days after they lose their COBRA coverage. Eligibility for the program would expire only if they enroll in a private insurance plan or become eligible for Medicare.

The families of September 11 have shown great courage and extraordinary resilience. But we still have much more to do to help them on their long and arduous road to recovery, and I hope very much that we can pass this legislation this year. It will only affect a small number of families. But for them, it will make a world of a difference.

KEEP OUR PROMISE

Mr. LEVIN. Mr. President, as the assault weapons ban expired last Monday, one of our Nation's law enforcement officers was recovering in a Miami, FL hospital from two gunshot wounds inflicted by an AK–47 rifle. According to the Brady Campaign, all models of this make of assault rifle were prohibited at the time of the attack, but are now legal due to the expiration of the assault weapons ban on September 13.

Last Monday, the Miami Herald reported that on September 12, 2004 Miami-Dade Police Officer Keenya Hubert was on a routine patrol when she heard gunshots fired in a nearby neighborhood. She spotted a suspicious vehicle leaving the area, called for backup, and pulled the vehicle over. Suddenly, the driver got out of his vehicle and fired nearly two-dozen bullets at Officer Hubert and her police car using an AK–47 assault rifle. One of those bullets struck Officer Hubert in the shoulder and another grazed her forehead. Later in the week a man was arrested in connection with this attack. Press reports indicate the man had been previously convicted of attacking two other police officers in 1997.

Unfortunately, assault rifles like the one reportedly used in the attack on Officer Hubert's life as well as many other similar assault weapons are once again being legally produced and sold as a result of the expiration of the assault weapons ban. The ban also included firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the ban for 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither the President nor the Republican Congressional leadership acted to protect Americans from assault weapons like the one used in the attack on Officer Hubert.

Last week, Sarah Brady, the wife of Jim Brady who was shot in John Hinckley's attempted assassination of President Reagan, issued an open letter to President Bush expressing disappointment in his decision to allow the assault weapons ban to expire.

Mr. President, I hope that in the remaining days of the 108th Congress the Republican leadership and the President will reverse course and act to extend the assault weapons ban.

I ask unanimous consent that Sarah Brady's letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2004.

DEAR PRESIDENT BUSH: I cannot begin to express my disappointment in your decision to let the Assault Weapons Ban expire yesterday.

Four years ago you said you supported renewal of the assault weapons ban, though you made it clear that you were generally opposed to reasonable gun violence prevention laws. I was very happy to hear you say it then, because it was a sensible position, and one long supported by such conservative leaders as Ronald Reagan and Barry Goldwater. As a lifelong Republican, it gave me hope that my party would move away from the knee-jerk tendency to oppose whatever the gun lobby said Republicans should oppose.

Now, these guns, designed by military scientists to inflict the maximum level of damage to human beings, are back on our streets.

You have broken your promise to the American people and you should be ashamed. Jim and I loved Ronald Reagan, and one of the main reasons we loved him was that he was always, always, true to his word.

This law worked, and it saved lives. It saved the lives of police officers and children. You cast your support aside for a political endorsement. We all pay prices in life for our actions. I hope the American people will make you pay a price for this decision.

In your current campaign, you are pledging to keep America safe. But your conscious decision to let this ban expire has placed us all in jeopardy.

The expiration of this law is temporary. It will be renewed: It is only a matter of how long it will take to renew it. There is still time for you to show leadership, do the right thing, and restore this law. But know that Jim and I will continue our efforts to restore the ban, with or without your help. And we will succeed. Lives are hanging in the balance.

Mr. President, step forward and do the right thing.

Sincerely,

SARAH BRADY.

RELEASE OF YASER HAMDI

Mr. LEAHY. Mr. President, at a hearing Wednesday before the Judiciary Committee, I asked some tough questions about the record of the Department of Justice in prosecuting terrorism cases. Later that day, the Department announced the imminent release of Yaser Esam Hamdi, the so-called ''enemy combatant'' who has been held for nearly 3 years without being formally charged with any crime. During this period, the Bush administration argued that it could deny Hamdi, a U.S. citizen, due process and detain him indefinitely. In June, the Supreme Court struck down the administration's assertion of unchecked executive power, ruling that Hamdi had the right to challenge his detention. Rather than proceed in court, the Justice Department now says that it will release Hamdi, who will renounce his U.S. citizenship and join his family in Saudi Arabia.

The Justice Department has claimed that Hamdi fought with the Taliban and posed a threat to our national security. Hamdi claimed that he was an innocent captured in Afghanistan by the Northern Alliance. We simply do not know the truth. But, as the Rutland Herald correctly points out in its editorial Thursday, that is what trials are for. If Hamdi was a combatant, or a civilian caught up in a combat zone, he should have been treated in accordance with the Geneva Conventions, which provide for the treatment of soldiers and civilians in wartime. If Hamdi committed a crime, he should have been charged and tried. The timing of his release is curious. Three months after the Supreme Court rejected the administration's refusal to grant Hamdi due process, the Justice Department suddenly determined that Hamdi no longer posed a threat. Now it will release a person it previously claimed was so dangerous that he had to be held for years in a military brig, mainly in solitary confinement.

The Attorney General relied on powerful rhetoric to defend the Department's record. He liked to say that no one had successfully challenged the Government's use of authority under the PATRIOT Act and that no court had found the Government had overreached. Since the Supreme Court decisions on Hamdi and related cases last summer, it has become harder for him to make such claims. Those Court decisions do not stand alone in defining the Department's level of success, however. The list of reversals of this Administration's policies and practices has become extensive. From the Department's involvement in rewriting our country's adherence to the Geneva Convention and the Convention Against Torture, which contributed to the breakdown at the Abu Ghraib prison and elsewhere, to the Supreme Court's rejection of the administration's Guantanamo practices, there is much that needs attention and correction.

Indeed, the Justice Department has accumulated one loss after another in terrorism cases. In recent weeks, we have witnessed the unraveling of the Department's first post-September 11 prosecution of a terrorist sleeper cell in Detroit. This followed on the heels of a growing list of losses and questionable cases, including the wrongful arrest of a Portland attorney based on a fingerprint mismatch; the acquittal of

a Saudi college student who was charged with providing material support to terrorists; the release on bail of two defendants in Albany, NY, after the Government admitted having mistranslated a key piece of evidence—the evidence referred to one defendant as ''brother,'' not ''commander,'' as originally represented; the collapse of all charges against Muslim chaplain, James Yee, an Army Captain who served at Guantanamo and was originally accused of espionage; and the Supreme Court's repudiation of the administration's claim that it can hold citizens indefinitely as ''unlawful combatants,'' without access to counsel or family. In addition to announcing its decision to release Hamdi 2 days ago, the Government also folded its case against Ahmad al Halabi, a Senior Airman who served as a translator at Guantanamo Bay. Al Halabi once faced the death penalty for spying. He ultimately pled guilty to four minor charges, such as photographing a guard tower and taking a classified document to his quarters; other charges were dropped.

The fact is, there have been only a few real victories in cases that have brought terrorism charges since 9/11, and these have been overshadowed by seemingly half-hearted prosecutions. We all remember the antiterrorism sweeps that occurred after 9/11. The Justice Department detained over 5,000 foreign nationals in those sweeps, but, as law professor David Cole points out in an article in the October 4, 2004, edition of The Nation, not a single one of them was charged with terrorism.

Department officials say their record since the 2001 attacks reflects a successful strategy of catching suspected terrorists before they can launch deadly plots, even if that involves charging them with lesser crimes. I certainly will not contest that lesser crimes are being charged. According to the Transactional Records Access Clearinghouse (TRAC), of the approximately 184 cases disclosed as ''international terrorism'' matters, 171 received a sentence of one year or less. But is that making us safer? What exactly happens to a suspected terrorist who spends 6 months in prison and then is deported to his country of origin in the midst of a war that has no end in sight? Does it really squelch deadly plots?

The administration has yet to answer pointed questions about the deportation of Nabil al-Marabh to Syria, a nation that is a state sponsor of terrorism. Al-Marabh was at one time Number 27 on the FBI's list of Most Wanted Terrorists, and experienced prosecutors wanted to indict him. Why was he released? According to court records, Al-Marabh shared an address with defendants in the Detroit case who are now facing only document fraud charges. What is going on here?

We still await the resolution of the case against Jose Padilla. The Attorney General made a frightening announcement from Moscow when Jose Padilla was arrested—as if the Government had miraculously averted a radioactive ''dirty bomb'' from being detonated in our heartland. As Deputy Attorney General James Comey represented to the Federal courts a few months ago, the Government no longer even contends that Mr. Padilla was engaged in a ''dirty bomb'' plot. We have yet to see criminal charges against him, but I hope that we will. The Attorney General always finds time to announce allegations and dangers to frighten the American people but never seems to have time to be accountable when those specters prove false, when criminal cases can not be made, or when the Government has overreached or when innocent Americans have been unfairly accused.

We will soon be asked to give the Government more tools, more powers, and even greater authorities. I hope that we will not be asked to add PATRIOT Act-related powers to legislation to implement 9/11 Commission recommendations. The families of 9/11 victims have asked us to focus only on those actions endorsed by the Commission. We should honor this request. Before Congress considers granting the Government more powers to add to the Federal arsenal, we must determine which tools are actually being used, and how are they working? Which tools are subject to abuse, and which need to be modified? I hope that we can start getting some of those answers.

I ask unanimous consent to print in the RECORD the Rutland Herald editorial and The Nation article I mentioned earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Sept. 23, 2004]

CONSTITUTIONAL VICTORY

One of the most alarming abuses in President Bush's war on terrorism has come to a peculiar resolution. On Wednesday the government announced it would release Yaser Hamdi from custody.

Hamdi is an American citizen, born in Louisiana, and an Arab whose family lives in Saudi Arabia. U.S. forces gained custody of Hamdi when Northern Alliance officials handed him over during the war in Afghanistan. The U.S. military was rounding up Taliban fighters, and Hamdi ended up in Guantanamo, Cuba.

Hamdi said he was wrongfully captured by the Northern Alliance in northern Afghanistan and was wrongfully imprisoned by the U.S. military. But the Bush administration viewed him as an ''enemy combatant,'' a designation that led to the government's asserted claim that it had the power to rob Hamdi of all his rights.

It is unknown whether Hamdi is telling the truth when he says he had nothing to do with the Taliban and was not involved in the Afghan war. In America that is what trials are for. Until found guilty of a crime, suspects are presumed innocent and are protected by an array of constitutional rights.

These rights ought to be cherished by every American. Otherwise each person is vulnerable to government abuse. These include the right to legal representation, the right to know the charges one is facing, the right to bail, and the right to a speedy and fair trial. Unrestrained by these rights, the government could jail any one of us on the flimsiest of excuses—or with no excuses.

It was a shocking event when the Bush administration claimed it had the power to deny Hamdi all of those rights. The claim was not made on the basis of any evidence or charge. Bush was asserting he had the right to declare anyone he saw fit to be an enemy combatant and to lock him or her up with no trial, no charges, no legal representation.

Hamdi was just one man; there is one other, Jose Padilla, who is being held on similar charges. But the power arrayed against him was the power of a police state—until the Supreme Court stepped in.

In June, the court ruled, 8-1, that Bush did not have the power to discard the Constitution and that Hamdi had the right to contest his detention. It was a victory celebrated by civil libertarians of the left and the right. Then on Wednesday the government announced it would release Hamdi to Saudi Arabia, where he would rejoin his family, and he would renounce his U.S. citizenship.

So for nearly three years the U.S. government, on the say of President Bush, held a U.S. citizen in solitary confinement on no charges. The Supreme Court has shown that, in our constitutional system, the judiciary remains an essential line to protect us against governmental abuse. Authoritarian regimes frequently cite dangers to civil order as an excuse to round up and jail people who are out of favor. In Bush's hands the war on terrorism had become a war on the Constitution. It appears that, fortunately, this time the Constitution has won.

[From the Nation]

TAKING LIBERTIES

(By David Cole)

On September 2, a federal judge in Detroit threw out the only jury conviction the Justice Department has obtained on a terrorism charge since 9/11. In October 2001, shortly after the men were initially arrested, Attorney General John Ashcroft heralded the case in a national press conference as evidence of the success of his anti-terror campaign. The indictment alleged that the defendants were associated with Al Qaeda and planning terrorist attacks. But Ashcroft held no news conference in September when the case was dismissed, nor did he offer any apologies to the defendants who had spent nearly three years in jail. That wouldn't be good for his boss's campaign, which rests on the ''war on terrorism.'' Here, as in Iraq, Bush's war is not going a well as he pretends.

The Detroit case was extremely weak from the outset. The government could never specify exactly what terrorist activity was allegedly being planned and never offered any evidence linking the defendants to Al Qaeda. Its case consisted almost entirely of a pair of sketches and a videotape, described by an FBI agent as ''casing materials'' for a terrorist plot, and the testimony of a witness of highly dubious reliability seeking a generous plea deal. It now turns out that the prosecution failed to disclose to the defense evidence that other government experts did not consider the sketches and videotape to be terrorist casing materials at all and that the government's key witness had admitted to lying.

Until that reversal, the Detroit case had marked the only terrorist conviction obtained from the Justice Department's detention of more than 5,000 foreign national in antiterrorism sweeps since 9/11. So Ashcroft's record is 0 for 5,000. When the Attorney General was locking these men up in the immediate wake of the attacks, he held almost daily press conferences to announce how many ''suspected terrorists'' had been

detained. No press conference has been forthcoming to announce that exactly none of them have turned out be actual terrorists.

Meanwhile, despite widespread recognition that Abu Ghraib has done untold damage worldwide to the legitimacy of the fight against terrorism, the military has still not charged any higher-ups in the Pentagon, and the Administration has shown no inclination to appoint an independent commission to investigate. It prefers to leave the investigation to the Justice Department and the Pentagon, the two entities that drafted secret legal memos defending torture.

And in late July, resurrecting the ideological exclusion practices so familiar form the cold war, the Department of Homeland Security revoked a work visa for a prominent Swiss Islamic scholar who had been hired by Notre Dame for an endowed chair in its International Peace Studies Institute, DHS invoked a Patriot Act provision that, like the McCarran-Walter Act of the cold war, authorizes exclusion based purely on speech. If a person uses his position of prominence to ''endorse'' terrorism or terrorist organization, the Patriot Act says, he may not enter the United States. The McCarran-Walter Act, on the books until its repeal in 1990, was used to exclude such ''subversives'' as Czeslaw Milosz and Graham Greene. This time the man whose views are too dangerous for Americans to hear firsthand is Tariq Ramadan, a highly respected intellectual and author of more than twenty books who was named by Time magazine as one of the hundred most likely innovators of the twenty-first century.

Notre Dame is not known as a hotbed of Islamic extremism—and Ramadan is no extremist. He argues for a modernized version of Islam that promotes tolerance and women's rights. Two days after 9/11 he called on fellow Muslims to condemn the attacks. In short, Ramadan is precisely the kind of moderate voice in Islam that the United States should be courting if it hopes to isolate Al Qaeda. The barring of Ramadan reinforces the sense that the Administration cannot or will not distinguish between moderates and extremists and is simply anti-Muslim.

What is most troubling is that none of these developments—the revelation of prosecutorial abuse in the interest of obtaining a ''win'' in the war on terrorism; the continuing failure to hold accountable those most responsible for the torture at Abu Ghraib; and the exclusion of a moderate Muslin as too dangerous for Americans to hear—is an isolated mistake. Rather, they are symptoms of a deeper problem. The President thinks he can win this war by ''acting tough'' and treating the rule of law and constitutional freedoms as optional. With enough fearmongering, that attitude may win him the election. But it will lose the war. Bush is playing right into Al Qaeda's hands by further alienating those we most need on our side.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2844. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

S. 2845. A bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH:

S. Res. 435. A resolution congratulating the Croation Fraternal Union of America on its 110th anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 2671

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Nye County Higher Education Campus Conveyance Act. This bill would transfer 280 acres of federal land in Nye County, NV, to the University and Community College System of Nevada for a much-needed college campus.

As you may know, southern Nevada is one of the most rapidly growing regions of the country. For some time now, growth has been progressing out of Las Vegas, over the mountains, and into nearby surrounding areas. The Pahrump Valley in Nye County is one such area that is growing. However, Nye County does not have a single institution of higher learning to serve its now more than 33,000 residents.

This bill would set the stage to change that. The land conveyed by this bill would become the home of a college campus with facilities shared among the Community College of Southern Nevada, Nevada State College, and the Nye County School District.

In other States, educational systems can acquire land to accommodate growth relatively easily. In Nevada, where the Federal government owns 87 percent of the land, even a new college campus requires an Act of Congress.

The college campus that this bill would enable will become an exceptional asset not only to the citizens of Nye County, but to all Nevadans and ultimately to the Nation as a whole.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2846

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nye County Higher Education Campus Conveyance Act''.

SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) CHANCELLOR.—The term ''Chancellor'' means the Chancellor of the University system.

(2) COUNTY.—The term ''County'' means the County of Nye, Nevada.

(3) COLLEGE.—The term ''College'' means the Nye County Nevada Higher Education Campus in Pahrump Valley, Nevada, a component of the University system.

(4) FEDERAL LAND.—The term ''Federal land'' means the parcel of Bureau of Land Management land identified on the map as the N½ (excluding the NW¼NW¼) of sec. 2 of T. 21 S., R. 54 E.

(5) MAP.—The term ''map'' means the map entitled ''Southern Nevada Public Land Management Act'' and dated October 1, 2002.

(6) STATE.—The term ''State'' means the State of Nevada.

(7) UNIVERSITY SYSTEM.—The term ''University system'' means the University and Community College System of Nevada.

SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) IN GENERAL.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 1(c) of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869(c)), not later than 1 year after the date on which a survey defining the official metes and bounds of the Federal land is approved by the Secretary, the Secretary shall convey to the University system without consideration, all right, title, and interest of the United States in and to the Federal land for use as a campus for the College.