

PN 2038 Navy nomination of Mary B Gerasch, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2039 Navy nomination of Baron D Jolie, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2040 Navy nomination of Todd A Masters, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN2041 Navy nomination of Perry W Suter, which was received by the Senate and appeared in the Congressional Record of July 25, 2002.

PN 2042 Navy nominations (20) beginning WILLIAM L ABBOTT, and ending DONALD E WYATT, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2002.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 107-14

Mr. REID. Mr. President, still as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following protocol transmitted to the Senate on July 31, 2002, by the President of the United States:

Protocol to Amend Convention for Unification of Certain Rules Relating to International Carriage by Air (Treaty Document No. 107-14).

I further ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol). The report of the Department of State, including an article-by-article analysis, is enclosed

for the information of the Senate in connection with its consideration of The Hague Protocol.

The Warsaw Convention is the first in a series of treaties relating to international carriage by air. The Hague Protocol amended certain of the Warsaw Convention Articles, including several affecting the rights of carriers of international air cargo. A recent court decision held that since the United States had ratified the Warsaw Convention but had not ratified The Hague Protocol, and the Republic of Korea had ratified The Hague Protocol but had not ratified the Warsaw Convention, there were no relevant treaty relations between the United States and Korea. This decision has created uncertainty within the air transportation industry regarding the scope of treaty relations between the United States and the 78 countries that are parties only to the Warsaw Convention and The Hague Protocol. Thus, U.S. carriers may not be able to rely on the provisions in the Protocol with respect to claims arising from the transportation of air cargo between the United States and those 78 countries. In addition to quickly affording U.S. carriers the protections of those provisions, ratification of the Protocol would establish relations with Korea and the five additional countries (El Salvador, Grenada, Lithuania, Monaco, and Swaziland) that are parties only to The Hague Protocol and to no other treaty on this subject.

A new Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (the "Montreal Convention") is pending on the Senate's Executive calendar (Treaty Doc. 106-45). I urge the Senate to give its advice and consent to that Convention, which will ultimately establish modern, uniform liability rules applicable to international air transport of passengers, cargo, and mail among its parties. But the incremental pace of achieving widespread adoption of the Montreal Convention should not be allowed to delay the benefits that ratification of The Hague Protocol would afford U.S. carriers of cargo to and from the 84

countries with which it would promptly enter into force.

I recommend that the Senate give early and favorable consideration to The Hague Protocol and that the Senate give its advice an consent to ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 31, 2002.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### ORDER FOR STAR PRINT—REPORT NO. 107-224

Mr. REID. Mr. President, I ask unanimous consent that a star print of report No. 107-224 be made to reflect the changes that are at the desk.

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

#### DEPARTMENT OF HOMELAND SECURITY—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 529, H.R. 5005, and with that I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to H.R. 5005, a bill to establish the Department of Homeland Defense.

Tom Daschle, Harry Reid, Zell Miller, Joseph Lieberman, Tim Johnson, Debbie Stabenow, John Edwards, Jon Corzine, Susan Collins, Robert F. Bennett, Trent Lott, Pete Domenici, Rick Santorum, Fred Thompson, Peter Fitzgerald, Jim Bunning.

Mr. REID. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.