

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I want to add to the statement I completed. In the situation Senator HATCH talked about and I commented on, you could the day before file a special motion and ask that the rules be set aside and that would take a two-thirds vote. So I guess that could be the supermajority he was talking about. It would be extremely difficult to do. You would have to file a notice the day before. I don't think that would likely happen. But I wanted to make sure the record was clear that I did not miss anything.

#### BURMA

Mr. McCONNELL. Mr. President, I want to commend the President for renewing import sanctions against the repressive military junta in Burma. The quick action of both Congress and the President on this matter underscores America's commitment to freedom and justice in that country.

Unfortunately, there have been no significant developments inside Burma since I last spoke on this issue several weeks ago. In 2006, Burma is expected to assume chairmanship of the Association of Southeast Asian Nations, ASEAN; there could be no greater loss of face to ASEAN or the region.

I am pleased that some of our allies in the European Union, E.U. have taken a principled stand over Burma's participation in the upcoming Asia-Europe Meeting, ADEM. However, the United Nations must do more to restore democracy to the Burmese people.

We need a full court press on the junta, which must entail the downgrading of diplomatic relations with the illegitimate State Peace and Development Council, SPDC, by placing its senior representative in Washington on the next flight to Southeast Asia. We do not have a U.S. Ambassador in Rangoon; the junta should not have one here.

I ran into the SPDC's "ambassador" in Washington at a July 4th celebration at the State Department, and told Mr. Linn Myaing to free Burmese democracy leader DAW Aung San Suu Kyi.

I find it incredible that someone from such an odious regime would be invited to celebrate the independence of the freest country in the world. Someone is clearly asleep at the wheel over in Foggy Bottom.

#### HONORING OUR ARMED FORCES

HONORING STAFF SGT. STEPHEN G. MARTIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Warsaw, IN. Staff Sgt. Stephen G. Martin, 39 years

old, died in the Walter Reed Army Medical Center in Washington, DC, after sustaining serious injuries at the hands of a suicide bomber, just outside a U.S. military compound in Mosul, Iraq. Stephen sacrificed his own life to save the lives of hundreds of fellow soldiers by causing the suicide bomber to ignite the bomb before entering the compound. One other soldier also lost his life in this selfless and heroic action.

Stephen spent his early childhood and junior high years in Columbia City, IN. He then moved to Pennsylvania and graduated from East Pennsboro High School in 1983. Stephen later joined the Army's 101st Airborne Division and worked to become a member of the Trenton, NJ Police Department, until he moved to Rhinelander, WI where he was a sergeant in the department. Just last year, Stephen joined the Army Reserve 330th Military Police Detachment. He was deployed to Iraq to help train local police forces. Stephen's sister, Susan Fenker, told the Fort Wayne Journal Gazette that Stephen told his family "he was proud to help Iraqis build a free society and give hope to the next generation." With his entire life before him, Stephen chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Stephen was the twenty-ninth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his father, Jim; his mother, Carolyn; his wife, Kathy; his two daughters, Jessica and Brianna; his son, Seth; and stepdaughters Jackie, Jessica and Kaitlyn. May Stephen's children grow up knowing that their father gave his life so that young Iraqis will some day know the freedom they enjoy.

Today, I join Stephen's family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Stephen, a memory that will burn brightly during these continuing days of conflict and grief.

Stephen was known for his dedicated spirit and his love of country. When looking back on the life of his late friend and co-worker, Rhinelander Police Chief Glenn Parmeter told the Fort Wayne Journal Gazette, "He was always a soldier striving to bring about a better life for everyone, whether as a Rhinelander police officer or a military policeman in Iraq." Today and always, Stephen will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Stephen's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot

dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Stephen's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Stephen G. Martin in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Stephen's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Stephen.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 1992, Robert K. Woelfel, a transgendered individual, was shot twice by a shotgun blast. Harold Maas, the assailant, claimed to have been assaulted by an unidentified transgendered individual the year before and allegedly shot Woelfel in retribution for that crime.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### POLITICAL EXPEDIENCY

Mr. LEAHY. Mr. President, I am struck by the way the Republican majority is managing the Senate. I have noted that we do not yet have a Federal budget resolution. It is July and we have as yet considered only one appropriations bill, and that one bill still has to be resolved with the House. We have yet even to consider the other 12 appropriations bills that are normally regarded as "must pass" legislation—that is unless Republicans intend to shut the Government down, again.

Instead, the Republican majority has apparently decided to devote the July work period to partisan political matters. We are reading press accounts about Republicans maneuvering to bring the divisive constitutional amendment to federalize marriage to this floor for debate. The Senate Judiciary Committee has held a few hearings on this issue but has yet to consider language of a proposed constitutional amendment. Bypassing the committee of jurisdiction to bring this or any constitutional amendment to the Senate floor is an unmistakable sign that political expediency and haste, in the furtherance of political expediency, are the guiding principles for the Republican majority in scheduling the Senate's time. Political expediency—whatever it takes—is their guidepost, not the pressing needs of the country to act on a budget or on the annual appropriations bills. Paramount to Republican leaders at the moment are such matters as the divisive, hot-button topic of federalizing marriage law, by constitutional amendment. Republican partisans seem intent on politicizing not only judicial nominations but also the Constitution itself during this election cycle.

Democrats fulfilled our commitment to the White House when we considered the 25th judicial nomination that was part of our arrangement this year. I read that Republicans will now insist on devoting a good portion of the Senate's remaining time to the most divisive and contentious of the President's judicial nominees. They are intent on following the advice of the Washington Times editorial page to, they believe, make Democrats look bad, when in fact it is the President who is seeking to make judicial confirmations a partisan political issue. Democrats have cooperated in confirming almost 200 judges already. That is more than the total confirmed in President Clinton's last term, the President's father's presidency or in President Reagan's first term. Federal judicial vacancies have been reduced to their lowest level in decades.

It is wrong and it is corrosive to seek partisan advantage at the expense of the independent Federal judiciary or our national charter, the Constitution. I wonder in Presidential election years whether we should not have a corollary to the "Thurmond Rule" on judicial nominations that we could call the "Durbin Rule." The astute Senator from Illinois recently observed that we should prohibit consideration of constitutional amendments within 6 months of a Presidential election. He is right in pointing out that the Constitution is too important to be made a bulletin board for campaign sloganeering. We should find a way to restrain the impulse of some to politicize the Constitution.

This week the Republican leadership has stalled action for days on any legislation as it resists amendments to the class action legislation from both

Democratic and Republican Senators. The Republican leadership's handling of this bill is a prescription for non-action, not for legislative movement forward.

Just yesterday Roll Call published an insightful editorial lamenting what it called the "Big Mess Ahead." I think we may already be stuck in that big mess. The editorial noted that "July should be appropriations month in the Senate." I agree. This traditionally has been when we were focused on getting our work done and making sure the funding for the various functions of the Federal Government were appropriated by the Congress, in fulfilling Congress's responsibilities and its power of the purse. Not this year.

Roll Call observes that "the second session of the 108th Congress is poised to accomplish nothing." The way things are going, under Republican leadership, this session will make the "do-nothing" Congress against which President Harry Truman ran seem like a legislative juggernaut by comparison.

I ask unanimous consent that the July 7, 2004, Roll Call editorial be printed in the RECORD.

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

[From the Roll Call, July 7, 2004]

#### BIG MESS AHEAD

Here we go again. The Senate can't pass a budget resolution. Only one of the 13 appropriations bills has cleared both the House and Senate, July is a short legislative month, and everyone will be gone in August. You know what this means: a lame-duck session in November and a messy, pork-riddled omnibus spending bill.

And it's not just on the money front that the second session of the 108th Congress is poised to accomplish nothing. The House and Senate can't agree on an energy bill despite high gasoline prices, last year's Northeast blackout, repeated urging from the White House and constant reminders of America's over-dependence on risky Mideast oil. Bankruptcy-reform legislation is stymied. So is welfare-reform reauthorization. Maybe there will be a Transportation reauthorization bill, maybe not. Even the Defense reauthorization bill faces a tough conference.

Sure, the House and Senate have done a few must-do things. The United States is in a war, so both chambers have passed a Defense appropriations bill. And both have approved legislation repealing a \$5 billion-a-year export subsidy after the World Trade Organization ruled against it and authorized imposition of punitive tariffs against U.S. products. Despite complaints from both parties about expanding budget deficits, however, the House's repeal measure contained \$15 billion in new corporate tax breaks; the Senate added \$17 billion.

As any House Member will tell you, the perennial locus of delay in Congress is "The Other Body." And so it is this year. The House has passed four appropriations bills, and three more have cleared committee. In the Senate, it's one and one. July should be appropriations month in the Senate, but instead Majority Leader Bill Frist (R-Tenn.) has scheduled class-action tort reform—which had the 60 votes necessary for passage last November—and an anti-gay-marriage constitutional amendment designed mainly to embarrass Democrats before their national convention.

Republicans blame Democrats for Senate "obstructionism," but the failure to pass a budget resolution—which would have made it easier to pass appropriations bills—is mainly an intra-GOP affair. Moderates want to impose a pay-as-you-go system to restrain spending. Conservatives, ironically enough, don't. The situation has the conservative Senate leadership so exercised that it's trying to acquire the means to threaten wayward moderates with the loss of committee chairmanships.

It's true that if Senate Republicans drop the seniority system and give leaders the power to make committee assignments and choose chairmen, they simply will be following the authoritarian patter of Senate Democrats and of both parties in the House. Still, the effect would be to smother centrism—what there is left of it—and enhance partisanship and polarization. That's a distinct Congressional pattern: When things are going badly, make them worse.

#### INTERROGATION AND TREATMENT OF FOREIGN PRISONERS

Mr. LEAHY. Mr. President, a number of us remain concerned about the abuse of foreign prisoners, and about the guidance provided by the President's lawyers with regard to torture. Much has happened since June 17, 2004, when the Judiciary Committee defeated, on a party-line vote, a subpoena resolution for documents relating to the interrogation and treatment of detainees and June 23, when the Senate defeated an amendment to the Defense Authorization bill on a party-line vote that would have called upon the Attorney General to produce relevant documents to the Senate Judiciary Committee. Because of continued stonewalling by the administration, we remain largely in the dark.

Several Republican Senators have indicated that we should give the administration more time to respond to inquiries, although some of us had been asking for information for more than a year. The Republican administration continues its refusal to provide the documents that have been requested and refused even to provide an index of the documents being withheld.

The Department of Justice admitted in the July 1 letter that it had "given specific advice concerning specific interrogation practices," but would not disclose such advice to members of this committee, who are duly elected representatives of the people of the United States, as well as members of the committee of oversight for the Department of Justice. USA Today reported on June 28, 2004, that the Justice Department issued a memo in August 2002 that "specifically authorized the CIA to use 'waterboarding,'" an interrogation technique that is designed to make a prisoner believe he is suffocating. This memo is reportedly classified and has not been released. According to USA Today: "Initially, the Office of Legal Counsel was assigned the task of approving specific interrogation techniques, but high-ranking Justice Department officials intercepted the CIA request, and the matter was