

Dole, Don Nickles, James Inhofe, and Conrad Burns.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived, that the vote on cloture occur at 2:15 on Tuesday, July 20, and further that the Senate now resume legislative session.

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

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

### THRIFT SAVINGS PLAN OPEN ELECTIONS ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 606, S. 2479.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2479) to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2479) was read the third time and passed, as follows:

S. 2479

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

### SECTION 1. ELECTIONS FOR THRIFT SAVINGS PLAN CONTRIBUTIONS.

(a) SHORT TITLE.—This Act may be cited as the “Thrift Savings Plan Open Elections Act of 2004”.

(b) IN GENERAL.—Section 8432(b)(1)(A) of title 5, United States Code, is amended—

(1) in the first sentence—

(A) by inserting “(i)” before “The Executive Director”; and

(B) by striking “shall be afforded a reasonable period every 6 months to elect to” and inserting “may”;

(2) by striking the second sentence; and

(3) by adding at the end the following:

“(ii) An election to make contributions under this paragraph—

“(I) may be made at any time;

“(II) shall take effect on the earliest date after the election that is administratively feasible; and

“(III) shall remain in effect until modified or terminated.”.

(c) CONTINUATION OF NOT MAKING IMMEDIATE AGENCY CONTRIBUTIONS.—Section 8432(b)(4)(C) of title 5, United States Code, is amended—

(1) by inserting “(i)” after “(C)”; and

(2) by adding at the end the following:

“(ii) Notwithstanding subparagraph (A) or (B), contributions under paragraphs (1) and (2) of subsection (c) shall not begin to be

made with respect to an employee or Member described under paragraph (2)(A) or (B) until the date that such contributions would have begun to be made in accordance with this paragraph as administered on the date preceding the date of enactment of the Thrift Savings Plan Open Elections Act of 2004.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM PARTICIPATION.—Section 8351(a)(2) of title 5, United States Code, is amended by striking “only during a period” and inserting “as”.

(2) CONTRIBUTIONS BY PREVIOUSLY INELIGIBLE EMPLOYEES.—Section 8432(b)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by striking “second period” and inserting “date”;

(B) in subparagraph (C), by striking “second period” and inserting “date”; and

(C) in subparagraph (D) by striking “other than during a period afforded” and inserting “as provided”.

(3) PROVISION OF INFORMATION.—Section 8439(c)(2) of title 5, United States Code, is amended by striking “at least 30 calendar days before the beginning of each election period under section 8432(b)(1)(A) of this title” and inserting “on a regular basis”.

(4) JUSTICES AND JUDGES.—Section 8440a(a)(2) of title 5, United States Code, is amended by striking “only during a period” and inserting “as”.

(5) BANKRUPTCY JUDGES AND MAGISTRATE JUDGES.—Section 8440b(a)(2) of title 5, United States Code, is amended by striking “only during a period” and inserting “as”.

(6) COURT OF FEDERAL CLAIMS JUDGES.—Section 8440c(a)(2) of title 5, United States Code, is amended by striking “only during a period” and inserting “as”.

(7) JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—Section 8440d(a)(2) of title 5, United States Code, is amended by striking “only during a period” and inserting “as”.

(8) MEMBERS OF THE UNIFORMED SERVICES.—Section 8440e(b)(2)(A) of title 5, United States Code, is amended—

(A) by striking “only during a period” and inserting “as”; and

(B) by striking all after section “8432(b)” and inserting a period.

### SEC. 2. ENHANCING FINANCIAL LITERACY.

(a) IN GENERAL.—The Federal Retirement Thrift Investment Board (in this section referred to as the “Board”) shall periodically evaluate whether the tools available to participants provide the information needed to understand, evaluate, and compare financial products, services, and opportunities offered through the Thrift Savings Plan. The Board shall use these evaluations to improve its existing education program for Thrift Savings Plan participants.

(b) REPORT ON FINANCIAL LITERACY EFFORTS.—The Board shall annually report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on its Thrift Savings Plan education efforts on behalf of plan participants.

(c) STRATEGY.—As part of the retirement training offered by Office of Personnel Management under section 8350 of title 5, United States Code, the Office, in consultation with the Board, shall—

(1) not later than 6 months after the date of enactment of this Act, develop and implement a retirement financial literacy and education strategy for Federal employees that—

(A) shall educate Federal employees on the need for retirement savings and investment; and

(B) provide information related to how Federal employees can receive additional in-

formation on how to plan for retirement and calculate what their retirement investment should be in order to meet their retirement goals; and

(2) submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the strategy described under paragraph (1).

### MEASURES READ THE FIRST TIME—S. 2678 AND S. 2679

Mr. FRIST. Mr. President, I understand there are two bills at the desk and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills en bloc for the first time.

The legislative clerk read as follows:

A bill (S. 2678) to ensure that Members of Congress do not receive better prescription drug benefits than medicare beneficiaries.

A bill (S. 2679) to strengthen antiterrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

Mr. FRIST. Mr. President, I now ask for their second reading, and, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings of these matters, en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-25

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 16, 2004, by the President of the United States:

Protocol Amending Tax Convention with the Netherlands (Treaty Document 108-25.)

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

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

The President's message is as follows:

*To the Senate of the United States:*

I transmit herewith for Senate advice and consent to ratification, the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington, D.C., on March 8, 2004. Transmitted for the Senate's information is an exchange of notes with an attached Understanding, which provides clarification with respect to the application of the Convention, as

amended, in specific cases. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol would bring the existing Convention into closer conformity with current U.S. tax treaty policy. As modified by the Protocol, the Convention would be similar to tax treaties between the United States and other developed nations. The Protocol was concluded in recognition of the importance of the United States' economic relations with the Netherlands.

The Protocol would modify the treatment of certain cross-border dividend payments and would modernize the Convention's anti-treaty-shopping provisions. The Protocol also would liberalize provisions in the existing Convention regarding the mutual recognition of each country's pension plans. Other provisions in the Protocol update the Convention to take account of changes in law in the two countries over the last 10 years. The exchange of notes with an attached Understanding provides guidance to taxpayers and each government regarding the intended interpretation of certain provisions of the existing Convention, as amended.

I recommend that the Senate give early and favorable consideration to this Protocol, and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

#### HAITI ECONOMIC RECOVERY OPPORTUNITY ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2261 and that the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 2261) to expand certain preferential trade treatment for Haiti.

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

Mr. DEWINE. Mr. President, I am very pleased we are moving forward today with passage of the Haiti Economic Recovery Opportunity Act. Congressman CLAY SHAW in the House and I have been working on Haiti trade legislation for some time. I thank Congressman SHAW for his support. I also want to give my sincere thanks to Senators LINDSEY GRAHAM and ERNEST HOLLINGS. Without their help and support we would not have been successful in our efforts today. Let me take a moment to mention all of our cosponsors as well: Senators BIDEN, BREAUX, CHAFEE, COLEMAN, DASCHLE, DODD, DURBIN, BOB GRAHAM, HAGEL, JEFFORDS, LAUTENBERG, LIEBERMAN, LUGAR, BILL NELSON, GORDON SMITH, SUNUNU, and VOINOVICH. I thank them for their support and their efforts in getting this bill passed.

This bill can really change things for Haiti. Once it is signed into law, it will

make a very real, very lasting difference in a country that is the poorest in our hemisphere—and one that has an 80-plus percent unemployment rate and a less than \$400 per capita income for individuals.

This bill is going to use trade incentives to encourage the post-Aristide government to make much needed reforms, while encouraging foreign direct investment—the most powerful, and yet underutilized, tool of development. This bill, quite simply, will create thousands of jobs—one of the most important things for the Haitian people right now.

The people of Haiti want to work. They are good workers—they are hard workers. They are industrious. This bill is going to give them the chance to have jobs. It is going to give them a chance at economic recovery through economic opportunity. In the last decade, Haiti has gone from over 100,000 assembly jobs to less than 30,000 today. Our bill helps create jobs by providing duty-free entry to apparel articles assembled in Haiti contingent upon Presidential certification that the new government is making significant political, economic, and social reforms.

The bill also caps the amount of duty-free articles at 1.5 percent of the total amount of U.S. apparel imports, growing to 3.5 percent over 7 years. Currently, Haiti accounts for less than .5 percent of all U.S. apparel imports, and although these provisions seem modest by U.S. standards, in Haiti they are substantial.

This bill is not the “silver bullet” for Haiti, because there is no silver bullet for Haiti. Rebuilding Haiti is going to require time, attention, and determination on the part of the people of Haiti, the countries in the region, and ultimately the entire international community. But, passage of the Haiti Economic Recovery Opportunity Act is a powerful indicator that Haiti has the support necessary to move forward.

I yield the floor.

Mr. DODD. Mr. President, I rise today to speak about an initiative that is long overdue. Thanks to the efforts of Senator DEWINE, Senator BOB GRAHAM, and to the other cosponsors of the pending measure, the Haiti Economic Recovery Opportunity, or HERO Act, of 2004 is finally getting the attention it deserves.

Haiti has endured intense strife over the course of the last 3 years. Most recently, floods have devastated much of the country, and armed gangs have destabilized cities and terrorized rural areas, ultimately forcing the elected president from office.

Although much more support will be necessary in the near future, the HERO Act is an excellent first step in the process of establishing stability and security in Haiti.

Unemployment is a major factor in the instability of the country. More than two-thirds of eligible workers cannot find jobs in the formal economy. The HERO Act begins to address

that need by providing living-wage jobs in the apparel industry for thousands of Haitians.

Again, I want to stress how important it is to view this as only the first part of a large program to address the abject poverty and political chaos that has beleaguered Haiti. With this kind of forward-looking initiative, we can help our neighbors to overcome these difficult times. Only through concrete and meaningful U.S. assistance on a scale commensurate with Haiti's needs can we ever hope to reverse the misery, suffering, and hopelessness that have become commonplace in the lives of close neighbors—8 million of them.

I strongly support this legislation and was pleased to be a cosponsor. The people of Haiti have waited too long for the HERO Act to become law. It is time for the United States to demonstrate its concern for its suffering Haitian neighbors. Now that the Senate has acted, I hope that the Bush administration will finally make this a priority and urge the House leadership to act on this measure before the August recess.

Mr. FRIST. Mr. President, I ask unanimous consent that the DeWine substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3565) was agreed to, as follows:

(Purpose: To provide a substitute amendment to ensure violations of laws relating to circumvention are enforced)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Haiti Economic Recovery Opportunity Act of 2004”.

#### SEC. 2. TRADE BENEFITS TO HAITI.

(a) IN GENERAL.—The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 213 the following new section:

#### “SEC. 213A. SPECIAL RULE FOR HAITI.

“(a) IN GENERAL.—In addition to any other preferential treatment under this Act, beginning on October 1, 2003, and in each of the 7 succeeding 1-year periods, apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from Haiti shall enter the United States free of duty, subject to the limitations described in subsections (b) and (c), if Haiti has satisfied the requirements and conditions set forth in subsections (d) and (e).

“(b) APPAREL ARTICLES DESCRIBED.—Apparel articles described in this subsection are apparel articles that are wholly assembled or knit-to-shape in Haiti from any combination of fabrics, fabric components, components knit-to-shape, and yarns without regard to the country of origin of the fabrics, components, or yarns.

“(c) PREFERENTIAL TREATMENT.—The preferential treatment described in subsection (a), shall be extended—

“(1) during the 12-month period beginning on October 1, 2003, to a quantity of apparel articles that is equal to 1.5 percent of the aggregate square meter equivalents of all apparel articles imported into the United