the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3331

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3331 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3333

At the request of Mr. BYRD, his name was added as a cosponsor of amendment No. 3333 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3355

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 3355 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3377

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3377 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3399

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3399 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3409

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3409 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3457

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3457 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—Friday, June 18, 2004

By Mrs. FEINSTEIN:

S. 2549. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria Del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Plascencias have worked for years to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel. Repeatedly, the Plascencias' lawyer refused to return their calls or otherwise communicate with them in anyway. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country 15 days prior to their deportation. Although the family was stunned and devastated by this discovery, they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

The Plascencias' current date of removal from the United States is set for June 23rd.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the past 13 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packaging operation and several employees. The president of the market, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as ''a valuable and respected employee'' who ''handles himself in a very professional manner'' and serves as ''a role model'' to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as ''gifted,'' ''trusted,'' ''honest,'' and ''reliable.''

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree and improved her skills to become a medical assistant. Until her work permit expired last week, Mrs. Plascencia was working in Kaiser Permanente's Oncology Department, where she attended to cancer patients. Those who have written to me in support of Mrs. Plascencia, of which there are several, have described her work as ''responsible,'' ''efficient,'' and ''compassionate.'' In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is ''an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.'' Mrs. Carino went on to write that Mrs. Plascencia is ''an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with.''

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This legislation is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future. It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and

each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 13, is the Plascencias' oldest child, and an honor student with a 3.0 grade-point average at Parkside Intermediate School in San Bruno.

Erika, 9, and Alfredo, Jr., 7, are enrolled at Belle Air Elementary, where they have worked hard at their studies and received praise and good grades from their teachers. In fact, last year, the principal of Erika's school recognized her as the ''Most Artistic'' student in her class. Recently, Erika's teacher, Mrs. Nascon, remarked on a report card, ''Erika is a bright spot in my classroom.''

The Plascencias' youngest child is 2 year-old Daisy.

Removing Mr. and Mrs. Plascencia from the United States would be tragic for their children. Children who were born in the United States and who through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic for the Plascencias' older children—Christina, Erika, and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends and their home. They would leave everything that is familiar to them. Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit. I have sponsored this legislation, and asked my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit.

I ask unanimous consent that six of more than 50 letters of support my office has received from members of the San Bruno community be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

H&N FOOD INT'L, INC.,
San Francisco, CA, September 30, 2002.

Re Alfredo Plascencia Lopez and/or Maria Plascencia

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

I have known Alfredo Plascencia Lopez for at least nine years. My company sells product to Vince's Shellfish Company where Alfredo is employed. I deal directly with Alfredo regarding the quality of seafood that Vince's Shellfish receives from me.

Working with Alfredo on a daily basis, I have come to know Alfredo as an honest, reliable, and hard working family man. Even though we do a tremendous amount of business, I really consider him a good friend and caring person.

If Alfredo were to be deported, it would be a great loss not only to the fish business, but also importantly to his young and growing family. How hard it would be for them to continue on, or where would they turn?

Sincerely,

BOBBY NGO,
Tuna Purchaser/Salesman.

ST. BRUNO'S CHURCH,
San Bruno, CA, August 30, 2002.

TO WHOM IT MAY CONCERN: the purpose of this letter is to present my observations on Alfredo Plascencia Lopez and Maria Plascencia's character and work ethic. I first came to know them in our church when they came to worship on a Sunday. This happened around January in 1998.

And so for the last 4 years both Alfredo and Maria have been two of our outstanding parishioners at St. Bruno's Church. They come to Sunday Mass and worship, and have been involved in many ministries and services here in our church at St. Bruno's. Alfredo has been especially a minister of hospitality, always welcoming people to church and to participation in the life of the community, helping to provide a spirit of acceptance and concern among our people and providing bread and refreshments for some gatherings. Maria has been especially involved as a teacher, faithfully giving to our children the fundamentals of our Faith, of the Gospel and of a Christian moral life. They have four children all of whom have been baptized at St. Bruno's Church and come to our School of Religion and our church.

Alfredo and Maria have been most generous with their time, their talents and their money, sharing all these with the members of our Church Community. They have also frequently donated food to the church and to the Pastor. I have found them to be really good Christian people, most generous, considerate, kind, honest and reliable. If they would have to leave the United States, it will be most difficult for them and for their children who have been growing in a Christian environment and are doing so well; it would be a tremendous loss. We too here in our church would find it difficult without them. For they are a great asset to this country and to our church and to many people.

We appreciate whatever you can do for them to help them get their legal papers of residence in the United States.

Thank you very much.

Sincerely yours,

REV. RENÉ GÓMEZ,
Pastor of St. Bruno's Church.

KAISER PERMANENTE,

Re Maria Del Refugio Plascencia.

IMMIGRATION AND NATURALIZATION SERVICE,
South San Francisco, CA.

San Francisco, CA, August 29, 2002.

TO WHOM IT MAY CONCERN: I am writing to attest to the character and work ethic of Maria Del Refugio Plascencia. I am the Director of Medicine at Kaiser Permanente, South San Francisco. I have known Maria since she was hired as a medical assistant into my department in July 2000.

Maria is an excellent employee and role model for her colleagues. She is extremely dependable; in the two years she has worked for me she has called in sick only once. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with. Maria is flexible, thorough and proactive. She pays attention to detail and identifies potential problems before they occur. In addition, her bilingual skills enhance the patient care experience for our members who speak Spanish.

In her short tenure here, Maria found time to volunteer with our community outreach programs. She served as a volunteer interpreter for our recent Neighbors in Health event, wherein free health care was provided to uninsured children in our local community.

I can't say enough about Maria and the type of person she is. I feel fortunate to have her in my department. She is an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal employee, involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.

It would be an incredible miscarriage of justice if Maria and Alfredo are deported. They came to this country to pursue a better life and afford their children opportunities that they wouldn't have in Mexico. They have begun to do just that by establishing roots in the community and purchasing a home. They have never taken advantage of the ''system'' by enrolling on welfare or Medi-Cal, preferring to pay their own way. Deporting Maria and Alfredo would rip their family apart and result in either depriving their children of a loving family or depriving them of their rights as American citizens if they leave the country of their birth with their parents.

I pray that you will allow them the opportunity to live in this country.

Sincerely,

ROSE CARINO, RN,
Director, Department of Medicine.

THE PERMANENTE MEDICAL GROUP, INC.
SOUTH SAN FRANCISCO, SEPTEMBER 4, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

TO WHOM IT MAY CONCERN:

The purpose of this letter is to present my observations of the character and work ethic of Maria Del-Refugio Plascencia and Alfredo Plascencia Lopez.

I have worked with Ms. Plascencia for two years: I, as an Oncology Nurse Practitioner, Maria as a Medical Assistant. Ms. Plascencia works closely with the oncology patients as an educator, resource person, translator and compassionate member of our oncology team at South San Francisco Kaiser. Ms. Plascencia does an excellent job with the oncology patients. She also is responsible, efficient and a pleasure to work with on a daily basis. Ms. Plascencia is a vital member of the oncology staff. On one occasion I mentioned my concern regarding a 90-year-old cancer patient with limited vision, without family or friends. Ms. Plascencia immediately wanted to know if she and her church group could stop by and read to this woman.

I have met Mr. Plascencia on several occasions. I find him to be a pleasant, responsible, and a devoted family man who works hard to provide for his family.

In conclusion, Maria Del Refugio Plascencia and Alfredo Plascencia Lopez are two people any citizen of the United States would be happy and proud to have as neighbors, employees and friends. If I can be of any further assistance in this matter, please feel free to contact me at 650–742–2929.

Sincerely,

ELISABETH O'MARA SUTTER,
RN/NP M.S.

DOUG GUTTERMAN,
Richmond, CA, September 30, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

Re Alfredo Plascencia Lopez and.or Maria Plascencia

TO WHOM IT MAY CONCERN:

I've worked at my present job at Vince's Shellfish for some twelve years. Thru the years I have come to know Alfredo as a gifted, trusted co-worker, and a loyal friend. He truly has been with me thru thick and thin.

Alfredo's presence at work and at home with his family will surely be missed. Please understand a man of his character deserves to stay with us.

Thank you for your attention.

DOUG GUTTERMAN,
Co-Worker & Friend.

VINCE'S SHELLFISH CO., INC.,
San Bruno, CA, September 30, 2002.

IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, CA.

Re Alfredo Plascencia Lopez and/or Maria Plascencia

Alfredo Plascencia Lopez has been employed here at Vince's Shellfish for the past 11 years. Alfredo started as a part-time employee 01/91 and I was so impressed with his work ethic and loyalty that I was quick to hire him full-time within a year and a half. Alfredo started full-time employment at Vince's Shellfish 07/92. Throughout the past 11 years I have observed Alfredo as a responsible, dependable individual. I can count on him in any type of situation that arises in my day-to-day business. Alfredo always handles himself in a very professional manner.

Alfredo Plascencia Lopez is in charge of my entire packing operation, which consists of managing ten employees. This is an enormous part of my business and Alfredo is accountable and running this operation with no problem. The employees under him have the utmost respect for Alfredo. He is a role model to many. He has learned the fish business throughout his past 15 years with great enthusiasm.

I know how important Alfredo's family is to him. I have seen through the past years how he has worked hard and has always placed his family first. His wife and children are always first and important in his life. He has provided a wonderful life for his family; if Alfredo were to be deported a beautiful happy family would suffer and be broken up.

At this time I would like to close by saying Alfredo is a valuable individual to his immediate family and second, a valuable and respected employee here at Vince's Shellfish.

Sincerely,

CHRISTOPHER N. SVEDISE,
President.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2555. A bill to authorize the use of judicially enforceable subpoenas in terrorism investigations; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce a bill that would authorize the Justice Department to issue judicially enforceable subpoenas in terrorism investigations.

Here is how the JETS Act would work: it would allow the FBI to subpoena documents and records ''in any investigation of a Federal crime of terrorism.'' The bill would require the FBI to go to Federal court to enforce the subpoena in the event that the recipient declines to comply with it. It would also allow the recipient to make the first move and go to court to challenge the subpoena. The JETS Act also would allow the Justice Department to temporarily bar the recipient of a JET subpoena from disclosing to anyone other than his lawyer that he has received it. The FBI could bar such disclosure, however, only if the Attorney General certifies that ''otherwise there may result a danger to the national security of the United States.'' Also, the recipient of the subpoena would have the right to go to court to challenge the nondisclosure order. And finally, the JETS Act would protect the recipient from any civil liability that might otherwise result from his good-faith compliance with a JET subpoena.

At the outset, it bears mention that the FBI already has ways of obtaining a subpoena when it needs one for a terrorism investigation: it simply finds an Assistant U.S. Attorney and asks him to issue a grand-jury subpoena to investigate a potential crime of terrorism. The advantages of the JETS Act—of giving the FBI direct authority to issue subpoenas—are not so much substantive as procedural. These advantages principally are two: 1. A grand-jury subpoena's ''return date''—the date by which the recipient of the subpoena is asked to comply—can only be a day on which a grand jury is convened. Therefore, a grand-jury subpoena issued on a Friday evening cannot have a return date that is earlier than the next Monday. The JETS Act would allow the FBI to set an earlier return date, so long as that date allows ''a reasonable period of time within which the records or items [to be produced] can be assembled and made available.'' 2. Only an AUSA can issue a grand-jury subpoena. Therefore, whenever the FBI wants to use a grand-jury subpoena in a terrorism case, it must find an AUSA. This can be difficult and time consuming in remote locations. The JETS Act would allow the FBI to forego this exercise.

The Justice Department recently made its case as to why it should be given JETS authority in its answers to Senator BIDEN's written questions to Christopher Wray, the Assistant Attorney General for the Criminal Division, following Mr. Wray's testimony before the Judiciary Committee on October 21, 2003. Senator BIDEN asked Mr. Wray to cite ''instances where your terrorism investigations have been thwarted due to an inability to secure a subpoena from a grand jury in a timely fashion.'' While Mr. Wray declined to provide the details of those instances when the lack of direct authority has posed a problem, he did offer the ''following hypothetical situations, which could well arise, [and which] illustrate the need for this investigative tool:''

''In the first scenario, anti-terrorism investigators learn that members of an Al Qaeda cell recently stayed at a particular hotel. They want to know how the cell members paid for their rooms, in order to discover what credit cards they may have used. When investigators ask the hotel manager to produce the payment records voluntarily, the manager declines to do so, explaining that company policy prohibits him from revealing such information about customers without legal process. If investigators had the authority to issue an administrative subpoena, the hotel manager could disclose the records about the Al Qaeda cell immediately without fear of legal liability. In this situation, where the speed and success of the investigation may be matters of life and death, this disclosure would immediately provide investigators with crucial information—such as the location of the terrorists and the nature of their purchases—with which to disrupt and prevent terrorist activity.

''In the second hypothetical situation, anti-terrorism investigators learn on a Saturday morning that members of an Al Qaeda cell have bought bomb-making materials from a chemical company. They want to obtain records relating to the purchase that may reveal what chemicals the terrorists bought, as well as delivery records that might reveal the terrorists' location. The investigators might seek quickly to contact an Assistant United States Attorney, who might immediately obtain a grand-jury subpoena for the records. However, the third party who holds the records could lawfully refuse to furnish them until the subpoena's 'return date,' which must be on a day the grand jury is sitting. Because the grand jury is not scheduled to meet again until Monday morning, investigators may not be able to obtain the information for two days—during which time the Al Qaeda cell may execute its plot. If investigators had the authority to issue an administrative subpoena, which can set a very short or immediate response deadline for information, they may be able to obtain the records immediately and neutralize the cell.''

Mr. Wray concluded his answer by noting that ''[g]ranting FBI the use of [JETS authority] would speed those terrorism investigations in which subpoena recipients are not inclined to contest the subpoena in court and are willing to comply. Avoiding delays in these situations would allow agents to track and disrupt terrorist activity more effectively.''

To place the JETS Act in context, it bears noting that granting the FBI direct authority to issue subpoenas in terrorism cases would hardly be anomalous. As the Justice Department's Office of Legal Policy recently noted in a published report, ''Congress has granted some form of administrative subpoena authority to most federal agencies, with many agencies holding several such authorities.'' (Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, Pursuant to Public Law 106–544, Section 7.) The Justice Department ''identified approximately 335 existing administrative subpoena authorities held by various executive-branch entities under current law.'' Ibid.

Among the more frequently employed of existing executive-subpoena authorities is 18 U.S.C. § 3486's permission for the Attorney General to issue subpoenas ''[i]n any investigation of a Federal health care offense.'' According to the Public Law 106–544 Report, in the year 2001 the federal government used § 3486 to issue a total of 2,102 subpoenas in health-care-fraud investigations. These subpoenas uncovered evidence of ''fraudulent claims and false