

legitimate national security threats, such as protecting the sources and methods of gathering extremely sensitive information. The current level of abuse of our classification system is so egregious as to be laughable.

To make matters worse, when the Congress has sought to declassify important information, we have allowed the fox to guard the henhouse—we have allowed the CIA and other agencies to determine what gets released to the American public from reports that are critical of their conduct.

I am personally most familiar with the report of the House and Senate Intelligence Committees' Joint Inquiry into the intelligence failures surrounding 9/11. After our report was filed in December 2002, it took 7 months to get a declassified version that we could release. And after all those months, the intelligence agencies and the White House refused to declassify pages and pages of information that might have caused them embarrassment—but certainly did not threaten our national security.

The most famous instance of censorship is the 27 pages that detail foreign sources of support of two of the 19 hijackers while they were living among us and finalizing their evil plot. For all we know, that pattern of support continues to this day. But our report found a number of instances where failures to share information were in and of themselves threats to national security.

Had Federal agencies' watch lists of terrorist suspects been shared, especially with State and local law enforcement officials, police might have detained prior to 9/11 several of the hijackers when they were stopped for traffic offenses. We also have learned that the President's Daily Brief of August 6, 2001, listed a number of pending threats to our homeland, including hijackings of commercial aircraft. If only that information had been shared with the airlines through the FAA, the airlines could have heightened security on board aircraft and more thoroughly screened their passenger lists. Instead, no steps were taken.

One of the Joint Inquiry's recommendations, No. 15, called on the President and the intelligence agencies to review executive orders, policies and procedures that govern national security classification of intelligence information:

in an effort to expand access to relevant information for Federal agencies outside the Intelligence Community, for State and local authorities, which are critical to the fight against terrorism, and for the American public.

The recommendation also called on Congress to review statutes, policies and procedures governing classification. As the recommendation states:

Among other matters, Congress should consider the degree to which excessive classification has been used in the past and the extent to which the emerging threat environment has greatly increased the need for real-time sharing of sensitive information.

The report called on the Director of Central Intelligence, the Attorney Gen-

eral, the Secretary of Defense, the Secretary of Homeland Security and the Secretary of State to review and report to the House and Senate committees with "proposals to protect against the use of the classification process as a shield to protect agency self-interest."

Regrettably, none of the executive branch agencies have responded to the Joint Inquiry's directives on this issue. So I am pleased to join my colleagues in cosponsoring this legislation, which will create an Independent National Security Classification Board within the executive branch to force the administration and the intelligence agencies to respond and to implement new procedures and standards. Once a new classification system has been adopted, the independent board will have access to all documents that are classified on the basis of national security concerns and the authority to review classification decisions made by executive branch employees. If the board disagrees with a decision, it can make a recommendation to the President to reverse or alter the classification.

If the President doesn't adopt the board's recommendation, he must within 60 days explain his decision to Congress:

and post such notification and written justification on the White House website.

This will, at the very least, let the American people know that they are being denied information.

COSPONSORSHIP OF S. 2623

Mr. FEINGOLD. Madam President, I discuss a very important issue to my home State of Wisconsin, and that is the time limits placed on Supplemental Security Income, SSI, benefits for refugees and other humanitarian immigrants.

Due to a provision included in the 1996 welfare reform law, some refugees and other humanitarian immigrants legally residing in the United States, including many members of the Hmong ethnic group, are beginning to lose their eligibility for SSI. The provision states that refugees and other humanitarian immigrants are only eligible for SSI for 7 years. Some of these legal immigrants have already lost their benefits, and for others the 7-year deadline is quickly approaching.

Many of the Hmong who currently reside in Wisconsin and throughout the U.S. provided invaluable assistance to the U.S. military during the Vietnam War. The Hmong made great sacrifices in fighting against communists in Laos and providing intelligence to the CIA, and could no longer stay in the region out of fear for their safety. In return for their sacrifices for our Nation, we relocated them to the United States, along with their families, to live under refugee or humanitarian immigrant status.

The refugees and other humanitarian immigrants who depend on SSI are elderly or disabled and often lack any other financial resources. Many Hmong

currently have applications for citizenship pending, and have been waiting for over 2 years for their applications to be processed by the Immigration and Naturalization Service and now the Department of Homeland Security. Others are suffering from serious mental or physical disabilities that prevent them from completing the requirements necessary to obtain citizenship. Losing their SSI eligibility will cause significant strain to those Hmong who rely on SSI as their only financial means.

I am proud to cosponsor S. 2623, the SSI Extension for Elderly and Disabled Refugees Act, which was introduced by Senator SMITH. This bill would extend the 7-year deadline by 2 years, giving those refugees who depend on SSI some additional time to navigate the naturalization process.

It is my sincere hope that this bill will be taken up and passed quickly, since time is of the essence for this population. Many of the Hmong risked their lives to help the United States and I believe that the U.S. Government should do all it can to provide for them in their time of need.

AMERICAN HOSTAGES IN COLOMBIA

Mr. DODD. Madam President, last February, I rose before the Senate to draw attention to the fate of three Americans taken hostage by the Revolutionary Armed Forces of Colombia (FARC)—Marc Gonsalves, Keith Stansell, and Thomas Howes. It has been 5 months since then—17 months since Marc, Keith and Tom were captured. Since that tragic day, these Americans and their families have lived in fear, never knowing what tomorrow may bring. I say today what I said then—there must be no higher priority than ensuring that Marc, Keith and Tom return safely home. I commend the actions taken thus far by United States and Colombian officials to find these brave Americans, but I urge them to redouble their efforts.

Marc, Keith and Tom were taken captive when their plane crashed in FARC controlled territory on February 13, 2003. Two individuals, an American pilot, Tom Janis, and a Colombian intelligence officer, were killed by the FARC at the crash site, and Marc, Keith and Tom have remained in captivity since that time. A video documentary released last year containing interviews with the three men dramatically underscores the urgency of their dire situation.

I know that all of our prayers remain with these Americans and their families. As any parent knows, it is impossible to describe the pain these families suffer knowing that their sons are in danger, unable to communicate with them, and uncertain whether they will ever see them again. Marc Gonsalves' mother, Jo Rosano, is a Connecticut

resident. When I met with her in February, I pledged that I would do everything possible to return her son. I stand by that pledge today.

To that end, I have met with President Uribe and Colombian officials and urged them to secure Marc, Keith and Tom's release. President Uribe has assured me that Colombian authorities are working to locate these Americans and that Colombia will not end its search until they are found.

I have likewise urged the Bush administration to provide all necessary assistance to locate and gain the release of Marc, Keith and Tom. During a hearing last year before the Senate Foreign Relations Committee, I urged William Wood, Ambassador to Colombia, to make their well-being and safe release his highest priority. Ambassador Wood agreed to do so and promised to keep me informed about developments as they occur. I thank him for his efforts to date.

Unfortunately, rescuing these three Americans will not be easy. But while doing so may not be easy, it is essential—it is our duty. We must leave no stone unturned in our efforts to secure their release. And we must make sure that their families know that we have not forgotten their sons and will not rest until we find them. I will continue to work tirelessly on behalf of Marc, Keith and Tom, and I urge the Bush administration and the Colombian government, to do everything in their power to expedite their return.

NOMINATION OF WILLIAM G. MYERS III

Mr. JOHNSON. Madam President, yesterday the Senate voted on the nomination of William G. Myers III who has been nominated for a position on the Ninth Circuit Court of Appeals. The Ninth Circuit includes most western States as well as Alaska and Hawaii. These western States contain a vast portion of our natural resources and is home to many of our Native Americans, Alaskan Natives and Hawaiian natives.

President Bush nominated Mr. Myers on May 15, 2003 while he served as Solicitor General for the Department of Interior. He was voted out of the Judiciary Committee on April 1, 2004, by a party line vote of 10-9.

A large portion of Mr. Myers' 22-year legal career has been in Washington working as a lobbyist and as a governmental lawyer in Republican administrations. During his legal career, Mr. Myers has never served in a judiciary capacity; he has never participated in a trial, and has received a partial Not Qualified rating from the American Bar Association, its lowest rating.

During his tenure as Solicitor General he has shown his contempt for environmental protections and has disregarded the necessary input of Native Americans into decisions that directly affect them. As Solicitor, he reversed an opinion made by his predecessor

during the Clinton administration regarding the interpretation of a statute. This reversal led to the issuance of a permit to the Glamis Company to open and operate the Glamis Imperial Mine on Quechan Indian Sacred land. The decision to overturn this opinion was done without government-to-government consultation with the Quechan Indian Tribe, which is required by the policies implemented by the executive branch. Despite requests made by the Quechan Indian Tribe to meet with the Interior Department, he never made any attempts to convene with the tribe while Solicitor, yet had several meetings with the Glamis Company regarding this gold mine.

Mr. Myers placed his mining industry ties before all others. It is his judgment demonstrated here that lead the nonpartisan National Congress of American Indians to oppose this judicial nomination for the first time in this organization's 60-year existence.

The nomination of Mr. Myers is opposed by more than 175 environmental, Native American, labor, civil rights, disability rights, women's rights and other organizations. The New York Times, the Los Angeles Times, and the San Francisco Chronicle have editorialized in opposition to his confirmation.

Now, I point out that I have voted and the Senate has confirmed many conservative judges. Do I like their politics? Probably not. Will I be happy with their rulings all of the time? No. Do I think they can resist partisan activism while serving on the bench? Yes. Regardless of a judge's political leanings, I will support a nominee who understands and is respectful of the rule of law. It is apparent that Mr. Myers will put industry ahead of our environment, the sacred land rights of Native Americans, and most importantly what is in the best interest of the general public.

LOCAL LAW ENFORCEMENT ACT OF 2003

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

On April 2, 2000, in Cedar Rapids, IA, Jason Allen was charged with allegedly attacking another man because he believed the man was gay.

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

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

• Mr. KERRY. Madam President, I am pleased to join my colleagues in the Senate—Chair of the Committee on Small Business and Entrepreneurship OLYMPIA SNOWE and former House Small Business Committee Chairman JIM TALENT—in support of legislation that will ensure the National Veterans Business Development Corporation is able to continue serving veteran small business owners.

In a letter to the Office of Management and Budget on March 19, 2004, the Department of Justice concluded that the Veterans Corporation is a government agency, and therefore subject to the laws, regulations, and guidance applicable to all executive branch agencies. This opinion by the administration not only goes against congressional intent, but it severely undermines the ability of the corporation to deliver needed assistance to veteran entrepreneurs.

As a supporter of the original legislation that established the Veterans Corporation, I can tell you that Congress fully intended the Veterans Corporation to be a private entity and not a Federal agency. This bipartisan legislation simply clarifies the status of the Veterans Corporation and reaffirms Congress's original objective.

I urge all of my colleagues to support this legislation, which we seek to pass today. Passing this legislation expeditiously will mean that the Veterans Corporation can continue to carry out its congressionally mandated mission and that our veteran-owned small businesses are able to receive the development assistance they need to start and expand. •

THE SMART PROGRAM

• Mr. SMITH. Madam President, today I rise to recognize a proven early literacy program called SMART, which stands for "Start Making A Reader Today." The program gives children who have difficulty reading the extra support and one-on-one attention they need to learn to read and succeed.

Each year, SMART matches more than 11,000 young children in Oregon with adult volunteers for weekly one-on-one reading sessions. Independent research shows that these relationships have a measurable impact on the students' reading performance. At a time when we are striving to better serve our Nation's students, this Oregon program is a model for the Nation. SMART has improved young Oregonians' performance on important benchmark exams, and has given students an important boost of confidence for continued academic success.

Twelve years ago, Johnell Bell was a first grader struggling to learn to read.