

Medicare Advantage Program: Perspectives on the Proposed Rules.”

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 14, 2004 at 10 a.m. in Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; 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; Ruben Castillo, to be a Member of the United States Sentencing Commission; William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

II. Legislation

S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss;

S. 1700, 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;

H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith-TX, Berman-CA, Conyers-MI;

S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine;

S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley;

S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein;

S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2004 at 10 a.m. to hold a hearing on the nomination of Porter J. Gross to be Director of Central Intelligence.

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

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, September 14, 2004 from 10:00 a.m. to 12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Tuesday, September 14, 2004 to conduct a hearing on “Hospital Group Purchasing: How To Maintain Innovation and Cost Savings”, at 2:00 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List:

Dr. Robert Betz, President and CEO, Health Industry Group Purchasing Association, Arlington, VA.

Joe E. Kiani, President and CEP, Masimo Corporation, Irvine, CA.

David Balto, Robins, Kaplan, Miller & Ciresi, LLP, Washington, DC.

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

SUBCOMMITTEE ON OCEANS, FISHERIES, AND COAST GUARD

Mr. COCHRAN. Mr. President, I ask unanimous consent that Subcommittee on Oceans, Fisheries and Coast Guard be authorized to meet on Tuesday, September 14, 2004, at 8:30 a.m. on Magnuson/Stevens Act.

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

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

Mr. COCHRAN. 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, September 14, 2004 at 9:30 a.m. for a hearing entitled, “The 9/11 Commission Human Capital Recommendations: A Critical Element of Reform.”

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Land and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 14 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 2532, to establish

wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

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

PRIVILEGE OF THE FLOOR

Mr. SCHUMER. Mr. President, I ask unanimous consent my new Judiciary staffer, Joshua Levy, be given floor privileges during the duration of this session of Congress.

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

UNANIMOUS CONSENT AGREEMENT—S. 2674

Mr. FRIST. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, September 15, the Senate proceed to the consideration of Calender No. 674, S. 2674, the military construction appropriations bill; that the two managers' amendments at the desk be agreed to and no other amendments be in order. I further ask unanimous consent that there be 1 hour of debate equally divided and at the conclusion or yielding back of the time the bill, as amended, be read the third time and returned to the Senate Calendar.

I further ask unanimous consent that the Senate then proceed to Calender No. 690, H.R. 4837, the House-passed military construction bill; that all after the enacting clause be stricken and the text of S. 2674, as amended, be inserted in lieu thereof; that the bill be read the third time and the Senate proceed to a vote on H.R. 4837 at a time to be determined by the majority leader in consultation with the Democratic leader, all without intervening action or debate.

I further ask unanimous consent that upon passage of the bill, the Senate insist on its amendment, as amended, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

ORDER TO REQUEST RETURN OF PAPERS—S. 2261

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate request the House to return the papers with respect to S. 2261.

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

HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 425 submitted earlier today by Senators DASCHLE, REID, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 425) honoring former President William Jefferson Clinton on the occasion of his 58th birthday.

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

THE BIRTHDAY OF FORMER PRESIDENT CLINTON

Mr. HATCH. Mr. President, like many Americans, I was concerned to learn that former President Bill Clinton was suffering serious heart disease and had to be hospitalized for heart bypass surgery. Like many Americans, I was relieved to learn that his surgery had gone well, and that the former President is recuperating in his home in New York. The former President is known for his energy, and I hope that he will have a speedy recovery and will return to full health soon. I offer my best regards to him and his family, including our distinguished colleague, Senator CLINTON.

Inspired, no doubt, by this concern, our Democratic colleagues have joined in sponsoring a resolution to honor the former President on his 58th birthday. I wish to join them in wishing former President Clinton greetings on his 58th birthday, and I wish him many more.

Unfortunately, there is language in this resolution that is incorrect, at least because it is historically inaccurate, and at most because it seriously distorts the historical record and defames the memory of 200,000 victims of genocide in southeastern Europe.

There is a bizarre clause in this otherwise laudable attempt to give the President a legislative birthday card that states:

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords. . . .

I know that, in the hurried pace of work around here, particularly in this type of political season, a certain sloppiness can find its way into legislative language. But this statement, as I have said, is incorrect and offensive.

It is incorrect because, as anyone who knows the history will confirm—and I was here in the Senate throughout the bloody wars of southeast Europe in the 1990s—the removal of Slobodan Milosevic from power occurred in 2000, almost 5 years after the Dayton Peace Accords were signed in the autumn of 1995. That's why the statement is inaccurate.

The statement is offensive because almost 200,000 innocent civilians died as victims of ethnic cleansing from the outbreak of the wars of southeast Eu-

rope in 1992 until the United States finally acted in the late summer of 1995. The majority of those deaths, I must remind my colleagues, occurred during the first three years of the Clinton Presidency.

From the outbreak of the wars of Yugoslavia in 1992, I came to this floor advocating a policy of "lift and strike": lift the international arms embargo imposed on Yugoslavia and strike, with air power, the Yugoslavian army under the control of the mass murderers Slobodan Milosevic, Radovan Karadzic and Ratko Mladic. I was joined on the Senate floor by my colleagues JOE BIDEN, JOE LIEBERMAN and Bob Dole and many other Members of this body. The first Bush administration ignored us and left office shortly after the wars began. President Clinton, who ran on a campaign platform supporting "lift and strike," reversed his position upon entering office and assumed a policy consistent, it appears, with current Democratic foreign policy thinking, that deferred to the international community.

We can recall the effectiveness of the United Nations in Bosnia, when we think of blue-helmeted U.N. forces remaining by the sidelines as Serb forces captured Srebrenica in the summer of 1995, and herded thousands of unarmed men and boys—boys—to their slaughter in mass graves.

That summer, a summer that began with Serb militaries surrounding the eastern enclaves of Bosnia and the Clinton administration refusing to lift the arms embargo preventing the Bosnians from defending themselves, while Bosnian Prime Minister Siladze came to Washington and begged not to leave his people to die unarmed, the Dole-Lieberman-Hatch resolution lifting the arms embargo passed by 69 votes. This veto-proof measure, along with the photos of the horrors of Srebrenica on the front page of *The Washington Post*—one horrid photo showed a woman hanging herself in despair—caused the Clinton administration to relent.

When Bill Clinton acted, in late 1995, he saw that, when the United States leads, the international community will follow. When he acted again, in 1999, to stop Milosevic's campaign in Kosovo—a campaign we knew would happen when Milosevic was not removed from power in 1995—the international community followed. In both cases, I supported the President, as did a number of Republican Members in this body. He acted too late for hundreds of thousands, but he finally acted. It will be left to the historians, along with the members of that administration, to ponder and justify and explain why there was value in waiting while genocide raged across southeastern Europe.

A birthday gesture to a former President is not the place for this debate, and I certainly would not speak here were it not for this ill-conceived language that appears in this resolution.

But legislation of any kind becomes a permanent record of the work of the United States Congress. This language, when stating historical fact, contributes to the interpretation of history. I am a proud member of the council of the Holocaust Museum and I am proud to support the mission of that revered institution, which could simply be stated that the truth of genocide should always be stated. To allow the clause I have just read from this otherwise harmless birthday resolution to become a statement of historical fact is a whitewash of history, something a democratic body should never do.

But worse, it is a calumny, a grave dishonor, on the memories of 200,000 civilians of southeastern Europe, people who died in a genocidal war in Europe less than 50 years after the Holocaust, civilian men and women and children who died while the international community failed, the U.N. failed and two administrations, including President Clinton's administration, for almost 3 years, waited for a power to act like only the United States can.

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

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

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 425

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth, and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton 'showed