perform preventative procedures to save the lives of many people with heart disease. He was also the first to successfully use a partial artificial heart. Later that same year, President Lyndon B. Johnson appointed Dr. DeBakey as Chairman of the President's Commission on Heart Disease, Cancer and Stroke, which led to the creation of Regional Medical Programs. These programs coordinate medical schools, research institutions and hospitals to enhance research and training.

Dr. DeBakey continued to amaze the medical world when he pioneered the field of telemedicine by performing the first open-heart surgery transmitted over satellite and then supervised the first successful multi-organ transplant, where a heart, both kidneys and a lung were transplanted from a single donor into four separate recipients.

These accomplishments had led to national recognition. Dr. DeBakey has received both the Presidential Medal of Freedom with Distinction from President Johnson and the National Medal of Science from President Ronald Reagan.

Recently, Dr. DeBakey worked with NASA engineers to develop the

DeBakey Ventricular Assist Device, which may eliminate the need for some patients to receive heart transplants.

I stand here today to acknowledge Dr. DeBakey's invaluable work and significant contribution to medicine by offering a bill to award him the Congressional Gold Medal. His efforts and innovative surgical techniques have since saved the lives of thousands, if not millions, of people. I ask my Senate colleagues to join me in recognizing the profound impact this man has had on medical advances, the delivery of medicine and how we care for our Veterans. Although, Dr. DeBakey is not a native of Texas, he has made Texas proud. He has guided the Baylor College of Medicine and the city of Houston into becoming a world leader in medical advancement. On behalf of all Texans, I thank Dr. DeBakey for his lifetime of commitment and service not only to the medical community but to the world. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2439

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

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908 in Lake Charles, Louisiana, to Shaker and Raheeja DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major invention, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which led to the development of mobile army surgical hospitals or MASH units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the City of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons world-wide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established ''to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training''.

(12) In the mid-1960's, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-tenth the size of current versions, which may eliminate the need for heart transplantation in some patients.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. MCCAIN:

S. 2440. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, today I am introducing legislation to authorize a special land resource study for the Walnut Canyon National Monument in Arizona. The study is intended to evaluate whether Federal and State lands adjacent to the monument should be managed as part of the monument, and to provide recommendations for management options.

For several years, local communities adjacent to the Walnut Canyon National Monument have debated whether the land surrounding the monument would be best served by protection from future development and managed by the U.S. Forest Service or the National Park Service. The Coconino County Board and the Flagstaff City Council have passed resolutions concluding that the preferred method to determine what is best for the land surrounding the Walnut Canyon National Monument is by having a Federal study conducted. The recommendations from such a study would resolve the question of future management and whether the monument should be expanded.

The legislation also directs the Secretary of the Interior and the Secretary of Agriculture to provide recommendations for management options for maintenance of the public uses and protection of resources of the study area.

This legislation would provide a mechanism for determining the management options for one of Arizona's high uses scenic areas and protect the natural resources of this incredibly beautiful monument. Therefore, I urge my colleagues to support this legislation.

By Mr. HATCH (for himself, Mr. KYL, Mr. CORNYN, Mr. SESSIONS, and Mr. CHAMBLISS):

S. 2443. A bill to reform the judicial review process of orders of removal for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Fairness in Immigration Litigation Act. The purpose of the Fairness in Immigration Litigation Act is to reform the statutory scheme governing judicial review of immigration removal orders. Currently, we have an absurd situation in which criminal aliens are entitled to

more review and have more opportunities to file frivolous dilatory appeals than non-criminal aliens. The legislation which I am introducing will streamline the process of reviewing final administrative immigration orders, thereby eliminating such unfair results under the current statutory scheme.

In 1961, Congress amended Section 106 of the Immigration and Nationality Act, or INA, to specify the circumstances under which final orders of deportation and exclusion could be reviewed in the federal courts. The statute provided that petitions for review in the circuit courts of appeal were the ''sole and exclusive'' procedure for reviewing deportation orders, and that habeas corpus was available only to challenge exclusion orders of the custodial aspects of immigration detention. The jurisprudence was settled that there were no alternative or additional avenues of judicial review of immigration orders beyond those provided in Section 106.

In 1996, seeking to provide for the more efficient and expeditious removal of aliens who commit serious crimes in the United States, Congress attempted to streamline the judicial review of immigration orders against such aliens. Passed by wide, bipartisan margins, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) eliminated judicial review of immigration orders for most criminals. IIRIRA recognized that criminal aliens had already received a full measure of due process in their criminal cases, as well as in their immigration proceedings, and that additional review typically only served to delay their inevitable removal.

However, because the 1996 reforms lacked express language precluding habeas corpus review, the Supreme Court decided in *INS v. St. Cyr* that habeas review remained available to criminal aliens other than or in addition to the review specified in the INA. Consequently, under current law, criminal aliens may seek habeas review of their deportation orders in district courts and then appeal adverse decisions to the courts of appeals. By contrast, non-criminal aliens are governed by INA §242, and must appeal directly to the court of appeals without the additional layer of review in the district courts. The result is that criminal aliens who have no claim to relief from deportation file frivolous petitions, causing serious delay in securing final judgment against them. This is a complete perversion of the reforms intended by Congress in 1996, and it must be corrected.

Let me illustrate the extent of the problem. In 1995, just before IIRIRA's enactment, there were 403 immigration habeas petitions filed. In 2003, that number rose to 2,374. Over the same period, the total number of immigration-related cases in federal courts rose from 1,939 to 11,906. This is after Congress passed a law to limit the review for criminal aliens. Clearly, the intent of Congress has been frustrated.

Consistent with the settled principled that petitions for review should be the ''sole and exclusive'' means of judicial review for aliens challenging their removal (as reaffirmed in 8 U.S.C. §1252(b)(9) requiring that all issues pertaining to removal orders be brought to the circuit courts of appeal), the Fairness in Immigration Litigation Act streamlines immigration review and protects an alien's right to review by an independent judiciary. It also ensures that even criminal aliens may receive review of pure questions of law and Constitutional claims, as dictated by the Supreme Court in S. Cyr.

With the expanded subject matter jurisdiction in the courts of appeals, the proposed legislation will eliminate the confusing, and indeed inequitable practice of allowing criminal aliens to obtain an additional layer of review through habeas corpus petitions. This legislation is fully consistent with both the Supreme Court's decision in S. Cyr and settled jurisprudence regarding the availability of habeas corpus. These reforms will ensure that aliens will have their day in court, and ensures that the law does not place criminals in a position that is superior to non-criminals. In sum, the Act restores order to the judicial review process in the courts as well as fairness for alien petitioners.

Moreover, the deportation proceedings too often are frustrated by activist judges who place unreasonable burdens on the government to show why a lawfully issued deportation order should be enforced, and who stop the lawful execution of deportation orders even though the aliens have advanced no legal basis to challenge the deportation order. Such activism combined with murkiness in the law have slowed and in some cases halted the government's ability to deport criminal aliens and others who have no right to stay. It is time we clarify the law so that the government can effectively deport those who should be deported.

Often, we hear complaints that the government is not doing enough to protect our borders against illegal entry, and that we need to do more to catch and deport the illegal aliens who have made their way into our country. Without question, sealing our borders and arresting every illegal alien is a monumental undertaking. But with this legislation, we can easily address the immediate problem of removing the illegal aliens that we already have in the system, and sometimes even in our custody.

I want to emphasize that the Fairness in Immigration Litigation Act does not abridge an immigration detainee's right to challenge actual, physical custody through a habeas corpus petition. It is not my intention at all to take away the habeas petition as a legitimate way to challenge physical custody. Instead, this legislation narrowly applies to judicial review of final agency orders of removal, which involve legal issues that should be reviewed through a petition for review by the court of appeals.

I further want to emphasize that nothing in this legislation deprives deportable aliens of all the procedural and substantive due process that the Supreme Court said was required. It simply bars unnecessary delays through collateral attacks. In fact, the only ones who are affected by this bill are criminals who have had their review, but who want to avoid enforcement of their deportation orders by initiating dilatory, collateral attacks, and perhaps their lawyers who charge thousands of dollars to file petitions that they know to be without merit.

In sum, the legislation which I am introducing today will expand the subject matter jurisdiction of the court of appeals so that criminal aliens will receive the judicial review to which they are entitled according to St. Cyr. At the same time, the legislation will streamline the process so that we no longer have the absurd result of criminals getting more protection than non-criminals. The legislation also will reduce the possibility that criminals who are without any statutory relief from deportation can abuse the system by filing frivolous petitions solely to delay their eventual removal from the United States. Furthermore, the legislation will properly place the burden of showing eligibility for relief from deportation upon the applicants for relief, and will clarify our statute so that the government can more effectively execute deportation orders without encountering the obstacles that ambiguous statutes have created.

I ask for the support of my colleagues in passing the Fairness in Immigration Litigation Act, which will restore procedural fairness for all immigrants, but will significantly reduce the backlog in our judicial system created by frivolous and dilatory appeals.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, and Ms. LANDRIEU):

S. 2447. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise to introduce, along with Senators BROWNBACK, CLINTON, SANTORUM and LANDRIEU, the Children and Media Research Advancement Act, or CAMRA Act. Mr. President, we believe there is an urgent need to establish a Federal role for targeting research on the impact of media on children. Almost 5 years ago, the American Academy of Pediatrics recommended no television viewing for children under the age of 2. They subsequently recommended limiting all screen time exposure, including television, videos, computer and video games, to 1–2 hours per day for

older children. The Academy based these decisions on their best sense of how to facilitate the healthy development of children. However, not enough research had been conducted in this area to know if these particular recommendations were good advice or not. Five years later, we still have very limited information about the role of media, particularly the role of digital media, in very early development. Why not? None of our Federal agencies are charged with ensuring an ongoing funding base for a coherent research agenda about the role of media in children's lives.

From the cradle to the grave, we now live and develop in a world of media—a world that is increasingly digital, and a world where access is at our fingertips. This emerging digital world is well known to our children, but its effects on their development are not well understood. From ages 2–18, children are spending an average of 5 and a half hours with media each day. For those who are under age 6, 2 hours of exposure to screen media each day is common, even for those who are under age 2. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect their development? We have all wondered about the answer to this question.

Take the Columbine incident. After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from playing first-person shooter video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? We looked to the research community for an answer. In the violence and media area, we had invested in research more so than in any other area, and as a result, we knew more. Therefore, some answers were forthcoming about how this tragedy could have taken place as well as steps that could be taken, such as media education programs, which could prevent similar events from happening in the future. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context?

Consider the national health problem of childhood obesity. Does time spent viewing screens and its accompanying sedentary life styles contribute to childhood obesity? Or is the constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? What will happen when pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best? The answer to the obesity and media question is also complex. We need more answers.

A recent report linked very early television viewing with later symptoms that are common in children who have attention deficit disorders. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than kids who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer.

Many of us find that our children are becoming increasingly materialistic. Does exposure to commercial advertising and even the ''good life'' experienced by media characters partly explain materialistic attitudes? We're not sure. What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in those favorite programs?

Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right?

How is time spent with computers different from time spent with television? Is the time spent with media the key to success, or is the content?

The questions about how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We have passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. We acted to protect our children from harm by passing the Children's Online Privacy Protection Act which provides safeguards from commercial exploitation for our youth as they explore the Internet, a popular pastime for them. But there are many areas where our understanding is preliminary at best, particularly those that involve the effect of our newer digital media. For example, we have passed numerous laws about sexually explicit content, such as the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to online content that is deemed harmful to minors. However, we know very little about how this kind of exposure affects children's development or about how to prevent children from falling prey to adult strangers who approach them online.

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for overseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, Federal agencies fund media research in a piece meal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The CAMRA Act will provide an overarching view of media effects by establishing a program on Children and Media within the National Institute of Child Health and Human Development. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, and the Internet and will encourage research with children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal. The benefits to our youth and our nation's families are immeasurable.

Our children live in the information age. Our nation has one of the most powerful and sophisticated information technology systems in the world. While this system entertains us, it is not harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. Access to that knowledge requires us to make an investment: an investment in research, an investment in and for our children, an investment in our collective future.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

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. 2447

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 ''Children and Media Research Advancement Act'' or the ''CAMRA Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has recognized the important role of electronic media in children's lives when it passed the Children's Television Act of 1990 (Public Law 101-437) and the Telecommunications Act of 1996 (Public Law 104-104), both of which documented public concerns about how electronic media products influence children's development.

(2) Congress has held hearings over the past several decades to examine the impact of specific types of media products such as violent television, movies, and video games on children's health and development. These hearings and other public discussions about the role of media in children's development require behavioral and social science research to inform the policy deliberations.

(3) There are important gaps in our knowledge about the role of electronic media and in particular, the newer interactive digital media, in children's healthy development. The consequences of very early screen usage by babies and toddlers on children's cognitive growth are not yet understood, nor has a research base been established on the psychological consequences of high definition interactive media and other format differences for child viewers.

(4) Studies have shown that children who primarily watch educational shows on television during their preschool years are significantly more successful in school 10 years later even when critical contributors to the child's environment are factored in, including their household income, parents education, and intelligence.

(5) The early stages of child development are a critical formative period. Virtually every aspect of human development is affected by the environments and experiences that one encounters during his or her early childhood years, and media exposure is an increasing part of every child's social and physical environment.

(6) As of the late 1990's, just before the National Institute of Child Health and Human Development funded 5 studies on the role of sexual messages in the media on children and adolescents sexual attitudes and sexual practices, a review of research in this area found only 15 studies ever conducted in the United States on this topic, even during a time of growing concerns about HIV infection.

(7) In 2001, a National Academy of Sciences study group charged with finding solutions to Internet pornography exposure on youth found virtually no literature about how much children and adolescents were exposed to Internet pornography or how such content impacts youth.

(8) In order to develop strategies that maximize the positive and minimize the negative effects of each medium on children's physical, cognitive, social, and emotional development, it would be beneficial to develop a research program that can track the media habits of young children and their families over time using valid and reliable research methods.

(9) Research about the impact of the media on children is not presently supported through one primary programmatic effort. The responsibility for directing the research is distributed across disparate agencies in an uncoordinated fashion, or is overlooked entirely. The lack of any centralized organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach for generating valuable findings about the impact of the media on children would be to establish a single, well-coordinated research effort with primary responsibility for directing the research agenda.

(10) Due to the paucity of research about electronic media, educators and others interested in implementing electronic media literacy initiatives do not have the evidence needed to design, implement, or assess the value of these efforts.

(b) PURPOSE.—It is the purpose of this Act to enable the National Institute of Child Health and Human Development to—

(1) examine the role and impact of electronic media in children's cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452H. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN.

''(a) IN GENERAL.—The Director of the Institute shall enter into appropriate arrangements with the National Academy of Science in collaboration with the Institute of Medicine to establish an independent panel of experts to review, synthesize and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the positive and negative roles and impact of electronic media use, including television, motion pictures, DVD's, interactive video games, and the Internet, and exposure to that content and medium on youth in the following core areas of child development:

''(1) COGNITIVE.—The role and impact of media use and exposure in the development of children within such cognitive areas as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

''(2) PHYSICAL.—The role and impact of media use and exposure on children's physical coordination, diet, exercise, sleeping and eating routines, and other areas of physical development.

''(3) SOCIO-BEHAVIORAL.—The influence of interactive media on childhood and family activities and peer relationships, including indoor and outdoor play time, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

''(b) PILOT PROJECTS.—During the first year in which the National Academy of Sciences panel is summarizing the data and creating a comprehensive research agenda in the children and media area under subsection (a), the Secretary shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. Such pilot projects shall consider the role of media exposure on—

''(1) cognitive and social development during infancy and early childhood; and

''(2) the development of childhood obesity, particularly as a function of media advertising and sedentary lifestyles that may cooccur with heavy media diets.

''(c) RESEARCH PROGRAM.—Upon completion of the review under subsection (a), the Director of the National Institute of Child Health and Human Development shall develop and implement a program that funds additional research determined to be necessary by the panel under subsection (a) concerning the role and impact of electronic media in the cognitive, physical, and sociobehavioral development of children and adolescents with a particular focus on the impact of factors such as media content, format, length of exposure, age of child, and nature of parental involvement. Such program shall include extramural and intramural research and shall support collaborative efforts to link such research to other National Institutes of Health research investigations on early child health and development.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) prepare and submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(2) agree to use amounts received under the grant to carry out activities that establish or implement a research program relating to the effects of media on children pursuant to guidelines developed by the Director relating to consultations with experts in the area of study.

''(e) USE OF FUNDS RELATING TO THE MEDIA'S ROLE IN THE LIFE OF A CHILD.—An entity shall use amounts received under a grant under this section to conduct research concerning the social, cognitive, emotional, physical, and behavioral development of children as related to electronic mass media, including the areas of—

''(1) television;

''(2) motion pictures;

''(3) DVD's;

''(4) interactive video games; and

''(5) the Internet.

''(f) REPORTS.—

''(1) REPORT TO DIRECTOR.—Not later than 12 months after the date of enactment of this section, the panel under subsection (a) shall submit the report required under such subsection to the Director of the Institute.

''(2) REPORT TO CONGRESS.—Not later than December 31, 2010, the Director of the Institute shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and Committee on Education and the Workforce of the House of Representatives a report that—

''(A) summarizes the empirical evidence and other results produced by the research under this section in a manner that can be understood by the general public;

''(B) places the evidence in context with other evidence and knowledge generated by the scientific community that address the same or related topics; and

''(C) discusses the implications of the collective body of scientific evidence and knowledge regarding the role and impact of the media on children, and makes recommendations on how scientific evidence and knowledge may be used to improve the healthy developmental and learning capacities of children.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2005;

''(2) $15,000,000 for fiscal year 2006;

''(3) $15,000,000 for fiscal year 2007;

''(4) $25,000,000 for fiscal year 2008; and

''(5) $25,000,000 for fiscal year 2009.''.

Mr. BROWNBACK. Mr. President, I am pleased to rise today to join my colleagues and support the Children and Media Research Advancement Act or CAMRA. The development of our Nation's children is vital and the way in which media impacts their ability to grow and develop is imperative. For many years, I have been concerned about the impact media has on our children.

The Kaiser Family Foundation recently released their report on electronic media in the lives of infants, toddlers, and preschoolers—ages 0 to 6 years old. Not surprisingly, the study found that children today are reared in a media saturated environment.

According to the study, 99 percent of all children live in a home with a TV set and 50 percent of these children live in a home with three or more TVs of which 36 percent have a TV in their bedroom.

Perhaps even more startling, 30 percent of children ages zero to three years and 43 percent of four to six year olds have a TV in their bedroom. Additionally, 27 percent of children have their own VCR or DVD player in their rooms and 10 percent have their own video game console in their room as well.

Further, 73 percent of children ages 0 to 6 have a computer at home, and 49 percent of these young people have a video game player.

Even more concerning is that the American Academy of Pediatrics recommends that children under two do not watch any television. The Academy further states that all children over two should be limited to one or two hours of educational screen media a day.

However, despite this recommendation, the Kaiser study found that in a typical day, 68 percent of all children under two use screen media—59 percent watch TV, 42 percent watch a video or DVD, five percent use computers and three percent play video games. The study also found that 74 percent of all infants and toddlers have watched TV before the age of two.

Unfortunately, there is a lack of comprehensive research that provides detailed data on the relationship between media and brain development in children. That is why I am pleased to support the Children and Media Research Advancement Act. This will not only encourage much needed research in this area, but will also serve to coordinate such research.

Providing parents and guardians with the most accurate information regarding the impact media has on their children is essential—to do anything less would be reprehensible.

Already many studies—including ones that followed children from age 8 until mid-adulthood (age 30 plus years)—have demonstrated a link between early exposure to entertainment violence and aggressive attitudes, values and behaviors, including increased levels of violent crime against others.

There are three main effects on children of viewing entertainment violence: aggression more likely to think and behave aggressively, and hold attitudes and values favorable to the use of aggression to resolve conflicts; desensitization decreased sensitivity to violence and a greater willingness to tolerate increasing levels of violence in society; fear viewers may develop the ''mean world syndrome'' in which they overestimate their risk of becoming victims of violence.

Even in the Kaiser study I referenced earlier, among all parents whose zero to six year olds watched TV, 81 percent said that they saw their children imitate behaviors from television—36 percent of parents reported that their children mimicked aggressive behavior, 78 percent mimicked positive behavior. When focusing on the four to six year age group, mimicking aggressive behaviors increase to nearly half or 47 percent, with aggressive behavior being imitated more frequently with boys, 59 percent than with girls at 35 percent.

Clearly, we must continue to encourage and fund studies that will show the effects media has on the development of the adolescent brain. I am pleased that CAMRA will encourage this much-needed research in such a crucial area.

Protecting our nation's children and ensuring that parents have the most accurate and complete information on the effects of media on their children should remain our top priority. I look forward to working with Senators LIEBERMAN and CLINTON on an issue that is vital to our society.

Mrs. CLINTON. Mr. President, I rise to join with my colleagues Senators LIEBERMAN and BROWNBACK in introducing the Children and Media Research Advancement Act (CAMRA).

Children today are living in an environment that is saturated with electronic media. Even in the last few years, we've seen a dramatic increase in media targeted directly at children. There's now a booming market of DVDs and videos for infants and the first TV show specifically for children as young as 12 months was launched a few years back. Kids today even have their own cable TV network.

Researchers estimate that children spend an average of five-and-a-half hours a day using these media—this works out to more than they spend doing anything besides sleeping. Even kids under six spend as much time watching TV and videos, playing video games, and using computers as they do playing outside. Unfortunately, we don't really know how this trend affects our children. But we do know that a child's early years affect every aspect of his or her development—physical, emotional, and cognitive. And therefore, we know that ignorance is not bliss.

The longer we wait to understand the full impact of media on our children, the bigger risk we take. And we are gambling with our children's future. Parents need to know how television, movies, advertisements, video games, and the Internet affect their children so that they can make informed decisions about how much and what kind of media their children should be exposed to.

As parents, we know intuitively that our young children shouldn't be watching television shows with extreme violence or age-inappropriate content. But there are other issues we aren't so sure about. How much video game playing is too much? Do advertisements for cereals and junk foods contribute to childhood obesity? How are our very young children and infants impacted by media? Right now we have little idea of what it means for infant development to put babies in front of TVs for hours at a time, but we know that sometimes popping in a video is the best and only way to calm our children down.

Our bill, The Children and Media Research Advancement Act, will help answer these questions by establishing a single, coordinated research program at the National Institute of Child Health and Human Development. This program will study the impact of electronic media on children's—particularly very young children and infant's—cognitive, social and physical development.

One of the first things the program will do will be to work with the National Academy of Sciences and the Institute of Medicine to establish an independent panel of experts to review and synthesize existing research and to establish research priorities on the impact of the media on child development. They'll then award grants for research that addresses the panel's priorities.

If we are truly going to make children a priority, we have to pay attention to and take seriously the activities they're engaged in on a daily basis. Watching television, playing video games, and surfing the Internet are the things that children are doing more than anything else. We need to invest in research that will help us understand how this is affecting our children so that parents can make informed decisions about the positive effects and negative effects of these media on children.

By Mr. GREGG.

S. 2448. A bill to coordinate rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 with other Federal laws; read the first time.

Mr. GREGG. Mr. President, military action in Afghanistan and Iraq has brought to light yet another example of how outdated and burdensome government policies often punish generous employers in America. Apparently, when it comes to companies showing respect for employees who are called to active duty in the military, there is special meaning to the old cliché that ''no good deed goes unpunished.''

An arcane IRS interpretation of tax law actually penalizes employers that

voluntarily pay their National Guard and reservist employees the difference between these patriots' military stipends and their previous civilian salaries—which appropriately is called ''differential pay.'' The law also penalizes employers that continue making contributions to retirement plans for such employees.

According to the IRS, members of the Guard and reserves called up for active duty are required to be treated as if they are on a leave of absence by their employers under the Uniformed Services Employment and Reemployment Rights Act of 1994—USERRA. Therefore, the act does not require employers to pay workers who are on active duty. However, many employers—out of a sense of civic duty—continue to pay active duty Guard members and reservists the difference between their military stipends and their regular salaries with some employers providing such ''differential pay'' for up to three years. In additions, many of these remarkable companies go even further and allow their active duty employees to continue making contributions to their 401(k) retirement plans via deductions from the ''differential payments.''

However, rather than applauding and encouraging such selfless behavior by companies, the IRS's 1969 Revenue Ruling requires that the active duty workers be treated as if they were ''terminated.'' As a result, this law then puts at risk the retirement plan for an employers' entire workforce and could make all amounts in the plan immediately taxable to the plan's participants and the employer. Adding to the absurdity of the situation, preventing an employer from treating ''differential pay'' as wages under the law means employers are prohibited from withholding income taxes, which in turn causes their active duty former employees to face large and unexpected tax bills at the end of the year.

The Uniformed Services Differential Pay Protection Act simply amends USERRA to clarify that differential payments are to be treated as ''wages'' to current employees and that retirement plan contributions from such ''wages'' are permissible. The bill upholds the principle that these patriotic and truly remarkable employers should not be penalized for the selfless generosity they provide to our Nation's reservists and members of the National Guard.

By Mr. BAUCUS (for himself, Mr. ROBERTS, and Mr. ENZI):

S. 2449. A bill to require congressional renewal of trade and travel restrictions with respect to Cuba; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today in disbelief. Yesterday, I learned that a NAFTA panel reviewing the International Trade Commission's (ITC) analysis of material inquiry in Softwood Lumber from Canada has rejected an ITC request for more time to respond to a panel remand. This latest rejection of a reasonable request is simply one more circumstance in which this NAFTA panel has demonstrated its clear disregard of the limits of its own jurisdiction. And it provides further indication to me that the NAFTA Chapter 19 system is seriously off-track and is in need of fundamental reform.

After reviewing the ITC's first remand determination, a 114 page long document that answered all of the Panel's remand issues, the Panel yesterday again remanded, and gave the ITC, in effect, seven business days to craft a new remand determination. The ITC filed a motion to extend, requesting a reasonable period of time to respond fully to the remand determination. The ITC further noted that it would consider reopening the record for new evidence and argument. In fact, the Federal Circuit just several months ago said that the Commission had the exclusive authority to open its record when it believed it should do so.

Outrageously, the NAFTA panel refused to grant the ITC's request, again limiting the ITC to seven business days. Moreover, this runaway panel forbade the ITC from reopening the record, concluding that binding Federal Circuit precedent did not apply in the Panel.

On top of all of this, I understand that U.S.T.R. suggested to the Canadians that there is the appearance of a conflict of interest for one of the panelists.

The NAFTA rules could not be more clear: Chapter 19 Panels must act as would a U.S. court and must follow U.S. law. Panelists with a conflict of interest must step down. And the Federal Circuit has ruled, without reservation or qualification, that the question of whether compliance with a remand order requires the reopening of the record ''is of course solely for the Commission itself to determine.'' *Nippon Steel Corp. v. Int'l Trade Comm'n*, 345 F.3d 1379, 1382 (Fed. Cir. 2003). It is outrageous that a NAFTA panel would seek to avoid binding U.S. law.

All I can say to this very sorry state of affairs is that I don't think Congress will long allow a dispute settlement panel to rewrite perfectly valid trade laws or preempt the powers delegated to the ITC, much less tolerate a dispute settlement system in which panels willfully and routinely breach the clear mandate of their authority that is itself the product of careful negotiation. This NAFTA panel has shown us that they cannot be trusted to respect the integrity of the NAFTA trading system. They have also shown us that the NAFTA panel system is broken and that it must be fixed.

By Mr. CAMPBELL:

S. 2450. A bill to amend title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953; to the Committee on Armed Services.

Mr. CAMPBELL. Mr. President, today I am introducing the Korean Defense Service Combat Recognition Act of 2004 which would amend Title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953.

The Army awards the Combat Infantry Badge (CIB) to recognize members of infantry units who have been engaged in ground combat. The Combat Medical Badge (CMB) recognizes field medics who accompany infantry troops into battle. A 1968 Army regulation makes it much more difficult for U.S. troops serving in South Korea to be awarded the CIB or CMB than for troops serving almost anywhere else in the world. Specifically, infantrymen stationed in South Korea must be in five firefights in order to qualify for the awards. In other combat zones, the requirement is one firefight.

In addition, to be awarded the medals, troops in South Korea must also have served in theater for sixty days in a hostile fire area, be authorized hostile fire pay, and be recommended by each superior up the chain-of-command to the division level.

My bill normalizes the rules so that all troops, no matter where they serve, are subject to the same eligibility requirements for these two prestigious medals.

Unfortunately, the Army regulation has had the unintended consequence of making it extra difficult for infantry and medical units serving along the DMZ in South Korea to earn combat recognition medals. A spokesman for the Korean Defense Veterans of America (KDVA) has described these requirements as making it nearly impossible to be awarded the CIB for infantrymen serving in Korea, short of getting killed in combat. The KDVA is a group of veterans and active soldiers who are serving, or who have served, in South Korea since 1953.

This language is supported by the KDVA and the Combat Infantryman's Association. The Combat Infantryman's Association is a group of Army infantrymen who have been awarded the Combat Infantry Badge.

It is unfair and wrong to require five firefights in South Korea, but only one firefight in Grenada, Panama, the Dominican Republic, Laos, Vietnam, and almost every other location in the world. The Korean Defense Service Combat Recognition Act of 2004 normalizes the rules so that all troops, no matter where they serve, are subject to the same eligibility requirements for these two prestigious medals.

I urge my colleagues to support its passage and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2450

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 ''Korea Defense Service Combat Recognition Act''.

SEC. 2. REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE WITH RESPECT TO SERVICE IN KOREA AFTER JULY 28, 1953.

(a) STANDARDIZATION OF REQUIREMENTS WITH OTHER GEOGRAPHIC AREAS.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Korea defense service: Combat Infantryman Badge; Combat Medical Badge

''The Secretary of the Army shall provide that, with respect to service in the Republic of Korea after July 28, 1953, eligibility of a member of the Army for the Combat Infantryman Badge or the Combat Medical Badge shall be met under criteria and eligibility requirements that, as nearly as practicable, are identical to those applicable, at the time of such service in the Republic of Korea, to service elsewhere without regard to specific location or special circumstances. In particular, such eligibility shall be established—

''(1) without any requirement for service by the member in an area designated as a 'hostile fire area' (or by any similar designation) or that the member have been authorized hostile fire pay;

''(2) without any requirement for a minimum number of instances (in excess of one) in which the member was engaged with the enemy in active ground combat involving an exchange of small arms fire; and

''(3) without any requirement for personal recommendation or approval by commanders in the member's chain of command other than is generally applicable for service at locations outside the Republic of Korea.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Korea defense service: Combat Infantryman Badge; Combat Medical Badge.''.

(b) APPLICABILITY TO SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service in the Republic of Korea during the period between July 28, 1953, and the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a badge under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 365—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BROWNBACK (for himself and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 365

Whereas, for more than 1,000 years, Tibet has maintained a sovereign national identity that is distinct from the national identity of China;

Whereas armed forces of the People's Republic of China invaded Tibet in 1949 and 1950, and have occupied it ever since;

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China promised senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a ''lengthy review'' by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out the promised review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's occupation of Tibet and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

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

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's occupation of Tibet or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other Tibetan political prisoners in every meeting with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in Tibet and China to encourage the release of Tibetan political prisoners and promote systemic improvement of human rights in Tibet and China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all Tibetan political prisoners, including Tenzin Delek.

Mr. BROWNBACK. Mr. President, today I am introducing a resolution with my colleague, Senator BINGAMAN, calling on the Chinese Government to release all Tibetan political prisoners. One individual of concern is the prominent religious leader Tenzen Delek.

On April 7, 2002 Tenzen Delek and 3 other monks were arrested at their monastery. Subsequently, Tenzen was held incommunicado for 8 months and sentenced to death with a two years suspension after a closed door trial. Tenzen Delek and Lobsang Dhondup were both convicted of inciting separatism. Lobsang Dhondup was sentenced to death and executed on January 26, 2003, only one month after the sentence was handed down. Given the arbitrary and political nature of China's judiciary, Tenzen Delek could be put to death at any time. It has been 2 years since his April 7, 2002 arrest, and December 2004 will mark two years since he was sentenced to death.

Tenzen Delek moved to a monastery at the young age of 7, and by early adulthood he was active on issues of culture and religion and a dedicated supporter of the Dalai Lama and his teachings. More than likely, his community work and societal influence left him subject to the suspicion of the Chinese government. It is this sort of peaceful protest of China's occupation of Tibet that has landed so many other Tibetans in jail.

Mr. President, this resolution recognizes China's violation of internationally recognized human rights standards, and calls on the Chinese government to release Tenzen Delek and the