

(2) in paragraph (4), by adding at the end the following new sentence: "If the Commission makes an affirmative determination that exchange-rate misalignment is occurring, the President shall consider such exchange-rate misalignment as a factor weighing in favor of finding that an extension of the period of relief is necessary to prevent or remedy the market disruption at issue."

(f) **EFFECTIVE DATE.**—The amendments made by this section apply with respect to an investigation initiated under chapter 2 of title IV of the Trade Act of 1974 before, on, or after the date of the enactment of this Act.

SEC. 204. PROHIBITION ON PROCUREMENT BY THE DEPARTMENT OF DEFENSE OF CERTAIN DEFENSE ARTICLES IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA.

(a) **COPY OF PETITION, REQUEST, OR RESOLUTION TO BE TRANSMITTED TO THE SECRETARY OF DEFENSE.**—Section 421(b)(4) of the Trade Act of 1974 (19 U.S.C. 2451(b)(4)) is amended by inserting "the Secretary of Defense" after "the Trade Representative".

(b) **DETERMINATION OF SECRETARY OF DEFENSE.**—Section 421(b) of the Trade Act of 1974 (19 U.S.C. 2451(b)) is amended by adding at the end the following new paragraph:

"(6) Not later than 15 days after the date on which an investigation is initiated under this subsection, the Secretary of Defense shall submit to the Commission a report in writing which contains the determination of the Secretary as to whether or not the articles of the People's Republic of China that are the subject of the investigation are like or directly competitive with articles produced by a domestic industry that are critical to the defense industrial base of the United States."

(c) **PROHIBITION ON PROCUREMENT BY THE DEPARTMENT OF DEFENSE OF CERTAIN DEFENSE ARTICLES.**—

(1) **PROHIBITION.**—If the United States International Trade Commission makes an affirmative determination under section 421(b) of the Trade Act of 1974 (19 U.S.C. 2451(b)), or a determination which the President or the United States Trade Representative may consider as affirmative under section 421(e) of such Act (19 U.S.C. 2451(e)), with respect to articles of the People's Republic of China that the Secretary of Defense has determined are like or directly competitive with articles produced by a domestic industry that are critical to the defense industrial base of the United States, the Secretary of Defense may not procure, directly or indirectly, such articles of the People's Republic of China.

(2) **WAIVER.**—The President may waive the application of the prohibition contained in paragraph (1) on a case-by-case basis if the President determines and certifies to Congress that it is in the national security interests of the United States to do so.

SEC. 205. APPLICATION TO GOODS FROM CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3438), the amendments made by sections 105 and 202 of this Act shall apply to goods from Canada and Mexico.

SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 589—COM-
MENDING NEW YORK STATE
SENATOR JOHN J. MARCHI ON
HIS 50 YEARS IN THE NEW YORK
STATE SENATE AND ON BECOM-
ING THE LONGEST SERVING
STATE LEGISLATOR IN THE
UNITED STATES**

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 589

Whereas New York State Senator John J. Marchi has been recognized by the National Conference of State Legislatures as the longest serving state legislator in the United States;

Whereas State Senator Marchi was born on May 20, 1921, in Staten Island and attended local primary and secondary schools in New York, then Manhattan College, from which he graduated with first honors in 1942, St. John's University School of Law, from which he received a law degree, and Brooklyn Law School, from which he received an advanced degree in law;

Whereas, during World War II, State Senator Marchi served in the United States Coast Guard and saw combat in the Atlantic and Pacific theaters and in the China Sea, and subsequently served in the United States Naval Reserve until 1982;

Whereas, in 1956, State Senator Marchi was elected to the New York State Senate and has served the citizens of Senate District 24 for 50 years, making him the longest serving state legislator in the United States;

Whereas State Senator Marchi served as a delegate to the New York Constitutional Convention in 1967;

Whereas State Senator Marchi is a recognized leader of the New York State Senate and was named Assistant Majority Leader on Conference Operations in January 2005, Assistant Majority Whip in 2003, Chairman of the Senate Committee on Corporations, Authorities and Commissions in 1995, and Vice President Pro Tempore in 1989;

Whereas, prior to holding these offices, State Senator Marchi served as Chairman of the Finance Committee for 15 years;

Whereas State Senator Marchi is a tireless leader and advocate for New York City, has served on the City of New York Committee in the New York State Senate, and was named Chairman of the Temporary State Commission on New York City School Governance in 1989, a panel of civic, governmental, business, and educational leaders that conducted a 2-year examination of the control of the city schools and, in 1991, gave the State legislature a package of proposals intended to improve the administration of, and public participation in, the New York City school system;

Whereas State Senator Marchi is widely recognized as one of the city and State leaders who helped write the laws that saved New York City from financial collapse in the mid-1970s;

Whereas State Senator Marchi sponsored the bill, now law, that modernized New York State's financial reporting and bookkeeping practices so that the legislature and the public could see more clearly the State government's actual fiscal condition;

Whereas, in 1997, State Senator Marchi successfully advanced—and saw passed and signed into law—a bill to require the closing by January 1, 2002 of the Fresh Kills Landfill, Staten Island's worst environmental problem for more than half a century, which the leg-

islature had not previously scheduled for closure;

Whereas State Senator Marchi has also been a leader in the development of legislation to strengthen public education from kindergarten through graduate school;

Whereas State Senator Marchi has been a member of the Executive Committee and Board of Governors of the Council of State Governments since 1965, is a former Chairman of the Committee, and was designated the first permanent member of the Committee in 1982;

Whereas, in 1969 and 1973, State Senator Marchi was the candidate of the Republican Party for the Office of Mayor of the City of New York;

Whereas, in October 1972, State Senator Marchi was appointed by President Nixon to serve as the only legislator on the National Advisory Committee on Drug Abuse Prevention;

Whereas, following the September 11, 2001 attacks, the New York State Majority Leader appointed State Senator Marchi to head the New York State Task Force on World Trade Center Recovery, which was to help oversee the reconstruction of Ground Zero;

Whereas, on June 2, 1968, State Senator Marchi received from the President and Prime Minister of Italy the highest award that country bestows on a nonresident, the award of Commander of the Order of Merit of the Republic of Italy, and in 1992, the Senator received another of Italy's most prestigious honors, the Filippo Mazzei Award, in recognition of his public service and for helping to strengthen relations between the United States and Italy;

Whereas State Senator Marchi is the recipient of the Mills G. Skinner Award of the National Urban League, an organization devoted to empowering African Americans to enter the economic and social mainstream;

Whereas, in 1976, the New York State Veterans of Foreign Wars conferred upon the Senator the Silver Commendation Medal for "legislative service to veterans and all New Yorkers"; and

Whereas, in 1971, State Senator Marchi was awarded the degree of Doctor of Laws, honoris causa, from St. John's University and, in 1973, received the same degree from Manhattan College, and in 1974, was awarded the degree of Doctor of Laws from Wagner College; Now, therefore, be it

Resolved, That the Senate commends New York State Senator John J. Marchi for his 50-year tenure in the New York State Senate, on becoming the longest serving state legislator in the United States, and on his lifelong commitment to the citizens of Staten Island and New York.

**SENATE RESOLUTION 590—DESIG-
NATING THE SECOND SUNDAY IN
DECEMBER 2006, AS "NATIONAL
CHILDREN'S MEMORIAL DAY" IN
CONJUNCTION WITH THE COM-
PASSIONATE FRIENDS WORLD-
WIDE CANDLE LIGHTING**

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 590

Whereas approximately 200,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas stillbirth, miscarriage, and the death of an infant, child, teenager, or young adult are considered some of the greatest tragedies that a parent or family could ever endure;