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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, fountain of light, Your Senators still face deep valleys and challenging mountains. Please don't remove their mountains, but give them the strength to climb them. May they discover that the power required for life's low and high places will come from You. Remind them to greet those two imposters—success and failure—with the same equanimity and faith. Help them to see that the race is not to the swift and the battle not to the strong, but true victory comes only from You. Take from them distracting worries, and give them more trust.

Lord, empower each of us today to keep our hearts pure, to keep our minds clean, to keep our words true, and to keep our deeds kind.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, following the leader time, we will begin a 1-hour period of morning business. After morning business, we will resume postcloture debate on the nomination of Priscilla Owen to be a U.S. circuit judge for the Fifth Circuit. Yesterday, the Senate invoked cloture by a vote of 81 to 18. Today at noon, we will vote up or down on the Owen nomination. Following that vote, it is my intention to proceed to the Bolton nomination. There has been a request for a large amount of time, so we would like to begin those statements right away. We will finish the Bolton nomination before the end of the week, and I thank my colleagues in advance for their participation in that important debate and the opportunity to complete that nomination confirmation this week.

JUDICIAL FILIBUSTERS

Mr. FRIST. Mr. President, the confirmation over judicial filibusters is, I believe, the greatest single constitutional issue to confront the Senate in our lifetime. That is because this issue involves the very special and unique relationship between the Senate and the Presidency and the special relationship between the Senate and the courts. It involves all three branches of government. In addition, it involves the interaction between the minority and majority parties within the Senate.

The Senate confronts so many significant issues every month, every year, but none of them touches the grand institutions of American democracy the way this one does. The President has the constitutional obligation to appoint judges, and the Senate has the constitutional responsibility to offer its advice and consent.

For 214 years, the Senate gave every nominee brought to the floor a fair up-or-down vote. Most we accepted; some we rejected. But all of those nominees got a vote.

In the last Congress, however, the minority leadership embarked on a new and dangerous course. They routinely filibustered 10 of President Bush's appellate court nominees and threatened filibusters on 6 more. Organized and fueled by the minority leadership, these filibusters could not be broken. By filibuster, the minority denied the nominees a confirmation vote and barred the full Senate from exercising its obligation to advise and consent.

The purpose of those filibusters was clear. It was not only to keep the President's nominees off the bench; it was to wrest control of the appointments process from the President. Anyone who did not pass the minority leadership's ideological litmus test would be filibustered. That meant a minority would dictate whom the President should appoint, if he expected that nominee to get a confirmation vote in this body. That was a power grab of unprecedented proportions.

With more filibusters threatened for this Congress, the power grab would become even bolder. It would become even more entrenched. Fundamental

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

constitutional principles were called into question. They included the separation of powers, checks and balances, the independence of the judiciary, and the negation of the Senate's right to advise and consent. The minority claimed the right to impose a 60-vote threshold before a nominee could pass muster, for that is the number needed to invoke cloture and to break a filibuster. The Constitution doesn't say that. It only requires a majority to confirm. But for a minority spinning novel constitutional theories, the real Constitution took a back seat.

The Republican majority tried first to invoke cloture on each of the judicial nominees, but driven by the minority leadership, the filibusters proved resilient to cloture. Then we introduced a filibuster reform proposal and, with regular order, took it through the Rules Committee, but it died without action because it was sure to be filibustered as well.

So then we turned to the voters in November. The election strengthened our majority. But the minority ignored the election and even dug their heels in further. Faced with the certainty that the minority would expand its filibusters, we faced a critical choice: either accept the filibuster power grab as the new standard for the Senate or restore the tradition of fair up-or-down votes on nominees.

We, as Republican leadership, decided to stand for a principle. That principle is simple and clear. It is clear without equivocation, without trimming. Every judicial nominee brought to the floor shall get a fair up-or-down vote—a simple principle.

The Constitution specifically gives the Senate the power to govern itself. We were fully committed to use that power to establish a process by which a confirmation vote would occur after reasonable debate. This approach has a lot of precedent. We were prepared to use this approach. The minority attempted to demean it by calling it the nuclear option, surrounding it with threats of closure of government and stopping this body from working. But realistically, the nuclear option is what they did. It is what they did when they detonated this filibuster power grab in the last Congress.

The proper term for our response is the ''constitutional option'' because we would rely on the Constitution's power of self-governance to restore Senate traditions barring judicial filibusters. Against their unprecedented power grab by filibuster—that is what I would call the nuclear option—there is only one antidote that is certain, that would absolutely be effective, and that is the constitutional option.

The moment of truth was to have come yesterday on May 24, but, as we all know, that action was preempted by an agreement among seven Democrats and seven Republicans to forestall use of the constitutional option in exchange for confirmation votes on just three nominees and a promise that filibusters would occur only under what are called in the agreement ''extraordinary circumstances.'' I was not a party to that agreement, nor was our Republican leadership. It stops far short of guaranteeing up-or-down votes on all nominees. It stops far short of the principle on which this leadership stands. It leaves open the question of whether someone such as Miguel Estrada, who came to this country as a 17-year-old immigrant from Honduras, worked his way to the top of college and law school, and tried 15 cases at the Supreme Court, who was filibustered again and again and again, filibustered 7 times, would be an extraordinary circumstance.

Now we move on to a new and an uncertain phase. Today, the Senate will happily confirm Priscilla Owen to the Fifth Circuit Court of Appeals. Some of the other nominees will follow her. Priscilla Owen is a gentlewoman, an accomplished lawyer, and a brilliant Texas jurist. She was unconscionably denied an up-or-down vote for not just a few months or a year or 2 years but for 4 years. It was over 4 years ago that she was nominated to this position. The minority has distorted her record. They have cast aspersions on her abilities. They have rendered her almost unrecognizable. She had the fortitude to see the process through. Very late, too late, but finally, she will receive an up-or-down vote and will be confirmed.

Without the constitutional option, Priscilla Owen would have never come to a vote today. Neither would any of the other nominees. The other side made it clear that they would filibuster. Without the constitutional option, judicial filibusters would have become a standard instrument of minority party policy.

The agreement among those 14 is based on trust, a trust that casual use of judicial filibusters is over. Without the constitutional option, the minority would have adhered to the path it was on, and deal brokers would have had no deal to broker.

I am very hopeful now and optimistic, but I am curious what ''extraordinary circumstances'' will mean.

I am wary, but as Ronald Reagan was fond to say, ''Trust but verify.'' If nominees receive up or down votes and the sword of the filibuster is sheathed, then the Republican leadership can be proud that its focused direction on the constitutional option arrested a dangerous and destructive trend.

If filibusters erupt under circumstances other than extraordinary, we will put the constitutional option back on the table and will implement it. Abraham Lincoln once said that when it is not possible to do the best, it is best to do what is possible. Standing firm for the principle of fair up-or-down votes, we have made real progress. That is something I think we can all celebrate with the up-or-down vote Priscilla Owen receives today. That principle will be our guidepost as the rest of this great constitutional drama unfolds.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

MOVING FORWARD

Mr. REID. Mr. President, I am sorry I was unable to be on the floor for the entire statement of the Republican leader. I think we should just move on. Filibusters are only under extraordinary circumstances. That is when you filibuster. I have been involved in two filibusters during my career of almost 19 years in the Senate. That is two more than most people have been involved in. Filibusters don't happen very often. I think we should move beyond this and get the business of the country done. Let's not talk about the nuclear option any more. Let the Senate work its will. Let's get over this. I have said it is good that it is over with, done.

I wish the distinguished majority leader and I could have worked something out on our own. We didn't. It was done by 14 people, 7 Democrats and 7 Republicans. We have important things to do. There is no question that these five people—actually that is what it boiled down to—are important, but keep in mind they all had jobs. They were all working. It is not as if they were in a bread line someplace. It is unfortunate that during the last 12 years there have been problems with these judges, and I would say problems we never had before.

During the Clinton years, we had more than 60 nominees that never even got a hearing. We talked yesterday about what happened in the Bush years. Let's put that behind us and move on. Let's forget about it and have the Senate work its will. If a problem comes up with a judge, there will be discussions between the Senator from Tennessee and me. If it is necessary, there will be extended debate, and we will talk about it. That is not going to happen very often. We know that. So let's just go about our business. I had a wonderful conversation with the Attorney General of the United States yesterday. He acknowledged, let's move on. I said, fine, let's move on. Let's just move on and not talk about this any more.

I have had extended conversations with the distinguished Republican leader, and the next matter that the Senate is going to be involved in is the Bolton nomination. We are clear on the Democratic side to move forward. I think it would be in the best interest of everybody if we get this agreement made as quickly as possible and we can move forward. That is why I hope my friend from Montana—if somebody comes to the floor and we can clear this in the next little bit, that should be done. I don't want us being blamed

for not being able to go forward with the Bolton nomination.

Mr. FRIST. Mr. President, I appreciate the comment of the Democratic leader. We have agreed on the schedule for the week, and it is really to get to the Bolton nomination as soon as we possibly can. He is talking to Senators on his side, and I have to talk to some on our side. We are both eager to get on to the nomination, which we plan to do today.

I appreciate the Democratic leader coming to encourage us along. We will work things out here shortly on the plans to proceed to the Bolton nomination after the Owen nomination.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Montana is recognized.

NOMINATION OF WILLIAM MYERS

Mr. BURNS. Mr. President, now that we have established the ''new'' guidelines—which have always been there—confirming or rejecting the appointment of judges to the Federal appellate courts, I have come to the floor today to speak in support of William Myers, who is the President's nominee to the Ninth Judicial Circuit. He, as nominees Owen, Brown, and Pryor, deserves a straight up-or-down vote on the floor of the Senate.

I got a call last night from a constituent in Montana who didn't understand what an up-or-down vote was on the floor of the Senate. So I explained to her that it is a ''yea'' or a ''nay,'' and whoever gathers the most votes wins. That is as simple as I could put it. Of course, she understood.

Bill Myers is a native of Idaho and is a highly respected attorney who is nationally recognized for his work. He is an expert in the area of natural resources, public lands, water and water law and, most importantly, environmental law.

Mr. Myers has been nominated to the Ninth Circuit Court of Appeals, which covers my State, along with Arizona, California, Hawaii, Idaho, Nevada, Oregon and also Guam and the Northern Marianas—by far, the largest of all of the appellate district courts. It is huge. The caseload is huge. And always the caseload has burdened them to where we don't get a verdict very quickly in the Ninth. Most of us subscribe to the view that justice delayed is justice denied.

From July 2001 to October 2003, Mr. Myers served as Solicitor of the Interior, the chief legal officer and third ranking official in the Department of the Interior. He was confirmed by the Senate to serve as Solicitor of the Interior by unanimous consent.

Before coming to the Department, Mr. Myers practiced at one of the most respected law firms in the Rocky Mountain region, where he participated in an extensive array of Federal litigation involving public lands and natural resource issues.

From 1992 to 1993, he served in the Department of Energy as Deputy General Counsel for Programs, where he was the Department's principal legal adviser on matters pertaining to international energy, Government contracting, civilian nuclear programs, power marketing, and intervention in State regulatory proceedings. He really earned his stripes there.

Prior to that, he was assistant to the Attorney General of the United States from 1989 to 1992. In this capacity, he prepared the Attorney General for his responsibilities as chairman of the President's Domestic Policy Council.

Before entering the Justice Department, Mr. Myers served 4 years on the staff of the Honorable Alan Simpson of Wyoming, where he was a principal adviser to the Senator on public land issues. Everyone, in my memory, remembers with great fondness Senator Simpson of Wyoming.

Mr. Myers is an avid outdoorsman. He is a person who is totally committed to conservation, having served over 15 years of voluntary service to the National Park Service, where he did all the menial jobs—trail work, campsites, and visitor areas, understanding our Park Service and its role in American life.

He has also received widespread support from across the ideological political spectrum. For example, former Democratic Governor of Idaho, and good friend, Governor Cecil Andrus, stated that Myers possesses ''the necessary personal integrity, judicial temperament, and legal experience,'' as well as ''the ability to act fairly on matters of law that will come before him on the court.''

Former Democratic Wyoming Governor Mike Sullivan endorsed Mr. Myers saying that he ''would provide serious, responsible, and intellectual consideration to each matter before him as an appellate judge and would not be prone to the extreme or ideological positions unattached to legal precedents or the merits of a given matter.''

That is a pretty high recommendation by two outstanding Governors. By the way, they are Democrats and are good friends of mine.

In addition, in 2004, Mr. Myers was endorsed by 15 State attorneys general, including the current Senator Ken Salazar of Colorado, as well as the Democratic attorneys general of Oklahoma and Wyoming. These chief law enforcement officers stated that Mr. Myers ''would bring to the Ninth Circuit strong intellectual skills, combined with a strong sense of civility, decency, and respect for all.''

Finally, in 2004, the Governors of Montana, Alaska, Hawaii, Idaho, and Nevada—five States in the Ninth Circuit—strongly backed Mr. Myers, writing that he had the ''temperament and the judicial instincts to serve on the Ninth Circuit.''

The Ninth Circuit needs more judges just to get their work done, to clear out the backlog. They can use some good old rural common sense on that bench as well. He brings that kind of common sense, that kind of balance, those values that are dear to the West.

Out of the Ninth Circuit, we have seen many rulings that have been very troubling to most Americans and some really radical rulings. They are the court that ruled the words ''under God'' in the Pledge of Allegiance were unconstitutional. Now, to a lot of us, that doesn't make a lot of sense. But I will tell you, it was evidenced by the continual overturning of many of the Ninth Circuit rulings. That court has been overturned more than any court in the land.

Bill Myers is a man of strong character, who would reestablish balance in the Ninth Circuit by accurately reflecting those commonsense values—in other words, that old country lawyer that came to town who understands people. He will reflect the population from those States, such as my State of Montana, which make up the Ninth Circuit.

I am committed to making sure he gets the vote he deserves on the floor of the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 16 minutes 23 seconds remaining.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, we have taken one step forward in the last few days on our advise and consent responsibility in the Senate. I am here today to say we are doing the right thing by one nominee, and that is to have a fair up-or-down vote on Judge Priscilla Owen to be a justice on the Fifth Circuit Court of Appeals after 4 years of waiting for this day.

During this entire process, she has continued to serve on the Texas Supreme Court, demonstrating judicial temperament beyond anything I have ever seen. She has waited patiently, showing courage, determination, and a quiet spirit, the likes of which I have never seen before.

This is a person who would have been confirmed by the Senate four times, though she has never been able to take

her rightful place on the bench. On May 1, 2003, she received 52 votes in a cloture motion; on May 8, 2003, 52 votes; on July 29, 2003, 53 votes; and on November 14, 2003, 53 votes.

She has waited, and she is going to be rewarded. She will get over 50 votes, and she will take her place on the bench. Justice Owen ought to receive 100 votes. Anyone who has looked at her record and who has seen her experience knows she is a judge who does not believe in making law from the bench. She believes in interpreting law, trying to determine what the Supreme Court has said on this subject, trying to determine what the legislature intended, as it is her responsibility to do. To depict Justice Owen as a judicial activist is absolutely wrong. President Bush is trying to put jurists on the bench who have a strict constructionist view of the Constitution, who interpret as opposed to making laws from the bench.

Justice Owen, as has been said so many times, has bipartisan support in Texas. Fifteen State bar presidents—Republicans and Democrats—have come out in her favor. The American Bar Association gave her a unanimous well-qualified rating, the highest they give. She was reelected to the Texas Supreme Court with 84 percent of the vote. Priscilla Owen has had distortions of her record. She has had innuendoes about what she believes, no one speaking from knowledge, and yet she has never lashed out, she has never shown anger or bitterness, always a judicial demeanor, always respect for the Senators as they were questioning her.

I believe it is an important time in the Senate that we are now voting on someone who has been held up for four years, and I hope this is a time that is never repeated in Senate history. I hope we will go forward with all of the judges who should have the respect given to people willing to serve, people who have taken an appointment with the honest view that they can do a good job for our country and, in many cases, taking pay cuts to do so. I hope they will be treated by the Senate in the future with respect. I hope we can debate their records according to the different views. But in the end, I hope they will get an up-or-down vote, not only for these nominees, but out of respect for the President of the United States. Our President, George W. Bush, has had fewer circuit court of appeals nominees confirmed by the Senate than any President in the history of our country—69 percent. Every other President of our country has had confirmation rates in the seventies, eighties, and even Jimmy Carter in the nineties, and yet our President has not had his right under the Constitution for appointment of judges who would get an up-or-down vote by the Senate.

I hope that period in the history of the Senate is at an end today. I hope this is the first day of going back to the traditions of over 200 years, except for that brief 2-year period in the last session of Congress. I think the people of our country also agree this period should end. They agreed by the votes they cast for Senators who are committed to up-or-down votes. There were Democrats who ran on that platform and won, and there were Republicans who ran on that platform and won.

I hope very much that today we will end a dark period in the Senate and return to the traditions of the past 200 years and not only confirm Priscilla Owen, as we are going to do today, but start the process of giving up-or-down votes to the other nominees who have come out of committee after thorough vetting and after debate of any length of time that is reasonably necessary to bring everything to the table and to the attention of the American people. In the end, every one of these people has reputations and experience and they deserve the respect of an up-or-down vote.

Priscilla Owen, I have to say, is the perfect person to be first in line to break a bad period in the history of the Senate because she is a person of impeccable credentials. She is a person with a great record of experience, showing what a smart, honorable judge can be. She is a person who graduated at the top of her class at Baylor Law School. She is a person who received the highest score on the State bar exam. She is a person who practiced law for over 15 years and was so well regarded that she was asked to run for the Texas Supreme Court, and she did so. She is a person who was reelected with 84 percent of the vote and endorsed by every major newspaper in Texas. No one ever said anything bad about Priscilla Owen as a person. Her record has been distorted, but she is a person of impeccable credentials.

I was able to talk with Priscilla in the last few days. She is so happy that she is going to finally have this opportunity because she certainly has withstood so much. This is going to be a bright day in her life. And Priscilla Owen deserves a bright day.

I said in one of my earlier speeches that the classmates of her father at Texas A&M, the class of 1953, have a reunion every year. They realized at their reunion 2 years ago that one of their classmates who died very early had a legacy. The class newsletter came out saying, with a headline: ''Pat Richman's Legacy,'' and it told the story of Priscilla Owen. It related back to her dad in the class of 1953 at Texas A&M when it was an all-male school, and almost every member of the Corps of Cadets went into the service after graduation, as did Pat Richman.

Pat Richman served in Korea. He left his sweetheart, whom he had just married, pregnant, as he took off for Korea. Priscilla was born while he was gone. He came back to see her for the first time when she was 7 months old. Pat Richman died of polio 3 months later. His daughter, of course, never remembered anything about him, but he was a star in the class of 1953.

When the newsletter came out, they decided to invite Priscilla Owen to their last reunion this spring, and she went. She told me she learned things about her dad she had never heard before because, of course, it was from the perspective of his college classmates.

I ended that speech by saying I hope Priscilla Owen will be able to go to this year's reunion of the class of 1953 and that she would be able to go as a Fifth Circuit Court of Appeals judge.

In about 2 hours, this Senate is going to finally do the right thing for this woman of courage, conviction, and quiet respect for the rule of law and for our President, quiet respect for the Senate that I do not think has merited that respect in her individual case, although I love this institution. But she does respect the institution, the process, and most especially the judiciary of our country. Priscilla Owen is finally going to be treated fairly by the Senate. I know the class of 1953 is going to invite her back, and I know she will attend as a judge on the Fifth Circuit Court of Appeals to once again hear stories about her dad, Pat Richman, a man she never met but who is so respected by those classmates because he was one of the class stars.

It is time that Priscilla Owen has that opportunity. I am pleased the Senate is finally going to give her what is rightfully due and long overdue, and that is an up-or-down vote, where I am confident she will be confirmed. She will make America proud because she will undoubtedly become one of the best judges on the Federal bench in the United States of America.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMERICA'S NUCLEAR NONPROLIFERATION POLICY

Mr. OBAMA. Mr. President, we have been spending a considerable amount of time in this body debating the so-called nuclear option. Today I want to spend a little bit of time talking about an issue that poses a more significant threat to our Republic.

Throughout the last half of the 20th century, one nation more than any other on the face of the Earth, defined and shaped the threats posed to the United States. This nation, of course, was the Soviet Union and its successor state, Russia.

While many have turned their attention to China or other parts of the world, I believe the most important threat to the security of the United States continues to lie within the borders of the former Soviet Union in the form of stockpiles of nuclear, biological, and chemical weapons and materials.

We are in a race against time to prevent these weapons from getting in the hands of international terrorist organizations or rogue states. The path to this potential disaster is easier than anyone could imagine. There are a number of potential sources of fissile material in the former Soviet Union in sites that are poorly secured. The material is compact, easy to hide, and hard to track. Weapons designs can be easily found on the Internet.

Today, some weapons experts believe that terrorist organizations will have enough fissile material to build a nuclear bomb in the next 10 years—that is right, 10 years.

I rise today to instill a sense of urgency in the Senate. I rise today to ask how are we going to deal with this threat tomorrow, a year from now, a decade from now?

The President has just completed an international trip that included a visit to Russia. I commend him for taking this trip and making our relationship with Russia a priority.

During the Cold War, the United States and the Soviet Union produced nearly 2,000 tons of plutonium and highly enriched uranium for use in weapons that could destroy the world several times over. To give an idea of just how much this is, it takes only 5 to 10 kilograms of plutonium to build a nuclear weapon that could kill the entire population of St. Louis. For decades, strategic deterrence, our alliances, and the balance of power with the Soviet Union ensured the relative safety of these weapons and materials.

With the end of the Cold War and the collapse of the Soviet Union, all this has changed. Key institutions within the Soviet national security apparatus have crumbled, exposing dangerous gaps in the security of nuclear weapons, delivery systems, and fissile material.

Regional powers felt fewer constraints to develop nuclear weapons. Rogue states accelerated weapons programs.

And while this was happening, international terrorist organizations who are aggressively seeking nuclear weapons gained strength and momentum.

Now, thanks to the leadership of former Senator Nunn and Senator LUGAR in creating the Cooperative Threat Reduction Program at the Department of Defense, there is no question that we have made some great progress in securing these weapons.

These same two leaders continue to work tirelessly on this issue to this day—Senator Nunn, through the Nuclear Threat Initiative, and Senator LUGAR, through his chairmanship of the Foreign Relations Committee.

The situation in Russia and the rest of the former Soviet Union is drastically different than it was in 1991 or even 1996 or 2001. But, the threat is still extremely dangerous and extremely real.

In March of this year, a senior Russian commander concluded that 39 of 46 key Russian weapons facilities had serious security shortcomings. Many Russian nuclear research sites frequently have doors propped open, security sensors turned off, and guards patrolling without ammunition in their weapons.

Meanwhile, the security situation outside of Russia continues to be of grave concern. Fanatical terrorist organizations who want these weapons continue to search every corner of the Earth resorting to virtually any means necessary. The nuclear programs of nations such as Iran and North Korea threaten to destabilize key regions of the world. We are still learning about the tremendous damage caused by A.Q. Khan, the rogue Pakistani weapons scientist.

Looking back over the past decade and a half, it is clear that we could and should have done more.

So as the President returns from his trip to Russia, we should be thinking—on a bipartisan basis—about the critical issues that can guide us in the future to ensure that there are no more missed opportunities.

The first question we should be thinking about is what is the future of the Cooperative Threat Reduction Program? What is our plan? I believe the administration must spend more time working with Congress to chart out a roadmap and a strategic vision of the program.

There are two things the President can do to move on this issue. First, in the National Security Strategy to Combat Weapons of Mass Destruction of 2002, the administration said the National Security Council would prepare a 5-year governmentwide strategy by March of 2003. To my knowledge, this has not been completed. In addition, Congress required the administration to submit an interagency coordination plan on how to more effectively deal with nonproliferation issues. This plan is due at the end of this month.

Completing these plans will help the United States better address critical day-to-day issues such as liability, resource allocation, and timetables. Having a better strategic vision will also help us work more efficiently and effectively with other international donors who have become increasingly involved and are making significant contributions to these efforts. This is very important, as the contribution of other donors can help us make up valuable lost time.

Mr. President, my second question concerns the U.S.-Russian relationship. Where is this relationship heading? Will Russia be an adversary, a partner, or something in between?

We do not ask these questions simply because we are interested in being nice and want only to get along with the Russians. We have to ask these questions because they directly impact our progress towards securing and destroying stockpiles of nuclear weapons and materials.

In the last few years, we have seen some disturbing trends in Russia: the rapid deterioration of democracy and the rule of law, bizarre and troubling statements from President Putin about the fall of the Soviet Union, the abuses that have taken place in Chechnya, and Russian meddling in the former Soviet Union—from the Baltics to the Ukraine to Georgia.

The Russians must understand that their actions on some of these issues are entirely unacceptable.

At the same time, I believe we have to do a better job of working with the Russians to make sure they are moving in the right direction. This starts by being thoughtful and consistent about what we say and what we do. Tone matters.

Some of the statements by our own officials have been confusing, contradictory, and problematic. At times I have been left scratching my head about what exactly our policy is and how administration statements square with this policy.

Another issue is the level of sustained engagement with Russia. I am glad the President and Secretary of State have made several trips to Russia, but as these trips are only a few days every year or so this is only one aspect of the relationship.

An additional component, which has suffered in recent years, is our foreign assistance programs to Russia and the rest of the former Soviet Union. These programs are absolutely essential in maintaining our engagement with Russia. These programs are not giveaways. They are programs that advance U.S. interests by strengthening Russian democracy and civil society, enhancing economic development and dealing with international health issues—in addition to curbing the nonproliferation threat.

At a time when these programs are desperately needed, their budgets have been cut dramatically. At a time when we should be doing more to engage and shape the future of Russia, we seem to be doing the exact opposite.

The nonproliferation threat does not exist in a vacuum. The issue I just mentioned, along with other important issues such as our own strategic nuclear arsenal, must be considered as we move forward.

Finally, Mr. President, I would like my colleagues to consider how our relationship with Russia, and our efforts to secure and destroy weapons and materials inside the former Soviet Union, fits in with our broader nonproliferation goals.

Russia is a major player in the two biggest proliferation challenges we currently face—Iran and North Korea. Russia's dangerous involvement with Iran's nuclear program has been well documented, and there is no question their actions will be pivotal if the President is to successfully resolve this deteriorating situation.

The Russians are also an important voice in trying to make progress on the deteriorating situation in North Korea. The Russian city of Vladivostok is

home to 590,000 people and is very close to the North Korean border, putting the Russians smack in the middle of the crisis that we need to resolve.

In addition to all this, Russia holds a seat on the Security Council of the United Nations, which could consider Iranian and North Korean issues in the very near future.

Developing bilateral and multilateral strategies that deal with Russia's role in these growing crises will be extremely important, both in terms of resolving these crises, advancing our non-proliferation goals within the former Soviet Union, and our long-term relationship with Russia.

I realize that, at this time, none of us have all the answers to these extraordinarily difficult questions. But if we hope to successfully fight terror and avoid disaster before it arrives at our shores, we have to start finding these answers. We have a lot of work to do.

I believe it is worth putting in place a process, one that involves senior administration officials, a bipartisan group of Members of Congress, as well as retired senior military officers and diplomats, in an effort to dramatically improve progress on these issues.

I am interested in hearing from the President about his trip. I am also interested in hearing if he believes that an idea similar to the one I put forward is worth considering.

Delay is not an option. We need to start making more progress on this issue today. I urge my colleagues to act.

Despite all the distractions we have had with the so-called nuclear option and judicial nominations, this is literally a matter of life and death. I hope we start paying more attention to it in this Senate Chamber and in the debates that are going to be coming in the coming months.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, let me thank my colleague and friend from Illinois for his incisive comments on a very important topic.

I am here to discuss the vote we will take at noon on the nomination of Priscilla Owen to the U.S. court of appeals. We all know a lot has changed in the last 48 hours. The Senate has stepped back from the precipice of a constitutional crisis. Our robust system of checks and balances has been saved from an unprecedented attack. Fourteen moderates came together and said we are not going to tolerate a nuclear option and that we are asking the President to come and talk to us before he makes a nomination.

While the compromise reached by 14 Senators has dramatically changed the outlook for the Senate, one thing has not changed, the record of Justice Priscilla Owen. I want to spend some time talking about that record, though it speaks for itself.

There is no question that Justice Owen attended fine schools and clearly is a very bright woman. But there is also no question that she is immoderate, she is a judicial activist, and she puts her own views ahead of the law's views. In case after case, Justice Owen comes to conclusions that are simply not justified by the facts or by the law. These decisions consistently come down against consumers, against workers, against women seeking to exercise their constitutional rights.

In choosing judges, in voting for judges, I have one standard and one standard alone. It is not a litmus test on any one issue. It is simply this: Will judges interpret law or not? Will judges do what the Founding Fathers said they should do—because, after all, they are not elected—and interpret what the legislature and the President have wanted and the Constitution requires, not put their own views above the people's views?

If there was ever a judge who would substitute her own views for the law, it is Justice Owen. Her record is a paper trail of case after case where she knows better than 100 years of legal tradition. It does not matter how brilliant a nominee is, or what a great education or career she has had; if she puts her own views above the law's views, she does not belong on the bench. It is as simple as that. In case after case, that is just what Justice Owen has done.

She thinks she knows better than the 100 years of established law tradition. She thinks she knows better than what the people have wanted, as enunciated by their legislators. Her own views take precedence over all other views. That is why she does not belong on the bench.

Let me go over a few cases, a few of many, where she has done this. In one case, In re Jane Doe, Judge Owen's dissent came under fire from her colleagues of the Texas supreme court. They referred to her legal approach as an effort to ''usurp legislative function.''

Even more troubling, Attorney General Alberto Gonzales, who sat on the same court as Judge Owen at the time, wrote a separate opinion. He went out of his way to write a separate opinion to chastise the dissenting judges, including Justice Owen, for attempting to make law, not interpret law from the bench.

Here is what Judge Gonzales said. He said that to construe the law as the dissent—that is what Priscilla Owen did—would be ''an unconscionable act of judicial activism.'' How ironic. The very same conservatives who rail against judicial activism are putting at the top of their pantheon a judge who, by Alberto Gonzales's own testimony, is an activist, somebody who thinks, ''I know better.''

Activism does not mean left or right. Activism means putting your own views above the law. That is not what the Founding Fathers wanted.

Let's look not at my words but at those of Judge Gonzales. They are words of a man who served for 4 years as President Bush's White House counsel. He is now the Attorney General. He is a distinguished conservative. Some of my colleagues have tried to suggest that Mr. Gonzales was not referring to Justice Owen by his caustic comment. Who are we kidding? It was brought up at her hearing originally. He didn't say a peep. Only now that she is controversial, people said: Well, explain yourself. I am sure he was pressured.

I direct my colleagues to a New York Times article by Neil Lewis last week which reported that Attorney General Gonzales specifically admitted he was referring to Justice Owen's dissent, among others, in his written opinion.

Let's take another case, Montgomery Independent School District v. Davis. There the majority, also including Judge Gonzales, ruled in favor of a teacher who had wrongly been dismissed by her employer. Justice Owen dissented, deciding against the employee. That is what she typically does.

The majority, which included Judge Gonzales, ruled in favor of a teacher who had been wrongly dismissed by her employer. Justice Owen dissented, siding against the employee. The majority, including Judge Gonzales once again, wrote that:

> Nothing in the statute requires what the dissenters claim.

They went on to say:

> The dissenting opinion's misconception stems from its disregard of the rules that the legislature established. . . .

And that:

> The dissenting opinion not only disregards procedural limitations in the statute but takes a position even more extreme than argued by the employer.

There is Justice Owen. She looks very nice. But here is another case where she not only put her own view on the table, but she went further even than the defendant employer did. That is why she does not belong on the bench. She always does that, time and time again.

A third case, Texas Department of Transportation v. Able, again Justice Gonzales took Owen to task for her activism.

I am not going to get into all these cases but they are clear. Justice Owen, yes, she has a good education; yes, she has had a distinguished, long career; and, yes, she just does not belong on the bench because she thinks her views are better, more important, and superseding the views of the law, the views of the legislature, the views of the people.

I want to speak for the few more minutes I have left about the agreement and where we go from there. It is one thing to put on the bench mainstream conservatives, who do not adhere to an extreme agenda. I have voted for many, many of the judges we have confirmed so far. Many of them have views on choice or other things quite different from my own. Where we have a duty is to stand up and oppose

nominees who are outside the mainstream. We have a duty to the Constitution and a duty to the American people not simply to rubberstamp the President's picks. Mark my words, we are going to fulfill those duties as long as we have to. That is our constitutional obligation.

But there is not a single Senator on our side of the aisle who wants these fights. There is not a single Senator on our side of the aisle who wants to oppose even one of the President's nominees. We would be a lot happier if we could all come together. We have done that on the district courts in New York. They are all filled. I consulted with the White House, with the Governor, and we came to agreements. We can do it. If the White House and I can come to an agreement, so can the Senate and the White House on who should be judges.

But there is an important point here. How did we solve the problems in New York? The President and the White House consulted with the Senators and with the Senate. As the compromise of 2005 sets out, President Bush must consult with the Senate in advance of nominating appellate judges to the bench. ''Advise and consent.'' To get the consent, you need the ''advise.''

So I again call on the President, once and for all, to tell him we can solve this problem by coming together, by him consulting. I really believe we can solve this problem. But we are not going to find common ground when we keep seeking nominees who will be activists on the Federal bench. We are not going to solve this problem if the President stands like Zeus on Mt. Olympus and hurtles judicial thunderbolts down to the Senate. He has to consult. He has to ask us, as President Clinton did.

Why did President Clinton's Supreme Court nominees have no trouble in the Senate? I would argue because the President proposed a number of names to ORRIN HATCH, hardly his ideological soulmate, and ORRIN HATCH said this one won't work and that one won't work, but this one will and this one will. President Clinton heeded Senator HATCH's advice. As a result, Justice Breyer and Justice Ginsburg didn't have much of a fight. Some people may have voted against them, but it didn't get to the temperature that importuned my colleagues to filibuster—which they did on some other judges, although unsuccessfully: Judge Paez, Judge Berson, et cetera.

Mr. President, this is a plea to you. Let us take an example from the group of 14. Please, consult with us. You don't have to do what we say, but at least seek our judgment. If we say this judge would be acceptable and that judge will not—take our views into consideration. What will happen is it will decrease the temperature on an awfully hot issue. But second, and more importantly, it will bring us together so we can choose someone if the Supreme Court should have a vacancy, and we can continue to choose people when the courts of appeal have vacancies, without a real fight.

It can work. It has worked in New York between this White House and this Senator. It has worked at the national level, at the Supreme Court level, when President Clinton consulted with Republicans in the Senate, who were in the majority. It can work now. The ball is in President Bush's court. If he continues to choose to make these judgments completely on his own, if he continues to stand like Zeus on Mt. Olympus and just throw thunderbolts at the Senate, we will not have the comity for which the 14 asked.

A very important part of their agreement was for the President to start paying attention to the advise, in the ''advise and consent.''

Again, the ball is in his court. If the President starts doing that, I am confident this rancor on judges will decline, the public will see us doing the people's business, and the generally low view that the public has had of this body because of the partisan rancor will be greatly ameliorated.

Mr. President, again, you can change the way we have done these things, but only you can. Please, consult the Senate. Bring down hot temperatures that now exist.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mr. REID. Mr. President, we are going to move forward with a vote on Priscilla Owen. It is well that the Senate is moving. There are other judges who are waiting and have waited a long time. We have three judges from Michigan. There is no reason we can't move those four very quickly. They were held up as a result of an intractable procedural matter. That is no longer. We can do those judges in a very short timeframe.

We also have a person Senator HATCH has been wanting to have for some time now, way into last year, a man by the name of Griffith. We are willing to move him. There were some problems. Some Senators will vote against him. There is no question about that. Senator LEAHY, the ranking member of the Judiciary Committee, has made a number of negative speeches about Griffith. We will agree to a very short timeframe on his nomination and move it on. That would be four appellate court judges very quickly. I hope we can do it in the immediate future. We could clear four judges today or tomorrow.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both Senators SPECTER and LEAHY.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORZINE. Mr. President, I come to the floor to speak briefly about the compromise agreement reached on judicial nominees and about the pending circuit court nominees.

Let me begin by saying that I am pleased that, through the agreement reached this week, we were able to protect the rights of the minority in this body to have our voices heard. That is consistent with the best traditions of the Senate. I certainly believe it is consistent with the constitutional principle that gave each State two Senators, regardless of their number of citizens. So, for example, California has 36 million people and Wyoming has a little more than 500,000 citizens. But our forefathers saw to it, in an effort to protect the rights of the minority, that each State would have two Senators to represent their interests.

I also believe that the agreement, at least at this time and place, preserves our constitutional system of checks and balances. So I compliment my 14 colleagues who reached this agreement and, in so doing, protected two of the most essential principles of American government—the rights of the minority and our system of checks and balances.

Let me also say that I am particularly proud of Senator REID's leadership in pushing towards this compromise.

That said, my enthusiasm for this compromise is tempered by the reality that I see before us. For while I am cautiously optimistic about the immediate outcome, I am aware that, like in so many things, the devil is in the details. Time will test the meaning of the term, ''extraordinary circumstances'',

that was included in the compromise agreement but has not been explicitly defined. And as we all know, compromises come with many challenges and I am certain that this compromise will be tested through the course of time.

Indeed, I have been deeply troubled by what has been said by some of my colleagues on the Senate floor, including comments made by the majority leader, that the so-called nuclear option is still on the table. I was also distressed by the suggestion made by some of my colleagues that judicial nominees in the future may only be blocked if they have personal or ethical problems. I look at the agreement and come to a very different conclusion about what the term ''extraordinary circumstances'' means. So I am deeply troubled when I hear that the nuclear option is still on the table, except under circumstances where the nominee has personal or ethical issues. I believe that interpretation is inconsistent with the spirit and intent of this delicate compromise. And, I note that the agreement specifically—and clearly—states that it is up to each individual Senator—using his or her own discretion—to decide when a filibuster is appropriate and what constitutes extraordinary circumstances. So I believe it requires a lot of vigilance and attention as we go forward with judicial nominations for appellate and Supreme Court vacancies, jobs that come with lifetime appointments. We must ensure that our courts retain the independence that has been, and should continue to be, the hallmark of our judiciary. The stakes could not be any higher.

Mr. President, let me now turn specifically to the nominees who are before the Senate. I believe many of these individuals are outside the mainstream of legal thought. That is why I have opposed them, and that is why I supported the filibuster. I believe these individuals—and I recognize that they may be very good individuals on a personal level—have demonstrated, through their judicial records and their public communications, that they are outside of the mainstream and that they have taken positions that may be fairly labeled, in my view, as extremist.

Likewise, these judicial nominees have shown a willingness to put their own political views before the rule of law as set forth in established precedent. We need judges who are fair and impartial and are absolutely committed to maintaining the credibility and independence of our judicial branch. What we do not need are judges who substitute their own political views for fact, law, and precedent. That would undermine the federal courts and remove the impartiality, independence, and fairness that American citizens have come to expect in our democracy.

It is essential that we look for these very qualities—impartiality, independence, and fairness—in our judges. We have not seen that, unfortunately, in many of the nominees currently before the Senate. I believe strongly that we need to oppose these nominations because of that—not because of their personal character—but because, in my view, they have operated outside of the mainstream and endeavored, through judicial activism, to inappropriately alter the law.

As to Priscilla Owen, I intend to vote against her because of her activist judicial opinions. She has consistently voted to throw out jury verdicts favoring consumers against corporate interests and she has also dismissed suits brought by workers for job-related injuries, discrimination, and unfair employment practices. Her record demonstrates that Judge Owen operates outside of the mainstream. She is outside of the mainstream, both in Texas and in the United States as a whole. I note that some of her colleagues on the Texas Supreme Court have taken issue with her attempts to disregard generally accepted legal precedents and to interfere with the authority of the state legislature.

In addition, I intend to vote against Janice Rogers Brown, William Pryor, and William Myers. I intend to vote against them not because of their character or their ability to think through problems but because of what I believe is their espousal of a legal theory that is far outside the mainstream—called the Constitution in Exile theory. This theory has been very eloquently argued by a number of jurists but, in my belief, falls far outside of the mainstream of legal thought in this country. Basically, it is an intent to roll back many of the socially progressive actions flowing out of the New Deal and to rescind Government protections that have been well established under the law.

And it is important, in my view, that we consider an individual's legal philosophy when we talk about extraordinary circumstances, and particularly when we are debating the nomination of someone who intends to use that philosophy as a vehicle to change the law. That is judicial activism and I believe that it is inappropriate. I also believe that this level of judicial activism in a nominee justifies the use of the filibuster as we go forward. Not everyone will agree, but I think it is absolutely essential that we take this into consideration as we debate these nominees.

I hope we can all move forward within the framework of the compromise, which I am very pleased we were able to reach. The compromise agreement encourages increased consultation between the White House and Republicans and Democrats in the Senate with regard to judges. I sincerely hope this will come about. In New Jersey, we have been fortunate to have had a good dialogue with the White House on judges and have been able to reach a consensus on both district and circuit court judges. We currently have additional vacancies—four on the district court and one on the circuit court—and I hope we will be able to have the same kind of dialogue so that we may reach a consensus on these nominees. I am hopeful that we can agree upon judges of whom we can all be proud. That is what advise and consent is all about.

If we follow that spirit, the compromise stands a much better chance of working. Again, we need to make sure—and I certainly will be making the case—that legal philosophy is taken into consideration when we discuss extraordinary circumstances in the future and that we are not limited to using the filibuster only when a nominees has personal or ethical problems.

Finally, I am pleased that my colleagues worked so hard—and I again compliment all 14 Senators who were a part of that process—to make certain that we can get back to working on the issues that the folks I know in New Jersey care about. They are getting a little hot under the collar about gas prices. They are very concerned as we see the number of men and women who have come home either injured or who have sacrificed their lives for our country.

We are about to go into Memorial Day to say thank you to all those who throughout the years have protected our country. We have hundreds of thousands of individuals now on the ground in Iraq and Afghanistan who are protecting us. People want us to be focused on what we are doing regarding national security, homeland security, making sure we are doing everything we can to keep those troops safe, and trying to ensure affordable health care. So I am pleased that we may now open up the floor for debate on those issues.

For a lot of reasons, I am very grateful about this compromise, but I do hope that, as we go forward, there is a true commitment to allowing for real debate on the meaning of extraordinary circumstances.

I appreciate very much the opportunity to speak on this and look forward to our continuing debates in the days and weeks ahead.

Mr. BYRD. Mr. President, yesterday I voted to invoke cloture on the nomination of Priscilla Owen to sit on the U.S. Court of Appeals for the Fifth Circuit. Today I shall vote to confirm her nomination by an up-or-down vote.

I voted to invoke cloture on this nominee and have committed to do so on a number of other pending nominees to preserve the right of extended debate in the Senate. For 200 years, Senators have enjoyed the right to speak at length on matters dear to them. This essential right has been rightfully employed for generations to protect minority rights—both in the Senate and nationwide.

It would have been a travesty to have permitted this cherished right of extended debate to be extinguished simply as the result of a political squabble

over a handful of judges. While passions over these seven judges have run high, it is necessary for the Senate to look at the bigger picture and stop this partisan bickering over these few judges. Now is the time for logic and reason. Now is the time for cooler heads to prevail to address the truly weighty matters that confront our nation—matters like the need of every American to obtain necessary health care, sufficient pension benefits, and affordable energy.

I voted four times previously not to invoke cloture on Priscilla Owen because I respected the right of the Senate to hear further debate concerning her qualifications, her philosophy, her temperament, and exactly what she would be like if she were confirmed to fill this lifetime position on the Federal bench. Having examined these aspects, as well as her prior record as a justice on the Texas Supreme Court, I shall vote in support of her nomination.

I know that some critics assail Justice Owen's belief that, in certain circumstances, minors should be required to notify their parents prior to obtaining an abortion. However, I cannot help but believe that in many, but perhaps not all, cases, young women would do well to seek guidance from their parents or legal guardians, who would have their best interests at heart when these young women are confronted with making such a difficult decision—a life-altering decision that carries with it extraordinary consequences. I have a long history of support for parental notification in these kinds of difficult circumstances. For example, in 1991, I supported legislation that would have required entities receiving grants under title X of the Public Health Service Act to provide parental notification in the case of minor patients who seek an abortion. Based on my examination of the totality of circumstances that surround this nomination, I have decided to support the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals.

Mrs. CLINTON. Mr. President, while I commend my Senate colleagues for their success at averting an unnecessary showdown over the so-called nuclear option, the fact remains that Justice Priscilla Owen is still ill suited to serve a lifetime appointment on the Fifth Circuit Court of Appeals. While I voted to invoke cloture on her nomination, this was done in the spirit of compromise and comity. I remain steadfastly opposed to her appointment and note that nothing that has transpired in the last 24 hours has changed her record of judicial activism or extremism, nor has it changed the fact that she consistently and conveniently ignores justice and the rule of law in order to promote a conservative political agenda. For these stated reasons, I cannot vote in favor of her confirmation, and I urge my colleagues to do the same.

The American people deserve judges—be they conservative or liberal—who are dedicated to an even-handed application of our laws, free of political constraints and considerations. Justice Owen's record is littered with examples that demonstrate a lack of respect for these values. In case after case, Justice Owen shows her willingness to make law from the bench rather than follow the language and intent of the legislature.

Justice Owen consistently votes to throw out jury verdicts favoring workers and consumers against corporate interests and dismisses suits brought by workers for job-related injuries, discrimination and unfair employment practices.

For example, in Fitzgerald v. Advanced Spine Fixation Sys., the Texas Supreme Court responded to a certified question from the federal Fifth Circuit. Then Texas Supreme Court Justice and current Attorney General Alberto Gonzales wrote the majority decision holding that a Texas law required manufacturers of harmful products to indemnify sellers who defend themselves from litigation related to their sales of these and similar products. A dissent authored by Justice Owen would have effectively rewritten Texas law to preclude such third-party relief in some cases. Gonzales wrote that adopting the manufacturer's position, as Owen argued, would require the court to improperly ''judicially amend the statute.''

Justice Owen has also authored many opinions that severely restrict or even eliminate the rights of workers. For example, in Montgomery Independent School District v. Davis, the 6–3 majority affirmed the finding of the lower courts that the school district had to reinstate a teacher after finding there was insufficient basis not to renew the teacher's contract.

As she often does, Justice Owen dissented from the majority—a majority which included Gonzales and two other Bush nominees. Owen's dissent sets forth an interpretation of the statute that was contrary to the plain language of the law. The majority rightly points out that Owen's dissent, ''not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board . . .''

In another case, Austin v. Healthtrust Inc., Justice Owen held that employees in Texas could be fired for whistle blowing or refusing to act illegally. She held that whistle blowers—heroes, as Time Magazine entitled them in the wake of the Enron debacle—have no protection in her courtroom.

In a time such as this, we rely on our nation's workers to report acts of illegality and provide much needed oversight of corporations. Our courts and judges should acknowledge the important role that these people play. But, again, Justice Owen does not believe that these brave women and men should have access to the courts or a remedy in the law.

I could go on and on. These cases make clear that Justice Owen is ready and willing to take extreme positions that run contrary to the facts and the law in order to favor businesses and government.

Apart from all of the above questionable opinions favoring business, Justice Owen has also expressed a particular hostility to women's constitutionally protected right to reproductive choice.

In Texas, there is a law that is constitutional under Supreme Court precedent. This law mandates that a minor woman who seeks an abortion must notify her parents. The law provides for three exceptions that allow a court to offer what's called a ''judicial bypass.'' The law is very clear about these three circumstances, yet Justice Owen routinely advocates adding additional obstacles to the process and making it much harder for a young pregnant woman to exercise her constitutionally protected freedom of choice.

In re Jane Doe I, Justice Owen advocated requiring a minor to show an awareness of the ''philosophic, moral, social and religious arguments that can be brought to bear'' before obtaining judicial approval for an abortion without parental consent, ignoring the explicit requirements of the statute.

This and other opinions prompted Justice Gonzales to criticize Owen for attempting to rewrite Texas' parental notification statute, calling her opinions In re Jane Doe ''an unconscionable act of judicial activism.''

As her record unequivocally demonstrates, Justice Owen lacks the impartiality and dedication to the rule of law to separate her conservative political agenda from her judicial opinions. Time after time, when presented with an opportunity to cite precedent, Justice Owen has instead chosen to interject her own political ideology, doing the litigants before her and the rule of law a tremendous injustice. Our federal courts and our constituents deserve better.

Finally, Mr. President, as has been noted by many of my colleagues over the last several weeks, the Constitution commands that the Senate provide meaningful Advice and Consent to the President on judicial nominations. I encourage the President to heed the call of our Senate colleagues who brokered the deal that spared this body from the nuclear option—consult with both Democratic and Republican Senators before submitting judicial nominations to the Senate for consideration. Only then can our Constitutional mandate of Advice and Consent be properly honored.

In the immediate case of Justice Priscilla Owen, after reviewing her judicial opinions and examining her qualifications for a lifetime appointment on the Fifth Circuit Court of Appeals, I feel it is my Constitutional duty to deny her nomination my consent, and I urge my Senate colleagues to join me in opposing her appointment.

Mr. LEAHY. Mr. President, 3 years ago I first considered the nomination of Priscilla Owen to be a judge on the United States Court of Appeals for the Fifth Circuit. After reviewing her record, hearing her testimony and evaluating her answers I voted against her confirmation and explained at length the strong case against confirmation of this nomination. Nothing about her record or the reasons that led me then to vote against confirmation has changed since then.

Now that the Republican leadership's misguided bid for one-party rule, the nuclear option, has been deterred, we have arrived at a moment when every one of the 100 of us must examine Priscilla Owen's record and decide for him or herself whether it merits a lifetime appointment to the Fifth Circuit.

I believe Justice Owen has shown herself over the last decade on the Texas Supreme Court to be an ends-oriented judicial activist, intent on reading her own policy views into the law. She has been the target of criticism by her conservative Republican colleagues on the court, and not just in the context of the parental notification cases that have been discussed so often before, but in a variety of types of cases where the law did not fit her personal views, including in cases where she has consistently ruled for big business and corporate interests in cases against worker and consumers. This sort of judging ought not to be rewarded with such an important and permanent promotion.

In 2001, Justice Owen was nominated to fill a vacancy that had by that time existed for more than four years, since January 1997. In the intervening 5 years, President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. Despite his qualifications, and his unanimous rating of Well Qualified by the ABA, Mr. Rangel never received a hearing from the Judiciary Committee, and his nomination was returned to the President without Senate action at the end of 1998, after a fruitless wait of 15 months.

On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill that same vacancy. Mr. Moreno did not receive a hearing on his nomination either—over a span of more than 17 months. President Bush withdrew the nomination of Enrique Moreno to the Fifth Circuit and later sent Justice Owen's name in its place. It was not until May of 2002, at a hearing presided over by Senator SCHUMER, which the Judiciary Committee heard from any of President Clinton's three unsuccessful nominees to the Fifth Circuit. At that time, Mr. Moreno and Mr. Rangel, joined by a number of other Clinton nominees, testified about their treatment by the Republican majority. Thus, Justice Owen's was the third nomination to this vacancy and the first to be accorded a hearing before the Committee.

In fact, when the Judiciary Committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit in 2001, during the most recent period of Democratic control of the Senate, it was the first hearing on a Fifth Circuit nominee in 7 years. By contrast, Justice Owen was the third nomination to the Fifth Circuit on which the Judiciary Committee held a hearing in less than 1 year. In spite of the treatment by the former Republican majority of so many moderate judicial nominees of the previous President, we proceeded in July of 2001—as I said that we would—with a hearing on Justice Owen.

Justice Owen is one of among 20 Texas nominees who were considered by the Judiciary Committee while I was Chairman. That included nine District Court judges, four United States Attorneys, three United States Marshals, and three Executive Branch appointees from Texas who moved swiftly through the Judiciary Committee.

When Justice Owen was initially nominated, the President changed the confirmation process from that used by Republican and Democratic Presidents for more than 50 years. That resulted in her ABA peer review not being received until later that summer. As a result of a Republican objection to the Democratic leadership's request to retain all judicial nominations pending before the Senate through the August recess in 2001, the initial nomination of Justice Owen was required by Senate rules to be returned to the President without action. The committee nonetheless took the unprecedented action of proceeding during the August recess to hold two hearings involving judicial nominations, including a nominee to the Court of Appeals for the Federal Circuit.

In my efforts to accommodate a number of Republican Senators—including the Republican leader, the Judiciary Committee's ranking member, and at least four other Republican members of the committee—I scheduled hearings for nominees out of the order in which they were received that year, in accordance with longstanding practice of the committee.

As I consistently indicated, and as any chairman can explain, less controversial nominations are easier to consider and are, by and large, able to be scheduled sooner than more controversial nominations. This is especially important in the circumstances that existed at the time of the change in majority in 2001. At that time we faced what Republicans have now admitted had become a vacancy crisis in the federal courts. From January 1995, when the Republican majority assumed control of the confirmation process in the Senate, until the shift in majority, vacancies rose from 65 to 110 and vacancies on the Courts of Appeals more than doubled from 16 to 33. I thought it important to make as much progress as quickly as we could in the time available to us that year, and we did. In fact, through the end of President Bush's first term, we saw those 110 vacancies plummet to 27, the lowest vacancy rate since the Reagan administration.

The responsibility to advise and consent on the President's nominees is one that I take seriously and that the Judiciary Committee takes seriously. Justice Owen's nomination to the Court of Appeals has been given a fair hearing and a fair process before the Judiciary Committee. I thank all members of the committee for being fair. Those who had concerns had the opportunity to raise them and heard the nominee's response, in private meetings, at her public hearing and in written follow-up questions.

I would particularly like to commend Senator FEINSTEIN, who chaired the hearing for Justice Owen, for managing that hearing so fairly and evenhandedly. It was a long day, where nearly every Senator who is a member of the committee came to question Justice Owen, and Senator FEINSTEIN handled it with patience and equanimity.

After that hearing, I brought Justice Owen's nomination up for a vote, and following an open debate where her opponents discussed her record and their objections on the merits, the nomination was rejected. Her nomination was fully and openly debated, and it was rejected. That fair treatment stands in sharp contrast to the way Republicans had treated President Clinton's nominees, including several to the Fifth Circuit.

That should have ended things right there, but it did not. Priscilla Owen's nomination was the first judicial nomination ever to be resubmitted after already being debated, voted upon and rejected by the Senate Judiciary Committee.

When the Senate majority shifted, Republicans reconsidered this nomination and sent it to the Senate on a straight, party-line vote. Never before had a President resubmitted a circuit court nominee already rejected by the Senate Judiciary Committee, for the same vacancy. And until Senator HATCH gave Justice Owen a second hearing in 2003, never before had the Judiciary Committee rejected its own decision on such a nominee and granted a second hearing. And at that second hearing we did not learn much more than the obvious fact that, given some time, Justice Owen was able to enlist the help of the talented lawyers working at the White House and the Department of Justice to come up with some new justifications for her record of activism. We learned that given six months to reconsider the severe criticism directed at her by her Republican colleagues, she still admitted no error. Mostly, we learned that the objections expressed originally by the Democrats on the Judiciary Committee were sincerely held when they were made and no less valid after a second hearing. Nothing Justice Owen said about her

record—indeed, nothing anyone else tried to explain about her record—was able to actually change her record. That was true then, and that is true today.

Senators who opposed this nomination did so because Priscilla Owen's record shows her to be an ends-oriented activist judge. I have previously explained my conclusions about Justice Owen's record, but I will summarize my objections again today.

I am not alone in my concerns about Justice Owen. Her extremism has been evident even among a conservative Supreme Court of Texas. The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize Justice Owen and the dissents she joined in ways that are highly unusual, and in ways which highlight her ends-oriented activism. A number of Texas Supreme Court Justices have pointed out how far from the language of statute she strays in her attempts to push the law beyond what the legislature intended.

One example is the majority opinion in Weiner v. Wasson. In this case, Justice Owen wrote a dissent advocating a ruling against a medical malpractice plaintiff injured while he was still a teenager. The issue was the constitutionality of a State law requiring minors to file medical malpractice actions before reaching the age of majority, or risk being outside the statute of limitations. Of interest is the majority's discussion of the importance of abiding by a prior Texas Supreme Court decision unanimously striking down a previous version of the statute. In what reads as a lecture to the dissent, then-Justice JOHN CORNYN explains on behalf of the majority:

Generally, we adhere to our precedents for reasons of efficiency, fairness, and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in [the previous case]. . . . Finally, under our form of government, the legitimacy of the judiciary rests in large part upon a stable and predictable decisionmaking process that differs dramatically from that properly employed by the political branches of government.

According to the conservative majority on the Texas Supreme Court, Justice Owen went out of her way to ignore precedent and would have ruled for the defendants. The conservative Republican majority, in contrast to Justice Owen, followed precedent and the doctrine of stare decisis. A clear example of Justice Owen's judicial activism.

In Montgomery Independent School District v. Davis, Justice Owen wrote another dissent which drew fire from a conservative Republican majority—this time for her disregard for legislative language. In a challenge by a teacher who did not receive reappointment to her position, the majority found that the school board had exceeded its authority when it disregarded the Texas Education Code and tried to overrule a hearing examiner's decision on the matter. Justice Owen's dissent advocated for an interpretation contrary to the language of the applicable statute. The majority, which included Alberto Gonzales and two other appointees of then-Governor Bush, was quite explicit about its view that Justice Owen's position disregarded the law:

The dissenting opinion misconceives the hearing examiner's role in the . . . process by stating that the hearing examiner 'refused' to make findings on the evidence the Board relies on to support its additional findings. As we explained above, nothing in the statute requires the hearing examiner to make findings on matters of which he is unpersuaded. . . .

The majority also noted that:

The dissenting opinion's misconception of the hearing examiner's role stems from its disregard of the procedural elements the Legislature established in subchapter F to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards. The Legislature maintained local control by giving school boards alone the option to choose the hearing-examiner process in nonrenewal proceedings. . . . By resolving conflicts in disputed evidence, ignoring credibility issues, and essentially stepping into the shoes of the factfinder to reach a specific result, the dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . .

This is another clear example of Justice Owen's judicial activism.

Collins v. Ison-Newsome, is yet another case where a dissent, joined by Justice Owen, was roundly criticized by the Republican majority of the Texas Supreme Court. The Court cogently stated the legal basis for its conclusion that it had no jurisdiction to decide the matter before it, and as in other opinions where Justice Owen was in dissent, took time to explicitly criticize the dissent's positions as contrary to the clear letter of the law.

At issue was whether the Supreme Court had the proper ''conflicts jurisdiction'' to hear the interlocutory appeal of school officials being sued for defamation. The majority explained that it did not because published lower court decisions do not create the necessary conflict between themselves. The arguments put forth by the dissent, in which Justice Owen joined, offended the majority, and they made their views known, writing:

The dissenting opinion agrees that ''because this is an interlocutory appeal . . . this Court's jurisdiction is limited,'' but then argues for the exact opposite proposition . . . This argument defies the Legislature's clear and express limits on our jurisdiction. . . . The author of the dissenting opinion has written previously that we should take a broader approach to the conflicts-jurisdiction standard. But a majority of the Court continues to abide by the Legislature's clear limits on our interlocutory-appeal jurisdiction.

They continue:

[T]he dissenting opinion's reading of Government Code sec. 22.225(c) conflates conflicts jurisdiction with dissent jurisdiction, thereby erasing any distinction between these two separate bases for jurisdiction. The Legislature identified them as distinct bases for jurisdiction in sections 22.001(a)(1) and (a)(2), and section 22.225(c) refers specifically to the two separate provisions of section 22.001(a) providing for conflicts and dissent jurisdiction. . . . [W]e cannot simply ignore the legislative limits on our jurisdiction, and not even Petitioners argue that we should do so on this basis.

Again, Justice Owen joined a dissent that the Republican majority described as defiant of legislative intent and in disregard of legislatively drawn limits. This is yet another clear example of Justice Owen's judicial activism.

Some of the most striking examples of criticism of Justice Owen's writings, or the dissents and concurrences she joins, come in a series of parental notification cases heard in 2000. They include:

In In re Jane Doe 1, where the majority included an extremely unusual section explaining its view of the proper role of judges, admonishing the dissent, joined by Justice Owen, for going beyond its duty to interpret the law in an attempt to fashion policy.

Giving a pointed critique of the dissenters, the majority explained that, ''In reaching the decision to grant Jane Doe's application, we have put aside our personal viewpoints and endeavored to do our job as judges—that is, to interpret and apply the Legislature's will as it has been expressed in the statute.''

In a separate concurrence, Justice Alberto Gonzales wrote that to construe the law as the dissent did, ''would be an unconscionable act of judicial activism.'' A conservative Republican colleague of Justice Owen's points squarely to her judicial activism. I know that the Attorney General now says that when he wrote that he was not referring to her, and I don't blame him for taking that position. After all, he is the Attorney General charged with defending her nomination. But there is no way to read his concurring opinion as anything other than a criticism of the dissenters, Owen included. Listen to the words he wrote:

The dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature. And I find nothing in this statute to directly show that the Legislature intended such a narrow construction. As the Court demonstrates, the Legislature certainly could have written [the law] to make it harder to by pass a parent's right to be involved. . . But it did not. . . . Thus, to construe Parental Notification Act so narrowly as to eliminate bypasses or to create hurdles that simply are not to be found in the words of the statute, would be an unconscionable act of judicial activism.

Owen is one of two justices who wrote a dissent, so she is naturally included in the ''dissenting opinions'' to which he refers. It doesn't get much clearer than this. But you don't have to take my word for it. Mr. Gonzales himself has acknowledged as much.

Twice before Justice Owen's first hearing in the Judiciary Committee, he and his spokesperson admitted that his comments referred to a disagreement between justices. The New York Times of April 7, 2002, reported that, ''a spokesman for Mr. Gonzales, minimized the significance of the disagreement, [saying] ''Judge Gonzales's opinion and Justice Owen's dissent reflect an honest and legitimate difference of how to interpret a difficult and vague statute.'' On July 22, 2003, the New York Times reported that in an interview he had with the then-White House Counsel, ''Mr. Gonzales sought to minimize the impact of his remarks. He acknowledged that calling someone a 'judicial activist' was a serious accusation, especially among Republicans who have used that term as an imprecation against liberals.''

Of course, Mr. Gonzales went on to tell the reporter that he still supported Justice Owen for the Fifth Circuit, and I expect he would. He works for the President and supports his efforts to fill the federal courts with ideologues and activists, and I appreciate his honesty. It was only years later, when he was before the Judiciary Committee for his own confirmation to be Attorney General that he told us his comments did not refer to Justice Owen, rather to himself, and what he would be doing if he expressed an opinion like that of the dissent. So, I will take the Attorney General at his word, but I will take his original writing and his earliest statements as the best evidence of his view of Justice Owen's opinion in Doe 1, and leave his later, more politically influenced statements, to others.

Jane Doe 1 was not the only one of the parental consent cases where Justice Owen's position was criticized by her Republican colleagues. In In re Jane Doe 3, Justice Enoch writes specifically to rebuke Justice Owen and her fellow dissenters for misconstruing the legislature's definition of the sort of abuse that may occur when parents are notified of a minor's intent to have an abortion, saying, ''abuse is abuse; it is neither to be trifled with nor its severity to be second guessed.''

In one case that is perhaps the exception that proves the rule, Justice Owen wrote a majority opinion that was bitterly criticized by the dissent for its activism. In In re City of Georgetown, Justice Owen wrote a majority opinion finding that the city did not have to give The Austin American-Statesman a report prepared by a consulting expert in connection with pending and anticipated litigation because such information was expressly made confidential under other law—namely, the Texas Rules of Civil Procedure.

The dissent is extremely critical of Justice Owen's opinion, citing the Texas law's strong preference for disclosure and liberal construction. Accusing her of activism, Justice Abbott, joined by Chief Justice Phillips and Justice Baker, notes that the legislature, ''expressly identified eighteen categories of information that are 'public information' and that must be disclosed upon request . . . [sec. (a)] The legislature attempted to safeguard its policy of open records by adding subsection (b), which limits courts' encroachment on its legislatively established policy decisions.'' Id. at 338. The dissent further protests:

[b]ut if this Court has the power to broaden by judicial rule the categories of information that are 'confidential under other law,' then subsection (b) is eviscerated from the statute. By determining what information falls outside subsection (a)'s scope, this Court may evade the mandates of subsection (b) and order information withheld whenever it sees fit. This not only contradicts the spirit and language of subsection (b), it guts it.

Finally, the opinion concluded by asserting that Justice Owen's interpretation, ''abandons strict construction and rewrites the statute to eliminate subsection (b)'s restrictions.''

Yet again, her colleagues on the Texas court, cite Justice Owen's judicial activism.

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views.

Justice Owen makes bad decisions even when she is not being criticized by her colleagues. Among these decisions are those where she skews her decisions to show bias against consumers, victims and just plain ordinary people in favor of big business and corporations. As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the Court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some pre-conceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and time again, in seeming contradiction of the law as written. In fact, according to a study conducted last year by the Texas Watch Foundation, a non-profit consumer protection organization in Texas, in the last six years, Owen has not dissented once from a majority decision favoring business interests over victims, but has managed to differ from the majority and dissent in 22 of the 68 cases where the majority opinion was for the consumer.

One of the cases where this trend is evident in FM Properties v. City of Austin, I asked Justice Owen about this 1998 environmental case at her hearing. In her dissent from a 6–3 ruling, in which Justice Alberto Gonzales was among the majority, Justice Owen showed her willingness to rule in favor of large private landowners against the clear public interest in maintaining a fair regulatory process and clean water. Her dissent, which the majority characterized as ''nothing more than inflammatory rhetoric,'' was an attempt to favor big landowners.

In this case, the Texas Supreme Court found that a section of the Texas Water Code allowing certain private owners of large tracts of land to create ''water quality zones,'' and write their own water quality regulations and plans, violated the Texas Constitution because it improperly delegated legislative power to private entities. The court found that the Water Code section gave the private landowners, ''legislative duties and powers, the exercise of which may adversely affect public interests, including the constitutionally-protected public interest in water quality.'' The court also found that certain aspects of the Code and the factors surrounding its implementation weighed against the delegation of power, including the lack of meaningful government review, the lack of adequate representation of citizens affected by the private owners' actions, the breadth of the delegation, and the big landowners' obvious interest in maximizing their own profits and minimizing their own costs.

The majority offered a strong opinion, detailing its legal reasoning and explaining the dangers of offering too much legislative power to private entities. By contrast, in her dissent, Justice Owen argued that, ''[w]hile the Constitution certainly permits the Legislature to enact laws that preserve and conserve the State's natural resources, there is nothing in the Constitution that requires the Legislature to exercise that power in any particular manner,'' ignoring entirely the possibility of an unconstitutional delegation of power. Her view strongly favored large business interests to the clear detriment of the public interest, and against the persuasive legal arguments of a majority of the court.

When I asked her about this case at her hearing, I found her answer perplexing. In a way that she did not argue in her written dissent, at her hearing Justice Owen attempted to cast the FM Properties case not as, ''a fight between and City of Austin and big business, but in all honesty, . . .

really a fight about . . . the State of Texas versus the City of Austin.'' In the written dissent however, she began by stating the, ''importance of this case to private property rights and the separation of powers between the judicial and legislative branches . . .'', and went on to decry the Court's decision as one that, ''will impair all manner of property rights.'' At the time she wrote her dissent, Justice Owen was certainly clear about the meaning of this case property rights for corporations.

Another case that concerned me is GTE Southwest, Inc. v. Bruce, where Justice Owen wrote in favor of GTE in a lawsuit by employees for intentional infliction of emotional distress. The rest of the court held that three employees subjected to what the majority characterized as ''constant humiliating and abusive behavior of their supervisor'' were entitled to the jury verdict in their favor. Despite the court's recitation of an exhaustive list of sickening behavior by the supervisor, and its clear application of Texas law to those facts, Justice Owen wrote a concurring opinion to explain her difference of opinion on the key legal issue in the case whether the behavior in evidence met the legal standard for intentional infliction of emotional distress.

Justice Owen contended that the conduct was not, as the standard requires, ''so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency '' The majority opinion shows Justice Owen's concurrence advocating an inexplicable point of view that ignores the facts in evidence in order to reach a predetermined outcome in the corporation's favor.

Justice Owen's recitation of facts in her concurrence significantly minimizes the evidence as presented by the majority. Among the kinds of behavior to which the employees were subjected—according to the majority opinion—are: Upon his arrival the supervisor, ''began regularly using the harshest vulgarity . . . continued to use the word ''f—'' and ''motherf—r'' frequently when speaking with the employees . . . repeatedly physically and verbally threatened and terrorized them . . . would frequently assault each of the employees by physically charging at them . . . come up fast . . . and get up over (the employee) . . . and yell and scream in her face . . . called (an employee) into his office every day and . . . have her stand in front of him, sometimes for as long as thirty minutes, while (the supervisor) simply stared at her . . . made (an employee) get on her hands and knees and clean the spots (on the carpet) while he stood over her yelling.'' Id. at 613–614. Justice Owen did not believe that such conduct was outrageous or outside the bounds of decency under state law.

At her hearing, in answer to Senator Edwards's questions about this case, Justice Owen again gave an explanation not to be found in her written views. She told him that she agreed with the majority's holding, and wrote separately only to make sure that future litigants would not be confused and think that out of context, any one of the outrages suffered by the plaintiffs would not support a judgment. Looking again at her dissent, I do not see why, if that was what she truly intended, she did not say so in language plain enough to be understood, or why she thought it necessary to write and say it in the first place. It is a somewhat curious distinction to make to advocate that in a tort case a judge should write a separate concurrence to explain which part of the plaintiff's case, standing alone, would not support a finding of liability. Neither her written concurrence, nor her answers in explanation after the fact, is satisfactory explanation of her position in this case.

In City of Garland v. Dallas Morning News, Justice Owen dissented from a majority opinion and, again, it is difficult to justify her views other than as being based on a desire to reach a particular outcome. The majority upheld a decision giving the newspaper access to a document outlining the reasons why the city's finance director was going to be fired. Justice Owen made two arguments: that because the document was considered a draft it was not subject to disclosure, and that the document was exempt from disclosure because it was part of policy making. Both of these exceptions were so large as to swallow the rule requiring disclosure. The majority rightly points out that if Justice Owen's views prevailed, almost any document could be labeled draft to shield it from public view. Moreover, to call a personnel decision a part of policy making is such an expansive interpretation it would leave little that would not be ''policy.''

Quantum Chemical v. Toennies is another troubling case where Justice Owen joined a dissent advocating an activist interpretation of a clearly written statute. In this age discrimination suit brought under the Texas civil rights statute, the relevant parts of which were modeled on Title VII of the federal Civil Rights Act—and its amendments—the appeal to the Texas Supreme Court centered on the standard of causation necessary for a finding for the plaintiff. The plaintiff argued, and the five justices in the majority agreed, that the plain meaning of the statute must be followed, and that the plaintiff could prove an unlawful employment practice by showing that discrimination was ''a motivating factor.'' The employer corporation argued, and Justices Hecht and Owen agreed, that the plain meaning could be discarded in favor of a more tortured and unnecessary reading of the statute, and that the plaintiff must show that discrimination was ''the motivating factor,'' in order to recover damages.

The portion of Title VII on which the majority relies for its interpretation was part of Congress's 1991 fix to the United States Supreme Court's opinion in the Price Waterhouse case, which held that an employer could avoid liability if the plaintiff could not show discrimination was ''the'' motivating factor. Congress's fix, in Section 107 of the Civil Rights Act of 1991, does not specify whether the motivating factor standard applies to both sorts of discrimination cases, the so-called ''mixed motive'' cases as well as the ''pretext'' cases.

The Texas majority concluded that they must rely on the plain language of the statute as amended, which could not be any clearer that under Title VII discrimination can be shown to be ''a'' motivating factor. Justice Owen joined Justice Hecht in claiming that federal case law is clear—in favor of their view—and opted for a reading of the statute that would turn it into its polar opposite, forcing plaintiffs into just the situation legislators were trying to avoid. This example of Justice Owen's desire to change the law from the bench, instead of interpret it, fits President Bush's definition of activism to a ''T''.

Justice Owen has also demonstrated her tendency toward ends-oriented decision making quite clearly in a series of dissents and concurrences in cases involving a Texas law providing for a judicial bypass of parental notification requirements for minors seeking abortions.

The most striking example is Justice Owen's expression of disagreement with the majority's decision on key legal issues in Doe 1, which I discussed earlier in a different context. She strongly disagreed with the majority's holding on what a minor would have to show in order to establish that she was, as the statute requires, ''sufficiently well informed'' to make the decision on her own. While the conservative Republican majority laid out a well-reasoned test for this element of the law, based on the plain meaning of the statute and well-cited case law, Justice Owen inserted elements found in neither authority. Specifically, Justice Owen insisted that the majority's requirement that the minor be ''aware of the emotional and psychological aspects of undergoing an abortion'' was not sufficient and that among other requirements with no basis in the law, she, ''would require . . . [that the minor] should . . . indicate to the court that she is aware of and has considered that there are philosophic, social, moral, and religious arguments that can be brought to bear when considering abortion.''

In her written concurrence, Justice Owen indicated, through legal citation, that support for this proposition could be found in a particular page of the Supreme Court's opinion in Planned Parenthood v. Casey. However, when one looks at that portion of the Casey decision, one finds no mention of requiring a minor to acknowledge religious or moral arguments. The passage talks instead about the ability of a State to ''enact rules and regulations designed

to encourage her to know that there are philosophic and social arguments of great weight that can be brought to bear,'' Justice Owen's reliance on this portion of a United States Supreme Court opinion to rewrite Texas law was simply wrong.

As she did in answer to questions about a couple of other cases at her hearing, Justice Owen tried to explain away this problem with an after-the-fact justification. She told Senator CANTWELL that the reference to religion was not to be found in Casey after all, but in another U.S. Supreme Court case, H.L. v. Matheson. She explained that in ''Matheson they talk about that for some people it raises profound moral and religious concerns, and they're talking about the desirability or the State's interest in these kinds of considerations in making an informed decision.'' Transcript at 172. But again, on reading Matheson, one sees that the only mention of religion comes in a quotation meant to explain why the parents of the minor are due notification, not about the contours of what the government may require someone to prove to show she was fully well informed. Her reliance on Matheson for her proposed rewrite of the law is just as faulty as her reliance on Casey. Neither one supports her reading of the law. She simply tries a little bit of legal smoke and mirrors to make it appear as if they did. This is the sort of ends-oriented decision making that destroys the belief of a citizen in a fair legal system. And most troubling of all was her indication to Senator FEINSTEIN that she still views her dissents in the Doe cases as the proper reading and construction of the Texas statute. In these cases, Priscilla Owen tried to insert requirements into the law that the Texas legislature had not included in the law. Simply put, Justice Owen engaged in judicial activism. In fact, as I've said, it was in one of these cases that Attorney General Alberto Gonzales, referred to Owen's position in the case as ''an unconscionable act of judicial activism.''

Senators have criticized Justice Owen's activism in the parental notification cases. We have not criticized the laws themselves. In fact, some Democratic Senators have noted their support for these kinds of statutes. Republicans have strayed far from the issue. What is relevant here is that Priscilla Owen tried to insert requirements into the law that the Texas legislature had not included. A State legislature can enact constitutional parental notification laws. A judge is not supposed to rewrite the law but to apply it to the facts and to ensure its constitutionality.

If she wants to rewrite the law, she should leave the bench and run for a seat in the state legislature.

At her second, unprecedented hearing in 2003, Justice Owen and her defenders tried hard to recast her record and others' criticism of it. I went to that hearing, I listened to her testimony, and I read her written answers, many newly formulated, that attempt to explain away her very disturbing opinions in the Texas parental notification cases. But her record is still her record, and the record is clear. She did not satisfactorily explain why she infused the words of the Texas legislature with so much more meaning than she can be sure they intended. She adequately describes the precedents of the Supreme Court of the United States, to be sure, but she simply did not justify the leaps in logic and plain meaning she attempted in those decisions.

I read her responses to Senator HATCH's remarks at that second hearing, where he attempted to explain away cases about which I had expressed concern at her first hearing. For example, I heard him explain the opinion she wrote in F.M. Properties v. City of Austin. I read how he recharacterized the dispute in an effort to make it sound innocuous, just a struggle between two jurisdictions over some unimportant regulations. I know how, through a choreographed exchange of leading questions and short answers, they tried to respond to my question from the original hearing, which was never really answered, about why Justice Owen thought it was proper for the legislature to grant large corporate landowners the power to regulate themselves. I remained unconvinced. The majority in this case, which invalidated a state statute favoring corporations, did not describe the case or the issues as Senator HATCH and Justice Owen did. A fair reading of the case shows no evidence of a struggle between governments. This is all an attempt at after-the-fact, revisionist justification where there really is none to be found.

Justice Owen and Chairman HATCH's explanation of the case also lacked even the weakest effort at rebutting the criticism of her by the F.M. Properties majority. In its opinion, the six justice majority said, and I am quoting, that Justice Owen's dissent was ''nothing more than inflammatory rhetoric.'' They explained why her legal objections were mistaken, saying that no matter what the state legislature had the power to do on its own, it was simply unconstitutional to give the big landowners the power they were given. No talk of the City of Austin v. the State of Texas. Just the facts.

Likewise, the few explanations offered for the many other examples of the times her Republican colleagues criticized her were unavailing. The tortured reading of Justice Gonzales' remarks in the Doe case were unconvincing. He clearly said that to construe the law in the way that Justice Owen's dissent construed the law would be activism. Any other interpretation is just not credible.

And no reasons were offered for why her then-colleague, now ours, Justice CORNYN, thought it necessary to explain the principle of stare decisis to her in his opinion in Weiner v. Wasson. Or why in Montgomery Independent School District v. Davis, the majority criticized her for her disregard for legislative language, saying that, ''the dissenting opinion misconceives the hearing examiner's role in the . . . process,'' which it said stemmed from, ''its disregard of the procedural elements the Legislature established . . . to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards.'' Or why, in Collins v. Ison-Newsome, a dissent joined by Justice Owen was so roundly criticized by the Republican majority, which said the dissent agrees with one proposition but then ''argues for the exact opposite proposition . . . [defying] the Legislature's clear and express limits on our jurisdiction.''

These examples, together with the unusually harsh language directed at Justice Owen's position by the majority in the Doe cases, show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of her activist views. No good explanation was offered for these critical statements last year, and no good explanation was offered two weeks ago. Politically motivated rationalizations do not negate the plain language used to describe her activism at the time.

I also briefly set the record straight about a number of mischaracterizations of the opposition to Justice Owen's nomination. Earlier in this debate, at least one Senator said that opposition Senators, are ''discriminating against people of faith.'' Sadly, these statements follow a pattern of despicable accusations, made often by the radical interest groups backing these nominations and made too frequently here by those repeated these slurs. The assertion that any Senator opposes someone because she is a Sunday school teacher is a new low, however. Even President Bush has disavowed that attack.

I oppose Priscilla Owen, not because of her faith, which I respect, but because she is an ends-oriented judicial activist who is so far outside of the mainstream that she has often been criticized harshly by the Texas Supreme Court's conservative majority. In case after case, Justice Owen's opinions make clear that she is a judge willing to make law from the bench rather than follow the language and intent of the legislature or judicial precedent. While some of the clearest examples of her judicial activism come in her dissents in cases involving the parental notification law, there are, as I have explained, many other examples in cases having nothing to do with abortion.

Justice Owen's position as a frequent dissenter on the Texas Supreme Court shows how extreme she can be and how far from the letter of the law she strays in her attempts to push her own political and ideological agenda. Not

only has the majority of that conservative court criticized her dissents on numerous occasions, but the majority's criticisms of her opinions are unusual for their harsh tone. Surely the Republican members of the Texas Supreme Court criticized Priscilla Owen not because she is a person of faith, but because she insists on impermissibly legislating from the bench. I concur.

Senators oppose Priscilla Owen's confirmation because she has attempted to substitute her own views for those of the legislature. What is relevant is that she is writing law, rather than interpreting law, as evidenced in the opinions in which she would have added requirements that the Texas legislature did not put into the law.

An evaluation of Priscilla Owen's decisions shows that it is she who is results-oriented; she crafts her decisions in order to promote business interests over individuals and to advance various social agendas, rather than simply following the law and evaluating the facts of a given case. Justice Owen has been broadly and repeatedly criticized by her fellow Republican Texas Supreme Court Justices for disregarding statutes and the intent of the legislature, instead, pursuing her own activist results. In many cases in which she has dissented and been criticized by the majority, her opinions were to benefit corporate interests including numerous companies that contributed to her campaign.

For instance, in FM Properties Operating Co. v. City of Austin, which I have already discussed, where she ruled to let a single developer dodge Austin's water quality rules, Justice Owen received $2,500 in campaign contributions from one of the FM Properties company's partners and over $45,000 from the company's lawyers.

It is worth noting that my Democratic colleagues and I do not stand alone in opposing Priscilla Owen's nominations. We are in the good company of a broad array of newspaper editorial boards, prominent organizations, and individuals throughout the country and in Justice Owen's home state of Texas.

The groups opposing Justice Owen range from the AFL–CIO and the Leadership Conference on Civil Rights to the Endangered Species Coalition and the National Partnership for Women and Families. Texas opposition to the Owen nomination has come from a wide variety of groups including the American Association of University Women of Texas, Texas Lawyers for a Fair Judiciary, and the Texas chapters of the National Organization for Women and the Mexican American Legal Defense and Education Fund, MALDEF, just to name a few. Among the many citizens who have written to oppose Justice Owen's nomination are dozens of attorneys from Texas and elsewhere, as well as C.L. Ray, a retired Justice of the Texas Supreme Court, who wrote, ''I have rarely seen a public servant show so much contempt for the laws of this State.''

Lawyers who appear in front of Justice Owen in Texas Supreme Court rate her poorly as well. The most recent results of the Houston Bar Association's Judicial Evaluation Poll shows that 45 percent of the respondents rated Justice Owen ''poor,'' more than gave that lowest rating to any other justice. She was in last place in the ''acceptable'' category, with only 15 percent, and in second-to-last place among her colleagues in receiving a rating of ''outstanding'', with only 39 percent giving her that review.

I have heard Senator CORNYN say that Justice Owen has been supported by major newspapers in Texas, but that support must have been for her election to the Texas Supreme Court because, to the contrary, a number of major newspaper editorial boards in Texas have expressed their opposition to Justice Owen's confirmation to the federal appellate bench.

The San Antonio Express News criticized Owen because ''[o]n the Texas Supreme Court, she always voted with a small court minority that consistently tries to bypass the law as written by the Legislature.''

The Houston Chronicle cited complaints about Owen ''run from a penchant for overturning jury verdicts on tortuous readings of the law to a distinct bias against consumers and in favor of large corporations,'' and the newspaper concluded that she ''has shown a clear preference for ruling to achieve a particular result rather than impartially interpreting the law. Anyone willing to look objectively at Owen's record would be hard-pressed to deny that.''

The Austin American-Statesman wrote that Owen is ''out of the broad mainstream of jurisprudence'' and ''seems all too willing to bend the law to fit her views, rather than the reverse.'' The newspaper continued, ''Owen also could usually be counted upon in any important case that pitted an individual or group of individuals against business interests to side with business.''

Editorial boards throughout the country echo the opinions of Owen's home state newspapers. Newspapers from the Palm Beach Post and the Charleston Gazette to the Los Angeles Times and the Detroit Free Press have spoken out against this extreme nomination. The Atlanta Journal-Constitution wrote that Owen ''has a lopsided record favoring large corporations,'' while the Minneapolis Star-Tribune wrote that ''[e]ven her court colleagues have commented on her habit of twisting law to fit her hyperconservative political views'' and that ''Owen's ethical compass is apparently broken.'' Educated observers who review Priscilla Owen's record recognize that she is an ends-oriented judicial activist who is not an appropriate nominee for a lifetime appointment to one of the most important courts in the land.

When he nominated Priscilla Owen, President Bush said that his standard for judging judicial nominees would be that they ''share a commitment to follow and apply the law, not to make law from the bench.'' He said he is against judicial activism. Yet he has appointed judicial activists like Priscilla Owen and Janice Rogers Brown.

Under President Bush's own standards, Justice Owen's record of ends-oriented judicial activism does not qualify her for a lifetime appointment to the federal bench.

The President has often spoken of judicial activism without acknowledging that ends-oriented decision-making can come easily to extreme ideological nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to the law, and I cannot support it. The oath taken by federal judges affirms their commitment to ''administer justice without respect to persons, and do equal right to the poor and to the rich.'' No one who enters a federal courtroom should have to wonder whether he or she will be fairly heard by the judge.

Justice Priscilla Owen's record of judicial activism and ends-oriented decisionmaking leaves me with grave doubt about her ability to be a fair judge. The President says he opposes putting judicial activists on the Federal bench, yet Justice Priscilla Owen unquestionably is a judicial activist. I cannot vote to confirm her for this appointment to one of the highest courts in the land.

I have said time and time again that if somebody walks into a federal court, they should not have to wonder whether they will be treated fairly based on whether they are a Republican or a Democrat, a defendant or a plaintiff, rich or poor. They should know that they are going to be treated fairly no matter who they are and that their case will be determined on the merits. In Priscilla Owen's case, her record shows that litigants cannot be sure of that. The President may well get the votes to put Priscilla Owen on the Fifth Circuit today, but would it not have been better to have nominated someone with a record of fairness and impartial judging who could be confirmed by a united, not a divided Senate.

Mr. LAUTENBERG. Mr. President, I am pleased for our country and for this body that the Senate soundly rejected an abuse of power that would have done irreparable harm to Congress and to our Nation's system of checks and balances. I salute my Republican colleagues who were able to stand up to their leadership and my Democratic colleagues who labored long and hard to prevent the majority from launching the so-called nuclear option. I am especially thankful for our Democratic leader, HARRY REID, who showed a steady leadership hand through these troubling days.

As part of the agreement reached Monday night, Priscilla Owen, President Bush's nominee for the United States Court of Appeals for the Fifth Circuit, will get an up-or-down vote. It

appears that she will be confirmed, which I hoped would not take place.

Consistent with my voting record, while I respect my colleagues who worked hard to preserve the filibuster, I voted against invoking cloture on the Owen nomination yesterday and today I will vote against confirming her and urge my colleagues to do the same.

I want to make it clear that I have nothing against her personally. Too often, Members on the other side of the aisle have depicted opposition to their radical nominees as a personal animus or a bias based on the nominees' sex or race or religion. That could not be further from the truth, which is obvious if one looks at my voting record. I want to try to keep Priscilla Owen off the bench because she has a troubling record on civil rights, reproductive rights, employment discrimination, and the rights of consumers.

Our Federal courts touch the lives of every American and ensure that our individual rights are upheld. It is imperative that all nominees for the Federal bench are individuals of distinction with a record of fairness and impartiality. Unfortunately, Ms. Owen just has not demonstrated those qualities while on the Texas Supreme Court.

Ms. Owen has routinely dissented on rulings regarding the rights of employees, including the right to be free from invidious discrimination. She joined in dissenting opinions which effectively tried to rewrite a key Texas civil rights law. If she had prevailed, she would have made it much more difficult for workers to prove employment discrimination. Ms. Owen has sought to override jury verdicts, and to diminish and undermine their role in cases involving consumer protections. She has repeatedly and—in my estimation—unfairly ruled in favor of big business at the expense of workers and consumers. She has gone so far as to write and join in a number of opinions that severely limit the ability of working people to recover damages under lawsuits involving on-the-job injuries. In almost every reproductive rights case decided by the Texas Supreme Court during her time there, Ms. Owen has sought to restrict a woman's right to make her own personal decisions.

Ms. Owen's views are far outside of the judicial mainstream—even by the standards of the conservative Texas Supreme Court. President Bush's own White House Counsel, Alberto Gonzales, who was a fellow Justice on the Texas Supreme Court, referred to one of Ms. Owen's dissenting opinions as ''an unconscionable act of judicial activism.''

On September 5, 2002, the Judiciary Committee wisely rejected reporting Ms. Owen's nomination to the full Senate. I have seen no evidence in the intervening time that makes her more suitable now than she was in 2002 for a lifetime appointment to such an important position.

The Federal courts play a critical role in upholding the fundamental rights and protections of all Americans. It is imperative that nominees to the Federal courts have a clear understanding of the importance of constitutional rights and statutory protections, and of the role and responsibility of the Federal courts in upholding these rights and protections. She has not exhibited that understanding. Consequently, I do not believe she is an appropriate nominee for the Fifth Circuit. Accordingly, I will vote against her confirmation.

It would be relatively easy for President Bush to send judicial nominees to the Senate who would enjoy overwhelming or even unanimous support. I hope he will stop trying to pack the Federal courts with extremists such as Priscilla Owen. Until he does, I have no choice but to do my duty to uphold the Constitution and oppose them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I understand the time on our side has expired. While we are waiting for the distinguished Republican leader to come to the floor, I ask to continue until he arrives. Of course, I will yield to him as soon as he seeks recognition.

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

Mr. LEAHY. That we have terminated the debate and are now voting on this controversial nomination demonstrates our good will in light of the agreement reached two days ago to avoid triggering the Republican leadership's bid for one-party rule. Fourteen of our colleagues came to us with a bipartisan plan to avoid the Majority leader's nuclear option, which was a short-sighted effort to change the more than 200 years of Senate tradition, precedent and rules by destroying minority rights.

While we may not all agree with every part of the agreement, by our votes yesterday and today Democrats are showing that we are prepared to move on. I urge the Republican leader not to be captive of the narrow special interest that have moved and pushed so much the effort toward the nuclear option. We have a great deal of work to do in this body, work that can be accomplished easily by Republicans and Democrats working together, not by those who want simply partisan rules.

I expect that in due course the Senate will consider each of the three controversial nominees mentioned in Part I. A. of that Memorandum of Understanding. I do not expect there to be any repeat by Democrats of the extraordinary obstruction by Republicans of President Clinton's judicial nominees. For example, I do not expect any of the tactics used by Republicans during the extensive delay in Senate consideration of the Richard Paez nomination. Judge Paez waited more than four years before we were able to get a vote on his confirmation longer than the Priscilla Owen nomination has been pending. I recall some Republicans mounting an extraordinary motion after the filibuster of his nomination was broken to indefinitely postpone the vote; a last-ditch, unprecedented effort that was ultimately unsuccessful. Of course, Judge Helene White never got a vote or even a hearing in more than four years. Republicans denied her a hearing for a period longer than the Owen nomination has been pending. Like more than 60 of President Clinton's moderate and qualified judicial nominations, she was subjected to the Republican pocket filibuster.

In this connection I should also note that last night the Senate, with Democratic cooperation, entered into unanimous consent agreement to govern the consideration and vote on three additional circuit court nominees, Tom Griffith, Richard Griffin, and David McKeague. Those are nominations that will be debated and voted upon when the Senate returns from Memorial Day. The Democratic Leader deserves great credit for forging significant progress on these matters.

I have seen reports that the vote today of the nomination of Priscilla Owen is the ''first'' of this President's controversial nominees. That is not true. This administration has sent divisive nominee after divisive nominee to the Senate. Several controversial judicial nominees have already been voted upon by the Senate. Among the 208 judges already confirmed are some who were confirmed with less than 60 votes, some with more than 40 negative votes. The President's court-packing efforts are not new but continuing. Moreover, his penchant for insisting on divisive nominations is not limited to the judiciary, as will be demonstrated, again, when the Senate turns to the nomination of John Bolton following the vote on the Owen nomination.

As for the nomination of Priscilla Owen, after reviewing her record, hearing her testimony and evaluating her answers I am voting against her confirmation. I believe Justice Owen has shown herself over the last decade on the Texas Supreme Court to be an ends-oriented judicial activist, intent on reading her own policy views into the law. She has been the target of criticism by her conservative Republican colleagues on the court in a variety of types of cases where the law did not fit her personal views, including in cases where she has consistently ruled for big business and corporate interests in cases against worker and consumers. This sort of judging ought not to be rewarded with such an important and permanent promotion. She skews her decisions to show bias against consumers, victims and just plain ordinary

people in favor of big business and corporations.

As one reads case after case, particularly those in which she was the sole dissenter or dissented with the extreme right wing of the Court, her pattern of activism becomes clear. Her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation, leading to the conclusion that she sets out to justify some pre-conceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions. This is a judge whose record reflects that she is willing and sometimes eager to make law from the bench.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and again, in seeming contradiction of the law as written. In fact, according to a study conducted last year by the Texas Watch Foundation, a non-profit consumer protection organization in Texas, in the last six years, Owen has not dissented once from a majority decision favoring business interests over victims, but has managed to differ from the majority and dissent in 22 of the 68 cases where the majority opinion was for the consumer.

It is worth noting that the opposition to Priscilla Owen's nomination includes a broad array of newspaper editorial boards, prominent organizations, and individuals throughout the country and in Justice Owen's home state of Texas. Groups opposing Justice Owen range from the AFL–CIO and the Leadership Conference on Civil Rights to the Endangered Species Coalition and the National Partnership for Women and Families. Opposition to the Owen nomination has come from a wide variety of groups in Texas including the American Association of University Women of Texas, Texas Lawyers for a Fair Judiciary, and the Texas chapters of the National Organization for Women and the Mexican American Legal Defense and Education Fund (MALDEF), just to name a few. Among the many citizens who have written to oppose Justice Owen's nomination are dozens of attorneys from Texas and elsewhere, as well as C.L. Ray, a retired Justice of the Texas Supreme Court, who wrote, ''I have rarely seen a public servant show so much contempt for the laws of this State.''

Lawyers who appear in front of Justice Owen in Texas Supreme Court rate her poorly as well. The most recent results of the Houston Bar Association's Judicial Evaluation Poll shows that 45 percent of the respondents rated Justice Owen ''poor,'' more than gave that lowest rating to any other justice. She was in last place in the ''acceptable'' category, with only 15 percent, and in second-to-last place among her colleagues in receiving a rating of ''outstanding,'' with only 39 percent giving her that review.

I have heard Senator CORNYN say that Justice Owen has been supported by major newspapers in Texas, but that support must have been for her election to the Texas Supreme Court because a number of major newspaper editorial boards in Texas have expressed their opposition to Justice Owen's confirmation to the federal appellate bench.

When he nominated Priscilla Owen, President Bush said that his standard for judging judicial nominees would be that they share a commitment to follow and apply the law, not to make law from the bench. He said he is against judicial activism. Yet he has nominated judicial activists like Priscilla Owen. Under President Bush's own standards, Justice Owen's record of ends-oriented judicial activism does not qualify her for a lifetime appointment to the federal bench.

I have said time and time again that if somebody walks into a federal court, they should not have to wonder whether they will be treated fairly based on whether they are a Republican or a Democrat, a defendant or a plaintiff, rich or poor. They should know that they are going to be treated fairly no matter who they are and that their case will be determined on the merits. In Priscilla Owen's case, her record shows that litigants cannot be sure of that. The President may well get the votes to put Priscilla Owen on the Fifth Circuit today, but would it not have been better to have nominated someone with a record of fairness and impartial judging who could be confirmed by a united, not a divided Senate?

Mr. President, I see the distinguished Republican leader now on the floor of the Senate. I will close—so that he may be recognized—by saying, again, when somebody walks into a Federal court, they should not have to ask themselves: Is this a Republican court or Democratic court? This is an independent judiciary.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a few moments, the Senate will finally vote up or down on the nomination of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Four years—it has been a long road for Justice Owen, much longer than anyone would have or could have anticipated when she was nominated about 4 years and 2 weeks ago.

She has endured 4 years of delay, 9 hours of committee hearings, hundreds of questions, and more than 100 hours of debate on this Senate floor. In fact, it is interesting, the Senate has debated Justice Owen more days than all the sitting Supreme Court Justices combined. Today she will get the fair up-or-down vote she deserves.

Justice Owen has withstood an orchestrated partisan attack on her record as a judge and, indeed, at times on her character. Only a few days ago, opponents unfairly labeled her as too extreme to serve on the Federal bench, but those unfair attacks have not succeeded. Justice Owen, as we all know, is a distinguished mainstream jurist. She has exhibited extraordinary patience and courage in the face of continuous and sometimes vicious criticism. But today finally she will get that fair up-or-down vote, and I am confident she will be confirmed.

Today does mark a triumph of principle over politics, results over rhetoric. For far too long on judicial nominees, the filibuster was used to facilitate partisanship and to subvert principle. Through this debate, we have exposed the injustice of judicial obstruction in the last Congress and advanced those core constitutional principles that all judicial nominees deserve a fair up-or-down vote.

This vote should mark—will mark, I hope—a new beginning in the Senate, a step forward for principle, a step forward for fairness and the Constitution, but we cannot stop at this single step. I look forward to confirming other previously blocked nominees. I look forward to reading about partisan judicial obstruction only in the history books, and I hope the constitutional option does not become necessary.

I urge my colleagues to join me in support of the confirmation of Justice Owen.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. STEVENS (after having voted in the affirmative). Mr. President, on this vote, I voted ''yea.'' If the distinguished Senator from Hawaii (Mr. INOUYE) were present, he would vote ''nay.'' Therefore, I withdraw my vote.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—55

Alexander	Bunning	Cochran
Allard	Burns	Coleman
Allen	Burr	Collins
Bennett	Byrd	Cornyn
Bond	Chambliss	Craig
Brownback	Coburn	Crapo

DeMint	Inhofe	Shelby
DeWine	Isakson	Smith
Dole	Kyl	Snowe
Domenici	Landrieu	Specter
Ensign	Lott	Sununu
Enzi	Lugar	Talent
Frist	Martinez	Thomas
Graham	McCain	Thune
Grassley	McConnell	Vitter
Gregg	Murkowski	Voinovich
Hagel	Roberts	Warner
Hatch	Santorum	
Hutchison	Sessions	

NAYS—43

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Corzine	Levin	Stabenow
Dayton	Lieberman	Wyden
Dodd	Lincoln	
Dorgan	Mikulski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED

Mr. Stevens, for

NOT VOTING—1

Inouye

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

Mr. FRIST. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF JOHN ROBERT BOLTON TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 103, the nomination of John Bolton, to be U.N. ambassador; provided further that the debate up to 6:30 this evening be equally divided between the chairman and ranking member; I further ask that if a cloture motion is filed on the nomination, notwithstanding the provisions of rule XXII, that vote occur at 6 p.m. on Thursday with a live quorum waived; provided further that when the Senate resumes debate on the nomination on Thursday, all time until 6 p.m. be equally divided as stated above; further, that if cloture is invoked on the nomination, the Senate then proceed to a vote on the confirmation of the nomination with no further intervening action or debate; provided further that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative Senate; finally, I ask consent during the debate on the nomination, Senator VOINOVICH be in control of 1 hour of debate.

Mr. REID. Reserving the right to object, could we have some assurance from the distinguished majority leader that we will have an early time in the morning to come to work and we do not spend all the morning on morning business.

Mr. FRIST. Madam President, calling upon my earlier cardiac surgical days, we will start as early in the morning as the Democratic leader would like.

In all seriousness, we will agree upon a time in the morning so that we will have plenty of time.

Mr. REID. I also say if, in fact, there is more time needed tonight, would the distinguished leader allow Members to move past 6:30 tonight on debate.

Mr. FRIST. Madam President, we would be happy to.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senate meets today to debate the nomination of John Bolton to be U.S. Ambassador to the United Nations. In this capacity, he would play an important role in securing greater international support for the national security and foreign policy objectives of the United States. It is my judgment that Secretary Bolton should be confirmed as U.S. Ambassador to the United Nations.

In recent years, the Foreign Relations Committee has made a special effort to work in a bipartisan manner. For 3 straight years, we have reported out foreign affairs authorization bills by unanimous votes. During the last Congress, we met 247 times, which was 50 percent more frequently than any other committee in the Senate. In almost every case, the subject of the meeting and the selection of witnesses enjoyed bipartisan support.

We have undertaken the cooperative path, not because we always agree, but because we know the stakes are high for our country in the international arena. We face severe threats capable of undermining our national security and our economic well-being. We believe we should strive to approach these questions with as much unity as possible.

On the John Bolton nomination, our committee could not develop a consensus position. From the start, members had widely divergent views of Secretary Bolton and his suitability for the U.N. ambassadorship. Members formed different opinions about the nominee based on their assessment of the role of the United Nations, their interpretation of Secretary Bolton's statements, their judgments on the testimony of many witnesses, their perspectives on managerial conduct, their philosophy on how much latitude a President should have in nominating subordinates, and many other factors.

On top of these different perspectives, allegations were raised about Secretary Bolton that led to an expanded inquiry. Republicans and Democrats differed on some procedural aspects related to this inquiry, as well as on the relevance of some allegations and documents. Despite these substantive disagreements, we were able to work together in an effort that represents one of the most intense and most far-reaching examinations of a nominee in my experience.

The Foreign Relations Committee has interviewed 29 witnesses, producing approximately 1,000 pages of transcripts. We have received and reviewed more than 830 pages of documents from the State Department, from USAID, and the CIA regarding the Bolton nomination. We have questioned Secretary Bolton in person for 7 hours, and we have received responses to nearly 100 questions for the record, many containing numerous subparts. The depth and breadth of the 11-week inquiry is particularly notable, given that Secretary Bolton has been confirmed 4 times by the Senate already and that most of us have had personal experiences with him.

I thank both Democrat and Republican members of our Foreign Relations Committee for their patience and their perseverance throughout this process. Although we disagree in our conclusions, we share the view that the committee must work together even when we have different perspectives. We also agreed that the nomination has provided an opportunity for debate on larger issues related to the conduct of U.S. foreign policy.

At the core of any nomination process is the question of whether the nominee is qualified to undertake the task for which he or she is nominated. I have no doubt Secretary Bolton is extremely well qualified. He has just served 4 years in a key under secretary position that technically outranks the post for which he is being nominated. He has succeeded in several high-profile negotiation settings. He was the primary negotiator in the creation of the successful Proliferation Security Initiative and the landmark Moscow Treaty. He played a large role in the agreement with Libya on the surrender of that nation's weapons of mass destruction program and the ''10 Plus 10 Over 10'' agreement that resulted in $10 billion in pledges from other G–8 countries to secure former Soviet Union weapons of mass destruction arsenals. These are among the Bush administration's most important and indisputable foreign policy successes.

Opponents have argued that Secretary Bolton's personality will prevent him from being effective at the U.N., but his diplomatic successes over the last 4 years belie that expectation. Few in Government have thought more about U.N. reform than has John

Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on that subject.

During his confirmation hearing, Secretary Bolton demonstrated an impressive command of issues related to the United Nations. Senator BIDEN acknowledged to the nominee at his hearing that:

There is no question you have extensive experience in UN affairs.

Deputy Secretary Rich Armitage recently told reporters:

John Bolton is eminently qualified. He's one of the smartest guys in Washington.

Secretary Bolton also demonstrated his ability to get things done prior to becoming Under Secretary of State. Perhaps the best example is his initiative to repeal U.N. Resolution 3379, which equated Zionism with racism.

In May 1991, as Assistant Secretary of State for International Organizations, John Bolton refused to accept the common wisdom that repealing this infamous resolution was impossible. He and his staff initiated a campaign to change votes in the General Assembly, even though they were advised they would not be successful. Within a few months, they had made substantial progress. By the fall, the State Department put its full weight behind that effort. On December 16, 1991, the U.N. General Assembly voted to repeal the resolution by a vote of 111 to 25.

In the private sector, Secretary Bolton made some blunt statements about the United Nations. Many of these statements were made in academic or think-tank settings where debate on these subjects was encouraged. Many of the quotes that have been repeated by opponents came in the context of much larger speeches that were more nuanced. The fact that he has strong views and a long record of commentary on the job that he is about to undertake should not be disqualifying.

During our hearing with Secretary Bolton, he spoke of the United Nations important role in international security. He has emphasized that he wants the institution to work well on behalf of international security and the interests of the United States.

Beyond qualifications, we should recognize that Secretary Bolton has the confidence of the President of the United States and the Secretary of State. The President has made it clear this is not a casual appointment. He wants a specific person to do a specific job. President Bush has a reform agenda in mind at the U.N. This reform agenda is generally supported by the U.N. Secretary General who has put forward a reform plan of his own. The President wants John Bolton, an avowed and knowledgeable reformer, to carry out that reform agenda. Kofi Annan has welcomed John Bolton's appointment.

I would emphasize that Secretary Bolton is being appointed to a position that is within the chain of command of the President and the Secretary of State. The Ambassador to the United Nations reports directly to the President and to the Secretary of State. In fact, historically this ambassadorship has reflected directly on the President. The ambassador is seen as the President's voice at the U.N. Consequently, there are few positions in Government where the President should have more latitude in choosing his nominee. In my judgment, it would take absolutely extraordinary circumstances for the Senate to tell the President he cannot have his choice to carry out his directives at the U.N., even though the nominee is highly experienced and knowledgeable about U.N. affairs.

At times during this process, opponents have suggested that Secretary Bolton sits outside the mainstream in the Bush administration. The problem with this assertion is that President Bush is telling us this is not so. President Bush is telling us Secretary Bolton accurately reflects his views about the U.N. and how that institution should be reformed. President Bush is saying Secretary Bolton is his considered choice to implement his policies and diplomatic initiatives at the United Nations.

Some observers who want a different program than the President's may not agree with the President's choice, but the results of the 2004 election give the President the responsibility and the right to nominate like-minded representatives and to define who a like-minded representative is.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first congressional hearing on the U.N. oil-for-food scandal more than a year ago. Since that time, through the work of Paul Volcker, our own colleague on the committee, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved. This knowledge has supported the case for reform.

We know billions of dollars that should have been spent on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the U.N. Security Council who were willing to be complicit in these activities. It also depended on U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The U.N. reform is not a new issue. The structure and the role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005 we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. At a time when the United States is appealing for greater international help in Iraq, in Afghanistan, and in troubled spots around the world, a diminishment of U.N. credibility because of scandal reduces United States options and increases our own burdens.

Secretary Bolton has become closely associated with the U.S. efforts to reform the U.N. If he goes to the U.N. and helps achieve reform, the U.N. will gain in credibility, especially with the American people. If reform moves forward, Secretary Bolton will be in an excellent position to help convince skeptics that reform has occurred and that the United Nations can be an effective partner in achieving global security. If we reject Secretary Bolton, President Bush's hand will be weakened at the U.N. We will recover, but we will have wasted time. And we will have strengthened the position of reform opponents.

In the days immediately following Secretary Rice's March 7 announcement of Secretary Bolton's nomination, most Democratic members of the Foreign Relations Committee expressed their opposition to the nomination on policy grounds. A March 8 Associated Press report states:

Almost immediately after Bolton's nomination was announced, Democrats objected.

The March 8 edition of the Baltimore Sun said:

Reaction from Senate Democrats promised contentious confirmation hearings for Bolton when he goes before the Foreign Relations Committee.

In several cases, the statements by Democrats were unequivocal in opposition. In several other cases, statements were very negative, leaving open only the smallest of possibilities that the Senator would ultimately support the nominee. In all of these cases, objections were based on Secretary Bolton's supposed attitudes toward the United Nations.

Senator DODD said that Secretary Bolton's ''antipathy to the U.N. will prevent him from effectively discharging his duties as our ambassador.''

Senator KERRY said that the Bolton nomination was ''the most inexplicable appointment the President could make to represent the United States to the world community.''

Senator BOXER said of Secretary Bolton:

He's contemptuous of the U.N.

By March 31, still almost 2 weeks before the first Bolton hearings, a Los Angeles Times report noted:

Democrats are likely to vote unanimously against John R. Bolton when his nomination to be United States ambassador to the United Nations comes before the Senate Foreign Relations Committee . . . according to Democratic and Republican lawmakers and aides.

Senators have the right to oppose a nominee because of his substantive views and his past statements. However, it is important to acknowledge that the ethical inquiry into Secretary Bolton's background has been pressed by Members who had planned to vote against him even before we began interviewing witnesses. They have the right to ask questions, and the committee of jurisdiction has a responsibility to follow up on credible allegations. But we should also understand that at times the inquiry has followed a more prosecutorial path than most nominees have had to endure.

Our committee staff has worked long and hard to run down the salvo of allegations that were levied at Secretary Bolton. The end result is that many of the accusations have proven to be groundless or, at worst, overstated. New information has cast others in a different light. There is no doubt that Secretary Bolton has been blunt and combative in defense of his perspectives. Indeed, this is one of the qualities that President Bush and Secretary Rice have cited as a reason for their selection of this nominee.

As I have said previously, Secretary Bolton's blunt style alienated some colleagues. Our review showed that on several occasions he made incorrect assumptions about the behavior and motivations of subordinates. A few other times he failed to use proper managerial channels or unnecessarily personalized internal disputes. But there is no evidence that he has broken laws or engaged in serious ethical misconduct. The picture is one of an assertive policymaker with an intense commitment to his missions—missions that, in fact, were supported by President Bush.

With regard to the most serious charge, that Secretary Bolton sought to improperly manipulate intelligence, the insights we have gained do not support the conclusion. He may have disagreed with intelligence findings, but in the end he always accepted the final judgment of the intelligence community, and he always delivered speeches in their cleared form.

During this inquiry, there has been an implication that if the nominee challenged or opposed the conclusions of intelligence analysts, he somehow committed an ethical violation. I think we need to be very precise that arguing in favor of one's own reading of intelligence within the context of an internal policy debate is not wrongdoing. Intelligence reports are not sacrosanct. They involve interpretation. They are intended to stimulate debate.

Many Senators participate in classified briefings. The word ''briefing'' is a misnomer because, as Senators, we spend much of the time during briefings questioning the panel. We probe to determine not just what analysts think but why they think it, and often we challenge their conclusions.

Earlier this year, for example, the Senate Foreign Relations Committee held a highly classified briefing on North Korea in which one of our members pointedly disputed the conclusions of the briefer. There was a blunt exchange of views, and no resolution to this disagreement was achieved. I am doubtful that any of us who have attended a good number of intelligence briefings have not done the same thing on occasion. My point is that the act of challenging or disputing intelligence conclusions is not in and of itself wrong.

Some have appeared shocked that Secretary Bolton might have challenged intelligence conclusions or advanced alternative interpretations, even though the same thing happens every day in multiple departments and agencies. Congress has the benefit of something called the ''speech and debate clause.''

Article I, section 6 of the Constitution states that Members of Congress ''shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.''

The Founders put this extraordinary provision in the Constitution because they saw the value of debate. The context surrounding arguments within an administration over intelligence is different, but the principle is the same. Policymakers should be free to exert opinions and interpretations during the policymaking process. Clearly, there are lines that should not be crossed. Some may argue that Secretary Bolton crossed these lines. But the proof is in the result. After fighting for his interpretation, Secretary Bolton conformed to the clearance process and gave the speeches as they had been approved.

It has been charged that Secretary Bolton sought to retaliate in some way against analysts and others with whom he disagreed. Our inquiry looked into these cases thoroughly, and in each one I believe the allegations are overstated.

In the case of Christian Westermann, the INR analyst whom the committee heard about from Carl Ford, the dispute was over a procedural issue, and Mr. Westermann continued in his job.

We should recall that the focus of Mr. Ford's complaint was that Mr. Bolton should not have raised his objections directly with Mr. Westermann, not that Mr. Bolton was wrong to raise the issue. Our Democratic colleagues last month made much of the fact that after this incident Secretary Powell had to go all the way down to INR to boost morale. But we heard from Secretary Powell's chief of staff that such visits were not uncommon. It was part of the Secretary's leadership style to visit with staff in the ''bowels of the building,'' including INR.

In the case of the NIO for Latin America, e-mails the committee staff has viewed make it clear that Secretary Bolton's primary objection was over disparaging and inaccurate comments the analyst made to Members of Congress about a speech. Secretary Bolton took his complaint to the CIA. Although the NIO has said he feels his career was damaged by Secretary Bolton, his superiors fully backed him at the time, and other witnesses have told the committee that if he did not get the promotions he felt he deserved, it was for other reasons. Again, as far as Secretary Bolton was concerned, the dispute was procedural. There was no attempt to fabricate intelligence.

Other allegations related to managerial style show the same pattern upon examination—disagreement over procedure, not policy. In the case of Rexon Ryu, a mid-level civil servant in the non-proliferation bureau under Secretary Bolton, no policy issues were involved at all. Secretary Bolton believed—incorrectly, according to Mr. Ryu's supervisor—that Mr. Ryu had deliberately neglected to share information with Bolton's office. Some months later, Mr. Ryu was up for a job that would have required him to work closely with Secretary Bolton. Secretary Bolton, perhaps regrettably, expressed his opposition to working with Mr. Ryu. Mr. Ryu was given another prized post instead, an assignment to the deputy secretary.

The case of the State Department attorney, also raised by the other side, is even more off the mark. This attorney fully supported what Secretary Bolton wanted to do. It was only because of miscommunication that Secretary Bolton thought the attorney had given out wrong information on a case involving sanctions against a Chinese company. The State Department Legal Advisor, Will Taft, told our staff that he quickly straightened things out. The attorney stayed on the case, and he even wrote the affidavit that Secretary Bolton later submitted to court.

Staff also looked at a new case that came up. Secretary Bolton's chief of staff, we learned, went to an INR analyst to complain that he had inappropriately attached to a CIA document a cover memo that took exception to some of the CIA's findings regarding China. No action was sought against the analyst and none was taken. The issue was procedural, no intelligence was manipulated, and Secretary Bolton was not even directly involved, because he was out of the country at the time.

Secretary Bolton's credibility has also been called into question regarding his testimony before our committee on April 11. Senator BIDEN questioned whether Mr. Bolton really went to the CIA to learn about the National Intelligence Council. Stuart Cohen, the acting head of the NIC, said that while he could not recall why Secretary

Bolton wanted to come, it was ''perfectly reasonable'' to believe that was the reason. In fact, he added, ''I was delighted at the prospect that somebody would come out wanting to know more about the NIC.'' He also said that Secretary Bolton only talked about reassigning, not firing, the NIO just as Mr. Bolton testified. Our investigation has found nothing contrary to Secretary Bolton's claim that his dispute with Mr. Westermann was over procedure, not policy.

Former Ambassador to South Korea, Thomas Hubbard, called the committee after Secretary Bolton's testimony about a controversial speech he gave in South Korea. Secretary Bolton testified that Ambassador Hubbard had thanked him for the speech afterwards. The ambassador told us he indeed had thanked Secretary Bolton afterwards, but only for making certain changes in the speech that he had requested. Ambassador Hubbard told our staff that he wanted to correct the record on that point, but he was not accusing Secretary Bolton of being deliberately misleading.

That speech was one of several by Secretary Bolton that opponents of the nomination have questioned. Our investigation showed that many of these speeches and congressional testimony were preceded by strong policy debates within the administration. As one witness told our staff, ''That's how good policy is made.'' In each case we found that, in the end, Secretary Bolton delivered a speech that was properly cleared and that expressed official U.S. policy.

One of the most sensationalized accusations against Secretary Bolton is that 11 years ago, he chased a woman around a Moscow hotel throwing things at her. This is problematic first because the behavior described seems so out of place. But secondly, because it has been very difficult for our staffs, despite many hours of interviews on this matter, to ascertain just what happened.

The woman, Melody Townsel, who lives in Dallas, admits that she is a liberal Democrat who worked for Mothers Opposing Bush in the last election. Ms. Townsel also told our staffs that her original accusation, contained in a letter that was made public, may have been too strong in some places. She said: '' 'Chasing' may not be the best word.'' What she meant was that Secretary Bolton would approach her whenever he saw her at the hotel where they were both staying because, as she describes it, she did not want to meet with him over a legal matter. It is important to remember that Secretary Bolton was a private lawyer at that time. He was not representing the U.S. Government. He was working for a company against which Ms. Townsel had made some very serious charges—charges which proved unfounded—that could have cost his company an important USAID contract in the former Soviet Union.

Ms. Townsel provided no eyewitnesses to the incidents, which are said to have occurred in public or open areas of the hotel. Moreover, although she claimed this was a highly traumatic encounter and that she told several people about it, staff had difficulty finding others who knew about it. Three people whom Ms. Townsel identified as having heard her complaints at the time of the events told staff that they had no recollection of Ms. Townsel mentioning Mr. Bolton. Her boss, Charles Black, of Black, Manafort, Stone and Kelly, who hired her for the post, said she never mentioned it to him. Neither did her immediate supervisor back in Washington. An employee of a sister company who assisted Ms. Townsel in making her charges against the prime contractor on her project and with whom she said she was in close touch at the time, also knows nothing about it. Staffs talked to three representatives of the contractor, a small Virginia firm which has long experience working for USAID overseas. Those officials also heard nothing about this encounter. They said that Secretary Bolton was in Moscow at that time, but he was working as a consultant for a health project they were involved in, not doing legal work for them. We did find one of her friends and co-workers from that time, who was not in Moscow, who recalls talking with her by telephone about it, as well as a subordinate of hers in a later USAID-funded project who recalls her mentioning it.

Ultimately, Ms. Townsel went on to another USAID project in the former Soviet Union, and the company she accused of mismanagement was awarded more USAID contracts and continues to be well regarded.

The original charge against Secretary Bolton is uncorroborated and overstated. On the basis of what we do know, there is nothing to offset Secretary Bolton's long record of public service in several administrations. It has been charged that collectively the allegations against Secretary Bolton form an unacceptable pattern of behavior. This is an unfortunate argument by opponents because it depends on doubts arising from an intense investigation of accusations, many of which had no substantiation. By its nature, it also discounts the dozens of positive testimonials on Secretary Bolton's behalf from former coworkers who attest to his character and his effectiveness.

We need to think clearly about the context of the allegations leveled against Secretary Bolton. First, this has been an extremely public inquiry. By its nature, it has encouraged anyone with a grudge or disagreement with Secretary Bolton, stretching back to 1983, to come forward and tell their story. There have been no thematic limits on the allegations that opponents of the nominee have asked to be investigated.

I simply submit that no one working in Washington in high-ranking positions for that long would come out unscathed from such a process. Any assertive policymaker will develop opponents based on stylistic differences, personal disputes, or partisan disagreements. Most Members of the Senate have been in public life for decades. If we were nominated for a similar position of responsibility after our terms in the Senate, how many of us would want the same standard to be applied to our confirmation process? How many of us would want any instance of conflict or anger directed at our staffs or our colleagues to be fair game?

Second, as mentioned, the oldest allegation dates back all the way to 1983. Thus, we are subjecting 22 years of Secretary Bolton's career to a microscope. This included service in many Government jobs, as well as time spent in the private sector. Given the length of John Bolton's service in high-ranking positions, it is inevitable he would have a conflict with coworkers of various ranks and political persuasions. He would have had literally thousands of contacts, meetings, and issues to deal with during his career. In this context, the volume of alleged incidents is not that profound.

Third, in John Bolton's case, unsubstantiated charges may seem more material than they are because he has a reputation for being an aggressive and blunt negotiator. But this should not be a disqualifying factor, especially for posts that historically have included a number of blunt, plain-spoken individuals, including Jeane Kirkpatrick and our former colleague, Daniel Patrick Moynihan. In fact, President Bush has cited John Bolton's direct style as one of the reasons he has picked him for this particular job.

It is easy to say any inquiry into any allegation is justified if we are pursuing the truth, but as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest, and open.

Clearly, we should pursue credible reports of wrongdoing, but in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair.

We have all witnessed quality nominees who have had to endure a contentious nomination process that opened them up to any charge leveled from any direction. Both Republicans and Democrats have been guilty of employing prosecutorial tactics to oppose nominees with whom they did not agree. Some would say that nominees are fair game. If they accept appointment, they enter the public arena where no quarter will be given. But we need capable people who are willing to serve our Government and the American people.

Among all the other qualifications, it seems we have required nominees to subject themselves and their families to partisan scrutiny. This has implications well beyond this current nomination.

Our Democratic colleagues have recognized this fact when they have defended Democratic nominees in the past. With respect to one nominee in October 1993, Senator BIDEN said:

The Senate does nothing to fulfill its responsibility to advice and consent on Presidential nominations and does nothing to enhance its reputation as the world's greatest deliberative body by entertaining a long and disagreeable litany of past policy disagreements, nor by entertaining anonymous and probably false allegations.

With regard to a troubled 1999 nomination, Senator DODD quite insightfully stated:

I am one, Mr. Chairman, who worries deeply about our ability to attract the best our society can produce to serve our country. It is not easy to submit yourselves and your families to the kind of public scrutiny that a nomination of this magnitude involves. We have got to sort out some ways in which we can go through this process without making it so discouraging to people that those who watch the process who think one day they might like to serve their country will be discouraged from doing so in any administration, and I am deeply worried that if we do not get a better handle on this, that will be the net result of what we accomplish.

Senator DODD also provided comments for a March 1, 1997, Washington Post article about the travails of a different nominee. He said:

It's getting harder and harder to get good people to serve in government. Advice and consent does not have to be abuse.

In an investigation of this type, we constantly have to ask, where do you draw the line? Where does legitimate due diligence turn into partisanship? Where does the desire for the truth turn into a competition over who wins and who loses? Not every line of the inquiry is justified by our curiosity or even our suspicions.

The Foreign Relations Committee has focused a great deal of energy examining several accusations against the nominee. This may leave some observers with the false impression that John Bolton's service has been dominated by discord and conflict. We need to acknowledge that a great many officials with whom he has worked have endorsed him and many subordinates have attested to his managerial character. I would like to cite just a few of the comments received by the committee in support of Secretary Bolton.

Former Secretaries of State James Baker, Larry Eagleburger, Alexander Haig, Henry Kissinger, and George Shultz, former Secretaries of Defense Frank Carlucci and James Schlesinger, former Ambassadors Jeane Kirkpatrick and Max Kampelman, former National Security Adviser Richard Allen, former Arms Control and Disarmament Agency Director Kenneth Adelman, former Assistant Secretary of State David Abshire and former Department of State Counselor Helmut Sonnenfeldt strongly endorsed Secretary Bolton in a letter to the committee. They said:

It is a moment when we must have an ambassador in place whose knowledge, experience, dedication and drive will be vital to protecting the American interest in an effective, forward-looking United Nations. . . . Secretary Bolton, like the administration, has his critics of course. Anyone as energetic and effective as John [Bolton] is bound to encounter those who disagree with some or even all of the administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor and distinction.

Andrew Natsios, the current USAID administrator and M. Peter McPherson, a former USAID administrator, along with 37 officials who worked with John Bolton during his year at USAID wrote:

We know John to be a forceful policy advocate who both encourages and learns from rigorous debate. We know him to be a man of balanced judgment. And we know him to have a sense of humor, even about himself. John leads from in front with courage and conviction—especially positive qualities, we believe, for the assignment he is being asked to take on. He is tough but fair. He does not abuse power or people. John is direct, yet thoughtful in his communication. He is highly dedicated, working long hours in a never-ending quest to maximize performance. Yet he does not place undue time demands on his staff, recognizing their family obligations. What he does demand from his staff is personal honesty and intellectual clarity.

Another letter from former Attorneys General Ed Meese and Dick Thornburgh; former Governors William Weld and Frank Keating; former counsels to the President C. Boyden Gray and Arthur Culvahouse Jr.; and 39 other distinguished Officials stated:

Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service of this country and the promotion of our foreign policy interests as established by this President and Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our own experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime.

Another letter came from 21 former officials who worked with John Bolton in his capacity as Assistant Secretary of State for International Organization Affairs. It states:

Despite what has been said and written in the last few weeks, John has never sought to damage the United Nations or its mission. Quite the contrary—under John's leadership the organization was properly challenged to fulfill its original charter. John's energy and innovation transformed IO from a State Department backwater into a highly appealing work place in which individuals could effectively articulate and advance U.S. policy and their own careers as well.

A letter also arrived from 43 of John Bolton's former colleagues at the American Enterprise Institute. It stated:

As we have followed the strange allegations suddenly leveled at Mr. Bolton in recent days and reflected among ourselves on our own experiences with him, we have come to realize how much we learned from him, and how deep and lasting were his contributions. . . . Contrary to the portrayals of his accusers, he combines a temperate disposition, good spirit, and utter honesty with his well-known attributes of exceptional intelligence and intensity of purpose. This is a rare combination and, we would think, highly desirable for an American ambassador to the United Nations.

Former British Prime Minister Margaret Thatcher wrote in a recent letter to Secretary Bolton:

To combine, as you do, clarity of thought, courtesy of expression and an unshakeable commitment to justice is rare in any walk of life. But it is particularly so in international affairs. A capacity for straight talking rather than peddling half-truths is a strength and not a disadvantage in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the UN, they will do both. Those same qualities are also required for any serious reform at the United Nations itself, without which cooperation between nations to defend and extend liberty will be far more difficult.

During consideration of the Bolton nomination, we have spent a good deal of time scrutinizing individual conversations and incidents that happened several years ago. Regardless of how each Senator plans to vote, we should not lose sight of the larger national security issues concerning UN reform and international diplomacy that are central to this nomination.

The President has tapped Secretary Bolton to undertake this urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the UN for the national security and foreign policy objectives of the United States. He has stated his belief in decisive American leadership at the UN, and underscored that an effective United Nations is very much in the interest of U.S. national security.

I believe that the President deserves to have his nominee represent him at the United Nations. I am hopeful that we will vote to send this nominee to the United Nations without further delay and with a maximum amount of enthusiactic support.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LUGAR. I ask that the time now be equally charged to both sides.

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

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that quorum calls be charged equally against both sides for the duration of the debate on the Bolton nomination.

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

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I rise today to state what is obvious to the Chair and my colleagues, that I will oppose the nomination of John Bolton to be U.S. representative to the United Nations. I regret, frankly, we are even debating this nomination while the administration continues to withhold relevant material about Mr. Bolton that the committee has requested, and for which no reasonable explanation has been given as to why it has not been provided other than they do not think the information is ''relevant'' to our inquiry. I will return to that issue later today.

The job to which Mr. Bolton has been nominated is one of the most important ambassadorships the President fills. It is, in fact, the most important one. In the past, it has often held Cabinet rank. Leading figures of their day have held that job, people such as Republican Henry Cabot Lodge, Democrat Adlai Stevenson, President George Herbert Walker Bush, Daniel Patrick Moynihan, Jeane Kirkpatrick, Richard Holbrooke, Senator Jack Danforth. Aside from the President and the Secretary of State, the U.N. ambassador is the best known face of American diplomacy.

It is a job that in my view requires a person with diplomatic temperament, a person willing to listen to other points of view, and blessed with the power to be able to persuade, such as President Bush's father George Herbert Walker Bush was.

It is a job that requires a person of great credibility, such as Governor Adlai Stevenson.

It is a job that requires a person who is not an ideologue, such as Senator Daniel Patrick Moynihan, a Democrat who served a Republican President as ambassador to the United Nations.

And it is a job, in my view, that requires a person who has the complete confidence of the President of the United States and Secretary of State, such as Jeane Kirkpatrick did.

Mr. Bolton is not that person. He is no diplomat, as evidenced by his contempt for opposing views and his inability or unwillingness to listen. His credibility is in grave doubt, as evidenced by his repeated efforts to distort facts to fit preformed views. He is an ideologue—a bright ideologue, but nonetheless an ideologue, as evidenced by his long record both in and out of Government. And he lacks the trust and confidence of his superiors, as evidenced by the fact that the Secretary of State has felt the need to assure Senators in this Chamber that Mr. Bolton will be ''closely supervised.'' As one of our colleagues said, why in the Lord's name would you send someone to the United Nations who had to be ''closely supervised?''

The job of U.N. ambassador is important, to state the obvious, because of the many challenges the United States confronts in the year 2005. I would argue it is a more important post than at any time since 1962 and the Cuban missile crisis. We confront a monumental threat by radical Islamic fundamentalists bent on destroying America and our allies. We confront a radical regime in North Korea and a theocracy in Iran that seek nuclear weapons and the means to deliver them. We confront the challenge of building democratic states in Iraq and Afghanistan, two countries that have known mostly dictatorship and suffering for generations. We confront the challenges of the AIDS pandemic, war and humanitarian catastrophes across the African continent, and the threat of instability in every continent.

Despite our vast economic and military power we cannot—or I should say more appropriately, we need not—face these challenges alone. America's security is enhanced when we work with our allies, and the United Nations is one of the places we can find them. Our security is enhanced when even those who are not considered our allies understand that the threat that we are concerned about is common to all of us, to them as well as us, to almost all nation states.

For better or worse, the United Nations is an essential forum for the advancement of U.S. foreign policy and national security interests in the year 2005—a troublesome forum but in fact a necessary forum. For better or worse, the U.N. Security Council makes decisions that affect international security and stability. Granted, they cannot make any decision without the United States signing off—we can veto it—but they have the ability to isolate us instead of isolating those who should be isolated.

For better or worse, the United Nations provides a means for the United States to gain international support for difficult missions it seeks to undertake, not only in our interest but in the interest of others, allowing us to share the cost and burdens with others and not put it all on the back of the American taxpayer.

The United Nations is not perfect, as the Presiding Officer well knows—far from it. It needs significant reform—again as the Presiding Officer knows. But let's not equate reform of the United Nations with John Bolton, as some of our colleagues have attempted to do. We have, under the leadership of Jesse Helms and with my help, passed the Helms-Biden legislation reforming portions of the United Nations. Much more needs to be done.

I would note that when we had John Danforth, an incredibly well respected ambassador, up until a couple of months ago, and before him Mr. Negroponte, there was not all this talk about the primary responsibility being reform. They were fully capable of dealing with reform.

I would point out that not even the Secretary of State, Condoleezza Rice, believes John Bolton is necessary for reforming the United Nations. Four days after the Bolton nomination was announced, Dr. Rice appointed another person, Dr. Shirin Tahir-Kheli, ''to serve as the Secretary's senior advisor and chief interlocutor on United Nations reform.'' The State Department press release announcing the appointment made no mention of Mr. Bolton.

Mr. Bolton was not picked because his job was United Nations reform. That is the job of every U.S. ambassador to the U.N., or part of the job. No, this debate is not about U.N. reform or U.N. interests; it is about whether the appointment of Mr. Bolton is in the national interests of the United States of America. I firmly believe, as my friend from Ohio, Mr. VOINOVICH, does, that it is not in the U.S. interests.

There are four reasons to vote no on Mr. Bolton. Each, standing alone, in my view, would justify a negative vote, but taken together they provide an overwhelming case. What is even more extraordinary is that much of the evidence for this case comes from senior officials in the Bush administration who worked with Mr. Bolton. The bulk of the evidence to make the cases I am about to make came from senior Republican administration officials who worked with Mr. Bolton. They had nothing to gain and a good deal to lose by appearing before our committee, but everyone came voluntarily. No one had to be subpoenaed. We asked and they came.

The first reason Mr. Bolton should, in my view, be denied the ambassadorship to the United Nations is that Mr. Bolton repeatedly sought to remove intelligence analysts who disagreed with him. Mr. Bolton was not content to fight the normal policy battles. He had to crush people, even if they were just doing their jobs.

One analyst was Christian Westermann, an expert on biological and chemical weapons with a 20-year career in the U.S. Navy who worked in the State Department's Bureau of Intelligence and Research after retiring from the U.S. military.

In February of 2002, Mr. Westermann was asked by Mr. Bolton's staff, which is standard operating procedure, to begin the intelligence community clearance process for three sentences that Mr. Bolton wanted to put in a speech about the biological weapons effort of Cuba. The speech was not made

yet; the speech was in the making. What is a normal operating procedure in this State Department, the last State Department, and the ones before that, is that when a policymaker wishes to include in a speech intelligence data or assertions that the U.S. government or the intelligence community believes thus and so, it has to be cleared first by the intelligence community.

Mr. Westermann, the State Department's intelligence analyst for biological weapons, had two roles in this process of clearing these three sentences. One was to transmit the material to a clearance coordinator at the CIA who would then seek clearance from all the other intelligence agencies in the Government—Defense Intelligence, et cetera, a whole panoply of the intelligence community. The second function Mr. Westermann had as the intelligence officer at the State Department for biological weapons was to provide the substantive comments of his Bureau—that is, INR—on Mr. Bolton's text to this clearance coordinator; in other words, in addition to what the other intelligence agencies thought about these three sentences, to say what the intelligence analysts in the State Department thought about these three sentences.

In performing that latter function, Mr. Westermann proposed alternative language to the three sentences submitted by Mr. Bolton's staff, a standard means of trying to help a policymaker say something about classified matters so that the sources and methods are not compromised and so that the statement is consistent with the intelligence community's judgments on that point being spoken to. When Mr. Bolton found out that Mr. Westermann suggested alternative language, he hit the roof. He summoned Mr. Westermann to his office and gave him a tongue lashing.

Look, Mr. Westermann does not work directly for Mr. Bolton. There is within the State Department Mr. Bolton's operation, the people who work directly for him, and then there is the intelligence operation, INR, headed at the time by a guy named Carl Ford. At the bottom of the food chain is the guy in charge of biological weapons as an intelligence analyst; that is, Mr. Westermann.

Mr. Bolton summoned Mr. Westermann into his office and, according to Mr. Westermann, Bolton was ''red faced'' and yelling at him. When Mr. Westermann tried to explain what he had done, Mr. Bolton threw him out of his office.

Then, over the course of the next 6 months, Mr. Bolton tried on three separate occasions to have Mr. Westermann removed from his position. During the committee hearing, Mr. Bolton grudgingly conceded that he sought to remove Mr. Westermann from his portfolio, but he tried to minimize his involvement. Mr. Bolton suggested that he asked one of Mr. Westermann's supervisors to give Mr. Westermann a new portfolio, but then, he said, ''I shrugged my shoulders and moved on.'' But the evidence is clear that Mr. Bolton did not, as he said, ''move on.'' He tried twice more to remove Mr. Westermann, the biological weapons expert. A few days later, he tried to remove him, and then several months later.

My friend from Indiana—and as we say here, he is my friend—argues this does not matter. Mr. Westermann kept his job, no harm, no foul—my words. But the system had to work overtime to counteract the harmful effects of this episode. Don't take my word for it. Listen to Carl Ford, the former Assistant Secretary of State for INR, who says he supports the President and, in his words, is a huge fan of Vice President CHENEY, and not anyone who has ever been accused of being a liberal Democrat.

Mr. Ford testified that the analysts in his Bureau were ''very negatively affected by this incident—they were scared.'' Ford said that after the Westermann incident, he tried to make the best of a bad situation by using the incident as a training vehicle to explain to his people how to handle similar situations if they came up. At Ford's request, Secretary Powell made a special trip to speak to the INR analysts, where Mr. Powell singled out Mr. Westermann and told the analysts they should continue to ''speak truth to power.'' They had to do this because Mr. Bolton was allergic to people delivering news that his proposed language was not supported by the evidence.

As one of Mr. Westermann's supervisors recounted, Mr. Bolton declared ''he wasn't going to be told what he could say by a mid-level munchkin analyst.'' At the U.N., the special representative has to listen to a lot of people who disagree with him and then report back faithfully on what they are saying. Is Mr. Bolton capable of doing that?

The second analyst Mr. Bolton tried to remove from his position is a more remarkable case for two reasons: The analyst worked in another agency; and his portfolio did not involve Mr. Bolton's area of responsibility, which was arms control and weapons of mass destruction.

The analyst was the National Intelligence Officer for Latin America. He disputed language on Cuba that was used in a speech Mr. Bolton had given, and that he then wanted to give again in congressional testimony.

During the committee hearing, Mr. Bolton again tried to minimize his actions, stating that his effort to remove this individual was ''one part of one conversation with one person, one time . . . and that was it, I let it go.''

The evidence shows that he did not let it go but, rather, that he and his staff actively discussed the removal of this National Intelligence Officer over the course of 4 months.

In early June of 2002, an aide to Mr. Bolton circulated a draft letter from Mr. Bolton and Ambassador Otto Reich, Assistant Secretary of State for Latin America. The draft was addressed to Director of Central Intelligence Agency, Mr. George Tenet.

The draft letter urged the immediate replacement of the National Intelligence Officer and indicated that Bolton and Reich would take several measures on their own, including banning the National Intelligence Officer from official meetings at the State Department and from official travel in the Western Hemisphere.

A response to the e-mail from a colleague reported that he discussed the same matter with Mr. Bolton, whom he said ''would prefer at this point to handle this in person with [Mr.] Tenet.''

The following month—again, going to the issue of whether he tried to get this guy removed—Mr. Bolton traveled to the CIA headquarters to meet with Mr. Stuart Cohen, the Acting Chairman of the National Intelligence Council, where he asked that the National Intelligence Officer be removed from his position.

Mr. Cohen, the Acting Chairman of the National Intelligence Council, said he did not remember many details about the meeting with Mr. Bolton other than Mr. Bolton's intent was clear: He wanted the National Intelligence Officer for Latin America removed.

Later that month—again, remember, Mr. Bolton said: I did not try to get this guy. I let it alone—a senior aide to Mr. Bolton told a senior aide to Mr. Reich that Bolton wanted to meet Reich to ''discuss the draft letter to CIA on our favorite subject'' and said that ''John doesn't want this to slip any further.''

The next day, the same aide to Mr. Bolton e-mailed Secretary Reich and his aide and had a new draft to the letter. He said that the draft ''relies on John's tough talk with [Mr.] Cohen ''about the national intelligence officers.

So much for not trying to get him removed.

Two months later, in September, another draft letter urging the removal of the National Intelligence Officer was exchanged between Mr. Bolton's office and Mr. Reich's office.

Now, does that sound like he ''let it go,'' as he said he did? Remember, his staff said Mr. Bolton said he doesn't want to let this matter ''slip any further.'' If you ask me, this was more than ''one part of one conversation . . . one time,'' as Mr. Bolton said. It was a campaign, a vendetta, against a person Mr. Bolton had never met and whose work Mr. Bolton acknowledges he cannot recall ever reading, all because he questioned Mr. Bolton.

If this is how Mr. Bolton reacts to someone he has never met, how will he control himself in New York? Secretary Rice, the Secretary of State, told the Senator from Ohio that Mr. Bolton will be ''closely supervised.''

How much energy at the State Department will be diverted to supervising Mr. Bolton?

Thankfully, senior management at CIA had the good sense to rebuff Mr. Bolton's attempts to remove the National Intelligence Officer. The former Deputy Director of Central Intelligence, John McLaughlin, remembers that when the issue was raised with him, he adamantly rejected it. Here is what the Deputy Director of the CIA said:

Well, we're not going to do that, absolutely not. No way. End of story.

Mr. McLaughlin, at the CIA, explained why he so strongly opposed Mr. Bolton's proposal to get rid of this national intelligence officer. And I quote from Mr. McLaughlin, formerly at the CIA:

It's perfectly all right for a policymaker to express disagreement with an . . . analyst, and it's perfectly all right for them to . . . challenge their work vigorously. But I think it's different to then request, because of the disagreement, that the person be transferred. And . . . unless there is malfeasance involved here—and, in this case, I had high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion about moving him.

He is speaking of the National Intelligence Officer.

That, all by itself, is reason to vote against Mr. Bolton—thoroughly outrageous conduct as it related to two intelligence officers who disagreed with him.

A second reason to oppose Mr. Bolton is that he frequently sought to stretch the intelligence—the available intelligence—to say things in speeches and in testimony that the intelligence community would not support. The committee report lays out this allegation in extensive detail, and it is there for every Senator to see. There is ample evidence that Mr. Bolton sought to cherry-pick, as one analyst said, cherry-pick intelligence; sought to game the system, to get the clearances he wanted, or simply sought to intimidate intelligence analysts to get them to say what he wanted.

Again, don't take my word for it. Take the word of an administration appointee, Mr. Robert Hutchings, the Chairman of the National Intelligence Council from 2003 to 2004. Chairman Hutchings said, in the summer of 2003, that Mr. Bolton prepared a speech on Syria and weapons of mass destruction that ''struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well.''

Now, remember, this is 2003. We had 160,000 troops in Iraq and in Afghanistan. There was all kinds of talk on the floor of the Senate and in the Nation about whether we would invade Syria next. There was all kinds of discussion and supposition that the weapons of mass destruction that were never found in Iraq—and we later learned had not existed after 1991 or 1995—had been smuggled, for hiding, into Syria. It was a very delicate moment, in which if, in fact, a senior administration official came forward and said there was evidence that there was a nuclear weapons program in Syria, we might have had a war.

Mr. Bolton wanted to make a speech about that, and here is the guy who headed up the National Intelligence Council, the chairman. He said that what Bolton wanted to say ''struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well.''

This is not minor stuff. I remind the American people and my colleagues that an awful lot of Senators voted to go to war in Iraq on the assertion that Iraq had weapons of mass destruction, which now the administration itself acknowledges they did not have. Mr. Bolton, according to the chairman of the National Intelligence Council, wanted to say things about Syria and weapons of mass destruction that struck him and his experts as going beyond what could legitimately be stated.

Chairman Hutchings said that Bolton took ''isolated facts and made much more of them to build a case than I thought the intelligence warranted.''

Does that sound familiar to you? Remember aluminum tubes, offered by the Vice President as evidence that Iraq had a gas centrifuge system, had reconstituted their nuclear capability, when, in fact, the most informed elements of the intelligence community said those tubes—because they were anodized—couldn't be used for a gas centrifuge system? Facts taken out of context to make a case that didn't exist got us into war prematurely.

Here we now have Mr. Bolton, when people are talking about going to war with Syria, and the head of the National Intelligence Council says Mr. Bolton took ''isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a sort of cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest-possible case.''

Let me take you back to aluminum tubes, out of context, an isolated fact, drawn out to present the starkest possible case that Iraq had ''reconstituted its nuclear capability.''

There used to be an expression my dad used to say in World War II: Loose lips sink ships. Cherry-picking little factoids and little isolated bits drawn out to present the starkest-possible case can cause wars.

Listen to Larry Wilkinson, who served as Secretary of State Colin Powell's Chief of Staff, a military man himself. He told us that because of the problems that the State Department was having with Mr. Bolton's speeches not always being properly cleared by the State Department offices and officials—think of this now, the Chief of Staff, a military man himself, I think a colonel, working for the former chairman of the Joint Chiefs of Staff, then Secretary of State, said that because Mr. Bolton didn't properly clear his speeches with the appropriate authorities and experts within the State Department—the Deputy Secretary of State, the No. 2 man, Secretary Armitage ''made a decision that John Bolton would not give any testimony, nor would he give any speech that wasn't cleared first by Rich [Armitage].''

Think of that. Here is the guy, head of the arms control and nonproliferation piece of the President's operation at the State Department who needs, as much as anyone, classified information and accurate intelligence, and he has to be told by the No. 2 man at the State Department that he is no longer authorized to make any speech without it first being cleared by the No. 2 man at the State Department. I don't do that with my senior staff. I don't have to. It is truly remarkable.

This may have occurred with one of the six other Presidents with whom I have served since I have been here, but if it has, I am unaware of it, and I would like to know.

Powell's Chief of Staff later told the New York Times, referring to what I just talked about—restrictions that Mr. Bolton could not make a speech without it being cleared by the No. 2 man at the State Department—that ''if anything, the [restrictions] got more stringent'' as time went on. ''No one else''—I assume he means in the entire State Department—''was subjected to these tight restrictions.''

Consider this: we have the chairman of the National Intelligence Organization, the Chief of Staff for the President, Secretary of State, the former Deputy Director of Central Intelligence, the former head of an office within the CIA named Mr. Cohen, and the former head of the intelligence apparatus at the State Department—all of them, nary a Democratic appointee in the crowd, pointing out how Mr. Bolton overreached, cherry-picked, had to be disciplined, had to be overruled, had to be supervised. And here Mr. Bolton was, an Assistant Secretary of State, and we want to send him now to the No. 2 job in diplomacy after the Secretary of State?

Listen to Mr. Bolton's own loyal staff. After being told that the intelligence community could not support a statement Mr. Bolton wanted to make on Cuba, a member of Mr. Bolton's staff wrote to a CIA official and said that ''several heavy hitters are involved in this one, and they may choose to push ahead over the objections of the CIA and INR . . . unless there is a serious source and methods concern.''

We have all been around here. Let's translate that. This is Mr. Bolton's staff writing to a CIA official, when CIA is telling Mr. Bolton that he cannot say what he wants to say. Mr. Bolton's staff writes to the CIA official who said Mr. Bolton could not do that:

''Several heavy hitters are involved in this one.''

I am sure no staff on the floor of the Senate could possibly be intimidated to maybe reconsider a recommendation they made if, in fact, the Chief of Staff of the majority leader or the minority leader, or chairman of the Foreign Relations Committee, or the ranking member sent out an e-mail or a letter to them saying: Look, Jack, I know what you said, but let me tell you something, there are several heavy hitters here who may go beyond you. Translated: Are you sure you want to say he cannot do this? You would have had to have your head in a rain barrel for the past 20 years not to understand what the message was that was being communicated.

Mr. Bolton's staff was saying that Mr. Bolton might make statements in the name of the Government, or at least with the claim that they were supported by U.S. intelligence, despite the analysts' views that these statements were not justifiably based on the evidence. That is more than mere arrogance. It suggests a willingness to defraud the American people, and it suggests that there is a price that will be paid by you, you not-so-senior person, if you raise a ruckus about this.

That e-mail I described was not a one-time event. Mr. Bolton's staff later informed the intelligence community that they wanted to change the rules for reviewing proposed speeches to limit their objections to only those objections related to sources and method.

Let me translate that. I see my friend from Maryland on the floor. If he were an intelligence officer in the United States government who found out that another country was supporting an al-Qaida undertaking and my friend from Maryland was a CIA operative in that other country, if I were to expose the fact that that country was cooperating with the CIA, I might inadvertently disclose who the source of that intelligence is and, by doing so, maybe get my friend killed. Or if that information is picked up by a bugging device placed in a meeting room, if I were to say on the floor that we have a recording saying that Official A of Country A met with al-Qaida, clearly, they might be able to figure out how we knew that, what the method of picking up the information was.

So we are very fastidious in this Senate—those of us who deal with intelligence matters—not to ever reveal a source or a method, and even though the information revealed may not be so classified that we are told by the Agency you cannot say this for fear of revealing a source or a method of picking up this information, we do not disclose it.

There is a second type of intelligence, and that is the intelligence analysis that says: Syria does not have nuclear weapons. That is an analysis by experts in our intelligence community who reached the conclusion, from all kinds of sources and methods, that Syria doesn't have nuclear weapons, if that were the conclusion.

Now, Mr. Bolton had been stopped repeatedly by various intelligence agencies from saying things that the intelligence did not support. I am making this up. Let's assume Mr. Bolton wanted to say that Syria has nuclear weapons and the CIA analysis says it doesn't. Under the present rules, CIA can say to Mr. Bolton that he cannot say that. So what does Mr. Bolton do? He goes back and says to the intelligence community, through his staff, we want to change the rule. You cannot tell me, I say to my friend from Maryland, what I can say about whether or not they have nuclear weapons. I can say they do, even though you say they don't.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BIDEN. First, let me finish this point. But, his staff says, you can tell Mr. Bolton he cannot say it only if it will reveal a source or a method. In other words, his staff was seeking carte blanche to allow Mr. Bolton to cherrypick, as the former chairman of the National Intelligence Council said, factoids in isolation to make a case that didn't exist.

I will yield to my friend for a question.

Mr. SARBANES. It is my understanding that if a policymaker wants to make a statement reflecting an intelligence judgment, representing the position of the Government—not his own personal position, but the position of the Government—the standard practice is for the statement to be submitted to the intelligence community for clearance, to be certain that the statement accurately reflects the judgment of the intelligence community; is that correct?

Mr. BIDEN. That is absolutely correct.

Mr. SARBANES. So you don't have policymakers making assertions about intelligence matters that are not supported by the intelligence community. If you stop and think about that, it seems to me that is a very wise rule. Otherwise, policymakers can run around making all kinds of assertions about intelligence matters, portraying them as representing the considered judgment of the Government and, therefore, the considered judgment of the intelligence community. That is the kind of review that the intelligence community—in addition to the sources and methods review—was undertaking to do.

As I understand it, it is standard operating procedure for any policymaker——

Mr. BIDEN. If I may interrupt the Senator, any administration official who wishes to purport that he speaks for the administration, which includes the intelligence community, has to have his or her statement cleared on that specific point, yes. That is standard operating procedure.

Mr. SARBANES. And that was the very thing that Bolton not only complained about, but for which he sought to have certain intelligence analysts punished; is that right?

Mr. BIDEN. That is absolutely right. When an intelligence analyst said to him, on two occasions—Mr. Westermann being one—no, Mr. Secretary, you cannot say that because the intelligence community doesn't believe that, the intelligence community doesn't think what you are about to say is accurate, you cannot say it, what did Mr. Bolton do? He tried to get that intelligence analyst fired for doing nothing but his job and telling him, no, boss, you cannot say that; that is not what the intelligence community believes.

That is different than if Mr. Bolton had said: I am going to go out and say, You know, the intelligence community doesn't agree with me, but I, John Bolton, I believe these are the facts. He probably would get fired by the President for doing that, but that is not a violation of any procedure. He is not purporting to speak for the intelligence community when he does that.

Mr. SARBANES. If the Senator will yield for a further question, I understand that the analyst with whom Bolton had this confrontation said that what Bolton was seeking to say didn't represent the judgment of the intelligence community. In other words, the analyst was stating correctly the position of the intelligence community which Mr. Bolton was, in effect, seeking to ignore or go against. So it is not as though the analyst was seeking to impose his own personal opinion. His judgment corresponded with the vetted judgment of the broader intelligence community; is that correct?

Mr. BIDEN. If the Senator will yield, not only the community he worked for, but the entire community. This National Intelligence Officer, who remains nameless because he is undercover, did not give his own opinion. He gave the opinion of what was the consensus of the intelligence community.

The Deputy Director of Central Intelligence, Mr. McLaughlin, said: No, my guy, my CIA officer is right; Mr. Bolton is wrong, and it is wrong to try to get him fired.

In addition to both of these intelligence analysts being backed up by their bosses at the highest level—one at INR, the intelligence operation within the State Department, and one in CIA—in addition to being backed up by them, they got backed up by the policymakers who are their bosses—the Secretary of State of the United States of America and the Deputy Secretary of State of the United States of America—both of whom were superior in terms of authority to Mr. Bolton.

So it is Mr. Bolton who was chastised by the Deputy Secretary of State as a consequence of these encounters, because the Deputy Secretary of State said: Hey, look, John, in addition to the analysts being correct, you are no longer authorized to make any speech that is not cleared by me; you are no

longer authorized to give any testimony before the Congress that is not cleared by me.

So not only were these analysts backed up by their superiors in the intelligence hierarchy, they were backed up by the policymakers.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. BIDEN. Surely.

Mr. SARBANES. I apologize if I am anticipating his statement. As I understand it, when a policymaker requests the transcripts of intelligence intercepts, let's say the intercept of a conversation, the documents that are provided identify the foreign source but they do not usually identify the American; is that how it usually works?

Mr. BIDEN. Let me restate in my own words, so the Senator from Maryland understands. Let's assume there is the country of Xanadu and an American is meeting with the President of Xanadu. In all probability, an American official is meeting with the President of Xanadu. The National Security Agency—with the ability to intercept conversations by multiple methods—picks up a conversation, or somebody's report of a conversation, between an American and the President of Xanadu. That gets reported back, based on subject matter, to the appropriate officer within the State Department or the Defense Department who they feel should know about this conversation because maybe the President said to the American: You know, we have right here in our country 47 al-Qaida operatives. That should go to the person who has that responsibility.

So a lot of stuff went to Mr. Bolton because he is the guy in charge of dealing with nonproliferation and other matters. He would get these NSA, National Security Agency, intercept reports. But in order to protect the identity of the American, for privacy reasons, he would get a statement and it would say: On such and such a date at such and such a time, the President of Xanadu met with an American. They discussed the following things. Here is what they said, here is the conversation.

That is what I understand to be—I know to be—the way in which NSA intercept reports treat a case involving an American.

Mr. SARBANES. It is my understanding that what Mr. Bolton had requested to know, although it was not revealed when they initially provided him the intercepts, was who were the Americans in each of these instances; is that correct?

Mr. BIDEN. At least in 10 instances. On 10 different occasions, when he got access to an NSA intercept that mentioned ''an American,'' Mr. Bolton went back to NSA, and, as I understand it—and I ask to be corrected by my staff—but as I understand it, Mr. Bolton has to say to the head of NSA: I want to know more about this intercept, and I want to know the name of the American in order to better understand the intercept. He did that 10 times.

Mr. SARBANES. And he got the name, presumably.

Mr. BIDEN. To the best of our knowledge, he got the name of the American.

Mr. SARBANES. I understand in trying to do due diligence on the Bolton nomination on the part of the committee, the very able Senator from Delaware, who has had extensive experience on investigatory matters, requested that we be provided with the names of the Americans that Bolton had received from the intelligence agency; is that correct?

Mr. BIDEN. If the Senator will yield, that is correct. Not only did I ask that, but the chairman of the committee asked that, and it was resolved that we were not asking it to be made public, we were not asking those names to necessarily be made available to the whole Foreign Relations Committee, although that was the chairman's preference, and ultimately the chairman concluded it should not even be provided directly to me or the chairman, but it should be made available to the chairman of the Senate Intelligence Committee and the ranking member or vice chairman of the Senate Intelligence Committee, and they should decide how our committee would review the information.

I think the information should be provided to me and to Senator LUGAR, as well, but the way this was parsed out, it was going to be that the National Security Agency was going to come and brief the Senate Intelligence Committee, of which I am no longer a member, and—I thought—tell them the names of these Americans. I might add further, the reason for that is, there are unsubstantiated—I emphasize ''unsubstantiated''—allegations that Mr. Bolton may have been seeking the names of these Americans to seek retribution; that it may have been intelligence analysts with whom he disagreed or policymakers against whom he was trying to make a case in terms of the direction of American foreign policy. I do not know that to be the case. The question is why did he need the names.

Mr. SARBANES. It seems to me a further question is that if Mr. Bolton went back to get those names for some reason—he must have had a reason for doing so—why the committee, in deciding whether to confirm him, should not have access to that same information so that we are in a position to ascertain what, if anything, may have been in play by these requests.

Mr. BIDEN. If the Senator will yield, to the best of my knowledge, there is absolutely no substantive reason why information that was provided to an Under Secretary of State down the food chain, and the Under Secretary of State's staff, to the best of my knowledge, why the information provided to them could not be provided to a Senator who has served 28 years, as the Senator has, in the Senate.

Mr. SARBANES. And Senators who are charged with making this very important decision about whether this nominee should be confirmed for this very important position. It seems to me clearly relevant in reaching some judgment about the nominee to have this information provided to those who have to render the judgment.

Mr. BIDEN. If my friend from Maryland will further yield, Senator LUGAR, the Republican chairman of the committee, and I received a letter today dated May 25, addressed to both him and me, from the vice chairman of the Intelligence Committee, saying: It is important to note, however, that our committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he—Mr. Bolton—felt it necessary for him—Mr. Bolton—to have the identity information—that is, the name of the Americans—in order to better understand the foreign intelligence contained in the report. Furthermore, based on the information available to me—the vice chairman of the Intelligence Committee—I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

Continuing quoting: The committee—the Intelligence Committee—has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting chief of staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity—meaning the memorandum forwarding the names of the Americans to Mr. Bolton—to State/INR—that is the State Department's intelligence agency—included the following restriction: ''Request no further action be taken on this information without prior approval of NSA.''

Continuing to quote the vice chairman of Intelligence:

I have confirmed with the NSA that the phrase ''no further action'' includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

Continuing from the Intelligence Committee vice chairman:

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report.

According to Mr. Fleitz—

Mr. Bolton's acting chief of staff—

Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report . . .

It goes on. But my point is, on the one case that Senator ROCKEFELLER

knows of, Mr. Bolton apparently violated the restriction which was imposed upon him when he requested the information, and used that information for a purpose different than he requested.

Having said all of that, even the Intelligence Committee was not provided the names of the Americans, which is a critical issue.

Mr. SARBANES. Would the Senator yield on that point?

Mr. BIDEN. Yes, I will.

Mr. SARBANES. These are the very names that were provided to Mr. Bolton; is that right?

Mr. BIDEN. And his staff, yes.

Mr. SARBANES. And his staff?

Mr. BIDEN. And his staff.

Mr. SARBANES. But there is a refusal to provide them to the committee which now has to make a judgment as to whether Mr. Bolton should be confirmed to be the American ambassador to the United Nations?

Mr. BIDEN. If the Senator would yield, not only a refusal to provide them to our committee that has that responsibility, refusal to provide them even to the Intelligence Committee that is once removed from this process—the same information that was made available to one of several Under Secretaries in the State Department and his staff.

Mr. SARBANES. Well, what rationale is advanced, if any, for this backhanded treatment of the institutions of the Senate, these two important committees, the Intelligence Committee and the Foreign Relations Committee, both of which are trying to conduct due diligence on this nominee?

I might say to my colleague, I remember when we held the nomination hearings for John Negroponte and Richard Holbrooke. That investigation went over an extended period of time and probed very deeply. The end result, of course, was that questions that had been raised were answered satisfactorily, and the body was able to come to a consensus about those nominees.

I cannot think of a rationale that can be offered that would warrant a withholding of this information.

Mr. BIDEN. There is no institutional, constitutional, or previously asserted rationale that has been offered in denying access of the Intelligence Committee or, for that matter, the Foreign Relations Committee chairman and ranking member to this information. I do not remember the exact quote. It may apply to the information we are seeking on Syria—I am not sure—saying that they did not think it was relevant, but I do not recall.

I say to my friend from Maryland, there was no assertion on the part of the NSA, that I am aware of, that asserted that it was executive privilege or even that it was extremely sensitive. We have access to incredibly sensitive information. That is the reason we have an Intelligence Committee. That is the reason we on the Foreign Relations Committee have cross-pollination on that committee. So there is no reason—the Senator asked why they would deny it. The Senator's speculation is as good as mine. It seems to me they can end this thing very quickly. The only request being made is that Senator LUGAR, Senator ROBERTS, chairman of the Intelligence Committee, Senator ROCKEFELLER, and I sit down in a room on the fourth floor of this building that is totally secure, have someone from the National Security Agency come in and say: Here are the 10 intercept reports and the U.S. person names.

I know more about—I will date myself—I know more about the PSI of an SS–18 Soviet silo, which is highly classified information. Why am I not able to get information in the execution of my responsibilities under the Constitution that is available to a staff member of an Under Secretary of State? Members can guess for themselves. I do not know why. I know it is just not appropriate.

Mr. SARBANES. I thank the Senator for yielding. I just underscore this raises, I think, very fundamental and difficult questions about how we are supposed to carry out our responsibilities, in terms of advice and consent, if we are not allowed to get what appears to be relevant information or what might well be relevant information.

The request is fairly limited, as I understand it, in terms of what is being sought. It seems to me that information ought to be provided to the Senate, or the appropriate agents or organs of the Senate, in order to put us into a position to at least address that aspect of this situation.

There are many other aspects of the Bolton situation that I want to speak to later. But this one, it seems to me, is clearly an instance in which we are simply being blocked or frustrated from having information which is important to us carrying out our task, and is in such contrast with the inquiries that were made about other nominees to be U.S. Ambassadors to the United Nations. Of course, I mentioned two of those. The inquiries there went over quite a sustained period of time.

We heard these complaints that Bolton is being held up. His nomination only came to us in March, I believe, of this year—March. Ambassador Holbrooke was nominated in June of 1998. He was finally confirmed in August of 1999. In the interim, these extensive investigations were run. I do not have the exact dates on Ambassador Negroponte, but I know that period of time extended well beyond what is already involved with respect to John Bolton.

Mr. BIDEN. If the Senator will yield, I think Negroponte was nominated in May and confirmed in September.

Mr. SARBANES. Well, there you are. That underscores the point I am trying to make.

I thank the Senator for yielding.

Mr. BIDEN. Let me continue.

Mr. ALLEN. Mr. President, if I may ask the Senator from Delaware how much longer he expects to be?

Mr. BIDEN. I will be about another 12 to 15 minutes.

Mr. ALLEN. OK.

Mr. BIDEN. Mr. President, while my friend from Maryland is here, I want to point out, first of all, the request is very limited. We are looking for the names in 10 reports. It is totally circumscribed, the request as relates to this issue which you so painstakingly went through, explaining what it was that worried everybody—and worries everybody—about Mr. Bolton and the use of intelligence information, even after he has been proscribed, prevented, from being able to speak without clearance, which is—you and I have been here a long time—fairly remarkable. That may have happened to other people in the State Department. I can't recall it happening.

Mr. SARBANES. If the Senator will yield, this is an Under Secretary of State. This is like the No. 4 person in the Department.

Mr. BIDEN. That's right. Now, after that occurs, or in the process of this occurring, Mr. Bolton's Chief of Staff contacts the CIA on a disputed issue about what can be said, and says—I don't know if you were here when I said this. To tell you the truth, I thought I knew all this, but I was surprised when my staff pointed this out. Mr. Bolton's acting Chief of Staff said Mr. Bolton wanted to make a statement on Cuba, and they didn't want to let him make that statement.

Mr. Bolton's staff gets back to the CIA and says: Several heavy hitters are involved in this one, and they may choose to push ahead over your objections and the objections of INR, unless there is serious source and method concerned.

Remember, going back to our discussions?

Mr. SARBANES. Yes.

Mr. BIDEN. Then he, this staff member, goes and contacts the CIA and says: You know, we would like to change the ground rules. We can say the intelligence community thinks the following, even if you disagree. We don't have to clear it with you. The only thing we have to clear with you is whether or not we are exposing a source or a method. Let's have that new deal.

Mr. SARBANES. Of course, that represented a sharp departure from previous practice.

Mr. BIDEN. A complete departure. But the point I am trying to make is he keeps pushing the envelope, he keeps pushing the envelope.

Mr. SARBANES. I take it, if the Senator will yield—I take it this is of such importance now because we are dealing with this problem as to whether intelligence is being misused.

Mr. BIDEN. Yes.

Mr. SARBANES. Decisions are being made by policymakers that reflect their policy attitude—

Mr. BIDEN. Right.

Mr. SARBANES. Not substantiated or backed up by the findings of the intelligence community. We have been through this issue. It seems to me a critically important issue.

Mr. BIDEN. Right. I would argue it is being pushed by a person whom everyone would acknowledge is an ideologue, or at least confirmed in what his views are and who seeks facts to sustain his opinion.

Look, the big difference, I say to my friend from Maryland, is that every time he tried to do that, repeatedly tried to do that in his job, his present job—every time he tried to push the envelope, every time he tried to intimidate, fire, cajole an intelligence officer to change his reading to comport with his prejudice, there was somebody there to intervene to stop him beyond the intelligence officer. There was the intelligence officer's boss, the deputy head of the CIA; the head of INR; the Deputy Secretary of State, the No. 2 man; the Secretary of State. That was bad enough.

But now where is Bolton going? Bolton is going to be the equivalent of the Secretary of State at the U.N. Bolton has, I don't know how large the embassy is, but a very large contingent of Americans working for him in New York City—I am told there are about 150 people there. No one, in that operation, can control the day-to-day, moment-to-moment assertions he is making. No one can say: You cannot do that, John. He's his own boss.

Now there is only one person who can do that. Well, the President can always do that. There is only one other person who can do that, and that is the Secretary of State.

Go back to the comment our friend from Ohio made, our Republican friend, in the committee. He said, when he spoke to the Secretary of State, she said, and I am paraphrasing: Don't worry. We will control him. Acknowledging that even though you are sending this guy up to what has been a Cabinet-level position, another Cabinet-level officer is going to have to control him. I would respectfully suggest our Secretary of State has her hands full as it is, without having to babysit Mr. Bolton so he doesn't get America in trouble—America; I don't care about John Bolton; I don't even care about the U.N. in this regard; I care about America.

This isn't complicated. Anybody can figure this out. Everybody acknowledges this guy is a loose cannon. Everybody acknowledges this guy has done things that, if he were able to do them unfettered, not overruled, would have at least raised the ante in the tension and the possibility of conflict with at least Syria and Cuba, among other places. And everybody acknowledges that he so far stepped out of line in the State Department that the Republican head of the State Department, Colin Powell, had to go down to analysts and say, basically: Don't pay attention to him. You did the right thing.

And then the No. 2 man at the State Department, a former military man himself, says: By the way Mr. Bolton, no more speeches by you unless I sign off on them.

Now we are going to take this guy, we are going to send him to the single most important ambassadorial spot in all of America's interests, and to make us feel confident, the Secretary of State says: Don't worry, we will supervise him.

Come on.

Mr. SARBANES. Will the Senator yield on one other point I would like to make?

Mr. BIDEN. Please.

Mr. SARBANES. First of all, I want to pay tribute to the intelligence analysts and their superiors who stood up to this pressure to which the Senator has referred. They were put in an extremely difficult situation, and they performed admirably.

It is asserted by some that no harm resulted from the pressure Mr. Bolton and his staff were placing on these people because they did not do what Mr. Bolton wanted them to do.

That seems to me to be an upside down argument. The fact that they had the strength to resist this is a tribute to them, but it is certainly no excuse for Mr. Bolton and his staff engaging in this behavior. And the fact they resisted—which is a credit to them—is still a detriment to Mr. Bolton and his staff for engaging in this practice.

So the argument that Mr. Bolton and his staff did not succeed in their efforts does not absolve them of responsibility for having tried.

Mr. BIDEN. It is as though I try to rob a bank and it turns out they shipped all the money out and there was no money there. I walk out and I get arrested. I say: Wait a minute, no harm, no foul, I didn't get any money. I went in to rob the bank, that is true, but I didn't get any money. So what is the problem? What is the problem?

Look, I told you about Mr. Bolton's staff, I assume with Mr. Bolton's authority, trying to get the intelligence community to change the groundrules. I gave the one example.

There is a second example. He did not just do this once. The e-mail I just described was not a one-time event. Later, Mr. Bolton's staff informed the intelligence community they wanted to change the rules for the review of Mr. Bolton's proposed speeches and to have the CIA and the intelligence community limit their objections only to matters related to the source and methods. They go on, in one meeting with intelligence analysts—a meeting Mr. Bolton called but he was unable to attend at the last minute—his staff informed the assembled analysts that Mr. Bolton wanted to hear only concerns relating to sources and methods from them or ideas that would strengthen his argument. But if his arguments were merely wrong, he did not want to hear about it.

Got that? I am not making this up. He, Bolton, calls the meeting of the CIA types, the INR types, to come into his office—he calls them into his office, and I guess he got called away and could not attend. But his staff says: The boss wants to make it clear there are only two things he wants to hear from you. If he wants to say the Moon is made of green cheese, the only thing he wants to hear from you is: You cannot say that because you will give away the fact that we have eyes. We have a source and a method that we do not want to release. Or he wants to hear from you how we can bolster the argument that the Moon is made of green cheese. But he does not want to hear from you if he is wrong. He does not want to hear from you if you do not believe the Moon is made of green cheese. That is none of your business. He does not want to hear that.

Look, I don't know how you define an ''ideologue.''

Mr. SARBANES. That is a pretty good definition.

Mr. BIDEN. I think it is pretty close. It is like that famous expression in a different context of Justice Holmes. He said prejudice is like the pupil of the eye. The more light you shine upon it, the tighter it closes.

It seems the more information you gave Mr. Bolton that conflicted with his predetermined ideological notion, the less he wanted to hear it. If you persisted in giving it to him, which was your job, he would try to get you fired.

This is not a minor deal. At the very moment when whoever we have as our ambassador to the United Nations is going to be the man, unfortunately, or woman, who will have to stand up before the whole world and say, We have evidence that North Korea is about to do the following; or, We have evidence that Iran has pursued their nuclear option to a point they are violating the NPT—let me ask the Senator, are we going to send John Bolton to a place where we have already squandered our credibility by saying something that we did not know, or saying things we thought we knew that were wrong, are we going to send John Bolton up to be the guy to make a case relating to our national security?

I ask my friend a rhetorical question—if, in fact, we fail to convince the Security Council, if we fail to convince our allies and those with a common interest that a threat exists and they do not come along, what are our options? Our options are to do nothing about it or to act alone. That is what I mean when I say I am concerned about U.S. interests.

There is a story I first heard from Zbigniew Brzezinski that I have used many times since. The Senator knows it as well. During the Cuban missile crisis, the very time when Adlai Stevenson stood up and said, don't tell me that, we know the President of the United States, John Kennedy, desperately needed—although we could have done it alone—desperately needed the support of the rest of our allies in the world for what we were about to do,

confront the Soviet Union. And he sent former Secretary of State Dean Acheson to Paris to meet with then-President Charles de Gaulle. I am told this is not an apocryphal story; it is historically accurate. Acheson walked in to the Presidential palace, the President's office, and made his case. Then, after making his case, allegedly, he leaned over to pick up the satellite photographs to show President de Gaulle that what he spoke of was absolutely true, and he had pictures to show it.

At that moment, paraphrasing, to the best of my knowledge, de Gaulle put up his hands and said: You need not show me the evidence. I know President Kennedy. And I know he could never tell us anything that could take us to war that wasn't true.

Do you think there is anyone, anyone, anyone—including our own delegation in the United Nations—who would accept an assertion from John Bolton on the same grounds?

Now, my friend, the chairman and others, will argue: Well, Joe, if it is that critical, he will not be making the case. That is probably true. It may be the Secretary of State making the case, who has great credibility. It may be the President of the United States. But there are a thousand little pieces that lead up to building coalitions that relate to our self-interest, based upon an ambassador privately sitting with another ambassador and assuring him that what he speaks is true.

This is absolutely the wrong man at the wrong time for the most important job in diplomacy that exists right now.

Mr. President, I ask my colleagues, is John Bolton a man in the tradition of Adlai Stevenson or Jack Danforth or any number of people I can name?

There is a third reason to oppose Mr. Bolton.

This is one that has animated the interest and concern of my friend from Ohio even more than it has me; and that is, that Mr. Bolton engages in abusive treatment of colleagues in the State Department, and he exercises frequent lapses of judgment in dealing with them.

Again, do not take my word for it. Carl Ford, the former Assistant Secretary of State for Intelligence, described Mr. Bolton—and I am using Carl Ford's colorful language, I guess it is an Arkansas expression; he is from Arkansas—he said Mr. Bolton is a ''quintessential kiss-up, kick down kind of guy.''

He also objected, Mr. Ford did, in strong terms, to the treatment of one of his subordinates, Mr. Westermann. He said:

> Secretary Bolton chose to reach five or six levels below him in the bureaucracy, bring an analyst into his office, and give him a tongue lashing. . . . he was so far over the line that [it's] one of the sort of memorable moments in my 30-plus year career.

Listen to Larry Wilkerson, Secretary Powell's chief of staff, who referred to Mr. Bolton—I am not making up these phrases—he referred to Bolton as a ''lousy leader.'' And he told the committee that he—Wilkerson had an open-door policy. Some Senators and others have that policy. They literally keep their door open so anyone in the organization can feel free to walk in and say what is on their mind. He said his open-door policy—this is the chief of staff for the Secretary of State—he said his open-door policy led to a steady stream of senior officials who came into his office to complain about Mr. Bolton's behavior.

Listen to John Wolf, a career Foreign Service Officer for 35 years, who worked under Mr. Bolton as the Assistant Secretary of State for Nonproliferation. Mr. Wolf said that Mr. Bolton blocked an assignment of a man he—Mr. Wolf—described as a ''truly outstanding civil servant,'' some 9 months after that civil servant made an inadvertent mistake.

And Mr. Wolf says that Mr. Bolton asked him to remove two other officials because of disagreements Mr. Bolton had over policy, and that Mr. Bolton ''tended not to be enthusiastic about alternative views.''

If that is not a quintessentially State Department, career Foreign Service Officer phrase: he ''tended not to be enthusiastic about alternative views.''

Listen to Will Taft, a man whose name became known here in the investigations relating to Abu Ghraib and the treaties that were discussed about the treatment of prisoners. Mr. Taft served in the State Department as legal adviser under Secretary Powell during the tenure of Mr. Bolton. And before that, he was general counsel in two other Government Departments, as well as Deputy Secretary of Defense, and formerly an ambassador to NATO—significant positions.

Mr. Taft told our committee he had to take the extraordinary step of going to his boss—Mr. Taft's boss—to rein in Mr. Bolton after Bolton refused to work with the State Department attorney on a lawsuit in which the State Department was a defendant.

This resulted—I will skip a little bit here—this incident caused the Deputy Secretary of State, Mr. Armitage, to write to Mr. Bolton a memo reminding him that the rules applied to him, as well as others in the State Department, and that he was required—Mr. Bolton was required—to work with State Department lawyers.

There is a fourth reason, beyond his treatment of individuals—and I could go on for another hour citing examples of his alleged mistreatment of subordinates and colleagues at the State Department and in other endeavors—there is a fourth reason that, all by itself, would justify Mr. Bolton not being confirmed; and that is, Mr. Bolton gave testimony to the Foreign Relations Committee under oath that at best was misleading.

Again, do not take my word for it. It is true that I think Mr. Bolton should not go to the United Nations, and I am of a different party. But do not take my word for it. Listen to Tom Hubbard, referred to by the chairman earlier today. Mr. Hubbard is a retired Foreign Service Officer whose last post was as Ambassador to South Korea. During our hearing on April 11, Senator CHAFEE asked Mr. Bolton about a speech that Mr. Bolton gave in Seoul, South Korea, in 2003.

Let me give you some context. This was on the eve of the President's initiative to begin what is referred to as the Six-Party Talks: the two Koreas, Japan, Russia, the United States, and China—a very delicate moment. Mr. Bolton has made it clear, in many speeches he has made, what he thinks of Kim Jong Il, and that is not inappropriate. And he has made it pretty clear that he rejected the idea proffered by me, and I believe even by Senator LUGAR, and by other Senators here, several years ago that we should talk to the North Koreans—not negotiate, talk with them—and find out what it would take to make a deal and let them know what our bottom line was.

Mr. Bolton is not the architect of, but a disciple of, the policy of containing and putting the North Korean regime in a position where he thinks if enough pressure is put on them they would topple. And we are going back to when he was making a speech in Seoul, South Korea, in 2003, on the eve of the first Six-Party Talks.

The speech was filled with inflammatory rhetoric, even though it may be true, about the North Korean leadership. The result of him having given the speech was that the talks were almost scuttled.

Mr. Bolton, in reply to Senator CHAFEE of our committee regarding that speech, said:

> I can tell you [Senator] what our Ambassador to South Korea, Tom Hubbard, said after the speech.

Meaning his speech.

> He said [to me], ''Thanks a lot for that speech, John. It'll help us a lot out here.''

Got this, now: He makes what is termed an inflammatory speech. He is asked: Wasn't that inflammatory, and didn't that cause us real trouble in pursuing the foreign policy objectives of the President to get these talks underway? And Bolton, in effect, says: No. And then the Senator, in effect, says: Well, didn't our Ambassador to South Korea think it was damaging? And he says: No. He not only didn't think it was damaging, he said to me: ''Thanks a lot for that speech, John. It'll help us a lot out here.''

Now, you would draw from that exchange that this speech was totally consistent with the administration's policy, that it was something that was helpful, and that Bolton was doing a good job.

Now, we didn't call Ambassador Hubbard. I may be mistaken, but I think the Republican majority staff got a call from Mr. Hubbard, the former ambassador to South Korea, who I guess saw this on C–SPAN. I don't know what

exactly prompted it. Maybe he read it in the newspaper. And he says: I want to talk to you guys. And in an interview which was totally appropriate, without minority staff there, he paints a very different story, accurately reported by the majority staff.

Ambassador Hubbard remembers that little exchange about the Bolton 2003 speech on the eve of the Six-Party Talks quite differently. The day after the committee hearing, Hubbard voluntarily contacted the committee to make clear that he disagreed at the time with the tone of the speech and thought the speech was unhelpful to the negotiating process and—this is the important part—and that he, Bolton, surely knew that, that I, Hubbard, thought it was unhelpful and was damaging.

Hubbard then told the Los Angeles Times that although he had talked to Mr. Bolton and thanked him for removing from his speech some of the attacks on South Korea. Remember this now, the speech was about North Korea. The only thing the ambassador was able to convince Bolton to do was take out some of the stuff that attacked our ally South Korea, whom, I might note parenthetically, if, God forbid, there is a war, we need on our side. We have 30,000 American troops there. Bolton is making a speech characterized as an inflammatory speech about North Korea and is going to attack our ally South Korea, as well.

And our ambassador says: Please don't do that stuff about South Korea. And so Hubbard says: It is true. I thanked him for removing some of the attacks he was about to make on South Korea.

Then he went on to say, but ''it's a gross exaggeration to elevate that [statement] to praise for the entire speech and approval of it.''

I don't know how you can comport how those two statements work out. Bolton saying: Remember that the ambassador said, thanks a lot for that speech, John. It helps us a lot out here. And the ambassador is saying that Mr. Bolton knows better. That is a gross exaggeration.

In other testimony, Mr. Bolton frequently tried to claim he had not sought to fire or discipline the INR intelligence analyst, Mr. Westermann.

He said:

I never sought to have [him] fired.

He later said:

I, in no sense, sought to have any discipline imposed on Mr. Westermann.

And finally, he said:

I didn't try to have Mr. Westermann removed.

This is incredibly disingenuous. It is just not true. The record is clear that Bolton sought on three occasions that I referenced earlier to have Mr. Westermann removed from his position and given another portfolio. And by the way, you don't get another portfolio. If the only job you do in a restaurant is cook and they say you can't cook anymore, there are not many jobs left for you. This guy's expertise was dealing with chemical and biological weapons. Mr. Bolton wanted him taken off the case.

As a lawyer, Mr. Bolton surely knows that civil servants have job protections and can't be readily fired. By asking repeatedly that this man be moved from his established area of expertise, he was endangering the man's career and sending a message of intimidation that was heard loud and clear throughout the Intelligence and Research Bureau. Mr. Bolton did not have the honesty or the courage to admit that fact to the Foreign Relations Committee. Where is this straight talker we hear so much about?

The President has said that in his second term, one of his priorities is ''to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action.'' If this is a serious objective, he sure is sending the wrong man to put together these kinds of coalitions.

It is manifestly not in our interest to send John Bolton to the United Nations.

It is not in our interest to have a person who is ''a lousy leader'' in charge of a mission of 150 professionals who need leadership.

It is not in our national interest to have a conservative ideologue who doesn't listen to others trying to rebuild frayed alliances at the United Nations.

It is not in our national interest to have a man with a reputation as a bully trying to construct coalitions necessary to achieve U.N. reform.

It is not in our interest to have someone with a reputation for taking factoids out of context, exaggerating intelligence information, as our spokesman in New York during the crises to come with Iran and North Korea, when we will have to convince the world to take action to stop nuclear weapons programs.

Is this the best the President of the United States can do? Is this the best among the many tough-minded, articulate, conservative Republican foreign policy experts?

The record presented by the Foreign Relations Committee is clear. The documents we have uncovered; the interviews with those who had to pick up the pieces at INR and CIA, in the office of the Secretary of State, and in South Korea; the testimony of former Assistant Secretary of State Carl Ford, a conservative Republican; all of this record has given us clear warning that Mr. Bolton is the wrong man for this job.

Mr. Bolton's nomination is not—I emphasize ''not''—in the interest of the United States of America. I don't know that I have ever said this before on the floor, but I believe that if this were a secret ballot, Mr. Bolton would not get 40 votes in the Senate. I believe the President knows that. I wish the President had taken another look at this and found us someone—I am not being facetious and I am not the first one to say this, I say to my friend from Virginia, the single best guy we could send to the United Nations right now at this critical moment is former President Bush. I cannot think of anybody better. He would get absolutely unanimous support on this side of the aisle.

Mr. Bolton is no George Herbert Walker Bush. I guess not many people are. But this guy should not be going to the U.N.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in the years I have been privileged to serve in this Chamber, I have so thoroughly enjoyed working with my good friend from Delaware. We have done a lot of things together. I listened carefully to his framework and remarks. I respectfully disagree, and I will so state my reasons momentarily.

But I wondered if we could discuss for a few minutes the following. Before we start, I think it would be advisable for both sides to have from the Presiding Officer the time remaining on both sides for the record, so Senators listening will have an idea.

The PRESIDING OFFICER. The majority has 116 minutes remaining of time, and the minority has 64 minutes.

Mr. WARNER. I thank the Chair.

Mr. BIDEN. Parliamentary inquiry: Is that for today?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. And there is additional time tomorrow, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. I thank the Chair.

Mr. WARNER. Mr. President, to my good friend from Delaware, one of the interesting aspects of what has occurred in the Senate over the last week or so is an impetus to go back and do a lot of historical research. I went back and looked at the Articles of Confederation and the Founding Fathers and what they had to say about this provision of advise and consent in the Constitution.

It is interesting. I was very taken aback with how they went about modifying. If the Senator and others will indulge me, I would like to discuss that for a moment or two because I think it poses a question I would like to put to my good friend. That begins at this juncture.

You may ask why it is particularly appropriate for the Senate to be in executive session today, because on this day in 1787, 218 years ago, our Founding Fathers of the United States Constitution first reached a quorum so that the Constitutional Convention could draft our Constitution and they could proceed. It took several years to get it done. George Washington had been calling for such a convention for years, but it was not until this day, 218 years ago, that the convention finally began.

From May 25, 1787, straight through the summer, 55 individuals gathered in Philadelphia to write our Constitution. It was a hot summer, with long and arduous debate, and many drafts went back and forth. Careful consideration was given. Finally, in mid-September, it was over. It was a monumental achievement, one that would enable the United States today, 200-plus years later, to become the oldest, continuously surviving republic form of Government on Earth today.

I mention all this because one of the key compromises our Founding Fathers made throughout the Constitutional Convention was with respect to the advise and consent clause. Our Framers labored extensively over this section of the Constitution, deferring final resolution of the clause for several months. Some of the Framers argued that the President should have total authority to appoint. Others thought both the House of Representatives and the Senate should be involved in the process. Ultimately, a plan that was put forth by James Madison—if I may say proudly—of Virginia, won the day, where the President would nominate judges and executive nominees, and the Senate would reject or confirm them.

In Federalist Paper No. 76, in 1788, Alexander Hamilton explains in detail exactly why this compromise was so important. Let me read a portion of Hamilton's quote:

It has been observed in a former paper that ''the true test of a good government is its aptitude and tendency to produce a good administration.'' If the justness of this observation be admitted, the mode of appointing the offices of the United States contained in the foregoing clauses must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union.

I presume he wasn't looking into the future, so I will add ''women.''

Today, this great compromise can be found, unmodified, in article II, section 2 of the Constitution. This section of the Constitution reads in part as follows:

The President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States. . . .

Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the responsibility to nominate, and the Senate has the responsibility to render advice and consent on the nomination.

While article II, section 2 of the Constitution doesn't explicitly make a distinction between the Senate's role with respect to executive branch nominees and judicial nominees of the other branch of Government, the tradition of the Senate, in recognition of the Constitution, dictates otherwise.

Traditionally, a President, especially after taking office following an election, is given greater latitude in selecting individuals to serve in the executive branch of Government. This is in recognition of the fact that the Constitution treats Senate-confirmed executive branch nominees far differently than Senate-confirmed judges.

In contrast to Federal judicial nominees who, once confirmed under the Constitution, serve a lifetime appointment in the third branch of Government, independent of the President, executive branch nominees serve under the President solely at the pleasure of the President. That phrase, ''at the pleasure of the President,'' is paramount. This time-honored phrase, ''at the pleasure of the President,'' has been used by Presidents throughout American history to show the American people that the President is the final arbiter of accountability for executive nominees.

I say that because I have fought hard here recently to deal with this question of the judicial nominees, along with some others. I am not here to seek whether we did right or wrong; history will judge that. But it was a magnificent experience to go back and study the process and listen to many scholarly people and to read extensively. But it is clear to me there is a difference between the judicial nominee who goes for life on the third independent branch—independent of Congress and the executive branch—and the President's right to select those individuals who he, together with his fellow Cabinet officers and others in the administration, feels are best suited to do the job. Would you agree there is a difference in that? I yield for the purpose of answering the question.

Mr. BIDEN. Mr. President, I will answer the question. Let me say to my friend that regarding Federalist No. 76, I suffer from teaching the subject. For the last 16 years, I have taught a course in the separation of powers. I wrote a treatise, an entire book, on this subject. There is another phrase in Federalist No. 76 the Senator didn't read that I think is appropriate to mention.

Federalist No. 76 was about the issue—remember, the Federalist Papers were trying to convince a public that didn't have a television set or a radio that their legislative body should ratify the Constitution. It was sort of pamphleteering. That is what they were doing. They were taking arguments against the Constitution and framing them, setting them up, knocking them down, and making the case. The issue in Federalist No. 76 was whether the President would have undue influence on the Senate. Would he not be able to pressure the Senate because he was chief executive officer? Hamilton said: Don't worry about that. He went on to explain that there could be no better system than the one that was arrived at.

The compromise he is talking about, by the way, is the Connecticut Compromise. It was not until shortly before that the Founders decided—this is the only reason this got resolved—that the great State of Virginia with, I think, the first or second largest population at the time, could only have two Senators, and the small State of Delaware would have two Senators. That was the Connecticut Compromise. That is what it was about.

The reason it came about was that is they wanted to make sure that the minority would be able to be protected. He used the phrase—and I compliment and associate myself with my friend from Virginia; I know that is not why he sought recognition and why he asked the question, but what he did yesterday with Senator BYRD is what Alexander Hamilton was talking about—Alexander Hamilton in Federalist 76 used the following phrase in rebutting the argument that the President would be able to pressure the Senate. He said there will always be a sufficient number of men of rectitude to prevent that from happening. The Senator from Virginia demonstrated yesterday that there always is a sufficient number of men of rectitude—he and Senator BYRD—in averting a showdown that may have literally, not figuratively——

Mr. WARNER. Together with 14 in total.

Mr. BIDEN. It is true.

Mr. WARNER. Coequal.

Mr. BIDEN. The Senator from Virginia, Mr. WARNER, and Senator BYRD were the catalyst that came along and rescued something that had been attempted and written off, at least by the six Democrats with whom I had been talking, as failed until the two of them came along. This in no way is to denigrate the significant efforts of the others.

Mr. WARNER. The leadership of Senators MCCAIN, BEN NELSON, and everybody else.

Mr. BIDEN. The reason I say this is that, in the debates in the Constitutional Convention on this nominating process, on three occasions I believe it was Governor Wilson of Pennsylvania—I am not positive of that—proposed a motion that the President of the United States should have the power alone to appoint his Cabinet and inferior officers in the court. It never got, to the best of my knowledge, more than seven votes. The only consideration that almost passed twice was that only the Senate, without the President even in on the deal, could make those appointments. If we look at the constitutional history, the President was an afterthought in the nominating process. That is what Madison's notes show. That is what the history of the debate in the State legislative bodies shows.

So here we are, the Connecticut Compromise comes along guaranteeing that small States will be able to have an impact on these choices, but go back and look, and I think it is Federalist 77—do not hold me to that—but it is Hamilton's treatise on why there was a need

to have the Senate involved in choosing not only judges but appointments to the Federal Government. There was the fear that what happened in the British Parliament would be repeated; that, in fact, the King and the leaders of the majority would appoint incompetent people, such as their brothers-in-law, their friends, to be surrounding them in their Cabinets, in the lesser offices of the Federal Government.

So it was a genuine concern and a clear understanding—I think the phrase in Federalist 76 is; this is off the top of my head—if by this we are limiting the President, so be it; that is our intention.

To the specific question, yes, there is more deference given to the President of the United States in the appointment of his Cabinet than there is to his appointments to the Supreme Court, district court, any lower court, or any other appointed office in the Government. But the single exception that was intended by the Framers, if you read what they said, in terms of even appointing those around him, if the persons he would pick, notwithstanding that they would reflect the President's political views, if the appointment inures to the detriment of the United States, they should be opposed.

There have not been many occasions when I have opposed nominees to the President's Cabinet or Cabinet-level positions, and I imagine there have not been many my friend from Virginia has opposed. But I opposed two in the Clinton administration. I opposed one in the Carter administration. I think I opposed two in the Reagan administration. In each case, my opposition—and this would be only the second one I have opposed in this administration—is because the appointment of that individual, notwithstanding the fact that he or she is the choice of the President, would have the effect of negatively affecting the standing, security, or well-being of the United States.

So there are exceptions, and I would argue Mr. Bolton, as my friend from Ohio, I suspect, is going to make a compelling case, falls into the category of, yes, the President gets who he wants, unless the appointment of that person would inure to the detriment of the United States.

That is the central point I am trying to make. I understand my friend does not agree with me, but I honestly believe Mr. Bolton going to the U.N. will inure to the detriment of the United States, notwithstanding the President's judgment that it would not do that.

Mr. WARNER. Mr. President, I thank my colleague for the colloquy. We did settle clearly that greater latitude is given to the President.

Mr. BIDEN. That is right; I acknowledge that.

Mr. WARNER. And the Senator from Virginia does not infer that latitude is a rubberstamp, that everyone goes through. Clearly—and I know my good friend from Delaware speaks as a matter of clear conscience—I speak as a matter of clear conscience.

Mr. BIDEN. If the Senator will yield, I am confident that is true about the Senator.

Mr. WARNER. Correct, and we have a difference of views as it relates to our conscience.

Mr. BIDEN. If the Senator will yield, I respect that difference.

Mr. WARNER. I thank my friend. I would also go back to Federalist 76 and read the following provision dated Tuesday, April 1, 1788, author Alexander Hamilton:

> The President is ''to nominate, and, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and other officers of the United States whose appointments are not otherwise provided for in the Constitution. But the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, or in the courts of law, or in the heads of departments. The President shall have the power to fill up all vacancies which may happen during the recess of the Senate, by granting commissions. . . .

This is the operative paragraph to which I wish to refer:

> It has been observed in a former paper that ''the true test of a good government is its aptitude and tendency to produce a good administration.''

I said that.

> If the justness of this observation be admitted, the mode of appointing the officers of the United States contained in the foregoing clauses, must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union; and it will not need proof, that on this point must essentially depend the character of its administration.

Mr. President, our distinguished President has served in office 4 years. He was reelected with a clarity by the votes. He is now putting together his administration for these coming years. The nomination of John Bolton, with whom I have had considerable experience in work, in whom I have a strong sense of confidence—he has chosen this individual, I might say by and with the consent of his Secretary of State, a very able and most credible individual, in my experience, in working with the distinguished current Secretary of State.

The President, together with his principal Cabinet officers, has put together an extraordinary national security team. John Bolton will be a valuable addition to this team.

The President and his Secretary of State, Condoleezza Rice, have been clear in their belief that John Bolton has the experience and skills to represent the United States at the United Nations and to carry out the President's priorities to strengthen and reform the United Nations. I agree with the confidence they place in this nominee.

John Bolton has had a long and distinguished career in public service and in the private sector. Most recently, he has served for the past 4 years as the Under Secretary of State for Arms Control and International Security Affairs. In that capacity, Secretary Bolton worked to build a coalition of over 60 countries to help combat the spread of weapons of mass destruction through the Proliferation Security Initiative, PSI. He was a leader in creating the G–8 Global Partnership, which invited other nations to support the Nunn-Lugar nuclear threat reduction concept. As a result, many other nations are now participating with the United States in helping to eliminate and safeguard dangerous weapons and technologies which remain in the countries of the former Soviet Union.

Previously, John Bolton has served as Assistant Secretary of State for International Organization Affairs, as an Assistant Attorney General in the Department of Justice, and many years ago he held several senior positions in the Agency for International Development. He has also had a distinguished legal career in the private sector.

It is no secret that Mr. Bolton has at times advocated or represented positions which have sparked controversy. He has done so with a frankness and assertiveness that demonstrate his strongly held beliefs. As the Senate considers this nomination, we should keep in mind the words of Secretary Rice. She stated:

> The President and I have asked John Bolton to do this work because he knows how to get things done. He is a tough-minded diplomat, he has a strong record of success and he has a proven track record of effective multilateralism. Secretary Rice concluded her remarks by saying, and I quote again: John, you have my confidence and that of the President.

Given the enormity of problems facing the U.N. today, we have an obligation to send a strong-minded individual to help constructively to solve these problems and to build the confidence of the American people in the U.N.

I share the President's and the Secretary's belief that John Bolton will enthusiastically advance the President's goal of making the United Nations a stronger, more effective international organization.

I urge my colleagues to support this nomination and to send Mr. Bolton to the U.N. to represent our Nation and to advance the President's agenda of reform. Such reform is necessary to restore American confidence in the U.N. and to ensure that the U.N. will remain a vital and respected international organization in the years to come.

Mr. President, I ask unanimous consent to print in the RECORD two articles from the New York Times and the Washington Post with regard to the Bolton nomination.

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

[From the New York Times, May 11, 2005]

THE BEST MAN FOR THE JOB

(By James A. Baker III and Edwin Meese III)

The image that critics are painting of John Bolton, President Bush's nominee to be our

representative at the United Nations, does not bear the slightest resemblance to the man we have known and worked with for a quarter-century.

While we cannot speak to the truthfulness of the specific allegations by his former colleagues, we can speak to what we know. And during our time with Mr. Bolton at the Justice and State Departments, we never knew of any instance in which he abused or berated anyone he worked with. Nor was his loyalty to us or to the presidents we served ever questioned. And we never knew of an instance in which he distorted factual evidence to make it fit political ends.

At the heart of the claims made by Mr. Bolton's critics is the charge that he was imperious to those beneath him and duplicitous to those above. The implication is that Mr. Bolton saw himself as something of a free agent, guided by nothing more than his own notions of what he thought good policy might be. Woe be to those who might dare to disagree, according to these critics, be they lower-level analysts or cabinet members.

In our experience, nothing could be further from the truth. John Bolton was as loyal as he was talented. To put it bluntly, he knew his place and he took direction. As cabinet members, we took our direction from our presidents, and Mr. Bolton was faithful to his obligations as a presidential appointee on our respective teams. In his service as assistant attorney general and assistant secretary of state, we had complete confidence in him—and that confidence turned out to have been well placed. In our view he would be no different in fulfilling his duties as our United Nations ambassador.

In any administration there are going to be disagreements over process and policy, both in formulation and execution. It is not uncommon to have battle lines within any administration drawn between idealists and pragmatists. But what has made John Bolton so successful in the posts he has held, and what makes him so well suited for the position at the United Nations, is that he exhibits the best virtues of both idealists and pragmatists.

Mr. Bolton's political principles are not shaped by circumstances or by appeals to the conventional wisdom. He knows, as Abraham Lincoln once put it, that ''important principles may and must be inflexible.'' He also knows that those principles often have to be fought for with vigor.

On the other hand, he understands from his long experience at the highest levels of government that in order to succeed, one has to work with those whose views may differ; he knows the importance of principled compromise in order to make things happen.

A most fitting example was his contribution, when serving as an assistant secretary of state, in getting the United Nations General Assembly in 1991 to abandon its morally noxious doctrine that Zionism was a form of racism. This took extraordinary diplomatic skill, combining the clear articulation of the philosophic position of the United States and his own personal persuasiveness. That this effort succeeded where earlier efforts had failed came as no surprise to anyone who had worked with Mr. Bolton. The power of his mind and the strength of his convictions make him a most formidable advocate.

These skills have been on display more recently in his current position as undersecretary of state for arms control and international security. Not even his detractors deny, for example, that he was instrumental in building a coalition of 60 countries for President Bush's Proliferation Security Initiative to combat the spread of nuclear weapons technology.

At a time when all sides acknowledge that fundamental reform is needed at the United Nations lest it see its moral stature diminished and its possibilities squandered, we need our permanent representative to be a person of political vision, intellectual power and personal integrity. John Bolton is just that person.

[From the Washington Post, April 24, 2005]

BLUNT BUT EFFECTIVE

(By Lawrence S. Eagleburger)

President Bush's nomination of John Bolton as U.S. ambassador to the United Nations has generated a bad case of dyspepsia among a number of senators, who keep putting off a confirmation vote. That hesitation is now portrayed as a consequence of Bolton's purported ''mistreatment'' of several State Department intelligence analysts. But this is a smoke screen. The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the U.N. Human Rights Commission) and his willingness to express himself with the bark off.

As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

On Dec. 16, 1991, I spoke to the U.N. General Assembly on behalf of the United States, calling on the member states to repeal the odious Resolution 3379, which equated Zionism with racism. As I said then, the resolution ''labeled as racist the national aspirations of the one people more victimized by racism than any other.'' That we were successful in obtaining repeal was largely due to John Bolton, who was then assistant secretary of state for international organizations. His moral outrage was clearly evident as he brilliantly led and managed the successful U.S. campaign to obtain sufficient votes for repeal. The final vote, 111 to 25, speaks volumes for the success of his ''direct'' style.

Bolton's impressive skills were also demonstrated at the time of the Persian Gulf War, when he steered a critical series of resolutions supporting our liberation of Kuwait through the U.N. Security Council. During this period we negotiated some 15 resolutions up to and through the removal of Saddam Hussein's forces from Kuwait. Adoption of the key Security Council document, Resolution 678, was not a foregone conclusion and faced the possibility of a Chinese veto until the final vote. While our diplomacy to obtain this and other council votes was conducted on a global scale, Bolton was deeply engaged in managing this worldwide effort.

These are but two examples of why I believe Bolton possesses the substantial qualifications necessary to be our ambassador to the United Nations. By now it should be obvious to all that the halcyon days when our advice was sought and our leadership welcomed because the security of others depended on the protection we gave are no more. I recognize that John's willingness to speak bluntly has raised questions. Perhaps there was a time when those concerns had merit—but not now. Given what we all know about the current state of the United Nations, it's time we were represented by someone with the guts to demand reform and to see that whatever changes result are more than window dressing.

It is clear that the future of the United Nations and the U.S. role within that organization are uncertain. Who better to demonstrate to the member states that the United States is serious about reform? Who better to speak for all Americans dedicated to a healthy United Nations that will fulfill the dreams of its founders?

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). THE CLERK WILL CALL THE ROLL.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VOINOVICH. Mr. President, I recently sent my colleagues a letter regarding the nomination of John Bolton. I realize that they are all busy and likely they have not had an opportunity to read the letter. I will begin my remarks today by reading the letter to my colleagues so that it will be a part of the RECORD.

Dear colleague: Throughout my time in the Senate, I have been hesitant to push my views on my colleagues. However, I feel compelled to share my deep concerns with the nomination of John Bolton to be Ambassador to the United Nations. I strongly feel that the importance of this nomination to our foreign policy requires us to set aside our partisan agenda and let our consciences and our shared commitment to our nation's best interests guide us. At a time when the United States strives to fight terrorism globally, to build a stable and free Iraq, to find a peaceful resolution to the nuclear ambitions of Iran and North Korea, to spread democracy in the place of oppressive regimes, and to enact needed reforms at the United Nations, it is imperative that we have the support of our friends and allies internationally. These strong international relationships must be built upon robust and effective public diplomacy.

I applaud our President for understanding this and for his leadership on U.S. public diplomacy. He and Secretary Rice have taken important steps to reach out to the international community and strengthen relationships.

Additionally, I applaud the President's decision to appoint Karen Hughes to enhance U.S. public diplomacy at the State Department and recently to get even the First Lady involved in these important efforts to promote public diplomacy [and improve the world's opinion of the United States of America].

However, it is my concern that John Bolton's nomination sends a negative message to the world community and contradicts the President's efforts. In these dangerous times, we cannot afford to put at risk our nation's ability to successfully wage and win the war on terror with a controversial and ineffective Ambassador to the United Nations. I worry that Mr. Bolton could make it more difficult for us to achieve the important U.N. reforms needed to restore the strength of the institution. I strongly believe that we need to reform the U.N., make it a viable institution for world security, and remove its anti-Israel bias. However, I question John Bolton's ability to get this job done.

I know that you are very busy, but I would appreciate it if you would review my edited statement before the Foreign Relations Committee as to why I think we can do much better than John Bolton . . .

In my closing words I stated this:

Mr. Chairman, I am not so arrogant to think that I should impose my judgment and perspective of the U.S. position in the world community on the rest of my colleagues. We owe it to the President to give Mr. Bolton an up or down vote on the floor of the U.S. Senate. My hope is that, on a bipartisan basis, we send Mr. Bolton's nomination to the floor without recommendation and let the Senate work its will.

I plead with my colleagues in the Senate that if this nomination gets to the floor—

And we are here today—

to consider this decision and its consequences carefully, to read all the pertinent material, and to ask themselves several pertinent questions: Is John Bolton the best possible person to serve as the lead diplomat to the United Nations? Will he be able to pursue the needed reforms at the U.N., despite his damaged credibility? Will he share information with the right individuals, and will he solicit information from the right individuals, including his subordinates, so that he can make the most informed decisions? Is he capable of advancing the President's and the Secretary of State's efforts to advance our public diplomacy? Does he have the character, leadership, interpersonal skills, self discipline, common decency, and understanding of the chain of command to lead his team to victory? Will he recognize and seize opportunities to repair and strengthen relationships, promote peace and uphold democracy—as a team—with our fellow nations?

I mentioned in my letter the Senate faces today a very important decision, whether to send John Bolton to New York to be the next U.S. Ambassador to the United Nations. I believe we can do better, and we owe it to the United States of America, the U.S. State Department, our soldiers overseas, our children, and our grandchildren to do better than Mr. Bolton. This is not my opinion alone. The overwhelming opinion of the colleagues I have talked to about John Bolton is that he is not an ideal nominee; that they are less than enthusiastic about him and many were surprised at the decision. Many of my colleagues have said that the only reason they are going to vote for him is because he is the President's nominee. I agree with my colleague, Senator BIDEN. I think if we had a secret vote on John Bolton, he would not get 50 votes from the Senate.

I want to explain to my colleagues here today why it is I think Mr. Bolton should not be confirmed. One of my deepest concerns about this nomination involves the big picture of U.S. public diplomacy and the President's acknowledged need to improve it. It was not too long ago when America's love of freedom was a force of inspiration to the rest of the world, and America was admired for its democracy, generosity, and willingness to help others in need of protection. Today, the United States is criticized for what the world calls arrogance, unilateralism, for failure to listen and seek support of its friends and allies. There has been a drastic change in the attitude of our friends and allies in such organizations such as NATO and the countries' leaders whom we need to rely upon for help.

I discovered this personally during a trip I took to London, Serbia, Montenegro, and Italy last year, where I met with several individuals from various international backgrounds and attended the NATO parliamentary meeting in Venice. In London I met with several individuals from the Atlantic Partnership, chaired by Lord Powell, who told me that the United States needed to do something to improve its public diplomacy with countries where leaders are under a great amount of pressure. They mentioned Tony Blair, who has put his neck on the line to support the United States and needed the United States to improve its public diplomacy to meet the concerns of his constituency.

We all know that Tony Blair lost a significant number of parliamentary seats because of these concerns. The group emphasized that we needed to do more in public diplomacy to reach out to our friends and allies so that we could work together to accomplish the daunting tasks before us.

In Venice I attended the NATO Parliamentary Assembly. I could not believe some of the comments that were being made about the United States—from our allies. It was a stark contrast to the parliamentary meetings I attended in Budapest in 2000, when our allies voiced the concern: What about this Bush who is running for President? Is he an isolationist?

In Venice I heard their concerns that the United States is very much involved in international affairs but acts unilaterally, without any concern by the United States of its allies and friends.

I have traveled a great deal in my career, and I have met with leaders and academics in the international community during previous wars. There has never been as drastic a shift in the international community's perception as there has been during the last 2 or 3 years. The countries that previously admired the United States for its values and principles of democracy and freedom, encouraging other nations to develop their own democracies and speak out against injustices, now criticize the United States for its failure to respect their views and opinions.

It troubles me deeply that the United States is perceived this way in the world community. I am troubled because the United States will face a deeper challenge in achieving its objectives without their support. We will face more difficulties in conducting the war on terrorism, promoting peace and stability worldwide, and building democracies, without help from our friends to share the responsibilities, leadership, and costs.

Even as recently as last night, the former President of the Czech Republic and champion of democracy, Vaclav Havel, told me over dinner that the United States needs to improve its public diplomacy, that we have become isolated in too many instances.

If the United States wants to win the war on terrorism, win the peace in Iraq, promote freedom globally, and prevent new conflicts, we need to have the help of our friends. In order to have the help of our friends we need to have robust public diplomacy. For if we cannot win over the hearts and minds of the world community, we are not going to be able to create the team that we need and our goals will be more difficult to achieve.

Additionally, we will be unable to reduce the burdens on our own resources, the most important of which is the lives of the men and women in our Armed Forces who are leaving their families every day to serve this country overseas.

Now, 1,700 U.S. men and women—over that—have given their lives in Iraq and Afghanistan; over 12,000 have been wounded.

Nothing can compare to the cost of human lives, but the financial costs of the conflict in Iraq and Afghanistan are also placing a tremendous human resources burden on our country. Weeks ago we passed the $82 billion supplemental bill for our operations in Afghanistan and Iraq. I understand that we will need at least $50 billion next year. The costs of this war are not going down anytime soon.

We need the help of other countries to share the financial burden that is adding to our national debt, and the human resource burden that our Armed Forces, National Guardsmen, contractors, and their families are bearing so heavily now. The key is public diplomacy.

As I say, I applaud the President and the Secretary of State for understanding that public diplomacy is an important objective and beginning this new term with an emphasis on repairing relationships. I applaud the President and Secretary Rice for reaching out to our friends in the world community and articulating that the United States does respect international law and protocol.

The President's recent visits to Latvia, the Netherlands, Moscow, and Georgia, underscore the priority he places on strengthening U.S. public diplomacy. The way that he embraced the Russian people will serve the country well as we negotiate with President Putin to improve nuclear security cooperation and support U.S. positions on Iran and North Korea.

The President has also enlisted the added value of the First Lady in pursuing an agenda to improve U.S. public diplomacy in the Middle East, an important initiative. I also applaud the President's decision to appoint Karen Hughes to help lead the public diplomacy effort at the State Department.

Let's send Karen Hughes to be the next ambassador to the United Nations. There is someone who would

really make a difference for us, and deal with the challenge that we have in public diplomacy.

The President clearly understands the importance of renewing our relationships and making clear that we want to work with our friends to achieve our many foreign policy goals. It is important to send a message that, though the United States may have differences with our friends at times, and though we may need to be firm about our positions, we are willing to sit down, talk about them, discuss our reasoning, and work for a solution.

It is my strong belief in the need to improve U.S. public diplomacy and in the efforts of the President that has caused me to pause and reflect so deeply on the nomination of Mr. Bolton because, I asked myself, what message are we sending to the world community? In the same breath we are considering a nominee for ambassador to the United Nations who has been accused of being arrogant, of not listening to his friends, of acting unilaterally, and of bullying those who do not have the ability to properly defend themselves. These are the very characteristics we are trying to dispel in the court of world opinion.

We must understand, next to the President, Vice President, and Secretary of State, the most prominent public diplomat is our ambassador to the United Nations. It is my concern that the confirmation of John Bolton would send a contradictory and negative message to the world community about U.S. intentions. I am afraid that his confirmation will tell the world we are not dedicated to repairing our relationships or working as a team but that we believe only someone with sharp elbows can deal effectively with the international community.

I want to make it clear that I do believe that the U.N. needs to be reformed if it is to be relevant in the 21st century. We need to pursue its transformation aggressively, sending the strong message that corruption will not be tolerated. The corruption that occurred under the Oil for Food Program made it possible for Saddam's Iraq to discredit the U.N. and undermine the goals of its members. This must never happen again, and severe reforms are needed to strengthen the organization. And, yes, I believe it will be necessary to take a firm position so that we can succeed. But it will take a special individual to succeed in this endeavor, and I have great concerns with the current nominee and his ability to get the job done.

To those who say a vote against John Bolton is a vote against reform of the United Nations, I say nonsense. Frankly, I am concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms to this outdated institution. I believe there could be even more obstacles to reform if Mr. Bolton were sent to the U.N. than if it were another candidate. Those in the international community who do not want to see the U.N. reformed will act as a roadblock, and I fear Mr. Bolton's reputation will make it easier for them to succeed.

I believe that some member nations in the U.N. will use Mr. Bolton as part of their agenda to further question the credibility and integrity of the United States of America and to reinforce their negative U.S. propaganda.

If we send Mr. Bolton to the United Nations, the message will be lost because our enemies will do everything they can to use Mr. Bolton's baggage to drown his words. The issue will be the messenger—the messenger and not the message.

Another reason I believe Mr. Bolton is not the best candidate for the job is his tendency to act without regard to the views of others and without respect to chains of command. We have heard Mr. Bolton has a reputation for straying off message. He is reported to have strayed off message more often than anyone else holding a responsible position at the State Department during Secretary Powell's years as Secretary of State.

U.S. Ambassador to South Korea Thomas Hubbard testified that Bolton rejected his request to soften the tone of a July 2003 speech on North Korea policy and stated that the speech hurt, rather than helped, efforts to achieve the President's objectives.

Here is the question from a committee staffer:

And what was your impression of the speech when you first read it, the day before it was going to be delivered? Did you suggest changes in it?

We are talking now of the question to Ambassador Hubbard.

I think our most important comment was that we thought the tone was way too strong, that he used derogatory terms about Kim Jung Il . . . throughout the speech, in virtually every sentence. And I and my staff argued that was counterproductive to our interest in getting the North Koreans back into the talks [on their reducing their nuclear threat.]

Committee staffer:

And was Mr. Bolton aware of the South Korean request to avoid inflammatory language that might complicate the Six-Party process?

Ambassador Hubbard:

Yes.

Committee staffer:

Did he make all the changes [in the July 2000 speech] that had been suggested?

Ambassador Hubbard:

No, I don't believe so. You know, I think that—to be very clear, we didn't go through the speech, scratching out the word ''dictator'' every time we saw it—you know, that—we made an overall comment . . . that we felt that was counterproductive and overblown.

Committee staffer:

Did you believe the speech advanced the President's objective of achieving a peaceful denuclearization of the Korean Peninsula through negotiations? Or, if not, why not?

Ambassador Hubbard:

No, I don't think it advanced the process . . . In my view, the invective . . . gave the North Koreans another excuse or pretext not to come back to the committee.

Committee staffer:

Did Bolton advance President Bush's North Korea policy?

Ambassador Hubbard:

My belief is that his actions hurt.

According to reliable sources at the State Department, it was after that speech that it was made clear to Mr. Bolton he would have to clear any future speeches through the Secretary or Deputy Secretary and that he would be put on a very short leash. This was just one of the many times he was called on the carpet.

In fairness to Mr. Bolton, the sources have said to me, once reprimanded, Bolton got back on track but that he needed to be kept on a short leash.

Who is to say that Bolton will not continue to stray off message as ambassador to the U.N.? Who is to say he will not hurt, rather than help, United States relations with the international community and our desire to reform the United Nations?

When discussing all of these concerns with Secretary Rice—John Bolton's propensity to get off message, his lack of interpersonal skills, his tendency to abuse others who disagree with him—I was informed by the Secretary of State she understood all these things and in spite of them still feels John Bolton is the best choice. She assured me she would be in frequent communication with him and that he would be supervised very closely.

My private thought, and I should have shared this with the Secretary of State, is why in the world would you want to send someone to the United Nations who requires such supervision?

I am also concerned about Mr. Bolton's interpersonal skills. I understand there will be several vacant senior posts on the staff when Mr. Bolton arrives in his new position. As a matter of fact, I understand all the top people are leaving. I understand one of the most respected and qualified people at the U.N., Anne Patterson, will be leaving her post, and others will be departing, as I mentioned.

As such, Mr. Bolton will face a challenge of inspiring, leading, and managing a new team, a staff of roughly 150 individuals, perhaps more, whom he is going to need to rely upon to get the job done. As we know, all of us are only as good as the team we have surrounding us. We are all aware of the testimony and observations related to Mr. Bolton's interpersonal and management skills.

With that record in mind, I have concern about Mr. Bolton's ability to inspire and lead a team so he can be as effective as possible in completing the important tasks before him. And I am not the only one. The Senate Foreign Relations Committee received letters from 102 U.S. diplomats who served under administrations for both sides of the aisle saying Mr. Bolton is the wrong man for the job.

Colin Powell's chief of staff, Colonel Lawrence Wilkerson, testified before the committee that Mr. Bolton would make ''an abysmal ambassador,'' and that ''he is incapable of listening to people and taking into account their views.''

I would like to read some of Mr. Wilkerson's testimony.

Mr. Wilkerson:

I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our ambassador at the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there, you'll see the proof of the pudding in a year.

I would also like to highlight the words of another person I myself respect and who worked closely with Mr. Bolton. He told me if Bolton were confirmed, he would be ok for a short while, but within 6 months his poor interpersonal skills and lack of self-discipline would cause major problems. He told me Mr. Bolton is unable to control his temper.

I would like to read some quotes from the testimony of Christian Westermann, the analyst from the Bureau of Intelligence and Research, and Tom Fingar, Assistant Secretary of State for Intelligence and Research, about Mr. Bolton's patterns of losing his temper and getting angry.

Mr. Westermann:

He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language.

This was in a speech and Mr. Westermann had to send that speech over to the CIA and then it came back from the CIA.

And what he would say, or not say or something like that. And I tried to explain a little bit of the same things about the process of how we clear language. And I guess I wasn't really in a mood to listen and he was quite angry and basically told me I had no right to do that.

By the way, Mr. Westermann did not work in Mr. Bolton's section of the State Department. He worked in INR, another department, another department, not under his direct supervision.

And he [Mr. Bolton] got very red in the face, shaking his finger at me and explaining to me I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him.

Staffer:

And when [Bolton] threw you out of the office, how did he do that?

Committee staffer:

He just told me to get out and get Tom Fingar, he was yelling and screaming and red in the face, and wagging his finger. I'll never forget the wagging of the finger.

Committee staffer:

Could you characterize your meeting with Bolton? Was he calm?

Mr. Tom Fingar:

No, he was angry.

Additionally, I want to note my concern that former Secretary of State Colin Powell, the person to whom Mr. Bolton answered over the last 4 years, was conspicuously absent from a letter signed by former Secretaries of State recommending Mr. Bolton's confirmation. Of all the people who worked with Mr. Bolton, Powell is the most qualified person to judge the man and his ability to serve as the Secretary's ambassador to the U.N. and he did not sign the letter.

In fact, I have learned that several well-respected leaders in our foreign policy community were shocked by Mr. Bolton's nomination because he is the last person thought to be appropriate for the job.

There are several interesting theories on how Mr. Bolton got the nomination. I am not going to go into them in the Senate. If anyone would like to talk to me about that, I am happy to discuss it with them; otherwise, I urge you to get in touch with senior members of the Foreign Relations Committee and ask them.

We are facing an era of foreign relations in which the choice of our ambassador to the United Nations should be one of the most thoughtful decisions we make. The candidate needs to be both a diplomat and a manager. He must have the ability to persuade and inspire our friends, to communicate and convince, to listen, to absorb the ideas of others. Without such virtues, we will face more efforts in our war on terrorism, to spread democracy and to foster stability globally.

The question is, is John Bolton the best person for the job? The administration says they believe he is the right man. They say despite his interpersonal shortcomings, he knows the U.N., he can reform the organization and make it more powerful and more relevant to the world.

There is no doubt John Bolton should be commended and thanked for his service and his particular achievements.

He has accomplished some important objectives against great odds. As the sponsor of legislation that established an office on global anti-Semitism in the State Department, I am particularly impressed by his work to repeal the U.N. legislation equating Zionism with racism. I wholeheartedly agree with Bolton that we must work with the U.N. to change its anti-Israel bias, and I applaud his work on this issue.

In 2003, I sent a letter to Secretary General Kofi Annan of the United Nations to express my profound concern about the appalling developments in the U.N. and the Palestinian Observer's equation of Zionism with Nazism and ask that the United Nations condemn the remarks and maintain a commitment to human rights.

Further, I am impressed by Mr. Bolton's achievements in the area of arms control, specifically on the Moscow Treaty, the G8 ''10-Plus-10-Over-10'' Global Partnership Fund, and the President's Proliferation Security Initiative.

Now, it has been suggested that we should vote for Mr. Bolton because of his achievements and qualifications despite his reputation as a ''bully'' and his poor interpersonal skills.

I agree that Mr. Bolton has had some achievements, but I am dubious that Mr. Bolton's record of performance has been so overwhelmingly successful that we should ignore his negative pattern of behavior and credibility problems with the international community.

For the last 4 years, Mr. Bolton served as the top arms control and nonproliferation official for the State Department. The most pressing nonproliferation issues affecting U.S. national security today involve the threat of Iran's nuclear ambitions, the threat of North Korea's nuclear ambitions, and the need to expand and accelerate our cooperation with the Russian Federation to secure and dismantle Russia's nuclear and WMD infrastructure to keep it out of the hands of would-be terrorists or proliferant nations.

The United States has not had significant success on these issues in the last 4 years. In the case of North Korea, they have withdrawn from the Nonproliferation Treaty and the situation has become more critical during Bolton's watch. Our U.S. Ambassador to South Korea, Thomas Hubbard, stated that Mr. Bolton's approach on North Korea was damaging to U.S. interests. With regard to our cooperation with Russia to secure its WMD infrastructure and fissile material, I have read several reports that Mr. Bolton also hurt efforts to move beyond the legal holdup of ''liability'' that has stymied our programs.

On May 16, a Newsweek article reported that for several years, the disposal of Russia's 134-ton hoard of plutonium has been stymied by an obscure legal issue in which Washington has sought to free U.S. contractors from any iability for nuclear contamination during cleanup. It says that: Bolton bore a very heavy responsibility for festering the plutonium issue. It reports that a former State Department official said: In 2004, Bolton quashed a compromise plan by his own nonproliferation bureau, even after other agencies had approved it.

I must say I am unimpressed by Mr. Bolton's failure to secure a compromise during his 4 years that would enable us to move forward to secure this material from terrorists.

The situation in Iran is also very concerning and has only worsened in the last 4 years.

Among our accomplishments in nonproliferation, there is no doubt that Libya's decision to dismantle its WMD infrastructure was one of the largest successes of the last 4 years.

We really rejoiced over that. However, there is credible reporting that Mr. Bolton was sidelined from the negotiations by the White House and that some believed he might hurt their chances of succeeding with Libya. Additional reports indicate that Mr.

Bolton was sidelined at the request of British officials working on the issue, because they felt he was a liability during the negotiations.

Mr. Bolton has also been given a great deal of credit for his work on getting Article 98 agreements with several countries and important military partners. Article 98 agreements secure U.S. military officers from prosecution under the International Criminal Court while conducting operations or military exercises in a foreign country.

I support the efforts to secure Article 98 agreements and protect U.S. Forces against what could be a politically driven trial in a foreign country. However, I understand that Mr. Bolton worked to secure these agreements by putting a hold on all U.S. military education and training assistance to these countries—understanding that the last seven countries we brought into the United Nations never signed that Article 98 treaty.

This assistance that we provide to these countries provides education to military officials about U.S. and Western military doctrine, the importance of a civilian-run military, civil-military relations, and respect for human rights. It provides basic leadership training and other important training that enables foreign troops to interoperate with U.S. forces and international forces—such as English language training and general combat training. This is very important assistance at a time when we are fighting with a coalition in Afghanistan and a coalition in Iraq. But at the very same time that we were seeking additional supporters in Iraq, some military officials arriving at U.S. airports to receive the military education training were turned away because of Mr. Bolton's strong-arming tactics.

As I understand it, several different State Department officials asked Mr. Bolton to remove the holds because of the negative impact they were having on our allies, and he refused to listen to their views.

I ran into this when I was in Croatia a couple weeks ago. I talked to the new Prime Minister of Croatia, Ivo Sanader, and he was saying: I have to sign Article 98. If I don't get it, then we get no help whatsoever in terms of advice about how we civilianize our Army and so forth. And there are people in the Defense Department who think it is a good idea. And I think it is a good idea because we have to be concerned, in some of those countries that have gone democratic, that if things get bad, we do not want to see a coup d'etat come from the military part of their operation. So we should be doing everything we can to civilianize it. But, no, can't do it. Mr. Bolton doesn't want to do it.

Mr. President, how are we supposed to persuade our friends and allies to join us in Iraq and Afghanistan when we are cutting off the English-language training and other military training that would enable them to send troops to serve with us?

In fact, the policy is contradictory to U.S. public diplomacy efforts as well as efforts to secure support in Iraq and Afghanistan, but Mr. Bolton did not listen to the views of his staff who told him that the policy was damaging our bigger picture interests.

For this reason, I question the suggestion that Mr. Bolton's qualifications and his record of performance is so outstanding that we should vote for him, despite his negative pattern of behavior.

But this is another issue that is deeply concerning to me. We cannot deny that Mr. Bolton's record shows a pattern of behavior that is contradictory to that of an effective Ambassador.

I would like to read to you a quote by Mr. Carl Ford, who headed the Bureau of Intelligence and Research, INR, in the State Department from 2001 to 2003. He testified that Mr. Bolton is a ''kiss up and kick down'' leader who does not tolerate those who disagree with him and goes out of his way to retaliate for their disagreement.

Here is what Mr. Ford said:

Unfortunately, my judgment, my opinion, he's a quintessential ''kiss-up, kick-down'' sort of guy . . . I'm sure you've met them. But the fact is that he stands out, that he's got a bigger kick and it gets bigger and stronger the further down the bureaucracy he's kicking.

Others who have worked closely with Mr. Bolton have stated that he is an ideologue and that he fosters an atmosphere of intimidation and does not tolerate disagreement, does not tolerate dissent, and that he bullies those who disagree with him.

I would like to read some excerpts from the testimony of the Ambassador to South Korea, Thomas Hubbard, and Mr. John Wolf, Assistant Secretary of the Nonproliferation Bureau, who worked directly under Mr. Bolton.

COMMITTEE STAFFER. There have been press reports—one in December of 2003, in USA Today, that—I'll just read you the quote from that story. Quote, ''In private, Bolton's colleagues can be scathing. One high-level coworker calls Bolton 'an anti-diplomat who tries to intimidate those who disagree with his views.' Another diplomat says, 'No one in the Department dares to criticize Bolton on the record, because he has support at the highest levels of the Administration. Despite his often blunt public pronouncements, he's never publicly chastised or contradicted,' the diplomat says.'' Does that sound like the John Bolton you know?

AMBASSADOR HUBBARD. It sounds, in general, like what I experienced.

COMMITTEE STAFFER. Did that—did Mr. Bolton prevent those views of debate [on policy issues from the Nonproliferation Bureau] from getting up to the Deputy Secretary?

MR. WOLF, [Assistant Secretary of Nonproliferation]: There were long and arduous discussions about issues before they got to the Secretary.

COMMITTEE STAFFER. And, in those discussions, how would you characterize Mr. Bolton's demeanor and professionalism in listening to alternative points of views or listening to those who disagreed with his point of view? Did he have an open mind?

MR. WOLF. He tended to hold on to his own views strongly, and he tended not to be—he tended not to be enthusiastic about alternative views.

MR. WOLF. He did not—he did not—he did not encourage differing views. And he tended to have a fairly blunt manner of expressing himself.

COMMITTEE STAFFER. Would you go so far as to say that he discouraged alternative views through his demeanor and through his response when people presented alternative views to him?

MR. WOLF. He did not encourage us to provide our views to the Secretary . . . our alternative views.

Colin Powell's chief of staff Lawrence Wilkerson testified that Mr. Bolton tended to focus on accomplishing his own goals as a matter of ''bean-counting'' and refused to consider the repercussions of his methods on the greater policy objectives of the United States.

I would like to quote from Colonel Wilkerson's testimony:

Second, I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, quote, ''brilliance,'' unquote. I didn't see it. I saw a man who counted beans, who said ''98 today, 99 tomorrow, 100 the next day,'' and had no willingness—in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations. And that's the only reason that I said anything.

Mr. Wilkerson again:

My prejudice and my bias will come out here, because I think one of the number-one problems facing the country right now—and, you know, I'm here because of my country—

This is Wilkerson. He volunteered. We didn't go out and get him. He volunteered.

—not because of anybody else—is North Korea . . . So when people ignore diplomacy that is aimed at dealing with that problem in order to push their pet rocks in other areas, it bothers me, as a diplomat, and as a citizen of this country.

And I have citations on all of this in the testimony.

Wilkerson again:

It was the same thing with nonproliferation. The statistic I mentioned before, which I think Under Secretary Bolton mentioned in his speech in Tokyo on February the 7th, if I remember right—I still keep up with this stuff, Northeast Asia—and he said the Clinton Administration, in eight years, had sanctioned China eight times, and the Bush Administration, in four years, had sanctioned China 62 times. As I used to say, what's the measurement of effectiveness here? What's it done? Is the sanctioning of 62 times an indication that China is proliferating more? Or is it an indication that we're cracking down? I'd love to see the statistic for the next four years, if Bolton were to remain Under Secretary. It would be 120 or 140. And what is the effectiveness of this? Are we actually stopping proliferation that was dangerous to our interest? Or are we doing it, and ignoring other problems that cry out for cures, diplomatic? And no one sits and says, you know, ''Okay, that's correct, that's correct, this is correct, this is what's effective, this isn't effective.'' The one time I had a conversation with John about this, I asked him, ''How do you go beyond sanctions, John? War?'' [Bolton's implied answer was:] ''Not my business.'' [In other words, that was not his problem.]

Former Assistant Secretary of the Intelligence and Research Bureau Carl Ford testified he had never seen anyone behave as badly in all his days at

the State Department and that he would not have even testified before the Committee if John Bolton had simply followed protocol and simple rules of management.

Mr. FORD. I can guarantee you . . . that if Secretary Bolton had chosen to come to see me, or in my absence, my Principal Deputy, Secretary Tom Fingar, I wouldn't be here today. He could have approached me in the same tone, and in the same attitude—shaking his finger, red in the face, high tone in his voice—and I wouldn't be here today. If he had gone to Secretary Powell, or Secretary Armitage, and complained loudly about the poor service that he was receiving from INR and the terrible treatment that he had been stabbed in the back by one of INR's analysts, I wouldn't be here today. The fact is, it is appropriate, if someone is unhappy with the service they're getting from one of the services or organizations in a bureaucracy, that they should complain. They should yell as loud as they want to. But, instead of doing any of those three things, Secretary Bolton chose to reach five or six levels down below him in the bureaucracy—

By the way, a bureaucracy he was not in charge of

—bring an analyst into his office, and give him a tongue lashing, and I frankly don't care whether he sang scat for five minutes, the attitude, the volume of his tone, and what I understand to be the substance of the conversation—he was so far over the line . . . That is, I've never seen anybody quite like Secretary Bolton . . . I don't have a second and a third or fourth, in terms of the way he abuses his power and authority with little people . . . There are a lot of screamers that work in government, but you don't pull somebody so low down in the bureaucracy that they're completely defenseless. It's an 800 pound gorilla devouring a banana. The analyst was required simply to stand there and take it, and Secretary Bolton knew when he had the tirade that, in fact, that was the case.

I want to note that in Mr. Bolton's testimony, he justifies his anger and retaliatory actions against Mr. Westermann by citing an apologetic e-mail from Mr. Tom Fingar, Assistant Secretary of the Intelligence Bureau. And when I met privately with Mr. Bolton, he said: Right after it happened, I received this apologetic e-mail from Mr. Fingar. So we asked Mr. Fingar and Mr. Ford about the e-mail.

COMMITTEE STAFFER. You said . . . that what Mr. Westermann did was entirely within the procedure, he was never disciplined, it was perfectly normal, that the only failure of his was lack of prudence. And then here [in the e-mail to Bolton] you say it's ''entirely inappropriate,'' and ''we screwed up, it won't happen again.'' That seems like a rather different assessment.

Mr. FINGAR. Well, I knew I was dealing with somebody who was very upset, I was trying to get the incident closed, which I didn't regard as a big deal. I know John [Bolton] was mad. I assumed, when people are mad, they get over it. So, did I lean over in the direction of ''Sure, we'll take responsibility?'' He thanked me for it, at least as far as I'm concerned, in my dealings with Bolton, that closed it.

So basically it was, somebody is mad. You send them back an e-mail and say our guy didn't do what he was supposed to do. You hope they will get off your butt and it will be over with. But it wasn't over. He kept going after him. We have to move this guy. We have to bring somebody else in here. I can't deal with him. That is the way he acts.

Mr. FORD:

. . . knowing him [Fingar] well, I'm assuming it simply was, as you said, this guy [Bolton] was furious, he could potentially do great damage to the bureau, and he [Fingar] was just trying to put him back in the box and keep him from doing any more harm. And I can't fault him for that.

I also want to point out that Carl Ford, Lawrence Wilkerson, and almost all of the witnesses who came before our committee are appointees of the Bush administration. These are loyal Republicans who say: I am a conservative Republican. I am loyal to the President, that they could not abide Mr. Bolton's nomination because of their concern for his conduct and his erratic, often unprofessional, behavior.

That is what this is about.

I have to say that after pouring over the hundreds of pages of testimony and speaking with many individuals, I believe John Bolton would have been fired if he had worked for a major corporation. That is not the behavior of a true leader who upholds the kind of democracy President Bush is seeking to promote globally. This is not the behavior that should be endorsed as the face of the United States to the world community at the United Nations.

It, rather, is my opinion that John Bolton is the poster child of what the diplomatic corps should not be. I worry about the signal we are sending to the thousands of individuals under the State Department who are serving their country in foreign service and civil service, living in posts across the world and in some cases risking their lives, all so they can represent our country, promote diplomacy, and contribute to the safety of Americans everywhere.

What are we saying to these people? And I care about human capital. I have been working on it now for over 6 years. When we say to these people that we look to confirm an individual with this record to one of the highest positions in the State Department, what are we saying to these people? I was in Croatia. I was in Slovenia. They can't believe it.

I want to emphasize that I have weighed Bolton's strengths carefully. I have weighed the fact that this is the President's nominee. All things being equal, it is my proclivity to support the President's nominee, as most of us. However, in this case, all things are not equal. It is a different world today than it was 4 years ago. Our enemies are Muslim extremists and religious fanatics who have hijacked the Koran and have convinced people that the way to get to Heaven is through Jihad and against the world, particularly the United States. We must recognize that to be successful in this war, one of our most important tools is public diplomacy, more than ever before—intelligence and public diplomacy. After hours of deliberation, telephone calls, personal conversations, reading hundreds of pages of transcripts, and asking for guidance from above, I have come to the determination that the United States can do better than John Bolton. We need an ambassador who understands the wisdom of Teddy Roosevelt's policy to walk softly and carry a big stick. The U.S. needs an ambassador who is interested in encouraging other people's points of view and discouraging any atmosphere of intimidation. The world needs an American ambassador to the U.N. who will show that the United States has respect for other countries and intermediary organizations, that we are team players and consensus builders and promoters of symbiotic relationships.

In moving forward with the international community, we should remember the words of the Scot poet Bobbie Burns who said:

Oh, that some great power would give me the wisdom to see myself as other people see me.

And when thinking of John Bolton earlier today, I thought of one—I don't know whether it is a fairy tale, or whatever, called ''The Emperor Has No Clothes.'' We are going to vote tomorrow, and I am afraid that when we go to the well, too many of my colleagues are not going to understand that this appointment is very important to our country. At a strategic time when we need friends all over the world, we need somebody who is going to be able to get the job done. Some of my friends say: Let it go, George. It is going to work out.

I don't want to take the risk. I came back here and ran for a second term because I am worried about my kids and my grandchildren. I just hope my colleagues will take the time before they get to this well and do some serious thinking about whether we should send John Bolton to the United Nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wanted to take a second to say to my friend and colleague from Ohio, I have been through a lot of this debate over the last several weeks and months. A lot of things are going on today, but I hope my colleagues and others—if they have not had a chance to listen to my colleague from Ohio—will read his comments. They are heartfelt. I know the feeling. I remember several occasions, but there was a time when I was one of two Democrats to support John Tower many years ago, when he was being considered for the nomination as Secretary of Defense. I supported John Ashcroft to be Attorney General from the previous administration.

I know when you are being different and standing up and going against the tide from people on your own side, it can be a lonely moment. I know what it feels like to be there. If you do it out of conviction and belief and because of how important these issues are, then I think all of us, regardless of where you

come out on the issue, appreciate the courage and the determination of a Member who does it.

I am comfortable with my colleagues' remarks, with his position. As I told him the other day, I have been here a long time now—24 years in the Senate—and there are moments like this when I am deeply proud to serve with my colleagues. GEORGE VOINOVICH and I don't agree on a lot of issues. We are of different political persuasions and parties. But my respect for him as a Member of this body is tremendous. Whether you agree with GEORGE VOINOVICH or not, this is a Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I deeply respect my colleague from Ohio, and I deeply respect the passion that he brings to his concern about this nomination.

I also bring passion and concern. I have been involved as chairman of the Permanent Subcommittee on Investigations and have been looking at the U.N. and the oil for food scandal—a scandal which allowed Saddam Hussein to rebuild his military capacity, to bribe individuals close to the leadership of member states of the Security Council, to fund terrorism. I have looked at the U.N. over recent years, at the scandals of sexual abuse and child prostitution in Africa, where U.N. officials were not responded to for months and months. I have looked at the world in which we live, and the challenges we face, and I realize the United States cannot be the world's sole policeman, the world's sole humanitarian provider. We cannot do it on our own. We need partners and we need a U.N. that is strong and credible.

This President has made a decision that the person who can best do the heavy lifting that is required for U.N. reform is John Bolton. He does that by looking at the record of John Bolton. I respect the President for that commitment to reform the United Nations, and as I look at this dangerous world in which we live, I think it is essential that we seize this moment of opportunity now. I think it is essential that we confirm this nomination.

The reality is that John Bolton is a man of strong conviction. Clearly, there are some differences of perspective even in the State Department. There was an editorial in the Washington Post on May 12 of this year in which the writer said:

> The committee interviews have provided some colorful details without breaking new ground on what has long been a well-understood split in the first Bush administration, a split between those who saw themselves as the pragmatic diplomats, (the Powell camp) and those, like Mr. Bolton, who saw themselves as more willing to bruise feelings here and abroad in standing up for U.S. interests.

In the end, the Post concludes:

> The nominee is intelligent and qualified; we still see no compelling reason to deny the president his choice.

Former Secretary of State—perhaps the model of the Secretaries of State—Lawrence Eagleburger, a career foreign service officer, said in an April 22 Washington Post op-ed:

> The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the Human Rights Commission) . . .

And a couple weeks ago the election of Zimbabwe.

> As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him at the State Department, I never saw or heard anything to support such a charge. Nor do I see anything wrong with his challenging intelligence analysts on their findings.

My colleague from Ohio and my colleagues across the aisle talked about an incident with an analyst—Westermann—in which Bolton had a speech that he was preparing on the issue of Cuba's capacity to develop biological weapons. That speech then was supposed to be sent to analysts in the process. That is the process—send it around to analysts and they come back and tell you whether you can say what you want to say. In the end, the speeches have to get cleared.

What happened with Mr. Westermann is this. What you have heard so far is that John Bolton was angry at Mr. Westermann. My colleague from Ohio said he was quite upset as to why he would change language. That is what happened. What happened is not that Westermann sent something around and then got it back, and then Bolton had a concern with the conclusion. What happened is that when Bolton gave the document with the language to Westermann, he sent it on. What he told Bolton's chief of staff was: I sent your language to the CIA intact and only at its source citations.

What really happened, and what the record shows and demonstrates, is that what Westermann did is that he had sent it around, but he inserted language that basically said what Bolton wanted to say would not fly. So Bolton doesn't know, when he gets it back, that that piece is out. Clearly, he wanted to say it, but they said he could not. His concern with Westermann—and the testimony reflects this also—was not about policy. He said: I disagree with you going behind my back. I disagree with you not being honest with me, not telling me up front that in fact this is what you did rather than saying I circulated it, but I find out that, in effect, you lied to me.

John Bolton was angry and he said: I have lost confidence in someone who cannot be honest with me, who goes behind my back, and I have to find out about it from another source. That was the conversation he had with Westermann. What you hear and what is portrayed about Mr. Bolton is that somehow there is this pattern of abuse. What is cited is that he had this conversation with Westermann—by the way, after that conversation, Mr. Bolton did check with Westermann's superiors and got an e-mail. We heard about that e-mail. The e-mail said—and this is from Mr. Fingar, one of the superiors of Westermann:

> We screwed up but not for base reasons. It won't happen again.

So Bolton finds out that he has been tooled by somebody who did not tell him the truth about what happened. He checks with his superior and gets an e-mail that says, by the way, we made a mistake, this will not happen again.

My colleague from Ohio says they were just doing that because they found out somebody was upset. But if you are looking at it from John Bolton's perspective, what you see is: I was angry because somebody did something which is confirmed by their source, the senior person there, that, in fact, what they did was wrong.

It is interesting because Fingar basically said it was not a big deal. As far as I am concerned, that closed it.

We get a representation somehow that did not close it, that John Bolton is going around pounding this issue and looking for retribution with Mr. Westermann. In fact, the report shows just the opposite.

What happened here is Bolton was upset. He went to the guy who caused the problem. He also tried contacting his superior. He was not around. He eventually got to Fingar who came back with an e-mail—I use his language—''We screwed up,'' and that is it. That is it.

Then we hear the testimony of Carl Ford, a long-term, good, loyal employee of the State Department, and we hear about Ford and his representations about Mr. Bolton. John Bolton's interaction with Carl Ford was a 2 or 3-minute conversation in front of a water fountain. So it was not a matter of somebody going around to get retribution and they are angry. That was it, literally Bolton ran into Ford at a water fountain. What Ford was upset about was that John Bolton went to his guy. It was his guy on his team. Ford was upset with that. I guess you have two guys with pretty strong feelings. But that was the conversation.

John Bolton did not call the Secretary of State, did not call the Deputy Secretary of State, did not call others in the Department, did not pursue it. If I am angry about something, really angry about something, I want to take care of it and I take care of it, particularly a guy like John Bolton. He is not a soft guy, no question about that. But the interaction regarding Westermann was bumping into someone at a water fountain and having an exchange. Westermann's boss basically said: Don't mess with my guys. And that is Mr. Ford. His experience with John Bolton is essentially that 2-minute conversation—that is it—I think until he leaves.

Then the only other conversation on the record that Mr. Bolton had about Mr. Westermann is a number of months later, he was visiting with another official within the agency and asked how

are things going and is there anything that troubles you? Only when asked that question does he even bring up the incident again, and that is it.

So this image being portrayed about somehow hounding down a lower level employee—by the way, Westermann was a 20-year Navy veteran; he was not a kid wet behind his ears. I have to tell you, if it was the private sector, Mr. Westermann may have been fired for not being honest with his superior, for going behind somebody's back. That is what happened.

I want to go back to the Washington Post article, the Eagleburger comment. Here is what is really happening here. When John Bolton's name was put forward as the nomination by the President, my colleagues on the other side made it very clear they were going to oppose this nomination. The issue then was his comments he made about the United Nations. My colleagues on the other side of the aisle did not think John Bolton was respectful enough of the United Nations and he did not deserve to be confirmed. That was the issue. It was about policy differences between John Bolton and my colleagues on the other side of the aisle.

What happened is because that argument did not sell, they then began an examination of some of these interpersonal exchanges and what became the Westermann issue, what became a series of contacts with John Bolton, with legitimate concerns, characterized as a series of a pattern abuser.

There were concerns raised about North Korea and about John Bolton's comments regarding North Korea, somehow that he was straying off message, that he was saying things that should not have been said, that he gave a speech in July 2000 in which I think he called Kim Jong Il, the North Korean President, a tyrant, which, by the way, he is. The comment was he was straying off message, that he was saying things that should not have been said.

I have a copy of a letter from former Secretary of State Colin Powell. It is dated August 26, 2003, when he was Secretary of State. He is sending a letter to JON KYL of the Senate. He says:

Dear Jon, I am pleased to reply to your recent letter concerning John Bolton's speech in Korea and our reaction.

Undersecretary's Bolton speech was fully cleared within the Department. It was consistent with Administration policy, did not really break new ground with regard to our disdain for the North Korean leadership and, as such, was official.

'' . . . and, as such, was official.'' ''Fully cleared,'' ''was official.''

If one sat here and listened to what was said before, one would think somehow this guy was off there on his own saying things that were disruptive to policy.

That is not the way it works. For the public who may not understand, when we have a senior State Department official making speeches in North Korea, making speeches about Cuba and its policy regarding procurement of biological weapons, these speeches are cleared. There is a process. There is not a single instance in the record where John Bolton is somehow substantiated for having said things that were not policy, said things that were disruptive of policy.

At times did he challenge analysts? Yes, he did, and that is probably a pretty good thing to do. Analysts do not speak from a holy mountain. They come in with a perspective. We have seen enough history now in the last couple of years where analysts had a perspective and they were wrong. John Bolton challenged analysts, but in the end, each and every time, what he did was he delivered the message he was supposed to be delivering.

There was a question concerning Libya and the allegation, by the way, in Newsweek—an allegation in Newsweek. My colleagues quote Newsweek as if it is the Holy Bible. Newsweek—credible reporting that he was sidelined, and then there was a conversation, an anonymous source, that somehow the British Foreign Secretary Jack Straw was complaining to Powell about John Bolton. The anonymous source, according to a Bush official, told them that Secretary of State Powell's Under Secretary for Arms Control was making it impossible to reach allied agreement on Iran's nuclear program. Powell turned to an aide and said: Get a different view on the problem, Bolton is being too tough. Jack Straw flatly rejects this. Here is what Straw's press spokesman is saying:

Conversations between the Foreign Secretary and our U.S. counterpart are private and we do not normally comment on their content. However, the Foreign Secretary has no recollection whatsoever of telling the U.S. administration or any other whom it should or should not put in charge of its business. John Bolton held a senior position in counterproliferation arms control in the last administration and senior UK officials worked closely with him on a range of issues.

The bottom line is Mr. Powell never told Mr. Bolton he was being too tough in dealing with our European allies. Mr. Bolton has continued to represent the Bush administration's firm position that Iran has yet to make their strategic decision not to pursue nuclear weapons capability and, therefore, Iran's violation of its commitments under the Nuclear Nonproliferation Treaty should be referred to the United Nations Security Council.

There was another concern about an article 98 issue. The allegation was that somehow Mr. Bolton blocked military aid for Eastern European NATO candidate countries, even though there are article 98 restrictions, concerns for not agreeing to take U.S. servicemen to the International Criminal Court, have been waived. Bolton wanted to pressure them to sign the article 98 agreements.

Rich Armitage, the No. 2 person at the State Department under Colin Powell, has refuted this claim. He said: I did not consider this unusual at all. Different fiefdoms at State often have different positions and Deputy Secretaries resolve them. It was part and parcel of daily life. Again, allegation made and claim simply not true.

I could go on. I would just like to touch upon a few more. One of them had to do with an allegation that Mr. Bolton, before he worked for the State Department, was involved in a situation where he yelled at a colleague, a woman whom he worked with. I think this conversation was supposed to have taken place in Moscow at the time. This individual said that Bolton had yelled and screamed at her, chased her around.

We had a full committee hearing. The allegation was raised. It was raised in front of the press, raised in front of the media that somehow John Bolton—there was a source that said this woman had complained. It ended up that this woman, a very political woman, one of the leaders of Mothers Against Bush, a liberal activist, had made the claim on liberal Air America. Under questioning, when asked about whether she had been chased or harassed by Mr. Bolton, her testimony was: Well, I may have overstated that.

We then get letters from the president of the company that held the contract for which this woman worked. He said: I certainly did not hear contemporaneously from any other employee in Moscow that anything occurred between Mr. Bolton and Ms. Townsel in Moscow. Consequently, it is difficult to understand how she could make such accusations with any veracity. He then went on to talk about some of her conduct and was very concerned about that. He concluded that he found Bolton to be very intelligent, hard working, loyal, ethical, and there was nothing to this. Ultimately, my colleagues on the other side kind of dropped that but after it was made public, after they discussed it in public, though I believe they had in their hands the same letters, the same rebuttal. That is one of the problems. There are individuals who—John Bolton, by the way, has been before this Senate three and perhaps four times. He has been before this body, been scrutinized, been confirmed three to four times. Now we reach a point, and maybe it is the atmosphere around here, maybe the partisan divide has gotten so great, but what starts out with a concern over policy then slips into attacks on the personal. People's character is disparaged, even though there is no basis for it, disparaged publicly, disparaged in the media.

Folks then rely upon credible reporting in Newsweek magazine, when the sources then who are close to the issue come back and say that credible reporting simply is not very credible. People go through a ringer. If I was listening to some of these allegations, I would come to some conclusions about character, but then when one looks, for instance, at the Westermann incident and hears about serial abuse, they find out it was one conversation because

Mr. Bolton believed he got stabbed in the back; that the other conversation took place over a water fountain and that was it, except when asked, about 6 months later, ''Is there anything that bothered you?'' and he said, ''He has not bothered me.'' But we get a characterization of temperament and loss of temper and somehow being impolitic. It is simply not credible.

I was there for just about every portion of every hearing and heard all the evidence. For all of these claims that are made, if one looks, as they say, at the rest of the story, they find out that they are not credible.

It really gets back perhaps to where we started, that in the end this is about policy. We should end where it began. There are those who simply disagree with Mr. Bolton's approach. When I say ''approach,'' Mr. Bolton has made it very clear that he believes in the institution; that he is committed. He made the commitment—and I am going to take him at his word—to work with the institution. That is what he is going to do.

I think we have to take him at his word, and we have to accept the fact that the President believes that U.N. reform is important and Mr. Bolton has the capacity to do the job. He negotiated the Treaty of Moscow, negotiated the U.N. reversing its position on a resolution that had been in place a number of years which said Israel was a racist state. Everybody said that would be impossible to change, and John Bolton provided the leadership to get the U.N. to reverse itself on that issue. He clearly has the qualifications and the skills. He has the support of the President. He has the support of the Secretary of State. He has my support. I know how important this job is. I know we have this window of opportunity and we have to seize it.

I was a former prosecutor, and I know how it works. In Minnesota, the prosecution gives a closing argument and the defense goes after. There is no prosecution rebuttal. So I would often go in front of the jury and I would say: What you have to watch out for is the ''rabbits in the hat'' approach, that what you are going to hear come out on the other side is they are going to unleash a number of rabbits that are going to come running out of that hat.

In this case, the first rabbit is of positions on the U.N.; the second rabbit is of policy positions; the third rabbit is saying things that should not have been said; the fourth rabbit is personal behavior, et cetera, hoping that somebody on the jury chases one of those rabbits. Instead, what we need folks to do is keep their eye on the main thing. The main thing, as Steve Covey said: One thing is keep the main thing the main thing.

The main thing is that this President has a belief that this U.N. needs reform. The main thing is that John Bolton has a long and distinguished record of service to this country and an ability to get things done. He has the toughness it is going to take to get 191 nations to stop putting Zimbabwe and Sudan on the Human Rights Commission. He has that ability. He has the confidence of the President. In the end, elections matter. The President of the United States won the election. He has chosen someone to carry out that vision, and that person has the record and the ability to do that. There is nothing in this record that undermines that. There is nothing in this record that he ever said he changed intelligence. There is nothing in this record that he ever got anybody fired.

What is in this record is a distinguished record that has been attacked, savaged, and abused. I hope that does not have the chilling effect on others who want to serve this country.

John Bolton is willing to serve this country. He deserves the right to do that, and I hope that my colleagues agree and they support his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I speak as vice chairman of the Senate Intelligence Committee, and I oppose the nomination of John Bolton to be U.S. Ambassador to the United Nations. I purposely highlight that position on the Intelligence Committee because it is Mr. Bolton's pattern of attempting to distort and to misuse intelligence that is primary as a reason for my opposing his nomination. I have many reasons to oppose his nomination, but I will restrict myself to my work on the Intelligence Committee.

Senator BIDEN and other members of the Foreign Relations Committee have walked through some of these facts, although perhaps not all of them yet, related to Mr. Bolton. So I will not go into all of the details. I do intend to provide some background and expand on at least one critical issue. I want to explain why this issue should matter to my colleagues and why Mr. Bolton's actions should disqualify him from this position.

As my colleagues know, beginning in June of 2003, the Senate Intelligence Committee undertook an exhaustive inquiry into the intelligence concerning Iraq prior to the war. After more than a year, the committee unanimously approved a scathing 511 page report describing the intelligence community's systematic failures, particularly on issues related to weapons of mass destruction. One of the central issues to the committee's review was the question of ''whether any influence was brought to bear on anyone to shape their analysis to support policy objectives.''

It was a question so important, in fact, and so fundamental to our committee's oversight role that answering it was one of the four specific tasks laid out by Chairman ROBERTS and me at the beginning of this inquiry.

The issue of maintaining objectivity goes to the very heart of intelligence and intelligence oversight. Our intelligence agencies are charged with gathering information around the world and then objectively analyzing the information and providing it to the rest of the Government. Intelligence consumers, then, rely on that intelligence for a variety of activities. Often, that information forms the foundation of the very national security policies we depend upon to keep our country safe. It is absolutely essential that our intelligence is objective, independent, and accurate. If it is not, then the system does not work, we waste billions of dollars each year, and we end up making a critical national security decision or a series of them based upon flawed assumptions.

In the extreme, intelligence that is manipulated or shaped to fit preconceived conditions could lead the country into a war that we should not be fighting. This, of course, was the concern that many of us had when we began our investigation of prewar intelligence. It was a central point of the committee's review—a central point. It was something we pursued aggressively. In that case, the committee did not find evidence that the administration officials as a whole attempted to coerce, influence, or pressure analysts to specifically change their judgments—specifically change their judgments—relating to Iraq's WMD. I supported that finding, although in my additional views I described what I thought was a more pervasive environment of pressure, created prior to the war, to reach conclusions that supported the administration's policies.

I describe this effort now, however, not to revisit these issues that we investigated but to impress upon my colleagues and the public how serious it is when policymakers are accused of attempting to manipulate the intelligence process. This is behavior we cannot tolerate, and this is the pattern of behavior Mr. Bolton has exhibited during his tenure as Under Secretary of State. As I said, Senator BIDEN, Senator DODD, and others have done a superb job in describing the specific incidents. Let me add a few points to provide context for these episodes.

First, I want everyone to understand that the Intelligence Committee was aware of these allegations long before Mr. Bolton was nominated to this job. These are not incidents dredged up after he had been nominated.

The committee's Iraq report briefly mentions the case of an INR analyst—that is, the State Department intelligence analyst—who had the courage to stand up in a committee hearing and acknowledge what he described as political pressure. When the committee staff interviewed this analyst, they discovered that the instance involved Cuba and not Iraq. That being the case, the committee did not pursue a review because we were doing Iraq, not Cuba.

Unfortunately, the committee's final report described and commented on this incident without conducting a

complete investigation of the facts. It is now clear from the record developed by the Foreign Relations Committee in their excellent work that Under Secretary Bolton attempted to exact retribution against this intelligence analyst because his analysis did not support Mr. Bolton's views.

As with the case of the INR analyst, the State Department analyst, the committee previously was aware of the allegations of politicization related to the former National Intelligence Officer for Latin America. We knew about it. In the course of a briefing to the committee staff in November of 2004, this individual described an effort to have him removed because his analysis was at odds with the views of certain policymakers, including Secretary Bolton. Unfortunately, the committee did not follow up on these allegations until March, when the minority staff on the committee began scheduling interviews. I speak now of the Intelligence Committee, not the Foreign Relations Committee. It is clear from these interviews that the minority staff on the Intelligence Committee did and from the much more extensive work done by the Foreign Relations Committee that Under Secretary Bolton and others, particularly Otto Reich, who was Acting Assistant Secretary of State for Latin America, sought to have the National Intelligence Officer reassigned because his analysis did not support their policies.

These two episodes, in my mind, are enough to disqualify Mr. Bolton from this position. But there is more to this pattern of abusing the intelligence process. During the course of the nomination process, we learned that on at least 10 occasions, Mr. Bolton had sought to learn the identity of 19 U.S. persons—this has been discussed on the Senate floor, but I am going to add something—19 U.S. persons mentioned in intelligence reports. There has been a great deal of speculation as to why he wanted these names, whether it was proper to seek this information.

To answer these questions, Chairman LUGAR asked Chairman ROBERTS and me to solicit information from the appropriate agencies. Eventually—eventually—eventually, the new Principal Deputy Director of National Intelligence, GEN Michael Hayden, briefed Senator ROBERTS and myself. He did not brief Senator LUGAR and Senator BIDEN—Chairman LUGAR and Ranking Member BIDEN. That is a mystery to me. I don't understand that. But he briefed us on the content of the intelligence in question.

Let me be clear. We did not receive the names, the very names provided to Under Secretary Bolton—which is an extraordinary sense of control of one branch of Government over another. We did not receive those names. We read everything associated with those names but not the names themselves. They were not given to us.

Based on my limited review, I noted from the rest of the context nothing improper about the request. That, however, was not the end of the story. As part of our effort to respond to Chairman LUGAR's request for information, the committee staff interviewed several individuals with knowledge of Under Secretary Bolton's request for these names. During one of those interviews, a senior member of his staff described actions Under Secretary Bolton took after he received one of those names.

According to this individual, upon receiving the name from the National Security Agency, the NSA, Under Secretary Bolton shared that information with another State Department official. The reasons for this action are not clear, but it seems inconsistent with the stated reasons for obtaining the name.

Let me explain. I must take a moment to describe the information we are talking about and put Mr. Bolton's action in some context. When a U.S. intelligence agency—in this case, the National Security Agency—receives a report that includes information concerning a U.S. person, that information is, so to speak, minimized—that is the technical term—for privacy reasons, meaning that the U.S. name is replaced with a generic designation such as ''named U.S. Government official,'' or ''named U.S. citizen,'' but that is all. Remember, this is information that is already classified at the highest levels, or it would not receive this treatment—classified at the highest levels and shared with a very limited number of people in order to protect the source of that information. The U.S. name is even more closely guarded and not provided unless an appropriately cleared official reading that intelligence report makes a specific request for it in order to better understand the foreign intelligence, and it is only intelligence that that person can be concerned with.

The rules for dealing with this kind of comprehensive information are very strict. It is only provided on a case-by-case basis at the request of a specific individual. The National Security Agency has a formal and very well established procedure for processing such requests and for providing the names to the requester.

When a decision is made to release the name, it is transmitted with a cover sheet with the following admonition:

> Request no further action be taken on this information without prior approval of the National Security Agency.

Probably that would not have to be there because anybody at that level understands that already, but nevertheless it is there, front and center. This language is clear. This language is unambiguous. But Mr. Bolton apparently disregarded it. Neither the NSA, the National Security Agency, nor the State Department's Bureau of Intelligence and Research has a record of him seeking the necessary approval to further disseminate the name. Now his defenders say he never saw that restriction. I don't know if that is accurate, but I do know that it is entirely irrelevant because he knew about that. Anybody who is experienced to receive intelligence at that level has to know that.

He knew the classification of the intercepts. He knew the sensitivity of information referencing U.S. persons. He knew the special procedures he had to go through to get that name. He knew the requirement to closely guard this information, even if he had not seen the specific language on the transmittal letter. Any attempt to place blame for his action on others is thinly veiled, sad, and wrong.

I still have questions about this episode, but it appears to me on its face that he violated the restrictions placed on this information by the National Security Agency. Even if we discover his actions were technically not a security violation, if by a 1 in 1,000 percent chance it turned out to be true, it emphasizes something even worse, and that is a cavalier attitude to be, therefore, projected into the future in dealing with extremely sensitive intelligence information.

This is part of a pattern which shows a blatant disregard for the importance of the intelligence process which is the spear tip of this Nation's internal security and security around the world and the sensitivity of the information contained in intelligence products.

When viewed collectively, these actions demonstrate Mr. Bolton's unfitness for this position. I thereby urge my colleagues to oppose his confirmation. I thank the Presiding Officer.

Mr. DODD. Will the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator.

Mr. DODD. Let me thank my colleague from West Virginia who holds the very difficult position, along with Senator ROBERTS, of being the ranking member and chairman, respectively, of the Intelligence Committee. It is a very difficult job.

For those who have served some time, we appreciate immensely the tremendous difficulty of trying to manage and handle the information that comes their way. I am particularly grateful to my colleague for his comments here today regarding the issue of the intelligence analysts and the handling of very delicate information.

As my colleague from West Virginia knows, and I state this in the form of a question, Senator BIDEN, obviously, and Senator LUGAR, going back to April 11, have requested information regarding the intercepts that the Senator from West Virginia has just described, along with other information from the State Department regarding testimony that Mr. Bolton was to give before a House committee dealing with weapons of mass destruction in Iraq. We have been unable the last number of weeks to get the necessary information from the administration regarding these allegations.

As such, we are asking the administration today if they would not be forthcoming with that information, to give the chairman and the ranking member of the Intelligence Committee unredacted versions of these intercepts, along with the chairman and ranking member of the Foreign Relations Committee—not all members of the committee, not all Members of the Senate. I believe this is the normal operating procedure when matters like this arise, that requests are made of the administration for information and they go to selected, designated members to review, to determine whether there is something that as Members of this body we ought to be aware of in the consideration—relevant information in the consideration of a nomination.

My question is, Is this an inappropriate request from the Senator from Delaware and the Senator from Indiana, to get unredacted versions, to go to the Intelligence Committee and the Foreign Relations Committee for them to be able to review, to determine whether they would be relevant to this nomination?

Mr. ROCKEFELLER. I say to the Senator from Connecticut it is not only appropriate, but it is necessary. The Senator from Connecticut described the very condition of its sensitivity and its importance and therefore the importance of its place in this nomination consideration.

The fact that only Senator ROBERTS and myself were briefed for a long period of time is part of the way the administration either shares very sensitive information which they do not want other committee members to have—which, of course, makes other committee members furious, as it would me, but they cannot take chances—but what that emphasizes is the importance and the confidentiality and the high degree of sensitivity of the information. When you are putting somebody potentially into the United Nations to effect policy, to reflect the views of the President more directly than the President can do on a daily basis, to reflect the views of the rest of the world toward the United States, this kind of thing must be available to Senator ROBERTS and myself and, just as importantly, to Senator LUGAR as chairman of the Foreign Relations Committee, for Heavens' sake, and Senator JOE BIDEN, the ranking member.

Mr. DODD. Let me further ask my colleague, if I may, as I understand it, when a policymaker requests of the National Security Administration the raw data on an intercept, there must be a written explanation for why the policy center or policymaker is seeking that information; is that not correct?

Mr. ROCKEFELLER. That is correct. And that is not available.

Mr. DODD. That was my second question. Was that available to the ranking member and the chairman of the Intelligence Committee?

Mr. ROCKEFELLER. No, it was not available and it is part of this pattern.

We have to decide if there are two branches of Government or one.

Mr. DODD. I thank my colleague and I appreciate again his comments.

I will be very brief in my comments this afternoon. I notice there are other Members here. I saw my friend from Virginia, Senator ALLEN, in the Chamber. Senator COLEMAN of Minnesota has already spoken, but he may want to speak. I think Senator LEVIN of Michigan may be coming over shortly.

I will reserve for tomorrow further discussion of the nominee himself and the reasons for my objection for this nomination going forward, but, rather, I will focus in these brief minutes, if I may, on where we are and the procedural situation in which we find ourselves.

I say to my colleagues it is awkward. We have just come through a rather contentious period in the history of the Senate over the last number of days dealing with how we deal with executive branch nominees. It would not have been my choice to have this matter come up in the midst of all this or in the wake of all of this. I would have preferred we had dealt with judicial nominations, which I thought was the primary rationale for the crisis we ran into over the extended debate rule.

However, it is clearly the choice and the right of the majority, in my view, to set the agenda. As such, they have set the agenda to bring Mr. Bolton's nomination up before the Senate rather than additional judicial nominations before the Memorial Day recess.

I have been asked and objected to a unanimous consent request that would have allowed for an up-and-down vote on Mr. Bolton at some point tomorrow afternoon. I have said to the majority leader and the minority leader, it is not my intention at all to filibuster this nomination. That is not what I want to have occur at all.

I have suggested we ask the administration, once again, would they be forthcoming and give us this information about the National Security Agency intercepts to go just to Senator ROCKEFELLER, Senator ROBERTS, Senator LUGAR, and Senator BIDEN for review to determine what, if any, information in those 10 intercepts involving 19 names of American citizens that might have some relevancy to the nomination of Mr. Bolton. That request has been rejected since April 11, basically, and there have been numerous requests.

The second request involves a request that Senator BIDEN has expressed a strong interest in detailed information regarding testimony of the weapons of mass destruction in Syria that was to be the subject of congressional testimony by Mr. Bolton. That information is also being sought.

I commend and thank the majority leader, by the way. Earlier today in my conversations with him, I expressed that I had no desire to filibuster this nomination but would he transmit the request—I am not suggesting he support the request—but would he transmit the request to the appropriate personnel at the State Department or the White House regarding this information. Graciously, the majority leader has said he would do so, and I presume he has.

No cloture motion has yet been filed, but it is my understanding, because it is the way I framed the request, that I would not insist upon a normal period of time to expire before a cloture motion could be invoked, or could be raised, nor would I insist that there be an adequate amount of time after the cloture motion, if it were invoked, be required, the 30 hours of debate; but, rather, we would truncate all of that some time tomorrow afternoon to give everyone an exact time to express themselves on either the motion to invoke cloture or on the nomination itself.

If we are unable to get this data, information, which has been requested now for 6 weeks, I will urge my colleagues not to invoke cloture. I would do so most reluctantly, and I urge my colleagues, regardless of feelings about the nominee.

This is what I want to address. We all have had strong views on Mr. Bolton. I see my friend from Virginia. He has been eloquent in his defense of Mr. Bolton, as has my friend from Minnesota.

I listened to the remarkable speech given by our colleagues: Senator VOINOVICH of Ohio, Senator BIDEN, Senator SARBANES, Senator ROCKEFELLER, and others. There are strong feelings about this nomination. But put aside your strong feelings about the nominee and think for a minute about what we are asking for as an institution; that is, data that pertains to this nomination.

I noted with some interest earlier today that one of the newspapers that covers Capitol Hill reported that a House Appropriations Committee, obviously under the control of the Republicans—the majority—was expressing a similar problem in getting information out of the administration on matters they thought were important.

I do not think this desire to deprive the committees of information on Mr. Bolton is unique. I believe it is a pattern that we, as Members of this coequal branch of Government, must defend ourselves on, that if the administration—this administration or any administration—believes they can successfully deprive legitimate requests for information pertaining to a matter that is before us, particularly one that invokes as much debate as this nomination has, then we all suffer. Whether you are for Mr. Bolton or against Mr. Bolton is not the point. The point is, we ought to have a right to have information given to us, under controlled circumstances—not to the availability

of every Member under every circumstance but we have set up mechanisms which allow us to have information to determine its relevancy to something such as this.

Consider, if you will—I am speaking hypothetically now, obviously—that the administration deprives us of this information, the Senate invokes cloture, and there is then a vote to confirm Mr. Bolton and in a matter of days or weeks we discover that the very information requested is so damming that every Member of this body would have been against the nomination had they known the information at the time of the vote. There is the possibility of that, I would suggest to my colleagues, or I would not have requested the information.

How would we feel institutionally at that point if we did not stand up for ourselves as Senators in insisting that this administration—or any administration when there was a legitimate request for information pertaining to a nomination such as this—ought to be forthcoming, and we ought not to have to go through the parliamentary procedures and debates and invoking various tactics in order to put pressure, in order to get this information? It seems to me that ought to be forthcoming. For those reasons, I am grateful to the majority leader for transmitting the request.

I have also said, just to complete this, that if, in fact, cloture is invoked, that then I am prepared to vote immediately thereafter on the Bolton nomination. To make my point, I am not anxious for an extended debate or filibuster beyond cloture. Obviously, if cloture is not invoked, then my assumption would be the matter would go over until after the Memorial Day recess, in which case we might have some additional time to solicit the information we are seeking.

My preference would be we get the information. We still have time. It is only 5:30 in the evening tonight. If the administration would say: Listen, we can give you this information—even if we do not get it until tomorrow morning, there ought to be adequate enough time, from tomorrow morning to the afternoon, by the appropriate committees to go over the unredacted versions of this—by the way, not crossing out the names of the very people we want to know—who they are—in addition to the rationale for the request, so we can make a determination as to whether those intercepts, and the requests of them, have pertained to Mr. Bolton's determination to punish certain people in the intelligence branch of the State Department because of their analysis that Mr. Bolton had some difficulty with.

Also, of course, there is the request that Senator BIDEN is calling upon; that is, whether there was some effort here to cook up the books regarding the weapons of mass destruction or the allegation of weapons of mass destruction in Syria.

That is not going to be that hard. It could be done in a matter of hours, and we could then vote on Mr. Bolton's nomination by tomorrow afternoon, up or down, one way or the other. I would hope my colleagues would join in this effort. If we tell the administration as a body that we have a right to this information, I would wage anything to my colleagues that the administration would be forthcoming with it. It is because they believe there are more than 40 Senators here who will vote to invoke cloture that they will not provide the information. The minute they think we might insist upon seeing it, I think the information will be forthcoming.

There are those who have told me, by the way, as a general matter that while this was an extraordinary request in some sense, in others it may not have been an extraordinary request. I am thinking about Mr. Bolton's request now. So there may very well be there is nothing in these requests that should cause any of us any concern. It may be true, as well, regarding the Syria allegations. If that is the case, then there is nothing to fear by any of this to bring it up. But in the meantime, institutionally, in my view, as Senators representing a coequal branch of Government, when there is a legitimate request for information and an appropriate and proper means by which we receive and handle that information, it ought to be forthcoming. When we fail to insist upon that, in any administration, we weaken the ability of this place to do its job. That is really what is at stake in the debate here more than anything else at this moment.

Now, there will, obviously, be further debate about Mr. Bolton. We all know that. We have been through it. Those of us who serve on this committee have had hours of debate on this issue. I suspect my friends from Virginia and Minnesota could quote my remarks about Mr. Bolton, as I could theirs. We have listened to each other for countless hours about this issue. Our colleagues will soon get the benefit of these remarks as we repeat them again in the next 24 hours or so.

That is not the issue tonight for this Senator. The issue for this Senator tonight is, does the Senate, as a body, when there is a nomination before it—when there is critical information that serious Members of this body believe is pertinent to the debate before us—should we have the ability under controlled circumstances to access that information? If my colleagues believe the answer is no and the administration is not forthcoming, then you ought to invoke cloture. If you believe we ought to have a right to this information, even though you support the nominee, as a matter of principle, as U.S. Senators charged under the Constitution to be responsible for the confirmation of high-level Federal employees and nominees, then it seems to me our answer, despite our views about the nominee, ought to be yes and to say with one voice: We support the nominee—if we do—but, Mr. President, in your administration, it is appropriate that you be forthcoming on the request.

There is the chairman of the Intelligence Committee and the ranking member, and there is the chairman of the Foreign Relations Committee and the ranking Democrat—four Senators. For them to get the unredacted versions of these intercepts and the information regarding Syria is not some breach of intelligence. Remember, Mr. Bolton and his staff had access to this information. They could read those names. They know what is in it. Does some Under Secretary of State have more rights than the Senator from Virginia or the Senator from Minnesota or the Senator from Connecticut or the Senator from Kansas? I don't think so.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. DODD. Mr. President, I will conclude just by saying I would hope my colleagues would consider this, and rather than get to the point tomorrow night of having to invoke cloture, would they not even quietly ask the administration to be forthcoming? We do not need to go through this. We could have a vote on Mr. Bolton up or down tomorrow afternoon, one way or the other, and avoid this precedent-setting circumstance where legitimate information is not forthcoming. That is the point I wanted to make this evening.

I thank the Chair and thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I will speak very briefly and yield to my colleague from Virginia.

Mr. President, I would note that the chairman of the Intelligence Committee is here, and I suspect he will respond to some of these issues.

There is just one point the distinguished Senator from West Virginia raised again and again, and I just want to make the RECORD very clear; that is, again, he stated that it is clear, in his words, that the Under Secretary criticized this employee ''because his analysis did not support Bolton's view.'' I want to make it clear, the record does not support that. In fact, it was very clear that John Bolton said to the intelligence analyst:

> You are welcome to disagree with me, but not behind my back.

That is what this was about. In fact, the analyst himself gave some conflicting reasons of why he did not tell Bolton that he had tubed his language before he sent it around. He never told him that. That is what this is about. In fact, when the analyst was asked whether he disagreed with the statement ''You are welcome to disagree with me''—it is Bolton speaking to the analyst—''but not behind my back,'' his comment was, ''That does ring a bell.'' So that is what this is about. It is about process, it is not about policy.

The last thing I would note is that we have had 10 hours of hearings, 35 separate staff interviews, 2 business meetings, 29 different people producing 1,000 pages of transcripts and 800 pages of documents from the State Department. This individual has gone through a very thorough review.

I appreciate my colleague from Connecticut not holding us up.

Clearly, if cloture is invoked, we could wait another 30 hours. I thank him for that. But the record is clear it is time to move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I thank my wonderful colleague from Minnesota, Senator COLEMAN, for his rebuttals of what has been said. As Senator COLEMAN and I have listened to this in the Foreign Relations Committee for many weeks—and all of these different issues and allegations and charges that have been refuted—we understand that what we are now off on are the detours and tangents, avoiding the reality and what is important; that is, John Bolton being the right person to bring accountability, being a watchdog for the $2 billion the American taxpayers send to the United Nations every year. The United Nations ought not to be a front for terrorist organizations or anti-Americanism.

John Bolton has a record of performance that is exemplary, from the Proliferation Security Initiative to repealing the odious resolution that likened Zionism to racism. They don't want to talk about the United Nations and the reform that is needed.

They talk about John Bolton being straightforward. He is straightforward. He is not going to get seduced by the flowery language and pontifications of bureaucrats internationally. He is going to advance freedom and the interests of the United States and get other countries to join us.

Having been a quarterback, there is a key player you always want to put in when you want to refute allegations of the side in opposition. I note that all of these individuals who have been criticizing Mr. Bolton, before they heard any of these allegations about intercepts, anything about the sensibilities of different Government officials being offended by Mr. Bolton, all of them—Senators BIDEN, BOXER, KERRY, DODD, SARBANES, and ROCKEFELLER—in 2001, voted against Mr. Bolton in his position as Under Secretary before they heard any of these allegations.

Now to talk about and to present the facts on this latest fishing expedition that we are hearing from the opposition of Mr. Bolton insofar as the conversations, the perfect person to speak on this and to answer the issue is the chairman of the Intelligence Committee, Senator ROBERTS of Kansas. He will rebut the allegations so far as matters dealing with intelligence are concerned.

The PRESIDING OFFICER. The Senator from Kansas is now recognized.

Mr. ROBERTS. I thank the Chair. I certainly thank the distinguished Senator from Virginia. This is sort of a quandary for me in that sitting in my office listening to the debate, I was having a hard time putting two and two together with my understanding of what the Intelligence Committee determined—not the committee but the vice chairman and myself. And in listening to the statements, they just didn't jibe. It is not my intent to perjure the intent of the distinguished vice chairman, but I sure have a different take on this. I think it is supported by facts.

I am rising in the hope of providing some clarification surrounding one of the issues related to the nomination of John Bolton to be U.S. ambassador to the U.N.

On April 28, the vice chairman and I, Vice Chairman ROCKEFELLER, received a letter from the distinguished chairman of the Foreign Relations Committee, Senator LUGAR. In that letter, the chairman asked the Senate Intelligence Committee to look into all information surrounding the process by which Mr. Bolton, between the years 2001 and 2004, requested the names of U.S. persons that had been redacted from various intelligence products. The Intelligence Committee was asked to solicit all information regarding the process by which Mr. Bolton's requests were handled, the contents of the responses, and the process by which they were communicated, as well as any conclusions reached by the appropriate intelligence agencies or elements thereto as to any violations of procedures or directives or regulations or law by those with knowledge of Mr. Bolton's requests. That was a pretty clear letter. That sets out some pretty clear questions.

It is my understanding that the vice chairman of the committee, the distinguished vice chairman and a person whom I respect, Senator ROCKEFELLER, sent his own letter to Senator BIDEN with a different interpretation of the issues than I have described. I also understand that Senator BIDEN read that letter on the floor this afternoon. I regret that a meeting in the Intelligence Committee did prevent me from responding at that particular time, but since the distinguished vice chairman has made his remarks and his interpretation, perhaps this timing is even better. But what I don't understand is why the distinguished Senator from Delaware read only one of the letters from the vice chairman when he had both in his possession.

Nevertheless, in his letter of April 28, Senator LUGAR asked the Intelligence Committee to assist the Foreign Relations Committee in ascertaining the facts. This is what I attempted to do, and I think my letter certainly speaks for itself. Unfortunately, I believe that the vice chairman's account did omit some important facts which I believe give a much clearer picture of what actually took place.

This morning, I sent a letter back to Senator LUGAR detailing my findings and conclusions. This letter, which was also provided to Senator BIDEN, provides the rest of the story. With your indulgence, I will read my letter into the RECORD, as addressed to the Honorable RICHARD G. LUGAR, chairman of the Committee on Foreign Relations. It reads:

Dear Mr. Chairman:

I write in response to your April 28, 2005 letter asking this committee to examine a number of intelligence-related issues that have been raised during the Committee on Foreign Relations' consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations. My hope was to respond jointly with Vice Chairman Rockefeller.

While we both agreed there was nothing within the contents of the intelligence reports in question that caused us any concern, we were unable to agree on a final text in response.

This was not for lack of trying. One day, 2 days, 3 days, a week, I think it was 10 days, trying to work out a joint letter. It just didn't happen. So we have two versions. I don't quite understand why, but especially since we both met with General Hayden, who is the Director of National Intelligence and who was the head of the NSA and, as such, is the head of intercepts and signals intelligence.

I might say right now that I really do not like this business of coming to the floor of the Senate and talking about signals intelligence and intercepts. That causes me great concern. It is of the highest classification.

I continued to Senator LUGAR:

Nevertheless, I am going to convey to you my findings and conclusions.

After completing an examination of these issues I have found no evidence that there was anything improper about any aspect of Mr. Bolton's requests for minimized identities of U.S. persons. I further found no violations of procedures, directives, regulations or law by Mr. Bolton. Moreover, I am not aware that anyone involved in handling these requests had any concerns regarding these requests at any point in the process.

State Department records indicate that Under Secretary Bolton's office did request the minimized identities of U.S. persons that are contained in the National Security Agency signals intelligence products on ten separate occasions. Every request was processed by the State Department's Bureau of Intelligence and Research.

The acronym for that is INR.

In each case, INR personnel followed standard procedure by preparing a written request which included a justification for the request.

INR sought the identities on behalf of Secretary Bolton's office in each instance to better understand or assess the foreign intelligence value of the information that was contained in these documents. Senior INR officials were then responsible for determining whether the requests were reasonably related to Under Secretary Bolton's area of responsibility.

Continuing my response to Senator LUGAR:

In every instance, they were so determined and electronically transmitted to the NSA for approval. The NSA approved all ten of

Mr. Bolton's requests and transmitted its responses to [the State Department and the] INR. INR officials then notified Mr. Bolton's staff that they had received the responses and made them available.

Committee staff interviewed INR analysts and NSA officials responsible for processing the requests for the identities of U.S. persons contained in signals intelligence products. None of the individuals interviewed indicated that there was anything improper or inappropriate about Mr. Bolton's request.

We were also briefed by General Michael Hayden, former Director of the NSA and current Principal Deputy Director of National Intelligence—

He is a man who I think gives the best briefing of anybody in the intelligence community, and who was approved in regard to his nomination to that position by unanimous consent by this body.

He also stated that Under Secretary Bolton's requests were not only appropriate, but routine. In fact, INR records indicate that since May 2001, INR submitted 489 other requests for minimized identities.

John Bolton requested 10.

Finally, the Vice Chairman and I reviewed all ten documents—

We reviewed the intercepts. That is what we are supposed to do. That is the job of the Intelligence Committee. It is limited to only us two, and for darn good reason, because of the classified nature of the subject at hand.

—containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we received did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both—

This is my recollection of the meeting, and I cannot conceive of any other recollection that is accurate.

—that it was not necessary to know the actual names to determine whether the requests were proper.

Ultimately, I found no basis to question the justification for, or the appropriateness of, Mr. Bolton's requests for the identities of U.S. persons contained therein.

I continue in my letter to Senator LUGAR:

Further, General Hayden informed us that it is not uncommon for senior government officials above the rank of Assistant Secretary to make such requests. It is worth noting that Mr. Bolton did not request the identity of every U.S. person referenced in the documents which would have been his prerogative.

I can remember the distinguished vice chairman's comments indicating they didn't even ask for all of them.

While I found that Mr. Bolton's conduct was entirely appropriate and consistent with the protection of intelligence sources and methods, I did find that there are significant deficiencies in the process by which U.S. person identities are provided to requesters of such information.

We have had a lot of discussion about questioners.

As your committee has now learned, a request for a U.S. person identity is a routine occurrence in the intelligence process. The incidental collection of U.S. person identities is a fact of life in the signals intelligence business. Because U.S. persons are not the targets of foreign intelligence collection, their identities are, as a matter of policy, redacted or minimized to protect their privacy. When an intelligence analyst or policymaker determines that a U.S. person identity is necessary to better understand and assess the intelligence value of the information, they are permitted to request that identity. The NSA evaluates that request and either grants it or denies it. As already discussed, all of Mr. Bolton's requests were reviewed by both the INR and NSA and were granted.

In the course of our review, we found that the Assistant Secretary for INR requested the identities so that they could be passed to Under Secretary Bolton. The NSA provided the U.S. person identities to the INR in the form of Information Memoranda addressed to the Assistant Secretary for INR. We were provided a copy of one of the memoranda, dated 20 February, 2003. This document included a paragraph which stated:

''You may disseminate the information as requested, provided it retains the classification as stated in paragraph two above. Request no further action be taken on this information without prior approval of NSA.''

Now, that is important—''request no further action be taken on this information without prior approval of NSA.''

The NSA confirmed that it uses standard dissemination guidance language in response to customer requests for release of identities. We were also told that Mr. Bolton was not provided the 20 February 2003 Information Memorandum containing this language.

Upon further inquiry, we learned INR does not provide the NSA transmittal sheets containing the U.S. person information, or the handling information contained therein, to the requesters of the identities, nor does it specifically instruct the requester on the handling of such information. The INR passes U.S. person identities verbally, without any further guidance. The NSA expects the INR to provide specific handling instructions at the time INR provides the identity to the requester.

Not only did INR not provide such instructions to Mr. Bolton, it does not provide them to anyone. Also, it has never established any formal procedures to train or educate requesters Department-wide on the appropriate handling of U.S. person identities.

This came as somewhat of a shock to me, and it is something we have to review in the Intelligence Committee.

In fact, in the case of the 20 February 2003 memorandum, the INR did not pass the identity directly to Under Secretary Bolton, but rather passed it to an individual within his office, an action which violated the express dissemination guidance contained in the Information Memorandum. The Assistant Secretary at the time of this violation was Carl Ford.

The NSA did not in this particular instance, and does not as a matter of course, do anything to ensure that its dissemination guidance is actually followed by the Assistant Secretary for INR or any official in any other Department government-wide.

The NSA depends upon the recipient to provide specific handling instructions to the requester and to handle the information appropriately and in accordance with instructions. It appears that Assistant Secretary Carl Ford did neither in this case. The INR's failure to instruct the recipients of U.S. person identities on their proper handling has left the State Department officials essentially to fend for themselves.

During the course of this review, we learned that Mr. Bolton, in the absence of any guidance from INR or the NSA, discussed the U.S. person identity contained in the 20 February 2003 Information Memorandum with one other individual.

This has been pointed out as a big deal by the vice chairman and my good friends across the aisle.

This particular individual was the person referenced in the report.

This person worked directly for Under Secretary Bolton, possessed the necessary security clearances, received and read the same intelligence report in the course of his duties, and understood that he was the U.S. person referred to therein.

I don't see what the problem is in that regard. Is this the big problem here that somebody is alleging illegal activities? By the way, the first time I learned about that was reading about it in the New York Times, as opposed to reading the letter disseminated by Senator ROCKEFELLER to the distinguished vice chairman of the Senate Foreign Relations Committee.

The NSA request that recipients of information about specific identities of U.S. persons take ''no further action'' with regard to the information provided is driven by concerns about the privacy rights of named individuals. These privacy concerns do derive from Attorney General-approved minimization procedures which regulate the collection, processing, retention, and dissemination of information to, from, or about any U.S. persons. The request is also prompted by concerns about protecting intelligence sources and methods.

Not to mention the chilling effect it would have in regards to all intelligence analysts.

Mr. Bolton's actions in this instance would not implicate any of these concerns. He discussed the identity with the actual named person who was not only fully cleared to receive the information, but already possessed the same information. It is also important to note that the NSA's guidance is formulated as a ''request,'' not a mandate. When asked why the NSA ''requests'' rather than requires, that ''no further action'' be taken with a U.S. person identifies without prior approval, the NSA responded by stating that the language is now ''currently under review.''

So it is a pretty nebulous standard we are referring to in terms of any alleged misconduct.

I intend to work closely with the Director of National Intelligence to ensure that our intelligence agencies and elements are doing everything they can to assist and educate the requesters of U.S. person identities in the proper handling and protection of this information. We must do everything we can to not only protect the privacy of our citizens, but to protect and preserve intelligence sources and methods.

I do not think you will find any quarrel among anyone on the Intelligence Committee or the vice chairman or myself on that.

It is for this reason that I was a bit surprised and dismayed when a member of your committee—

Again, this is the letter that I sent to Senator LUGAR—

broached this issue in the course of your public confirmation hearings. Normally, intelligence sources and methods are discussed in closed session to protect our continuing ability to collect the intelligence we all agree is so vital to our Nation's security.

As is often the case, some individuals, who are not familiar with intelligence issues, perceive that something is unusual and concerning when, as in this instance, it is actually very routine. That is why the U.S. Senate created the Intelligence Committee to deal with these issues in an informed, responsible, and secure manner. It is my hope, in the future, intelligence issues will be discussed in executive session so that we can protect what are vital national security assets.

I appreciate your recognition of our unique ability to assist with intelligence-related issues as you consider this very important nomination. We take very seriously our oversight responsibilities and our obligation to protect highly sensitive intelligence information. Your consideration of our duty to protect intelligence sources and methods is greatly appreciated.

Sincerely Pat Roberts, Chairman.

With a copy showing to the Honorable JOSEPH R. BIDEN, Jr.

Mr. President, I said I beg your indulgence in the reading of that entire letter on the floor of the Senate. That is the text of the letter I did send back to Senator LUGAR and obviously copied to Senator BIDEN as of this morning.

Why my colleagues chose to give you only part of the story is a question only they can answer. I have my thinking about that, but I am not going to go into that on the floor of the Senate.

I also would like to add a bit of texture to some of the statements that have been made here today in regards to Mr. Carl Ford of ''kiss up and kick down fame.'' That has been quoted a lot. Mr. Ford has made a number of other statements that I think are relevant to these issues raised by my friends in opposition to Bolton's nomination.

For example, on page 276 of the Senate Intelligence Committee's Iraq WMD report, Mr. Ford addressed the issue of whether it was appropriate for policymakers to view intelligence assessments with skepticism.

I will just tell you that every member of the Intelligence Committee now, after our WMD report, does not take anything at face value, and I think that has helped. We just had a hearing today in which we had a response that I think was certainly more candid: Tell me what you know; tell me what you don't know; tell me what you think. I think there has been a historic change in the intelligence community as a result of our report and the WMD Commission, appointed by the President and the 9/11 Commission, in the interest of all Senators.

Mr. Ford said if a policymaker ''believed everything that the intelligence community told him, including what INR tells him, he'd be a fool. You should know better than anybody that a lot of the stuff we turn out is''—well, I am going to change the name. I am not going to say what is here. I am going to say it is a lot of what we have in our Dodge City feedlots—''and that a policymaker who sticks to that intelligence, I don't even want to be in the same room with. They've got to know the stuff isn't that good. So the notion that they sometimes disagree with us I find fine.''

That is a little slightly different take on what we have been hearing so far. I guess what Mr. Ford meant to say—and he has been before the committee many times; he is a fine man—is that it is fine to disagree with intelligence analysts as long as you are not John Bolton. I only highlight some of the things to emphasize that there seems to be a double standard for this particular nominee.

With the indulgence of my colleagues, I would also like to address some additional misperceptions about the intelligence community that were published as minority views in the Senate Foreign Relations Committee report on Mr. Bolton's nomination. The minority claims that policymakers should be restricted from making public statements that ''defame U.S. intelligence agencies.'' I find this to be a rather absurd concept.

I do not know how one ''defames'' an entire Government agency, but I do know that criticism played a vital role in our collective effort to reform the intelligence community and demand change for failure. I am not aware of any special status that insulates members of the intelligence community from criticism, nor should there be. That should be a slam dunk.

I am also unaware of any special status that prevents intelligence analysts from having their views or actions challenged by policymakers. Intelligence analysis is not an exact science. Intelligence analysts are not infallible and their assessments are not unassailable. While the intelligence community has had many successes in the past few years for which it should, and can, be proud—there are many good things they have done in protecting the homeland and providing real-time intelligence to the warfighters—astounding failures, such as 9/11 and Iraq, should make it clear that the intelligence community does make mistakes.

I often lament that policymakers did not ask enough tough questions about Iraq's suspected WMD programs prior to the war. Let me just say that persistent questioning to an analyst is not viewed by the analysts, in the 250 analysts we interviewed, as being pressured. If anything, we should be asking more questions. If anything, several members of the Intelligence Committee, whom I admire and respect and am very proud to be their chairman, ask more repetitive questions of witnesses every time we have a hearing than people are complaining about in this particular case.

Perhaps, if we all had been more diligent, the intelligence community would have been more attuned to the gaps in its information and more accurate in its judgment. I, for one, now make it a point to repeatedly and persistently question analysts who come before our committee to ensure that I understand their judgments, understand the information upon which they base those judgments, and form my own opinions about gaps in their logic.

The vice chairman and I have agreed on that, to look at every capability we have in regard to national security threats. Do we have the intelligence capability? Do we have the collection? Do we have the analysis? Is there a consensus threat analysis that makes sense? Are there gaps?

We do not want to repeat past mistakes. I am not going to go down the laundry list, starting with Khobar Towers and ending up with 9/11 or the Madrid bombing or whatever it is we are talking about, or the USS *Cole*. We have to put that one in.

So basically I resent any suggestion that this performance of my duty is somehow improper. I do not think that is right. Intelligence is a serious business, dealing with life-and-death issues. In my experience, our intelligence analysts understand this. They know that defending their views is vital to the process and are fully capable of doing so. These are individuals who work every day to defeat terror and defend our national security. They are tough and they are good. They are not delicate, hothouse flowers unable to defend their views or take criticism. They are, however, humans involved in a fundamentally human process. Intelligence analysts can make mistakes and their judgments are not immune from their own biases.

Intelligence assessments should inform policy, not dictate it. Ultimately, as policymakers we need to understand that intelligence is merely a tool that at times can have great value as well as serious limitations.

If we are going to make an informed judgment of Mr. Bolton's fitness for this position, please, I implore my colleagues, let us do it based upon all the facts known to us, not just the facts we like or pick out.

In conclusion, I have looked at the intercept issue and allegations surrounding Mr. Bolton's management style. I have found nothing which would give me pause in voting for his confirmation. I support the Bolton nomination. I urge my colleagues to do the same.

I yield the floor.

Mr. DODD. Will my colleague yield before he leaves the floor?

Mr. ROBERTS. Sure. Why not.

Mr. DODD. I thank my colleague for doing so. Let me preface my question to him by telling him how much—as I said to Senator ROCKEFELLER, I have great admiration and respect for the work the chairman and the ranking member do.

Mr. ROBERTS. I thank the Senator for his comments.

Mr. DODD. It is a very difficult committee and I respect immensely my colleagues' efforts there. I note in my friend's letter which he has provided and read in detail to us, there was a reference—and to be quite candid, I think I am the Senator the Senator is

referencing here because I am the Senator who raised the question during the Foreign Relations Committee confirmation hearing of Mr. Bolton. Here my colleague says, and I am quoting now from page 4, the last paragraph of the Senator's letter to Senator LUGAR, and I am getting down near the end of it, maybe the last sentence of that paragraph: It is for this reason that I was a bit surprised and dismayed when a member of your committee—speaking of this Senator—broached this issue in the course of your public confirmation hearings. Normally intelligence sources and methods are discussed only in closed session.

I will ask unanimous consent that the transcript of the question I raised to Mr. Bolton at that particular time be printed in the RECORD.

The question was basically a very simple one. The question was: I want to know whether you requested to see NSA information about other American officials? That is the question. There was no reference to sources and methods. A simple question: Did you request to see this information, yes or no?

And he went on to answer the question.

Now, I ask the chairman of the Intelligence Committee, is that an inappropriate question to ask of a nominee? It was a simple question: I want to know whether you requested to see NSA information about any other American officials? Mr. Bolton's answer is: Yes, on a number of occasions I can think of, and he goes on to talk about it.

My point of your letter is, there is a discussion that this Senator was acting inappropriately because I was seeking methods and sources. The only question I asked of Mr. Bolton in that public hearing was: Did you make such a request? Does my colleague believe I was violating some procedures regarding the gathering of intelligence by asking that simple question?

Mr. ROBERTS. I would never raise the question about my colleague and friend about acting inappropriately, especially in regard to intent. I am concerned about us talking about intercepts and all of this that I went through in the letter on the Senate floor. I am concerned about many things that have been talked about publicly, quite frankly, leaks that appeared in the press that I find out about later as chairman and have to address. I cannot speak to them because they are classified. It is the classic case of Catch-22, where something appears in the press or perhaps somebody says something on the floor inadvertently—if it is done on purpose, that is another matter. That can be referred to the Ethics Committee—and that certainly is not the case in terms of my distinguished colleague. Then comes sort of a feeding frenzy and we end up with things that should not be in the public discourse that are highly classified, highly compartmented. Signals intelligence is one of the highest compartmented topics we deal with.

Mr. DODD. I agree with my colleague.

Mr. ROBERTS. It was only Senator ROCKEFELLER and myself who were briefed by General Hayden, and that was a very good meeting. We went over virtually every intercept, as it should be. That was my point. That is what the Intelligence Committee does. It is accepted practice for the full committee, which many members of the full committee have trouble understanding, that only the vice chairman and the chairman have access to this kind of highly compartmented material. So when this kind of thing is bandied about on the floor in a generic way, it causes me great concern.

Mr. DODD. Well, I understand that. It is just that this Senator in this—

The PRESIDING OFFICER. The Senator from Kansas controls the time.

Mr. DODD. If he would yield, this sentence in this letter suggests that this Senator—because I am the one who asked the question—crossed the line. Let me read my whole question.

Mr. ROBERTS. I am not referring to the Senator from Connecticut by name. OK?

Mr. DODD. I am the only one who asked the question that day.

Mr. ROBERTS. Pardon me?

Mr. DODD. I am the only one who asked the question of Mr. Bolton. I asked the question in this way: I want to read the question because I want to make sure I do not overstep a line here, and then I asked the question: Did you . . .

My concern is that there is a suggestion, as the one who asked the question, that I had somehow—and I do not disagree with my colleague, by the way.

Mr. ROBERTS. Reclaiming my time, I think I addressed the Senator's personal concern. The Senator knows me well enough to know that when I say I am not accusing him personally of anything that would be inappropriate, I have stated I am talking about open discussion of intelligence information, quite frankly, not only in this nomination process but in the Intelligence Authorization Act in regard to a whole series of other subjects I will not go into, that many people have spoken to on the floor, many people have talked to the press about, and I do not think it is appropriate.

I will say again, I am not accusing the Senator of anything inappropriate. I think from the whole standpoint of this body, subjects such as this should be done in executive session. I think that because of all the problems we have had in regard to leaks and in regard to information that is not helpful to our national security. That is about as far as I will go with it. I could go through quite a laundry list of concerns I have of things that have been made public and what has happened in regard to our adversaries, what has happened in regard to our intelligence capability, and I worry about it. So my concern was basically the continued open discussion of things of this nature, not the Senator from Connecticut.

Mr. COLEMAN. Will my colleague from Kansas yield?

Mr. ROBERTS. I would be happy to yield.

Mr. COLEMAN. I take it my colleague from Kansas was not at the business meeting when the Bolton nomination was discussed. My colleague from Kansas was not at the hearing where the Bolton nomination was discussed. I do not know if it would surprise my colleague to note that in the business meeting, other Senators, not the Senator from Connecticut—this issue of intercept was raised again by another Senator and a similar question was asked. So it is not just the Senator from Connecticut who raised the issue during the questioning of Mr. Bolton.

But, in fact, during the business meeting this came up again and again. I presume my colleague from Kansas must have been informed of that, to raise the level of concern he has.

Mr. ROBERTS. I thank the Senator for his clarification.

Mr. DODD. If my colleague will yield for just one additional point. I agree with respect to General Hayden as well. I noted because I watched the hearing—our colleague from Michigan is here and participated in the hearing—when General Hayden, in his confirmation hearing, was before the Armed Services Committee, there was a rather extensive discussion with General Hayden about the whole issue of intercepts. General Hayden was very forthcoming in that discussion about it. I have great respect for him as well. About the Web site here, I ask unanimous consent to have printed in the RECORD the Web page for the National Security Agency, the page headed, ''Signals Intelligence.''

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

SIGNALS INTELLIGENCE

The National Security Agency collects, processes and disseminates foreign Signals Intelligence (SIGINT). The old adage that ''knowledge is power'' has perhaps never been truer than when applied to today's threats against our nation and the role SIGINT plays in overcoming them.

NSA's SIGINT mission protects the nation by:

Providing information in the form of SIGINT products and services that enable our government to make critical decisions and operate successfully.

Protecting the rights of U.S. citizens by adhering to the provisions of the 4th amendment to the Constitution.

Using the nation's resources responsibly, according to the best management processes available.

SIGINT is derived from the signals environment that is described by the graphic above. Other agencies within the Intelligence Community are responsible for other types of intelligence:

Human Intelligence (HUMINT) is primarily the responsibility of the CIA and DIA,

Imagery Intelligence (IMINT) belongs to NGA,

Military Intelligence and Measurement and Signature Intelligence (MASINT) belongs to DIA.

Together, these different yet complementary disciplines give our nation's leaders a greater understanding of the intentions of our enemies.

NSA's SIGINT mission provides our military leaders and policy makers with intelligence to ensure our national defense and to advance U.S. global interests. This information is specifically limited to that on foreign powers, organizations or persons and international terrorists. NSA responds to requirements levied by intelligence customers, which includes all departments and levels of the United States Executive Branch.

The prosecution of the SIGINT mission has evolved from the relatively static, industrial age, Cold War communications environment to the ubiquitous, high speed, multi-functional technologies of today's information age. The ever-increasing volume, velocity and variety of today's communications make the production of relevant and timely intelligence for military commanders and national policy makers more challenging than ever.

NSA has a strong tradition of dedicated, highly qualified people deeply committed to maintaining the nation's security. While technology will obviously continue to be a key element of our future, NSA recognizes that technology is only as good as the people creating it and the people using it. NSA remains committed to its core mission of exploiting the Agency's deep analytical skill and technological capabilities to ensure the nation maintains a significant strategic advantage in the advancement of U.S. interests around the world.

As much as modem telecommunications technology poses significant challenges to SIGINT, the many languages used in the nations and regions of the world that are of interest to our military and national leaders require NSA to maintain a wide variety of language capabilities. Successful SIGINT depends on the skills of not only language professionals but those of mathematicians, analysts, and engineers, as well. The nation is indebted to them for the successes they have won.

SIGINT plays a vital role in our national security by employing the right people and using the latest technology to provide America's leaders with the critical information they need to save lives, defend democracy, and promote American values.

INTRODUCTION TO NSA/CSS

The National Security Agency/Central Security Service is America's cryptologic organization. It coordinates, directs, and performs highly specialized activities to protect U.S. information systems and produce foreign intelligence information. A high technology organization, NSA is on the frontiers of communications and data processing. It is also one of the most important centers of foreign language analysis and research within the government.

Signals Intelligence (SIGINT) is a unique discipline with a long and storied past. SIGINT's modern era dates to World War II, when the U.S. broke the Japanese military code and learned of plans to invade Midway Island. This intelligence allowed the U.S. to defeat Japan's superior fleet. The use of SIGINT is believed to have directly contributed to shortening the war by at least one year. Today, SIGINT continues to play an important role in keeping the United States a step ahead of its enemies.

As the world becomes more and more technology-oriented, the Information Assurance (IA) mission becomes increasingly challenging. This mission involves protecting all classified and sensitive information that is stored or sent through U.S. government equipment. IA professionals go to great lengths to make certain that government systems remain impenetrable. This support spans from the highest levels of U.S. government to the individual warfighter in the field.

NSA conducts one of the U.S. government's leading research and development (R&D) programs. Some of the Agency's R&D projects have significantly advanced the state of the art in the scientific and business worlds.

NSA's early interest in cryptanalytic research led to the first large-scale computer and the first solid-state computer, predecessors to the modern computer. NSA pioneered efforts in flexible storage capabilities, which led to the development of the tape cassette. NSA also made ground-breaking developments in semiconductor technology and remains a world leader in many technological fields.

NSA employs the country's premier cryptologists. It is said to be the largest employer of mathematicians in the United States and perhaps the world. Its mathematicians contribute directly to the two missions of the Agency: designing cipher systems that will protect the integrity of U.S. information systems and searching for weaknesses in adversaries' systems and codes.

Technology and the world change rapidly, and great emphasis is placed on staying ahead of these changes with employee training programs. The National Cryptologic School is indicative of the Agency's commitment to professional development. The school not only provides unique training for the NSA workforce, but it also serves as a training resource for the entire Department of Defense. NSA sponsors employees for bachelor and graduate studies at the Nation's top universities and colleges, and selected Agency employees attend the various war colleges of the U.S. Armed Forces.

Most NSA/CSS employees, both civilian and military, are headquartered at Fort Meade, Maryland, centrally located between Baltimore and Washington, DC. Its workforce represents an unusual combination of specialties: analysts, engineers, physicists, mathematicians, linguists, computer scientists, researchers, as well as customer relations specialists, security officers, data flow experts, managers, administrative officers and clerical assistants.

Mr. DODD. It is on public document and goes on at some length. I am not sure, my colleague may want to look at this. Maybe the agencies might be more careful about what it says here as well.

The point all along here is the simple question whether access to these records will be granted to the appropriate Members here in the Senate. I appreciate immensely what my colleague said here today. He's a remarkable Senator who does a terrific job, and I thank him for engaging with me a bit in this colloquy, but I was concerned when I saw that line as somehow being singled out about raising the question about whether or not Mr. Bolton made a request. That is all I asked that day. I knew it was an important matter, and it ought to be dealt with not in a public setting, that that ought to be done behind closed doors with the Intelligence Committee to go into further detail about what actually went on. That is why I tried to word it very cautiously and caution myself not to go over a line in asking the question.

Mr. ROBERTS. I only wish all Senators would have the same caution. I thank the Senator for his personal comments in my regard.

I think he has made his point. As the farmer said as he crawled through the barbed-wire fence: One more point and we will be through.

I suspect that you are through, and since I yielded back my time about 10 minutes ago, I yield it back one more time.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 20 minutes. I am very sorry the Senator from Kansas left. Let me first ask unanimous consent I be allowed to proceed.

Mr. COLEMAN. We have no objection.

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

Mr. LEVIN. I ask unanimous consent that transcripts of two public hearings where I asked questions of General Hayden, relative to the process of seeking identification of people who are referred to or who participate in intercepted conversations—that those unclassified, public hearing transcripts, or portions thereof, be printed in the RECORD.

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

LEVIN. Thank you.

General, this morning's New York Times had an article, which troubled me, about the number of times in which communications that had been intercepted by the NSA were released to John Bolton. I was troubled by the number of times that this happened, frankly.

But since you're here and you're in a position to give us some facts on this subject, I want to ask you a number of questions about it.

I gather that, according to the article, access to names may be authorized by NSA only in response to special requests, and these are not common, particularly from policy-makers. That's the quote in there. Is that an accurate statement?

HAYDEN. I think that's a very accurate description. In fact, I read Doug Jehl's article. And I think Doug laid it out in a very clear way.

The way it works, Senator, is that we are required to determine what is minimized U.S. person identity. Now, there is a whole body of law with regard to protecting U.S. privacy. But in an agency like ourselves, it is not uncommon for us to come across information to, from or about what we would call a protected person—a U.S. person. And then the rules kick in as to what you can do with that information.

The rule of thumb in almost all cases is that you minimize it, and you simply refer to named U.S. person or named U.S. official in the report that goes out.

LEVIN. How often did Mr. Bolton request the names?

[Crosstalk.]

HAYDEN. I don't know.

HAYDEN. We would have a record of it. Interestingly enough, I double-checked this, this morning, after reading the article, just to make sure I had this right. Because I did approve, from time to time, the release of U.S. person identity.

And it's not very often. I have to do it when the identity is released to a U.S. law enforcement agency. Just done for foreign intelligence purposes, it's about three layers below me in the NSA rule chart.

LEVIN. Was there an unusual number of accesses requested by Mr. Bolton compared to requests from other senior officials?

HAYDEN. I don't know that, Senator; I really don't. And the requests from Secretary Bolton were not of such a number that they came to my attention.

LEVIN. In other words, he obviously made requests. You say that someone other than you would have approved those.

HAYDEN. On a normal basis; that's right.

LEVIN. But you do have records as to how often...

HAYDEN. Yes, sir; we would.

LEVIN. Thank you.

HAYDEN. I should add: And that's a formal process. That's just not a phone call.

LEVIN. OK, thank you.

HAYDEN. It's documented.

LEVIN. Thank you, Mr. Chairman.

ROBERTS. Senator Levin, I wanted to let you know that in answer to the number three question that I asked, why the general replied in terms of cooperating with the committee, deal with me to to provide documents or any material requested by the committee in order for it to carry out its oversight and its legislative responsibilities. We didn't put a time frame on it, but you have. And his answer was an emphatic yes.

LEVIN. I appreciate that, Mr. Chairman. Thank you.

4/21/05 SASC NOMINATION HEARING (NSA INTERCEPTS)

LEVIN. The Bolton nomination has raised a question about protected U.S. identities. These are U.S. people who are either participants in a conversation, communication which is intercepted and included in a SIGINT product, where the identity of that person is blocked, or sometimes, as said, is minimized, and is referred to generally as a U.S. person.

There are also many cases where that person is not a participant in the conversation but is referred in a conversation, and the identity of that person is also protected as well.

At the Intelligence Committee hearing with you last week, you said that there's a formal written and documented process for U.S. government officials to request the identity of a U.S. person referred to in a SIGINT process. Is that correct?

HAYDEN. Yes, sir, that's correct.

LEVIN. Now, I take it there are a significant number of requests, a large number of requests which come in for the identity of a U.S. person who's been minimized.

Can you tell us whether the majority of those requests, indeed the vast majority of those requests, are made where the person identified is not the participant in the conversation, but rather is someone who is referred to in the conversation?

HAYDEN. Thank you very much for that question, Senator, because when this comes up—I mean, first of all, to frame the issue for me as director of NSA, I mean, the issue here is the protection of American privacy. And everything then devolves out of that fundamental principle: How do we protect U.S. privacy?

And in the course of accomplishing our mission, it's almost inevitable that we would learn information about Americans, or to or from, in terms of communications.

The same rules apply, though, in protecting privacy, whether it's to, from or about an American. You're correct. In the vast majority of the cases the information is about an American being referred to in communications between individuals that I think the committee would be most enthusiastic that we were conducting our operations against.

LEVIN. And that's a very, very helpful clarification.

My time is up. Can I just perhaps end this line of questioning?

Thank you, Mr. Chairman. Thank you.

I think the press has already indicated that there were apparently 10 requests from Mr. Bolton.

HAYDEN. Yes, sir, I've seen that number.

LEVIN. Ok. Do you know or not the majority of his requests were for persons that were referred to in the conversation or for a participant in the conversation?

HAYDEN. Yes, sir. I would like to respond to that for the record in a classified way.

LEVIN. That's fine.

And the other question that relates not just to him, but I guess to anybody, the person who makes this written application for the information states specifically what that purpose is that they want that information for. Is that correct?

HAYDEN. Yes, sir, Senator. But in all cases the purpose comes down to the fundamental principle: I need to know the identity of that individual to understand or appreciate the intelligence value of the report.

LEVIN. And is that printed there as a purpose, or does that have to be filled in by the applicant?

HAYDEN. Senator, I'm not exactly sure what the form looks like, but I can tell you that's the only criteria on which we would release the U.S. person information.

LEVIN. But you don't know how that purpose is stated in these thousands of applications?

HAYDEN. I'd have to check, Senator.

LEVIN. Or in Mr. Bolton's application?

HAYDEN. Correct.

LEVIN. Ok. And then once the information is obtained, you do not know the use to which that information is put, I gather. Is that correct?

HAYDEN. No, we would report the information to an authorized consumer in every dimension, in terms of both security clearance and need to know, just like we would report any other information.

LEVIN. But then you don't know what...

HAYDEN. No, sir.

LEVIN. . . . that person does with that information.

HAYDEN. No. The presumption, obviously, is the individual uses that then to appreciate the original report.

LEVIN. Thank you, Mr. Chairman.

Mr. LEVIN. The journalist Carl Bernstein once said, ''We have a national memory in this country of about 7 minutes.'' Once more, he has been proven right.

Here we are, 2 years after one of the worst intelligence disasters in our history, debating the nomination of a man to the U.N. ambassadorship, a man who has a track record of attempting to manipulate intelligence by seeking to punish intelligence analysts who do not support his view. We are so slow to learn from our history, and we are so quick to repeat it.

The issue here—and I am sure my friend from Connecticut would agree—is not the issue of whether or not policymakers have a right to disagree with analysts; of course, they do. We all should challenge analysts and analysis. We do not do enough of it. I happen to agree with the Senator from Kansas on that. That is not the issue.

The question is whether or not we manipulate intelligence or try to manipulate intelligence by trying to force analysts, who are supposed to be objective, to reach conclusions with which they don't agree in order to get support for our own policy positions. That is what is unacceptable. It is not unacceptable to disagree with analysts or not to follow their analysis. That is not at all unacceptable. That is what policymakers are here for, to make judgments, to pick between analyses. But what is unacceptable is what Mr. Bolton did repeatedly, which is to try to get analysts, who are supposed to be objective, fired or removed or transferred because they would not come to the conclusion to which he wanted them to come. That is the issue here with Mr. Bolton.

This administration does not hold people who politicize intelligence to account. Following the major intelligence failures before 9/11 and Iraq, the administration has failed to hold anybody accountable for either failure. In fact, the President gave one of the people most responsible for the intelligence disaster before Iraq, the CIA Director, a gold medal. Now the President wants to give John Bolton a promotion, although John Bolton has, in unconscionable—and I believe even potentially dangerous—ways attempted to get intelligence analysts to shape their views to his views and, if they wouldn't bend, to break them.

We know what happens when intelligence is politicized. Before the Iraq war, ''a slam dunk'' was the CIA assessment, although the underlying intelligence contained nuances, qualifications, and caveats. Too often the CIA told the administration what it thought the administration wanted to hear.

The July 2004 bipartisan report of the Senate Intelligence Committee concluded the following:

Most of the major key judgments in the intelligence community's October 2002 ''National Intelligence Estimate, Iraq's Continuing Programs for Mass Destruction,'' either overstated or were not supported by the underlying intelligence reporting.

Just this month, newspapers reported on leaked notes from a July 23, 2002, meeting of the British Prime Minister and his senior national security staff. According to the note, the head of British foreign intelligence told Prime Minister Blair, 7 months before the war, that President Bush:

. . . wanted to remove Saddam through military action justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.

Those are contemporaneous notes, prior to the war against Iraq. Such reports reinforce the view of much of the world that the administration shaped intelligence to serve policy purposes and that it strayed from the critical principle that intelligence must be objective, independent, and free from political influence.

Twenty-five years ago, the Iran-Contra Committee reaffirmed the principle that, after heavy manipulation of intelligence by CIA Director Bill Casey:

. . . the gathering, analysis and reporting of intelligence should be done in a way that there could be no question that the conclusions are driven by the actual facts rather than by what a policy advocate hopes those facts will be.

That was 25 years ago. That was Iran-Contra. That was a bipartisan criticism of the then-CIA Director Casey.

Intelligence must be gathered and analyzed in a way that there can be no doubt but that the conclusions are driven by the actual facts, not by what a policy advocate hopes those facts will be.

It is going to take years of hard work to regain credibility in our intelligence assessments after the massive failures in Iraq. The Senate began that work with the intelligence reform bill in 2004. In that bill, Congress explicitly stated that national intelligence should be ''objective'' and ''independent of political considerations.'' That is the law of the land. We require the process to ensure alternative analyses within the intelligence community.

The nomination of John Bolton shows a disdain for objective, independent intelligence and flies in the face of the Senate's effort to reform our intelligence system. Indeed, Mr. Bolton is the personification of what has been wrong with our system. Mr. Bolton has a deeply disturbing history of trying to punish intelligence analysts who do not agree with his views, of trying to squelch intelligence analysis and of distorting the intelligence community's view when they do not agree with his own.

He is aggressive about pursuing the answer that he wants, regardless of what the objective intelligence analysts say, and his actions have had a noticeably chilling effect on the intelligence analysts that he tries to intimidate and a harmful effect on the intelligence process itself.

Let's just look at his record. Mr. Bolton's view on intelligence on Cuba can be gained from an e-mail to him from his chief of staff that called the intelligence community's language on Cuba ''wimpy.'' As a policymaker, he is entitled, and was entitled, to his own view. I make it clear that what the Senator from Kansas said, I agree with. Mr. Bolton was entitled to his own view, but what he was not entitled to do was force intelligence analysts to change their views.

In preparation for his speech to the Heritage Foundation, Mr. Bolton repeatedly sought clearance for stronger language on Cuba's biological warfare effort than the intelligence community would support. He was repeatedly rebuffed by intelligence analysts at the State Department and the CIA, and he repeatedly responded by seeking those analysts' dismissal or removal, thereby crossing a vital line, a clear line, a red line, the line between ignoring intelligence analyses which, wise or not, is his right to do as a policymaker, that is on one side of the line. But the other side of the line he must not cross, trying to intimidate analysts into shaping intelligence analyses to his liking, that is totally impermissible. It is potentially dangerous, and it is clearly on the wrong side, the unacceptable side, the intolerable side of the line.

When he did not receive the analysis he wanted on Cuba, Mr. Bolton unleashed a tirade against the intelligence analyst.

Soon afterwards, he went to see Tom Fingar, the Principal Deputy Assistant for INR, to try to have the analyst removed. Mr. Fingar testified that Secretary Bolton was still visibly upset during their meeting, and he said that ''he wasn't going to be told what he could say by a midlevel INR munchkin analyst.''

Mr. Bolton had made clear to the analyst he was his boss, and in essence had asked his subordinate: How dare you disagree with your superior?

Mr. Fingar then testified that Mr. Bolton said he wanted the analyst ''taken off his accounts.'' Mr. Fingar protested and said ''he is our chemical and biological challenge weapons specialist, this is what he does''—making clear to Mr. Bolton that reassignment would really mean termination. Mr. Bolton persisted.

The record then shows that Mr. Bolton sought the analyst's removal two more times over a 6-month period. In one of those attempts, Mr. Bolton met with then-Assistant Secretary of State for Intelligence, Carl Ford, who later said the following:

I left that meeting with the perception that I had been asked for the first time to fire an intelligence analyst for what he had said and done. In my experience no one had ever done what Secretary Bolton did.

Months later, Mr. Bolton made yet another attempt when Neil Silver became the analyst's supervisor. In his testimony to the Foreign Relations Committee, Mr. Bolton even conceded he was still pursuing the analyst's transfer.

In his attempt to manipulate intelligence on Cuba, Mr. Bolton also tried to have a national intelligence officer from the CIA transferred. Mr. Bolton went personally to the CIA at Langley to argue for the analyst's dismissal. This is an analyst Mr. Bolton had never met, an analyst to whom he had never spoken. He had never read the analyst's work. He only knew one thing: The analyst disagreed with his views and, therefore, he had to be brought to heel.

This effort, too, lasted several months and involved repeated attempts by Mr. Bolton and his staff. Former Deputy Director of the CIA John McLaughlin said of the request to dismiss the intelligence officer that it is ''the only time I had ever heard such a request.''

So we have the Deputy CIA Director John McLaughlin as saying nobody has ever made a request to him, that he knew of, to dismiss an intelligence officer because of a disagreement with that officer's analysis—very similar to what Mr. Ford said at the office of the Assistant Secretary of State: ''in his experience, no one had ever done what Secretary Bolton did,'' which was to fire an intelligence analyst for what he had said and done.

In the end, both analysts were supported by their supervisors and they rightfully kept their positions. The only person who should have been fired over those incidents was Mr. Bolton.

Mr. Bolton's defenders like to claim no harm, no foul. That is, because none of his targets were fired despite his efforts; that everything is just fine. But the harm is in the attempt. Shooting at someone is still a crime even if you miss. As soon as a policymaker threatens an intelligence analyst with removal for disagreeing with that analyst's analysis, the harm is done.

As Mr. McLaughlin testified—and this is something the Senator from Kansas either overlooked or ignores. Listen to Mr. McLaughlin's testimony: It is perfectly all right for a policymaker to express disagreement with an intelligence officer or an analyst. And it is perfectly all right for them to challenge their word vigorously. But I think it is different, McLaughlin said, to then request, because of this disagreement, that the person be transferred.

That is the line. That is the line which Mr. Bolton crossed. That is the line that we ought to insist on. Every Member of this body should insist that line never be crossed. We ought to protect the right of policymakers to disagree, to question, and to ignore the analysis. We should never condone a policymaker who wants to see an analyst fired because the policymaker disagrees with that person's analysis. That is the line which is dangerous to cross because the pressure that puts on the analyst is to come up with the answer that the policymaker wants to hear. That is what is dangerous, when we hear an analyst, or you hear a CIA Administrator say it is a slam dunk, when it isn't, because he thinks that is what the policy maker wants to hear.

We cannot tolerate people being fired, discharged, transferred because the policymaker disagrees with the analysis of that analyst.

Mr. McLaughlin is right. It was different. It was dangerous. And according to Mr. Ford, Mr. Bolton's actions had an impact. Word of the incident, according to Mr. Ford, ''spread like wildfire among the other analysts.'' Mr. Ford testified:

I can only give you my impressions, but I clearly believe that the analysts in INR were very negatively affected by this incident. They were scared.

Mr. Bolton's actions were so damaging that Secretary of State Powell made a special personal visit to offer encouragement to the analysts. In his remarks, Secretary Powell specifically referred to the analysts that Mr. Bolton had targeted. He told them: Continue to call it like you see it. Continue to speak truth to power.

Former Assistant Secretary of State for Nonproliferation John Wolf confirmed what should be all too clear about Mr. Bolton, that these examples of his behavior are not isolated instances but a persistent pattern. Mr. WOLF testified that Mr. Bolton sought the removal of two officers from a nonproliferation bureau over policy differences, and that, in general, officers in the bureau—and now this is Assistant Secretary of State John Wolf—that officers in the bureau ''felt undue pressure to conform to the views of [Mr. Bolton] versus the views they thought they could support.''

Events of the past few years involving the completely missed intelligence on Iraq, the distorted intelligence on Iraq, have shown that we need to be encouraging independent and alternative analysis, not squelching it.

The Senate Intelligence Committee report on the intelligence community's prewar intelligence assessments on Iraq concluded that a lack of alternative analysis contributed to the failure of that intelligence.

The committee wrote that:

. . . the analysts' and collectors' chains of command, their respective agencies, from immediate services to the National Intelligence Council and the Director of the Central Intelligence Agency, all share responsibilities for not encouraging analysts to challenge their assumptions, fully consider alternative arguments, or accurately characterize the intelligence report.

''Most importantly,'' according to the committee, they failed ''to recognize when analysts had lost their objectivity and take corrective action.''

Our Intelligence Committee, the Senate Intelligence Committee, said corrective action should be taken when analysts lose their objectivity. Mr. Bolton tried to get analysts punished for insisting on their independence. Mr. Bolton did not value independent and objective analysis. He scorned it. He sought not to encourage alternative views but to impose his own. He did not challenge analysts. He bullied them. And he tried to fire those who disagreed with him.

Now, this is not ''water cooler'' gossip about an obnoxious boss. Objective, factual analysis can make the difference between success and failure, between life and death. In the near future, we may face a crisis over North Korea's nuclear program or Iran's nuclear intentions. Congress and the public must be confident that intelligence assessments represent information that has been assessed objectively, not shaped to serve policy goals. And if we need to go to the United Nations to make a case against a country based on our intelligence about that country's dangerous activity, the world must have confidence in the U.S. Ambassador to the United Nations.

When Bush decided to make the case against Iraq to the United Nations, he sent Secretary of State Colin Powell, one of America's most credible diplomats. Today, we are being asked to confirm one of America's least credible diplomats to serve in an important diplomatic post, where we need credibility, we need the confidence to bring other countries to our side. We should not allow a situation in which the world might question whether it is hearing a credible view or whether it is hearing a Bolton view of intelligence.

Perhaps the biggest canard of the debate is that John Bolton is the best person to reform the United Nations. The U.N. needs reform, but so does the intelligence community. So does its systems. And, frankly, so does John Bolton. Any number of people would be a far more credible voice for reform at the United Nations.

This is a momentous decision for this body. It is shocking and sad—it is shocking and sad—to me that the Senate may vote on this nomination while Senators are being denied critical, relevant information that members of the Foreign Relations Committee have sought. Members of that committee have requested information about the number of requests by Mr. Bolton for the names of U.S. persons cited in intelligence intercepts. The administration has refused to provide relevant information to members of the Foreign Relations Committee and to this body.

Now, those requests may be benign that Mr. Bolton made for the names of those persons and what they were saying in those intercepts. They could be part of an effort by this nominee to politicize and punish, since that was the pattern of his activity. We do not know that. But we have a right to know that. We have a right to ask why those requests were made. But this administration has refused to provide that information. We should insist on this information before we vote on this nomination. We should insist that at least the leaders of our committees, the Intelligence Committee and the Foreign Relations Committee, be given access to the names of people that Mr. Bolton asked the intercepts relative to.

Denying the Congress and the Members of this body—

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. LEVIN. I thank the Chair and I ask unanimous consent for 3 additional minutes.

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

Mr. LEVIN. Denying Members of this body information is part of a woeful pattern of this administration denying information to the Congress. Even the Republicans of the House Energy and Water Appropriations Subcommittees and the Homeland Security Appropriations Subcommittee over in the House included language in their bill which says that the Bush administration should be criticized ''for its lack of responsiveness to repeated Congressional requests for information.''

Mr. President, this Senate, as a body, should insist on legitimate requests for information from its Members. Every Member—every Member—should add his or her voice to the demand for the production of relevant documents which Senators need to decide on confirmation or for any other legitimate reason. This body will be a lesser place if we do not stand with each other when it comes to gaining access to documents, at least in the absence of a claim of executive privilege.

Now, I happen to believe we should give deference to the President on the selection of his team, but deference does not mean abdication of our best judgment when a nominee crosses the line. If we do that, we will send the wrong message to anyone working in the intelligence community who sees Mr. Bolton's behavior rewarded rather than seeing him held accountable. If we do that, we will send the wrong message to the international community, to send a repeat abuser of intelligence and an abuser of intelligence analysts to be our representative at the United Nations.

We have the opportunity to send a different message to the intelligence community and to the world. We can cast a vote for objectivity in intelligence, for intelligence that is free of political influence, and for accountability. But before we vote—before we vote—legitimate requests for documents and information from Members of this body should be honored and should be supported by every Senator. That is a need which, at one time or another, each one of us has, and as an institution we should, in one voice, demand that need be met.

This is a demand for relevant documents relevant to the qualifications of this nominee to be confirmed to this high office. It is a demand for documents which relate to an issue which is clearly involved in this nomination, and that has to do with a pattern, on the part of Mr. Bolton, of punishing people who analyze intelligence who do not give him an analysis that he likes and that supports his own policy.

Mr. President, I thank the Chair, and thank my good friend from Minnesota for yielding the time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 3 minutes to engage my colleague from Michigan in a little colloquy. Will my friend from Minnesota object to that?

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. No objection.

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

Mr. DODD. Mr. President, I thank my friend.

I want to compliment my friend from Michigan on a very fine statement. He has focused, in my view, exactly on the central question here and that is not that there was disagreement over intelligence but, rather, whether someone went beyond a good, healthy fight over whether or not intelligence was accurate and took additional steps to dismiss or to change the jobs of the individuals involved.

I appreciate my colleague calling into question the access of information because this is central. That is why this Senator has taken the extraordinary step of asking my colleagues to potentially oppose a motion to invoke cloture on this nomination if the information is not forthcoming.

The reason I want to raise this is because our good friend from Kansas, the chairman of the Intelligence Committee, read into the RECORD a letter he sent to Senator LUGAR regarding this request for the intercept information. And the pertinent paragraph, to this Senator, I want to read quickly. It says:

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether [or not] the requests were proper.

Now, the letter goes on, but that is the important paragraph because the very identity of the individual names was redacted. The chairman of the Committee on Intelligence and the ranking member on Intelligence were not allowed to see the names, the very names that Mr. Bolton was able to see and apparently his staff was able to see. That is the relevant information that we are seeking—the names of the individuals.

Does my colleague have any comment on that particular point? Because that, to me, is the central admission in this letter.

Mr. LEVIN. Mr. President, the names of the people that he sought information on are incredibly relevant to the question of why he sought information on those people, what was his motive. There is a pattern here, a pattern of punishment of people if they did not provide analysis that he agreed with, if they disagreed with his views. And when he asks for those intercepts, he may have had a perfectly benign reason for doing it. On the other hand, it may have been part of this totally unacceptable pattern.

But the Senate has the same right to know what he knew and he asked for, which was intercepts of particular people who were either involved in the conversation or referred to in the conversation.

If the Senate doesn't insist on that right for every Member of this body, we are a lesser body. We should insist upon that for Members who agree with us or not. This is an institutional issue of great magnitude.

The PRESIDING OFFICER. The Senator's time is up.

Mr. DODD. I thank my friend for a good statement.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I appreciate the concern over the institutional issue of having access. I join my colleague in getting that information. Where I disagree is that when we have the chairman of the Intelligence Committee stating to us in this letter—saying: After reviewing the content of each report, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper. Ultimately, he found no basis to question the justification nor appropriateness of Mr. Bolton's request for the U.S. persons contained therein. So we have an individual we all deeply respect, the chairman of the Intelligence Committee, saying ''it was apparent to us,'' the chairman and the ranking member, and then the letter went on.

I would say there is an institutional issue that we should resolve at some point. In the context of this nomination, where we have a very clear statement that this specific information that was requested—it was ''not necessary to know the actual names to determine whether the requests were proper.'' Then it is basically saying the requests were proper.

Let us move forward with this nomination because we have a statement saying the information wasn't needed to make a determination. Let us pursue with great vigor the right of Members of this body to have access to that kind of information. I think we really have to separate the two, based on the statement of the chairman of the Intelligence Committee.

Mr. DODD. Will my colleague yield for a question?

Mr. COLEMAN. Yes.

Mr. DODD. I appreciate the Senator's comments. I ask unanimous consent that entire paragraph I quoted from the chairman be printed in the RECORD.

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

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper.

Mr. DODD. Mr. President, I raise this point. I appreciate his point. Obviously, there is a disagreement between the ranking member and chairman, unfortunately, which is not a healthy thing to see coming out of the Intelligence Committee. The point I am trying to make here is, with all due respect to the chairman of the Intelligence Committee and the ranking member, it was, in fact, the very names involved which could be the very names we are talking about that have been redacted from the document that would be terribly revealing. If, for instance, there is the name—we have called him ''Mr. Smith'' to protect his identity at the CIA. If there is overwhelming evidence that Mr. Bolton tried to have ''Mr. Smith'' dismissed as an intelligence analyst, and if one of the names being sought by Mr. Bolton was Mr. Smith, it seems that ought to send red flags up to everybody. Why? It is Mr. Bolton requesting to know who Mr. Smith was and what he said, an individual he was trying to have dismissed from the CIA. We don't know whether Mr. Smith's name is on there because the name was redacted. The chairman and ranking member cannot read that name.

Without knowing the name of the individual, you cannot get to the point. Obviously, the people at the State Department—it is the same thing. Without knowing the names, without the identities, I don't know how you can draw the conclusion that it wasn't relevant. That is my point.

Mr. COLEMAN. As I recall the statement from the ranking member, he said these incidents were not new to them. Some of these had been raised before. One was regarding Cuba. They had knowledge of this. Again, I would defer to the good judgment of the chair of the Intelligence Committee, who said we looked at it and it wasn't relevant. And then on and on in the letter again, and again he comes to the same conclusion: nothing inappropriate, nothing unusual, no violation of procedures. It is very clear.

I urge my colleagues to let us pursue this issue. I don't think there is a reasonable basis for holding up this confirmation based on the concern of getting this type of information.

Mr. LEVIN. If the Senator will yield, my good friend from Minnesota. If you agree that the Senate is entitled to this information, but not now—if not now, when? The reason for seeking this information relates to the nomination of Mr. Bolton. That is why this is so relevant and important. I think the members of the Foreign Relations Committee have been seeking this information for many weeks. So it is not as though this is a last-minute request which is holding up the vote on a nomination or would hold it up until we receive that information.

By the way, I happen to believe—and I don't know if my good friend from Connecticut agrees with me—that if the chairman and vice chairman of the Intelligence Committee saw the names and concluded that none of those names had any relationship to this nomination because none of the names are people he tried to get fired, transfer, or punish, that would satisfy me. But the administration knows the names. John Bolton got the names. But the vice chairman of the Intelligence Committee and the chairman won't be given those names and they are redacted. I believe the Senate cannot accept that standard and hold ourselves up as a body that is equal in power to the executive branch. We cannot. We cannot say to ourselves that this body will look at all relevant evidence that relates to confirmation before we give our consent to it and protect the Members' requests for information if we do not insist that at least the chairman

and vice chairman of the Intelligence Committee have access to the names and see whether those names are relevant to this nomination in terms of the specific people John Bolton tried to punish or get transferred.

I find this really intolerable, incredible, that we as a body will not stand with a legitimate request for relevant information that relates to a pending nomination that was promptly and timely made.

Mr. COLEMAN. Mr. President, again, I remind my colleagues that it is a nomination with 10 hours of hearings, 2 business meetings, 35 staff interviews with 29 different people, a thousand pages of transcripts and 800 pages of documents, the opportunity for the chairman and the ranking member of the Intelligence Committee to look at this information, and they came to the conclusions they came to. In the end, I think perhaps—I agree with my colleagues on crossing the line. I agree. You should not be harassing intelligence officials because of policy disagreements to the point where you drive them out of the job. But that just didn't happen here.

In fact, Mr. President, if you look at the statement of Carl Ford, he himself in the minority report said this incident didn't turn into the politicization of intelligence. Carl Ford—and I was there and listened to the testimony—said this incident didn't turn into the politicization of intelligence.

We can walk through this again and again. We had the discussion over Cuba and the issue of biological weapons capacity. Again, the allegation was made that somehow Mr. Bolton took views that were his own and disregarded the views of the administration in regard to Cuba. Carl Ford testified before the Foreign Relations Committee on March 19, 2002. He stated that the United States believes that Cuba has at least limited developmental offensive biological warfare and research capability—on and on. What does John Bolton say when he gives his speech? He says the same thing.

The point is, in each and every instance when colleagues raise a concern about Mr. Bolton giving his own opinion versus that which is approved, it is simply not the case. I think my colleague from Kansas said this is a case of ''the rest of the story.'' It is true on the Cuba issue. It is true on Mr. Bolton's testimony about Syria. Again, the same concern was raised. The record is saying something very different—that in each and every instance, there may have been discussion and challenges, but in the end Secretary Bolton delivered the approved language. North Korea, the same thing. Allegation was made that he was off on his own, and Secretary Powell came back and said, no, he delivered the opinion of the administration, of the Secretary of State.

What we have here—and the record is clear—is an individual with strong views and strong opinions, who challenged personnel, but never, never took any action against a single individual. Phrases are thrown out that there were threats to be fired or transferred. The reality is when Mr. Westermann backdoored Mr. Bolton, he lost confidence in him and said: I want him transferred. That is all you have.

In the end, Mr. President, what we have is an individual who has served this country well, who has a record of distinguished service, who has the support of a litany of Secretaries of State, of individuals who have worked with him for years and years, who negotiated the treaty of Moscow and got the U.N. to reverse itself on the odious resolution declaring Zionism as racism, who has the support of the Secretary of State, who has the confidence of the President of the United States to do what has to be done, and that is the heavy lifting in reforming the United Nations.

From the very beginning, my colleagues on the other side simply have said he is not acceptable, he has the wrong political perspective on the United Nations, he has the wrong political perspective perhaps on the war in Iraq and other issues, which morphed into allegations which, in the end, when we look at the rest of the story, simply are unsubstantiated.

John Bolton deserves our support. He deserves to be confirmed. I will proudly vote for his confirmation tomorrow. I urge my colleagues to do the same.

I yield back the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that a letter to Chairman LUGAR and to Ranking Member BIDEN from Senator ROCKEFELLER dated May 25 be printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 25, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATORS LUGAR and BIDEN: I write in response to the Chairman's April 28, 2005 letter asking that the Senate Select Committee on Intelligence examine a number of intelligence-related issues that were raised during your Committee's consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations.

As you may be aware, I wrote to then-Director of the National Security Agency (NSA), Lieutenant General Michael V. Hayden, on April 20, 2005, requesting any documentation related to Mr. Bolton's requests for the identity of a U.S. person included in classified intelligence reports produced by the NSA.

In response, General Hayden provided Chairman Pat Roberts and me the opportunity to review all ten NSA documents containing the references to U.S. persons that generated Mr. Bolton's requests. We were not permitted to retain these intelligence reports and other members of our Committee were not permitted access to them. Additionally, the actual U.S. identities provided by the NSA to Mr. Bolton were not shared with us.

State Department records indicate that Mr. Bolton requested the minimized identities of nineteen U.S. persons contained in ten NSA signals intelligence reports. These requests were processed by the State Department's Bureau of Intelligence and Research (INR). In each instance, the INR request to the NSA, on behalf of Mr. Bolton, included the justification that the identity of the U.S. person(s) was needed in order to better understand or assess the foreign intelligence value of the information contained in the intelligence report. This is the standard justification required by NSA in order for officials to request the identity of a U.S. person contained in a signals intelligence report.

Based on my personal review of these reports and the context in which U.S. persons are referenced in them, I found no evidence that there was anything improper about Mr. Bolton's ten requests for the identities of U.S. persons.

It is important to note, however, that our Committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he felt it was necessary for him to have the identity information in order to better understand the foreign intelligence contained in the report.

Furthermore, based on the information available to me, I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

The Committee has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting Chief of Staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity to State INR included the following restriction: ''Request no further action be taken on this information without prior approval of NSA.'' I have confirmed with the NSA that the phrase ''no further action'' includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information is was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report. According to Mr. Fleitz, Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report to congratulate him. This use of carefully minimized U.S. person identity information seems to be not in keeping with the rationale provided in Mr. Bolton's request.

An interview of Mr. Bolton by your Committee may provide a more complete understanding of the extent to which he may have shared with others the nineteen U.S. person identities he requested and received from the NSA. I believe it is a matter that deserves more thorough attention.

I hope this information is of assistance to you.

Sincerely,

JOHN D. ROCKEFELLER IV,
Vice Chairman.

The PRESIDING OFFICER. The Republican whip is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, 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, do hereby move to bring to a close debate on Executive Calendar No. 103.

Bill Frist, Richard G. Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, Mel Martinez, George Allen.

Mr. MCCONNELL. Mr. President, under the previous agreement, this vote will occur tomorrow at 6 p.m. If cloture is invoked—and we hope it will be, of course—the vote on the nomination will then occur immediately.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONORING THE SERVICE OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

Mr. WARNER. Mr. President, last Friday, May 13, Deputy Secretary of Defense Paul Wolfowitz ended his distinguished tour of duty at the Department of Defense.

During his 4 years at the Pentagon, Secretary Wolfowitz played a critical role as our Nation responded to the terrorist attacks of September 11, and our military defeated the Taliban in Afghanistan and liberated Iraq from decades of tyranny. We continue to fight an all-out global war on terrorism, guided by the policies which Secretary Wolfowitz, acting as a true partner to Secretary of Defense Rumsfeld, helped to craft.

He was a true partner with Rumsfeld throughout. I have had some modest experience in the Department having served there myself during the war in Vietnam as Secretary of the Navy. I served under Messrs. Laird and Packard. I served under three Secretaries.

Their partnership, as the two principal's sharing an evergrowing, awesome, level of responsibilities has been exemplary in the annals of the Department of Defense.

On April 29, I was privileged to attend a ceremony at the Pentagon in honor of Secretary Wolfowitz's years of service. The speeches given that day—by General Pace, Secretary Rumsfeld and Secretary Wolfowitz—are among the finest I have ever heard, and are a true testament to this extraordinary individual. I wish Secretary Wolfowitz well as he prepares for his new duties as the President of the World Bank. I ask unanimous consent to have these speeches printed in the RECORD.

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

SECRETARY OF DEFENSE DONALD RUMSFELD HOSTS A FULL HONOR REVIEW AND AWARD CEREMONY FOR DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

(With Remarks by: General Pete Pace, Vice Chairman, Joint Chiefs of Staff)

Dr. Paul Wolfowitz is recognized for exceptionally distinguished public service as deputy secretary of Defense from March 2001 through April 2005. During that critical period, Dr. Wolfowitz's performance was brilliant. While overseeing many of the department's day-to-day operations, he was also a key leader in developing United States policy to respond to the terrorist attacks of September 11th, 2001.

A leader in developing United States policy to respond to terrorist attack, and an internationally recognized voice for freedom,

Dr. Wolfowitz contributed to the intellectual framework for operations in Afghanistan and Iraq that removed two brutally oppressive regimes that encouraged and gave sanctuary to terrorists. Fifty million people are now free from the bonds of tyranny. Self-government is on the march in countries once believed beyond freedom's reach. And Afghanistan and Iraq have become our newest allies in the war on terror.

While addressing these sizable challenges, Dr. Wolfowitz was a driving force in addressing President Bush's charge to transform the Department of Defense to better fit the challenges of the 21st century. He encouraged a culture of planning that stresses innovation and supports intelligent risk in areas ranging from defense organization to technology development and training.

And Dr. Wolfowitz is a tireless advocate for America's men and women in uniform. A frequent visitor to wounded forces and their families in hospitals and rehabilitation centers, he paid particular attention to the needs and concerns that went beyond the typically excellent care they receive. Dr. Wolfowitz oversaw the creation of a 24-hour operations center to reduce bureaucratic procedures for the severely injured, significantly improving the flow of information to ease their burdens during recovery.

Dr. Wolfowitz's countless achievements reflect his keen intellect, management acumen, vision and compassion.

Through his dedication to the pursuit of policies of freedom and transformation, Dr. Wolfowitz contributed greatly to the work of the Department of Defense and the United States. The distinctive accomplishments of Dr. Wolfowitz reflect great credit upon himself, the Department of Defense, and the United States of America.

Dr. Wolfowitz has also received the Decoration for Distinguished Civilian Service from the secretary of the Army, the Distinguished Public Service Award from the secretary of the Navy, and the Decoration for Exceptional Civilian Service from the acting secretary of the Air Force.

Gen. Pace. Secretary Rumsfeld, Mrs. Rumsfeld, Senator Warner, Senator Coleman, assembled leadership of the Department of Defense, special guests and friends, and especially to our wounded servicemembers who are here today.

It is my distinct honor and privilege to stand here representing our Chairman, General Dick Myers, and all the men and women who are proud to wear the uniform of the United States Armed Forces to say farewell and thank you, Mr. Secretary, for all you've done for all of us in uniform during your tenure as our deputy secretary of Defense.

It's been my great honor and privilege, Secretary Wolfowitz, to have known you and worked with you for the last three-and-a-half years, and in that time, I think I've gotten to know a little bit about the man.

You have great humility. Of all the titles that you have earned—doctor, professor, dean, ambassador, secretary—the two you prefer most are Dad and Paul. That says a lot about you.

You're a man of great intellect. Put simply, you work hard and you're smart. And you make those of us who work with you feel good about our contributions, and you elicit from us our very best recommendations, because you are, in fact, a facilitator and a person who values the judgment of others—and for that, we thank you.

You're also a man of great courage. Those of us who wear the uniform understand courage on the battlefield, but there's another very distinct form of courage, and that is intellectual courage. Many times it has been my great pleasure to watch you, when conversations have been going in a particular direction, and someone would turn to you and say, ''Don't you agree, Paul?'' And you would say, ''No, I don't.'' And then you'd explain why you didn't in a very, very well-reasoned, articulate way that although did not always carry the day, certainly made everybody in that room understand that you were part of this process, and that you were going to speak your mind as you knew it should be spoken, and benefit all of us in uniform by always speaking the truth, as you knew it.

You're also a man of compassion. If I speak too much about this, I will blow your cover. But the fact is that many, many times in the halls of this building, you have said to me, ''Pete, Sergeant so-and-so—or Lieutenant so-and-so, or General so-and-so—has a problem, and I think if you say something to him, or you look into this, it will make life better for him.'' Certainly, all that you have done for the wounded, both in your official capacity, but also as a human being in your visits to the hospitals, in your caring for the families, in your attendance at funerals, in your caring for the families of the fallen.

In all those ways, Mr. Secretary, you have shown enormous compassion. And for that, we are grateful. We will miss you, but we know that there are millions of people around this world who are now going to benefit from the intellect, strength and compassion of Paul Wolfowitz as you go to lead the World Bank.

It is my great honor now to introduce the man in this building who works harder than anybody else, has more focus than anybody else, and makes the rest of us work very, very hard, very diligently, to be part of the team that is trying to do for this country all that we should be doing.

Mr. Secretary: Secretary Rumsfeld.

Sec. Rumsfeld. Well, thank you all for coming. We're pleased you're here. A special welcome to Paul Wolfowitz and his family and friends and lovely daughter, Rachel, sitting there. And welcome to Chairman John Warner. We appreciate your being here, your old stomping grounds. And Senator Coleman, thank you so much for being here, and all the senior military and civilian officials of the Department of Defense and guests. Welcome.

Three years ago, The Economist magazine had an interesting take on the job of deputy Cabinet secretary. It wrote, ''Most deputy secretaries live lives of quiet frustration. They get stuck with all the grunt work, while their bosses swan around in the limelight. And they have to sit mutely while the

best ideas are either buried or stolen.'' And then there's Paul Wolfowitz. (Laughter.)

History is not always generous to the men and women who help to shape it. Great abolitionists like John Quincy Adams and Frederick Douglas would not live to see full equality for African Americans that they had envisioned and fought to bring about. Many brave East Germans were shot as they tried to breach the Berlin Wall and would never see the wall crumble under the weight of lies and pretensions that built it. But sometimes history is kind, and it gave President Harry Truman, for example, and George Marshall the chance to see the fall of the Third Reich and the fulfillment of their charge to rebuild Western Europe.

And it allowed Corazon Aquino, with the help from a young assistant secretary of State, Paul Wolfowitz, to see the triumph of people power in the Philippines, the dream her husband had nurtured and for which he was cut down before it was fulfilled.

And although it may not always have seemed to Paul, the fact is history has smiled on Paul, as it should.

So he leaves us today with the good fortune of seeing so much accomplished—or being accomplished, I should say—he helped bring to fruition or things that he helped set in motion: reform and the modernizing of America's defense establishment, the dispatch of dangerous regimes in Afghanistan and Iraq, the spark of freedom and self-government that is finding oxygen in the Middle East.

Paul now will add one more title to all the titles that Pete Pace listed, and it's a heady list. When I stood with Paul at his welcoming ceremony at the Pentagon way back in 2001, more than four years ago—it seems like eight—(laughter)—I noted that this was Paul's third tour in the Department of Defense. I told him we were going to keep bringing him back until he got it right.

Well, he got it right this time. The activities he has been involved with over the past four years are extensive. He has helped craft four defense budgets and supplementals. He has helped bring new technologies to protect our troops. And he has helped to reconfigure a number of Cold War systems and organizations to help us meet the threats of the 21st century.

So as we bid Paul a warm farewell, I might just say a word or two about the Paul Wolfowitz that I have worked with these past four years. They say in life people tend to fall into one of two categories—dreamers and doers. Well, our friend Paul is a bit of a ''mugwamp,'' as they used to say in the old days; he's a bit of both, one who lives the creed that ''think as a man of action and act as a man of thought''.

He grew up in Brooklyn in a household of Polish immigrants for whom names like Hitler and Stalin and words like holocaust were not abstractions or simply pages in a history book. And it should be no surprise to those who know him that one of Paul's early political acts—at the age of 19, I'm told—was to participate in the March for Civil Rights with Dr. Martin Luther King.

Paul was a bright young mathematician who drifted into political science, undoubtedly disappointing his father, who I am told would have preferred he pursue a career in a real subject, like chemistry or something like that. But Paul's analytic talents have been put to excellent use as someone who has grasped future trends and threats before many were able to and before some probably wanted to.

As early as the 1960s, he foresaw the dangers of nuclear weapon programs in the Middle East In the 1970s he identified the territorial ambitions of Iraq as a future concern for the U.S. military. And before September 11th, he grasped that the civilized world could not make a separate peace with terrorists and that our future security was certainly linked to addressing the freedom deficit in much of the Muslim world.

History will see Paul as one of the consequential thinkers and public servants of his generation. He's worked to ease the burdens of the wounded and their families, as we've seen. And he's departing the Pentagon now, but the legacy that Paul has been a part of, the ideas he has helped to weave into public and private debates, the effects of the policies that he's championed so effectively and with such courage and determination are not going anywhere, because they're not found only in this building or only in the department all across the globe; they are found now in towns and villages in Indonesia, where I'm told that pictures still hang in tribute to an American ambassador who put the aspirations of dissidents and ordinary Indonesians above the temporary convenience of power politics.

They're found in Afghanistan today, where a democratically elected government now protects women and imprisons terrorists, instead of imprisoning women and harboring terrorists. And they're found in a schoolroom in Iraq, where a young girl will learn real history and real subjects instead of lies and tributes to tyrants.

That girl is free, and so are millions like her—and that, in part, is because of you, Paul. You've been on their side. And as General Pace said, you have never wavered. The threatened, the oppressed and the persecuted around the world must know in their heart that they have had a friend in Paul Wolfowitz. You are one of those rare people who, as the Talmud puts it, would rather light candles than curse the darkness.

So I thank you, your country thanks you, and on behalf of the Department of Defense, we wish you Godspeed in your new post, a post of service to the world. The department will miss one of its finest public servants, and I will miss a treasured friend. Godspeed.

Staff: Ladies and gentlemen, Deputy Secretary Paul Wolfowitz.

Mr. Wolfowitz. Thank you all for coming today.

Thank you for braving the weather. Thank you, all of you who helped arrange the weather so that we could stay outdoors. I appreciate it enormously.

Senator Warner, great chairman of our Armed Services Committee and a good friend all these many years, and particularly the last four years, thank you for being here. Senator Coleman, and so many distinguished guests. You really do me honor to be here.

Secretary Rumsfeld, thank you for those extremely generous remarks. Thank you for an award, which recognizes me, but actually recognizes the work of literally millions of great Americans. Your remarks call to mind something that President Johnson said on a similar occasion many years ago when he said he wished that his late parents could have been alive to hear that introduction because his father would have been so proud, and his mother would have believed it. (Chuckles.) (Laughter.)

Maybe now is the time to come clean and to thank you for something else. For four years now, I've been telling audiences about what you said about keeping—bringing me back until I got it right. It gets a laugh every time. So I want to thank you for that great line. It's been good to me all those years.

And now I'd like to just turn the tables a little bit and trade a story somewhat along the same lines. It may be apocryphal, but it's just too good to check whether it's true or not. It's about how Don Rumsfeld once asked Henry Kissinger if he was planning to come back as secretary of State. And Kissinger said, ''No, Don, I got it right the first time.'' (Laughter.)

So, Don, it looks like we've been in the same boat all along!

Truthfully, Don Rumsfeld has a great sense of humor, that's why I can tease him a bit too. And he's known for many other things: His determination, his forcefulness, his command of the podium, his charm, his matinee idol good looks—yes, he's one of the stars of C–SPAN!

But to be totally serious, what really stands out for me is something that may not be widely known, and that is what a great teacher Don Rumsfeld is. He has sharpened everybody's thinking and raised everybody's standards. And he's taught me an enormous amount. He encourages and cajoles everyone to do better, always for the purpose of making this Defense Department as good as it can be, and to make our country more secure.

It's been my good fortune, Don, to have you as a friend, and America's to have your steady leadership at this demanding helm. Thank you.

I also want to say thank you to so many of my wounded veteran friends from Walter Reed and Bethesda who have braved the weather to be here today. There are so many other distinguished guests and friends and colleagues, that if I tried to mention you all and give you the thanks you deserve, I'd just get into deeper trouble. At a time like this, words inevitably fall short, and I'm sure I'd leave someone out. But you don't do a job like this without enormous amounts of help.

So, to each one of you who has been there along the way, just know that I am deeply grateful for what we've shared during this most important chapter of American history.

And I'm particularly grateful to my personal staff, an extraordinary combination of civilians and military, active and reserve, officers and enlisted, who make a difference every day.

Last Friday I was privileged to be present at the White House when President Bush announced his nominee to be our next chairman of the Joint Chiefs of Staff. There in front of me was an extraordinary team of civilian and military leaders. First, there was our president, whom it's been such an honor to serve. I've been privileged to be there as George W. Bush has made some of the toughest decisions a leader can make. I can tell you that this is a man who understands the true costs of war, and his charge to defend what we hold most dear. We are blessed in this time of testing to have a president who possesses the deep moral courage to do what it takes to protect our country.

Next to him was Secretary Rumsfeld, and there too was our chairman, General Dick Myers. As we wage this global war, Dick's been a leader of quiet, reassuring confidence; a rock of strength and a source of steady judgment and deep concern for those he serves. Dick never forgets that every decision he makes directly affects the individual men and women who serve this country so well.

And its been my good luck to have as my closest military counterpart most of these past four years, General Peter Pace, our vice chairman. It was a special moment last Friday, Pete, to see you nominated to be the first Marine to serve as chairman of the Joint Chiefs of Staff. You have the character, the commitment and the courage to do an outstanding job as our top military leader.

I'm delighted, Gordon—that Gordon England, our secretary of the Navy, who has been an outstanding member of this civilian military leadership team, has agreed to take

on this challenging job—and it is challenging.

Over the last four years, I've had the privilege of working with perhaps the finest group of Joint Chiefs and combatant commanders that we've ever had. And our many outstanding one- and two-star flag officers promise to continue or even exceed that record of excellence.

But the people who have earned a truly special place in my heart, in all of our hearts, are the men and women whose names don't appear in the papers or on the evening news; the ones who serve America quietly and professionally every day, the men and women who wear this country's uniform, and the dedicated civil servants who support them. They are the ones who deserve our special and lasting gratitude. They are represented here today by these magnificent troops and by our wounded veterans. Please join me now in recognizing them for their service.

And let us remember in a special way those who have fallen in service to this nation. They remain in our hearts, each one of them, a reminder that our country is blessed beyond all measure. Let us never forget how much we owe them.

When terrorists attacked us so ruthlessly on September 11th, they may have thought they knew who we were. They may have thought we were weak, grown used to comfort, softened by everything we enjoy in this great nation. But they were wrong. They must have failed to notice that it was by the sweat and blood of each soldier, sailor, airman, and Marine, and each member of the Coast Guard, that America has met every threat throughout our history.

When we needed them, the heroes of this generation stepped forward to defend America from terrorists. In the process, two brutal regimes in Afghanistan and Iraq—regimes that harbored and encouraged terrorists—have been removed from power. And as a result, 50 million people, almost all of them Muslims, have also been released from tyranny.

In a region where many thought freedom and self-government could never succeed, those values are beginning to take hold. The tide is turning against the terrorists' brand of totalitarianism. Like Nazism and communism before them, this false ideology is headed for the ash heap of history.

And at the same time that we are facing the enormous of winning a global war, we've also advanced the president's agenda for transforming the department. We've made major adjustments in programs such as the Trident Submarine Force, new classes of surface ships, unmanned aerial vehicles, Army artillery and Army aviation, missile defense and transformational communications across the department.

We've introduced a whole new civilian personnel system for the department. And along the way, we've done four regular budgets, four budget amendments, and at least six supplementals. None of these decisions was easy; indeed, many were difficult. But in no small measure, because of what seemed, at times, like endless hours of meetings—and no, Don, I'm not complaining—we managed to achieve agreement between the senior civilian and military leadership of DoD.

Senator Ted Stevens paid tribute to that fact this past week when he said, ''I've never seen such a relationship between chiefs and the secretary—open discussions, open critique—and really, a give and take that was very helpful and very healthy as far as the department is concerned.''

However, as important as these programmatic decisions have been, transformation is most of all about new ways of thinking; about how to use old systems in new ways. During the last four years, the concepts of transformation and asymmetric warfare have gone from being theoretical concepts to battlefield realities, and are even penetrating our vast acquisition apparatus, from the bureaucracy, to industry, to Congress.

But I don't have to tell this audience that all our marvelous machines and technology would mean nothing without innovative and skillful people to employ them.

And even then, this department would be of little value if our people lacked one particular quality. It's the indispensable quality and the most precious one of all, human courage. In this job, which has been so much more than a job to me, I've seen courage in abundance.

I remember the valor of an Army sergeant named Steve Workman. In the desperate moments after Flight 77 slammed into these walls, he risked his life to get Navy Lieutenant Kevin Shaeffer out of the building and to the medical attention he desperately needed. Sergeant Workman stayed with the badly wounded—burned officer and kept him talking and kept him alive.

I'll remember the bravery of people like Corporal Eddie Wright, a Marine who was hit by an RPG that ruptured his eardrum, broke his femur and, most seriously, blew off both his hands. In the confusion, Marines who had never seen combat before needed reassurance, and it was Eddie Wright, as badly wounded as he was, who gave it to them, telling them he was fine, giving instructions on his own first aid, pointing out enemy positions while directing his driver to get them out of the ambush zone. Like so many of our wounded heroes, Eddie's moving on in life with the same courage that he summoned in those desperate moments in Iraq.

And I remember October 26, 2003, the day our hotel in Baghdad, the AI-Rashid, was attacked. Tragically, a great soldier, Lieutenant Colonel Chad Buehring, was killed that day, and five others, civilian and military, were severely wounded.

Visiting the hospital that afternoon, I spoke to an Army colonel who was the most severely wounded. I asked him where he was from, and he said, ''I live in Arlington, Virginia, but I grew up in Lebanon, in Beirut.'' So I asked him how he felt about building a new Middle East. He gave me a thumbs-up, and despite his obvious pain, he also gave me a smile. Today Colonel Elias Nimmer is now virtually recovered and still on active duty with the U.S. Army.

But courage comes in many forms. Sometimes moral courage, the courage to face criticism and challenge-received wisdom is as important as physical courage, and I see many examples of that. One such hero I've been privileged to know is Navy Medical Doctor Captain Marlene DeMaio. She was convinced that there was a serious flaw in the way we were designing body armor. In the face of considerable resistance and criticism, she put together a team whose research proved the need to modify the body armor design. She and her team took on the bureaucracy and won. Her moral courage has saved countless American lives in Afghanistan and in Iraq.

There are so many other stories I could share, but I will tell you just one more. Three months ago, I attended a funeral at Arlington for a soldier from St. Paul, Minnesota. Sergeant Michael Carlson had been killed just before the January 30th elections in Iraq. Not long after those historic elections, I received a letter from his mother.

Mrs. Carlson wrote to tell me how much it meant to her to see the joy on the faces of Iraqi voters, men and women who had risked their lives for something they believed in. She knew her son shared that same sort of vision, and she sent me an essay that he had written as a high school senior that explained how she could be certain of that. It's a remarkable essay, particularly from such a young man.

Michael had been an outstanding high school football player, but he didn't want to become a professional athlete. He wrote, ''I want my life to count for something more than just a game. I want to be good at life. I want to fight for something, be part of something that is greater than myself. The only way to live forever,'' this high school senior wrote, ''is to live on in those you have affected. I sometimes dream of being a soldier, helping to liberate people from oppression. In the end,'' he said, ''there's a monument built to immortalize us in stone.''

Men and women like that, men and women like Michael Carlson do become immortalized because they live on in our nation's soul.

President Reagan used to ask, where do we find such people? And he would answer: We find them where we've always found them, on the streets and the farms of America. They are the product of the freest society man has ever known.

On one of my visits to Iraq, I met a brigade commander who told me how he explained his mission to his men. He said, ''I tell them what they're doing in Iraq and what their comrades are doing in Afghanistan is every bit as important what their grandfathers did in Germany and Japan in World War II, or what their fathers did in Korea or Europe during the Cold War.''

That colonel was right.

It's been a privilege of a lifetime to serve with the heroes of this generation who will be remembered with the same gratitude as we remember those who have gone before. Nothing is more satisfying than to be able to do work that can really make a difference, and I've been lucky to have many opportunities to do that, but this one was as good as they come.

Now the president has asked me to take on a new mission that of working on behalf of the world's poor. Although I leave the Department of Defense, I believe both our missions serve the goal of making this world a better place. It's an honor. But I have one big regret: I'll be leaving some of the most dedicated, most capable, most courageous people in the world.

In many speeches over these years, I've been accustomed to ask the good Lord to bless our troops and our country. While I do it for the last time as your deputy secretary, I want you to know that I will always carry these words as a prayer in my heart: May God bless you, may God bless the men and women who serve this country so nobly and so well, and may God bless America.

PUTTING PARTISANSHIP ASIDE

Mr. NELSON of Nebraska. Mr. President, when I was running for the Senate in 2000, I pledged to put partisanship aside to do what is right for Nebraska. I told Nebraskans that if they elected me they could count on me to carefully consider the issues and ultimately do what I think is best.

From tax cuts, to Medicare reform to campaign finance reform and now to the battle over stalled judicial nominations, I have distanced myself from the partisan atmosphere in Washington to get things done.

Over the past few months and with great intensity over the past two weeks, I have been working with a bipartisan group of moderate-minded

Senators to craft an alternative to the ''nuclear option''—the partisan and political attempt to force a change in the rules of the Senate to end filibusters against judicial nominations.

The nuclear option is a temporary political fix to a very serious and ongoing problem: The Senate's failure to confirm more than 60 nominations during the last administration and the filibustering of ten of President Bush's nominations. To address this problem, I would prefer a permanent rules change to the Senate over a temporary procedural maneuver like the nuclear option that can be reversed if the White House or the Congress changes hands.

The Senate was designed by our Founding Fathers to act as a counter balance to the House of Representatives which represented States based on population. The Senate was the chamber where each State would have equal representation, two Senators and two votes. The intent was to prevent the power in Congress from becoming concentrated in large population States like New York, California, Florida and Texas. In the Senate, a Senator from Nebraska has the same power as a Senator from any other State.

As a former Governor and a firm believer in the power of the executive branch to appoint Cabinet members, judges and other officials, I do not support filibustering nominations. In fact, as Nebraska's Senator, I have voted against filibustering judicial appointments in every case but one where I was denied access to background information on the nominee. However, I also do not think the nuclear option is the solution to the impasse over judicial nominations.

We have built consensus behind a plan whereby seven Republican Senators pledge to vote against the nuclear option in exchange for an agreement from seven Democrats to allow most of the stalled nominations to get up-or-down votes as well as a pledge to not support filibusters of future nominations except in extraordinary circumstances.

Our compromise would be constructed completely within the existing rules of the Senate; it would prevent the nuclear option and the expected fallout of bringing all Senate business, including the energy bill and other important legislation, to a halt; and would preserve the rights of the Senate minority not only for this Congress but for future Congresses regardless of who is in the majority. Protecting the Senate's minority rights might seem to go against the concept of democracy and majority rule. In reality and without the spin on this issue that the special interest groups from both extremes put on this matter, the Senate's minority rights are part of the system of checks and balances that keep any branch of government from dominating the others.

The minority rights aren't always about party politics either. Many filibusters throughout history were conducted by Senators who disagreed with the president or the majority of Senators. Filibusters also give small States such as Nebraska an important tool to protect itself from the will of the larger States.

The debate over these judges has consumed the Senate and all of Washington. When I am in Nebraska most folks do not ask me about the judicial nomination process. Nebraskans tell me they want an energy bill that will boost ethanol production and reduce our dependence on foreign oil. Nebraskans are concerned about the President's plan to divert Social Security funds to private accounts and a myriad of other important legislative priorities.

Those who do mention judges and nominations express concern about where the Senate seemed to be headed. Many expressed to me the desire to stop the bickering and get on with the Senate's business. Others offered encouraging words in support of the compromise effort and those comments made me feel that Nebraskans were appreciative of our efforts.

The business, that we as Senators are tasked with carrying out for the American people would cease in the Senate if the majority leader follows through on his threats to employ the nuclear option. Nebraskans waiting for the energy bill, a Federal budget, asbestos litigation reform and even confirmation of future judicial nominations are the ones who will suffer if the nuclear option is detonated.

With our compromise everybody wins. Those seeking to protect minority rights win. Those seeking to confirm judicial nominations win. Small States win.

We accomplished this by working together with common purpose and shared concern for the future of this body. I am proud of what we have accomplished and I will treasure the new friends I made in the process. I thank you, all of you, for working with me, for trusting me, and for joining me in this great challenge.

I would like to include all the names of the signatories on the memorandum of understanding as part of my statement. These brave senators are: Senator JOHN MCCAIN, Senator JOHN WARNER, Senator ROBERT BYRD, Senator MARY LANDRIEU, Senator OLYMPIA SNOWE, Senator KEN SALAZAR, Senator MIKE DEWINE, Senator SUSAN COLLINS, Senator MARK PRYOR, Senator LINCOLN CHAFEE, Senator LINDSEY GRAHAM, Senator JOSEPH LIEBERMAN, and Senator DANIEL INOUYE.

MEMORIAL DAY 2005

Mr. DOMENICI. Mr. President, I would like to pay tribute to those men and women of the U.S. armed services, who have given their lives to defend our Nation and the ideals it represents.

Since the birth of our Nation 229 years ago, millions of Americans have answered the call to serve. They left behind the comfort of home, family and friends, to protect the American way of life and insure that our country would remain free and a land of opportunity for all. On this day I would like to remember those whom did not return.

On this Memorial Day, I am put in mind of the 200th and 515th Costal Artillery units of the New Mexico National Guard, better known as the New Mexico Brigade. The New Mexico Brigade played a prominent and heroic role in the fierce fighting in the Philippines, during those first dark days of the Second World War. For 4 months the men of the 200th and 515th helped hold off the Japanese only to be defeated by disease, starvation and a lack of ammunition.

Tragically the survivors of the Battle of Bataan from the New Mexico Brigade were subjected to the horrors and atrocities of the 65 mile ''Death March'' and to years of hardship and forced labor in Japanese prisoner of war camps. Sadly, of the 1800 men of the New Mexico Brigade more than 900 lost their lives in that far off place. This day belongs to them and all other Americans such as them.

I believe it is especially important not to forget; the men and women of America's Armed Forces have given their lives not only in defense of our Nation, but to preserve the freedom of others around the globe. This is almost unquiet in human history, and no praise can be too great for those individuals.

Today I would like to make special mention of those New Mexicans who have given their lives in Operation Iraq Freedom and the global war on terror. I ask that New Mexicans on Memorial Day think of them and their families and give thanks that we are blessed with such heroic men and women.

We must never forget the sacrifices of our solders, sailors, airmen, and marines. I encourage New Mexican's and all Americans on Memorial Day to take a moment to remember and honor the brave men and women whom have fallen in our defense. At this moment in America's history, our men and women in uniform are again furthering the cause of freedom around the world and ensuring the safety of the United States of America. They serve with the same courage and commitment shown by Americans of generations past and they deserve our thoughts and prayers on this Memorial Day as well.

49TH FIGHTER WING

Mr. DOMENICI. Mr. President, I would like to recognize the outstanding men and women of the 49th Fighter Wing at Holloman Air Force Base in New Mexico.

The 49th has received a deployment order to the Western Pacific region in support of our national defense objectives.

Around 250 personnel from Holloman, along with approximately 15 F–117A

Nighthawks, are preparing to depart for the Republic of Korea. Their 4-month deployment is part of an ongoing measure to maintain a credible deterrent posture and presence in the region and demonstrates the continued U.S. commitment towards fulfilling security responsibilities throughout the Western Pacific.

The F–117A, and the personnel that fly and maintain them, continue to be vital to our national security strategy. This is why I am so pleased the Senate Armed Services Committee included my bill to restrict retirement of any Nighthawks in fiscal year 2006 in the committee passed bill.

We must maintain the ability to deliver precision munitions onto time sensitive, high value targets, wherever and whenever the need arises. And I am so proud of the men and women from New Mexico that take on this very dangerous but important mission in service to their country. They are all superstars that deserve the heartfelt appreciation of a grateful Nation.

AFRO-LATINOS

Mr. OBAMA. Mr. President, I rise today to bring attention to the situation of Afro-Latinos throughout Latin America, in the hopes that we can encourage more action on this issue. From Colombia to Brazil to the Dominican Republic to Ecuador, persons of African descent continue to experience racial discrimination and remain among the poorest and most marginalized groups in the entire region. While recent positive steps have been taken in some areas—for example, giving land titles to Afro-Colombians and passing explicit anti-discrimination legislation in Brazil—much work still needs to be done to ensure that this is the beginning of an ongoing process of reform, not the end.

In places where civil conflict has taken hold, Afro-Latinos are much more likely to become victims of violence or refugees in their own countries. In many areas, Afro-Latinos are also subject to aggression by local police forces at far greater rates than those perceived to be white. Access to health services is another serious concern, and recent studies have shown that Afro-Latino communities are at greater risk of contracting HIV/AIDS.

In the last Congress, there was not one mention in the Senate of the millions of Afro-Latinos who continue to experience this widespread discrimination and socioeconomic marginalization. Now is the time for more action on this issue, not less. Emerging civil society groups are growing stronger throughout many countries in Latin America, and this growth should be encouraged as it presents important opportunities for partnerships and collaboration. I look forward to working with my colleagues in the Senate and House on this critical concern in the coming months, and I believe that together we can and will make a difference.

REACH OUT AND READ

Mr. KERRY. Mr. President, today I rise in support of the Reach Out and Read program. Reach Out and Read is a program that promotes early literacy by educating doctors and parents about the importance of reading aloud. Reach Out and Read facilitates reading by giving books to children at pediatric check-ups from six months to five years of age, with a special focus on children growing up in poverty. Children who are exposed to reading in their first years of life learn to love books at an early age—a love that often stays with them throughout their teenage and adult lives. They are also more likely to escape the many problems associated with illiteracy and reading difficulty, including school absenteeism and dropout, juvenile delinquency, substance abuse, and teenage pregnancy.

Reach Out and Read is active in more than 2,300 hospitals and health care centers in 50 States, the District of Columbia, Guam, and Puerto Rico. Two million children participate annually and 3.2 million new, developmentally appropriate books are given to family members.

There are 123 Reach Out and Read clinical locations in my State of Massachusetts. More than 116,000 children participate in Reach Out and Read and more than 200,000 books are distributed annually.

Reach Out and Read is unique. Funded both by both the Federal Government and private donations, it is a program with documented results. In 1998, the National Research Council released the much-acclaimed report, ''Preventing Reading Difficulties n Young Children'' which specifically cites Reach Out and Read as a program that effectively encourages young children to read. It is supported by the Department of Pediatrics at the Boston University School of Medicine and is endorsed by the American Academy of Pediatrics. We should all continue to support this very special program.

PONTIFICAL VISIT OF HIS HOLINESS KAREKIN II, CATHOLICOS OF ALL ARMENIANS, TO THE WESTERN DIOCESE

Mrs. BOXER. Mr. President, I take this opportunity to recognize the Pontifical Visit of His Holiness Karekin II, Catholicos of All Armenians, to the Western Diocese of the Armenian Church of North America during the month of June 2005. The Catholicos will visit the Western Diocese, headquartered in Burbank in my home State of California and travel around California from June 1 through 20. As the 132nd Catholicos of all Armenians, His Holiness Karekin II is spiritual leader to more than 7 million Armenian Apostolic Christians worldwide. I would also like to recognize the Western Diocese Primate, His Eminence Archbishop Hovnan Derderian, for his good works on behalf of Armenian-Americans in California and the Western U.S.

This momentous occasion marks the second Pontifical visit of the Catholicos to the Western Diocese. The visit has been titled ''The Renaissance of Faith'' because it marks a source of spiritual inspiration and reawakening for Christian Armenians, whose faith is 1700 years old.

The Diocese of the Armenian Church, established 107 years ago in Worcester, MA, originally served Armenian churches in the United States and Canada. In 1927, the Western Diocese of the Armenian Church of North America was established by a directive from the Mother See. The establishment of the Western Diocese was an historic occasion, which marked the growth of a strong Armenian community in California and the Western United States.

The Western Diocese was originally headquartered in Fresno. In 1957, the headquarters were moved to Los Angeles. In 1994, the headquarters were damaged by the Northridge Earthquake. Later that year, the Diocesan Assembly decided to purchase a new Diocesan Headquarters. In 1997, the Western Diocese officially moved into a multipurpose complex located in Burbank, CA, which will be the future site of the Mother Cathedral. This Pontifical visit is even more special because the Catholicos will be there in June to bless the foundation stones at the groundbreaking of the new Mother Cathedral.

The visit is also appropriately timed to coincide with two important anniversaries—the 90th Anniversary of the commemoration of the Armenian Genocide and the 1600th Anniversary of the creation of the Armenian alphabet. Earlier this year, I joined my Armenian friends in commemorating the 90th anniversary of the Armenian Genocide, which was the first genocide of the 20th century.

The Armenian alphabet, along with the Armenian language, has contributed immensely to the vibrant continuity of Armenian culture. The Catholicos' visit will highlight these two anniversaries and further empower Armenians in the Western Diocese to continue their long-fought efforts for justice.

I am honored to recognize this historic and joyous visit, which will strengthen ties between Armenia and Armenians in California. I know that His Holiness Karekin II will have a very special visit to California and I wish the Armenian community in California an increased sense of purpose and inspiration.

ADDITIONAL STATEMENTS

TRIBUTE TO LOVELAND, COLORADO, POLICE CHIEF TOM WAGONER

• Mr. ALLARD. Mr. President, I rise today to commend the chief of police of

Loveland, CO, Tom Wagoner, for his distinguished career of service to the people of Loveland.

Chief Wagoner was born in Minnesota and raised in eastern Illinois. After spending 2 years in the Army, he became a police officer and joined the Greeley, CO, Police Department in 1979. Having served in several positions in the Greeley Police Department, Chief Wagoner left Colorado in 1987 to be the police chief in Tullahoma, TN.

Fortunately, it was not long before Chief Wagoner came back to Colorado to serve as the police chief in my hometown of Loveland in 1989. The city of Loveland has greatly benefited from his leadership. Over the course of his tenure, he made many additions to the department, including a mounted patrol unit, a motorcycle unit, a community policing program, and a new radio system. Chief Wagoner also presided over a move to a new police headquarters in 2002 and has ensured that the Loveland Police Department has received national accreditation since 1992.

I thank Chief Wagoner for over 15 years of service to the citizens of Loveland. He leaves behind a difficult set of shoes to fill, and he will be missed.●

100TH ANNIVERSARY OF THE AMERICAN THORACIC SOCIETY

● Mrs. BOXER. Mr. President, on the occasion of its 100th anniversary, I am proud to recognize and honor the American Thoracic Society for its continuing commitment to the prevention and treatment of respiratory disease.

While respiratory disease may not pose the same public threat that it did 100 years ago, we cannot forget, nor overlook, the need to continue our fight against such debilitating illnesses. It is imperative that we continue to explore the causes and effects of respiratory disease as well as educating the public here and abroad.

Since its establishment in 1905, the American Thoracic Society has demonstrated an unyielding determination to reduce the number of deaths from respiratory disorder and acute-illness. I commend ATS for its dedication to the cause.

ATS not only directs its attention to the care and treatment of respiratory disease patients, it also places preventative practices at the forefront of its mission. Through extensive scientific research, ATS has established itself as a leader in the discovery of new information and knowledge. Furthermore, ATS has developed numerous educational programs, as well as several medical journals, to help keep both the medical community and the public up to date on new scientific information and innovative practices.

Finally, ATS has established itself as a leading advocate of respiratory research, paving the way for unprecedented developments in the treatment of respiratory disease. As host of the world's leading respiratory medicine conference, which provides doctors and scientists the opportunity to share their successes with specialists from all over the world, ATS has truly confirmed its status as a leader in the medical community.

Over the years, ATS has grown to meet the needs of the changing world in which we live, while never losing sight of its basic goals of prevention and treatment. I congratulate the American Thoracic Society on its 100 years of outstanding research and innovation.●

BRIGADIER GENERAL GERVIS A. PARKERSON

● Mr. LOTT. Mr. President, Brigadier General Gervis Parkerson is a lifelong resident of Mississippi, having graduated from Gulfport High School in 1967 and Mississippi State University in 1971. He enlisted in the United States Marine Corps following his graduation from college and completed Officer Candidate School at Quantico, VA. He graduated from Naval Flight School in 1972 and served as a carrier based pilot in the Marine Corps until 1976.

He is a Master Aviator with over 7000 flight hours, having flown in the T–42A, U–8F, U–21A, CH–53D, T–34, T–28, OH–6A, UH–1H, and the C–7A with the United States Marine Corps, and the 1108th AVCRAD.

After leaving active duty, Brigadier General Parkerson returned to Mississippi and was employed in the private sector. In 1980, he joined the Mississippi Army National Guard with the 114th Area Support Group, and in 1981 began full-time duty as Aircraft Maintenance Officer, HHC 114th Area Support Group, in Hattiesburg, MS.

He assumed command of the 1108th Aviation Classification Repair Activity Depot, in 1994 at the rank of Colonel. As Commander, he directed the maintenance of over 500 aircraft within the 9 southeastern States, Puerto Rico and the Virgin Islands. The AVCRAD also provided sustainment maintenance to the Army Aviation and Missile Command's Corpus Christi Army Depot, as well as mobilization of non-deployable assets for the Army National Guard.

Brigadier General Parkerson has received several awards and decorations including the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Reserve Medal, National Defense Service Medal, Global War on Terrorism Medal, Armed Forces Reserve Medal, Overseas Service Medal, and Meritorious Unit Citation. He has also received the Mississippi Magnolia Cross, one of the highest medals awarded to a member of the Armed Forces of the United States of America by the Governor of the State of Mississippi. Additionally, he was awarded the Bronze and Silver Order of Saint Michael from the Army Aviation Association of America for his superb dedication to Army Aviation.

Brigadier General Parkerson has been married to his wife, Brenda, for the past 26 years and they are the proud parents of two grown children, Beau and Leah.

Through his personal contributions and effective leadership, Brigadier General Parkerson has greatly strengthened the United States Army and the Mississippi National Guard while reflecting great honor upon himself, his family, and those with whom he has served.

Under the authority of the State of Mississippi, he will be promoted to the rank of Brigadier General, and placed on the retirement list after 34 years of dedicated commissioned service. On behalf of the United States Senate, I would like to thank Brigadier General Parkerson for his honorable and tireless service to this Nation, and congratulate him on completion of an outstanding and successful career.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1224. An act to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2316. A communication from the Founder, National Slave Ship Museum/Landrieu Project 146300, transmitting, proposed legislation entitled ''Implementation and Appropriations of Public Law 103–433, Title XI–Lower Mississippi Delta Initiatives''; to the Committee on Appropriations.

EC–2317. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for Fiscal Year 2004; to the Committee on Foreign Relations.

EC–2318. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison from Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test'' (APHIS Docket No. 04–065–1) received on May 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2319. A communication from the Acting Administrator, Science and Technology Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plant Variety Protection Office, Supplemental Fees'' ((Docket No. ST–02–02) (RIN0581–AC31)) received on May 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2320. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Winter Pears Grown in Oregon and Washington; Order Amending Marketing Order No. 927'' (Docket Numbers: AO–FV–927–A1; FV04–927–1) received on May 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2321. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of the Exxon and Stripper Well Oil overcharge funds as of September 30, 2004; to the Committee on Energy and Natural Resources.

EC–2322. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Policy and International Affairs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Voluntary Greenhouse Gas Reporting'' (RIN1901–AB11) received on May 23, 2005; to the Committee on Energy and Natural Resources.

EC–2323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's first annual financial report required by the Animal Drug User Fee Act of 2003 (ADUFA); to the Committee on Health, Education, Labor, and Pensions.

EC–2324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Performance Improvement 2005: Evaluation Activities of the U.S. Department of Health and Human Services''; to the Committee on Health, Education, Labor, and Pensions.

EC–2325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on Health, Education, Labor, and Pensions.

EC–2326. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2006 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–2327. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Semiannual Report to Congress; to the Committee on Homeland Security and Governmental Affairs.

EC–2328. A communication from the Acting Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure'' (RIN3206–AK64) received on May 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2329. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–2330. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Policy Development and Research, received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2331. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Administration, received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Chief Financial Officer (Acting), Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report required by the Chief Financial Officers Act of 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Doc. No. FEMA–7871) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR 64) (Doc. No. FEMA–7873)) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (44 CFR 67) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2336. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation DD—Truth in Savings'' (Docket No. R–1197) received on May 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2337. A communication from the Director, Office of National Drug Control Policy, the Secretary for Health and Human Services, and the Attorney General of the United States, Office of National Drug Control Policy, Executive Office of the President, transmitting jointly, pursuant to law, an Interim Report from the Interagency Working Group on Synthetic Drugs; to the Committee on the Judiciary.

EC–2338. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Alpha-Methyltryptamine and 5-Mexthoxy-N, N-Diisopropyltryptamine into Schedule I of the Controlled Substances Act Final Rule Substantive nonsignificant No reg flex No info collection'' (DEA–252) received on May 23, 2005; to the Committee on the Judiciary.

EC–2339. A communication from the Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment—Based Immigrants'' ((RIN1615–AB14) (CIS 2277–03)) received on May 23, 2005; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 494. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes (Rept. No. 109–72).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes (Rept. No. 109–73).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Air Force nomination of Col. Kathleen D. Close to be Brigadier General.

Air Force nomination of Maj. Gen. Charles E. Croom, Jr. to be Lieutenant General.

Air Force nomination of Col. Benjamin J. Spraggins to be Brigadier General.

Air Force nomination of Lt. Gen. Ronald E. Keys to be General.

Army nomination of Brig. Gen. Benjamin C. Freakley to be Major General.

Army nomination of Maj. Gen. Clyde A. Vaughn to be Lieutenant General.

Army nominations beginning with Brigadier General Rita M. Broadway and ending with Colonel Margaret C. Wilmoth, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2005.

Army nomination of Col. Neil Dial to be Brigadier General.

Army nominations beginning with Col. Donald M. Bradshaw and ending with Col. David A. Rubenstein, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2005.

Marine Corps nomination of Maj. Gen. John W. Bergman to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Robert R. Blackman, Jr. to be Lieutenant General.

Navy nomination of Vice Adm. Gary Roughead to be Admiral.

Navy nominations beginning with Captain William R. Burke and ending with Captain James P. Wisecup, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Navy nomination of Rear Adm. (lh) Alan S. Thompson to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Nancy J. Lescavage to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Brooks to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Robert B. Murrett to be Rear Admiral.

Navy nomination of Capt. Victor C. See, Jr. to be Rear Admiral (lower half).

Navy nomination of Capt. Christine M. Bruzek-Kohler to be Rear Admiral (lower half).

Navy nomination of Capt. Mark W. Balmert to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Raymond E. Berube and ending with Capt. John J. Prendergast III, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2005.

Navy nominations beginning with Capt. Kevin M. McCoy and ending with Capt. William D. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2005.

Navy nomination of Rear Adm. (lh) David J. Venlet to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Bruce W. Clingan and ending with Rear Adm. (lh) James A. Winnefeld, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Navy nomination of Capt. Carol M. Pottenger to be Rear Admiral (lower half).

Navy nomination of Capt. Nathan E. Jones to be Rear Admiral (lower half).

Navy nomination of Capt. Albert Garcia III to be Rear Admiral (lower half).

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Donnell E. Adams and ending with Daniel J. Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nomination of Michael E. Van Valkenburg to be Colonel.

Army nominations beginning with Robert D. Bowman and ending with Theresa M. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Catherine D. Schoonover and ending with Vincent M. Yznaga, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Navy nominations beginning with Joel P. Bernard and ending with Marc K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2005.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2010.

*Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2008.

*Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009.

By Mr. WARNER for Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

*Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2009.

*Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2005.

*Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1116. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. ALEXANDER):

S. 1117. A bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 1118. A bill to amend the Reclamation Reform Act of 1982 to reduce irrigation subsidies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:

S. 1119. A bill to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. LUGAR, and Mr. SMITH):

S. 1120. A bill to reduce hunger in the United States by half by 2010, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. 1121. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1122. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 1123. A bill to suspend temporarily the duty on certain microphones used in automotive interiors; to the Committee on Finance.

By Mr. LUGAR:

S. 1124. A bill to postpone by 1 year the date by which countries participating in the visa waiver program shall begin to issue machine-readable tamper-resistant entry passports; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1125. A bill to reform liability for certain charitable contributions and services; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1126. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, Mr. SUNUNU, Ms. MURKOWSKI, Mr. DOMENICI, Mr. LIEBERMAN, Mr. DODD, Mr. GREGG, Mr. LOTT, Mr. JOHNSON, Mr. CORZINE, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BUNNING, Ms.

CANTWELL, Mr. COCHRAN, Mr. DORGAN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. SANTORUM, and Mr. WYDEN):

S. Res. 154. A resolution designating October 21, 2005 as ''National Mammography Day''; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BOND, Mr. CHAMBLISS, Mr. COBURN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, and Mr. THOMAS):

S. Res. 155. A resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. SMITH, Mrs. LINCOLN, Mrs. DOLE, and Mr. LEAHY):

S. Res. 156. A resolution designating June 7, 2005, as ''National Hunger Awareness Day'' and authorizing that the Senate offices of Senators Gordon Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin be used to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area; considered and agreed to.

By Mr. CRAIG (for himself and Mr. BAUCUS):

S. Con. Res. 38. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award the Congressional Award Gold Medal to national recipients; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 191

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 424

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 503

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 681

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 695

At the request of Mr. BYRD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 785

At the request of Mr. LOTT, the name of the Senator from Louisiana (Mr.

VITTER) was added as a cosponsor of S. 785, a bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 930

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1002

At the request of Mr. GRASSLEY, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1103

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. CON. RES. 15

At the request of Mr. SANTORUM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution encouraging all Americans to increase their charitable giving, with the goal of increasing the annual amount of charitable giving in the United States by 1 percent.

S. RES. 104

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 104, a resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities.

S. RES. 149

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 149, a resolution honoring the life and contributions of His Eminence, Archbishop Iakovos, former archbishop of the Greek Orthodox Archdiocese of North and South America.

S. RES. 153

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 153, a resolution expressing the support of Congress for the observation of the National Moment of Remembrance at 3:00 pm local time on this and every Memorial Day to acknowledge the sacrifices made on the behalf of all Americans for the cause of liberty.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 762 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 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 Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1116. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, Senator COLLINS and I, and in the House of Representatives, Congressman KENNEDY and Congressman ROS-LEHTINEN, are reintroducing the Positive Aging Act, in an effort to improve the accessibility and quality of mental health services for our rapidly growing population of older Americans.

We are pleased to be reintroducing this important legislation during Mental Health and Aging Week.

I want to acknowledge and thank our partners from the mental health and aging community who have collaborated with us and have been working diligently on these issues for many years, including the American Association for Geriatric Psychiatry, the American Psychological Association, the National Association of Social Workers, the American Nurses Association.

Today, advances in medical science are helping us to live longer than ever before. In New York State alone, there are 2½ million citizens aged 65 or older. And this population will only continue to grow as the firs wave of Baby Boomers turns 65 in less than 10 years.

As we look forward to this increased longevity, we must also acknowledge the challenges that we face related to the quality of life as we age. Chief among these are mental and behavioral health concerns.

Although most older adults enjoy good mental health it is estimated that nearly 20 percent of Americans age 55 or older experience a mental disorder. It is anticipated that the number of seniors with mental and behavioral health problems will almost quadruple, from 4 million in 1970 to 15 million in 2030.

In New York State alone, there are an estimated 500,000 older adults with mental health disorders. As the baby boomers age we expect to see the number of seniors in need of mental health services in the State of New York grow to over 750,000.

Among the most prevalent mental health concerns older adults encounter are anxiety, depression, cognitive impairment, and substance abuse. These disorders, if left untreated, can have severe physical and psychological implications. In fact, older adults have the highest rates of suicide in our country and depression is the foremost risk factor.

The physical consequences of mental health disorders can be both expensive and debilitating. Depression has a powerful negative impact on ability to function, resulting in high rates of disability. The World Health Organization projects that by the year 2020, depression will remain a leading cause of disability, second only to cardiovascular disease. Even mild depression lowers immunity and may compromise a person's ability to fight infections and cancers. Research indicates that 50–70 percent of all primary care medical visits are related to psychological factors such as anxiety, depression, and stress.

Mental disorders do not have to be a part of the aging process because we have effective treatments for these conditions. But in far too many instances our seniors go undiagnosed and untreated because of the current divide in our country between health care and mental health care.

Too often physicians and other health professionals fail to recognize the signs and symptoms of mental health problems. Even more troubling, knowledge about treatment is simply not accessible to many primary care practitioners. As a whole, we have

failed to fully integrate mental health screening and treatment into our health service systems.

These missed opportunities to diagnose and treat mental health disorders are taking a tremendous toll on seniors and increasing the burden on their families and our health care system.

That is why I am reintroducing the Positive Aging Act with my co-sponsors Senator COLLINS and Representatives KENNEDY and ROS-LEHTINEN.

This legislation would amend the Older Americans Act and the Public Health Service Act to strengthen the delivery of mental health services to older Americans.

Specifically, the Positive Aging Act would fund grants to states to provide screening and treatment for mental health disorders in seniors.

It would also fund demonstration projects to provide these screening and treatment services to older adults residing in rural areas and in naturally occurring retirement communities, NORC's.

This legislation would also authorize demonstration projects to reach out to seniors and make much needed collaborative mental health services available in community settings where older adults reside and already receive services such as primary care clinics, senior centers, adult day care programs, and assisted living facilities.

Today, we are fortunate to have a variety of effective treatments to address the mental health needs of American seniors. I believe that we owe it to older adults in this country to do all that we can to ensure that high quality mental health care is both available and accessible.

This legislation takes an important step in that direction and I look forward to working with you all to enact the Positive Aging Act during the upcoming Older Americans Act and SAMHSA reauthorizations.

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

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

S. 1116

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 ''Positive Aging Act of 2005''.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

SEC. 101. DEFINITIONS.

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

''(44) MENTAL HEALTH SCREENING AND TREATMENT SERVICES.—The term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals that are—

''(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substances and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(i) by or under the auspices of the Secretary; or

''(ii) by academicians with expertise in mental health and aging; and

''(B) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

''(i) improve patient outcomes; and

''(ii) assure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.''.

SEC. 102. OFFICE OF OLDER ADULT MENTAL HEALTH SERVICES.

Section 301(b) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)) is amended by adding at the end the following:

''(3) The Assistant Secretary shall establish within the Administration an Office of Older Adult Mental Health Services, which shall be responsible for the development and implementation of initiatives to address the mental health needs of older individuals.''.

SEC. 103. GRANTS TO STATES FOR THE DEVELOPMENT AND OPERATION OF SYSTEMS FOR PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LACKING ACCESS TO SUCH SERVICES.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) in section 303, by adding at the end the following:

''(f) There are authorized to be appropriated to carry out part F (relating to grants for programs providing mental health screening and treatment services) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.'';

(2) in section 304(a)(1), by inserting ''and subsection (f)'' after ''through (d)''; and

(3) by adding at the end the following:

''PART F—MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS

''SEC. 381. GRANTS TO STATES FOR PROGRAMS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the development and operation of—

''(1) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

''(2) programs to—

''(A) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

''(B) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

''(C) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

''(b) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this section shall allocate the funds to area agencies on aging to carry out this part in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

''(1) that are medically underserved; and

''(2) in which there are a large number of older individuals.

''(c) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

''(1) coordinate services described in subsection (a) with other community agencies, and voluntary organizations, providing similar or related services; and

''(2) to the greatest extent practicable, integrate outreach and educational activities with existing (as of the date of the integration) health care and social service providers serving older individuals in the planning and service area involved.

''(d) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in subsection (a).''.

SEC. 104. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) by inserting before section 401 the following:

''TITLE IV—GRANTS FOR EDUCATION, TRAINING, AND RESEARCH'';

and

(2) in part A of title IV, by adding at the end the following:

''SEC. 422. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

''(a) DEFINITION.—In this section, the term 'rural area' means—

''(1) any area that is outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(2) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in rural areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Assistant Secretary may require, including—

''(1) information describing—

''(A) the geographic area and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available;

''(C) using telecommunications technologies as appropriate and available; and

''(D) in coordination with other providers of health care and social services (such as senior centers and adult day care providers) serving the area; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary

such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under sections 381 and 423, and sections 520K and 520L of the Public Health Service Act.''.

SEC. 105. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3032 et seq.), as amended by section 104, is further amended by adding at the end the following:

''SEC. 423. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

''(a) DEFINITIONS.—In this section:

''(1) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'naturally occurring retirement community' means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place (and become older individuals) while residing in such area.

''(2) URBAN AREA.—The term 'urban area' means—

''(A) a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

''(B) such similar area as the Secretary specifies in a regulation issued under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

''(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in naturally occurring retirement communities located in urban areas.

''(c) DURATION.—Grants made under this section shall be made for 3-year periods.

''(d) APPLICATION.—To be eligible to receive a grant under this section, a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Assistant Secretary may require, including—

''(1) information describing—

''(A) the naturally occurring retirement community and target population (including the racial and ethnic composition of the target population) to be served by the project; and

''(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project;

''(2) assurances that the applicant will carry out the project—

''(A) through a multidisciplinary team of licensed mental health professionals;

''(B) using evidence-based intervention and treatment protocols to the extent such protocols are available; and

''(C) in coordination with other providers of health care and social services serving the retirement community; and

''(3) assurances that the applicant will conduct and submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(3).

''(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to grants made under this section with programs and activities receiving funds pursuant to grants made under sections 381 and 422, and sections 520K and 520L of the Public Health Service Act.''.

TITLE II—PUBLIC HEALTH SERVICE ACT AMENDMENTS

SEC. 201. DEMONSTRATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended—

(1) in section 520(b)—

(A) in paragraph (14), by striking ''and'' after the semicolon;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) conduct the demonstration projects specified in section 520K.''; and

(2) by adding at the end the following:

''SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public and private nonprofit entities for projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

''(b) REQUIREMENTS.—In order to be eligible for a grant under this section, the project to be carried out by the entity shall provide for collaborative care within a primary care setting, involving psychiatrists, psychologists, and other licensed mental health professionals (such as social workers and advanced practice nurses) with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

''(1) screening services by a mental health professional with at least a masters degree in an appropriate field of training;

''(2) referrals for necessary prevention, intervention, follow-up care, consultations, and care planning oversight for mental health and other service needs, as indicated; and

''(3) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

''(c) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(d) DURATION.—A project may receive funding pursuant to a grant under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

''(e) APPLICATION.—To be eligible to receive a grant under this section, a public or private nonprofit entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(g) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, other Federal, State, or local funds available to an entity to carry out activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.''.

SEC. 202. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 201, is further amended by adding at the end the following:

''SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

''(1) mental health service providers of a State or local government;

''(2) outpatient programs of private, nonprofit hospitals;

''(3) community mental health centers meeting the criteria specified in section 1913(c); and

''(4) other community-based providers of mental health services.

''(b) REQUIREMENTS.—To be eligible to receive a grant under this section, an entity shall—

''(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substance and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

''(A) by or under the auspices of the Secretary; or

''(B) by academicians with expertise in mental health and aging;

''(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

''(3) coordinate and integrate the services provided by such team with the services of social service, mental health, and medical providers at the site or sites where the team is based in order to—

''(A) improve patient outcomes; and

''(B) to assure, to the maximum extent feasible, the continuing independence of older adults who are residing in the community.

''(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

''(1) senior centers;

''(2) adult day care programs;

''(3) assisted living facilities; and

''(4) recipients of grants to provide services to senior citizens under the Older Americans Act of 1965, under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for) any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section, the Secretary, to the extent feasible, shall ensure that—

''(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

''(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

''(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

''(1) submit an application to the Secretary (in such form, containing such information, at such time as the Secretary may specify); and

''(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

''(f) COORDINATION.—The Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under section 520K and sections 381, 422, and 423 of the Older Americans Act of 1965.

''(g) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall supplement, and not supplant, other Federal, State, or local funds available to an entity to carry out activities described in this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.''.

SEC. 203. DESIGNATION OF DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290bb–31) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Older Adult Mental Health Services, who shall be responsible for the development and implementation of initiatives of the Center to address the mental health needs of older adults. Such initiatives shall include—

''(1) research on prevention and identification of mental disorders in the geriatric population;

''(2) innovative demonstration projects for the delivery of community-based mental health services for older Americans;

''(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

''(4) development of model training programs for mental health professionals and care givers serving older adults.''.

SEC. 204. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health Service Act (42 U.S.C. 290aa–1(b)(3)) is amended by adding at the end the following:

''(C) In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists.''.

SEC. 205. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–2(b)(2)) is amended by inserting before the period the following: '', and to providing treatment for older adults with alcohol or substance abuse or addiction, including medication misuse or dependence''.

SEC. 206. CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1912(b)(4)of the Public Health Service Act (42 U.S.C. 300x–2(b)(4)) is amended to read as follows:

''(4) TARGETED SERVICES TO OLDER INDIVIDUALS, INDIVIDUALS WHO ARE HOMELESS, AND INDIVIDUALS LIVING IN RURAL AREAS.—The plan describes the State's outreach to and services for older individuals, individuals who are homeless, and individuals living in rural areas, and how community-based services will be provided to these individuals.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted on or after the date that is 180 days after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself and Mr. ALEXANDER):

S. 1117. A bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

Mr. LIEBERMAN. Mr. President, I rise to introduce a bill that aims to redefine and enhance the relationship between the People's Republic of China and the United States of America.

At this point in our history we stand at the threshold of a new era in American Foreign policy and indeed of world history. For the first time ever an economic and military superpower is about to emerge without war or catastrophe: Asia's middle kingdom: the People's Republic of China, stands at the precipice of becoming one of the two most influential nations on Earth.

I have always held that our foreign policy is best conducted when our values as a Nation form the basis of our policies. With that in mind, I stand before you today to introduce legislation that will deepen the scope and breadth of America's relationship with China through the reaching out of our Nation's hand in friendship.

We introduce this with a bit of humility because history constantly shows us that the more things change, the more they stay the same. Fortunately American history is filled with good ideas to guide us.

Back in 1871, President Ulysses S. Grant told Congress that trade imbalances with China were threatening the viability of key United States' industries and warned that federal intervention might be needed to restore the balance of trade.

That is true today and I am both sponsoring and supporting legislation to fairly revalue the Yuan so that U.S. industries and workers enjoy a fair playing field in the global market.

But Grant also thought many problems with China could be solved if we just better understood Chinese language and culture. He proposed sending at least four American students a year to China to study the language and culture and who would then act as effective translators for business and government officials.

Grant's idea was never acted on and years of unfortunate history separated China from the rest of the world anyway.

But China is back and so are the challenges.

Those versed in international affairs and trade are fully aware of China's emerging influence. However, our present education system is not equipped to supply the number of skilled professionals required to constructively interact with China. According to the 2000 Census there are about 2.2 million Americans that speak Chinese. Of that 2.2 million, approximately 85–95 percent are Americans of Chinese descent. According to several studies there is a dearth of knowledge among college-bound students regarding Chinese cultural pillars like Mao Zedong in the United States. China, on the other hand, mandates English instruction beginning in—what we would call—the third grade. For every student we send to China to study there, they send 25 to study here.

If you combine these findings with the fact that well over half of the 500 largest companies are currently invested in China, with many more drawing up plans to do so, it becomes clear to me that the talent pool for future American-produced leaders with expertise in Chinese affairs is woefully inadequate. If you take a look at China's top ten trading partners, seven of those have a trade surplus with China and most importantly, five of those seven have a significant population with deep-seated knowledge of Chinese language and culture. America needs more people with the expertise to transact with China in international affairs and

to increase the number of professionals that will assist both nations in growing and balancing our economic interdependency.

The future repercussions of our lack of knowledge about Chinese culture are immense. The Chinese have just begun to compete with U.S. firms for precious natural resources to feed the exponential growth of their economy. China is the world's biggest consumer of steel and in another decade will be the biggest consumer of petroleum. Currently, China's middle class is the fastest growing anywhere in the world. Over 400 of the world's Fortune 500 companies are invested in China's economy, which will soon be the largest consumer market in the world. Already, our trade with Asia is double that with Europe and is expected to exceed one trillion dollars annually before 2010. China, soon to be the biggest economic power in Asia, will play a large role in that growth. Consequently, the one in six U.S. jobs that are currently tied to international trade will grow substantially. If the U.S. is to grab a significant piece of China's burgeoning consumer market, we must begin by engaging China as experts of their culture.

The United States-China Cultural Engagement Act of 2005 authorizes $1.3 billion over the five years after its enactment. This is a symbolic gesture for the recent birth of China's one billion three hundred millionth citizen. One may argue that is too much given other important—under-funded—national priorities. However, the dividend from this investment in our future business and government leaders pays for itself a hundred or even a million times over in opportunities for economic growth and in potential foreign crises that will be averted.

In this legislation, I propose to significantly enhance our schools and academic institutions' ability to teach Chinese language and culture from elementary school through advanced degree studies. This act will expand student physical exchange programs with China as well as create a virtual exchange infrastructure for secondary school students that study Chinese. Initiatives were included, that offer the Department of State more flexibility in granting visas to Chinese scientists to come here and study at American academic institutions. For American businesses, I seek a substantial increase in Foreign Commercial Service officers stationed in China to uncover and facilitate more American export opportunities. For non-corporate entrepreneurs, provisions that provide for the expansion of state specific export centers and greater Small Business Administration outreach were also included.

Engaging China as an ally in international affairs and as a partner in building economic prosperity is of the utmost importance to the United States. Only if we succeed in fostering this relationship can we have a future that is as bright as our past. Education experts, corporate leaders, and even some government officials have talked for sometime about the convergence of economic, demographic, and national security trends that require our young people to attain a greater level of international knowledge and skills to be successful as workers and citizens in our increasingly dynamic American economy.

The rise of China comes with a whole set of challenges. But the ability to talk to and understand each other should not be among them.

The United States-China Cultural Engagement Act sets forth a strategy for achieving that level of understanding and cooperation with China, I urge my colleagues to look favorably upon this measure.

By Mr. FEINGOLD:

S. 1118. A bill to amend the Reclamation Reform Act of 1982 to reduce irrigation subsidies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing a measure aimed at curbing wasteful spending. In the face of our ever growing Federal deficit, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The measure that I introduce today establishes a means test for large agribusinesses receiving subsidized water from the Bureau of Reclamation.

The irrigation means test provision is drawn from legislation that I have sponsored in previous Congresses to reduce the amount of Federal irrigation subsidies received by large agribusiness interests. I believe that reforming Federal water pricing policy by reducing subsidies is important as a means to achieve our broader objectives of achieving a truly balanced budget. This legislation is also needed to curb fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act of 1902, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms, those no larger than 160 acres, a chance, with a helping hand from the Federal Government, to establish themselves. According to a 1996 General Accounting Office report, since the passage of the Reclamation Act, the Federal Government has spent $21.8 billion to construct 133 water projects in the west to provide water for irrigation. Agribusinesses, and other project beneficiaries, are required under the law to repay to the Federal Government their allocated share of the costs of constructing these projects.

As a result of the subsidized financing provided by the Federal Government, however, some of the beneficiaries of Federal water projects repay considerably less than their full share of these costs. According to the 1996 GAO report, agribusinesses generally receive the largest amount of federal financial assistance. Since the initiation of the irrigation program in 1902, construction costs associated with irrigation have been repaid without interest. The GAO further found, in reviewing the Bureau of Reclamation's financial reports, that $16.9 billion, or 78 percent, of the $21.8 billion of Federal investment in water projects is considered to be reimbursable. Of the reimbursable costs, the largest share, $7.1 billion, is allocated to irrigation interests. GAO also found that the Bureau of Reclamation will likely shift $3.4 billion of the debt owed by agribusinesses to other users of the water projects for repayment.

There are several reasons why large agribusinesses continue to receive such significant subsidies. Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water from 160 acres to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving federally subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960 acre entitlement.

Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

The Department of the Interior has acknowledged that these trusts exist. Interior published a final rulemaking in 1998 to require farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities, to submit RRA forms to the district(s) where such land is located. Water districts are now required to provide specific information about farm operators to Interior annually. This information is an important step toward enforcing the legislation that I am reintroducing today.

A recent report by the Environmental Working Group examined water

subsidies in the Central Valley Project (CVP) of California and it provides further evidence that this legislation is long overdue. According to EWG, in 2002, the largest 10 percent of the farms in the area got 67 percent of the water, for an average subsidy worth up to $349,000 each at market rates for replacement water. Twenty-seven large farms received subsidies each worth $1 million or more at market rates. Yet, the median subsidy for a Central Valley farmer in 2002 was $7,076 a year, almost 50 times less than the largest 10 percent of farms. One farm in Fresno County received more water by itself than 70 CVP water user districts. Its subsidy alone was worth $4.2 million a year at market rates.

This analysis is significant because the Bureau of Reclamation program is supposed to help small farmers, not large agribusinesses. The CVP analysis is also important because CVP farmers get about one-fifth of all the water used in California, at rates that by any measure are far below market value. In 2002, for example, the average price for irrigation water from the CVP was less than 2 percent what Los Angeles residents pay for drinking water, one-tenth the estimated cost of replacement water supplies, and about one-eighth what the public pays to buy its own water back to restore the San Francisco Bay and Delta. Meanwhile, many citizens in living in the CVP do not have access to clean, safe drinking water. Unfortunately, this situation is pervasive in many other Western communities.

My legislation combines various elements of proposals introduced by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit that claimed $500,000 or more in gross income, as reported on its most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961 acre operation earned $1 million, a ratio of $500,000, the means-test value, divided by its gross income would determine the full cost rate. Thus the water user would pay the full cost rate on half of their acreage and the below-cost rate on the remaining half.

This means-testing proposal was featured in the 2000 Green Scissors report. This report is compiled annually by Friends of the Earth and Taxpayers for Common Sense and supported by a number of environmental, consumer and taxpayer groups. The premise of the report is that there are a number of subsidies and projects that could be cut to both reduce the deficit and benefit the environment. The Green Scissors recommendation on means-testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the federal government would recover between $440 million and $1.1 billion per year, or at least $2.2 billion over 5 years.

When countless Federal programs are subjected to various types of means tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country, particularly in tight budgetary times.

I urge Congress to act swiftly to save money for the taxpayers.

By Mr. CHAMBLISS:

S. 1119. A bill to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, today, I am introducing legislation to fix a problem that some of my colleagues have experienced in serving their constituents. Immigration case work is one of the top issues that my State offices handle on a regular basis. Occasionally, people who are in our country legally and playing by the rules can slip through the cracks as they wait on the immigration process to run its course. With the massive caseload handled by immigration services, there are bound to be mistakes, and this legislation allows the agency to remedy those mistakes in the limited situation of the Diversity Visa program.

The case of an Atlanta couple, Charles Nyaga and his wife, Doin, came to my attention about a year ago. Charles Nyaga, a native of Kenya, came to the U.S. with his family as a student in 1996, and he is currently pursuing a master's degree in divinity. In 1997, he applied for the fiscal year 1998 Diversity Visa program and the Immigration and Naturalization Service (INS) selected him. In accordance with the Diversity Visa requirements, Nyaga and his wife submitted an application and a fee to adjust their status to legal permanent resident.

A cover letter on the Diversity Visa application instructed: ''While your application is pending before the interview, please DO NOT make inquiry as to the status of your case, since it will result in further delay.'' During the eight months that INS had to review his application, Nyaga accordingly never made inquiry, and he unfortunately never heard back. His valid application simply slipped through the cracks. At the end of the fiscal year, Nyaga's application expired, although a sufficient number of diversity visas remained available.

Nyaga and his wife took their case all the way to the 11th Circuit Court of Appeals. In a decision last year, the Court found that the INS lacks the authority to act on Nyaga's application after the end of the fiscal year, regardless of how meritorious his case is. The court even went so far as to note that a private relief bill is the remedy for Nyaga in order to overcome the statuary barrier that prohibits the INS from reviewing a case in a prior fiscal year. The U.S. Supreme Court declined to take up this case.

My legislation would overcome this statutory hurdle for Charles Nyaga, his wife, and others who are similarly situated. The legislation would give the Department of Homeland Security (DHS) the opportunity to reopen cases from previous fiscal years in order to complete their processing. It is important to understand that this process would only be available to those individuals who have been here since the time they filed their claim. The bill would still give DHS the discretion to conduct background checks and weigh any security concerns before adjusting an applicant's status.

I look forward to working with my colleagues and with Homeland Security officials to pass this legislation this year. We must provide relief in these cases. I believe this targeted legislation strikes the proper balance to provide thorough processing of Diversity Visa applications while not compromising the Department's national security mission.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. LUGAR, and Mr. SMITH):

S. 1120. A bill to reduce hunger in the United States by half by 2010, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, nearly a decade ago, at the 1996 World Food Summit, the United States joined 185 other countries in a commitment to cut the number of undernourished people in the world in half by 2015. In 2000, as part of the Healthy People 2010 initiative, the U.S. government set another, more ambitious goal—to cut U.S. food insecurity in half from the 1995 level by 2010.

These are laudable and achievable goals. But our actions as a Nation have not kept pace with our words. Hunger and food insecurity have increased in this country each year since 1999. According to Household Food Security in the United States, 2003, the most recent report on hunger and food insecurity in the U.S. from the U.S. Department of Agriculture, 36.3 million people—including nearly 13.3 million children—lived in households that experienced hunger or the risk of hunger in 2003. This represents more than one in ten households in the United States (11.2 percent) and is an increase of 1.4 million, from 34.9 million in 2002.

In his remarks to delegates at the first World Food Congress in 1963, President John F. Kennedy said, ''We have the means, we have the capacity

to eliminate hunger from the face of the earth in our lifetime. We only need the will.''

Forty-two years later, we still need the will, especially the political will.

In June 2004, the National Anti-Hunger Organization (NAHO), which is comprised of the 13 national organizations that are working to end widespread hunger in our country, released A Blueprint to End Hunger. It is a roadmap setting forth a strategy for government, schools and community organizations, nonprofit groups, businesses, and individuals to solve the problem of hunger. The report recommends that Federal food programs continue as the centerpiece of our strategy to end hunger. It also urges us, the Federal Government, to invest in and strengthen the national nutrition safety net and increase outreach and awareness of the importance of preventing hunger and improving nutrition.

We know that Federal nutrition programs work. WIC, food stamps, the school breakfast and lunch programs, and other federal nutrition programs are reaching record numbers of Americans today, and making their lives better. But we're not reaching enough people. There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night. There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are too many seniors, and children, who go to bed hungry. In the richest Nation in the history of the world, that's unacceptable.

Today, in an effort to stir the political will and rekindle our commitment to achieve the goal of ending hunger, I am introducing the Hunger-Free Communities Act of 2005 with Senators SMITH, LUGAR, and LINCOLN. This bill builds on the recommendations made by NAHO and is designed to put our nation back on track toward the goal of cutting domestic food insecurity and hunger in half by 2010. It contains a sense of the Congress reaffirming our commitment to the 2010 goal and establishing a new goal: the elimination of hunger in the United States by 2015. This sense of Congress also urges the preservation of the entitlement nature of food programs and the protection of federal nutrition programs from funding cuts that reduce benefit levels or the number of eligible participants.

The Hunger-Free Communities Act also increases the resources available to local groups across the country working to eliminate hunger in their communities. Each day, thousands of community-based groups and millions of volunteers work on the front lines of the battle against hunger. This bill establishes an anti-hunger grant program, the first of its kind, with an emphasis on assessing hunger in individual communities and promoting cooperation and collaboration among local anti-hunger groups. The grant program recognizes the vital role that community-based organizations already play in the fight against hunger and represents Congress' commitment to the public/private partnership necessary to reduce, and ultimately eliminate, food insecurity and hunger in this country.

Hunger is not a partisan issue. During the 1960s and 1970s, under both Democratic and Republican Administrations, our country undertook initiatives and put in place programs that substantially reduced the number of people who struggle to feed their families in our nation. Unfortunately, this progress has not been sustained.

We now have the opportunity to forge a new bipartisan partnership, committed to addressing hunger in the United States. Senators SMITH, DOLE, LINCOLN, and I have created the bipartisan Senate Hunger Caucus with that goal in mind. Progress against hunger is possible, even with a war abroad and budget deficits at home. I thank my colleagues for their leadership on the Hunger Caucus and look forward to working with them, and other members of this body, as we consider the Hunger-Free Communities Act.

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. 1120

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hunger-Free Communities Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) food insecurity and hunger are growing problems in the United States;

(2) in 2003, more than 36,000,000 people, 13,000,000 of whom were children, lived in households that were food insecure, representing an increase of 5,200,000 people in just 4 years;

(3) over 9,600,000 people lived in households in which at least 1 person experienced hunger;

(4)(A) at the 1996 World Food Summit, the United States, along with 185 other countries, pledged to reduce the number of undernourished people by half by 2015;

(B) as a result of this pledge, the Department of Health and Human Services adopted the Healthy People 2010 goal to cut food insecurity in half by 2010, and in doing so reduce hunger;

(5)(A) the Healthy People 2010 goal measures progress that has been made since the 1996 World Food Summit and urges the Federal Government to reduce food insecurity from the 1995 level of 12 percent to 6 percent;

(B) in 1999, food insecurity decreased to 10.1 percent, and hunger decreased to 3 percent, but no progress has been made since 1999;

(C) in 2003, food insecurity increased to 11.2 percent and hunger increased to 3.5 percent, so that the United States needs to reduce food insecurity by approximately 5 percentage points in the next 5 years in order to reach the Healthy People 2010 goal;

(6) anti-hunger organizations in the United States have encouraged Congress to achieve the commitment of the United States to decrease food insecurity and hunger in half by 2010 and eliminating food insecurity and hunger by 2015;

(7) anti-hunger organizations in the United States have identified strategies to cut food insecurity and hunger in half by 2010 and to eliminate food insecurity and hunger by 2015;

(8)(A) national nutrition programs are among the fastest, most direct ways to efficiently and effectively prevent hunger, reduce food insecurity, and improve nutrition among the populations targeted by a program;

(B) the programs are responsible for the absence of widespread hunger and malnutrition among the poorest people, especially children, in the United States;

(9)(A) although national nutrition programs are essential in the fight against hunger, the programs fail to reach all of the people eligible and entitled to their services;

(B) according to the Department of Agriculture, only approximately 56 percent of food-insecure households receive assistance from at least 1 of the 3 largest national nutrition programs, the food stamp program, the special supplemental nutrition program for women, infants, and children (WIC), and the school lunch program;

(C) the food stamp program reaches only about 54 percent of the households that are eligible for benefits; and

(D) free and reduced price school breakfasts are served to about ½ of the low-income children who get free or reduced price lunches, and during the summer months, less than 20 percent of the children who receive free and reduced price school lunches are served meals;

(10) in 2001, food banks, food pantries, soup kitchens, and emergency shelters helped to feed more than 23,000,000 low-income people;

(11) community-based organizations and charities can help—

(A) play an important role in preventing and reducing hunger;

(B) measure community food security;

(C) develop and implement plans for improving food security;

(D) educate community leaders about the problems of and solutions to hunger;

(E) ensure that local nutrition programs are implemented effectively; and

(F) improve the connection of food insecure people to anti-hunger programs;

(12) according to the Department of Agriculture, in 2003, hunger was 8 times as prevalent, and food insecurity was nearly 6 times as prevalent, in households with incomes below 185 percent of the poverty line as in households with incomes at or above 185 percent of the poverty line; and

(13) in order to achieve the goal of reducing food insecurity and hunger by ½ by 2010, the United States needs to—

(A) ensure improved employment and income opportunities, especially for less-skilled workers and single mothers with children; and

(B) reduce the strain that rising housing and health care costs place on families with limited or stagnant incomes.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOMESTIC HUNGER GOAL.—The term ''domestic hunger goal'' means—

(A) the goal of reducing hunger in the United States to at or below 2 percent by 2010; or

(B) the goal of reducing food insecurity in the United States to at or below 6 percent by 2010.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) FOOD SECURITY.—The term ''food security'' means the state in which an individual has access to enough food for an active, healthy life.

(4) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—NATIONAL COMMITMENT TO END HUNGER

SEC. 101. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Congress is committed to—

(A) achieving domestic hunger goals;

(B) achieving hunger-free communities goals; and

(C) ending hunger by 2015;

(2) Federal food and nutrition programs should receive adequate funding to meet the requirements of the programs; and

(3) the entitlement nature of the child and adult care food program, the food stamp program established by section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013), the school breakfast and lunch programs, and the summer food service program should be preserved.

SEC. 102. DATA COLLECTION.

(a) IN GENERAL.—The American Communities Survey, acting under the authority of the Census Bureau pursuant to section 141 of title 13, United States Code, shall collect and submit to the Secretary information relating to food security.

(b) COMPILATION.—Not later than October 31 of each year, the Secretary shall compile the information submitted under subsection (a) to produce data on food security at the Federal, State, and local levels.

SEC. 103. ANNUAL HUNGER REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study, and annual updates of the study, of major matters relating to the problem of hunger in the United States, as determined by the Secretary.

(2) MATTERS TO BE ASSESSED.—The matters to be assessed by the Secretary shall include—

(A) the information compiled under section 102(b);

(B) measures carried out during the previous year by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals; and

(C) measures that could be carried out by Federal, State, and local governments to achieve domestic hunger goals and hunger-free communities goals.

(b) RECOMMENDATIONS.—The Secretary shall develop recommendations on—

(1) removing obstacles to achieving domestic hunger goals and hunger-free communities goals; and

(2) otherwise reducing domestic hunger.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the President and Congress a report that contains—

(1) a detailed statement of the results of the study, or the most recent update to the study, conducted under subsection (a); and

(2) the most recent recommendations of the Secretary under subsection (b).

TITLE II—STRENGTHENING COMMUNITY EFFORTS

SEC. 201. HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a public food program service provider or a nonprofit organization, including but not limited to an emergency feeding organization, that demonstrates the organization has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(3) NON-FEDERAL SHARE.—

(A) CALCULATION.—The non-Federal share of the cost of an activity under this section may be provided in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(B) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this section through a State government, a local government, or a private source.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund;

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity;

(C) list any partner organizations of the eligible entity that will participate in an activity funded by the grant;

(D) describe any agreement between a partner organization and the eligible entity necessary to carry out an activity funded by the grant; and

(E) if an assessment described in subsection (d)(1) has been performed, include—

(i) a summary of that assessment; and

(ii) information regarding the means by which the grant will help reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities that—

(A) demonstrate in the application of the eligible entity that the eligible entity makes collaborative efforts to reduce hunger in the community of the eligible entity; and

(B)(i) serve a predominantly rural and geographically underserved area;

(ii) serve communities in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates;

(iii) provide evidence of long-term efforts to reduce hunger in the community;

(iv) provide evidence of public support for the efforts of the eligible entity; or

(v) demonstrate in the application of the eligible entity a commitment to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—

(1) ASSESSMENT OF HUNGER IN THE COMMUNITY.—

(A) IN GENERAL.—An eligible entity in a community that has not performed an assessment described in subparagraph (B) may use a grant received under this section to perform the assessment for the community.

(B) ASSESSMENT.—The assessment referred to in subparagraph (A) shall include—

(i) an analysis of the problem of hunger in the community served by the eligible entity;

(ii) an evaluation of any facility and any equipment used to achieve a hunger-free communities goal in the community;

(iii) an analysis of the effectiveness and extent of service of existing nutrition programs and emergency feeding organizations; and

(iv) a plan to achieve any other hunger-free communities goal in the community.

(2) ACTIVITIES.—An eligible entity in a community that has submitted an assessment to the Secretary shall use a grant received under this section for any fiscal year for activities of the eligible entity, including—

(A) meeting the immediate needs of people in the community served by the eligible entity who experience hunger by—

(i) distributing food;

(ii) providing community outreach; or

(iii) improving access to food as part of a comprehensive service;

(B) developing new resources and strategies to help reduce hunger in the community;

(C) establishing a program to achieve a hunger-free communities goal in the community, including—

(i) a program to prevent, monitor, and treat children in the community experiencing hunger or poor nutrition; or

(ii) a program to provide information to people in the community on hunger, domestic hunger goals, and hunger-free communities goals; and

(D) establishing a program to provide food and nutrition services as part of a coordinated community-based comprehensive service.

SEC. 202. HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an emergency feeding organization (as defined in section 201A(4) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501(4))).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 40 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) identify any activity described in subsection (d) that the grant will be used to fund; and

(B) describe the means by which an activity identified under subparagraph (A) will reduce hunger in the community of the eligible entity.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a community that has carried out long-term efforts to reduce hunger in the community.

(D) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

(1) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community;

(2) assisting an emergency feeding organization in the community in obtaining locally-produced produce and protein products; and

(3) assisting an emergency feeding organization in the community to process and serve wild game.

SEC. 203. HUNGER-FREE COMMUNITIES TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a national or regional nonprofit organization that carries out an activity described in subsection (d).

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall use not more than 10 percent of any funds made available under title III to make grants to eligible entities to pay the Federal share of the costs of an activity described in subsection (d).

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this section shall not exceed 80 percent.

(c) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, an eligible entity shall submit an application to the Secretary at the time and in the manner and accompanied by any information the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the eligible entity does not operate for profit;

(B) describe any national or regional training program carried out by the eligible entity, including a description of each region served by the eligible entity;

(C) describe any national or regional technical assistance provided by the eligible entity, including a description of each region served by the eligible entity; and

(D) describe the means by which each organization served by the eligible entity—

(i) works to achieve a domestic hunger goal;

(ii) works to achieve a hunger-free communities goal; or

(iii) used a grant received by the organization under section 201 or 202.

(3) PRIORITY.—In making grants under this section, the Secretary shall give priority to eligible entities the applications of which demonstrate 2 or more of the following:

(A) The eligible entity serves a predominantly rural and geographically underserved area.

(B) The eligible entity serves a region in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(C) The eligible entity serves a region that has carried out long-term efforts to reduce hunger in the region.

(D) The eligible entity serves a region that provides public support for the efforts of the eligible entity.

(E) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(d) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out national or regional training and technical assistance for organizations that—

(1) work to achieve a domestic hunger goal;

(2) work to achieve a hunger-free communities goal; or

(3) receive a grant under section 201 or 202.

SEC. 204. REPORT.

Not later than September 30, 2011, the Secretary shall submit to Congress a report describing—

(1) each grant made under this title, including—

(A) a description of any activity funded by such a grant; and

(B) the degree of success of each activity funded by such a grant in achieving hunger-free communities goals; and

(2) the degree of success of all activities funded by grants under this title in achieving domestic hunger goals.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out title II $50,000,000 for each of fiscal years 2006 through 2011.

Mrs. LINCOLN. Mr. President, while serving as a Congressmen from Texas in the 1980s, Mickey Leland said, ''I cannot get used to hunger and desperate poverty in our plentiful land. There is no reason for it, there is no excuse for it, and it is time that we as a nation put an end to it.''

Over 15 years have passed since Mr. Leland delivered those powerful remarks, and we have yet to achieve his goal of ending hunger in America. In many respects, we have only slipped backwards. According to the U.S. Department of Agriculture, 36.3 million Americans, including 13.3 million children, experienced hunger or food insecurity in 2003. These figures, startling on their own, have been increasing steadily since 1999. We need to reverse this trend.

Mr. President, I rise today to pledge my commitment to this cause. Today, I am pleased to join Senators DURBIN, SMITH, and LUGAR in introducing the Hunger-Free Communities Act of 2005. This bill establishes a goal of ending hunger in America by 2015. The bill also supports preserving the entitlement framework of the federal food programs. Our federal food programs are vitally important to the millions of working Americans that are trying to make ends meet and the millions of children who need access to nutritious food.

In addition, this bill commits our fullest efforts to protecting the discretionary food program from budget cuts that would prevent these programs from addressing identified need. Lastly, the bill provides needed resources to non-profit organizations that fight to reduce hunger every day. The grant programs this bill establishes will promote new partnerships and help build the infrastructure we believe is necessary to root out hunger in every corner of our nation.

Almost a year ago, I joined Senators SMITH, DURBIN and DOLE in founding the bipartisan Senate Hunger Caucus to address the growing problem of hunger in America and around the world. The Senate Hunger Caucus currently has 34 members and we are working together to raise awareness about these issues and help create solutions to the hunger problem.

While there are many difficult problems we work to solve in Congress, hunger is a problem that has a solution. This bill is an example of our bipartisan effort to develop solutions to the hunger problem in America. I am proud to work with my colleagues to support ending hunger for the millions of Americans who find themselves without access to one of the most basic needs—nutritious food.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1122. A bill to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN to introduce the Southeast Arizona Land Exchange and Conservation Act of 2005. This bill, which facilitates an important land exchange in Arizona, is the product of months of discussion between the United States Forest Service, Bureau of Land Management, State and local officials, community groups, recreational and conservation groups, and other stakeholders. It will allow for the protection of some of the most environmentally sensitive lands in Arizona while providing a much needed economic engine for the people of Superior, AZ and the surrounding communities. An identical companion bill is being introduced today in the House of Representatives by Representative RENZI.

The exchange conveys approximately 3,025 acres of land controlled by the Forest Service to Resolution Copper Company. The acreage to be traded to Resolution Copper will facilitate future exploration, and possible development, of what may be one of the largest deposits of copper ore ever discovered in North America. The 3,025 acres are intermingled with, or lie next to, private lands already owned by Resolution Copper, and are located south and

east of Resolution's existing underground Magma copper mine. Approximately 75 percent of the 3,025 acre Federal parcel is already blanketed by federally authorized mining claims owned by Resolution Copper that give Resolution the right to explore and develop mineral deposits on it. Given the intermingled ownership, the public safety issues that may be associated with mining activities, and the significant financial investment Resolution Copper must make to even determine whether development of a mine is feasible, it makes sense, for Resolution Copper to own the entire mining area.

However, we also recognize that there is public resource value associated with the Federal land that would come into private ownership and, to the extent we can, we should protect and or replace these resources. The Apache Leap Escarpment, a spectacular cliff area comprising approximately 562 acres on the western side of the federal parcel, is an area deserving of protection. To protect the surface of this area from mining and development, the bill requires that a permanent conservation easement be placed on this area. In addition, the bill sets up a process to determine whether additional or enhanced public access should be provided to Apache Leap and, if so, provides that Resolution Copper will pay up to $250,000 to provide such access.

The bill also requires replacement sites for the Oak Flat Campground and the climbing area that are located on the Federal parcel that will be traded to Resolution Copper. The process to locate replacement sites is already under way, and I am told it is going well. Access to these public areas will not immediately terminate on enactment of this legislation: The bill allows continued public use of the Oak Flat Campground for two years after the enactment and it allows for continued rock climbing use for two years after, and use of the land for the annual ''Boulder Blast'' rock climbing competition for five years after enactment. Replacement sites will be designed and developed largely with funding provided by Resolution Copper.

I am also working with Resolution Copper and community groups to determine whether there may be additional climbing areas within the Federal parcel that could continue to be accessible to the public without compromising public safety or the mining operation. I have included a placeholder in the bill for such additional climbing provisions if agreed to.

In return for conveying the Federal land parcel to Resolution Copper, the Forest Service and Bureau of Land Management will receive six parcels of private land, totaling 4,814 acres. These parcels have been identified, and are strongly endorsed for public acquisition, by the Forest Service, BLM, Arizona Audubon Society, Nature Conservancy, Sonoran Institute, Arizona Game and Fish Department, and numerous others.

The largest of the six parcels is the Seven B Ranch located near Mammoth. It runs for 6.8 miles along both sides of the lower San Pedro River—one of the few remaining undammed rivers in the southwestern United States. The parcel also has: one of the largest, and possibly oldest, mesquite bosques in Arizona; a high volume spring that flows year round; and potential recovery habitat for several endangered species, including the southwestern willow flycatcher. It lies on an internationally recognized migratory bird flyway, with roughly half the number of known breeding bird species in North America passing through the corridor. Public acquisition of this parcel will greatly enhance efforts by Federal and State agencies to preserve for future generations the San Pedro River and its wildlife and bird habitat.

A second major parcel is the Appleton Ranch, consisting of 10 private inholdings intermingled with the Appleton-Whittell Research Ranch, adjacent to the Las Cienegas National Conservation Area southeast of Tucson. This acquisition will facilitate and protect the study of southwestern grassland ecology and unique aquatic wildlife and habitat.

Finally, the Forest Service will acquire four inholdings in the Tonto National Forest that possess valuable riparian and wetland habitat, water resources, historic and cultural resources, and habitat for numerous plant, wildlife and bird species, including the endangered Arizona hedgehog cactus.

Although the focus of this bill is the land exchange between Resolution Copper and the United States, it also includes provisions allowing for the conveyance of Federal lands to the Town of Superior, if it so requests. These lands include the town cemetery, lands around the town airport, and a Federal reversionary interest that exists at its airport site. These lands are included in the proposed exchange to assist the town in providing for its municipal needs and expanding its economic development.

Though I have described the many benefits of this exchange, you may be asking why we are legislating this land exchange. Why not use the existing administrative land exchange process? The answer is that this exchange can only be accomplished legislatively because the Forest Service does not have the authority to convey away federal lands in order to acquire other lands outside the boundaries of the National Forest System, no matter how ecologically valuable.

Of primary importance to me is that the exchange have procedural safeguards and conditions that ensure it is an equal value exchange that is in the public interest.

I will highlight some of the safeguards in this legislation: First, it requires that all appraisals of the lands must follow standard Federal practice and be performed in accordance with appraisal standards promulgated by the U.S. Department of Justice. All appraisals must also be formally reviewed, and approved, by the Secretary of Agriculture. Second, to ensure the Federal Government gets full value for the Federal parcel it is giving up, the Federal parcel will be appraised to include the minerals and appraised as if unencumbered by the private mining claims that detract from the fair market value of the land. These are important provisions not required by Federal law. They are especially significant given that over 75 percent of the Federal parcel is covered by mining claims owned by Resolution Copper and the bulk of the value of the Federal parcel is expected to be the minerals. Third, it requires that the Apache Leap conservation easement not be considered in determining the fair market value of the Federal land parcel. I believe by following standard appraisal practices and including these additional safeguards in the valuation process, the United States, and ultimately the taxpayer, will receive full fair market value for both the land and the minerals it contains.

In summary, with this land exchange we can preserve lands that advance the important public objectives of protecting wildlife habitat, cultural resources, the watershed, and aesthetic values, while generating economic and employment opportunities for State and local residents. I hope we approve the legislation at the earliest possible date. It is a winning scenario for our environment, our economy, and our posterity.

By Mr. SANTORUM:

S. 1125. A bill to reform liability for certain charitable contributions and services; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I am introducing the Expanding Charitable and Volunteer Opportunities Act of 2005. I am proud of the charitable work that is continuously done throughout this country. However, individual charitable giving rates among Americans have stagnated over the past fifty years. As legislators, we must provide incentives for charitable giving and opportunities for low-income families to build individual assets, and support faith-based and secular organizations as they provide charitable social services. We must also eliminate unnecessary road blocks that might keep businesses and individuals from donating to the needy. I remain committed to promoting increased opportunities for the less fortunate to obtain help through faith-based and community organizations. There are people all around the country waiting to give more to charity—they just need a little push.

The Expanding Charitable and Volunteer Opportunities Act provides such a push. This legislation builds on the Volunteer Protection Act of 1997 that immunizes individuals who do volunteer work for non-profit organizations

or governmental entities from liability for ordinary negligence in the course of their volunteer work. My bill prevents a business from being subject to civil liability when a piece of equipment has been loaned by a business entity to a nonprofit organization unless the business has engaged in gross negligence or intentional conduct. This provision passed the House of Representatives in the 107th Congress as part of H.R. 7, and I am hopeful we can do the same here in the Senate in the 109th.

This bill also builds on the success of the Good Samaritan Food Donation Act by providing similar liability protections for volunteer firefighter companies. The basic purpose of this provision is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations (most commonly heavy industry) and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus fire fighting equipment by raising the liability standard for donors from ''negligence'' to ''gross negligence.'' By doing this, the legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

The Good Samaritan Volunteer Firefighter Assistance Act of 2005 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than $10 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, Nevada, South Carolina, and Pennsylvania have passed similar legislation at the state level.

Finally, my legislation provides commonsense medical liability protections to physicians who volunteer their time to assist patients at community health centers. The Expanding Charitable and Volunteer Opportunities Act would extend the medical liability protections of the Federal Torts Claim Act (FTCA) to volunteer physicians at community health centers. These protections are necessary to ensure that the centers can continue to lay an important role in lowering our Nation's health care costs and meeting the needs for affordable and accessible quality healthcare.

Community health centers offer an affordable source of quality health care, but we need more of them. The President has proposed a $304 million increase for community health center programs to create 1,200 new or expanded sites to serve an additional 6.1 million people by next year. In order to meet that goal, the centers must double their workforce by adding double the clinicians by 2006. Hiring this many doctors would be costly, but encouraging more to volunteer would help to meet this need. While many physicians are willing to volunteer their services at these centers, they often hesitate due to the high cost of medical liability insurance. As a result, there are too few volunteer physicians to meet our health care needs. Expanding FTCA protection to these physicians cannot come at a more opportune time.

The spirit of giving is part of what makes America great. But more can be done to assist the needy. The Expanding Charitable and Volunteer Opportunities Act provides added incentives to those who wish to donate equipment or time. I encourage my colleagues to support this legislation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1126. A bill to provide that no federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

Mr. SCHUMER. 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. 1126

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

SECTION 1. NO FEDERAL FUNDS FOR DRUGS PRESCRIBED TO SEX OFFENDERS FOR THE TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) RESTRICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be expended for the payment or reimbursement, including payment or reimbursement under the programs described in paragraph (2), of a drug that is prescribed to an individual described in paragraph (3) for the treatment of sexual or erectile dysfunction.

(2) PROGRAMS DESCRIBED.—The programs described in this paragraph are the medicaid program, the medicare program, the Federal employees health benefits program, the Defense Health Program, the program of medical care furnished by the Secretary of Veterans Affairs, health related programs administered by the Indian Health Service, health related programs funded under the Public Health Service Act, and any other Federal health program.

(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, Mr. SUNUNU, Ms. MURKOWSKI, Mr. DOMENICI, Mr. LIEBERMAN, Mr. DODD, Mr. GREGG, Mr. LOTT, Mr. JOHNSON, Mr. CORZINE, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. 1127. A bill to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment; read the first time.

Ms. SNOWE. Mr. President, I rise today to introduce a bill designed to ensure the Department of Defense releases both to the Congress and to the Base Realignment and Closure Commission all of the information used in generating its recommendations in the current BRAC round.

First, I want to thank the bill's sponsors for their support in this effort—Senators THUNE, COLLINS, SUNUNU, MURKOWSKI, DOMENICI, LIEBERMAN, DODD, GREGG, LOTT, JOHNSON, CORZINE, and BINGAMAN. I appreciate their recognition of the critical importance of ensuring we are given the information it is only right we have with regard to this base closure process.

Under the current Base Closing and Realignment statute, the Secretary of Defense shall make:

all information used by the Secretary to prepare the recommendations under this subsection available to Congress, including any committee or member of Congress.

The Secretary owes this same obligation to the BRAC Commission and to the Comptroller General of the United States.

Moreover, the Secretary of Defense is required to produce the data justifying their base closing decisions within 7 days—7 days. The 2005 BRAC list was released on Friday, May 13. Here we are, nearly two weeks later, and the Department of Defense continues to flout a key requirement of the very BRAC statute that gives it base closure authority in the first place. This amounts to a blatant refusal by the Pentagon to back up its highly questionable decisions to close a number of military facilities that are absolutely irreplaceable and indispensable to our national security.

Closing bases—or effectively shuttering them through massive realignment—of the magnitude that we are dealing with could only have been made by ignoring or misapplying BRAC criteria. The Defense Department's subsequent refusal to release the very data on which such decisions were made effectively shrouds the entire process in secrecy, depriving the bases and communities impacted, as well as the BRAC Commission, from gaining access to the very data needed to review the Pentagon's decisions.

What type of data am I talking about? To us a few examples from my own office's experience, the Department of the Navy has yet to release a detailed breakdown of cost of closure assessments, including factors applied by the COBRA model if they did not do actual cost estimates. We have yet to see all of the options considered by the Chief of Naval Operations or the Vice Chief of Naval Operations to reduce excess capacity in shipyards, including

closure, realignment, workload shifts and private sector capacity. We have still not received a detailed breakdown of cost of operations assessment, including shipyard and base costs.

These are just a few specific examples of what has not been provided. Other general categories would include data on the economic impact on existing communities, the degree to which the Defense Department looked into the ability of Maine's bases to accommodate future mission capabilities, and the impact of costs related to potential environmental restoration, waste management, environmental compliance restoration, readiness, future mission requirements. There are a number of such issues that are included in the base closing statute that requires the Defense Department to consider in making its evaluation and making, as well, its original determination, in terms of which bases they would recommend for closure or realignment.

The Defense Department's stall tactics are most acutely felt by those currently preparing to make presentations before realignment or closure of their specific bases. Here we are, on May 25, almost 2 weeks after the release of the base-closing list, and yet this critical data is still being sequestered behind Pentagon walls, and the communities affected by these closures are now forced to fly blind as they make their cases before the base-closing commission.

How hamstrung are these advocates, including many of my colleagues in the Senate and in the House of Representatives? Allow me to elaborate.

The first base-closing hearings are expected to take place in Salt Lake City on June 7, less than 2 weeks from now. How are the advocates for Mountain Home Air Force Base in Idaho or Defense Finance and Accounting Service stations in Kansas City and St. Louis supposed to prepare for a case, for a hearing in less than 2 weeks with this critical data being withheld?

The scheduled base-closing hearings to follow are no less forgiving. In fact, between June 15 and June 30, base-closing commission hearings will be held in the following cities: Fairbanks, AK; Portland, OR; Rapid City, SD; Dallas, TX; Grand Forks, ND; Clovis, NM; Buffalo, NY; Charlotte, NC; and Atlanta, GA.

In my case, in the State of Maine, in Portsmouth, NH, for Portsmouth Naval Shipyard, for Brunswick Air Force station, for the Defense Accounting Service in Limestone, ME, those will be scheduled on July 6 in Boston.

We are all working feverishly, as many of my colleagues are, along with State governments and all officials, to get our presentations for these most vital and critical hearings in order. Yet given the current blackout of backup data, that task is akin to defending one's self in a criminal case without the prosecutor putting forth the supposedly incriminating evidence.

This Department of Defense has taken foot dragging and obfuscation to new state-of-the-art levels. The bill I am introducing today will make clear that this delinquency will result in serious consequences.

So the legislation I am introducing is very straightforward and to the point. First, it states that the Department of Defense has 7 days from the date of the enactment of this law in which to release all of its supporting data for its realignment and closure decisions. Second, if this 7-day deadline is not met, the entire base-closing process of 2005 is canceled. Third, even if this deadline is met, all the base-closing statutory deadlines are pushed back by the number of days that the Defense Department delayed in producing this data.

This legislation is the full embodiment of fairness and due process. It ensures that those bases in communities attempting to prevent closures or realignment have access to the same facts the Pentagon did, and that failure to provide that information will carry appropriate consequences. And it is our last chance to reverse the egregious decisions made in the closing and realignment process.

The integrity of the base-closing process and of the decisions that are made on individual facilities depends on the accuracy of the data used and on the validity of the calculations and comparisons made using this data. Congress and the base-closing commission simply cannot discharge their responsibilities under the base-closing statute without this most vital information.

It would be bad enough if it were only the Congress and the Commission that were being hindered in carrying out our collective duties with regard to the base-closing process. But it is the communities where these bases are located that are suffering the greatest harm through their inability to find out what the basis of the Department's decision to close these installations was.

These towns and cities that have supported these bases for decades—or in some cases, like Kittery, ME, and Portsmouth, NH; Brunswick Air Station in Limestone, ME, for centuries—are being harmed through DOD's continued delay in making this data available. The community groups are handicapped in their efforts to understand the Department's base-closing analysis, assumptions, and conclusions therefore in their efforts to provide accurate rebuttal arguments or information to the Commission that the Department of Defense may not have considered.

So the communities not only have suffered the shock of potentially losing what is in most cases the single most important economic engine in their communities, but to add insult to injury, have not been given the full picture of why these installations they rely upon and that relied upon them was among those chosen to close. That cannot be allowed to stand.

Indeed, I am certain DOD will realize it cannot continue to withhold this information and will ultimately get to the bottom of this. We will then be able to see the weaknesses in the Navy's arguments with respect to the facilities in Maine. We will see that the facts indisputably prove there is no way to reasonably conclude this Nation should forfeit the long and distinguished history embodied in these facilities in a critical report like Kittery-Portsmouth Naval Shipyard or Brunswick Naval Air Station that are unequal in their performance.

We will also make sure the base-closing commission has the information with respect to the role that the Defense Accounting Services has played in Limestone, ME, the very anchor for the conversion of the former Loring Air Force Base closed in one of the last rounds of 1991 that certainly devastated that area and the State of Maine when we lost more than 10,000 that led to the outmigration of more than 20,000 in our northern county. It really was devastating to also learn that the Department of Defense decided to select Defense Accounting Services not only in Limestone but across this country. It was the very anchor for conversion to help mitigate the loss of this most crucial base up in northern Maine.

We will see that the facts undisputedly prove that the Navy ignored aspects of the base-closing criteria that I happen to believe can only lead to a finding that Brunswick Naval Air Station, as the only remaining fully operational airfield in the Northeastern United States, plays a singular, critical role in this Nation's homeland security and homeland defense posture and must continue to do so in the future. It really was inconceivable to me that the Department of Defense would also recommend closing Kittery-Portsmouth Naval Shipyard, the finest shipyard of its kind in the U.S. Navy.

In fact, the day before the base-closing list was announced on May 13, the Secretary of the Navy issued a Meritorious Unit Commendation to Kittery-Portsmouth Naval Shipyard for, in its words, ''superbly and consistently performing its missions,'' establishing benchmarks above and beyond both the public and private sector, having established, in their words, again, ''a phenomenal track record'' when it came to cost and quality and schedule and safety.

In fact, it had just been awarded the top safety award—the only facility in the Department of Defense and the only facility in the Navy, and only the second in the Department of Defense. That is a remarkable track record.

It also saves money for the taxpayers, and it saves time and money for the Navy. In fact, when it comes to refuelings at Kittery-Portsmouth Naval Shipyard, it saves $75 million on average compared to the other yards that do the same work. It saves $20 million when it comes to overhauls

compared to the other yards that do the same work. It saves 6 months in time in sending the ships back to sea sooner on refuelings compared to the other yards that do the same work. And it saves 3 months in time on overhauls compared to other yards that do the same work.

So one would argue, and certainly would ask the question, as I did of the Secretary of the Navy, what message does that send to the men and women of that shipyard when they are the overachievers, doing the best work and told they are No. 1 of its kind in its category, and we are saying, well, we are going to transfer that work elsewhere, to those who have not performed the equivalent result when it comes to time and money.

They are No. 1. But we are sending a message to those who are the best, we tell them the next day, well, you know what. You are doing such a great job that we have decided to close.

When it comes to Brunswick Naval Air Station, it is the only remaining active military airfield in the Northeast. The Northeast is home to 18 percent of America's population. It was, obviously, the region that received the most devastating attack on American soil on September 11.

And now we hear from the Defense Department that we want to realign this base—essentially, it is tantamount to closure—when it is a state-of-the-art facility, well positioned strategically, with unincumbered airspace of 63,000 miles—space of which to expand many times over—well positioned on our coastline for conducting surveillance in the North Atlantic sealane so important to extending the maritime domain awareness of the Coast Guard when it comes to one of the greatest threats facing America; that is, the shipments of weapons of mass destruction. So it raises a number of questions as to why these facilities were designated by the Department of Defense for closure.

What is even more disturbing is that in order to make the case before the base-closing commission, in an extremely limited period of time compared to the four previous base-closing rounds—which I am intimately familiar with, having been part of them in the past; we had 6 months—in this base-closing round, we have 4 months. It is on an expedited timeframe; therefore, it makes it even more difficult, more problematic, to make your case, when every day is going to count, and the Department of Defense is withholding all of the information upon which we have to make our case.

We are required by law to have that information because in order to make your case, you have to prove that the Department of Defense deviated substantially—deviated substantially—from the criteria in the base-closing statute when it comes to military value, operational readiness, the closing costs, the costs of operations of that particular facility, the economic impacts, so on and so on.

Now, it certainly is a mystery to me as to how the Defense Department could have made all these decisions—33 major base closings and another 29 realignments and many more for adjustments—and yet they cannot ensure that the information and the data they utilized is forthcoming. Well, then, it just raises the question, How did they make these decisions in the first place? Why have they not readily turned over the information that we require in order to make our case?

For the Commission to overturn a decision recommendation by the Department of Defense, it requires us to make a case that they deviated substantially from the criteria set forth in the base-closing statute. So it is obvious we need the information because not to have the information they used inhibits us and prohibits us from making the documentations that are required under the law.

I think it is a fundamental flouting of the law. We have insisted, day in and day out, we need this information. We deserve to have this information. The men and women who work at these military facilities who serve our country deserve to have this information. It is important to our national security interests because we need to know the information upon which this Defense Department predicated its assumptions. And it is not enough just to get their conclusions, it is not enough just to get their assumptions, we need all of the empirical data that was used to make those assumptions and conclusions. How did they arrive at those decisions?

For example, when you look at the force structure of submarines, the new attack submarines, on which the Portsmouth Naval Yard works, those decisions have to be predicated on 55 attack submarines, 55. That was included in the base-closing criteria, 2004. The force structure at that time was 55 attack submarines—still is—but the Department of Defense is changing their force structure after they already made the recommendations. How can they make a recommendation based on 55 attack submarines but then decide, well, maybe a year later we can reduce that number? We have already made the decision.

It raises a considerable number of questions about the flawed information and the flawed process. Yet we have not had an opportunity to evaluate it. We have lost a critical 2 weeks in this process and, again, as I said, on a very expedited timeframe in which to make these decisions, to evaluate the information, and to submit our case before the base-closing commission in the scheduled hearings over this next month.

If the Department of Defense does not provide this information in a timely manner, then this round of base closings is fundamentally flawed and is designed to close critical military infrastructure at a time when our Nation faces a changing, unpredictable threat environment, and, therefore, it should be brought to an end. If they cannot provide this information in a timely fashion, that is exactly what should occur.

I believe it does really underscore the integrity and the lack of the integrity in this process because it certainly stands to reason, and certainly it is a fair assumption to make, that the Department of Defense should be able to turn over instantaneously all of the information they used to make these critical decisions. After all, they have had a considerable period of time in which to make these decisions. So, therefore, it should not be very difficult to provide that information. But we continue to get the consistent stonewalling and obfuscation that is preventing us from evaluating these decisions in order to do what is required under the law to demonstrate how these decisions are faulty and to evaluate the information. We deserve no less than that.

So I thank my colleagues for joining me in this effort to compel the Department of Defense to stand up and be accountable for this decisionmaking process and to release the data that we deserve that led to these decisions with respect to base closings so we understand exactly how they arrived at their decisions that are so critical and central to our national security.

I regret we are in this position in the first place. I opposed this base-closing process. It certainly should have been deferred. We should have considered the overseas base closings before we looked at domestic installations. In fact, that certainly was an issue in the overseas base-closing report that was issued recently. So we do not have an overall structure in which to consider the macroplans. That is what should have been done. We should be looking at all these issues in a totality because we are in a very different environment than we were even pre-September 11, 2001, and our threat environment has to be looked through an entirely different prism.

In fact, as I mentioned on the floor just about a year ago, in attempting to defer this process until we had a chance to evaluate overseas bases, one of the issues I looked at was the track record of the Department of Defense in terms of ascertaining the future threat environments. What could they anticipate were future threats? I have to say that I was somewhat shocked by the findings because I evaluated the force structure reports and military threat assessments that were required to be accompanied with the base-closing rounds in previous years.

It was interesting. I decided to discern, exactly when did they anticipate a threat of terrorism, asymmetric threats, or threats to our homeland security? And it was a startling and abysmal picture because they had a significantly flawed track record. The first time that a threat to our homeland security was even mentioned was

in the Quadrennial Defense Review of 1997. Mr. President, 1997—that was 4 years before September 11. At that time, with the previous base-closing rounds, these base-closing commissions were required to make a 6-year outlook for the potential threats and anticipated threats—6 years. Now, with this base-closing round, it requires 20 years. But even with 6 years out, they could not even discern a threat to our homeland security. They mentioned it in the Quadrennial Defense Review of 1997, but it was a fourth-tier concern. And that was 4 years out from September 11—4 years out from September 11.

Nineteen days after September 11, we had another quadrennial defense review issued by the Department of Defense. Al-Qaida wasn't even mentioned in that quadrennial defense review. It wasn't even mentioned 19 days after September 11.

So I think that gives you a measure of the understanding that the Department of Defense has not had an accurate or reliable determination of potential threats this country could face—not even 4 years out, not even 19 days after September 11—to the degree that al-Qaida was a threat to this country. That is the problem, Mr. President. We do not have an accurate picture.

This base-closing round is required to ascertain the threat environment and projecting 20 years out. Mind you, over the last more than 10 years, all throughout the nineties, when we had the World Trade Center bombing, Khobar Towers, Kenya, and Tanzania, all throughout that decade—and we had the USS *Cole* in 2000—there was only one time in that decade there was a mention of homeland security in any fashion. I think that is pretty telling.

So the fact that the Department of Defense cannot bring forward the information that validates or invalidates their assumptions and conclusions is particularly troubling in this threat environment. I regret we are in the situation today of having to beg, plead, and persuade to try to get some glimmer into the insights, into the documentation evaluation they made in reaching these final conclusions. More than anything else, the statute requires those to be making the case before the Base Closing Commission to determine how the Department of Defense deviated substantially from the criteria. How are we to know, if they don't depend upon the very department who makes the decision, has the information, and has yet to transmit them forthwith to all of the respective delegations and officials who are given the opportunity to make the case before the Base Closing Commission?

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—DESIGNATING OCTOBER 21, 2005 AS ''NATIONAL MAMMOGRAPHY DAY''

Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BUNNING, Ms. CANTWELL, Mr. COCHRAN, Mr. DORGAN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. SANTORUM, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 154

Whereas according to the American Cancer Society, in 2005, 212,930 women will be diagnosed with breast cancer and 40,410 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 2005, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 21, 2005, as ''National Mammography Day.'' I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to submit this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2005, it is estimated that slightly more than 211,000 women will be diagnosed with breast cancer and slightly more than 40,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The number of deaths from breast cancer is actually stable or falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can't afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Just a few weeks ago, the headline on the front page of the Washington Post trumpeted a major improvement in survival of patients with early breast cancer following use of modern treatment regimens involving chemotherapy and hormone therapy. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent times, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don't have annual mammograms because of either fear or forgetfulness. It is only human

nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where ''National Mammography Day'' comes in. On that day, let's make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won't forget: a child's birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let's ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 21, 2005, as ''National Mammography Day.''

SENATE RESOLUTION 155—DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BOND, Mr. CHAMBLISS, Mr. COBURN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, and Mr. THOMAS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 155

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week''; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day, corresponding this year to November 6–12, 2005, be designated as ''National Veterans Awareness Week''. This marks the sixth year in a row that I have submitted such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm's way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. Even though the Iraqi war has been prominently discussed on television and in the newspapers, many of our children are much more preoccupied with the usual concerns of young people than with keeping up with the events of the day. As a consequence, many of our youth still have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions regarding our military involvement that may have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me several years ago by Samuel I. Cashdollar, who was then

a 13-year-old seventh grader at Lewes Middle School in Lewes, DE. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled ''How Should We Honor America's Veterans''? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for a department store sale, and we don't want to become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Last year, my Resolution designating National Veterans Awareness Week was approved in the Senate by unanimous consent. Responding to that Resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 156—DESIGNATING JUNE 7, 2005, AS ''NATIONAL HUNGER AWARENESS DAY'' AND AUTHORIZING THAT THE SENATE OFFICES OF SENATORS GORDON SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN BE USED TO COLLECT DONATIONS OF FOOD FROM MAY 26, 2005, UNTIL JUNE 7, 2005, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C. METROPOLITAN AREA

Mr. DURBIN (for himself, Mr. SMITH, Mrs. LINCOLN, Mrs. DOLE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 36,300,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, volunteering, and supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2005, as ''National Hunger Awareness Day'';

(2) calls upon the people of the United States to observe ''National Hunger Awareness Day''—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Smith, Lincoln, Dole, and Durbin to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

SENATE CONCURRENT RESOLUTION 38—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL AWARD GOLD MEDAL TO NATIONAL RECIPIENTS

Mr. CRAIG (for himself and Mr. BAUCUS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 38

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need positive direction as they transition into adulthood;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Congressional Awards program is committed to recognizing our Nation's most valuable asset, our youth, by encouraging them to set and accomplish goals in the areas of volunteer public service, personal development, physical fitness, and expedition/exploring;

Whereas more than 21,000 young people have been involved in the Congressional Awards program this year;

Whereas through the efforts of dedicated advisors across the country, this year 238 students earned the Congressional Award Gold Medal;

Whereas increased awareness of the program's existence will encourage youth throughout the Nation to become involved with the Congressional Awards: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 22, 2005, for a ceremony to award Congressional Award Gold Medals to national recipients. Physical preparation for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, May 25, 2005, at 10 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to review the United States Grain Standards Act.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 25, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers; and Mr. Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing/Federal Housing Commissioner, U.S. Department of Housing and Urban Development.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 25, 2005, at 10 a.m. on S. 360, Coastal Zone Management Reauthorization Act of 2005.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 25, 2005, at 9:30 a.m. to consider comprehensive energy legislation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, May 25, 2005, at 9:30 a.m., to conduct an oversight hearing to review Permitting of Energy Projects. The hearing will be held in SD 406.

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

COMMITTEE ON FINANCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, May 25, 2005, at 10 a.m., to hear testimony on ''Social Security: Achieving Sustainable Solvency.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 25, 2005, at 9:30 a.m., to hold a hearing on nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. VOINOVICH. Mr. President, I as unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, May 25, 2005, at 9:50 a.m., in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 25, 2005, at 9:30 a.m., for a hearing titled, ''How Counterfeit Goods Provide Easy Cash for Criminals and Terrorists.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 25, 2005, at 2:30 p.m., to consider the nomination of Linda M. Combs to be Controller, Office of Federal Financial Management, Office of Management and Budget.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 25, 2005, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native peoples on behalf of the United States.

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

COMMITTEE ON THE JUDICIARY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, May 25, 2005 at 9:30 a.m., in Senate Dirksen Office Building, room 226. Currently, S. 852, the asbestos legislation, is the only item on the agenda.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. VOINOVICH. Mr. President, I ask unanimous consent, pursuant to rule 26.5(a) of the Standing Rules of the Senate that the Select Committee on Intelligence be authorized to meet after conclusion of the first 2 hours after the meeting of the Senate commences on May 25, 2005.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Piracy of Intellectual Property'' on Wednesday, May 2005, at 2:30 p.m., in Dirksen 226. The witness list is attached.

Panel I: Marybeth Peters, Register of Copyrights and Associate Librarian for Copyright Services, United States Copyright Office, Washington, DC; Stephen M. Pinkos, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office, Alexandria, VA; and James E. Mendenhall, Acting General Counsel, Office of the United States Trade Representative.

Panel II: Eric Smith, President, International Intellectual Property Alliance, Washington, DC; Taylor Hackford, Board Member, Directors Guild of America, Los Angeles, CA; and Robert W. Holleyman II, President and Chief Executive Officer, Business Software Alliance, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Jennifer Gergen, a State Department detailee who is currently serving on the Foreign Relations Committee staff, be given floor privileges during the consideration of the John Bolton nomination.

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

NATIONAL HUNGER AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 156, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 156) designating June 7, 2005, as ''National Hunger Awareness Day'' and authorizing that the Senate offices of Senators Gordon Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin be used to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas food insecurity and hunger are a fact of life for millions of low-income Americans and can produce physical, mental, and social impairments;

Whereas recent census data show that almost 36,300,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban America, touching nearly every American community;

Whereas although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans remain vulnerable to hunger and the negative effects of food deprivation;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the United States Government, through Federal food assistance programs like the Federal Food Stamp Program, child

nutrition programs, and food donation programs, provides essential nutrition support to millions of low-income people;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance over the past year; and

Whereas all Americans can help participate in hunger relief efforts in their communities by donating food and money, volunteering, and supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2005, as ''National Hunger Awareness Day'';

(2) calls upon the people of the United States to observe ''National Hunger Awareness Day''—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) with the year-round support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Smith, Lincoln, Dole, and Durbin to collect donations of food from May 26, 2005, until June 7, 2005, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C. metropolitan area.

RECOGNIZING THE HISTORIC EFFORTS OF THE REPUBLIC OF KAZAKHSTAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 122.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) recognizing the historic efforts of the Republic of Kazakhstan to reduce the threat of weapons of mass destruction through cooperation in the Nunn-Lugar/Cooperative Threat Reduction Program, and celebrating the 10th anniversary of the removal of all nuclear weapons from the territory of Kazakhstan.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 122) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 122

Whereas at the time of the collapse of the Union of Soviet Socialist Republics in December 1991, 1,410 nuclear warheads on heavy intercontinental ballistic missiles, air-launched cruise missiles, and heavy bombers were located within the Republic of Kazakhstan;

Whereas, on July 2, 1992, the parliament of Kazakhstan approved and made Kazakhstan a party to the Treaty on the Reduction and Limitation of Strategic Offensive Arms, with annexes, protocols and memorandum of understanding, signed at Moscow July 31, 1991, and entered into force December 5, 1994 (commonly known as the ''START Treaty'');

Whereas, on February 14, 1995, Kazakhstan formally acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

Whereas, on December 13, 1993, the Government of Kazakhstan signed the Safe and Secure Dismantlement Act (SSD) and its 5 implementing agreements with the United States, and became eligible to receive $85,000,000 in assistance under the Nunn-Lugar/Cooperative Threat Reduction Program;

Whereas the decision of the people and the Government of Kazakhstan to transfer all nuclear weapons from the territory of Kazakhstan to the control of the Russian Federation allowed Kazakhstan to become a non-nuclear-weapon State Party to the Nuclear Non-Proliferation Treaty;

Whereas the continuing efforts of the Government of Kazakhstan to pursue cooperative efforts with the United States and other countries to secure, eliminate, destroy, or interdict weapons and materials of mass destruction and their means of delivery provides a model for such efforts; and

Whereas, in April 1995, the Government of Kazakhstan formally transferred the last nuclear warhead from the territory of Kazakhstan to the territory of the Russian Federation: Now, therefore be it

Resolved, That the Senate commends, on the occasion of the 10th anniversary of the removal of the last nuclear warhead from the territory of Kazakhstan, the people and the Government of the Republic of Kazakhstan for their historic decision to rid Kazakhstan of nuclear weapons.

MEASURE READ THE FIRST TIME—S. 1127

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1127) to require the Secretary of Defense to submit to Congress all documentation related to the Secretary's recommendations for the 2005 round of defense base closure and realignment.

Mr. MCCONNELL. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MAY 26, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 in the morning, Thursday, May 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of John Bolton to be U.S. ambassador to the U.N. as provided under the previous order; provided that 1 hour be under the control of Senator VOINOVICH.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will resume consideration of the nomination of John Bolton to be U.S. ambassador to the U.N. As a reminder, cloture was just filed a moment ago on the nomination. The cloture vote on Bolton will occur at 6 p.m. tomorrow night. If cloture is invoked, we will immediately proceed to a confirmation vote. Therefore, I encourage all Members who wish to speak on the nomination to contact the managers as soon as possible.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senators LAUTENBERG, SNOWE, and SESSIONS.

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

WAR IN IRAQ

Mr. LAUTENBERG. Mr. President, as we approach this weekend, I thought I would give some thought to what occasions this commemorative holiday and what I think about as we approach Memorial Day. I want to recall some of the incidents, the results of war and its consequences.

It has been a historic week in the Senate. We averted a showdown that could have permanently damaged this institution and destroyed the unique American system of checks and balances that makes our Government the greatest in the history of the world. This was the topic of nonstop television coverage and a forest worth of newspaper articles.

In short, the story about the Senate's procedure for approving judicial nominees totally dominated the news, but there was another story this week, a story that did not receive much attention. It was the story of at least 14 brave American soldiers who died in Iraq since Sunday. These deaths came as a wave of bombings and suicide attacks engulfed Baghdad and other cities.

While we go about our business in the Senate, while other Americans go

about their daily lives, the war in Iraq drags on. It has been a month since the Prime Minister Ibrahim al-Jaafari announced his new government, and during that time at least 620 people have been killed in Iraq, including 58 U.S. troops. During that time, it has been a painful recognition for families across America and across my State. Sadly, the American people have become so numb to these deaths that they are no longer considered major news, and the administration has not helped matters by continuing its questionable policy of banning photographs or video images of the flag-draped coffins of our heroes making their final trip home.

I have to ask a question: Is the purpose of this policy to hide the sacrifices of our soldiers and their families? I am hard-pressed to think of any other reason. This is an issue I have discussed on the floor of the Senate before. It stuns me that at the moment of the return of the remains of a family member, that casket covered in honor by the flag of our country is hidden from the public. No photos are allowed, no photographs allowed, and no attention paid.

As a veteran of an earlier war, I am very conscious of our responsibility to veterans and to those who are fighting the battle for all of us, and I wonder why the administration continues its policy of banning photographs or video images of the flag-draped coffins of our heroes making their final trip home. It seems as if they want to conceal the sacrifices of our soldiers and their families. I am hard pressed to think of any other reason.

As have most of my colleagues, where there has been a loss of life in the State that they represent, we have gone to a funeral or a ceremony acknowledging the sacrifice that these individuals have made and the pain their families undergo. I was at a funeral ceremony at Arlington when one of our New Jersey soldiers was buried. His family was present, mother and father. He was a young man, in his early twenties. I watched the ceremony as the Honor Guard escorted his coffin to the place of burial. It was covered with a flag. The Honor Guard was so precise and so immaculate in their appearance, so honorable. They took the American flag and folded it so gently but ever so precisely until through eight escorts and the captain of the Honor Guard, they made the folds so carefully until they got it into a triangle, and the captain of the Guard walked over to the man's mother and presented it to her. It was such a touching ceremony, this recognition of honor, this understanding of what this soldier who perished had done for his country.

I cannot understand why it is that we are not allowed to photograph these coffins when they come home with the remains, when they come to the Dover Air Force Base in Delaware before they go to the mortuary where the families have an opportunity to make certain that it is their family member who is being buried. But there is no identification of name, there is no ceremony. No family needs to feel as though its privacy is being invaded.

So I question that. I think it would be appropriate on this Memorial Day to start off after the Memorial Day recess and say, yes, anyone who is returned in a flag-draped coffin is entitled to receive the honor and the respect of the country that sent them there, our country. It is appropriate.

The pain goes on almost every day—reports of car bombings, roadside bombs, suicide attacks. They kill soldiers, they kill civilians, they kill children, sometimes in the double digits in a single incident, 20, 30 people. What they are trying to do is crush the spirit of the Iraqis who have been through so much at this point. Our people continue on bravely serving their country, serving the orders that they get from their Nation.

Within the last week, military leaders, however, had a change of tune when the leading general in charge of our operations in Iraq described as a sober assessment the situation in Iraq. That is the first that we have heard about that. We have heard continuously that we have enough troops to do the job, that the Iraqis are learning what they have to do to take over. It is not true. I was in Iraq approximately a year ago and saw how slowly the job of preparing policemen to take over was going. It was painfully slow. Often the recruits were found to be hopelessly untrained for the assignment, without the ability to drive a car, no driver's license, not literate. They were training something like 80 every 6 weeks.

So it is going to take a long time at the rate of 80 in 6 weeks to get 50,000 policemen trained.

According to the assessment that we heard from the commanding general, the bottom line was that American troops will probably be there for years to come. For the 140,000 who serve there today, there is no quick end in sight.

I do not take the floor to debate the wisdom of the war in Iraq or the way it has been prosecuted. Today I speak to honor the more than 1,600 American soldiers who have given their lives in Iraq and more than 170 who have died in Afghanistan.

In front of my office in the Hart Building there are pictures of those fallen heroes identifying them by name as a reminder of what is going on even as we discuss issues of some critical relevance and some not so important. The most important thing is that we have people who are in their young years paying with their lives for the battle in which we are engaged in the Middle East.

Monday is Memorial Day. It is a day when our Nation honors the fallen heroes of all of our wars. I hope every American will pause for a minute during the day and reflect on the price that is being paid for our freedom and on those who have paid that price. The wars in Iraq and Afghanistan so far have claimed 56 sons of New Jersey, sons who died pursuing the battle in Afghanistan. Thirty were killed since last Memorial Day. Eleven have died this year. The wars have produced funerals and wakes and I have met the grieving families.

One of the most recent funerals I attended was for PFC Min Soo Choi. Here is a picture of the young man. His family came to America from Korea 5 years ago, in search of a better life. I have met his parents. I saw them this week again.

His story struck a chord with me because many years ago my parents were also immigrants, and I also enlisted in the Army as a young man. I enlisted when I was 18 years old. Min Soo was killed by a roadside bomb in Iraq on February 26. He wasn't even a U.S. citizen, but he loved this country and what it stands for.

At Min Soo's funeral I heard about what a unique individual he was. I felt the void that his death had left in the lives of his family and friends, and that is true of every 1 of the 1,600 who have died in this war. Each death leaves an ache that will never heal in the heart of a parent or spouse, brother or sister, or a small child. So on this Memorial Day I will pause not only to remember our fallen soldiers but also the loved ones they have left behind.

Mr. President, I know the hour is late, but I hope you will indulge me by allowing me to read into the CONGRESSIONAL RECORD, where they will be enshrined for all times, the names of the 56 soldiers with New Jersey connections who have given their lives in Iraq and Afghanistan:

SGT Steven Checo, Elizabeth; Corporal Michael Edward Curtin, Howell; Specialist Benjamin W. Sammis, West Long Branch; Staff Sergeant Terry W. Hemingway, Willingboro; Specialist Gil Mercado, Paterson—The city I was born in; Specialist Narson B. Sullivan, North Brunswick; Specialist, Kyle A. Griffin, Emerson; Sergeant First Class Gladimir Philippe, Linden; Specialist, Richard P. Orengo, Perth Amboy; First Sergeant Christopher D. Coffin, Somerville; Petty Officer First Class David M. Tapper, Atco; Captain Brian R. Faunce, Ocean; Staff Sgt. Fredrick L. Miller Jr., Jackson; Specialist Simeon Nathaniel Hunte, Essex; 2nd Lieut. Richard Torres, Passaic; Sergeant Joel Perez, Newark; Specialist Marion P. Jackson, Jersey City; Specialist Ryan Travis Baker, Browns Mills; Major Steven Plumhoff, Neshanic Station; Staff Sergeant Thomas A. Walkup, Millville; Specialist Marc S. Seiden, Brigantine; Second Lieutenant Seth J. Dvorin, Pennington; Private First Class Bruce Miller Jr., Orange; Specialist Adam D. Froehlich, Pine Hill; Second Lieutenant John Thomas Wroblewski, Oak Ridge; Lance Corporal Phillip E. Frank, Cliffwood Beach; Specialist Frank K. Rivers, Newark; Specialist Phillip I. Spakosky, Browns Mills; Sergeant Frank T. Carvill, Carlstadt; Specialist Christopher M. Duffy, Brick; Sergeant Ryan E. Doltz, Mine Hill; Sergeant Humberto F. Timoteo, Newark; Chief Warrant Officer Nicholas P. DiMona II, Barrington; Sergeant Alan D. Sherman, Ocean; CPL Terry Holmes Ordonez, Paterson; Lance Corporal Vincent M. Sullivan, Chatham; Specialist Anthony J. Dixon, Lindenwold; Army Special Forces Michael Yury Tarlavsky, Clifton; Specialist

Yoe M. Aneiros, Newark; Specialist Bryan L. Freeman, Lumberton; Corporal Tyler Ryan, Gloucester City; Private First Class Stephen Benish, Linden; Specialist David P. Mahlenbrock, Maple Shade; Lance Cpl Brian P. Parrello, West Milford; 1st Class Sgt. Paul Karpowich, trained in Pennsauken; Specialist Alain Kamolvathin, Blairstown; Sergeant Stephen Sherman, Neptune; Corporal Sean P. Kelly, Pitman; Lance Corporal Harry Raymond Swain III, Millville; PFC Min Soo Choi, River Vale—his picture is here; Captain Sean Grimes, Mother lives in Dover; Major Steven W. Thornton, based at Fort Monmouth; Private Robert C. White, Camden; Major John Charles Spahr, Cherry Hill; Staff Sgt, Anthony Lee Goodwin, Mt. Holly; Lance Corporal Jourdan L. Grez, Long Branch.

I also want to mention two civilians from New Jersey who were killed while supporting the war effort in Iraq: Paul M. Johnson of Eagleswood, and Thomas Jaichner of Burlington City.

I know each of my colleagues will join me this weekend in paying tribute to the brave soldiers who have sacrificed their lives for our country.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

(The remarks of Ms. SNOWE related to the introduction of S. 1127 are printed in today's RECORD under ''Statements On Introduced Bills And Joint Resolutions.'')

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:53 p.m., adjourned until Thursday, May 26, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2005:

COMMODITY FUTURES TRADING COMMISSION

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2010. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

JOHN M. REICH, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR A TERM EXPIRING OCTOBER 23, 2007, VICE JAMES GILLERAN, TERM EXPIRED.

DEPARTMENT OF COMMERCE

WILLIAM ALAN JEFFREY, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE ARDEN BEMENT, JR.

DEPARTMENT OF TRANSPORTATION

ASHOK G. KAVEESHWAR, OF MARYLAND, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION, VICE ELLEN G. ENGLEMAN, RESIGNED.

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE HECTOR E. MORALES.

NATIONAL SCIENCE FOUNDATION

KATHIE L. OLSEN, OF OREGON, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE JOSEPH BORDOGNA.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT J. KASULKE, 0000

To be brigadier general

COL. STANLEY L. K. FLEMMING, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LARRY J. STUDER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY COOPER, 0000
RODERICK J. GIBBONS, 0000
WILLIAM S. GURECK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANNIE B. ANDREWS, 0000
CAROLINE M. OLINGER, 0000
YOLANDA Y. REAGANS, 0000
SUSAN L. SHERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BERGMAN, 0000
EUGENIA L. CAIRNSMCFEETERS, 0000
WILLIAM J. CUNNINGHAM, 0000
MICHAEL R. FISHER, 0000
STEVEN L. PARODE, 0000
PHILIP G. STROZZO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOTT D. KATZ, 0000
JOHN G. KUSTERS, JR., 0000
JAMES C. PETTIGREW, 0000
WILLIAM J. SCHULZ, JR., 0000
ROBERT S. STEADLEY, 0000
PAUL C. STEWART, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM T. AINSWORTH, 0000
WILLIAM A. BRANSOM, 0000
TERRY M. BURT, 0000
MICHAEL A. KELLY, 0000
DOUGLAS S. KILLEY, 0000
GEORGE D. SEATON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KATHERINE M. DONOVAN, 0000
LARRY N. FLINT, 0000
GRETCHEN S. HERBERT, 0000
JOHN F. HOLMS, 0000
JON T. KENNEDY, 0000
NANCY KINGWILLIAMS, 0000
DAWN M. MASKELL, 0000
JOHN P. STEINER, 0000
MARTHA M. WARNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TERRY W. AUBERRY, 0000
RANDALL L. GETMAN, 0000
HAROLD L. HARBESON, 0000
CHRISTOPHER F. JEWETT, 0000
DAVID H. LEPARD, 0000
MARTIN A. NAGLE, 0000
JOHN P. OTTERY, 0000
STEPHEN G. RILEY III, 0000
FRANK E. SHEARMAN IV, 0000
JAMES F. STONE, 0000
CYNTHIA J. TALBERT, 0000
DAVID B. WILKIE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

NICHOLAS V. BUCK, 0000
WILLIAM M. CHUBB, 0000
LARRY M. EGBERT, 0000
SCOTT D. KRAMBECK, 0000
DARRYL J. LONG, 0000
MICHAEL S. MURPHY, 0000
LISA M. NOWAK, 0000
GORDON D. PETERS, 0000
RALPH I. PORTNOY, 0000
LARRY A. PUGH, 0000
WILLIAM H. REUTER IV, 0000
STEPHEN A. SCHMEISER, 0000
SCOTT N. WELLER, 0000
MATHIAS W. WINTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL E. DEVINE, 0000
DANIEL M. DRISCOLL, 0000
DAVID B. HANSON, 0000
DONALD J. HURLEY, 0000
ROBERT P. KENNETT, 0000
WILLIAM C. KOTHEIMER, JR., 0000
THOMAS H. LANG, 0000
THOMAS M. LEECH, JR., 0000
STEPHANIE S. K. LEUNG, 0000
BRIAN D. NICHOLSON, 0000
VALERIE A. ORMOND, 0000
MICHAEL L. REYNOLDS, 0000
JON T. ROSS, 0000
DARREN A. SAWYER, 0000
EVA L. SCOFIELD, 0000
MARK S. SIMPSON, 0000
ALVIN C. WILSON III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND M. ALFARO, 0000
SCOTT M. CARLSON, 0000
JAMES E. CHISUM, JR., 0000
JOHN S. DAY, 0000
GARY H. DUNLAP, 0000
LESLIE R. ELKIN, 0000
MYLES ESMELE, JR., 0000
LUTHER B. FULLER III, 0000
DENNIS M. GANNON, 0000
RICHARD M. HARTMAN, 0000
CLOYES R. HOOVER, JR., 0000
JOSEPH M. IACOVETTA, 0000
JOSEPH S. KONICKI, 0000
DEAN M. KRESTOS, 0000
CHARLES S. LASOTA, 0000
STEPHEN W. MITCHELL, 0000
TIMOTHY B. MULL, 0000
ROBERT E. PARKER, JR., 0000
STEPHEN P. REIMERS, 0000
PETER E. SCHUPP, 0000
DANIEL M. SEIGENTHALER, 0000
PAUL E. SKOGERBOE, 0000
HEIDEMARIE STEFANYSHYNPIPER, 0000
JAMES D. SYRING, 0000
KEVIN B. TERRY, 0000
MARK W. THOMAS, 0000
RODERICK C. WESTER, 0000
MICHAEL J. WIEGAND, 0000
JOSEPH YUSICIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ALAN J. ABRAMSON, 0000
KEVIN R. ANDERSEN, 0000
DOUGLAS E. ARNOLD, 0000
KENNETH J. BARRETT, JR., 0000
BRET C. BATCHELDER, 0000
JEFFREY L. BAY, 0000
WARREN C. BELT, 0000
TIMOTHY J. BLOCK, 0000
DEBRA A. BODENSTEDT, 0000
RONALD A. BOXALL, 0000
BRIAN J. BRAKKE, 0000
KEVIN R. BRENTON, 0000
JOHN L. BRYANT, JR., 0000
PATRICK E. BUCKLEY, 0000
ANDREW BUDUO III, 0000
ROBERT P. BURKE, 0000
DAVID L. BUTTRAM, 0000
THOMAS M. CALABRESE, 0000
KERRY B. CANADY, 0000
FREDERICK J. CAPRIA, 0000
BRADLEY A. CARPENTER, 0000
DENNIS E. CARPENTER, 0000
JOHN B. CARROLL, 0000
THOMAS CARROLL, 0000
KEFF M. CARTER, 0000
ALEXANDER T. CASIMES, 0000
MARK E. CEDRUN, 0000
COLIN B. CHAFFEE, 0000
ROBERT E. CLARK II, 0000
RODNEY A. CLARK, 0000
BARRY W. COCEANO, 0000
JOHN P. CORDLE, 0000
LAWRENCE E. CREEVY, 0000
LOWELL D. CROW, 0000
AARON L. CUDNOHUFSKY, 0000
BRYAN L. CUNY, 0000
ADAM J. CURTIS, 0000
PETER K. DALLMAN, 0000
TIMOTHY N. DASELER, 0000
GERRAL K. DAVID, 0000
DOUGLAS J. DENNENY, 0000
MICHAEL J. DOBBS, 0000
WILLIAM J. DOORIS, 0000
DANIEL G. DOSTER, 0000
THOMAS M. DOWNING, 0000
GLENN C. DOYLE, 0000

TITO P. DUA, 0000
SUSAN L. DUNLAP, 0000
WILLIAM A. EBBS, 0000
RICHARD E. FARRELL, 0000
DANIEL H. FILLION, 0000
DAVID S. FITZGERALD, 0000
JEFFREY A. FRANKLIN, 0000
JOHN C. P. FRISTACHI, 0000
JOHN W. FUNK, 0000
JOHN P. GELINNE, 0000
WILLIAM T. GILLIGAN, 0000
MICHAEL J. GINTER, 0000
BRIAN J. GLACKIN, 0000
DAVID P. GORMAN, 0000
CHRISTOPHER W. GRADY, 0000
JEFFREY R. GRAHAM, 0000
KENNETH L. GRAY, 0000
MICHAEL E. GROODY, 0000
RUSSELL E. HAAS, 0000
LINDSAY R. HANKINS, 0000
WILLIAM C. HARRIS, 0000
CHRISTIAN N. HAUGEN, 0000
BRIAN W. HELMER, 0000
ROGER G. HERBERT, JR., 0000
JAMES A. HERTLEIN, 0000
JAMES J. HIRST III, 0000
JEFFREY D. HOOD, 0000
DONALD G. HORNBECK, 0000
SAMUEL C. H. HOWARD, 0000
PHILIP G. HOWE, 0000
ROBERT P. IRELAN, 0000
MICHAEL E. JABALEY, JR., 0000
ADRIAN J. JANSEN, 0000
ANTHONY C. KARKAINEN, 0000
CRAIG A. KAUBER, 0000
THOMAS J. KEARNEY, 0000
WILLIAM A. KEARNS III, 0000
STEPHEN H. KELLEY, 0000
JOHN M. KERSH, JR., 0000
DAVID L. KIEHL, 0000
RICHARD W. KITCHENS, 0000
DAVID C. KNAPP, 0000
STEVEN W. KNOTT, 0000
DAVID M. KRIETE, 0000
THOMAS P. LALOR, 0000
GEORGE M. LANCASTER, 0000
ANDREW L. LEWIS, 0000
JOSEPH W. LISENBY, JR., 0000
PAUL A. LLUY, 0000
CHARLES J. LOGAN, 0000
GREGORY L. LOONEY, 0000
STEVEN A. LOTT, 0000
THEODORE J. LUCAS, 0000
BRIAN E. LUTHER, 0000
BRADLEY C. MAI, 0000
PAUL A. MARCONI, 0000
BRADLEY A. MARTIN, 0000
THOMAS J. MASER, 0000
GEORGE M. MATAIS, 0000
KEITH W. MAY, 0000
JOHN K. MCDOWELL, 0000
BRIAN MCILVAINE, 0000
WILLIAM C. MCMASTERS, 0000
THOMAS A. MEADOWS, 0000
CHARLES P. MELCHER, 0000
DAVID W. MELIN, 0000
JOHN S. MITCHELL III, 0000
MARK C. MOHR, 0000
MICHAEL T. MORAN, 0000
TERRY D. MOSHER, 0000
MARK B. MULLINS, 0000
STUART B. MUNSCH, 0000
HAL C. MURDOCK, 0000
CHRISTOPHER J. MURRAY, 0000
ROSS A. MYERS, 0000
THOMAS C. NEAL, 0000
FREDERICK M. NILES, 0000
JOHN B. NOWELL, JR., 0000
GARY R. PARRIOTT, 0000
THOMAS J. QUINN, 0000
PATRICK C. RABUN, 0000
ROBERT B. RABUSE, 0000
DAVID S. RATTE, 0000
WILLIAM P. REAVEY, JR., 0000
BRIAN D. REEVES, 0000
DEAN A. RICHTER, 0000
ALTON E. ROSS, JR., 0000
KEVIN W. RUCE, 0000
WILLIAM D. SANDERS, 0000
CLAYTON D. SAUNDERS, 0000
DONALD A. SCHMIELEY, JR., 0000
JOHN A. SEARS III, 0000
MARK T. SEDLACEK, 0000
CRAIG M. SELBREDE, 0000
ALEXANDER V. SHARP, 0000
DWIGHT D. SHEPHERD, 0000
BRADLEY J. SMITH, 0000
JACK L. SOTHERLAND III, 0000
JAMES B. SPERRY, 0000
WALTER H. STAMMER III, 0000
JOHN P. STAMOS, 0000
JOHN A. STEWART, 0000
MICHAEL A. STRANO, 0000
PATRICK T. SULLIVAN, 0000
JOHN W. TAMMEN, JR., 0000
DAVID M. TAYLOR, 0000
TUSHAR R. TEMBE, 0000
CYNTHIA M. THEBAUD, 0000
CHRISTOPHER B. THOMAS, 0000
GREG A. THOMAS, 0000
KEVIN J. TOKARICK, 0000
JAMES E. TRANORIS, 0000
BRIAN T. VANCE, 0000
STEPHEN J. VISSERS, 0000
MICHAEL A. VIZCARRA, 0000
PHILIP L. WADDINGHAM, 0000
CURT R. WALTHER, 0000
HUGH D. WETHERALD, 0000
KENT D. WHALEN, 0000
JAMES B. WHITE II, 0000
GARY H. WILLIAMS, 0000
RICHARD L. WILLIAMS, JR., 0000
DONALD E. WILLIAMSON, 0000
DOUGLAS E. WRIGHT, 0000