

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—53

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (NE)
Bennett	Ensign	Nickles
Biden	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voivovich
Craig	Lugar	Warner
Crapo	McCaIn	

NAYS—44

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NOT VOTING—3

Edwards	Kerry	Miller
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The PRESIDING OFFICER. On this question, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATION SESSION

UNITED STATES-MOROCCO FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now resume legislative session and that the Senate proceed to the consideration of S. 2677, the Morocco free-trade legislation, as provided under the statute.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. We, of course, have no objection to this request. Senator BAUCUS will be the manager on our side. At some subsequent time, we will make a decision as to how much of the 10 hours we will use. We will report that through our manager to the chairman of the committee at the earliest possible time.

The PRESIDING OFFICER. Without objection, the requests are agreed to.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2677) to implement the United States-Morocco Free Trade Agreement.

Mr. GRASSLEY. Mr. President, I thank the distinguished assistant minority leader for his approval of going ahead on this issue. I thank every Senator on the other side because any Senator on the other side or, for that matter, this side can object to any legislation coming up. Trade legislation is a little more controversial than it used to be. We have had great cooperation from the Democrats in the bipartisan manner it takes to get business done in the Senate on three very important trade agreements, including now this one, the United States-Morocco Free Trade Agreement. Last week we did the United States-Australia Free Trade Agreement, and prior to that the extension and reauthorization of the African Growth and Opportunity Act, which was passed just prior to our previous recess for the Fourth of July.

So often in this body the antagonism gets highlighted between Republican and Democrats. I wish to thank all the minority Members for allowing me to move ahead with this legislation.

Obviously, since I presented this legislation, I support this bill, S. 2677. It is legislation that implements the United States-Morocco Free Trade Agreement. I happen to believe this agreement marks a solid win for America, and when it comes to trade legislation, when we talk about a solid win, that is in economic terms and that creates jobs in America because America produces, in most instances, more than we can consume, particularly in agriculture but in other areas as well.

The United States is 5 percent of the world's population. So if anybody thinks we should not accept goods from overseas and then other countries not let us export, understand that 5 percent of the people of this world, the Americans, when we produce much more than we consume—and in agriculture that is 40 percent—what they would be saying is that we ought to shut down part of productive America. Obviously, if we shut down part of productive America, we lose jobs. So if we are going to keep enhancing our economy, to increase our standard of living—and that is related to increased productivity—then, obviously, we have to look to the 95 percent of the people of the world who are outside the United States as a market.

Other countries, obviously, look to the world for a market. So it is a very

competitive market. But the extent to which we reduce trade barriers—and this Morocco agreement is one example of reducing barriers to trade—then we let the marketplace make a decision on where goods go, what goods cost, and the quality of goods. For the most part, consumers of those respective countries, including America, make a determination as to what they want to pay and the quality of product they want. But the marketplace is going to be making that decision.

When we have barriers to trade that are set up by governments, then political leaders are making those decisions. Or if it is not political leaders, it is government employees making those decisions. Quite frankly, when government makes decisions, you do not reap the benefits of the efficiency of the marketplace and the efficiency of productivity of the respective workers of the respective countries that you do if the marketplace is making those decisions.

Willing buyer, willing seller, setting price, setting quality, setting time of transaction is better than 535 Members of Congress making that decision. All one has to do is look at Russia today. It is much more productive than it was when bureaucrats in Moscow were deciding how many acres of wheat to plant and when to combine those acres, the mature crop. A third of it was left in the field because when 5 o'clock came, they went home. When the American farmer goes out to harvest crops, he stays there until he gets it done, particularly something that is time sensitive, such as the maturing crop of wheat or soybeans. But not the Russian farmer under the Soviet system of command and control. Russia was not exporting grain. Today, Russia is exporting grain. We have to go back to the new economic program of the late 1920s for that to have happened, or you have to go back to the days of the czar for that to have happened in Russia.

So the marketplace is the best place to make these decisions, and agreements leveling the playing field, such as this Morocco agreement, are examples of the United States looking to the rest of the world to sell the surplus we manufacture, the surplus we produce, the excess—if you do not want to call it surplus, it is excess—of what we can consume here.

When this agreement is implemented, more than 95 percent of bilateral trade will become duty free immediately. According to the Office of the U.S. Trade Representative, this is the best market access package of any U.S. free-trade agreement with a developing country. This will bring important new opportunities for America's manufacturing sector. The agreement will also benefit our service providers with new market opportunities, particularly in key sectors such as engineering, telecommunications, banking, and insurance. U.S. intellectual property rights owners will obtain the benefits of

stronger protection for their trademarks, for their copyrights, and for their patents.

Any agreement will lead to a more open and transparent trading regime with the implementation of the new transparency procedures for customs administration, new commitments to combat bribery, and strong protections for U.S. investors in the region.

Perhaps most importantly for my home State of Iowa, the agreement brings substantial benefits to the U.S. agricultural community. I note firstly that the agreement is comprehensive. No sector is excluded. This is important for the future of our U.S. agriculture. The fact is, when we take a sector off the table during negotiations, our trading partners are bound to do the same. All too often the sector they want excluded is one of our most competitive agricultural products. That means lost sales for America's family farmers.

It is very important that we send a strong message to our future trading partners that our country, the United States of America, remains committed to negotiating broad and very comprehensive free-trade agreements. Passage of this agreement moves that ball closer to the goalpost and reaffirms our commitment to negotiating and not being on the sideline.

Second, this agreement is sure to advance our agricultural exports in an important and growing region of the market. The recent trend of Argentine and Brazilian corn displacing American corn in the Moroccan market will end. In fact, the International Trade Commission predicts that absent the current tariff, United States corn producers will supply nearly all of Morocco's corn imports in the coming years.

The International Trade Commission also estimates that United States exports of soybean meal to Morocco will likely increase substantially under this agreement. With Morocco presently imposing tariffs as high as, believe this, 275 percent on the import of United States beef, the United States is in effect literally shut out of the Moroccan beef market. This will change under this agreement, with the United States gaining new access for our beef going into Morocco.

United States exporters are currently at a competitive disadvantage when they try to sell wheat to Morocco. The fact is that competitors of the United States can sell their wheat cheaper. This agreement will change that. This agreement will level the playing field for America's wheat farmers. It is also going to do it for our beef ranchers.

An independent study by the American Farm Bureau Federation found that under this agreement—now, this is the American Farm Bureau—the United States agricultural trade surplus with Morocco could reach \$382 million by 2015 with Moroccan agricultural exports rising by only \$25 million. Thus, under this agreement, U.S. agriculture would see roughly a 10-to-1

gain. Those figures speak louder than words.

I have received testimony and letters in support of this agreement from across America's agricultural sector. I concentrate on what we have heard from one Iowa farmer, but also a person who is very much a leader in the Iowa Soybean Association, Ron Heck from Perry, IA. He testified before the Finance Committee, which I chair, that the agreement will not only benefit soybean farmers directly in increased exports to the country of Morocco but also indirectly as they sell their grain to America's beef and poultry farmers who will in turn export these products of beef and poultry to Morocco.

When one sells meat, one sells a value-added agricultural product that has created more jobs in America. It is better to sell the beef and the poultry, it brings more wealth to America than sending our raw grain and our raw soybeans overseas.

We have the National Corn Growers Association, the International Dairy Food Association, the National Milk Producers Federation, the National Cattlemen's Beef Association, the National Association of Wheat Growers, the National Chicken Council, the Corn Refiners, and the USA Rice Federation, to name a few, that have all written to me in favor of this agreement.

The Morocco free trade agreement also contains a preference clause that grants the United States market access provisions that will be at least as good as those granted by Morocco to other countries in any future free trade agreement they may enter into.

Finally, the agreement enabled us to tackle tough sanitary and phytosanitary issues which had been acting as a bar to many of our agricultural exports.

In my mind, the economic benefits are enough for any Senator to support this agreement. I think my colleagues ought to take into consideration other less tangible reasons to cast their vote as yeas.

Morocco is a longstanding friend and ally of the United States. In fact, Morocco was the first country to extend diplomatic relations to the United States following our independence. Our two nations first signed a treaty of peace and friendship in 1786, making this the oldest unbroken treaty in the history of the United States foreign relations.

Today, Morocco is a valuable ally in the war against terrorism, working with our country to bring peace and stability throughout the Middle East. In short, Morocco has been and still remains a valued friend of our country. I am pleased we will be able to strengthen our friendship with the passage of this free trade agreement.

The Morocco free trade agreement marks our third free trade agreement in the Middle East. Although we enjoy strong free trade agreements with Israel and Jordan, the Congress may

soon have an opportunity to consider a fourth free trade agreement with Bahrain, another important Middle Eastern country and one that is very helpful to us in a military way.

While each free trade agreement is valued in and of itself, these free trade agreements are also steppingstones toward President Bush's broader vision of a Middle East free trade agreement by the year 2013. Today, far too many people in the Middle East are plagued by poverty and lack of education and opportunity. While trade itself will not alleviate every ill, it is a vital tool of development which has been lacking for far too long in that important region of the world. I am confident the passage of this free trade agreement, along with our continued efforts to build a Middle East free trade agreement, can help change that by ushering in a new era of hope and prosperity in that critical part of the world.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I rise in support of the legislation to implement the U.S.-Morocco free trade agreement. By voting to approve the Morocco implementing legislation, we can confirm our close and longstanding ties with Morocco.

In 1777, soon after a breakaway British colony calling itself the United States of America declared independence from Britain, Morocco was the first country in the world to recognize the new government.

In 1787, the two nations negotiated a Treaty of Peace and Friendship that is still in force, representing the longest unbroken treaty relationship in U.S. history.

Soon thereafter, Morocco's ruler wrote to President Washington to ask for help in protecting Morocco's shipping fleet from marauding bandits.

Washington wrote back, apologizing that the United States was too poor and too weak from the recent American Revolution to help Morocco. But Washington said that perhaps someday, the United States would be strong enough to help its friends. For Morocco, that day has now come.

So there are strong foreign policy reasons to vote for the Morocco implementing legislation. But I have often said that foreign policy concerns alone should not control our trade policy. I have argued that we should negotiate free trade agreements with countries that offer real economic advantages for U.S. farmers, workers, and businesses.

I am happy to report that while Morocco has a relatively small economy, the agreement with Morocco is a

strong agreement that offers significant opportunities for American exporters. In many ways, it sets a new standard for U.S. free trade agreements with developing countries.

Take, for instance, the provisions regarding intellectual property. Morocco has agreed to a high level of protection for intellectual property rights. The agreement includes state-of-the-art protections for digital copyrights and trademarks, expands protection for patents, and mandates tough penalties for piracy and counterfeiting.

Morocco has also agreed to the best market access package to date of any U.S. free trade agreement with a developing country.

Over 95 percent of our trade with Morocco in consumer and industrial products will become duty-free immediately upon the entry into force of the agreement. All remaining tariffs will be eliminated within 9 years.

The agreement is also good for U.S. agricultural producers. Wheat was a sensitive issue for the Moroccan negotiators. They initially resisted attempts to increase access to U.S. wheat exports. Morocco purchased most of the wheat it needed to import from the European Union. They did not want to open it up to America, but I fought hard to ensure that U.S. wheat producers would not be left out of the agreement. I made it clear that I could not—and would not—support any agreement with Morocco that excluded wheat. Wheat is an important export crop for many U.S. States, including my home State of Montana.

In the end, Morocco agreed to open up its market to U.S. wheat. The agreement creates new tariff rate quotas for wheat that could lead to a 5-fold increase in U.S. exports to Morocco. Most importantly, it will allow U.S. wheat producers to compete in Morocco on a level playing field with their European competitors.

Beef was another sensitive issue for Moroccans. Again, I made clear how important beef exports were to me and to others in the Congress. In the end, the agreement gives U.S. beef producers new access to Morocco for their high-quality beef exports.

The agreement is good for the United States, but it is also good for Morocco. It will help update and modernize Morocco's economy and attract investment to Morocco.

Morocco has used the free trade agreement negotiations to consolidate significant domestic reforms. For example Morocco recently enacted a new labor law and a new law on child labor, both of which were drafted with the help of the International Labor Organization.

Also, during the course of the negotiations, Morocco agreed to accede to the World Trade Organization Agreement on the Expansion of Trade in Information Technology.

As a result, Morocco recently eliminated tariffs on a number of information technology products. That could

help increase Morocco's productivity as Moroccan businesspeople gain easier access to high-tech products.

By voting to approve Morocco implementing legislation, we can support reformers in Morocco who seek to modernize its economy. We can also send a signal to other developing countries with reform-minded governments that opening up their economies can lead to closer economic relations with the United States and new opportunities for their citizens.

I urge my colleagues to support this legislation.

Before I conclude, I would like to take a moment to thank my good friend, the chairman of the committee, Senator CHARLES GRASSLEY, for his leadership not only on this legislation but on every piece of legislation we have dealt with in this Congress. The chairman and I have worked with other members of the Finance Committee to address their concerns. I must say, there were several on this implementing legislation with Morocco. We worked with those Senators, with their concerns. I compliment the chairman for his leadership in working all that out, and I believe he has successfully addressed all those concerns.

I appreciate the willingness of the members of the committee to work cooperatively to get this legislation done in a timely manner.

I yield the floor. I suggest the absence of a quorum, and ask unanimous consent that time under the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAFFEE). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

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

Mr. DORGAN. Mr. President, I was thinking about speaking about trade but I nearly wore out my welcome last week on that subject so I will only say that I would much prefer a trade bill be brought to the Senate floor that solves problems rather than creates new problems. I do not know that a trade agreement with Morocco is going to cause new problems but I do know that in trade agreement after trade agreement over a good many years, we have caused more problems, none of which ever get fixed. The problems of trade with Europe, with Japan, with Korea, with Mexico, with Canada never get fixed. Again, I do not know that this will cause problems with respect to Morocco. Morocco is one of those few countries with which we have a trade surplus.

But it has been the case that in every circumstance where we negotiated a

trade agreement the surpluses that existed soon turned into deficits. In fact, we have the largest trade deficit in human history right now and that trade deficit exists with China, well over \$130 billion a year; we have a trade deficit with Japan, Europe, Korea, and more. The NAFTA agreement was supposed to create a massive number of new jobs, hundreds of thousands of new jobs in this country, yet following the NAFTA agreement with Mexico and Canada we, in fact, turned a small trade surplus we had with Mexico into a very large deficit and we turned a modest deficit that we had with Canada into a very large trade balance deficit.

I do not intend to give a lengthy speech about trade today and repeat what I have talked about before, the outsourcing of American jobs, the movement of jobs from this country to other countries that is going on in a wholesale capacity. I will mention just a couple of issues, as examples of broken promises in trade. With respect to Mexico, we were told that we would see the products being imported into this country from Mexico, being the product of low-skill, low-wage labor. In fact, that is not the case at all.

The three largest imports into this country from Mexico are automobiles, automobile parts, and electronics, the products of high-skill, high-wage labor except they do not pay high wages in Mexico. That is why these jobs have moved to Mexico.

I was told, although I have not yet checked this, that we now perversely import more automobiles from Mexico into the United States than we export to all of the rest of the world. This is after we did a trade agreement with Mexico.

I could spend time talking about our trade agreements with China, Japan, Europe, and others, and it is the same result.

Now, especially during the Olympic trials, our negotiators really ought to be required to wear jerseys so they can look down and see, as the Olympic athletes do, "USA" so at least they know for whom they work.

It is not very easy, in my judgment, to see the result of their work and understand whose side they were on when they negotiated these agreements.

I mentioned last week the recent agreement that was negotiated with China. In the agreement between the United States and China, we agreed the Chinese could impose a 25-percent tariff on any automobiles the United States ships to China and that we would impose a 2.5-percent tariff on any Chinese automobiles they would aspire to sell in our marketplace. In other words, our negotiator agreed that, with a country with which we have a \$100-plus billion deficit, we would allow them to put a tariff on automobiles that would be 10 times higher than the tariff we would impose on Chinese automobiles to be sold in our country.

I say to you, that is incompetent. I have no idea how that happens; how someone rationalizes that this is fair.

What does it mean to average folks? It means jobs lost. It means jobs are created there rather than here. It means jobs leave here to go there. It means outsourcing. In most cases, it is why I do not support these trade agreements. Those who negotiated the agreements did not decide to stand up for the economic interests of our country. I am not talking about protectionism, I am talking about standing up for our economic interests and requiring and demanding fair trade.

It was one thing post the Second World War to be able to have concessionary trade policies, to say to other countries: Look, we will be glad to provide some concessions because we are bigger than you are, we are stronger, we are more capable, we have a thriving, growing economy and we can beat almost anyone in economic competition with one hand tied behind our back. That wasn't a big problem then. But things have changed. We now face stiff, shrewd, international competitors, yet most of our trade policy is still softheaded foreign policy, and those who negotiate it don't stand up for the economic interests of this country, in my judgment.

So much for trade.

I did want to mention a couple of other items, if I might.

TAX SHELTERS

The Washington Post did a story which described something most of us now have known is occurring. The U.S. Treasury Department has tapped a private company called KPMG, one of the largest accounting companies, perhaps the largest in our country, to audit the Treasury Department's consolidated financial statements. These are audits that were done previously by Government folks. These are internal audits by the Inspector General's office or others. But now they have tapped this company to audit the Treasury Department's financial statements.

Interestingly enough, the company they have hired to do that down at the Treasury Department is the subject of a Federal grand jury probe into its tax shelter abuses. By tax shelter abuses I mean this is a company that by all accounts now was aggressively marketing tax shelter abuses to clients and refuses to provide to the Treasury Department names of its clients so we can find out who avoided paying taxes by using the aggressive tax shelters proposed by this company. The Treasury Department says: On the one hand, we are investigating you with a grand jury probe. On the other hand, let's give you a big contract.

I don't understand that. I don't understand it at all. Why on Earth would the Treasury Department do this?

This aggressive marketing of tax dodges to those who want to avoid paying taxes is pretty difficult for the Treasury Department to get at. They have a difficult time trying to shut

these down, these aggressive tax shelters. Because of the marketing of aggressive and abusive tax shelters, more and more companies have decided I want to be an American company for purposes of doing business in America and calling myself American, but I don't want to be an American company when it comes to paying taxes. Then I want to call myself a citizen of the Bahamas, or the Cayman Islands, or the Dutch Antilles. I want to run my company through a mailbox. I want to rent a mailbox in one of these countries that sets themselves up as a tax haven, and I want to run my company through a mailbox. Why? Not because that is where the company is going to be run from. It is because they want to avoid paying U.S. taxes.

Some companies—not too many, but some—have gone the extra step of deciding to dump their U.S. citizenship, renounce their U.S. citizenship and become citizens of other countries.

These corporations are given life as an artificial person. A corporation isn't a real person, but we, in law in this country, have decided to create artificial persons. It is called a corporation. They can sue and be sued, contract and be contracted with. They, by a charter granted them in this country—in most cases by the State of Delaware but in other places as well—become an artificial citizen of the U.S. They do business. With a corporation, they limit liability and they are able to accumulate capital. It has been good for this system of ours, the capitalistic system, the free enterprise system. It has been good.

Except now this is what we are saying to companies such as KPMG, that are marketing aggressive tax shelters to these other companies, American companies who want to remain American companies and want to do everything but pay taxes to our country. We have the largest Federal budget deficit in history and we have companies trying to avoid paying taxes right and left and we have a big company that was advising them on how to avoid paying their taxes and in some cases creating abusive and aggressive tax shelters, and the Treasury Department says: Oh, by the way, I know we are investigating you in a grand jury probe, but on the other hand, let us help you out with a big, fat contract.

I don't understand who makes these decisions, but I don't think it is a decision that makes sense for the taxpayers of this country. I don't like the signal it sends. I don't know this company. I am not involved with the people involved in this company. It is not about this being personal. It seems to me, if a company, in order to curry favor with its clients, decides it wants to market aggressive and abusive tax shelters, it has to bear the responsibility for having done that. Part of the responsibility is not, in my judgment, bringing down a big, old contract on the positive side of the ledger, to now audit the Department of the Federal Treasury.

Let me say, while I am at this, Senator GRASSLEY and Senator BAUCUS have made statements about this which I think are very admirable. I could read some of them. I think the statements about this by both the chairman and the ranking member of the Finance Committee are right on target. Senator GRASSLEY says:

If we could just get Federal agencies not to work at cross purposes it would go a long way towards ensuring everybody pays their fair share of taxes.

Senator BAUCUS launched a probe into the Department of Interior's planned acquisition of mineral rights from a seller who wanted to claim a big charitable deduction. That is the same thing.

These companies marketing these strategies these days, they even have now in this country something a lot of people would find strange, subway systems and city hall being sold to the private sector in a leaseback. You actually sell it and then lease it back so the private company can get tax benefits from a building that was owned by the Federal Government or State government or local government—in most cases it is State or local government—and it is kind of a golden handshake where a building that would not be depreciated, because the government wouldn't depreciate it, sells the building to a private business and then leases it back so the private company can actually collect more in tax benefits than it lays out to the government in the first place. It is a big tax dodge. It doesn't make any sense at all.

At a time when we have a giant Federal budget deficit, trying to figure out how we make enterprises pay their fair share and people pay their fair share, the ordinary folks, the folks who go to work every day and try to do the best they can, at the end of the year file a tax return on April 15 and pay their fair share, they look at this and say I don't understand that. A company that makes \$500 million pays zero or next to zero, companies that make billions of dollars end up claiming these tax dodges.

Let me commend Senator GRASSLEY and Senator BAUCUS and encourage them and say, as one Member of the Senate, I hope you will be as aggressive as possible to try to shut this down because this makes no sense at all.

SECRET AIRPLANE FLIGHTS AFTER 9/11

Mr. DORGAN. Mr. President, I want to mention one other issue, one that I think very few people are paying as much attention to as they should, especially in the press.

I believe my colleague from New Jersey has discussed it on the Senate floor, it was discussed recently in a Commerce Committee hearing, and I have discussed it in many venues—the question of something that happened which was curious and very worrisome to me in the days following September 11, 2001. Let me describe what it was. We have all read snippets about it, and some of them are not accurate.

In the days following 9/11, there were six secret charter flights that were allowed to leave this country. They gathered up 142 Saudi nationals that were in the United States. They gathered up those Saudis, which included over two dozen members of the bin Laden family, and got them to a few gathering points, and on six secret charter flights they left this country. The public did not know they were leaving. The public did not know that these flights were occurring until after they left our country.

There have been a lot of questions about this issue. Let me describe some of what is in the public record.

Fifteen of the 19 terrorists who struck this country on September 11, 2001, were Saudi citizens. So who would have allowed the gathering up of 142 Saudi citizens to be put on 6 secret charter airplane flights to leave this country?

On September 3, 2003, Richard Clarke, head of counterterrorism in the White House at the National Security Council, said this before the Senate Judiciary Committee. He addressed this question:

It's true that members of the bin Laden family were among those who left.

That is part of the 142 Saudis who left on the 6 secret flights.

It is true that members of the bin Laden family were among those who left. We knew at the time—I can't say much more in open session—but it was a conscious decision with complete review at the highest levels of the State Department and the FBI and the White House.

That is Richard Clarke testifying before the Senate Judiciary Committee when asked about who allowed these secret flights. He said: Well, we knew about it. I can't tell you much more in open session, but it was a conscious decision with complete review at the highest levels of the State Department and the FBI and the White House.

Then Richard Clarke—the same Richard Clarke—appeared under oath in March 2004 at the 9/11 Commission. Here is what he said about who sought these secret charter flights:

I'd love to be able to tell you who did it, who brought this proposal to me, but I do not know. The two possibilities that are the most likely are either the Department of State or the White House Chief of Staff's office.

That is what he told the 9/11 Commission when asked who proposed these secret flights to be allowed to leave. He said: I do not know. The two possibilities are the Department of State or the White House Chief of Staff's office.

In the same testimony before the 9/11 Commission, Mr. Clark testified with respect to the secret flights, and the request that the flights be approved:

I suggested that it be routed to the FBI, and the FBI looked at the names of individuals who were going to be on the passenger manifest and that they approve it or not. I spoke with at the time the No. 2 person at the FBI, Dale Watson, and asked him to deal with this issue. The FBI then approved the flight.

That is Richard Clarke, a direct quote under oath to the 9/11 Commission.

The FBI spokesperson, speaking of these charter flights with the Saudis and the bin Laden family members, said:

We haven't had anything to do with arranging or clearing the flights.

Then the FBI said no one was allowed to depart "who the FBI wanted to interview in connection with the 9/11 attacks."

That is what the FBI said. No one was allowed to leave who the FBI wanted to interview in connection with the 9/11 attacks.

However, Dale Watson, the No. 2 person at the FBI, head of counterterrorism at the time of these flights, said that the FBI did not conduct in-depth checks on the Saudis being repatriated.

He said:

They were identified but they were not subject to serious interviews or interrogation.

What we now know, according to the 9/11 Commission, is that about 30 of the 142 Saudis who were allowed to leave were interviewed by the FBI. But the No. 2 person at the FBI said none of them were subject to interviews or interrogation.

Among those who were allowed to leave this country, the Saudis—and I will not use their names; though I may have used them before—was a cousin of Osama bin Laden who had run the U.S. operations of a charity that had been accused of financing terrorism by the Governments of India, Pakistan, the Philippines, and Bosnia. The FBI had investigated this person dating back to 1996. His case file was reopened on September 19, 2001, even as these flights were in progress.

Another individual was allowed to leave. He, it turns out, curiously, was in the same hotel as three of the hijackers the night before September 11, 2001. He was a former director of a Saudi charity that has been investigated for ties to terrorism. He was interviewed by the FBI shortly after 9/11, but the interview was cut short when he pretended to be ill. The FBI agent recommended that he should not be allowed to leave until a followup interview could occur. That recommendation was not complied with, and he was allowed to return to Saudi Arabia without a followup interview.

The interesting thing about the 9/11 Commission report is what they say about this flight and these citizens. The 9/11 Commission says that no one was allowed to depart who the FBI wanted to interview in connection with the 9/11 attacks. Incidentally, we can't get the manifest of the passenger list; I think Senator LAUTENBERG has gotten one of them, but the rest of them have not been made available—but at any rate, the 9/11 Commission says that no one was allowed to depart who the FBI wanted to interview in connection with the 9/11 attacks.

Just take that for a moment and understand what they are saying. No one was allowed to leave who the FBI wanted to interview in connection with the 9/11 attacks. What about someone who they should have interviewed in connection with financing terrorist activities? What about someone who they should have interviewed because of involvement with a charity that had been financing terrorist activities, perhaps not 9/11 but other terrorist activities?

They say no one was allowed to leave who the FBI wanted to interview in connection with these attacks, but I just described to you two people who left, one who an FBI agent did not want permitted to leave, and the other who had his case reopened on September 19, 2001.

This is really a little too cute, I think. The 9/11 Commission says no one was allowed to leave who might have had some issue dealing with 9/11. But what about other ties to terrorism? The issue is the gathering up of 142 Saudi citizens in the aftermath of 9/11—keeping in mind that 15 of the 19 terrorists on 9/11 were from Saudi Arabia—and putting these 142 people, including two dozen members of the bin Laden family, on 6 secret charter flights, disclosing those flights to no one until they left for Saudi Arabia.

The question for me is, Were any of those people involved in any way in the financing of terrorist activities anywhere any time in the world? That has not been answered. The 9/11 Commission has not answered that and may not answer it, apparently, and most people have stopped asking those questions.

My colleague from New Jersey, Senator LAUTENBERG, asked those questions. I asked those questions. The American people deserve to know answers to those questions.

I don't allege some elaborate cover-up. I allege gross incompetence. Somebody said that I was alleging a conspiracy at the White House. I am not alleging that at all. Richard Clarke says that the decision to allow these six secret flights was "at the highest levels" of the State Department, the FBI, and the White House. But I am not alleging there is some sort of conspiracy or connection. All I am alleging is gross incompetence, I think, because somebody allowed there to be gathered up a big group of people who should have been properly interrogated, and they allowed them, before those proper interrogations, to jump on six secret charter flights and were given opportunities no one else in this country was given. There are a lot of other Saudi citizens here. A lot of other people weren't given the opportunity to leave this country on secret flights. Why did that happen? How did it happen? Who asked for it and who approved it? Those questions have not yet been answered. I think the American people deserve those answers.

We are told now that there is threat of a substantial terrorist attack

against this country. Two weeks ago we were told that terrorists would attempt to strike this country between now and the election to disrupt the election, or disrupt the two political conventions. The ability of this country to detect and to stop a potential terrorist attack relies on our ability to use good intelligence and the coordination between the intelligence community and our law enforcement community. If that does not work, then we are in trouble.

I don't for the life of me understand how we could have allowed these secret flights to occur without learning everything there was to learn from these passengers. One might say: Well, maybe we would not have learned anything. Maybe not. I expect you would learn something from the two people I described, both of whom had previously been of interest to the FBI, but now, after 9/11, were not questioned thoroughly by the FBI. I don't know about the rest of them.

Someone made a grievous error, in my view. Someone did not exhibit the competence we should expect from those making decisions to protect this country.

I continue to ask these questions. I know my colleague, will, as well, and I hope at some point we will find out what the answers are. Who authorized these flights? Why were they authorized? What is on the passenger manifest list? Are there more Saudis who the FBI should have questioned further who were allowed to leave this country? I don't know the answer to that, but this country, in my judgment, deserves an answer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2694 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

20TH ANNIVERSARY OF RULE 208—AGE 21
ENACTMENT

Mrs. DOLE. Mr. President, 20 years ago this month, as Transportation Secretary, raising the drinking age to 21

across our Nation was a measure I was confident in supporting. I was confident it would prevent crippling and disabling injuries and save thousands of lives.

Statistics of teens driving across State borders, "blood borders," into a neighboring State with a lower drinking age, then driving back under the influence of alcohol, convinced me of the dire need to eliminate the differences between State laws.

Senator FRANK LAUTENBERG, Senator RICHARD LUGAR, and former Senator Jack Danforth were instrumental in the passage of age 21 legislation.

On July 17, 1984, when President Reagan signed this law in a Rose Garden ceremony, he said:

We know that drinking, plus driving, spells death and disaster. . . . And I know there's one . . . simple measure that will save thousands of young lives . . . if we raise the drinking age.

And it has. Twenty thousand lives have been saved in 20 years. The numbers represent real people, tragedies averted, family members and friends who did not have to suffer the loss of a loved one in an alcohol-related automobile accident. My family had to suffer such a loss. My uncle, just out of college, just about to be married, was hit head on and killed by a drunk driver.

This month also marks the 20th anniversary of another revolution in highway safety. On July 11, 1984, the same week President Reagan signed the age 21 law, the Department of Transportation enacted rule 208 with the goal of saving as many lives as possible as quickly as possible. This successfully resolved the 17-year policy dispute that spanned four administrations. Rule 208 resulted in the production of airbags and the passage of State safety belt laws. It recognized the role of the States in automotive safety. No State, in July 1984, had passed a safety belt law, not a single State. Usage was only 13 percent. Airbags were virtually nonexistent. In fact, I had to look all over to find a car with an airbag to place on the White House lawn for President Reagan and the Cabinet to examine. Consumer acceptance was low. Many people thought airbags would go off just crossing the railroad tracks.

Most of us get into a car and automatically fasten our safety belts today. We barely notice that the vehicle has an airbag. Today, 49 States have belt laws. National belt usage is 79 percent and climbing. There are more than 149 million airbag-equipped vehicles on the road. As of this year, all cars, light trucks, and minivans come equipped with front seat airbags.

The National Safety Council reports that since 1984, 190,000 lives have been saved through this safety trifecta: the 21 drinking age, State safety belt laws, and airbags. They totally changed the climate of highway safety in America. My hat's off to the tremendous team I had at the Transportation Department—Jim Burnley, Diane Steed, Phil

Haseltine, Erika Jones, Jenna Dorn, Bob Davis—and many others, like Chuck Hurley of the National Safety Council and the Mothers Against Drunk Driving.

According to the National Safety Council, since 1984, 157,500 lives have been saved by safety belts. The National Highway Traffic Safety Administration estimates that safety belt use has resulted in savings to the U.S. economy of \$50 billion in medical care, lost productivity, and other injury-related costs. NHTSA also reports that more than 14,500 lives have been saved by airbags.

The record speaks for itself; however, work remains to be done. I am pleased the highway bill recently passed in the Senate contains numerous safety provisions. In particular, I commend my colleague, Senator JOHN WARNER, for introducing incentives for States to enact primary safety belt laws. Mothers Against Drunk Driving has voiced strong support for primary belt laws, allowing a law enforcement officer to write a citation when observing an unbelted driver or passenger. Secondary enforcement allows the citation only after stopping a vehicle for some other reason.

My home State of North Carolina was one of the first to enact primary belt laws in 1985. Our usage rate last year was 86 percent. But as of May 2004, only 20 States, Puerto Rico, and the District of Columbia have primary laws. According to NHTSA, safety belt usage is much higher on average in States with primary enforcement laws. Two decades after the safety trifecta, incentives for State safety belt laws, airbags, and 21 drinking age are reported by the National Safety Council to have saved 190,000 lives. This is just one example where we continue to strive for improvement, strive to prevent injuries, and strive to save lives.

UNITED STATES-MOROCCO FREE TRADE AGREEMENT

Mr. HATCH. Mr. President, I express my support for the United States-Morocco Free Trade Agreement. Under the leadership of U.S. Trade Representative Robert Zoellick, the U.S. has once again negotiated a sound free trade agreement with a country that is energetic in their support of U.S. interests around the world.

I thank all of those involved in negotiating this agreement, especially the dedicated staff at the U.S. Trade Representative's Office and my colleagues on the Finance Committee, Chairman GRASSLEY and ranking minority member BAUCUS. Although bilateral trade agreements with relatively small countries are very time consuming and difficult, when taken in aggregate, they add up to a substantial amount of U.S. annual exports. In all, these smaller free-trade agreements end up saving U.S. businesses millions of dollars a year in tariffs and duties and, therefore, are worth all the effort exerted in getting them negotiated and enacted.

The United States-Morocco Free Trade Agreement will open up the Moroccan market to fair trade and will allow U.S. companies to compete effectively. In fact, with the signing of this agreement, more than 95 percent of bilateral trade in consumer and industrial products will become duty free immediately. Industries such as information technology, machinery, chemicals, and construction equipment will gain immediate duty-free access to Morocco. Agricultural markets in Morocco will continue to open up to U.S. imports at a rapid pace. Service industries that are so crucial to the economy of the State of Utah will have rapidly increasing access to Morocco, thereby, allowing banks, consulting companies, insurance companies, and telecommunications companies the ability to compete on a level playing field. Of particular note in this agreement is the inclusion of antibribery and transparency provisions. These provisions will help Morocco in cracking down on illegal activity which hurts U.S. exporters and leads to higher costs for consumers.

Utah companies have exported nearly \$1 million worth of goods and services to Morocco over the last 5 years. Although this amount seems relatively modest, I take comfort in the fact that those small businesses engaged in this trade will be saving money under this agreement and be better positioned to increase the amount they export. One million dollars in trade with Morocco may not seem like much when measured against overall Utah exports, but to those individuals whose jobs depend on trade with Morocco, \$1 million is a very big deal and I am proud to be able to help them. Much of the products exported by Utah companies are manufactured products and manufacturing jobs can be difficult to hold on to these days. Therefore, I am pleased to help lower barriers around the world and make it easier for Utah manufacturers and their employees to compete.

Utah workers, and American workers collectively, deserve to be treated fairly in the world-wide marketplace and this agreement accomplishes that goal. Fairness and transparency only help U.S. companies compete and that is why I support the swift approval of this implementing legislation.

THE SITUATION IN DARFUR AND SUDAN

Mr. DEWINE. Mr. President, I come to the floor today to discuss the situation in Darfur, Sudan. I have come to the floor many times before to discuss this horrible crisis. I do so again today.

My colleague Senator BIDEN and I have introduced a bill, which I will describe in detail in a few minutes. Significant, I think, within the past hour was a very graphic video and audio description of the situation in Darfur, as it appeared on CNN. I commend it to any colleagues who may have the opportunity to see it, or who can even get a transcript of that show. It is a 3- or 4-minute piece. It clearly demonstrated in the most stark terms that the trag-

edy of Darfur continues to unfold. We saw little children who were in danger of dying. Some may be dying. They described one man who had been injured—shot within the last week by the militias who came in. So despite the pledges of the Sudanese Government that they will stop the militias from carrying out this genocide, in fact, as we meet here today, it continues.

There has been a discussion about whether genocide is in fact occurring. Some have argued this is not genocide. So as I describe what is in the bill Senator BIDEN and I have introduced today, I want to describe for my colleagues what, under the law, it takes for genocide to occur, what the convention says, and what the facts are.

I am on the floor tonight to discuss whether what is happening in the Darfur region of Sudan is in fact genocide. I believe it is genocide, although for some reason there seems to be some confusion about what that term, in fact, means and what responsibilities come with that once it is determined that genocide is taking place.

I have been using the term “genocide” to describe what has been happening in the Darfur region of Sudan since May, and I think it is time, frankly, that this body, as a whole, and the world, more importantly, begins to do the same. That is why Senator BIDEN and I have introduced a bill that refers to what is happening, in fact, as genocide.

I thank my colleague, Senator BIDEN, for his leadership on this issue. He, too, has been calling this genocide since the beginning, and we hope our colleagues will join us and rightly identify the atrocities in Darfur as, in fact, genocide.

Our bill will also prevent any normalization of relations between the U.S. Government and the Sudanese Government unless and until the President of the United States can certify that the Government of Sudan is taking significant and demonstrable steps to stop the militias and allow humanitarian aid to flow.

The bill we have introduced today will allow us to place sanctions on Sudan contingent on improvements in Darfur. Simply put, this bill will use every weapon in our diplomatic arsenal to attack this problem, and, frankly, that is exactly what is needed.

Only when the Government of Sudan satisfies the requirements laid out in this bill—and we have set a high but, frankly, reasonable hurdle—would the Government of Sudan then be eligible for any U.S. assistance.

The bill will authorize \$800 million in support of the north-south peace process, but that money will not be available until and unless the Government of Sudan complies with the terms of the bill. But separate and apart from that money, the bill will authorize an additional \$200 million for humanitarian assistance for Darfur, obviously not going through the Government of Sudan.

Let me reiterate. The \$800 million that we would authorize in support of the north-south peace process would only be available if and when the genocide has stopped, the atrocities have stopped, the humanitarian situation has improved, and the President of the United States is confident and willing to certify to Congress that the Government of Sudan is protecting its people.

It is my hope that this bill will be passed before the summer recess so the pressure on the Government of Sudan begins immediately and does not stop until that Government complies.

I want to return to the larger issue of whether what is taking place in Sudan now is, in fact, genocide because there does seem to be a lot of confusion about this issue. There should not be any confusion about it because what is taking place in Sudan today clearly is genocide.

The definition of “genocide” can be found in the Convention on the Prevention and Punishment of the Crime of Genocide which entered into force originally in 1951. Specifically, article 2 states that genocide is any one of five acts which is committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.

Let me repeat that. Specifically, article 2 states that genocide is any one of five acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.

Here are the five acts, any one of which will qualify for genocide.

First is the act of killing members of the group. There is no doubt that the militias in Darfur, aided by the Government of Sudan, have been killing the Black Africans of Darfur. Their scorched Earth campaign has left 30,000 dead—men, women, children. These people were killed because they were Black, while their Arab neighbors went untouched. That is the fact. Even when the people fled, the militias chased them into Chad trying to finish the job. Under this qualification alone, what is happening should be classified as “genocide.”

The second group of actions that constitute genocide under the Convention is causing serious bodily or mental harm to members of the group. The militias have used rape as a weapon, killed children in front of the parents, killed parents in front of the children, made husbands stand by while their wives are raped and killed, and have done all of this because their victims are Black.

An Amnesty International report stated:

The long-term effects of these crimes can be seen in countries like Rwanda where many women and children remain traumatized.

In the same way, the people of Darfur will remain traumatized for years to come, and this is what the militias want. The militias want to make sure that the Black Africans they do not

kill are broken by the atrocities they have witnessed and suffered through.

Let me turn to the third measure. The third way to commit genocide is to deliberately inflict on a group conditions of life calculated to bring about a group's physical destruction in whole or in part. The numbers in Darfur are appalling and clearly makes a case that this provision is satisfied. Over 1 million people—1 million people—have been driven from their homes, over 400 villages have been destroyed, wells have been poisoned, crops have been destroyed, and granaries and herds have been looted. The militias and Government have done everything possible to ensure that the Black Africans of Darfur cannot survive even if they escape the initial killings. There is nothing left for them. Their herds are gone. Their crops are gone. What is worse is the Government militias are also now blocking humanitarian aid.

These tactics, in the face of the worst humanitarian crisis in the world, can be for no other purpose than to ensure that those who escape the killing now die along the way or die in camps.

The militias have turned the camps into prisons, killing those who leave in search of firewood and food. This campaign is, obviously, not just about driving these people off the land; it is about destroying the Black African groups, and that, I say to my colleagues, is what is genocide. That is genocide.

The final two acts that qualify as genocide are imposing measures intended to prevent births within a group and forcibly transferring children of the group to another group. We have reports that children have been abducted and that women are being raped by Arab men to "make a light baby."

In these societies, a child adopts the father's ethnic background, and by raping all of these women with the purpose of making lighter children, they are effectively meeting the fourth and fifth criteria for genocide in the Convention.

Specifically on the fifth criteria for genocide, forcibly transferring children from one group to another group, I want to share with my colleagues in the Senate the story of a woman named Mecca. She was killed by the militias when she tried to stop them from taking her 3-year-old son. I am sure there are countless others who were killed trying to save their children, as any parent would. For these parents, for the children who have been abducted, for the girls and women who have been raped, for the people dying right now, I ask this body, I plead with this body to support using the term "genocide" because that is what it is.

Although we can make a case that all five of these provisions have been met, the Convention is very specific. The Convention states that any one of these actions constitutes genocide. The fact that we have evidence to support all five qualifying categories only makes the decision to call this genocide that much easier.

The question remains, though, if we call it genocide, what does that mean? What is the significance? Maybe when we know the answer, that will tell us why sometimes some people in the international community may be a little reluctant to call it genocide. The answer to the question once again is right in the convention, both in its title and in its articles. The document is called the Convention on the Prevention and Punishment of the Crime of Genocide. It is called that for a good reason.

We need to make sure that the crimes being committed in Darfur are both prevented and punished. To prevent these crimes, the Government of Sudan and the militias need to be forced to end their reign of terror. We have tried to use diplomatic pressure to get them to start. The U.N. Secretary General and our own Secretary of State Colin Powell both went to the region to plead with the Government to stop the atrocities. The U.N. even submitted a draft U.N. Security Council resolution including targeted sanctions on the militias and an option for sanctions on the Sudanese Government if they did not keep their promises to rein in the militias. All of this, and yet, as Secretary Powell has said, the Government of Sudan is still not keeping their promises. The atrocities continue. That means to prevent genocide, we will need more than promises and high-level visits.

Quite frankly and bluntly, we need troops on the ground. The African Union is going to send 300 peacekeepers, but we all know that is not enough for a region that is the size of Texas. We need more countries to commit troops, and we, the U.S. Government, need to be prepared to fund and assist these troops in reaching the region and protecting the civilian population of Darfur.

The second major responsibility we have under the convention is to ensure that the crime of genocide is punished. The Government of Sudan must try those individuals suspected of committing these atrocities, and if they are found guilty, they must punish them. This includes vetting the ranks of the military to ensure that no further militia members find refuge there. It also means not just rounding up a few low-level members of the militias and punishing them. That is not enough.

In addition, the international community will not accept show trials and, if necessary, an international tribunal should be convened to ensure that justice is served in Darfur.

Justice also must be blind to the position held by those responsible for genocide. If any public officials in Sudan are guilty of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, an attempt to commit genocide, or complicity in genocide, they must be held just as accountable as the militia members themselves.

It does no one any good to wait until after the fact to call this genocide.

Let's not wait 6 months. Let's not wait a year. Let's not wait 5 years. That is what happened in Rwanda. We cannot afford to let that mistake happen again. That is why I have been calling this genocide, because it is. We must call this genocide.

I urge my colleagues to join Senator BIDEN and myself in calling this genocide. I urge my colleagues to speak out. My colleagues, Senator MCCAIN, Senator BROWNBACK, and others, have been on the floor of the Senate speaking about this issue. Senator BIDEN and I have a bill. I urge my colleagues to come forward and cosponsor and help us pass this bill. I also urge my colleagues to come forward and help us pass Senator BROWNBACK's resolution condemning this as well. This is something that needs to be done. This Senate needs to speak out. This country needs to take action. The international community needs to take action.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

Mr. FRIST. Mr. President, I ask unanimous consent that tomorrow morning, immediately following morning business, the Senate resume consideration of S. 2677; provided further that the time until 11:30 be equally divided between the chairman or ranking member of the Finance Committee, and at 11:30 the Senate proceed to vote on passage of the bill with no intervening objection or debate, and all provisions of the governing statute remain in order; I further ask that when the Senate receives from the House the companion measure, the Senate proceed to its consideration, the bill will be read the third time and passed, with no intervening action or debate; provided further, once the Senate has passed the House companion, passage of S. 2677 be vitiated, and the bill be returned to the calendar.

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

EXECUTIVE NOMINATIONS

Mr. FRIST. Mr. President, last month, the Judiciary Committee reported the nomination of Henry Saad to be a U.S. circuit judge for the Sixth Circuit. I understand the other side will not agree to a time agreement for an up-or-down vote on this nomination. In addition, the Judiciary Committee reported two more Sixth Circuit nominations today. I hope that we could have the Senate vote on each of these judicial nominations prior to the close of this week.

In addition to these circuit nominations, we have three district judges