

to meet to continue its markup on Tuesday, July 20, 2004, at 9:30 a.m. in Dirksen Senate Office Building Room 226. The agenda is attached.

Agenda

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; David W. McKeague to be United States Circuit Judge for the Sixth Circuit; Richard A. Griffin to be United States Circuit Judge for the Sixth Circuit; Virginia Maria Hernandez Covington to be United States District Judge for the Middle District of Florida; Michael H. Schneider, Sr., of Texas to be United States District Judge for the Eastern District of Texas; David E. Nahmias, of Georgia to be United States Attorney for the Northern District of Georgia; Robert Clark Corrente to be United States Attorney for the District of Rhode Island; Ricardo H. Hinojosa to be Chair of the United States Sentencing Commission; Michael O'Neill to be a Member of the United States Sentencing Commission; and Ruben Castillo to be a Member of the United States Sentencing Commission.

II. Legislation: S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003—Chambliss; S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003—Hatch, Feinstein, Craig, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter, Kyl; S. 700, Advancing Justice through DNA Technology Act of 2003—Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004—Hatch, Leahy, Chambliss, Durbin, Schumer; S. Res. 401, A resolution designating the week of November 7 through November 13, 2004, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country of 2004—Biden, Chambliss, Cornyn, Durbin, Feingold, Feinstein, Graham, Grassley, Kennedy, Sessions, Specter; and S. Con. Res. 109, A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution of 2004—Inouye, Harkin, Warner.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 20, 2004, at 2:30 p.m., for a markup on the pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. S. 1153, the "Veterans Prescription Drugs Assistance Act of 2004;"

2. S. 2483, the "Veterans Compensation Cost of Living Adjustment Act of 2004;"

3. S. 2484, the "Department of Veterans Affairs Health Care Personnel Enhancement Act of 2003," as amended;

4. S. 2485, the "Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004," as amended;

5. S. 2486, the "Veterans Benefits Improvements Act of 2004," as amended.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2004 at 10:30 a.m. to hold a hearing on intelligence matters.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2004 at 2:30 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet on Tuesday, July 20, 2004 at 9 a.m. for a hearing entitled, "Building the 21st Century Federal Workforce: Assessing Progress in Human Capital Management."

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

SUBCOMMITTEE ON SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Performance and Outcome Measurement in Substance Abuse and Mental Health Programs during the session of the Senate on Tuesday, July 20, 2004, at 10 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that privilege of the floor be granted to law clerks from my office, Patrick Campbell and Daniel Urman, during consideration of the nomination of William Myers.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be granted the

privilege of the floor during consideration of the Morocco bill: Sarah Hagigh, Molly Bell, Tony Cerise, Ashley Griffith, Ade Ifelayo, Kellen Moriarty, Scott Richardson, Alex Robles, Ben Sather, John Van Atta, Chris Wardell, Steve Beasley, Jodi George, Scott Landes, Pascal Niedermann, and Matt Stokes.

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

Mr. REID. Mr. President, I ask unanimous consent that Debbie Singer, a fellow in the Office of Senator LEVIN, be granted floor privileges for tomorrow.

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

MEASURES READ THE FIRST TIME—S. 2694, S. 2695, and H.R. 4492

Mr. FRIST. Mr. President, I understand there are three bills at the desk, and I ask unanimous consent that they be read for the first time en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (S. 2694) to amend title XVIII of the Social Security Act to provide for the automatic enrollment of medicaid beneficiaries for prescription drug benefits under part D of such title, and for other purposes.

A bill (S. 2695) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

A bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, 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 on these matters, en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will receive their second reading on the next legislative day.

COMMEMORATING THE 400TH ANNIVERSARY OF THE JAMESTOWN SETTLEMENT

COMMEMORATING THE 230TH ANNIVERSARY OF THE UNITED STATES MARINE CORPS

IN COMMEMORATION OF CHIEF JUSTICE JOHN MARSHALL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 642 and 643, and H.R. 2768, which is at the desk, en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the titles of the bills en bloc.

The legislative clerk read as follows:

A bill (H.R. 1914) to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

A bill (H.R. 3277) to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

A bill (H.R. 2768) to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

There being no objection, the Senate proceeded to consider the bills, en bloc.

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

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

The bills (H.R. 1914, H.R. 3277, and H.R. 2768) were read the third time and passed.

JOHN MARSHALL COMMEMORATIVE COIN ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to honor the contributions of John Marshall, the great Chief Justice of the Supreme Court, through the minting and issuance of a commemorative coin by the U.S. Treasury.

As an original cosponsor of S. 1531, the Chief Justice John Marshall Commemorative Coin Act, I have worked closely with Senator HATCH to do all that we possibly can to speedily pass this act into law. The act authorizes the Treasury Department to mint and issue coins in honor of Chief Justice John Marshall in the year 2005. Funds raised by sale of the coin will support the Supreme Court Historical Society. Sales of the coin also cover all of the costs of minting and issuing these coins, so that the American taxpayer is not bearing any cost whatsoever of this commemoration.

It is fitting that sales of a coin that bears the likeness of Chief Justice Marshall will be used to support the Supreme Court Historical Society. The society is a nonprofit organization whose purpose is to preserve and disseminate the history of the Supreme Court of the United States. Founded by Chief Justice Warren Burger, the society's mission is to provide information and historical research on our Nation's highest court. The society accomplishes this mission by conducting programs, publishing books, supporting historical research, and collecting antiques and artifacts related to the Court's history. We are happy to assist a worthwhile organization like the Supreme Court Historical Society.

In our successful efforts to obtain support for the bill, we gained 75 cosponsors in the Senate over the past year. Given the noble cause, it was not a hard sell. Yet, the number of bipartisan supporters is a proper tribute to the great Chief Justice John Marshall. John Marshall is known as "the great Chief Justice" of the Supreme Court.

Marshall served on the bench for 34 years and established many of the constitutional doctrines we revere today. He is best known and respected for the fundamental principle of checks and balances of our democratic government.

I thank all the Senators and Representatives who supported this legislation—too numerous to name. I also thank the Supreme Court Historical Society for its dedication to this important tribute to Chief Justice John Marshall.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the majority leader, pursuant to Public Law 96-114, as amended, appoints the following individuals to the Congressional Award Board: Kathy Didawick of Virginia and Michael Carozza of Maryland.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 410 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 410) to authorize Senate employees to testify and produce documents with legal representation.

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

Mr. FRIST. Mr. President, the Department of Justice is conducting an investigation into whether false statements were made to a committee of the Senate in the course of responding to oversight inquiries by that committee. As part of that investigation, the Justice Department is seeking testimony about potentially relevant information from the Senate.

Accordingly, in keeping with the Senate's usual practice, this resolution would authorize present and former employees of the Senate to provide testimony sought by the Justice Department, except for material as to which a privilege should be asserted, in order to assist the Department in this matter.

Also in keeping with the Senate's usual practice, this resolution authorizes documentary production and representation by the Senate legal counsel in connection with this testimony, where appropriate.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 410) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas, the Department of Justice is requesting testimony in connection with a pending investigation into potential false statements to a committee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That present and former employees of the Senate are authorized to testify and to produce documents, except as to matters for which a privilege should be asserted, in connection with the pending investigation into potential false statements to a committee of the Senate, and any related proceedings.

SEC. 2. The Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one of this resolution.

AUTHORIZING DOCUMENT PRODUCTION BY SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 411 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 411) to authorize document production by the Select Committee on Intelligence.

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

Mr. FRIST. Mr. President, the Select Committee on Intelligence conducted a review in 2001 of United States assistance to Peruvian counter-drug air interdiction efforts, following the mistaken shootdown of a civilian aircraft by the Peruvian Air Force in that same year. The committee prepared a report in which it made factual findings detailing the shortcomings that led to this tragic incident. The committee report made a number of recommendations about requirements that should precede further U.S. assistance to a foreign government engaged in a program of interdicting drug trafficking aircraft.

The United States Department of Justice is now conducting an investigation of the involvement of U.S. government officials in the Peruvian counter-narcotics air interdiction program, which has been operating since 1995. During that time the Senate Intelligence Committee has had oversight