

States during the 12-month period beginning October 1, 2002; and

“(2) during the 12-month period beginning on October 1 of each succeeding year, to a quantity of apparel articles that is equal to the product of—

“(A) the percentage applicable during the previous 12-month period plus 0.5 percent (but not over 3.5 percent); and

“(B) the aggregate square meter equivalents of all apparel articles imported into the United States during the 12-month period that ends on September 30 of that year.

“(d) **ELIGIBILITY REQUIREMENTS.**—Haiti shall be eligible for preferential treatment under this section if the President determines and certifies to Congress that Haiti is meeting the conditions of subsection (e) and that Haiti—

“(1) has established, or is making continual progress toward establishing—

“(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

“(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

“(C) the elimination of barriers to United States trade and investment, including by—

“(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

“(ii) the protection of intellectual property; and

“(iii) the resolution of bilateral trade and investment disputes;

“(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through microcredit or other programs;

“(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

“(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(2) does not engage in activities that undermine United States national security or foreign policy interests; and

“(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

“(e) **CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.**—

“(1) **IN GENERAL.**—The preferential treatment under subsection (b) shall not apply unless the President certifies to Congress that Haiti is meeting the following conditions:

“(A) Haiti has adopted an effective visa system, domestic laws, and enforcement procedures applicable to articles described in subsection (b) to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States.

“(B) Haiti has enacted legislation or promulgated regulations that would permit the Bureau of Customs and Border Protection verification teams to have the access nec-

essary to investigate thoroughly allegations of transshipment through such country.

“(C) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, on the total exports from and imports into that country of articles described in subsection (b), consistent with the manner in which the records are kept by Haiti.

“(D) Haiti agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention.

“(E) Haiti agrees to require all producers and exporters of articles described in subsection (b) in that country to maintain complete records of the production and the export of the articles, including materials used in the production, for at least 2 years after the production or export (as the case may be).

“(F) Haiti agrees to report, on a timely basis, at the request of the Bureau of Customs and Border Protection, documentation establishing the country of origin of articles described in subsection (b) as used by that country in implementing an effective visa system.

“(2) **DEFINITIONS.**—In this subsection:

“(A) **CIRCUMVENTION.**—The term ‘circumvention’ means any action involving the provision of a false declaration or false information for the purpose of, or with the effect of, violating or evading existing customs, country of origin labeling, or trade laws of the United States or Haiti relating to imports of textile and apparel goods, if such action results—

“(i) in the avoidance of tariffs, quotas, embargoes, prohibitions, restrictions, trade remedies, including antidumping or countervailing duties, or safeguard measures; or

“(ii) in obtaining preferential tariff treatment.”.

“(B) **TRANSHIPMENT.**—The term ‘transshipment’ has the meaning given such term under section 213(b)(2)(D)(iii).”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 1, 2003.

(2) **RETROACTIVE APPLICATION TO CERTAIN ENTRIES.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption, of any goods described in the amendment made by subsection (a)—

(A) that was made on or after October 1, 2003, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

The bill (S. 2261), as amended, was read the third time and passed.

ORDERS FOR MONDAY, JULY 19, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, July 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time

for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider Executive Calendar No. 603, the nomination of William Myers; provided further, that the time until 5 p.m. be equally divided for debate only between the chairman and ranking member or their designees.

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

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, this week we began with the consideration of a constitutional amendment on the institution of marriage, an important dialog, I felt, for this body. We had a good debate on both sides of the aisle on the definition of marriage. I thank my colleagues for keeping the debate on the subject, very civil, and handled in a very respectable way.

I personally was disappointed we did not succeed in getting to the consideration of the text of the amendment. As to the timing of the amendment, people kept questioning again and again, Why did you bring it up now? It was clearly determined by the fact that we had activist judges, beginning in the middle of May, in Massachusetts who radically redefined what marriage over the thousands of years has been interpreted to be.

Right now there are lawsuits pending in 11 other States, and it is just a matter of time before the definition of marriage between a man and a woman will be destroyed in all 50 States. Amending the Constitution to protect marriage is the only viable option left to Congress. It is a debate we did not seek, but it was one that was brought to us by another branch of Government by activist judges who determined that definition is.

It is important for the legislative branch, directly elected by the American people, to express itself on this issue. We simply are not going to shirk from our responsibility to protect marriage, and we deserve to have a say in the matter. Although we were blocked from bringing it to the floor, I can assure everyone it will be back. The issue is not simply going away.

In addition, we completed last night the Australia free-trade bill, a very important bill managed by Chairman GRASSLEY. The outcome of the vote was 80 to 16 last night on final passage.

The significance of this bill was stated on the floor last night and it centers on the fact that two-way trade between the United States and Australia is at a level of about \$28 billion each year. We have a little over \$89 billion surplus with Australia, which is the greatest with any nation. More than 99 percent of our exports from Australia will enter duty-free once this agreement goes into effect.

The agreement we approved yesterday in this body is expected to produce an increase of about \$2 billion annually in trade for both nations. That means the bill we passed last night will result

in the creation of about 40,000 new jobs in my own State of Tennessee.

Australia is a very important market. Tennesseans exported more to Australia than to France last year. Tennessean companies exported \$225 million to Australia, which is approximately a 10-percent increase from 1999.

The bill itself is even more than increasing business opportunities. Australia indeed is one of our most steadfast allies and a key partner in the war on terror. I had the opportunity to talk to the Prime Minister of Australia last night after completion of the bill and thanked him for that support of the broad coalition that has been assembled across the world to fight this war on terror.

Australians have fought beside Americans in every major conflict in the last 100 years, and this agreement strengthens that already close bond forged between two old friends.

Thirdly, this week the Senate took an important step with respect to the FSC/ETI, the JOBS bill, by sending it to conference. The Senate had passed a bill. The House had passed a bill. There

had been obstruction to going to conference, but we came to an agreement yesterday and the bill has been sent to conference. It is timely legislation. Every month we do not pass the legislation there is a 1-percent Euro tax or a tariff increase each and every month. It is now at 9 percent. That is unfair. It is unfair to consumers and it is unfair to manufacturers.

Once we work this bill through conference and the President signs it and it becomes law, it will create jobs. So there has been real progress in that regard.

Fourthly, this week we passed H.R. 4363, the Helping Hands for Homeownership Act. This bill came out of the Banking Committee, which is chaired by Senator SHELBY, and it will go to the President's desk.

PROGRAM

Mr. FRIST. As we look ahead to Monday, we will consider the nomination of William Myers to be a U.S. circuit judge for the Ninth Circuit. A few moments ago, I filed a cloture petition

on the judicial nomination because of the objection to a time agreement that was expressed from the other side of the aisle. That vote will occur at 2:15 on Tuesday. Therefore, there will be no rollcall votes on Monday. Senators should come to the floor during Monday's session to debate this nomination.

As we all know, next week will be the final week prior to the recess. It will be a very busy week. It should be a very productive week. I ask in advance for everyone's patience and cooperation as we wrap up our work for this legislative period.

ADJOURNMENT UNTIL 1 P.M.
MONDAY, JULY 19, 2004

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:45 p.m., adjourned until Monday, July 19, 2004, at 1 p.m.